



City Council Meeting NOVEMBER 16, 2020

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

- I. CALL TO ORDER
- II. ROLL CALL
- III. PLEDGE TO THE FLAG
- IV. PRESENTATIONS & PROCLAMATIONS
 - A. Veterans Day Proclamation
 - B. National Native American Heritage Month Proclamation
- V. CONSENT AGENDA
 - A. Council Meeting Minutes (Meeting of 11/2/2020)
- VI. PUBLIC HEARING
 - A. CU-20-08 Peach Coffee Roasters/Henderson Commons
This item has been deferred by the Applicant to the Planning Commission Meeting on Thursday, December 3, 2020 and will be neither heard nor 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. OLD BUSINESS
 - A. PH-20-12 Farmhouse Settlement Historic Designation (2nd Reading)
Consideration of a request for designation of historic property. The property is located at 0 Morris Road at the northeast corner of Georgia 400 and Old Milton Parkway and is legally described as being located in Land Lot 855, 1st District, 2nd Section, Fulton County, Georgia.
- VIII. NEW BUSINESS
 - A. GA 400 Express Lane IGA with GDOT

B. Project Management Services: North Point Streetscape LCI

C. Scanning of Closed Court Cases

D. Vulnerable Population Grant Program: Award Recommendation

IX. WORKSHOP

A. Alpha Loop Feasibility Study

B. UDC Text Amendment North Point Overlay

Consideration of amendments to the North Point Overlay boundaries and priority areas.

C. Park Rules Ordinance Update

X. PUBLIC COMMENT

XI. REPORTS

XII. ADJOURNMENT



City Council Meeting STAFF REPORT

Submitting Department: City Clerk

Submitted By:

Sponsored By:

Meeting Date: November 16, 2020

I. AGENDA ITEM TITLE: COUNCIL MEETING MINUTES (MEETING OF 11/2/2020)

II. RECOMMENDATION:

III. REPORT IN BRIEF:

IV. ALTERNATIVES:

V. ATTACHMENTS:

Council Meeting Minutes Draft 11-2-2020



City Council Meeting
November 2, 2020
Office of the City Clerk
CITY HALL 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 Council, but not quoted or paraphrased. This document includes limited presentation by Council and invited speakers in summary form. This is not an official record of the Alpharetta City Council Meeting proceedings. Official Minutes are recorded and available for review.

I. CALL TO ORDER

- *Mayor Gilvin called the meeting to order at 6:30 p.m.*

II. ROLL CALL

- **Council Members**

- o Mayor Jim Gilvin
- o Mayor Pro Tem Donald F. Mitchell (absent)
- o Jason Binder
- o Ben Burnett
- o John Hipes
- o Dan Merkel
- o Karen Richard

- **Staff**

- o Bob Regus, City Administrator
- o Sam Thomas, City Attorney
- o James Drinkard, Asst. City Administrator
- o Erin Cobb, City Clerk
- o Morgan Rodgers, Director of Recreation, Parks & Cultural Services
- o Kathi Cook, Director of Community Development
- o Pete Sewczwicz, Director of Public Works
- o John Robison, Director of Public Safety
- o Tom Harris, Director of Finance

III. PLEDGE TO THE FLAG

IV. CONSENT AGENDA

- A. Council Meeting Minutes (Meeting of 10/26/2020)**
- B. Financial Management Report: Month Ending September 30, 2020**
- C. Alcoholic Beverage License Applications**

- 1. PH-20-AB-12 Camly, LLC
d/b/a Ponko Chicken
220 South Main St, Suite J
Alpharetta, GA 30201**

**Restaurant
Consumption on Premises
Liquor, Beer, Wine & Sunday Sales**

**Owner: Camly, LLC
Registered Agent: Rick Herrmann**

- 2. PH-20-AB-13 Thai Ricksaw Restaurant Group, LLC
d/b/a Rickshaw Thai Street Food
1495 Alpharetta Highway
Alpharetta, GA 30009**

**Restaurant
Consumption on Premises
Liquor, Beer, Wine & Sunday Sales**

**Owner: Thai Ricksaw Restaurant Group, LLC
Registered Agent: Paul Yuwachit**

- 3. PH-20-AB-14 Jekyll Brewing, LLC
2855 Marconi Drive, Suite 350
Alpharetta, GA 30005**

Manufacture, distribution & sales of distilled spirits

**Owner: Jekyll Brewing, LLC
Registered Agent: Joshua Rachel**

- 4. PH-20-AB-15 Gusto Avalon, LLC
d/b/a gusto!
4195 Avalon Blvd.
Alpharetta, GA 30009**

**Restaurant
Consumption on Premises
Beer, Wine & Sunday Sales**

**Owner: Gusto Avalon, LLC
Registered Agent: Nathan T. Hybl**

- Council Member Binder requested that the Financial Management Report: Month Ending September 30, 2020 be removed from the consent agenda in order for the Director of Finance, Tom Harris, to present an overview.
- ❖ Council Member Burnett offered a motion to approve the consent agenda excluding the Financial Management Report: Month Ending September 30, 2020
 - The motion received a second from Council Member Merkel
 - The motion was approved unanimously (6-0)

B. Financial Management Report: Month Ending September 30, 2020

- Director of Finance, Tom Harris, came forward to present a brief financial update.
- ❖ Council Member Binder offered a motion to approve the Financial Management Report: Month Ending September 30, 2020
 - The motion received a second from Council Member Richard
 - The motion was approved unanimously (6-0)

V. PUBLIC HEARING

A. MP-20-03/CU-20-06 C3 North Atlanta Church/5815 Windward Parkway NOTE: This item has been deferred by Staff until the Planning Commission Meeting on Thursday, December 3, 2020 and will be neither heard nor considered at this meeting.

B. PH-20-12 Farmhouse Settlement Historic Designation (1st Reading)

- Director of Community Development, Kathi Cook, came forward to present this item.
- Staff is recommending that Mayor and Council approve PH-20-12 Farmhouse Settlement Historic Designation.
- This item was heard at the 10/21/2020 Historic Preservation Commission meeting. Staff recommended approval. There were no public comments. After discussion, Historic Preservation Commission recommended approval. Vote 5-0
- The City in conjunction with the Recreation and Parks Department is requesting that the Farmhouse Settlement property be added to APPENDIX B - Historic Resources Inventory – Designated Historic Buildings List. The subject property is located at 0 Morris Rd and is legally described as being located at the northeast corner of Georgia 400 and Old Milton Parkway. The property was deeded to the City in on October 23, 2019 and recorded in the Office of the Clerk of Superior Court on December 19, 2019.
- The submitted request, if approved, will allow the City to designate the property as Historic per the Historic Preservation Ordinance. Zoning Condition # 19 associated with file # Z-12-02/CLUP-12-03/V-12-16 QuikTrip required that the historic farmhouse property be donated to the City. The property was deeded to the City in on October 23, 2019 and recorded in the Office of the Clerk of Superior Court on December 19, 2019.
- “The applicant and the City agree on the importance of preserving the historic farmhouse property located along tributary #5. The applicant acknowledges the city’s desire to have the farm house property donated to the city and agrees to work with the city in good faith to facilitate the donation, including public access and shared parking at the site as mutually agreed upon. In consideration of the

land donation, the city agrees to provide the applicant with Impact fee credits equal to the value of the land donated. Any donated land shall be included in future development density calculations. Such donations shall take place no later than the issuance of a land disturbance permit on the OP property."

- According to research by the Alpharetta & Old Milton Historical Society, the settlement at Farmhouse predates the founding of Old Milton County and the City of Alpharetta by at least 30 years. Early settlers were living in Indian Territory. Big Creek Baptist Church was chartered there in 1828, ten years before the Trail of Tears when the Cherokee Indians were removed from the area. In the early 1830's there was an operating water mill on Martin Creek, near what is now the northeast corner Ga 400 and Old Milton Parkway.
- A major road for the time, ran beside the mill site through the narrow valley on the east side of Burnett Mountain (currently Preston Ridge). The road connected Lebanon, near what would become Roswell, and Suwanee then on to Lawrenceville. The Farmhouse Community was located near an important trade route that ran from Lebanon Community, near Roswell, into Forsyth County. The Farmhouse Community's center was located west of the area later developed as Preston Ridge and approximately 1.7 miles east of the current Alpharetta City Hall. Farmhouse Community was a thriving commercial center between 1834-1858. At various times a gristmill, sawmill, cotton gin, post office and general store were in operation here.
- Several of The City of Alpharetta's founding families are associated with this property. It is believed that Hiram Trammell built and lived in a cabin there as well as built the dam and water mill. The dam was intact until 1980. "Slick Rock" was a popular place for swimming in the community. Islam Teasley was the postmaster for the post office that was established in 1853. Five years later, the post office was relocated to the new town of Alpharetta with Oliver P. Skelton as postmaster. In 1908, the family of Clark & Ann Burnett were photographed at their family home on Burnett's Mountain (currently Preston Ridge).
- The City has future plans to construct a Farmhouse Community Heritage Park to commemorate the property as a historic site.
- HISTORIC DESIGNATION REVIEW CRITERIA: The City of Alpharetta Unified Development Code Section 2.94 B of the Historic Preservation Incentive Zoning Ordinance outlines the criteria for Historic Designation. The Ordinance specifically states; In order to be designated a historic property, the property must be an individual building, structure or parcel of land that meets the following criteria:
 - A. Is of historic, cultural, aesthetic, or architectural significance to the City, the region, the State, or the nation; or

Response: The Farmhouse Settlement is historically and culturally significant as the first settlement for the City of Alpharetta.
 - B. Possesses historic integrity (in terms of its location, design, setting, materials, workmanship, feeling, and association) for all periods related to the significance of the property; and

Response: The property is of historical significance as an early settlement in Indian territory that predates the founding of Old Milton County and the City of Alpharetta.
 - C. Is deemed worthy of preservation (and the benefits available due to such status) following reasons:
 - o It is an outstanding example of a building representative of its era and over 75 years old;

Response: The Farmhouse Community was a thriving commercial center between 1834 and 1858. During that time a gristmill, sawmill, cotton gin, post office and general store operated there. Big Creek 3 Baptist Church was founded there in 1828 before the Trail of Tears when the Cherokee Indians were removed from the area. The Community was located near an important trade route.

- o It is one of the few remaining examples of a past architectural style or type and over 75 years old; or

Response: The property is approximately 190 years old.

- o It is a place associated with an event or person(s) of historic or cultural significance to the City, the region, the State, or the nation and over 75 years old.

Response: This property possesses historic significance and association as the original settlement for the City of Alpharetta. The settlement predates the founding of Old Milton County and the City of Alpharetta by at least 30 years. There are future plans to build a Community Heritage Park to commemorate the Settlement.

- City Staff has reviewed the application and finds that it can generally support the request to add the property to APPENDIX B – Historic Resources Inventory- Designated Historic Buildings as per the Historic Preservation Ordinance. The Alpharetta & Milton Historical Society also support the historic designation due to the property's historic significance as well as the fact that it is 190 years old.
- The City notified property owners within 500' regarding the Applicant's intent to designate the property. There were no comments received.
- City Attorney, Sam Thomas, read the ordinance aloud.

Public Comment

- No Public Comment
- ❖ Council Member Merkel offered a motion to approve PH-20-12 Farmhouse Settlement Historic Designation and the ordinance as presented
 - The motion received a second from Council Member Richard
 - The motion was approved unanimously (6-0)

VI. OLD BUSINESS

A. V-20-11 Citgo/174 North Main Street Variance NOTE: This item was tabled on Monday, October 26, 2020. It must be removed from the table for consideration.

- ❖ Council Member Burnett offered a motion to remove V-20-11 Citgo/174 North Main Street Variance from the table
 - The motion received a second from Council Member Richard
 - The motion was approved unanimously (6-0)

- ❖ Council Member Richard offered a motion to deny V-20-11 Citgo/174 North Main Street Variance
 - The motion received a second from Council Member Binder
 - The motion was approved unanimously (6-0)

B. Consideration of an Ordinance to Amend Chapter 30 of the City Code - Loitering (2nd Reading) Sponsored By: Council Member Burnett

- Director of Public Safety, John Robison, came forward to present this item.
 - Staff is recommending that Mayor and Council approve an ordinance to amend Chapter 30 of the City Code to add an article IV (Loitering for the Purpose of Engaging in the Solicitation of Sex Acts).
 - This ordinance amendment reflects state law regarding loitering and solicitation of sex acts. Having a local ordinance will provide law enforcement more discretion in the handling of these types of cases. The goal is to create additional enforcement options for law enforcement officers encountering loitering and solicitation of sex crimes activity.
 - The first reading of the ordinance was presented at the Monday, October 26, 2020 City Council Meeting and was approved unanimously.
 - City Attorney, Sam Thomas, read the ordinance aloud.
-
- ❖ Council Member Burnett offered a motion to approve an ordinance to amend Chapter 30 of the City Code to add an article IV (Loitering for the Purpose of Engaging in the Solicitation of Sex Acts)
 - The motion received a second from Council Member Binder
 - The motion was approved unanimously (6-0)

VII. NEW BUSINESS

A. Design Services for Webb Bridge Road - East of North Point Parkway to Greenway

- Director of Public Works, Pete Sewczwicz, came forward to present this item.
- Staff is recommending that Mayor and Council approve Pond & Company's proposal in the amount of \$583,508.00 for the design of improvements to Webb Bridge Road from east of North Point Parkway to the Big Creek Greenway culvert; approve Atkins's proposal in the amount of \$109,000.00 for project management services for the Webb Bridge Road Improvements project; and, authorize the Mayor to execute all necessary documents.
- This request is for the approval of Pond & Company's proposal for design services related to the Webb Bridge Road Improvements from East of North Point Parkway to the Big Creek Greenway and the approval of Atkins' proposal for project management services for the same.
- The project scope will include the design of a new bridge over Big Creek to replace the existing vehicular and pedestrian bridges and of a 10' wide multi-use trail with a 6' wide planting strip along Webb Bridge Road from east of North Point Parkway to the Big Creek Greenway culvert under Webb Bridge Road. Street trees and pedestrian lighting will be provided along the shoulders. The design will seek to preserve the existing streetscape along the frontage of Eastgate Subdivision.

- The proposed new bridge will be designed to be built to the south of the existing vehicular bridge allowing for its construction while traffic is maintained along Webb Bridge Road. This will require a portion of Webb Bridge Road to be re-aligned to the south of its existing location and the existing pedestrian bridge to be removed.
- Additionally, the portion of the Big Creek Greenway between Big Creek and the culvert under Webb Bridge Road will need to be demolished and re-constructed. The bridge will provide two 10.5' travel lanes, header curb, 2' separation (stamped concrete or concrete pavers) and a 10' multi-use trail. Aesthetic treatments similar to those provided at the bridges along Rucker Road and Mayfield Road will be incorporated into the bridge design.
- Bike accommodations will be provided on the roadway from east of North Point Parkway to west of the proposed new bridge over Big Creek. At that point, bicyclists will be merged onto the multi-use trails. This is necessary to minimize the width of the new bridge and impacts to the adjacent wetlands and flood plain. Bicyclists will be provided the opportunity to return to the roadway east of the Big creek Greenway culvert under Webb Bridge Road.
- Pond & Company was awarded one of three contracts for on-call engineering services on August 1, 2016 through RFQ 16-1009. Atkins and City staff have reviewed Pond & Company's proposal and found their rates and allocated hours for the various design tasks to be reasonable and in line with industry standards. Staff from Atkins will review Pond & Company's invoices to verify that the hours being billed accurately represent the progress made for each billing period and make payment recommendations to the City. Design is anticipated to be complete within 12-18 months from notice to proceed. The project schedule has a wide range due to possible permitting associated with the bridge and sidewalk around wetlands and floodplain.
- On November 12, 2016, Atkins was awarded a contract to provide project management services for the design and construction of larger scale projects associated with the City's BOND and the TSPLOST projects. City staff will review Atkins's invoices to verify that the hours being billed accurately represent the progress made for each billing period.

Public Comment

- No Public Comment
- ❖ Council Member Burnett offered a motion to approve Pond & Company's proposal in the amount of \$583,508.00 for the design of improvements to Webb Bridge Road from east of North Point Parkway to the Big Creek Greenway culvert; approve Atkins's proposal in the amount of \$109,000.00 for project management services for the Webb Bridge Road Improvements project; and, authorize the Mayor to execute all necessary documents
 - The motion received a second from Council Member Merkel
 - The motion was approved unanimously (6-0)

VIII. WORKSHOP

A. Occupational Tax Structure/Rate(s)

- Director of Finance, Tom Harris, came forward to present this item.
- The intent of this workshop is to discuss the city's current Occupational Tax structure/rate(s) and compare/contrast with a sampling of our companion local government entities.
- The presented survey compared multiple data points that reflect the varied structures currently being utilized by the sampled entities.

IX. PUBLIC COMMENT

- No Public Comment

X. REPORTS

- Mayor Gilvin encouraged residents to vote on Election Day.

XI. ADJOURNMENT

- ❖ With no further business to discuss or items to be heard, Mayor Gilvin adjourned the meeting at 7:32 P.M.

Respectfully submitted,

A handwritten signature in cursive script that reads "Erin Cobb".

Erin Cobb, City Clerk



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

CITY COUNCIL:

NOVEMBER 16, 2020

This item was heard at the 11/5/2020 Planning Commission meeting. Staff recommended approval subject to eleven (11) conditions. There were no public comments. After discussion, Planning Commission recommended approval subject to staff's recommended conditions. Vote 7-0

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. If necessary, additional right-of-way shall be provided along Old Milton Parkway and Brookside Parkway for future sidewalk enhancements and roadway improvements. Additional right-of-way shall not impact existing parking and landscaping on the property.
8. 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.
9. 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.
10. Developer shall provide the required bicycle racks.
11. 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. 'Clinic' is a permitted use in the C-2 district, as well as in Brookside Master Plan Pods A, B and C. A medical office is a permitted use in Pod D; however, 'Clinic' is not listed as a permitted 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

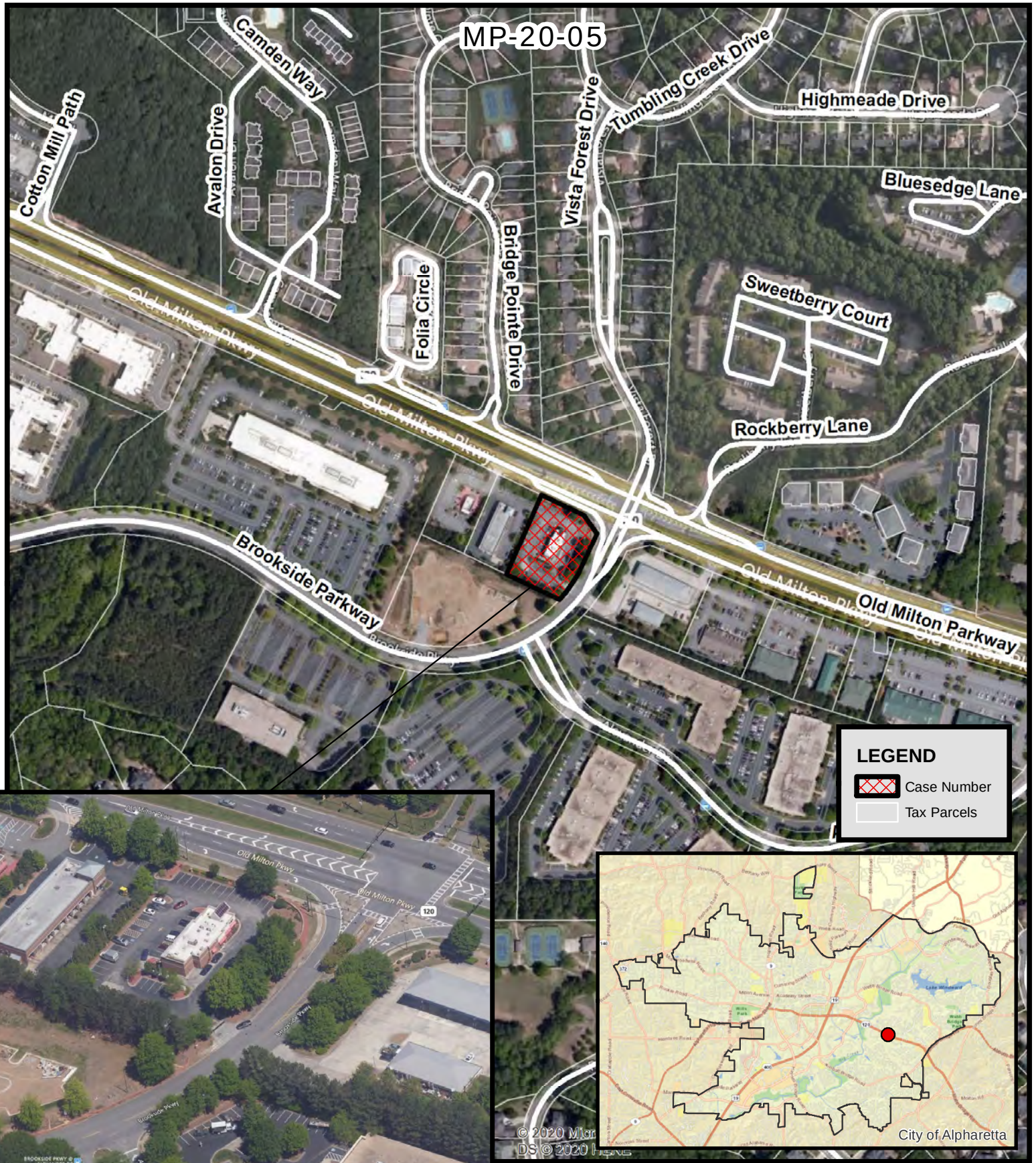
The report submitted by the applicant states that property owners within 500' were contacted regarding the applicant's intent. The report states that no comments were received.

COMMUNITY ZONING INFORMATION MEETING

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

IV. ATTACHMENTS:

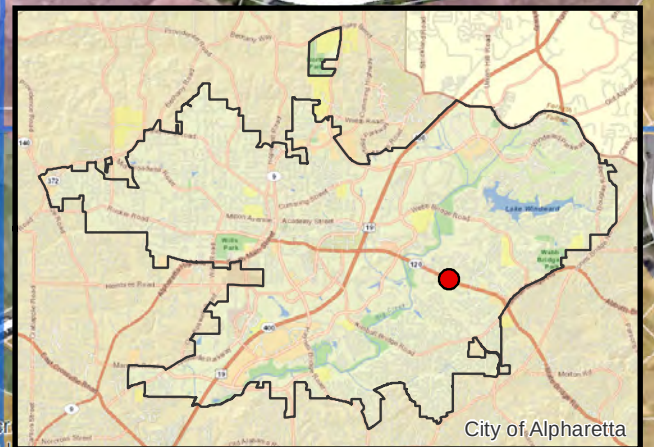
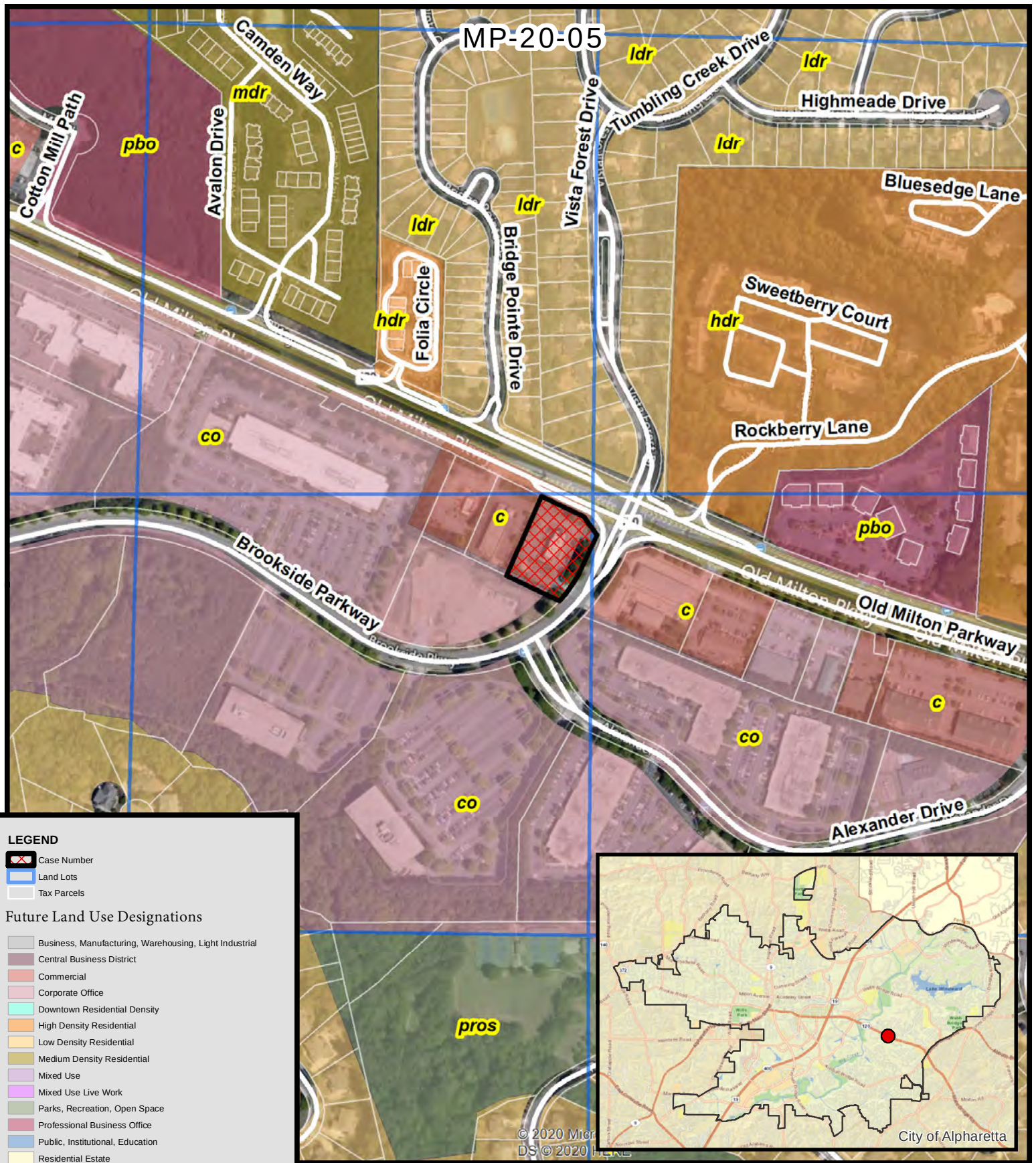
- Site Plan



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

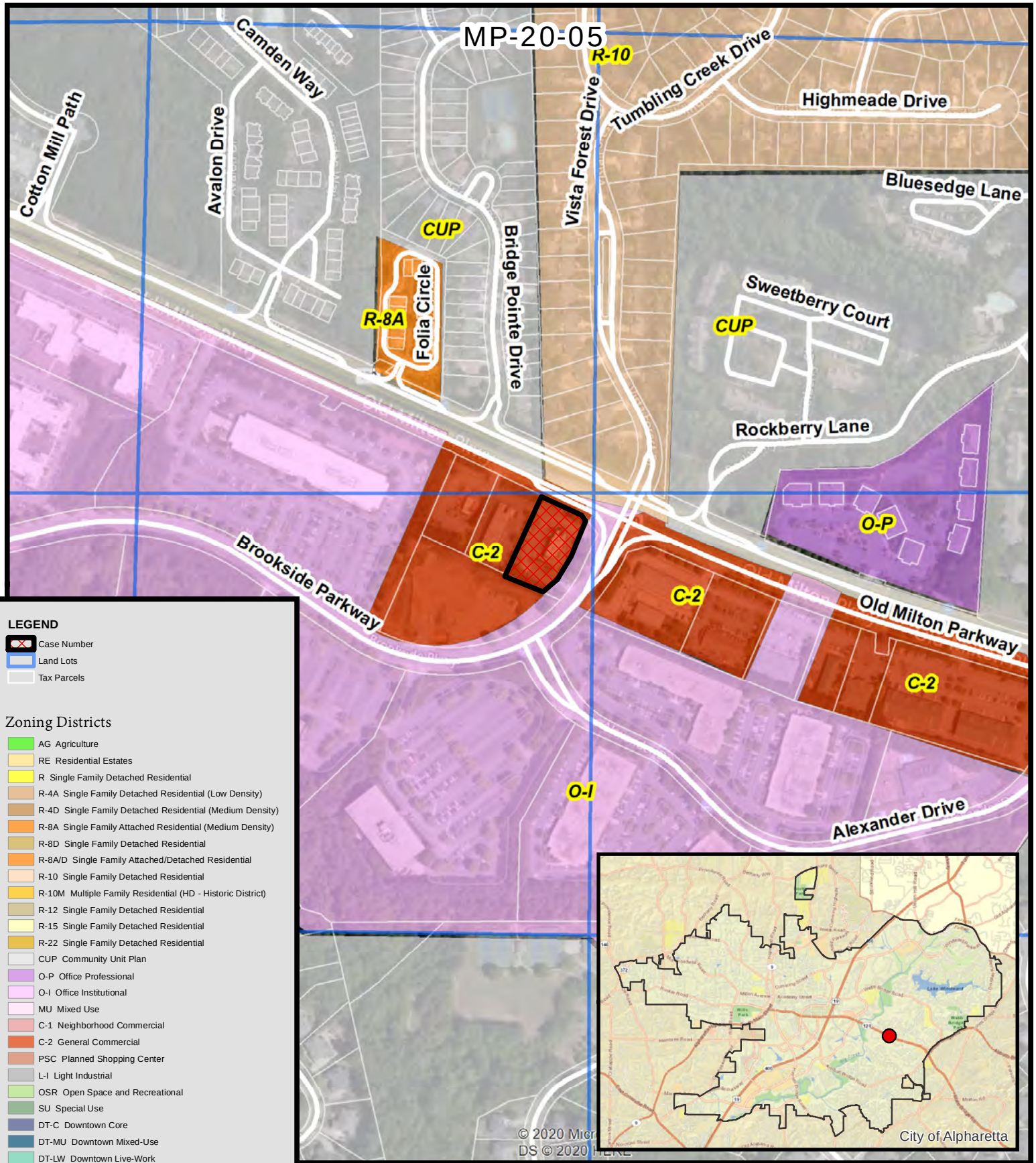
Location Map Provided by:
Community Development - GIS



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

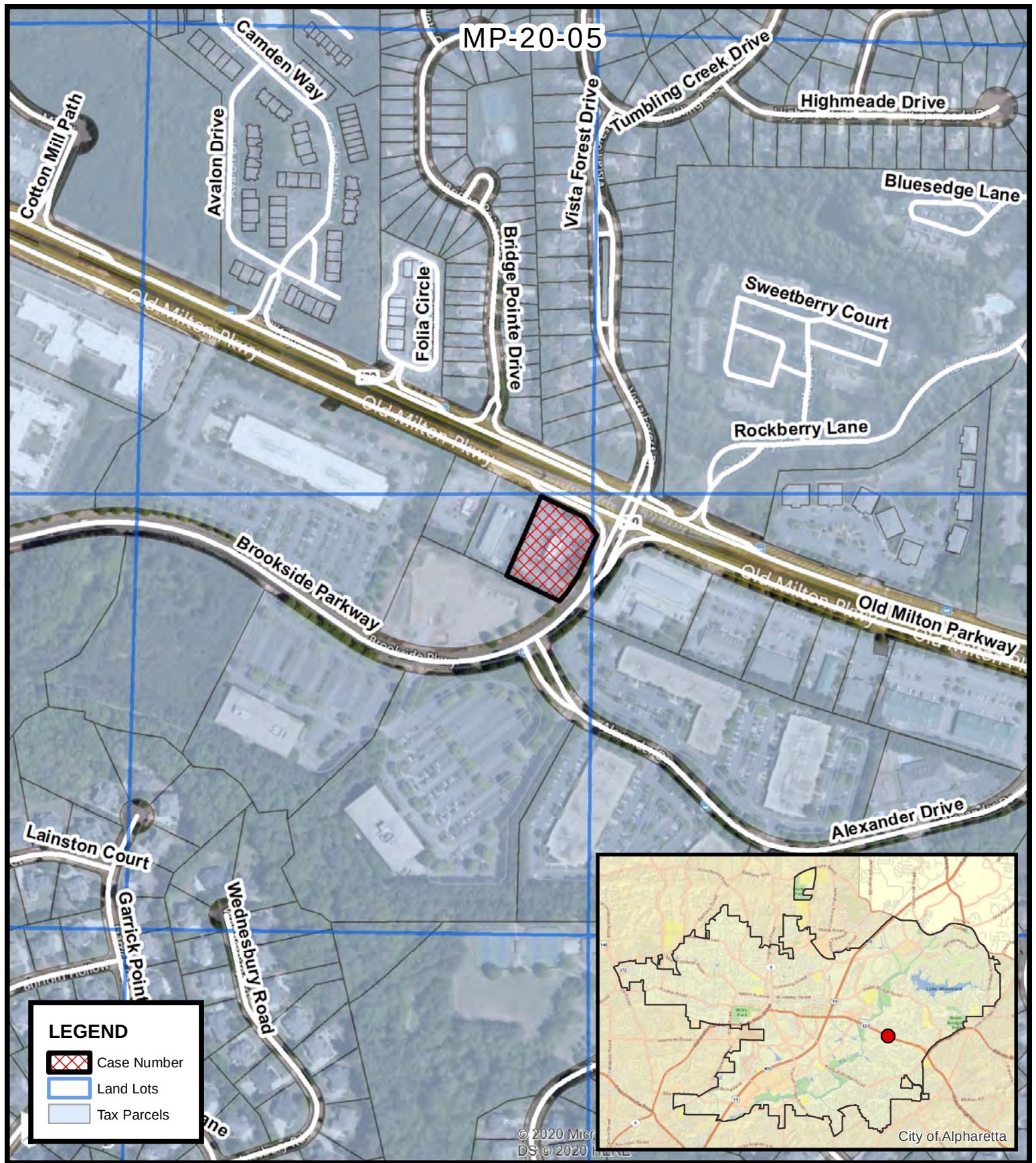
Location Map Provided by:
Community Development - GIS



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/
Brookside

9/1/20

WANG TAO & ZHU JUFEN
11575 VISTA FOREST DR
ALPHARETTA GA 30005

FLEISSNER JASON E & FLEISSNER HEAT
HER M
11560 VISTA FOREST DR
ALPHARETTA GA 30005

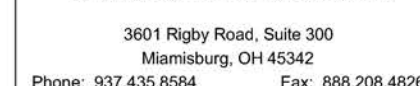
CRITCHETT DOUGLAS L & WERTZBERGER
LAURA L
11565 VISTA FOREST DR
ALPHARETTA GA 30005

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

[illegible]

ACM LEHI
AMERICAN DEVELOPMENT PARTNERS

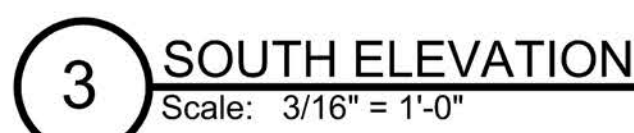
© 2000 CFAI

Project number:	758063-0
Scale:	3/16" = 1'-0"
Drawn:	Author
Checked:	Checker
Date:	2020.10.2

Issue:
Drawing Title:

RENDERED ELEVATIONS

E1



MATERIAL LEGEND



MAIN BRICK - GLEN GERY ADRIAN



ACCENT BRICK - GLEN GERY ST THOMAS



STONE VENEER - EL DORADO STACKED
STONE - ALDERWOOD



DRYVIT EIFS - TATTLETALE



DRYVIT EIFS - PRAIRIE CLAY

10/29/2020 4:58:24 PM BIM 360://Advanced Care Medical/CESO-ARCH-ACM LEHI UT-REVIT2020.rvt

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:

Amita M. 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: _____

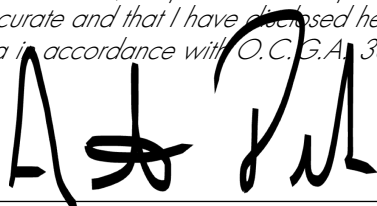
Description of Contribution: _____ Value: _____

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/
Brookside

9/1/20

WANG TAO & ZHU JUFEN
11575 VISTA FOREST DR
ALPHARETTA GA 30005

FLEISSNER JASON E & FLEISSNER HEAT
HER M
11560 VISTA FOREST DR
ALPHARETTA GA 30005

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

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

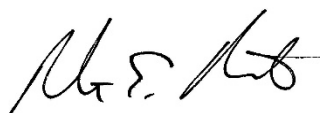
Deceleration lanes (WB to SB left-turn lane and NB to EB right-turn lane) currently exist at the primary signal-controlled intersection of Old Milton Parkway (SR 120) and Brookside Parkway. All of these deceleration lanes are of adequate length to serve the proposed site.

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

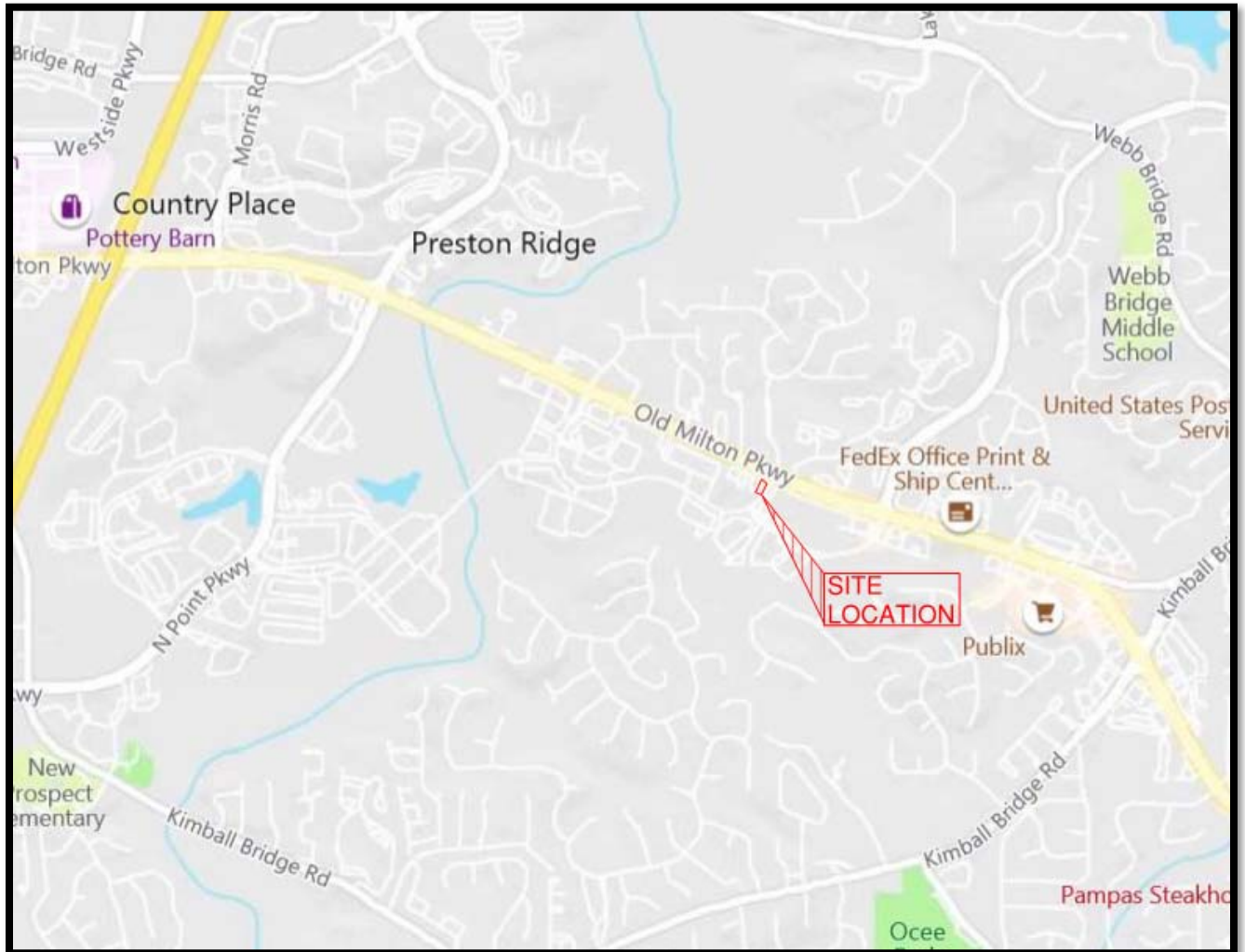


Figure 1: Vicinity Map



Figure 2: Aerial View

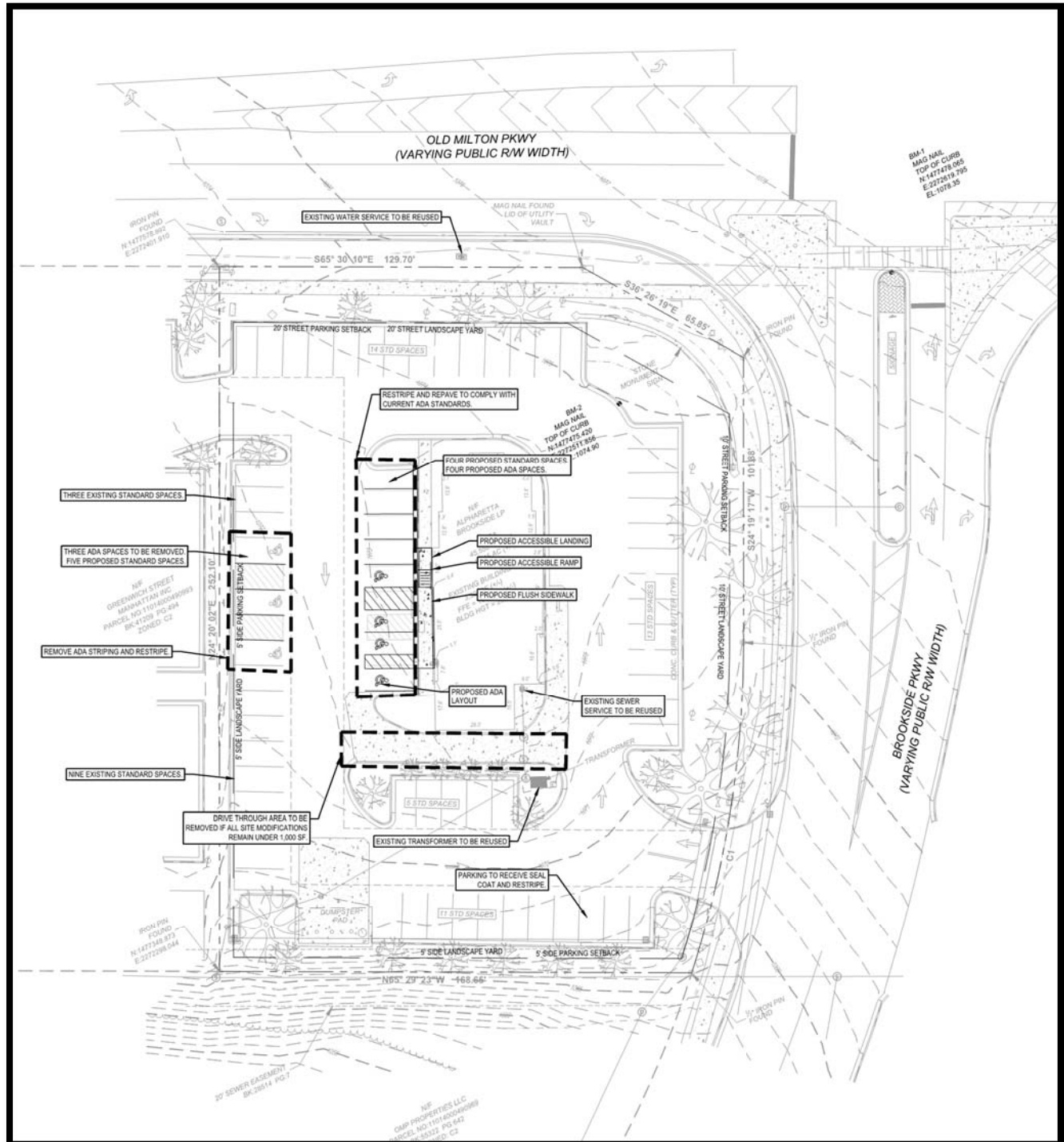
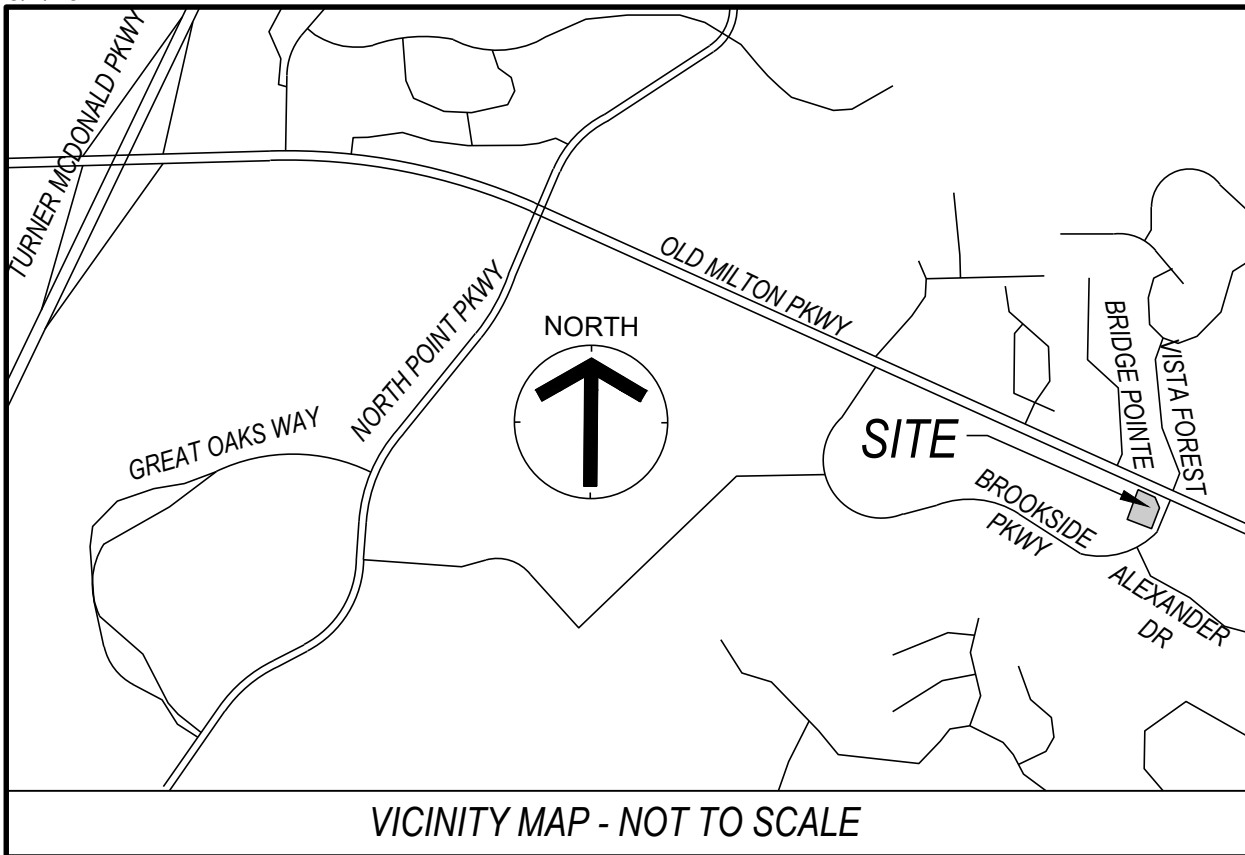


Figure 3: Site Plan



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			STORM STRUCTURE TABLE		
POINT #	TOP CASTING	INVERT ELEVATION	POINT #	TYPE	INVERT ELEVATION
1048	1073.82	-----	8235	DMH	1074.72
1575	1073.09	IE IN: 1070.79 (NE)(4"PVCI)	1361	DMH	1073.80
1576	1072.76	IE OUT:1070.41 (SW)(6"PVCI)	1446	CB	1067.24
1767	1073.50	IE IN: 1068.35 (NE)(6"PVCI) IE OUT:1068.30 (X)(6"PVCI)	1831	CB	1067.70
1862	1067.65	IE IN: 1060.25 (NE)(6"PVCI) IE IN:1060.20 (NW)(6"PVCI) IE IN:1060.10 (SW)(6"PVCI) IE IN:1058.83 (SE)(6"PVCI) IE OUT:1058.63 (SW)(6"PVCI)	1700	CB	1067.77
1613	1066.23	IE IN:1061.76 (NE)(18"CMPI) IE OUT:1061.76 (SW)(18"CMPI)	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

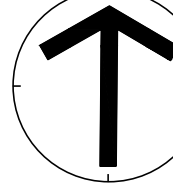
Zoning: C2

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 RealEstateCorp 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 RealEstateCorp 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 RealEstateCorp 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 RealEstateCorp 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 RealEstateCorp 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 RealEstateCorp 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 RealEstateCorp 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 RealEstateCorp 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 plan 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 Plot 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 EASMT.
			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.

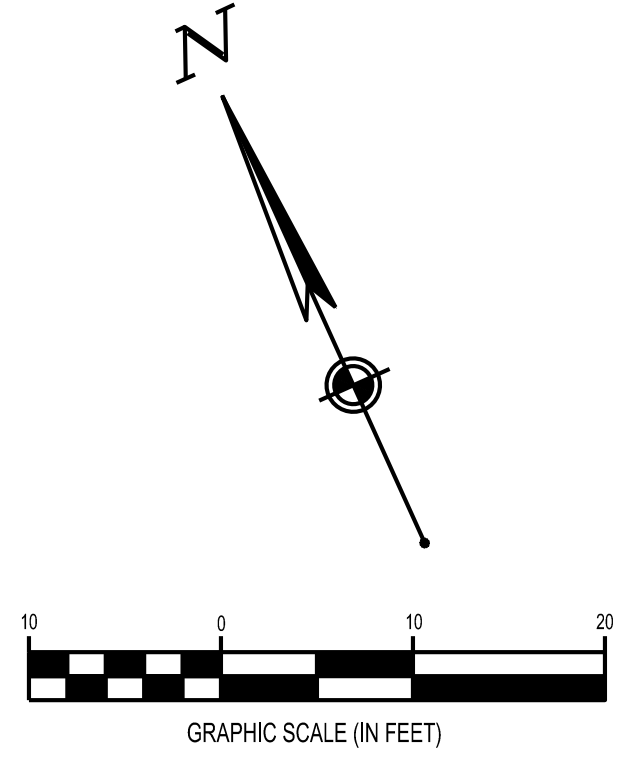


NOT FOR
CONSTRUCTION

3900 BROOKSIDE PARKWAY,
ALPHARETTA, GA 30022

CONCEPT PLAN

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	REQUIRED	EXISTING
STREET (OLD MILTON)	XX FEET	66.4 FEET
STREET (BROOKSIDE)	XX FEET	71.6 FEET
SIDE YARD (SOUTH)	XX FEET	86.3 FEET
SIDE YARD (WEST)	XX FEET	75.9 FEET
PARKING SETBACK	REQUIRED	EXISTING
STREET YARD (OLD MILTON)	20 FEET	20.1 FEET
STREET YARD (BROOKSIDE)	10 FEET	20.0 FEET
SIDE YARD (SOUTH)	5 FEET	9.0 FEET
SIDE YARD (WEST)	5 FEET	3.8 FEET
LANDSCAPE YARD	REQUIRED	EXISTING
STREET (OLD MILTON)	20 FEET	16.2 FEET
STREET (BROOKSIDE)	10 FEET	21.5 FEET
SIDE YARD (SOUTH)	5 FEET	9.6 FEET
SIDE YARD (WEST)	5 FEET	3.4 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 – BUILDING CODES

CITY COUNCIL: NOVEMBER 16, 2020

This item was heard at the 11/5/2020 Planning Commission meeting. Staff recommended approval. There were no public comments. After discussion, Planning Commission recommended approval. Vote 7-0

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

AN ORDINANCE TO AMEND ARTICLE II OF THE UNIFIED DEVELOPMENT CODE AND CHAPTER 8, ARTICLE II OF THE CODE OF ORDINANCES OF THE CITY OF ALPHARETTA, GEORGIA; TO REPLACE REFERENCES TO THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING AND FIRE CODES IN UNIFIED DEVELOPMENT CODE SUBSECTION 2.9.5(B) WITH REFERENCES TO CHAPTER 8, ARTICLE II OF THE CODE OF ORDINANCES; TO REPLACE LATEST EDITION BUILDING CODE REFERENCES WITH REFERENCES TO THE CITY’S BUILDING PERMITTING PROCEDURES; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

WHEREAS, on or about May 21, 2001, the City of Alpharetta (the “City”) adopted a comprehensive zoning ordinance known and cited as the Unified Development Code of the City of Alpharetta, Georgia, which has subsequently been amended from time to time (the “Unified Development Code”); and

WHEREAS, the Mayor and Council of the City of Alpharetta (the “City Council” or “Council”) are charged with the protection of the public health, safety, and welfare of the citizens of the City of Alpharetta; and

WHEREAS, the Unified Development Code and Code of Ordinances were designed to be amended from time to time when circumstances warrant that modifications be made in order to make the Unified Development Code and Code of Ordinances more responsive to community needs; and

WHEREAS, the City Council finds that ordinances and regulations governing the uses of land and development of land within the City, as well as the City’s operations, should be continually improved from time to time and modified as necessary to better protect and promote the public health, safety and welfare of the residents and businesses of the City of Alpharetta; and

WHEREAS, the City Council desires to amend Article II of the Unified Development Code and Chapter 8, Article II of the Code of Ordinances for the foregoing purposes; and

WHEREAS, the City Council finds that the following amendments to the Unified Development Code and Code of Ordinances promote the health, safety, morals, convenience, order, prosperity and general welfare of the present and future inhabitants of the City of Alpharetta;

NOW THEREFORE, The Council of the City of Alpharetta hereby ordains, as follows:

Section 1: **Section 8-29**, “Building Codes adopted” of Chapter 8, Article II of the Code of Ordinances is hereby amended as set forth in Exhibit “A” attached hereto as if fully set forth herein.

Section 2: **Subsection 2.9.5(B)**, “Building, Construction and Property Maintenance Code Exemptions” of Article II of the Unified Development Code is hereby amended as set forth in Exhibit “B” attached hereto as if fully set forth herein.

Section 3: If any section, subsection, provisions, or clause of any part of this Ordinance shall be declared invalid or unconstitutional or, if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall

not be construed to affect the portions of this Ordinance not so held to be invalid, or the application of this Ordinance to other circumstances not so held to be invalid. It is hereby declared as the intent of the City Council that this Ordinance would have been adopted in its current form without the invalid or unconstitutional provision contained therein.

Section 4: This Ordinance shall be effective immediately upon its adoption by the City Council and incorporated into the Unified Development Code and Code of Ordinances of the City of Alpharetta, Georgia. This Ordinance hereby repeals any and all conflicting ordinances and amendments.

SO ORDAINED this the _____ day of _____, 2020.

Approved:

Jim Gilvin, Mayor

Attest:

COUNCILMEMBERS

Erin Cobb, City Clerk
(Seal)

Approved as to Form:

C. Sam Thomas, City Attorney

Exhibit A:

Exhibit B:

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

Table of Contents

PERMITTING / INSPECTION FLOW CHART	5
PLAN SUBMITTAL, PLAN REVIEW and e-Plan	6
DESIGN PROFESSIONAL	7
ELECTRONIC PLAN SUBMITTAL FLYER	8
USE GROUP CODES	9
SITE PLAN REQUIRED for NEW BUILDINGS AND ADDITIONS	10
KEY PLAN REQUIRED for INTERIOR FINISH ONLY PROJECTS	10
BUILDING PLANS REQUIRED	11
PRE APPROVAL BY OTHER AUTHORITY	13
MECHANICAL SYSTEMS DRAWINGS	15
PLUMBING SYSTEM DRAWINGS	16
ELECTRICAL & LOW VOLTAGE SYSTEM DRAWINGS	16
OBTAINING BUILDING PERMITS	17
CONTRACTOR LICENSING REQUIREMENTS	18
GENERAL NOTES REGARDING BUILDING & SUBCONTRACTOR PERMITS	18
GEORGIA ENERGY CODE (IECC) COMPLIANCE	19
WATER CONSERVATION	20
CITY CLIMATIC & GEOGRAPHICAL DESIGN CRITERIA	21
GENERAL BUILDING VALUATIONS	21
NEW BUILDING PERMITS & FEES	22
FOUNDATION PERMITS & FEES:	23
SHELL BUILDING PERMITS & FEES:	23
FIRST GENERATION TENANT INTERIOR FINISH PERMITS & FEES:	24
SECOND GENERATION TENANT INTERIOR FINISH PERMITS & FEES:	24
DEMOLITION PERMITS & FEES:	25
RETAINING WALLS, GENERATORS, DETENTION STRUCTURES, MAILBOX SHELTERS, BUS SHELTERS, LANDSCAPE STRUCTURES	26
TOWER PERMITS & FEES:	26
EXTERIOR SIGNAGE PERMITS	27
PERMIT TIME LIMITS – EXPIRATION - RENEWALS	27

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

Table of Contents

NOTICE.....	2
RESIDENTIAL BUILDING CODES.....	4
CITY CLIMATIC & GEOGRAPHICAL DESIGN CRITERIA.....	5
PLAN REVIEW – GENERAL.....	5
CONTRACTOR LICENSE REQUIRED	6
SITE PLAN REQUIRED – NEW CONSTRUCTION & ADDITIONS	6
BUILDING PLAN REQUIRED – NEW CONSTRUCTION & ADDITIONS.....	7
GEORGIA ENERGY CODE (IECC) COMPLIANCE	8
WATER CONSERVATION	13
GENERAL NOTES REGARDING BUILDING & SUBCONTRACTOR PERMITS	14
NEW CONSTRUCTION & ADDITION BUILDING PERMITS	15
INTERIOR REMODEL & BASEMENT FINISH BUILDING PERMITS & PLANS.....	16
DEMOLITION PERMITS & PLANS.....	17
SITE WALL BUILDING PERMITS & PLANS	18
CALCULATING BUILDING PERMIT FEES.....	19

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

Contents

NOTICE.....	2
Section I: DESIGNING YOUR POOL.....	5
Covenants, Zoning, Easements, etc.:.....	5
Houses with septic systems:	6
Specimen trees:.....	6
Enclosure requirements: Safety Barriers and Permanent Fencing:.....	6
Safety Barriers.....	6
Permanent Fencing-.....	7
Other structures:.....	7
Handholds:.....	8
Wet-Niche Light Fixtures:.....	8
Drains:	8
Commercial Pools:.....	8
Section II: OBTAINING A POOL PERMIT.....	9
Submittal to Engineering Department.....	9
Submittal to Building Department	9
Pool Site Plan Requirements:	10
Pool Building Plan Requirements:.....	10
Residential Pool Permit Cost Calculations	11
Commercial Pool Permit Cost Calculations.....	12
Permit Time Limits – Expiration - Renewals	13
Section III: BUILDING YOUR POOL.....	14
Requesting Inspections:.....	14
Mandatory Pool Inspections:	14
Additional Inspections.....	17
Third Party Inspections & Reports	17
Written Release: “Signing the card”.....	18
Additional City Construction Requirements.....	19
Re-inspection Policy & Fees	20
Section IV: SAFELY ENJOYING YOUR POOL.....	21
Safety:	21
MAINTENANCE.....	21
ABANDONMENT	22
Section V: PROBLEMS & REMEDIES	22
Stop Work Orders.....	22
Pools Concreted (Shot) Without Inspection	22
Pool Decks Concreted Without Electrical Bond Test	23
SERIOUS VIOLATIONS	24
Building Pools Without Permits:	24
Covering Work Without Required Inspections:.....	25
Filling Pools Without Permanent Fencing In Place Around The Pool:.....	25
Failure To Request & Pass Final Inspection & Obtain A Certificate Of Completion (CC) For Pool Work.	26
Penalties	26
Appeals	27
POOL PERMIT & PLAN LOG-IN CHECK-OFF FORM	29
POOL PERMIT APPLICATION.....	30
AFFIDAVIT OF SWIMMING POOL OWNER.....	32

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.



City Council Meeting STAFF REPORT

Submitting Department: Community Development

Submitted By: Kathi Cook

Sponsored By:

Meeting Date: November 16, 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:

City Council Staff Report, Ordinance



CITY COUNCIL MEETING

STAFF REPORT

Submitting Department: Community Development
Submitted By: Kathi Cook
Sponsored By: Jill Bazinet

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

CITY COUNCIL: NOVEMBER 16, 2020

This item was heard at the 11/5/2020 Planning Commission meeting. Staff recommended approval. There were no public comments. After discussion, Planning Commission recommended approval. Vote 7-0

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:

<u>ACCOUNT TITLE/NUMBER</u>	<u>DOLLAR AMOUNT</u>

EXTERNAL FUNDING SOURCES:

<u>ACCOUNT TITLE/NUMBER</u>	<u>DOLLAR AMOUNT</u>

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:

SECTION 3.3 and 3.4 Stormwater and Floodplain Management	Revisions,
SECTION_3.3___STORMWATER_MANAGEMENT	Redline,
SECTION_3.4_FLOODPLAIN_MANAGEMENT	Redline

AN ORDINANCE TO AMEND ARTICLE III SECTION 3.3 AND 3.4 OF THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ALPHARETTA GEORGIA; TO MODIFY SECTIONS NUMBERS 3.3.1 – 3.3.9; TO REMOVE SECTIONS 3.3.10-3.3.14; TO MODIFY TEXT IN SECTION 3.3.1-3.3.9; TO MODIFY TEXT IN SECTION 3.4; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

WHEREAS, on or about May 21, 2001, the City of Alpharetta (the “City”) adopted a comprehensive zoning ordinance known and cited as the Unified Development Code of the City of Alpharetta, Georgia, which has subsequently been amended from time to time (the “Unified Development Code”); and

WHEREAS, the Mayor and Council of the City of Alpharetta (the “City Council” or “Council”) are charged with the protection of the public health, safety, and welfare of the citizens of the City of Alpharetta; and

WHEREAS, the Unified Development Code was designed to be amended from time to time when circumstances warrant that modifications be made in order to make said Codes more responsive to community needs; and

WHEREAS, the City Council finds that ordinances and regulations governing the uses of land and development of land within the City, as well as the City’s operations, should be continually improved from time to time and modified as necessary to better protect and promote the public health, safety and welfare of the residents and businesses of the City of Alpharetta; and

WHEREAS, the City Council desires to amend Article III Sections 3.3 and 3.4 of the Unified Development Code for the foregoing purposes; and

WHEREAS, the City Council finds that the following amendments to the Unified Development Code promote the health, safety, morals, convenience, order, prosperity and general welfare of the present and future inhabitants of the City of Alpharetta;

NOW THEREFORE, The Council of the City of Alpharetta hereby ordains, as follows:

Section 1: Section 3.3.1 Post-Construction Stormwater management for New Development and Redevelopment Renamed, added additional purpose and intent language, and added / updated definitions as required to match the model ordinance of the Metropolitan North Georgia Water Planning District, Army Corps of Engineers, and Georgia EPD. Renamed the City’s stormwater management manual supplement the Alpharetta Stormwater Policy Handbook.

Section 2: Section 3.3.1C Adoption and Implementation of the GSMM; Conflicts and Inconsistencies Renamed the City’s stormwater management manual supplement the Alpharetta Stormwater Policy Handbook. Added resolution should conflicting information be provided between this article, the city’s MS4 permit, and the Georgia Stormwater Management Manual.

Section 3: Section 3.3.1D Designation of Administrator

Section 4: **Section 3.3.1F Exemptions from Stormwater Management Standards of Section 3.3.1** Text updated to match the model ordinance of the Metropolitan North Georgia Water Planning District.

Section 5: **Section 3.3.1G Stormwater Management Standards.** Text updated to match the model ordinance of the Metropolitan North Georgia Water Planning District. Downstream analysis in section 3.3.1G(h) updated to clarify city requirements and reduce total number of storms to be studied.

Section 6: **Section 3.3.1H Pre-Submittal Meeting, Stormwater Concept Plan, and Stormwater Management Plan Requirements** Text updated to match the model ordinance of the Metropolitan North Georgia Water Planning District.

Section 7: **Section 3.3.1I Application Fee** Text updated to match the model ordinance of the Metropolitan North Georgia Water Planning District.

Section 8: **Section 3.3.1J Application Procedures** Text updated to match the model ordinance of the Metropolitan North Georgia Water Planning District.

Section 9: **Section 3.3.1K Compliance with the Approved Stormwater Management Plan** Text updated to match the model ordinance of the Metropolitan North Georgia Water Planning District.

Section 10: **Section 3.3.1L Inspections to Ensure Plan Compliance During Construction** Text added to allow electronic submission of plans and reports.

Section 11: **Section 3.3.1M Final Inspection; As-Built Drawings; Delivery of Inspection and Maintenance Agreement** Text updated to match the model ordinance of the Metropolitan North Georgia Water Planning District.

Section 12: **Section 3.3.1N Violations and Enforcement** Text updated to match the model ordinance of the Metropolitan North Georgia Water Planning District.

Section 13: **Section 3.3.1O Maintenance by Owner of Stormwater Management Systems Predating Current GSMM** Text updated to match the model ordinance of the Metropolitan North Georgia Water Planning District.

Section 14: **Section 3.3.1P Inspection and Maintenance Agreements** Text updated to match the model ordinance of the Metropolitan North Georgia Water Planning District.

Section 15: **Section 3.3.1Q Right of Entry for Maintenance Inspections** Text updated to match the model ordinance of the Metropolitan North Georgia Water Planning District.

Section 16: **Section 3.3.1R Owner's Failure to Maintain the Stormwater Management System** Text updated to match the model ordinance of the Metropolitan North Georgia Water Planning District.

Section 17: **Section 3.3.1S Maintenance Responsibilities** Text added to clarify responsibilities in neighborhoods and to allow flexibility to easement restrictions on specific drainage easements.

Section 18: **Section 3.3.1T(f) Special Operations and Maintenance Agreement for Homeowners' Associations and Other Associations** Text added request developers to set aside money for future private stormwater infrastructure maintenance costs.

Section 19: **Section 3.3.2 Stream Buffer Protection** Update section number. Update definitions per the model ordinance of the Metropolitan North Georgia Water Planning District, clarify the greenway exemption, and renumber items.

Section 20: **Section 3.3.3 Wetlands** Update section number. Update definitions per the model ordinance of the Metropolitan North Georgia Water Planning District.

Section 21: **Section 3.3.4 Illicit Discharge and Illegal Connection** Update Section number. Update Applicability per the model ordinance of the Metropolitan North Georgia Water Planning District and renumber items.

Section 22: **Section 3.3.5 Conservation Subdivision** Update section number. Update Yield Plan requirements per the model ordinance of the Metropolitan North Georgia Water Planning District.

Section 23: **Section 3.3.6 Water Supply Watershed Protection** Update section number. Update definitions per the model ordinance of the Metropolitan North Georgia Water Planning District.

Section 24: **Section 3.3.7 Groundwater recharge areas.** Update section number.

Section 25: **Section 3.3.8 Variances from requirements.** Update section number. Update applicability sections for clarification.

Section 26: **Section 3.3.9 Violations, enforcement and penalties.** Update section number and section number references. Clarify appeal and penalty procedure to match the model ordinance of the Metropolitan North Georgia Water Planning District.

Section 27: **Removal of Section 3.3.10-3.3.14** These sections have been incorporated into 3.3.1-3.3.9.

Section 28: **Section 3.4** Added a definition of North American Vertical Datum, fixed a typographical error in the Substantial Damage definition, fixed a typographical error in 3.4.3C, removed reference to city engineer (replaced with 'city') to align with other ordinances in the UDC, and fixed a typographical error in 3.4.5A 12.

Section 29: If any section, subsection, provisions, or clause of any part of this Ordinance shall be declared invalid or unconstitutional or, if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Ordinance not so held to be invalid, or the application of this Ordinance to other circumstances not so held to be invalid. It is hereby declared as the intent of the City Council that this Ordinance would have been adopted in its current form without the invalid or unconstitutional provision contained therein.

Section 30: This Ordinance shall be effective immediately upon its adoption by the City Council and the amendments made herein shall be incorporated into the Unified Development Code of the City of Alpharetta, Georgia, as applicable. This Ordinance hereby repeals any and all conflicting ordinances and amendments.

SO ORDAINED this the _____ day of _____, 2020.

Approved:

Jim Gilvin, Mayor

Attest:

COUNCILMEMBERS

Erin Cobb, City Clerk
(Seal)

Approved as to Form:

C. Sam Thomas, City Attorney

EXHIBIT “A”

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 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 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.

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 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 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 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
 - (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.

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 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 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.](#)

(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).

(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.

(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
- (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 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

(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 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 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 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 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.](#)

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.

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.

- 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 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.
 - 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.

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.
- 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.*

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.*

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 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; 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, 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' sanitary sewer department or an approved onsite wastewater management system. Such person shall provide the City 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 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.

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.

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;
- (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;
 - (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.
- 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;

- (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.

3.3.6 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 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.
- 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.

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.

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.

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.

3.3.9 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.

- 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, 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

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 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.

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.

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".

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.

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
 - 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;
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;
 - 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;
 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;
 - (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 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 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 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.

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.
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 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.

EXHIBIT “B”

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~~

~~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.

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..

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.

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.

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.

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;~~

- 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~~

~~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)~~

3.3.2 — Definitions.

~~*Accidental Discharge.* A discharge prohibited by this ordinance which occurs by chance and without planning or thought prior to occurrence.~~

~~*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.~~

~~**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.~~

~~**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.~~

~~*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.~~

~~**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.~~

~~**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 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.~~

~~**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.~~

~~**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

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%),

(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 / 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.

(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.

(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

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.

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.

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:

(i) Methods to calculate stormwater flows shall be in accordance with the Stormwater Management Manual;

(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,

(iii) Design and construction of stormwater conveyance facilities shall be in accordance with the criteria and specifications found in the Stormwater Management Manual.

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 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.

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 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,

- (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 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.;~~

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

~~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.~~

~~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.~~

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.~~

~~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 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.~~

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 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:

(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 for 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 sch 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:

a. Consistent with the approved stormwater management plan and all applicable land disturbance and building permits,

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

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.

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.~~

~~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.

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:

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.

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:

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.

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 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 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.

~~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~~

~~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:~~

- ~~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.~~

~~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~~

~~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

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)).

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 the 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.

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 3.3.6-2 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.

- 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.

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.

~~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.

([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.

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.*

~~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.~~

- ~~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,

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.

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,

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.

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.~~

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;

- (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.

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;
 - (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.

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;

- (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

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.

- 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.

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.

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;

- 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

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

- (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)

EXHIBIT “C”

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.

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.

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

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:

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.

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.

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.

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.

- 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

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;

- 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

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-

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

(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.*

- 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

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.

([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

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

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](#))



CITY COUNCIL MEETING STAFF REPORT

SUBMITTING DEPARTMENT: COMMUNITY DEVELOPMENT
SUBMITTED BY: KATHI COOK
DRAFTED BY: ELLE TAYLOR

I. AGENDA ITEM TITLE: PH-20-12 FARMHOUSE SETTLEMENT HISTORIC DESIGNATION

CITY COUNCIL: NOVEMBER 2, 2020

This item was heard at the 10/21/2020 Historic Preservation Commission meeting. Staff recommended approval. There were no public comments. After discussion, Historic Preservation Commission recommended approval. Vote 5-0

II. RECOMMENDATION:

Approve PH-20-12 FARMHOUSE SETTLEMENT HISTORIC DESIGNATION

III. REPORT IN BRIEF:

The City in conjunction with the Recreation and Parks Department is requesting that the Farmhouse Settlement property be added to APPENDIX B - Historic Resources Inventory – Designated Historic Buildings List. The subject property is located at 0 Morris Rd and is legally described as being located at the northeast corner of Georgia 400 and Old Milton Parkway. The property was deeded to the City in on October 23, 2019 and recorded in the Office of the Clerk of Superior Court on December 19, 2019.

DISCUSSION

The submitted request, if approved, will allow the City to designate the property as Historic per the Historic Preservation Ordinance. Zoning Condition # 19 associated with file # Z-12-02/CLUP-12-03/V-12-16 QuikTrip required that the historic farmhouse property be donated to the City. The property was deeded to the City in on October 23, 2019 and recorded in the Office of the Clerk of Superior Court on December 19, 2019.

"The applicant and the City agree on the importance of preserving the historic farm house property located along tributary #5. The applicant acknowledges the city's desire to have the farm house property donated to the city and agrees to work with the city in good faith to facilitate the donation, including public access and shared parking at the site as mutually agreed upon. In consideration of the land donation, the city agrees to provide the applicant with Impact fee credits equal to the value of the land donated. Any donated land shall be included in future development density calculations. Such donations shall take place no later than the issuance of a land disturbance permit on the OP property."

According to research by the Alpharetta & Old Milton Historical Society, the settlement at Farmhouse predates the founding of Old Milton County and the City of Alpharetta by at least 30 years. Early settlers were living in Indian Territory. Big Creek Baptist Church was chartered there in 1828, ten years before the Trail of Tears when the Cherokee Indians were removed from the area. In the early 1830's there was an operating water mill on Martin Creek, near what is now the northeast

corner Ga 400 and Old Milton Parkway.

A major road for the time, ran beside the mill site through the narrow valley on the east side of Burnett Mountain (currently Preston Ridge). The road connected Lebanon, near what would become Roswell, and Suwanee then on to Lawrenceville. The Farm House Community was located near an important trade route that ran from Lebanon Community, near Roswell, into Forsyth County. The Farm House Community's center was located west of the area later developed as Preston Ridge and approximately 1.7 miles east of the current Alpharetta City Hall. Farm House Community was a thriving commercial center between 1834-1858. At various times a gristmill, sawmill, cotton gin, post office and general store were in operation here.

Several of The City of Alpharetta's founding families are associated with this property. It is believed that Hiram Trammell built and lived in a cabin there as well as built the dam and water mill. The dam was intact until 1980. "Slick Rock" was a popular place for swimming in the community. Islam Teasley was the postmaster for the post office that was established in 1853. Five years later, the post office was relocated to the new town of Alpharetta with Oliver P. Skelton as postmaster. In 1908, the family of Clark & Ann Burnett were photographed at their family home on Burnett's Mountain (currently Preston Ridge)

The City has future plans to construct a Farmhouse Community Heritage Park to commemorate the property as a historic site.

HISTORIC DESIGNATION REVIEW CRITERIA

The City of Alpharetta Unified Development Code Section 2.94 B of the Historic Preservation Incentive Zoning Ordinance outlines the criteria for Historic Designation. The Ordinance specifically states; In order to be designated a historic property, the property must be an individual building, structure or parcel of land that meets the following criteria:

- a. Is of historic, cultural, aesthetic or architectural significance to the City, the region, the State, or the nation; or

Response: The Farmhouse Settlement is historically and culturally significant as the first settlement for the City of Alpharetta.

- b. Possesses historic integrity (in terms of its location, design, setting, materials, workmanship, feeling, and association) for all periods related to the significance of the property; and

Response: The property is of historical significance as an early settlement in Indian territory that predates the founding of Old Milton County and the City of Alpharetta.

- c. Is deemed worthy of preservation (and the benefits available due to such status) following reasons:

- i. It is an outstanding example of a building representative of its era and over 75 years old;

Response: The Farmhouse Community was a thriving commercial center between 1834 and 1858. During that time a gristmill, sawmill, cotton gin, post office and general store operated there. Big Creek

Baptist Church was founded there in 1828 before the Trail of Tears when the Cherokee Indians were removed from the area. The Community was located near an important trade route.

- ii. It is one of the few remaining examples of a past architectural style or type and over 75 years old; or

Response: The property is approximately 190 years old.

- iii. It is a place associated with an event or person(s) of historic or cultural significance to the City, the region, the State, or the nation and over 75 years old.

Response: This property possesses historic significance and association as the original settlement for the City of Alpharetta. The settlement predates the founding of Old Milton County and the City of Alpharetta by at least 30 years. There are future plans to build a Community Heritage Park to commemorate the Settlement.

CONCURRENCES

City Staff has reviewed the application and finds that it can generally support the request to add the property to APPENDIX B – Historic Resources Inventory- Designated Historic Buildings as per the Historic Preservation Ordinance. The Alpharetta & Milton Historical Society also support the historic designation due to the property's historic significance as well as the fact that it is 190 years old.

CITIZEN PARTICIPATION PLAN

The City notified property owners within 500' regarding the Applicant's intent to designate the property. There were no comments received.

IV. ATTACHMENTS:

- History Fact Sheet
- Maps
- Photos
- Farmhouse Community Heritage Park



LEGEND

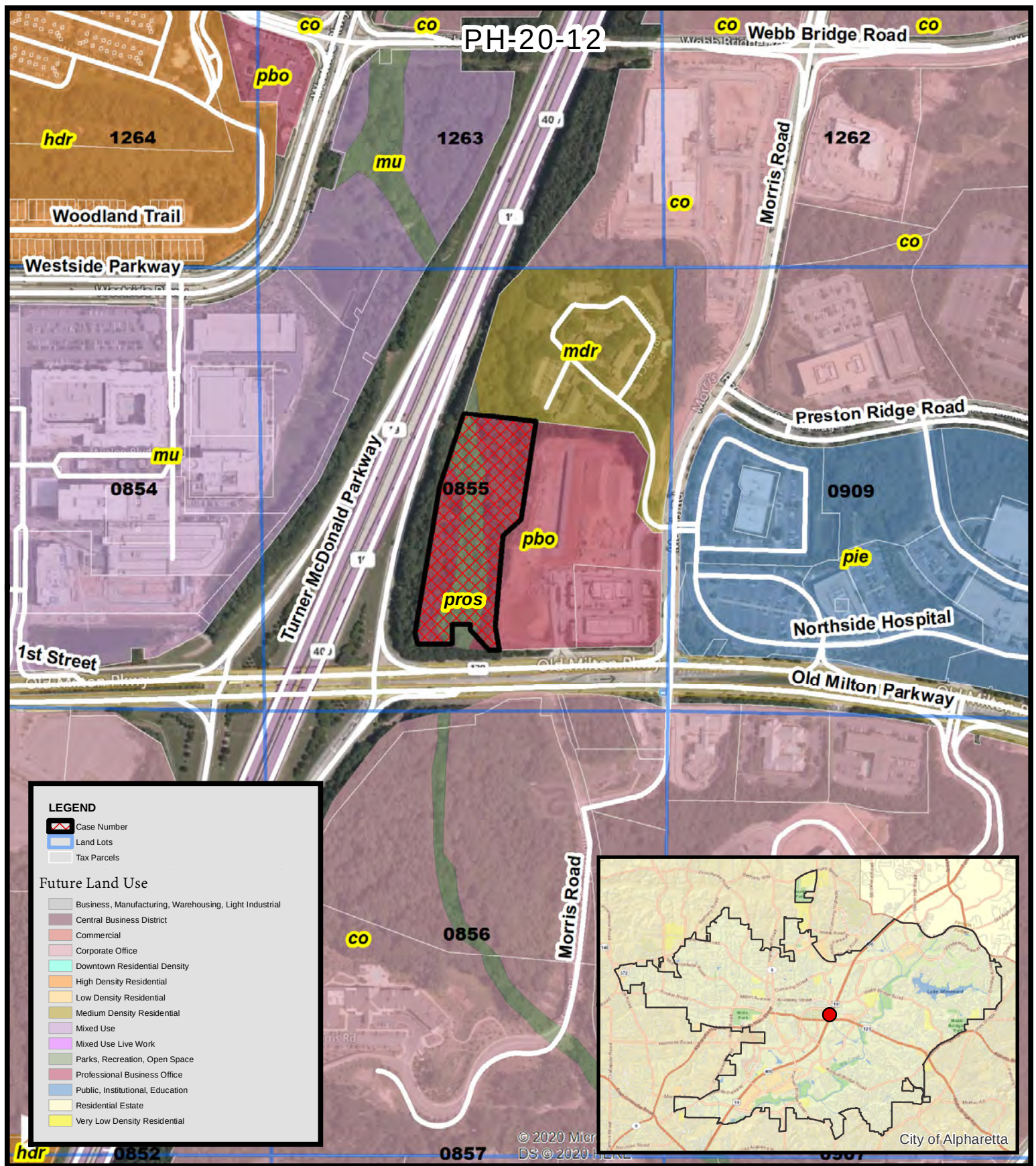
- Case Number
- Tax Parcels



Aerial Map Farmhouse Settlement Historic Designation

PH-20-12
D/LL: 1/2/855
HPC: 9/10/20
CC:11/02/20

Location Map Provided by:
Community Development - GIS

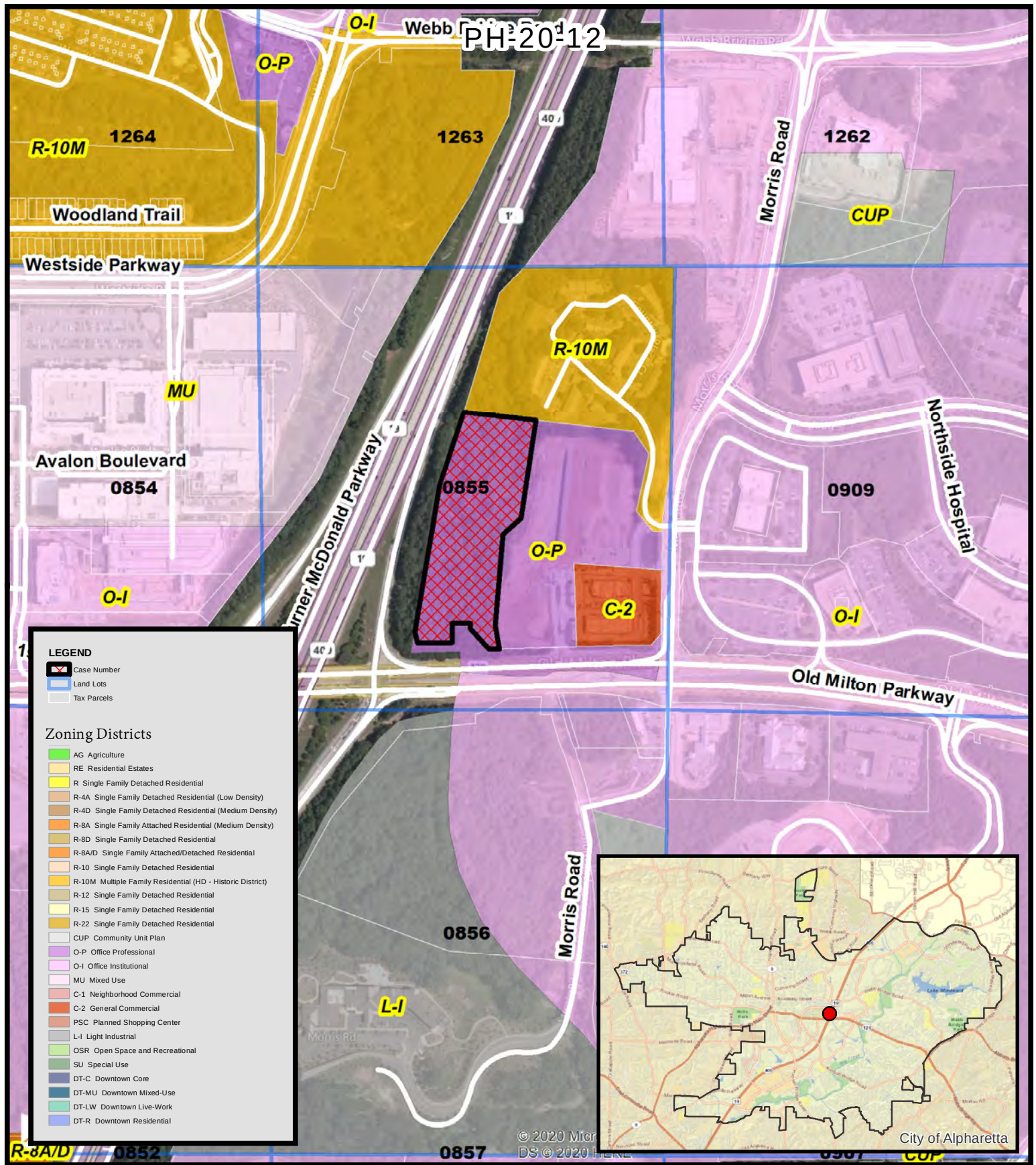


Future Land Use Farmhouse Settlement Historic Designation

PH-20-12
D/LL: 1/2/855
HPC: 9/10/20
CC: **11/02/20**

Location Map Provided by:
Community Development - GIS



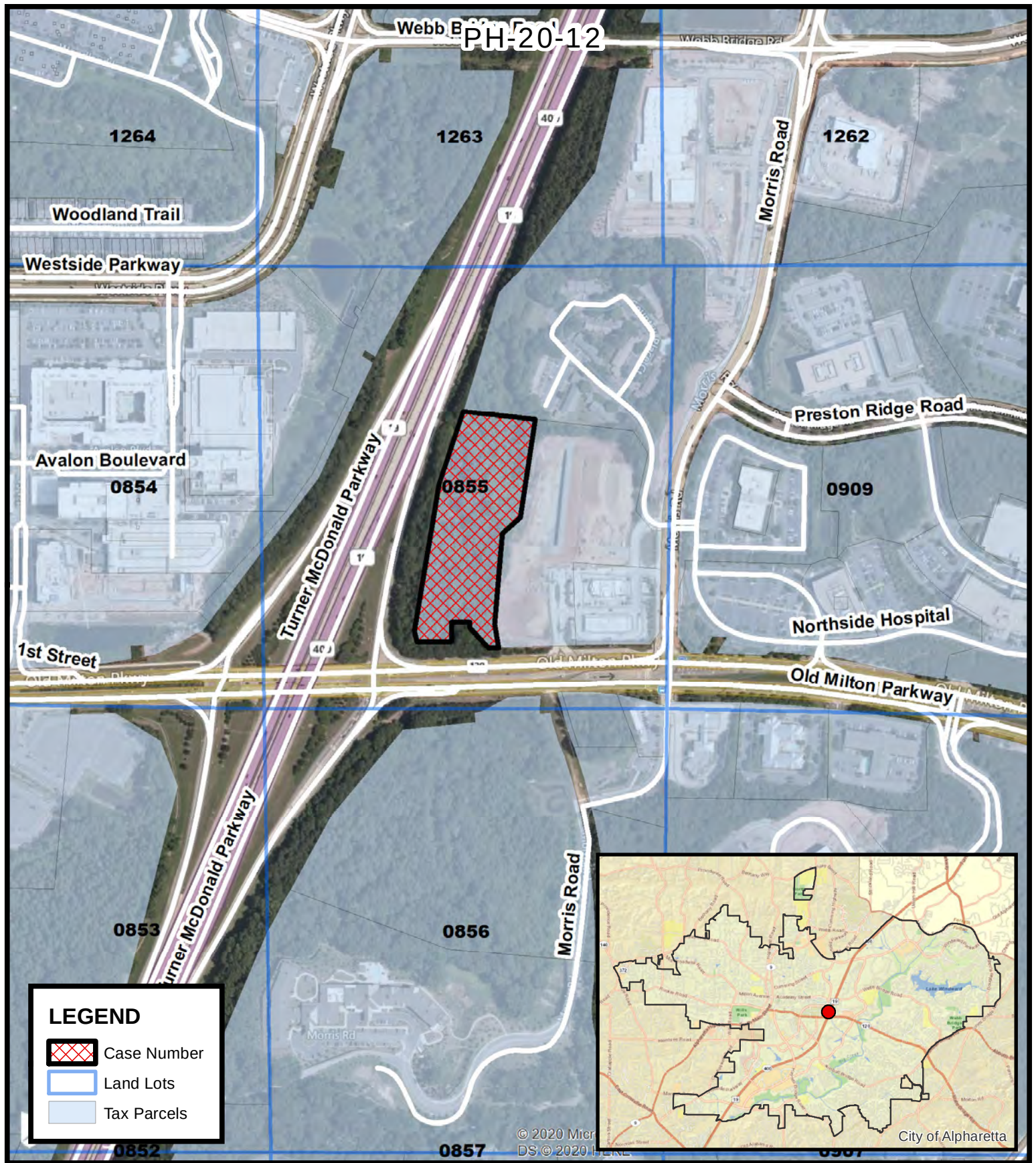


Zoning Map Farmhouse Settlement Historic Designation

PH-20-12
D/LL: 1/2/855
HPC: 9/10/20
CC: **11/02/20**

Location Map Provided by:
Community Development - GIS





Location Map Farmhouse Settlement Historic Designation

PH-20-12
D/LL: 1/2/855
HPC: 9/10/20
CC: **11/02/20**

Location Map Provided by:
Community Development - GIS

AN ORDINANCE TO AMEND SECTION 2.9 HISTORIC PRESERVATION INCENTIVE ZONING OF THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ALPHARETTA, GEORGIA; TO ADD 0 MORRIS ROAD TO APPENDIX A - HISTORIC RESOURCES INVENTORY- CONTRIBUTING HISTORIC BUILDINGS AND APPENDIX B – HISTORIC RESOURCES INVENTORY DESIGNATED HISTORIC BUILDINGS; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

WHEREAS, on or about May 21, 2001, the City of Alpharetta (the “City”) adopted a comprehensive zoning ordinance known and cited as the Unified Development Code of the City of Alpharetta, Georgia, which has subsequently been amended from time to time (the “Unified Development Code”); and

WHEREAS, the Mayor and Council of the City of Alpharetta (the “City Council” or “Council”) are charged with the protection of the public health, safety, and welfare of the citizens of the City of Alpharetta; and

WHEREAS, the Unified Development Code was designed to be amended from time to time when circumstances warrant that modifications be made in order to make said Codes more responsive to community needs; and

WHEREAS, the City Council finds that ordinances and regulations governing the uses of land and development of land within the City, as well as the City’s operations, should be continually improved from time to time and modified as necessary to better protect and promote the public health, safety and welfare of the residents and businesses of the City of Alpharetta; and

WHEREAS, the City Council desires to amend Article II of the Unified Development Code for the foregoing purposes; and

WHEREAS, the City Council finds that the following amendments to the Unified Development Code promote the health, safety, morals, convenience, order, prosperity and general welfare of the present and future inhabitants of the City of Alpharetta;

NOW THEREFORE, The Council of the City of Alpharetta hereby ordains, as follows:

Section 1: **Section 2.9 Historic Preservation Incentive Zoning** of the Unified Development Code is hereby amended to add 0 Morris Road to Appendix A Contributing Historic Resources Inventory and Appendix B- Historic Resources Inventory- Designated Historic Buildings.

Section 2: If any section, subsection, provisions, or clause of any part of this Ordinance shall be declared invalid or unconstitutional or, if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Ordinance not so held to be invalid, or the application of this Ordinance to other circumstances not so held to be invalid. It is hereby declared as the intent of the City Council that this Ordinance would have been adopted in its current form without the invalid or unconstitutional provision contained therein.

Section 3: This Ordinance shall be effective immediately upon its adoption by the City Council and the amendments made herein shall be incorporated into the Unified Development Code of the

City of Alpharetta, Georgia, as applicable. This Ordinance hereby repeals any and all conflicting ordinances and amendments.

SO ORDAINED this the _____ day of _____, 2020.

Approved:

Jim Gilvin, Mayor

Attest:

COUNCILMEMBERS

Erin Cobb, City Clerk
(Seal)

Approved as to Form:

C. Sam Thomas, City Attorney

EXHIBIT A

([Ord. No. 712](#), § 1(Exh. A), 9-8-2015; [Ord. No. 738](#), § 3(Exhs. A, B), 5-1-2017)

APPENDIX B - HISTORIC RESOURCES INVENTORY—DESIGNATED HISTORIC BUILDINGS

Address	Description	Property Owner
10 Cumming St.	R.D. Manning House	Properties of Duffy, LLC.
40 Cumming St.	Lewis Manning House	Taylor Morrison of Georgia, LLC.
1080 Rucker Rd.	Troy Rucker House	Millie R. Hogan
333 Milton Ave.	Farmhouse Cottage	Blaise Miller, One Ninety Three Residential Group, LLC.
0 Morris Road	Farmhouse Settlement	City of Alpharetta

([Ord. No. 764](#), §§ 1, 2, 9-4-2018; [Ord. No. 765](#), § 2, 9-4-2018; [Ord. No. 766](#), § 2, 9-4-2018; [Ord. No. 774](#), § 1(Exh. A), 4-22-2019)

CITY OF ALPHARETTA

Farmhouse Settlement Designation

PUBLIC HEARING APPLICATION

FOR OFFICE USE ONLY

Case #: **PH-20-12**

☐ 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: **Elle Taylor**

Telephone: **678-297-6074**

Address: **2 Park Plaza**

Suite: _____

City **Alpharetta**

State: **Ga**

Zip: **30009**

Fax: _____

Mobile Tel: _____

Email: **etaylor@alpharetta.ga.us**

Subject Property Information:

Address: **0 Morris Rd**

Current Zoning: _____

District: **1**

Section: **2**

Land Lot: **855**

Parcel ID: _____

Proposed Zoning: _____

Current Use: _____

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):*

Historic Designation

PROPERTY OWNER AUTHORIZATION

Property Owner Information:

Contact Name: **Bob Regus**

Telephone: _____

Address: **2 Park Plaza**

Suite: _____

City **Alpharetta**

State: **GA**

Zip: **30009**

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: **Mr. & Mrs. Regus**

Telephone: _____

Address: _____

Suite: _____

City: _____

State: _____

Zip: _____

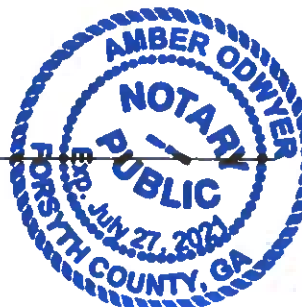
So Sworn and Attested:

Owner Signature: **Mr. & Mrs. Regus**

Date: **8/28/2020**

Notary:

Notary Signature: **Amber O'Dwyer**



Date: _____

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: N/A

Subject Public Hearing Case: _____

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: _____ Position: _____

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: _____

RH J. Ry

Date: _____

Criteria for Designation of a Historic Property

Must be an individual building, structure or parcel of land that meets the following criteria:

Is of historic, cultural, aesthetic or architectural significance to the City, the region, the State or nation ; or

Possesses historic integrity (in terms of its location, design, setting, materials, workmanship, feeling, and association) for all periods related to the significance of the property; and

Is deemed worthy of preservation (and the benefits available due to such status) by reason of value to the City, the region, the State, or the nation for one or more of the following reasons:

It is an outstanding example of a building representative of its era and over 75 years old;

The settlement at Farmhouse predates the founding of Old Milton County and the City of Alpharetta by at least 30 years.

It is one of the few remaining examples of a past architectural style or type and over 75 years old; or

Please see attached documents.

It is a place associated with an event or person(s) of historic or cultural significance to the City, the region, the State, or the nation and over 75 years old.

Please see attached documents.

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.

Farm House Community, Alpharetta, Georgia History Sheet

- The United States Coastal Survey Map shows early Cherokee County with a community named "FarmHo" (Farm House Community) in the extreme southeastern section of the county (lower right-hand corner).

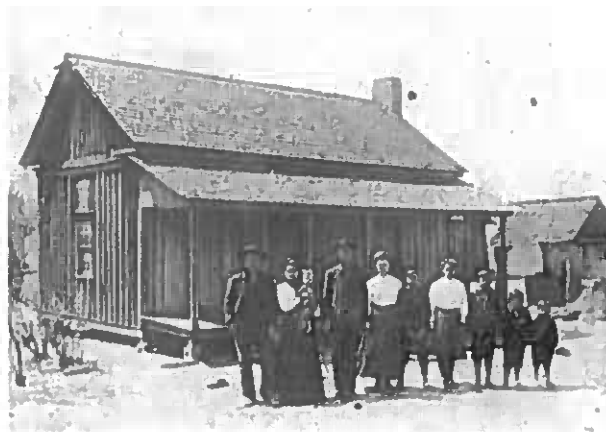


(Map Courtesy Carl Vinson Institute of Government, University of Georgia)

- According to our research, the settlement at Farmhouse predates the founding of Old Milton County and the City of Alpharetta by at least 30 years.
- The early settlers at Farmhouse were living in Indian Territory.
- Church records from the Big Creek Baptist Church which was located in the Farm House Community area indicate that the church was chartered in 1828, ten years before the infamous Trail of Tears when the Cherokee Indians were removed from the area.
- In the early 1830s a water mill operated on Martin Creek – now Teasley Branch - near what is now the northeast corner Ga 400 and Old Milton Parkway. Below is a rendering of what the structure may have looked like.



- A major road, for the time, ran beside the mill site through the narrow valley on the east side of Burnett Mountain (currently Preston Ridge). The road connected Lebanon, near what would become Roswell, and Suwanee then on to Lawrenceville.
- Farm House Community was located near an important trade route that ran from Lebanon Community, near Roswell, into Forsyth County. The Farm House Community's center was located west of the area later developed as Preston Ridge and approximately 1.7 miles east of the current Alpharetta City Hall.
- Earlier names for Preston Ridge peak were Townley's Mountain and Burnett's mountain.
- A home place was located near the dam, and near a fresh water spring for over 150 years. It is believed this was where Hiram Trammell's cabin sat. Trammel family history has it that Hiram built the dam and water mill. The dam created a four to six feet waterfall.
- By the early 1840s Hiram was deceased and Hiram Teasley had purchased the property.
- Farm House Community was a thriving commercial center between 1834-1858. At various times a gristmill, sawmill, cotton gin, post office and general store were in operation here.
- In 1853 the Farm House Community post office was established with Islam Teasley as postmaster.
- Gold was mined on Townley's Mountain and panned from nearby Teasley Branch. Teasley Branch heads in Alpharetta and flows into Big Creek.
- In 1858 the post office was moved to the new town of Alpharetta and Oliver P. Skelton became postmaster.
- In 1908, Clark and Ann James Burnett, with eight of their nine children, are photographed at the family home on Burnett's Mountain (currently Preston Ridge).



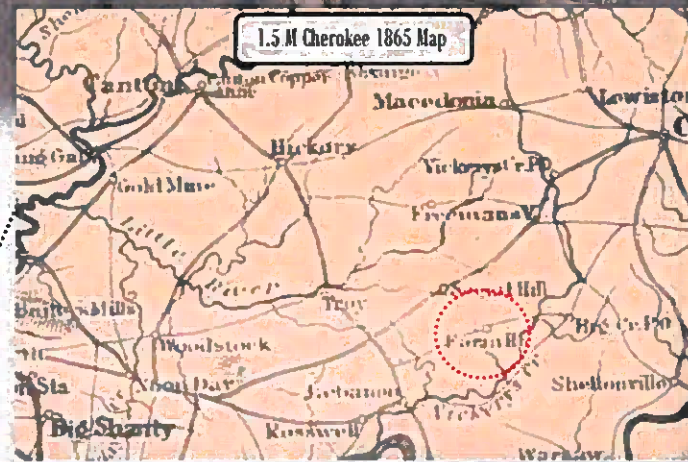
- The dam was in operation until the mid-1920s.
- This was a popular swimming place for the community. It was called "Slick Rock."
- In the 1950s , the United States Forestry Service constructed a fire watchtower here, from which observers could direct firefighters.
- The dam was intact as of 1980.
- As of 2009, only roughly one-half of the dam is visible.

*Historic Farm House
Community
Original Settlement of Alpharetta
(1828)*

Historic Trade Route
From Lebanon Community
(near Roswell) into Forsyth County

Historic Trade Route
From Lebanon Community
(near Roswell) into Forsyth County

Historic Trade Route
From Lebanon Community
(near Roswell) into Forsyth County





Alpharetta & Old Milton County Historical Society

1835 Old Milton Parkway, Alpharetta, GA 30009 - 770-475-4663 www.aomchs.org

May 7, 2018

Ms. Kim Zane
Cultural Services Manager
2 Park Plaza
Alpharetta, GA 30009

Dear Ms. Zane:

Thank you for contacting the Alpharetta and Old Milton County Historical Society about the historical significance of the Farmhouse Community. According to our research, the settlement at Farmhouse predates the founding of old Milton County and the City of Alpharetta by at least 30 years. In fact the early settlers at Farmhouse were living in Indian Territory. Church records from the Big Creek Baptist Church which was located in the Farmhouse area indicate that the church was chartered in 1828, ten years before the infamous Trail of Tears when the Cherokee Indians were removed from the area.

It is our intention to place an official historical markers at the Farmhouse site once that site is more easily accessible to the public. We understand that this site might one day become an Alpharetta City Park. We wholeheartedly endorse such a move and will gladly lend our expertise and research resources if they are needed.

Sincerely,

Pat Miller
President
The Alpharetta and Old Milton
County Historical Society

Deed Book 60945 Pg 32
Filed and Recorded Dec-19-2019 08:57am
2019-0402676
Real Estate Transfer Tax \$0.00
CATHELENE ROBINSON
Clerk of Superior Court
Fulton County, Georgia

LIMITED WARRANTY DEED

STATE OF GEORGIA
COUNTY OF FULTON

Parcel ID # 12 - 297008550375

THIS LIMITED WARRANTY DEED, made as of the 23rd day of October, 2019, by Triad-Newcastle, LLC a Georgia limited liability company ("Grantor"), in favor of the City of Alpharetta, Georgia, a municipality ("Grantee"), with a mailing address at 2 Park Plaza, Alpharetta, Georgia 30009, Attn: Robert J. Regus, City Administrator (the terms, Grantor and Grantee, to include their respective successors, legal representatives, and assigns where the context hereof requires or permits).

WITNESSETH:

That Grantor, for and in consideration of the sum of Ten Dollars and other good and valuable consideration, in hand paid at and before the sealing and delivery of these presents, the receipt, adequacy, and sufficiency of which being hereby acknowledged by Grantee, has granted, bargained, sold, and conveyed, and by these presents does hereby grant, bargain, sell and convey unto Grantee, all that tract or parcel of land lying and being in Land Lot 855 of the 1st Land District of Fulton County, Georgia, in the City of Alpharetta, being more particularly described in Exhibit A attached hereto and incorporated herein by reference, together with any and all rights, members, and appurtenances (hereinafter collectively referred to as the "Property").

TO HAVE AND TO HOLD the Property, together with all and singular the rights, members, easements and appurtenances thereof, to the same being, belonging or in anywise appertaining, to the only proper use, benefit and behoof of Grantee forever in fee simple.

Grantor will warrant and forever defend the right and title to the Property unto Grantee against the lawful claims of all persons claiming by, through or under Grantor, except as otherwise provided for herein.

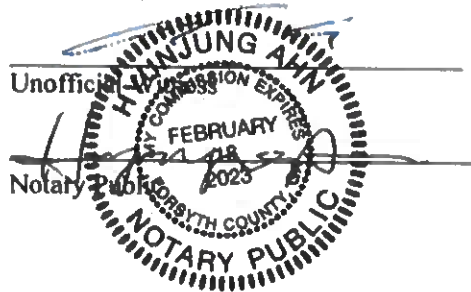
This deed and the warranty of title contained herein are made expressly subject to the Drainage Easement described below and the matters set forth on Exhibit B attached hereto and incorporated herein by reference.

Notwithstanding anything contained in this deed to the contrary, as additional consideration for the conveyance of the Property described herein, for the benefit of that certain tract or parcel of land owned by Grantor and located adjacent to the Property, which property is more particularly described on Exhibit C attached hereto and incorporated herein by reference (the "Grantor Property"), Grantor hereby reserves a perpetual, non-exclusive, easement over, under, upon and across the Property for the purpose of providing permanent drainage for storm water at all times emanating from Grantor's Property onto the Property,

whether via sheet flow or via such other stormwater handling system now or hereafter located on the Property, which shall be designed to properly handle the storm water drainage from Grantor's Property, including but not limited to any and all pipes, connections and other facilities connected thereto or installed in connection therewith, and for the repair, replacement and maintenance of same from time to time, which easement and all rights reserved by Grantor herein shall run with the Grantor Property and inure to the benefit of Grantor, and its successors and assigns.

IN WITNESS WHEREOF, Grantor has signed and sealed this deed, the day and year first above written.

Signed, Sealed and Delivered in the
Presence of:



Triad-Newcastle, LLC
a Georgia limited liability company

By: Packard Capital LLC, its manager

By:  (SEAL)
Alex J. Hertz, as Manager

EXHIBIT "A" TO WARRANTY DEED

Legal Description of Property

(Appears on following page)

TRIAD-NEWCASTLE, LLC
TRACT 2 LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 855 OF THE 1ST LAND DISTRICT OF FULTON COUNTY, GEORGIA, IN THE CITY OF ALPHARETTA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2 INCH REBAR WITH CAP STAMPED "WOLVERTON LSF 709" HAVING GEORGIA WEST STATE COORDINATE VALUES NORTHING(Y) 1480181.16, EASTING(X) 2265386.42, SAID REBAR BEING THE **POINT OF BEGINNING**.

THENCE FROM SAID **POINT OF BEGINNING**, SOUTH 88 DEGREES 02 MINUTES 57 SECONDS WEST A DISTANCE OF 35.00 FEET TO A RIGHT OF WAY MARKER FOUND; THENCE NORTH 41 DEGREES 41 MINUTES 48 SECONDS WEST A DISTANCE OF 95.73 FEET TO A RIGHT OF WAY MARKER FOUND; THENCE NORTH 00 DEGREES 38 MINUTES 28 SECONDS WEST A DISTANCE OF 16.41 FEET TO A RIGHT OF WAY MARKER FOUND; THENCE SOUTH 89 DEGREES 59 MINUTES 27 SECONDS WEST A DISTANCE OF 63.20 FEET TO A POINT; THENCE SOUTH 01 DEGREES 19 MINUTES 47 SECONDS EAST A DISTANCE OF 63.70 FEET TO A RIGHT OF WAY MARKER FOUND; THENCE SOUTH 88 DEGREES 59 MINUTES 36 SECONDS WEST A DISTANCE OF 119.58 FEET TO A POINT AT THE EASTERLY END OF A LINE FORMING A MITER OF THE RIGHT OF WAY LINE OF OLD MILTON PARKWAY (HAVING A VARIABLE RIGHT OF WAY) AND THE EASTERLY RIGHT OF WAY LINE OF GEORGIA HIGHWAY 400 (HAVING A VARIABLE RIGHT OF WAY); THENCE ALONG THE SAID RIGHT OF WAY LINE OF GEORGIA 400 NORTH 14 DEGREES 22 MINUTES 07 SECONDS WEST A DISTANCE OF 22.97 FEET TO A RIGHT OF WAY MARKER FOUND; THENCE NORTH 10 DEGREES 12 MINUTES 17 SECONDS EAST A DISTANCE OF 280.41 FEET TO A RIGHT OF WAY MARKER FOUND; THENCE NORTH 11 DEGREES 21 MINUTES 23 SECONDS EAST A DISTANCE OF 268.58 FEET TO A RIGHT OF WAY MARKER FOUND; THENCE NORTH 18 DEGREES 36 MINUTES 10 SECONDS EAST A DISTANCE OF 266.41 FEET TO A RIGHT OF WAY MARKER FOUND; THENCE LEAVING SAID RIGHT OF WAY LINE OF GEORGIA HIGHWAY 400 AND CONTINUING ALONG THE PROPERTY LINE COMMON TO NOW OR FORMERLY TRIAD-NEWCASTLE, LLC AND NOW OR FORMERLY COUNTRY PLACE CONDOMINIUM SOUTH 84 DEGREES 02 MINUTES 25 SECONDS EAST A DISTANCE OF 276.20 FEET TO A POINT; THENCE LEAVING SAID PROPERTY LINE SOUTH 05 DEGREES 59 MINUTES 55 SECONDS WEST A DISTANCE OF 364.66 FEET TO A POINT; THENCE SOUTH 57 DEGREES 10 MINUTES 07 SECONDS WEST A DISTANCE OF 94.44 FEET TO A POINT; THENCE SOUTH 10 DEGREES 46 MINUTES 24 SECONDS WEST A DISTANCE OF 328.22 FEET TO A POINT; THENCE SOUTH 01 DEGREE 57 MINUTES 03 SECONDS EAST A DISTANCE OF 70.00 FEET TO A POINT; SAID POINT BEING THE **POINT OF BEGINNING**.

SAID TRACT OR PARCEL CONTAINS 5.441 ACRES OR 237,012 SQUARE FEET AND IS SHOWN AS TRACT 2 ON A MINOR SUBDIVISION PLAT FOR ALPHARETTA MEDICAL CENTER PREPARED BY WOLVERTON DATED 01-11-2019 AND LAST REVISED ON 02-06-2019.

EXHIBIT "B" TO WARRANTY DEED

(Permitted Title Matters)

1. All taxes for the calendar year 2019 and subsequent years.
2. All easements, restrictions and matters of record, but excluding any liens or encumbrances
3. Matters that would be disclosed by a current accurate survey of the Property.
4. Zoning and land use controls

EXHIBIT "C" TO WARRANTY DEED

Legal Description of Grantor Property

(Appears on following page)

DEED
BOOK
60945
PAGE
97

TRIAD-NEWCASTLE, LLC
TRACT 1 LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 855 OF THE 1ST LAND DISTRICT OF FULTON COUNTY, GEORGIA, IN THE CITY OF ALPHARETTA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

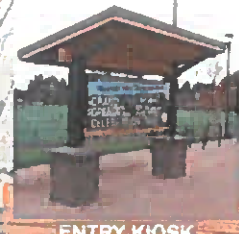
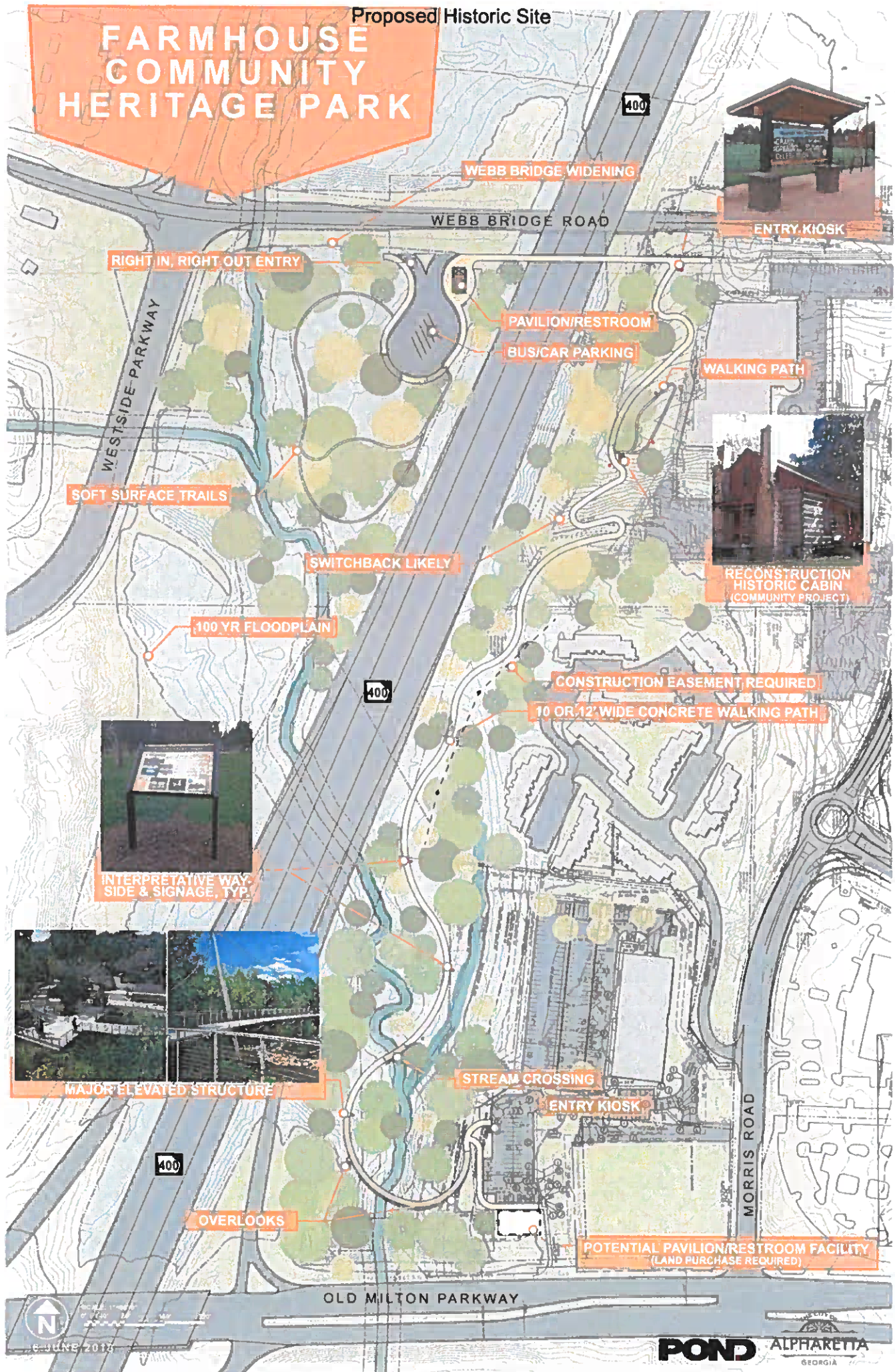
BEGINNING AT A 1/2 INCH REBAR WITH CAP STAMPED "WOLVERTON LSF 709" HAVING GEORGIA WEST STATE COORDINATE VALUES NORTHING(Y) 1480449.10, EASTING(X) 2265955.62, SAID REBAR BEING THE **POINT OF BEGINNING**.

THENCE FROM SAID **POINT OF BEGINNING**, LEAVING SAID RIGHT OF WAY LINE OF MORRIS ROAD AND CONTINUING ALONG THE PROPERTY LINE COMMON TO NOW OR FORMERLY TRIAD-NEWCASTLE, LLC AND NOW OR FORMERLY TALAL A. ASALI, ET AL. SOUTH 89 DEGREES 21 MINUTES 27 SECONDS WEST A DISTANCE OF 314.89 FEET TO A POINT; THENCE SOUTH 01 DEGREES 57 MINUTES 03 SECONDS EAST A DISTANCE OF 245.01 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF OLD MILTON PARKWAY (HAVING A VARIABLE RIGHT OF WAY); THENCE ALONG SAID RIGHT OF WAY LINE SOUTH 88 DEGREES 02 MINUTES 57 SECONDS WEST A DISTANCE OF 77.56 FEET TO A POINT; THENCE SOUTH 01 DEGREES 57 MINUTES 03 SECONDS EAST A DISTANCE OF 10.59 FEET TO A POINT; THENCE SOUTH 88 DEGREES 02 MINUTES 57 SECONDS WEST A DISTANCE OF 185.63 FEET TO A POINT; THENCE LEAVING SAID RIGHT OF WAY LINE NORTH 01 DEGREE 57 MINUTES 03 SECONDS WEST A DISTANCE OF 70.00 FEET TO A POINT; THENCE NORTH 10 DEGREES 46 MINUTES 24 SECONDS EAST A DISTANCE OF 328.22 FEET TO A POINT; THENCE NORTH 57 DEGREES 10 MINUTES 07 SECONDS EAST A DISTANCE OF 94.44 FEET TO A POINT; THENCE NORTH 05 DEGREES 59 MINUTES 55 SECONDS EAST A DISTANCE OF 364.66 FEET TO A POINT ON THE PROPERTY LINE COMMON TO NOW OR FORMERLY TRIAD-NEWCASTLE, LLC AND NOW OR FORMERLY COUNTRY PLACE CONDOMINIUM; THENCE ALONG SAID PROPERTY LINE SOUTH 84 DEGREES 02 MINUTES 25 SECONDS EAST A DISTANCE OF 276.30 FEET TO A 1/2 INCH REBAR FOUND; THENCE SOUTH 36 DEGREES 42 MINUTES 03 SECONDS EAST A DISTANCE OF 91.37 FEET TO A 1/2 INCH REBAR FOUND; THENCE SOUTH 04 DEGREES 55 MINUTES 22 SECONDS WEST A DISTANCE OF 206.13 FEET TO A 1/2 INCH REBAR FOUND; THENCE SOUTH 33 DEGREES 17 MINUTES 32 SECONDS EAST A DISTANCE OF 99.97 FEET TO A 1/2 INCH REBAR FOUND; THENCE NORTH 88 DEGREES 13 MINUTES 29 SECONDS EAST A DISTANCE OF 30.22 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF MORRIS ROAD (HAVING A 60 FOOT RIGHT OF WAY); THENCE ALONG SAID RIGHT OF WAY SOUTH 01 DEGREE 33 MINUTES 20 SECONDS WEST A DISTANCE OF 148.43 FEET TO A POINT; SAID POINT BEING THE **POINT OF BEGINNING**.

SAID TRACT OR PARCEL CONTAINS 6.202 ACRES OR 270,173 SQUARE FEET AND IS SHOWN AS TRACT 1 ON A MINOR SUBDIVISION PLAT FOR ALPHARETTA MEDICAL CENTER PREPARED BY WOLVERTON DATED 01-11-2019 AND LAST REVISED ON 02-06-2019.

FARMHOUSE COMMUNITY HERITAGE PARK

Proposed Historic Site



16 JUNE 2017

POND

ALPHARETTA
GEORGIA

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: PH-20-12 Farmhouse Settlement Designation

Contact Name: Elle Taylor Telephone: 6782976074

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.

By phone or email.

City of Alpharetta
Community Development Department

August 12, 2020

Dear Property Owner:

You are hereby notified of the following Public Hearing Item.

PH-20-12 Farmhouse Settlement Designation

Consideration of a request for designation of historic property. The property is located at 0 Morris road at the northeast corner of Georgia 400 and Old Milton Parkway and is legally described as being located in Land Lot 855, 1st District, 2nd Section, Fulton County, Georgia.

Historic Preservation Commission: Thursday, September 10, 2020

Place: Alpharetta City Hall Council Chambers, 2 Park Plaza
Time: 3:00 p.m.

City Council: Monday, September 28, 2020

Place: Alpharetta City Hall Council Chambers, 2 Park Plaza
Time: 6:30 p.m.

****As matters for public hearing may be deferred or withdrawn, you are advised to contact the Community Development Department (Ext. 6074) within two working days of the scheduled meeting for confirmation that the hearing will take place.**

Very truly yours,

Michael Woodman
Senior Planner
mwoodman@alpharetta.ga.us

ABED MOHAMMED A TRUSTEE ET AL
11500 OLIVE BLVD SUITE 188
SAINT LOUIS MO 63141-7147

ANNAMALAI SIVA RAJASEKARAN &
SIVARAJASEKARAN VIJAYASRI
2845 STONEHEDGE CT
CUMMING GA 30041

ARCHER JEFFREY D
10 COUNTRY PLACE CT
ALPHARETTA GA 30005-4410

BAYINDIR NERIMAN A
2195 WESTWIND DR
ROSWELL GA 30075

BETSY H MALONE REVOCABLE LIVING TRUST THE
13 COUNTRY PLACE CT
ALPHARETTA GA 30005

BLAKE MARVIN S & CHRISTINE P
36 COUNTRY PLACE CT
ALPHARETTA GA 30005

BURTON VIOLA P & STEVEN A
50 COUNTRY PLACE CT
ALPHARETTA GA 30005-4411

CAIN DOROTHY P
7 COUNTRY PLACE CT
ALPHARETTA GA 30005-4410

CONNER ERIC
31 COUNTRY PLACE CT
ALPHARETTA GA 30005

CP60 MANAGEMENT LLC
2495 NORTHWOOD DR
ALPHARETTA GA 30004

CRESCENT HOLDINGS LLC
2176 MALDEN HILL DR
BUFORD GA 30519-6814

DAIGLE DEXTER & DAIGLE TRACY EMROE
2016 SHARON RD
CUMMING GA 30041

DANIELS KATHLEEN L & DIANA LYNN
57 COUNTRY PLACE CT
ALPHARETTA GA 30005

DAPAT EDMUND R
305 KNOLL RIDGE CT
ALPHARETTA GA 30022-5039

DEVELOPMENT AUTHORITY OF FULTON COUNTY
2200 AVALON BLVD
ALPHARETTA GA 30009

DEVELOPMENT AUTHORITY OF FULTON
COUNTY
8000 AVALON BLVD
ALPHARETTA GA 30009

DEVELOPMENT AUTHORITY OF FULTON COUNTY
3350 RIVERWOOD PKWY SUITE 1590
ATLANTA GA 30339

DEWEESE AVIS D
9660 BROWNS BRIDGE DR
GAINESVILLE GA 30506

DLB PROPERTIES II LLC
P O BOX 3206
ALPHARETTA GA 30023

DUKE AT WEBB BRIDGE LLC
4828 ASHFORD DUNWOODY RD SUITE 400
ATLANTA GA 30338

EMERT THOMAS & WENDY
20 COUNTRY PLACE CT
ALPHARETTA GA 30005

EMROE BARBARA & DAUNA A
514 PLYMOUTH LN
ALPHARETTA GA 30009

EMROE BARBARA A
514 PLYMOUTH LN
ALPHARETTA GA 30004-1745

FANAIAN EVAZ
4560 BURGESS HILL LN
ALPHARETTA GA 30022

FITTON PATRICK & KILBY EMILY MEGAN
63 COUNTRY PLACE CT
ALPHARETTA GA 30005-4411

GIBBS TABITHA E
67 COUNTRYPLACE CT
ALPHARETTA GA 30005

HARNER CHARLES W HARNER LETTIA
131 WILLS LN
ALPHARETTA GA 30004

JNP INVESTMENT HOLDINGS LLC
793 N MAIN ST
ALPHARETTA GA 30005

JORDAN JARED T & MATOVIC BIJANA
4010 WALNUT CREEK TRI.
ALPHARETTA GA 30005

JORDAN JOE D
64 COUNTRY PLACE CT
ALPHARETTA GA 30005-4411

KALEY KEVIN P & LYNN A
1564 TEMPLE JOHNSON RD
LOGANVILLE GA 30052

KEASLER JOYCE E
100 PFARNER RD
DAHLONEGA GA 30533

KHAN MUHAMMAD FAROOQ AZAM & QURESHI
LUBNA MAITAB
54 COUNTRY PLACE CT
ALPHARETTA GA 30005

KUKKADAPU VEENA & KUKKADAPU
SRINIVAS
1010 ROCKBASS RD
SUWANEE GA 30024

KUSS KATHRYN E
72 COUNTRY PLACE CT
ALPHARETTA GA 30005-4412

LETSON BREN W
25 COUNTRY PLACE CT
ALPHARETTA GA 30005-4410

LIM KIONG WAK
1926 NORTHBROOKE LN
DUNWOODY GA 30338

LIND KEVIN GEORGE
43 COUNTRY PLACE CT
ALPHARETTA GA 30005

LITTLE STEPHEN J
68 COUNTRY PLACE CT
ALPHARETTA GA 30005

LITTLE THOMAS M LITTLE TYRA
4960 TIMBERBRIDGE LN
ALPHARETTA GA 30022

LTCG INVESTMENTS LLC
3585 ROXBORO RD NE UNIT 1
ATLANTA GA 30326

MELADZE KHATOUNA & TCHANTOURIA GEORGE
26 COUNTRY PLACE CT
ALPHARETTA GA 30005

MIKTER LLC
120 FOX COVE CT
ALPHARETTA GA 30022

MILLS CHRISTIAN N
53 COUNTRY PLACE CT
ALPHARETTA GA 30004

MONROE KENT & CATHY
4177 N ARNOLD MILL RD
WOODSTOCK GA 30188

MONROE MICHAEL K & CATHERINE D
4177 N ARNOLD MILL RD
WOODSTOCK GA 30188

MUGLIA TRUST THE
6655 DRESSAGE XING
CUMMING GA 30040-7032

PIPER FUND HOLDING LLC
800 NICOLLET MALL SUITE 1000
MINNEAPOLIS MN 55402

RAMESHKUMAR SELVARAJ LEE SOO SEE
70 COUNTRY PLACE CT
ALPHARETTA GA 30005

RYAN MARY E
62 COUNTRY PLACE CT
ALPHARETTA GA 30005

SAMPATHKUMAR KANDASWAMY & SAMPATHKUMAR
KUMUDHALAKSHMI
4634 BRIAR HILL CV
DULUTH GA 30096

SAMPATHKUMAR KANDASWAMY &
SAMPATHKUMAR KUMUDHALAKSHMI
39 COUNTRY PLACE CT
ALPHARETTA GA 30005

SANCHEZ LORENA GUTIERREZ
4636 PINE ST
SMYRNA GA 30080

SANIC MARIANA
17 COUNTRY PLACE CT
ALPHARETTA GA 30005

SHAW NANCY L
845 STONE HAVEN LN
ALPHARETTA GA 30005

SHAW NANCY LEE
845 STONEHAVEN LANE
ALPHARETTA GA 30005

SHKEDI SAGI
1750 BROADWELL OAKS DR
ALPHARETTA GA 30004

SIMPKINS SHEILA M & DAVID C
120 WEATHERLY WAY
ALPHARETTA GA 30004

SJOHOLM LEE R
14 COUNTRY PLACE CT
ALPHARETTA GA 30005-4410

SODERSTROM BJORN R
22 COUNTRY PL
ALPHARETTA GA 30005

SOLASKI JOSEPH B
30 COUNTRY PLACE CT
ALPHARETTA GA 30022

SON DONG CHUL
2487 SHENLEY PARK CT
DULUTH GA 30097-4411

SON HYE RAN
2487 SHENLEY PARK CT
DULUTH GA 30097

STENSLAND THOR M
35 COUNTRY PLACE CT
ALPHARETTA GA 30005-4411

TCHANTOURIA GUEORGUI
4855 HAYDENS WALK DR
ALPHARETTA GA 30022

TIERNEY WILLIAM RAYMOND
71 COUNTRY PLACE CT
ALPHARETTA GA 30005-4412

TONG THIEN TONG THU THUY
5580 CANNONERO DR
ALPHARETTA GA 30005

TRIAD NEWCASTLE LLC
100 CHURCH ST SUITE 100
HUNTSVILLE AL 35801

UDDIN HABEEB
20 ALCIA WAY
ALPHARETTA GA 30004

VELDEN JACK VANDER
4178 RIDGE RD
BUTFORD GA 30519

VND LLC
5445 PEACHTREE DUNWOODY RD
ATLANTA GA 30342

WAFFLE HOUSE INC
P O BOX 6450
NORCROSS GA 30091-6450

WATTS W DAVID & LYNN S
775 STURGES WAY
ALPHARETTA GA 30022

WILLIAMS KATHRYN P
1621 KINGLET LN
MARIETTA GA 30062-2852

YEH KAY
6311 CLEARVIEW CT
ALPHARETTA GA 30005

YEMINI NETHANIEL & ZIPORA
1750 BROADWELL OAKS DR
ALPHARETTA GA 30004

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: PH-20-12 Farmhouse Settlement Designation

Contact Name: Elle Taylor Telephone: 6782976074

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.

No correspondence was received.

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: _____

Print Form















City Council Meeting STAFF REPORT

Submitting Department: Public Works

Submitted By:

Sponsored By:

Meeting Date: November 16, 2020

I. AGENDA ITEM TITLE: GA 400 EXPRESS LANE IGA WITH GDOT

II. RECOMMENDATION:

Please approve the IGA with the Georgia Department of Transportation for Improvements to Kimball Bridge Road, Webb Bridge Road, and Tradewinds at SR 499 Express Lanes, in an amount totaling \$4.84M for the cost associated with the bridge aesthetics, and authorize the Mayor to execute all necessary documents.

III. BUDGET IMPLICATIONS:

BUDGETED ITEM: YES

FISCAL IMPACT: YES

INCLUDED IN CURRENT FY CPTL BUDGET: YES

INCLUDED IN CURRENT FY OPRT.
BUDGET: NO

TOTAL PROJECT COST: \$4,840,000.00 - FUNDED
THROUGH TSPLOST PROCEEDS.

APPROPRIATIONS:

ACCOUNT TITLE/NUMBER	DOLLAR AMOUNT
33541100-541410-C2054 (TSPLOST)	\$4,840,000.00

EXTERNAL FUNDING SOURCES:

ACCOUNT TITLE/NUMBER	DOLLAR AMOUNT
-	\$0.00

IV. REPORT IN BRIEF:

The Georgia Department of Transportation (GDOT) has started their procurement process for construction of the GA 400 Express Lanes (EL) project from the North Springs MARTA Station to north of McFarland Road. Over the past several months the City has been working with Kimley Horn on the aesthetic elements of the three Bridges over GA 400, Kimball Bridge, Webb Bridge, and Tradewinds. Additionally, the City and GDOT have been working together regarding the construction cost associated with the aesthetic treatments.

The GA-400 EL project is a Design Build Finance Maintain (DBFM) project and GDOT's process for this type of project is for GDOT and the local Agency to execute an Intergovernmental Agreement (IGA) acknowledging and agreeing to the basic scope of work and the associated cost between the local and GDOT. Regarding this specific project, GDOT and the City are agreeing the City will be funding the aesthetic elements of the three bridges as per the designs previously approved by Mayor and Council. Additionally, GDOT is agreeing to widen both Webb Bridge (WBR) and Kimball Bridge Road (KBR) bridges from 2 lanes to 4 lanes. The Tradewinds Bridge will have a lane in each direction as well as turning lanes as one approaches the entrance lanes to the Express Lanes. All three bridges will have sidewalks on both sides of the bridges. Outside of the funds the City will provide to GDOT for the aesthetic treatments of the bridges, the City is also agreeing to the maintenance responsibilities of landscape and maintenance of the aesthetic elements of the bridges.

The bridge aesthetics comes to a total cost of \$4,840,000.00. Per the attached IGA, the City will fund its contribution through 7 equal annual payments, starting no later than May 30, 2021. Though GDOT marked up the section regarding the City reviewing and approving the aesthetic submittals, GDOT states in exhibit B, the design/build/maintain developer is responsible for developing mock-ups for review and approval. The City's consultant reviewed the IGA and is comfortable with the verbiage and notes in the various exhibits the

City will receive a quality product equal to Encore aesthetics.

GDOT has shortlisted 3 design/build/maintain teams for the project. Execution of the IGA will enable GDOT to add this information to the RFP. The tentative schedule for the project is as follows: Final RFP will be issued on 2/2/2021; RFP's are due 4/13/2021; Tentative award date in summer 2021; Start of construction is anticipated to start no later than the first quarter of 2022.

V. ALTERNATIVES:

VI. ATTACHMENTS:

Design Standards_Revised_11_02_2020 (1), GA 400 EL IGA

GA 400 BRIDGE IMPROVEMENTS

DESIGN GUIDELINES

SHEET NO.	DESCRIPTION
2	PROJECT OVERVIEW
3-5	CONCEPT DESIGN: KIMBALL BRIDGE ROAD
3	BRIDGE AXONOMETRIC VIEW
4	BRIDGE PLAN AND ELEVATION
5	BRIDGE SECTION: BB VIEW
6-8	CONCEPT DESIGN: WEBB BRIDGE ROAD
6	BRIDGE AXONOMETRIC VIEW
7	BRIDGE PLAN AND ELEVATION
8	BRIDGE SECTION: BB VIEW
9-12	CONCEPT DESIGN: TRADEWINDS PARKWAY
9	BRIDGE AXONOMETRIC VIEW
10	BRIDGE PLAN VIEW
11	BRIDGE ELEVATION VIEW
12	BRIDGE SECTION: BB VIEW
13-15	GENERAL GUIDELINES
13	STONE FORMLINER
13	PAINT PALETTE
14	CONSTRUCTION MOCKUPS
14	CONCRETE PAVERS AND PAVING PATTERNS
15	LIGHTING SELECTION OVERVIEW
15	SIGNAGE

SHEET NO.	DESCRIPTION
16-30	STANDARD DETAILS
16	BRIDGE BENTS AND COLUMNS
17-20	WALLS AND BRIDGE ABUTMENTS
21	BRIDGE PYLONS AND COLUMNS
22	FORMLINER WALLS
23-25	VERTICAL BRIDGE FENCING
26	WALL RAILINGS
27-28	BRIDGE AND PEDESTRIAN LIGHTING
29-30	CONCRETE PAVERS AND PAVING PATTERNS

PROJECT PARTNERS



Member of the SNC-Lavalin Group

PROJECT OVERVIEW

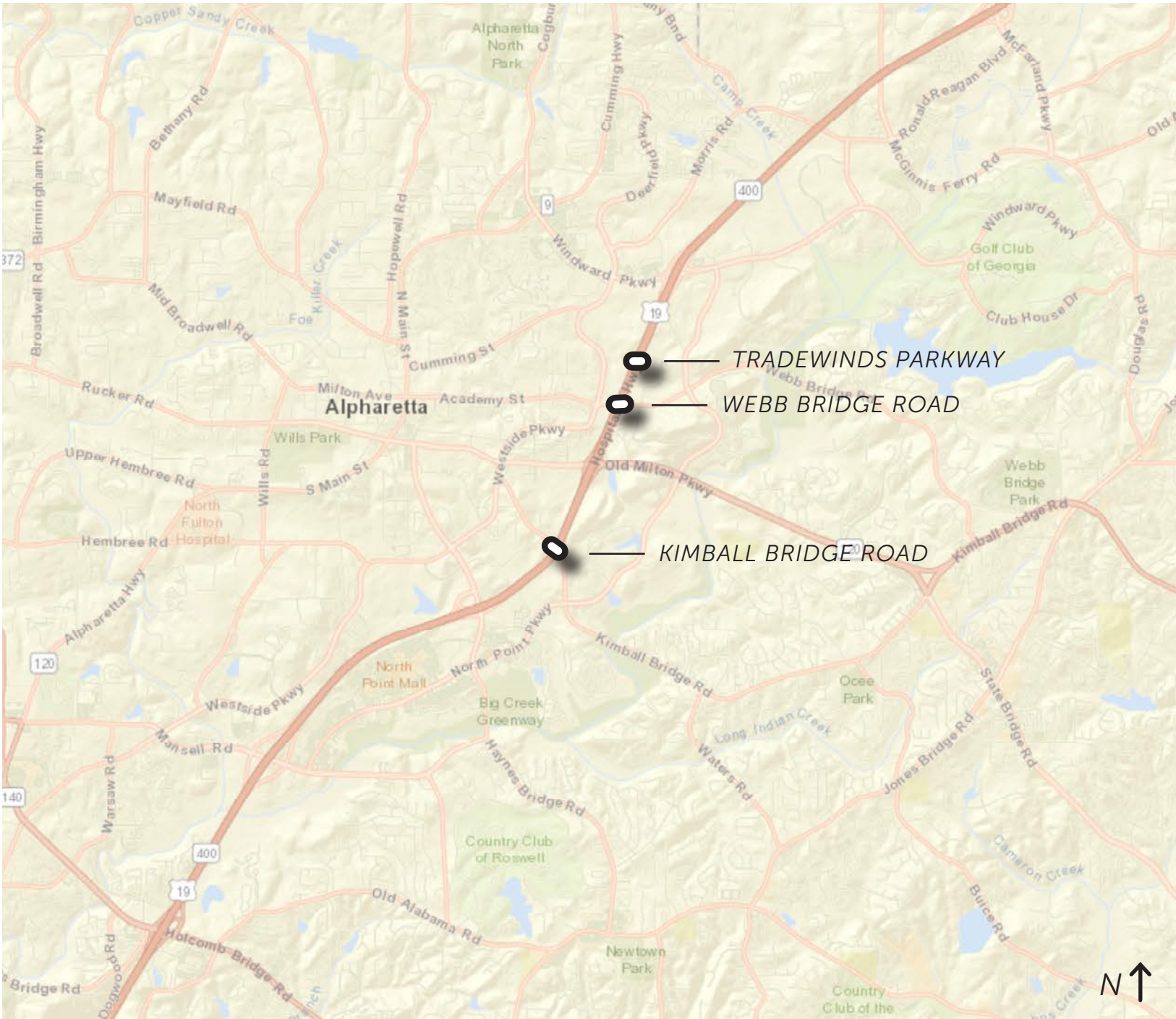
OVERVIEW NOTES:

THE GA 400 BRIDGE IMPROVEMENTS DESIGN GUIDELINES INTEGRATE CONTEXT SENSITIVE DESIGN DECISIONS AND STRATEGIES THAT ESTABLISH CORRIDOR DESIGN ELEMENTS AND RELATIONSHIPS THAT RESPECT AND ENHANCE FUNCTIONAL, AESTHETIC, CULTURAL, AND ENVIRONMENTAL SYSTEMS.

THE GA 400 BRIDGE IMPROVEMENTS DESIGN GUIDELINES OFFER DESIGN GUIDANCE TO CREATE AN OVERALL CORRIDOR OF DESIGN CONTINUITY WHILE MAINTAINING INDIVIDUAL LOCALIZED IDENTITY. THE GUIDELINES REFLECT AN EMPHASIS ON VISUAL QUALITY AND DESIGN FLEXIBILITY. ADHERENCE TO THESE GUIDELINES IS INTENDED TO CREATE A UNIQUE AND WELL-DESIGNED CORRIDOR AND TO PROVIDE RESPONSIBLE, COST-EFFECTIVE DESIGN DIRECTION.

FINAL DESIGNER IS RESPONSIBLE FOR ALL FEDERAL, STATE AND LOCAL COMPLIANCE ISSUES AND SITE APPLICABILITY. FINAL MATERIALS, DETAILS AND LOCATIONS OF ELEMENTS SHOWN AS PART OF THIS DOCUMENT ARE SUBJECT TO DECISIONS MADE DURING PREPARATION OF FINAL PLANS AND SPECIFICATION.

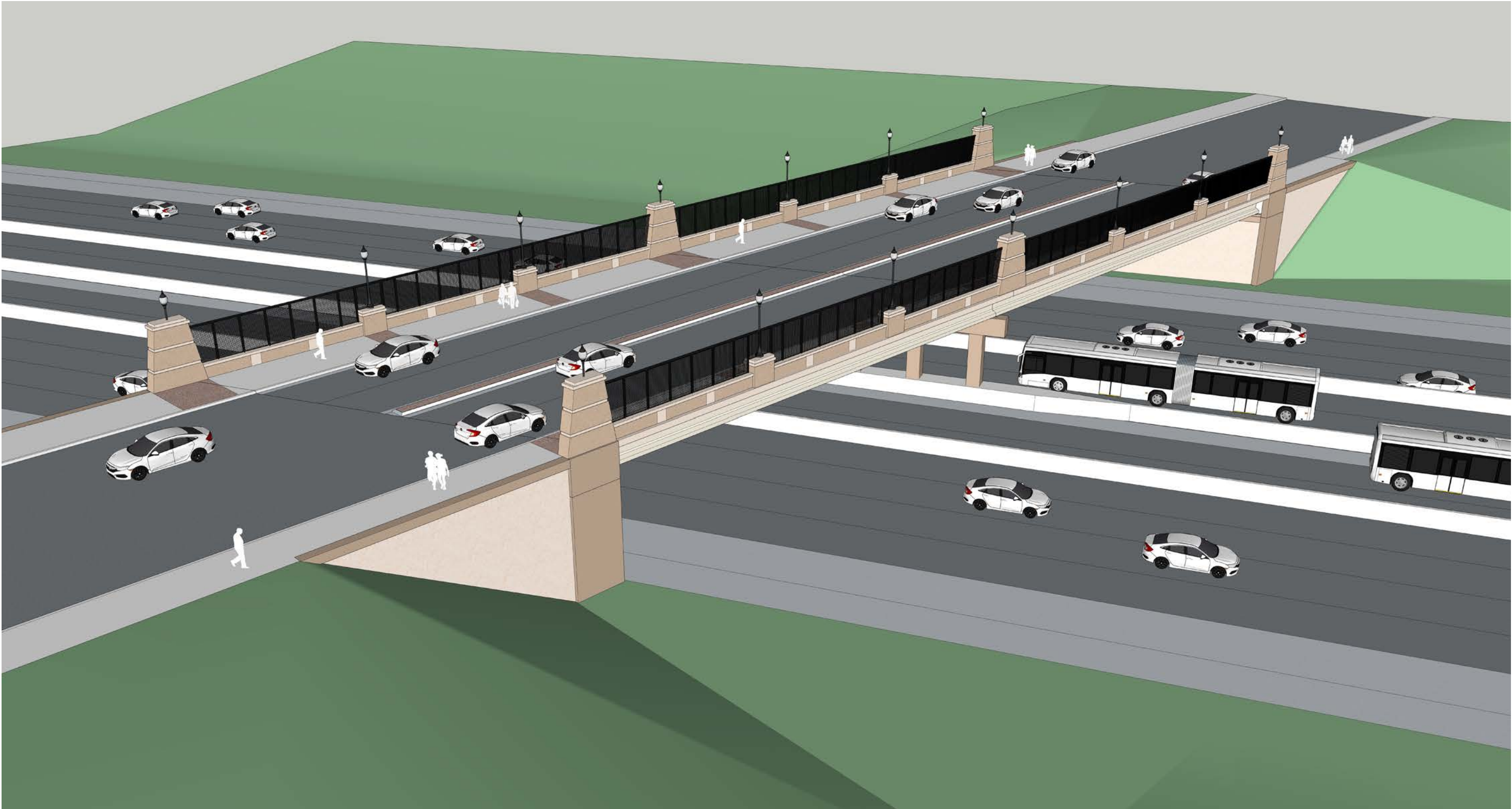
LOCATION MAP:



PROJECT PARTNERS

CONCEPT DESIGN: KIMBALL BRIDGE ROAD

BRIDGE AXONOMETRIC VIEW

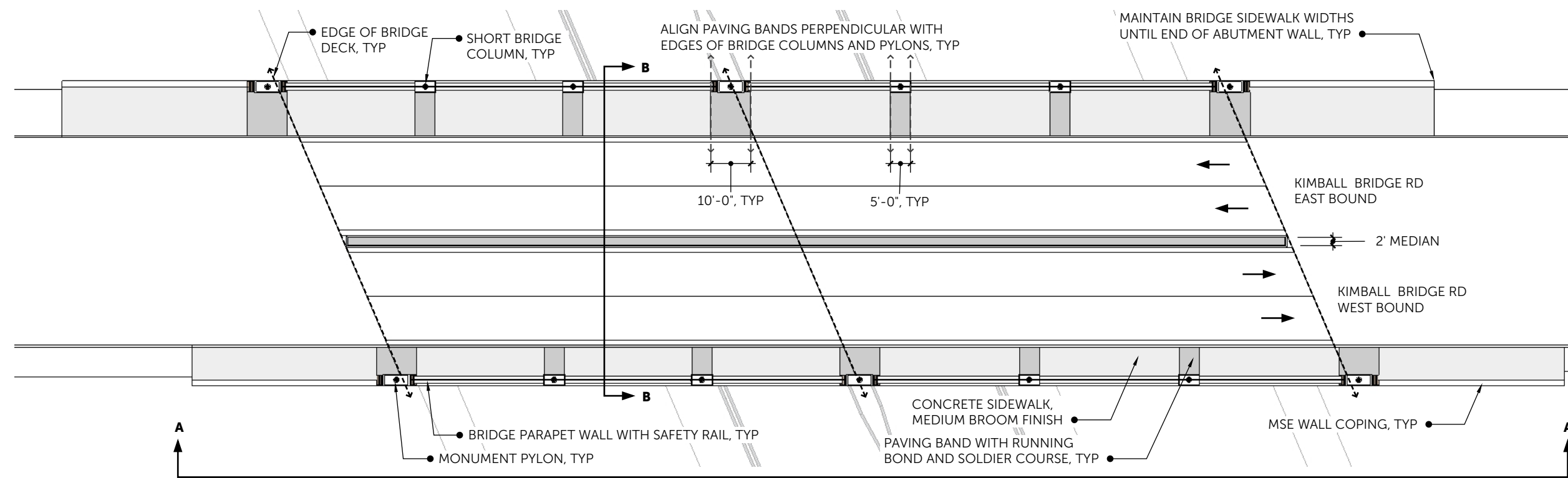


PROJECT PARTNERS

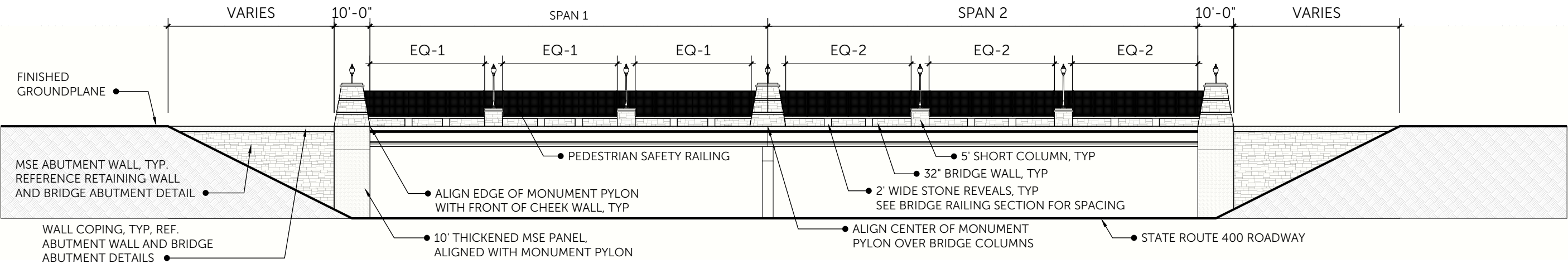


CONCEPT DESIGN: KIMBALL BRIDGE ROAD

BRIDGE PLAN AND ELEVATION



KIMBALL BRIDGE PLAN VIEW
Scale: 1" : 30'



KIMBALL BRIDGE: ELEVATION AA
Scale: 1" : 30'

PROJECT PARTNERS



BRIDGE SECTION: BB VIEW



CONCEPT DESIGN: WEBB BRIDGE ROAD

BRIDGE AXONOMETRIC VIEW

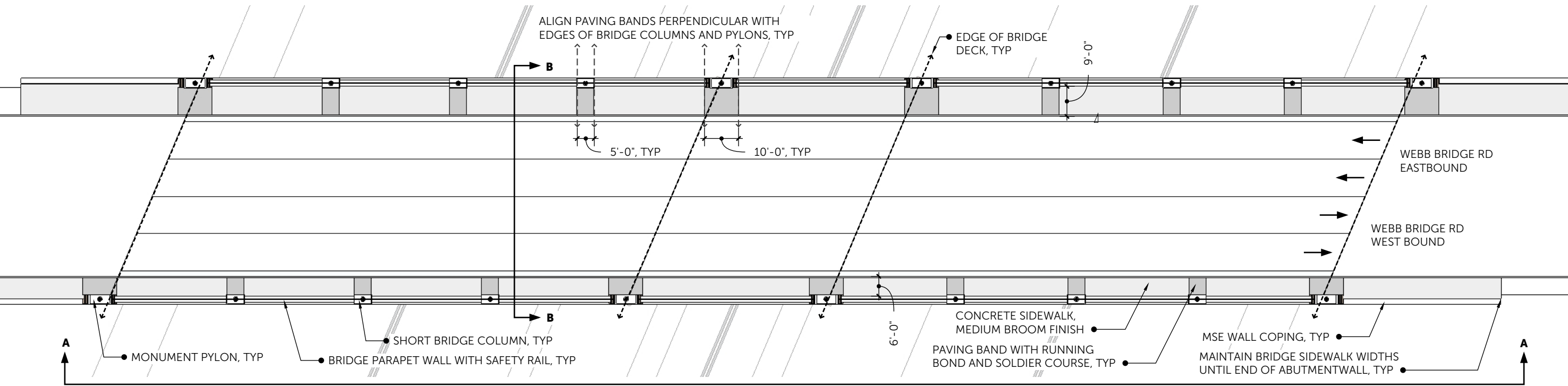


PROJECT PARTNERS

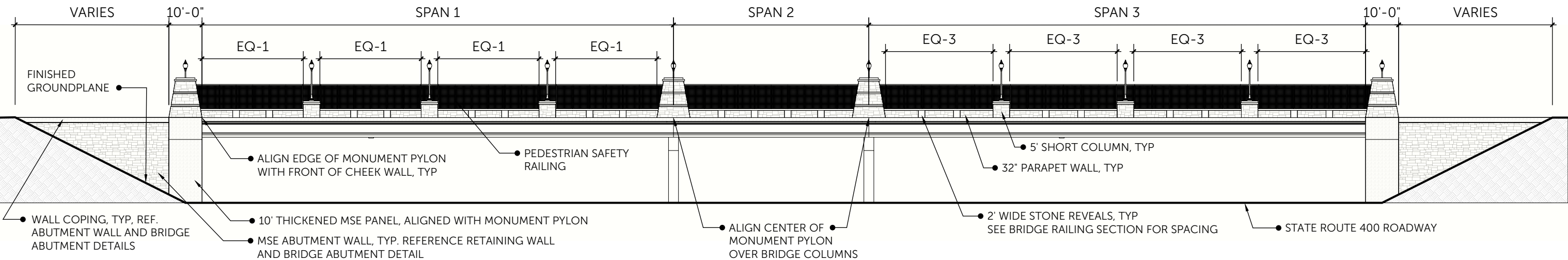


CONCEPT DESIGN: WEBB BRIDGE ROAD

BRIDGE PLAN AND ELEVATION



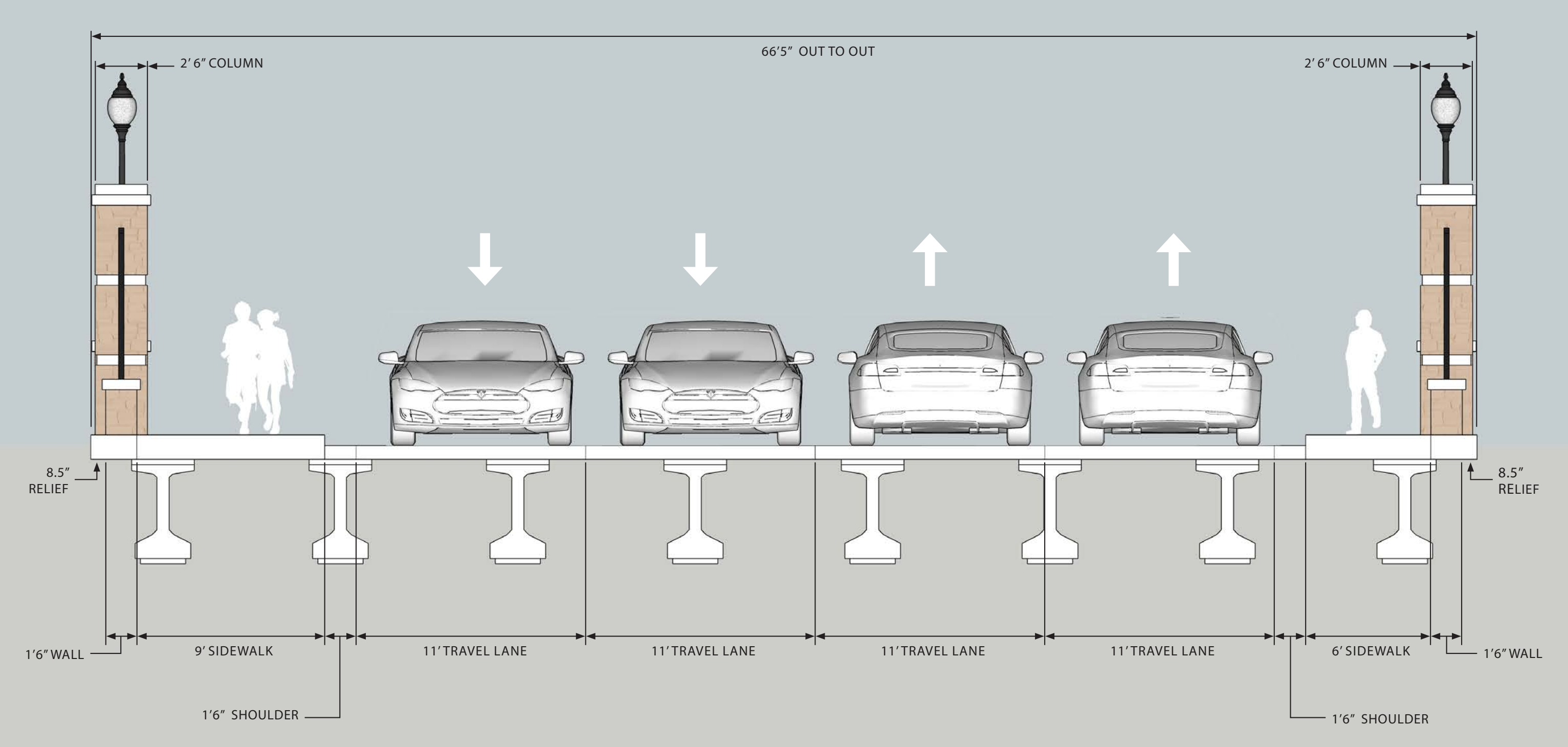
WEBB BRIDGE PLAN VIEW
Scale: 1" : 30'



WEBB BRIDGE: ELEVATION AA
Scale: 1" : 30'

CONCEPT DESIGN: WEBB BRIDGE ROAD

BRIDGE SECTION: BB VIEW



PROJECT PARTNERS



CONCEPT DESIGN: TRADEWINDS PARKWAY

BRIDGE AXONOMETRIC VIEW

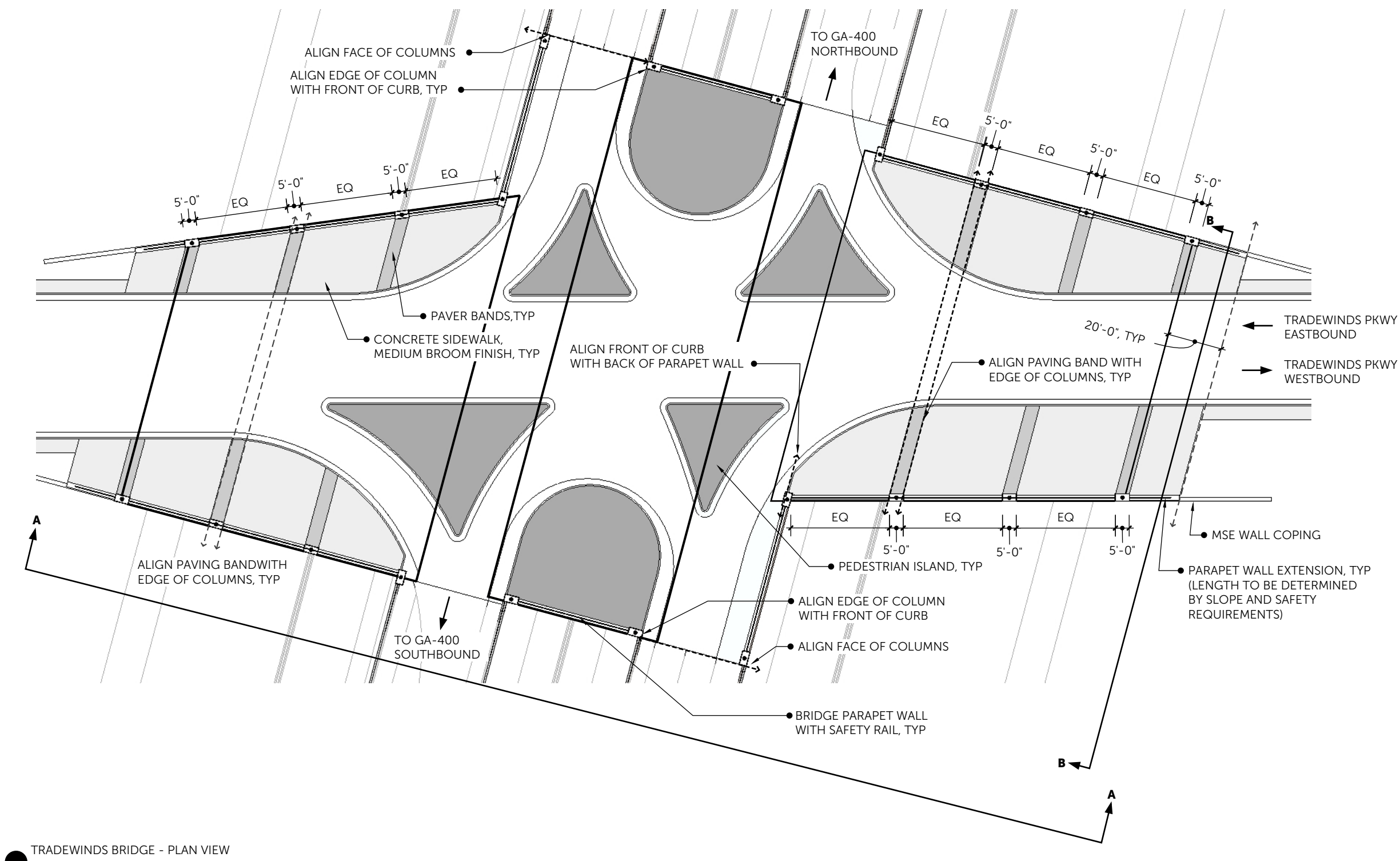


PROJECT PARTNERS



CONCEPT DESIGN: TRADEWINDS PARKWAY

BRIDGE PLAN VIEW



TRADEWINDS BRIDGE - PLAN VIEW

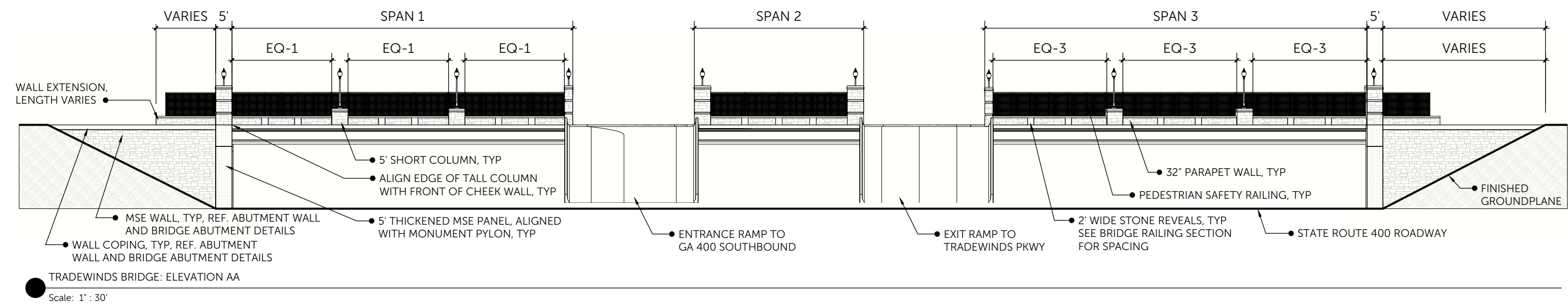
Scale: 1" = 40'

PROJECT PARTNERS



CONCEPT DESIGN: TRADEWINDS PARKWAY

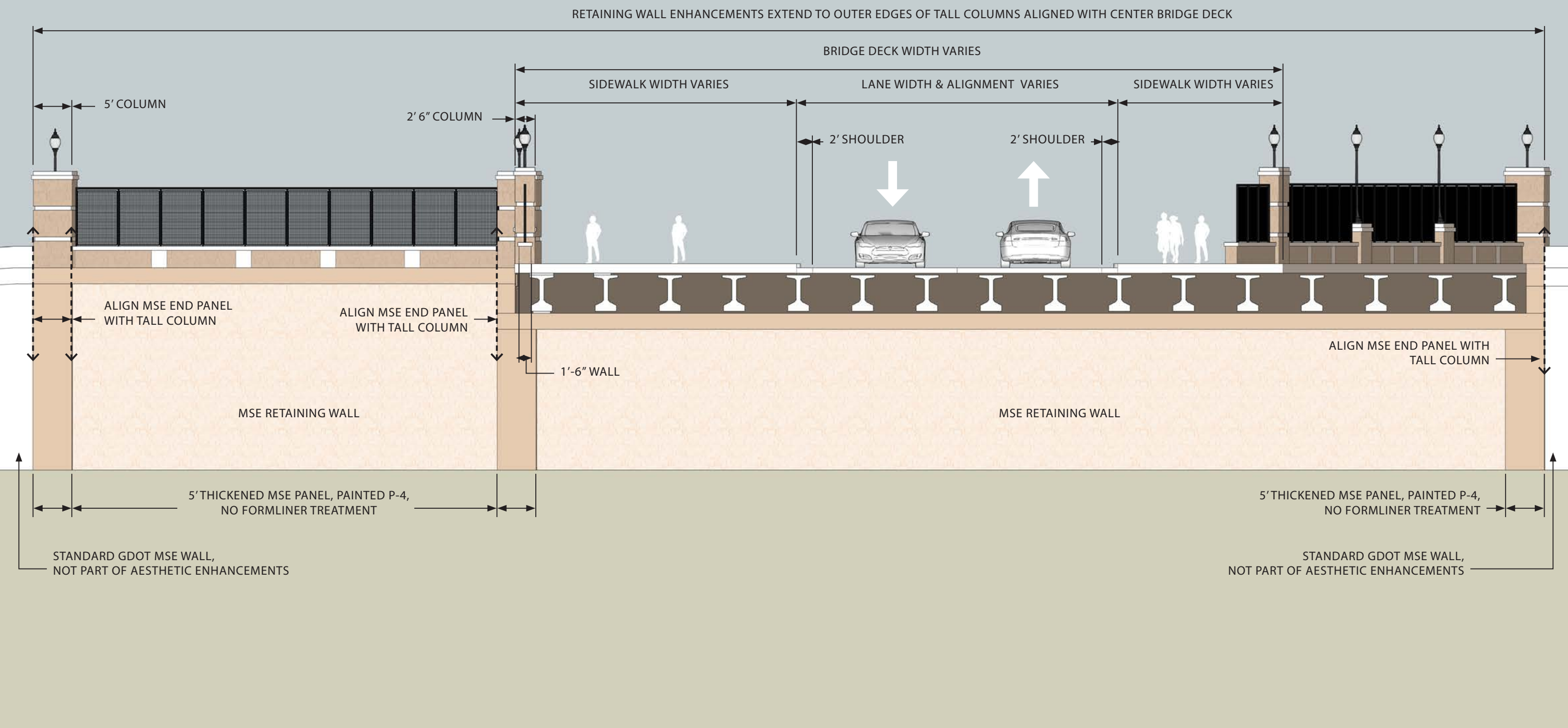
BRIDGE ELEVATION VIEW



PROJECT PARTNERS

CONCEPT DESIGN: TRADEWINDS PARKWAY

BRIDGE SECTION: BB VIEW



PROJECT PARTNERS

GENERAL GUIDELINES

THE FOLLOWING DETAILS ARE APPLICABLE TO ALL BRIDGES AND ARE FOUNDATIONAL ELEMENTS THAT PROVIDE AESTHETIC CONSISTENCY.

STONE FORMLINER

COLUMNS, PYLONS, PARAPET WALLS, RETAINING WALL PANELS, AND WALLS ON BRIDGE SURFACE SHALL BE CAST WITH FORMLINERS, EACH ELEMENT MATCHING THE OTHERS AS CLOSELY AS POSSIBLE.

BRIDGES SHALL RECEIVE A SIMILAR OR EQUAL APPROVED ALTERNATE FORMLINER PATTERN AS APPLIED ON ENCORE PARKWAY BRIDGE:

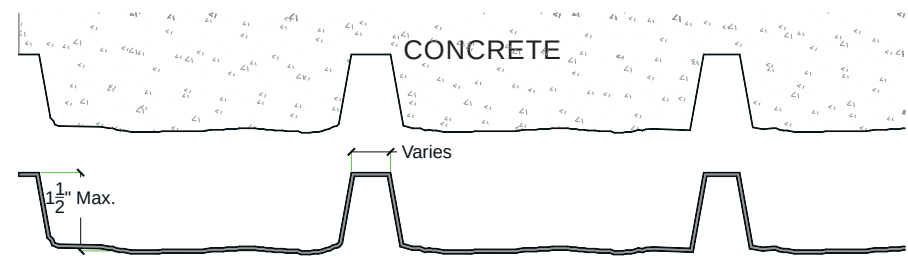
SIKA GREENSTREAK
DRystack RANDOM STONE
PATTERN NO. 328

OR

CUSTOM ROCK FORMLINER
TRAVIS DRystack
PATTERN NO. 2208

MINIMUM REVEAL DEPTH TO BE 1.5".

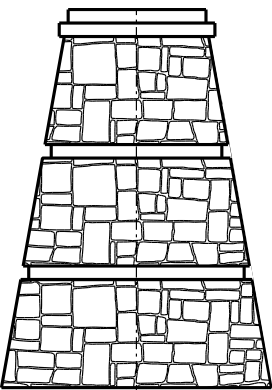
FORMLINER SHALL BE HAND PAINTED FOR ELEMENTS ON BRIDGE SURFACE, INCLUDING PYLONS AND COLUMNS, PARAPET WALLS, AND FREESTANDING WALLS. ELEMENTS BELOW THE BRIDGE DECK RECIEVING FORMLINER, INCLUDING RETAINING WALLS AND UNDERBRIDGE ELEMENTS, DO NOT REQUIRE HAND PAINTING.



REVEAL DEPTH ILLUSTRATION.



THE ABOVE IS A CONCEPTUAL STONE LAYOUT. ACTUAL STONE LAYOUT MAY BE DIFFERENT.



STONE FORMLINER APPLICATION ON PYLON ELEMENT.

PAINT PALETTE



P-1
SHERWIN WILLIAMS ARCHITECTURAL
CUSTOM MANUAL MATCH
WATER BASED STAIN
HVC 116 GECKLE BEIGE

CCE x COLORANT	OZ	32	64	128
G2 - NEW GREEN	-	-	1	1
L1 - BLUE	-	2	-	-
R2 - MAROON	-	5	1	1
B1 - BLACK	-	8	-	-
Y3 - DEEP GOLD	-	41	-	-
W1 - WHITE	2	32	-	-



P-2
SHERWIN WILLIAMS ARCHITECTURAL
CUSTOM MANUAL MATCH
WATER BASED STAIN
HVC 7 DESERT SAND

CCE x COLORANT	OZ	32	64	128
G2 - NEW GREEN	-	12	1	-
B1 - BLACK	-	15	-	-
R2 - MAROON	-	35	-	1
W1 - WHITE	-	44	1	-
Y3 - DEEP GOLD	4	29	-	1



P-3
SHERWIN WILLIAMS ARCHITECTURAL
CUSTOM MANUAL MATCH
WATER BASED STAIN
HVC 6 BLUFFSTONE

CCE x COLORANT	OZ	32	64	128
R2 - MAROON	-	4	1	-
B1 - BLACK	-	19	-	-
W1 - WHITE	2	48	-	-
Y3 - DEEP GOLD	6	-	-	-



P-4
SHERWIN WILLIAMS ARCHITECTURAL
CUSTOM MANUAL MATCH
WATER BASED STAIN
HVC 103 MUDSTONE

CCE x COLORANT	OZ	32	64	128
R2 - MAROON	-	18	-	-
W1 - WHITE	-	38	-	-
Y3 - DEEP GOLD	-	45	-	-
B1 - BLACK	2	27	-	-



P-5
SHERWIN WILLIAMS ARCHITECTURAL
CUSTOM MANUAL MATCH
WATER BASED STAIN
LITE TERRA BROWN MATCH

CCE x COLORANT	OZ	32	64	128
W1 - WHITE	-	20	1	-
B1 - BLACK	-	38	-	-
R2 - MAROON	-	17	1	1
Y3 - DEEP GOLD	2	4	-	-



HP-1
CUSTOM HAND PAINTED FINISH
TREATMENT REQUIRES APPLICATION
OF BASE COLORS (P-1 P-3, P-5)
IN A RANDOM PATTERN WITH
SUBSEQUENT FINISH LAYERS (P-
2, P-4, AND P-6) TO ACHIEVE THE
DESIRED FINISH CONSISTENT WITH
ENCORE PARKWAY

NOTES:
SINGLE COLOR AND MULTI-COLOR HAND PAINTED
ELEMENTS SHALL UTILIZE THE PALETTE DETAILED
ABOVE. IN THE CASE OF HAND-PAINTING,
MOCKUP EXERCISES WILL BE REQUIRED TO
ENSURE AESTHETIC CONTINUITY WITH ENCORE
PARKWAY.

GENERAL GUIDELINES

THE FOLLOWING DETAILS ARE APPLICABLE TO ALL BRIDGES AND ARE FOUNDATIONAL ELEMENTS THAT PROVIDE AESTHETIC CONSISTENCY.

CONSTRUCTION MOCKUPS

PAINT TREATMENT MOCKUPS WILL BE NECESSARY TO ENSURE AESTHETIC CONTINUITY. PYLONS, COLUMNS, PARAPET WALLS, AND FREESTANDING WALLS ON BRIDGE SURFACE TO BE CAST WITH FORMLINERS SHALL ALL RECEIVE A HAND-PAINTED FINISH. MOCKUPS ENSURE THE DESIRED EFFECT IS ACHIEVED BY THE FINISH TREATMENT AS WELL AS ENSURING EACH ELEMENT MATCHES THE OTHERS AS CLOSELY AS POSSIBLE AND FITS INTO THE OVERALL URBAN DESIGN AESTHETIC WITHIN THE CITY OF ALPHARETTA AND NORTH FULTON DISTRICT.



ENCORE PARKWAY BRIDGE WALL MOCKUP PHOTOS

CONCRETE, CONCRETE PAVERS, AND PAVING PATTERNS

CONCRETE SIDEWALK AREAS TO RECIEVE MEDIUM BROOM FINISH

CONCRETE PAVER STRIPS AND PAVER PATTERNS SHALL BE APPLIED IN MEDIANS AND IN PEDESTRIAN ZONES, INCLUDING SIDEWALKS, ISLANDS, AND PLAZA SPACES, AS SPECIFIED IN PAVING PLANS ON SHEETS 29-30.

NEW BRIDGES SHALL RECEIVE EQUAL OR A SIMILAR APPROVED ALTERNATE CONCRETE PAVER PRODUCT AS APPLIED ON ENCORE PARKWAY BRIDGE: PAVESTONE HERITAGE SERIES MOCHA BLEND.

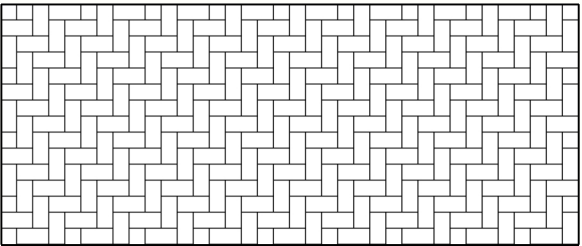


MOCHA BLEND HERITAGE™
PAVESTONE HERITAGE
SERIES: MOCHA BLEND

LAYOUT AND TOTAL SQUARE FOOTAGE OF EACH PAVING PATTERN TYPE MAY VARY BY BRIDGE. SEE PAVING PLANS ON SHEETS 32-33 FOR MORE DETAIL ON PAVING PATTERN LOCATIONS FOR EACH BRIDGE. PAVING PATTERNS ARE INTENDED TO MATCH THOSE INSTALLED ON ENCORE PARKWAY BRIDGE AS CLOSELY AS POSSIBLE. PATTERN APPLICATIONS ARE ILLUSTRATED BELOW,

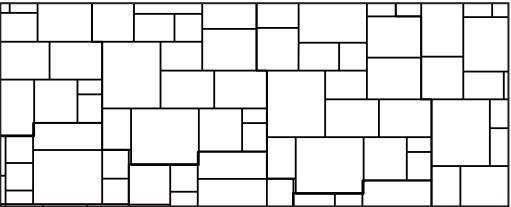
PATTERN APPLICATIONS

CP-1
MEDIANS



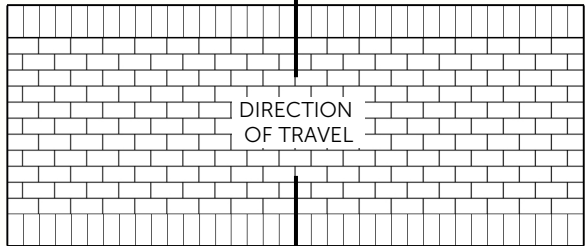
HERRINGBONE PATTERN - CONCRETE
PAVER

CP-3
ISLANDS AND PLAZA SPACES



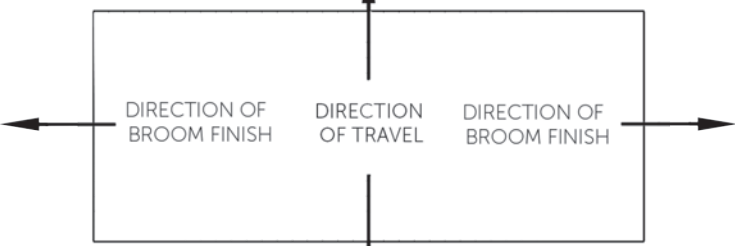
RANDOM PATTERN - CONCRETE
PAVER

CP-2
SIDEWALK AND MULTI-USE PATH



RUNNER BOND WITH SOLDIER
COURSE BANDING AT EDGE OF EACH
APPLICATION - CONCRETE PAVER

C-1
CONCRETE PAVING WITH BROOM FINISH



BROOM FINISH TO BE PERPENDICULAR TO
DIRECTION OF TRAVEL

GENERAL GUIDELINES

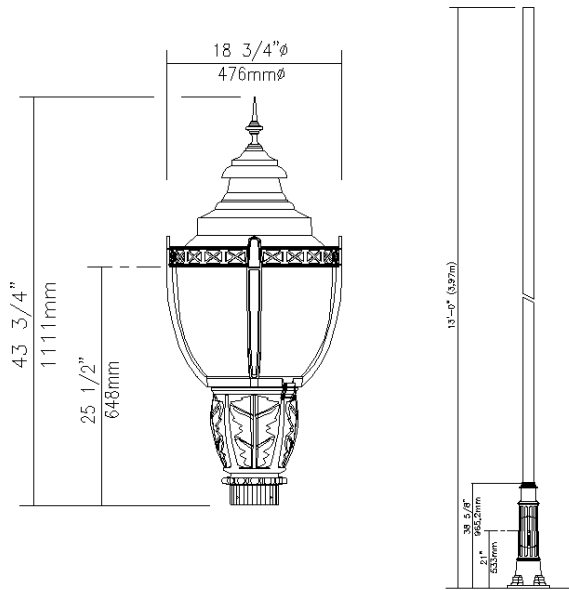
THE FOLLOWING DETAILS ARE APPLICABLE TO ALL BRIDGES AND ARE FOUNDATIONAL ELEMENTS THAT PROVIDE AESTHETIC CONSISTENCY.

LIGHTING SELECTION OVERVIEW

THE FOLLOWING TYPES OF LIGHTING SHALL BE INCORPORATED INTO EACH BRIDGE DESIGN. LIGHTING LAYOUT PLANS ARE INCLUDED PER BRIDGE IN THE STANDARD DETAIL COMPONENTS SECTION IN THIS PACKAGE ON SHEETS 30-31.

L-1 LUMINAIRES WITH POLES

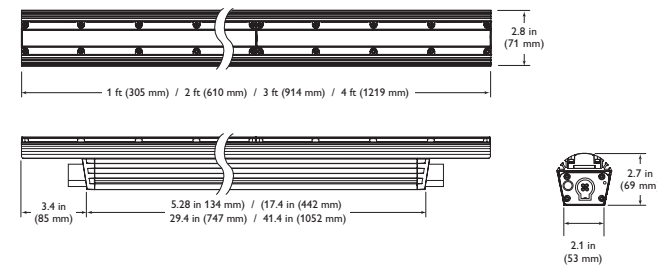
AT TOP OF PYLONS, SHORT, AND TALL COLUMNS



PHILIPS LUMEC
DECORATIVE FINIAL WITH SOLID COLOR DOME TOP
COLORLESS GLOBE WITH LED LAMP
ALUMINUM ROUND FLUTED POLE AND BASE
OR APPROVED EQUAL

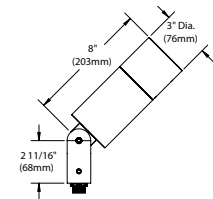
L-3 AND L-4 AESTHETIC FAÇADE LED LUMINAIRES

L-3: 2' AT EACH COLUMN, PYLON, AND ON CITY SEAL
L-4: 4' BENEATH BRIDGE ALONG FACE OF WALL



L-2 FLOODLIGHT

AT PYLONS



B-K LIGHTING
DENALI FIXTURE WITH POWER
CANOPY SYSTEM
90 DEGREE CAP STYLE
OR APPROVED EQUAL BY GDOT
(ONLY IF MODEL FIXTURE IS
DOSCONTINUED AND CANNOT BE
ACQUIRED)

PHILIPS COLOR KINETICS
eW GRAZE QLX POWERCORE
OR APPROVED EQUAL BY GDOT
(ONLY IF MODEL FIXTURE IS
DOSCONTINUED AND CANNOT BE
ACQUIRED)

2' AND 4' LENGTHS DEPENDING
ON LOCATION

SIGNAGE

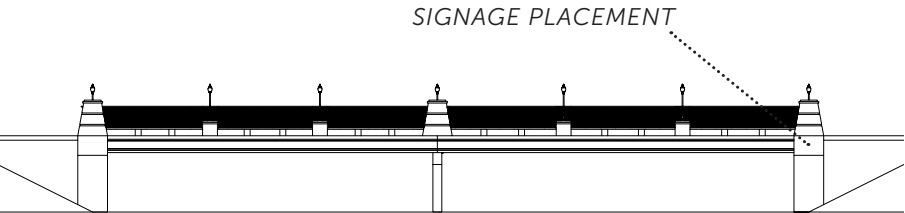
THE CITY OF ALPHARETTA LOGO SHALL BE AFFIXED TO CHEEK WALL SQUARE BENEATH PYLON COLUMN ON BOTH NORTH AND SOUTH BRIDGE ELEVATIONS, EITHER ON THE EAST OR WEST SIDE, CONSISTENT WITH VEHICULAR DIRECTION OF TRAVEL.

IN GENERAL, SIZE AND PLACEMENT OF LOGO SHOULD BE DETERMINED BY A BALANCE OF LEGIBILITY FROM AN APPROPRIATE DISTANCE, WITH THE LOGO INTENDED TO BE ADEQUATELY VISIBLE TO MOTORISTS BELOW WITHOUT APPEARING OUT OF SCALE WITHIN THE OVERALL AESTHETIC. AS DETAILED BELOW, A FIXED HORIZONTAL OFFSET DIMENSION OF 1'-6" SHALL BE HELD CONSTANT, WITH THE VERTICAL OFFSET DIMENSIONS BEING EQUAL. LOGO PROPORTIONS SHALL BE HELD CONSTANT AND IT SHOULD NOT BE STRETCHED OR SKEWED.

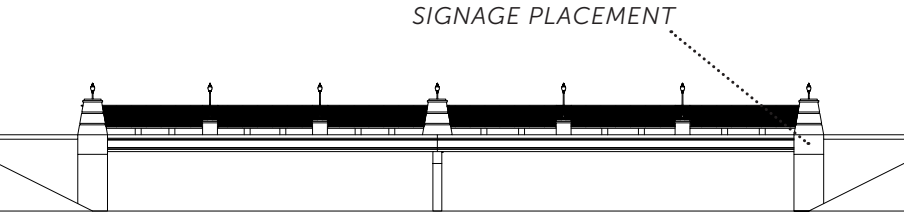
LOGO SHALL BE FABRICATED IN DURABLE METAL MATERIAL AND FINISHED TO MATCH COLOR OF VERTICAL BRIDGE FENCING. THIS LOGO SHALL BE INSTALLED WITH MATCHING METAL STANDOFFS WITH NO HARDWARE VISIBLE ON THE FRONT FACE.



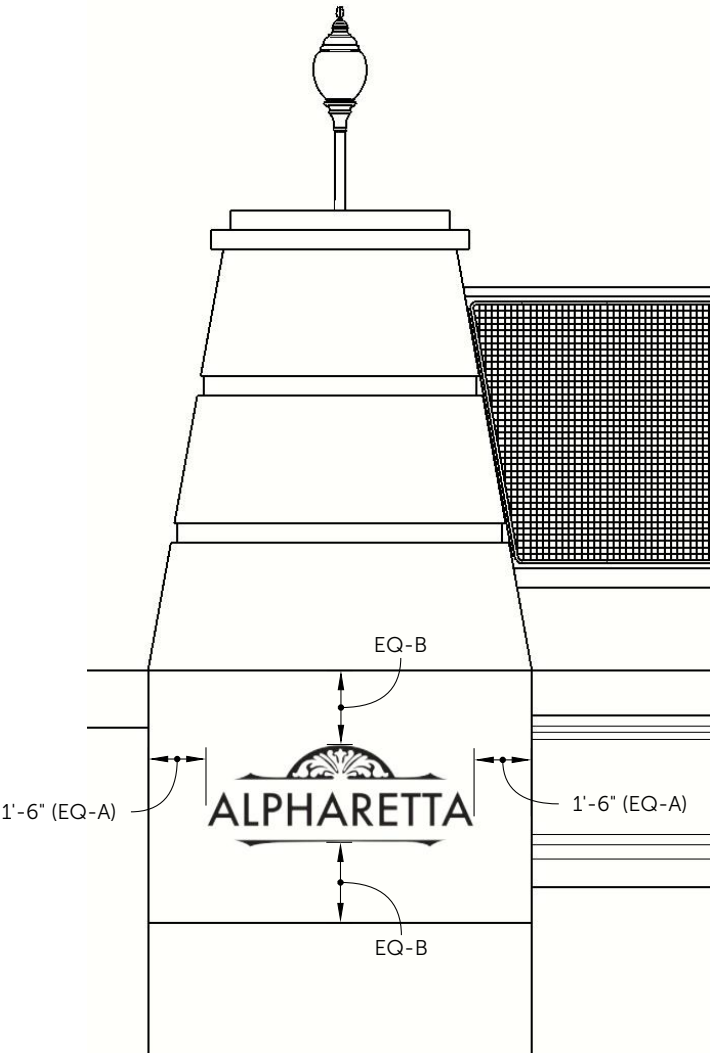
CITY OF ALPHARETTA PREFERRED LOGO



KIMBALL BRIDGE ROAD - NORTH FACING ELEVATION



KIMBALL BRIDGE ROAD - SOUTH FACING ELEVATION

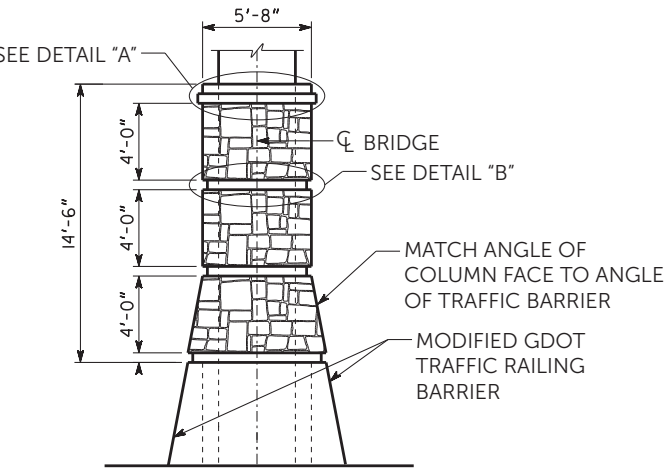
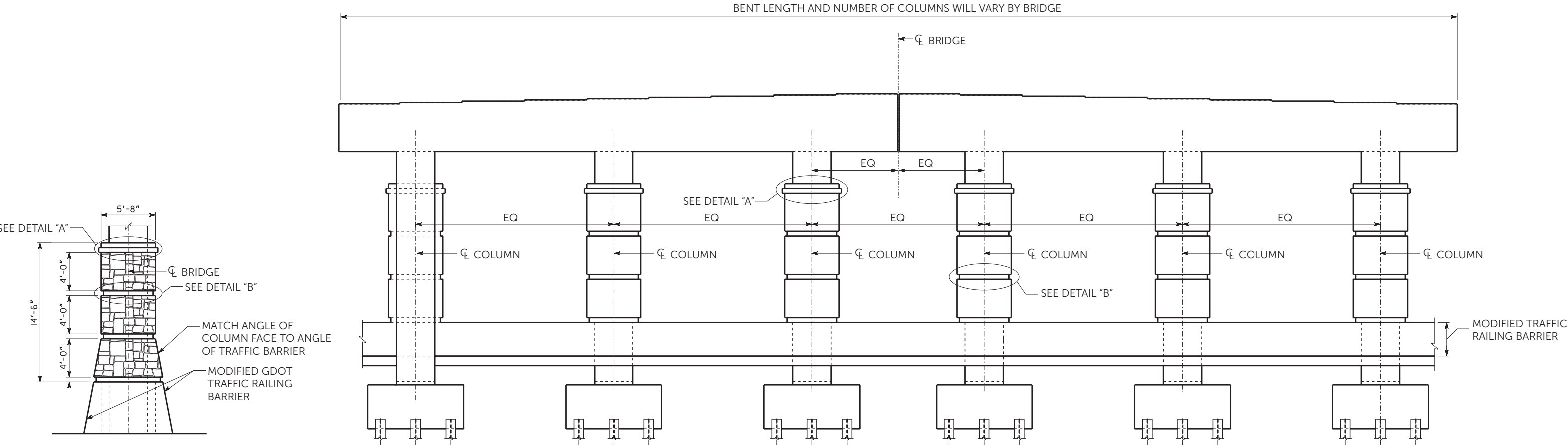


CHEEK WALL SIGNAGE PLACEMENT

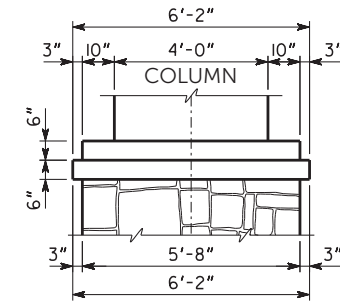
STANDARD DETAILS

BRIDGE BENTS AND COLUMNS

BRIDGE BENTS AND COLUMNS ARE TO BE PAINTED COLOR SPECIFIED IN PAINT AND FINISH TREATMENT SECTION.
BRIDGE BENTS AND COLUMNS TO BE PAINTED SINGLE COLOR.
QUANTITY OF COLUMNS WILL VARY FOR EACH LOCATION PER CURRENT DESIGN.
DIMENSIONS SHOWN IN DETAILS BELOW ARE FOR GUIDANCE ONLY AND MAY VARY FOR EACH LOCATION PER CURRENT DESIGN.

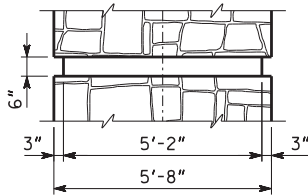


COLUMN DETAIL
Scale: 1" : 10'-0"



DETAIL "A"
N.T.S.

BRIDGE COLUMN ELEVATION
Scale: 1" : 10'-0"

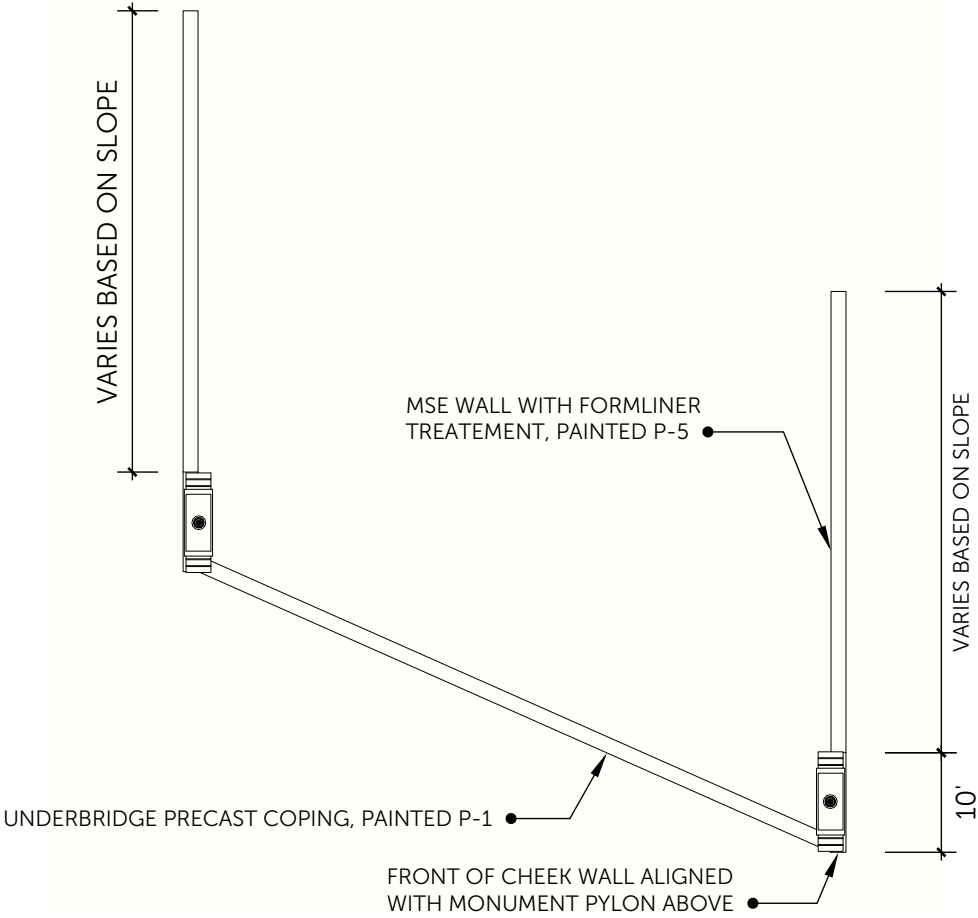


DETAIL "B"
N.T.S.

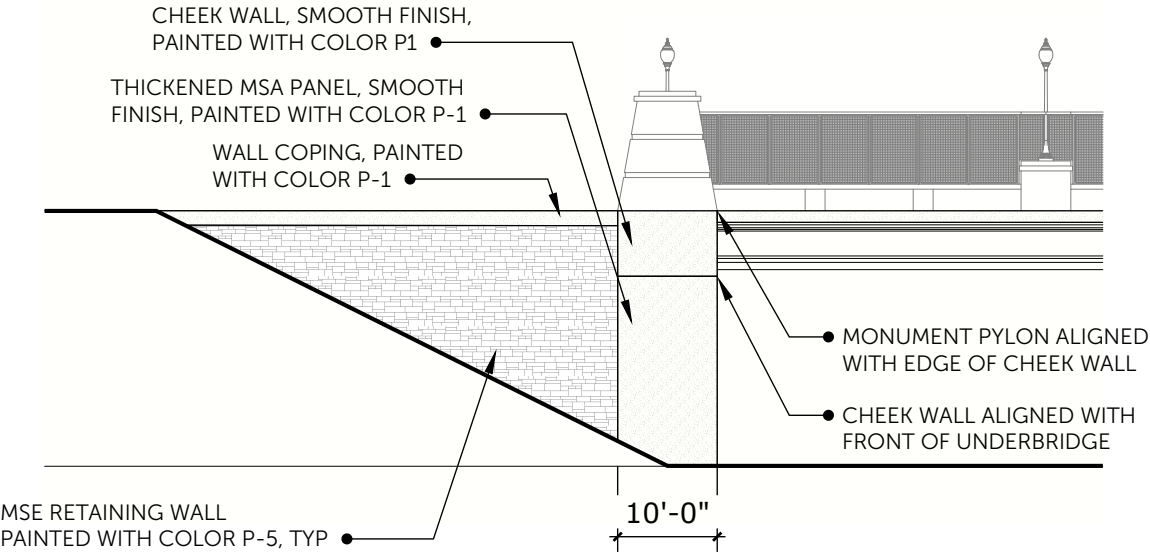
STANDARD DETAILS

WALLS AND BRIDGE ABUTMENTS

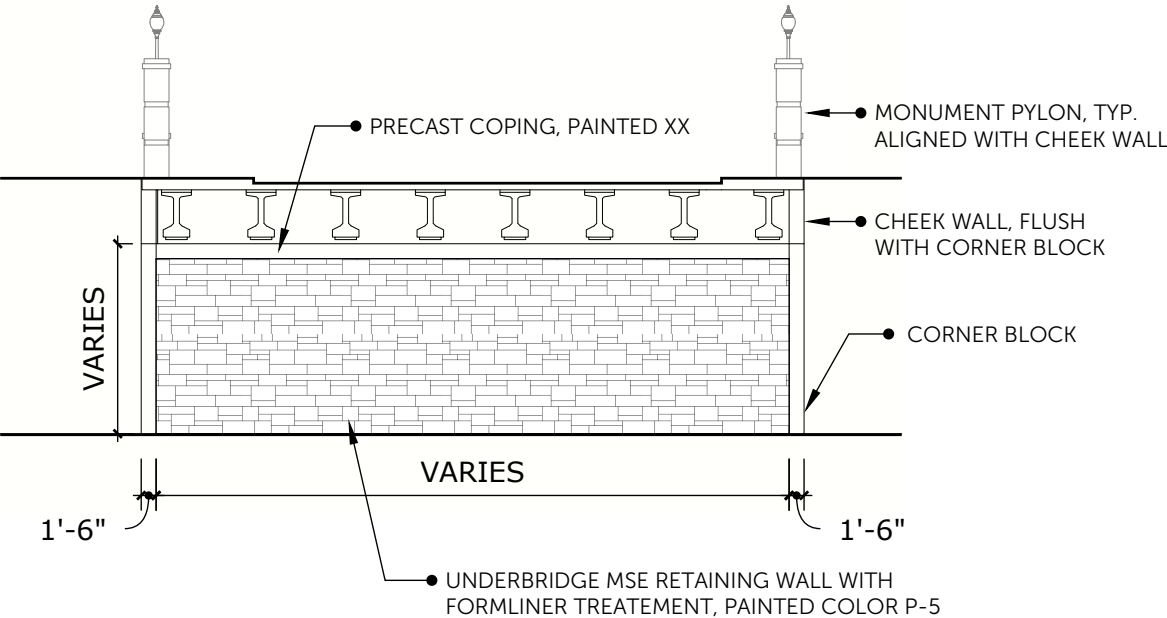
- WALL COPING FINISH, AND WALL PANEL FINISH NOTES BELOW SHOULD BE APPLIED TO ALL BRIDGES IN THIS PACKAGE.
- GRAFFITI PROOF COATING SHALL BE APPLIED TO ALL RETAINING WALLS, BRIDGE ABUTMENTS, AND UNDERBRIDGE TREATMENTS IN THIS PACKAGE.
- RETAINING WALL AND UNDERBRIDGE MSE PANELS SHALL RECEIVE STONE FORMLINER FINISH; COMPONENTS RECEIVING FORMLINER FINISH SHALL ALSO RECEIVE HP-1 (HAND PAINTED) FINISH AS SPECIFIED IN PAINT AND FINISH SECTION.
- PRECAST CORNER BLOCKS WILL RECIEVE P-4 FINISH AS SPECIFIED IN PAINT AND FINISH SECTION, AND SHALL NOT RECEIVE FORMLINER FINISH.
- PRECAST WALL COPING WILL RECEIVE P-4 FINISH AS SPECIFIED IN PAINT AND FINISH SECTION.
- MSE RETAINING WALLS AND UNDERBRIDGE LAYOUTS ARE FOR GENERAL GUIDANCE ONLY AND MAY VARY BASED ON SITE CONDITIONS.
- SQUARE FOOTAGE OF RETAINING WALLS AND ABUTMENTS WILL VARY FOR EACH LOCATION PER CURRENT DESIGN.



KIMBALL BRIDGE & WEBB BRIDGE MSE RETAINING WALL - PLAN VIEW
Scale: 1" : 20'



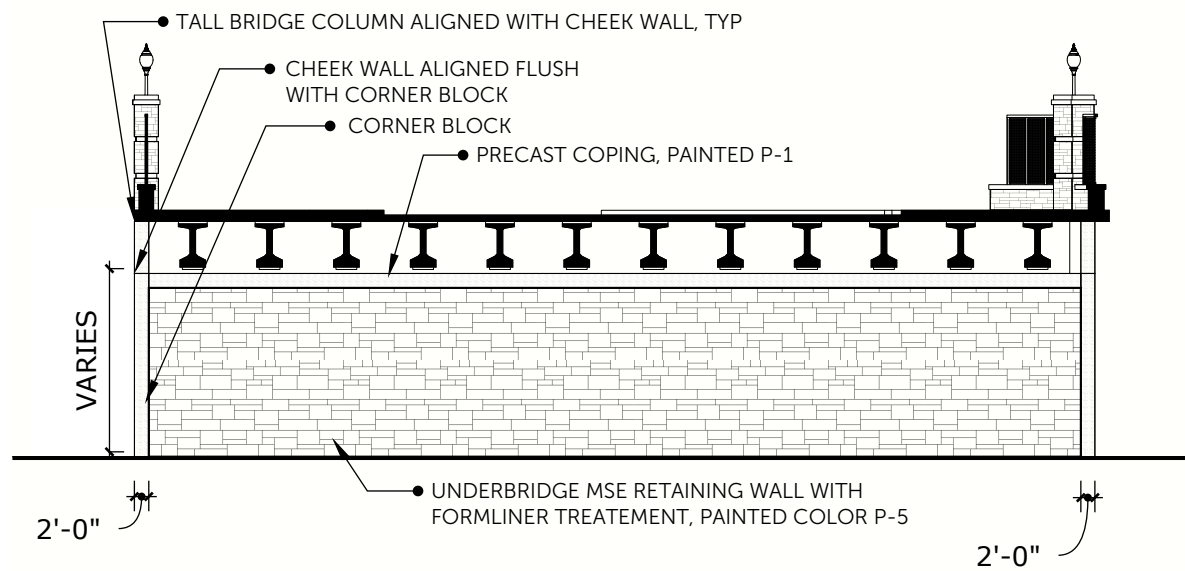
KIMBALL BRIDGE & WEBB BRIDGE RETAINING WALL - ELEVATION
Scale: 1" : 20'



UNDERBRIDGE RETAINING WALL - SECTION
Scale: 1" : 20'

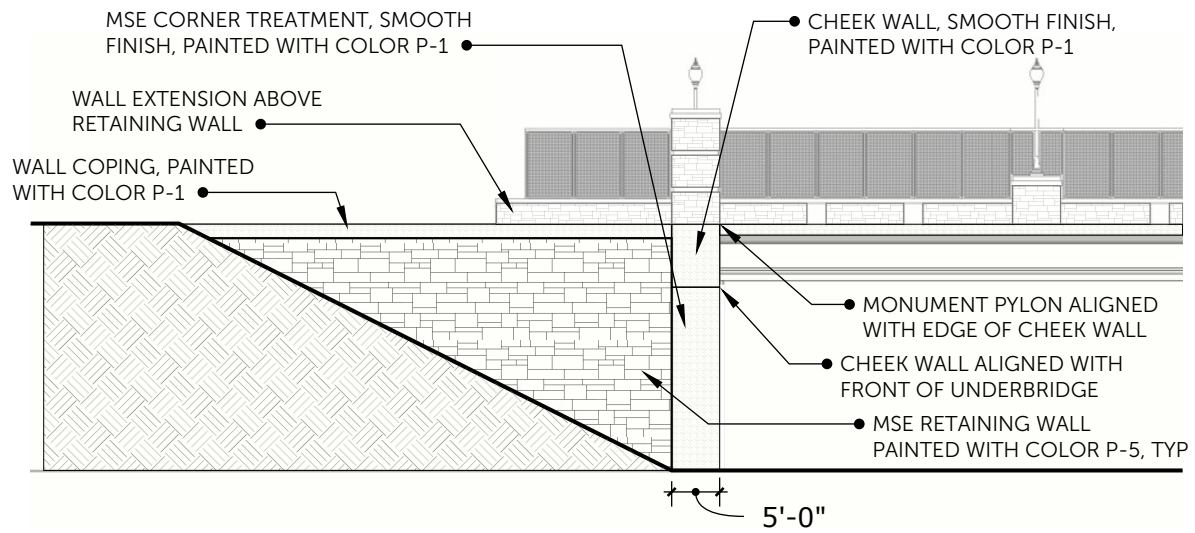
STANDARD DETAILS

WALLS AND BRIDGE ABUTMENTS



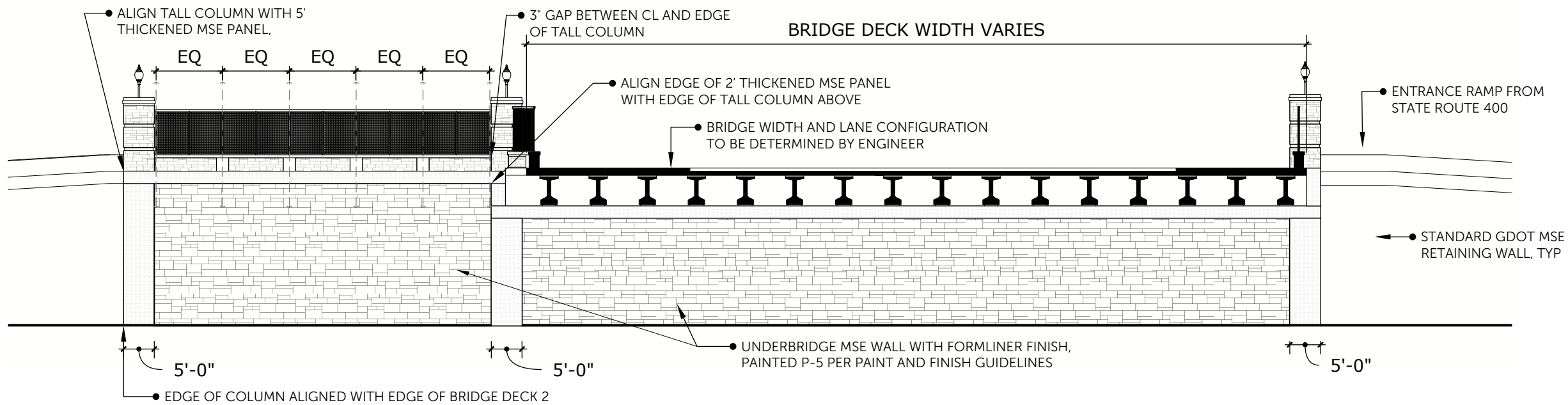
TRADEWINDS BRIDGE MSE RETAINING WALL - SECTION A

Scale: 1" : 20'



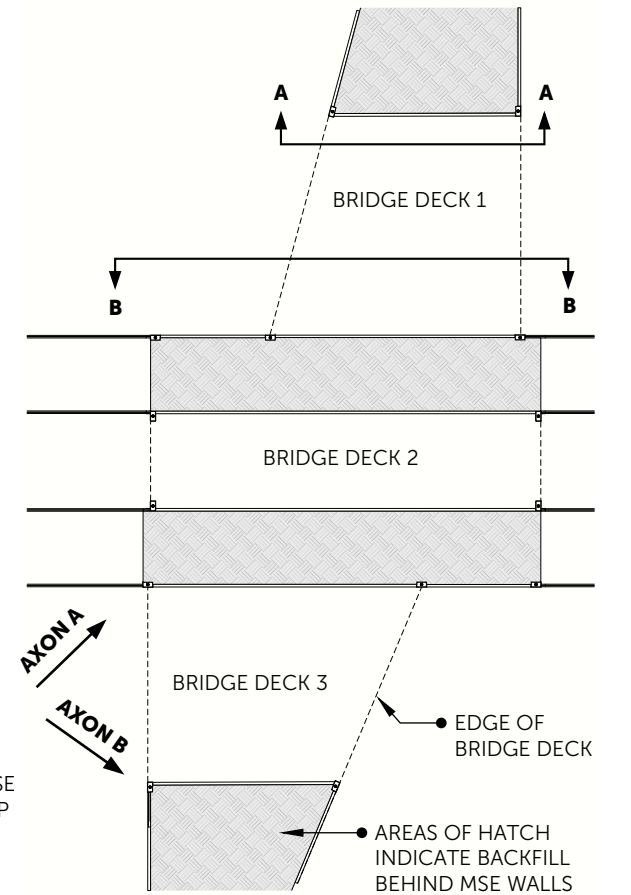
TRADEWINDS BRIDGE RETAINING WALL - ELEVATION

Scale: 1" : 20'



TRADEWINDS BRIDGE MSE RETAINING WALL - SECTION B

Scale: 1" : 20'



TRADEWINDS BRIDGE PLAN

N.T.S.

STANDARD DETAILS

WALLS AND BRIDGE ABUTMENTS



● RETAINING WALL AXONOMETRIC VIEW
N.T.S.



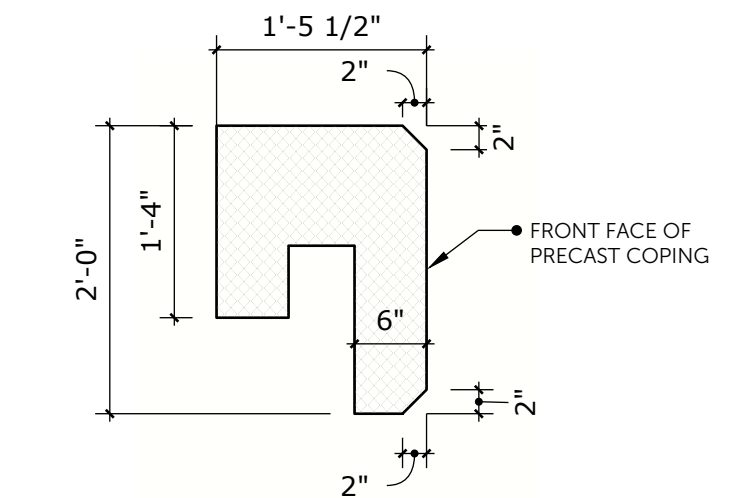
● TRADEWINDS BRIDGE AXON A
N.T.S.



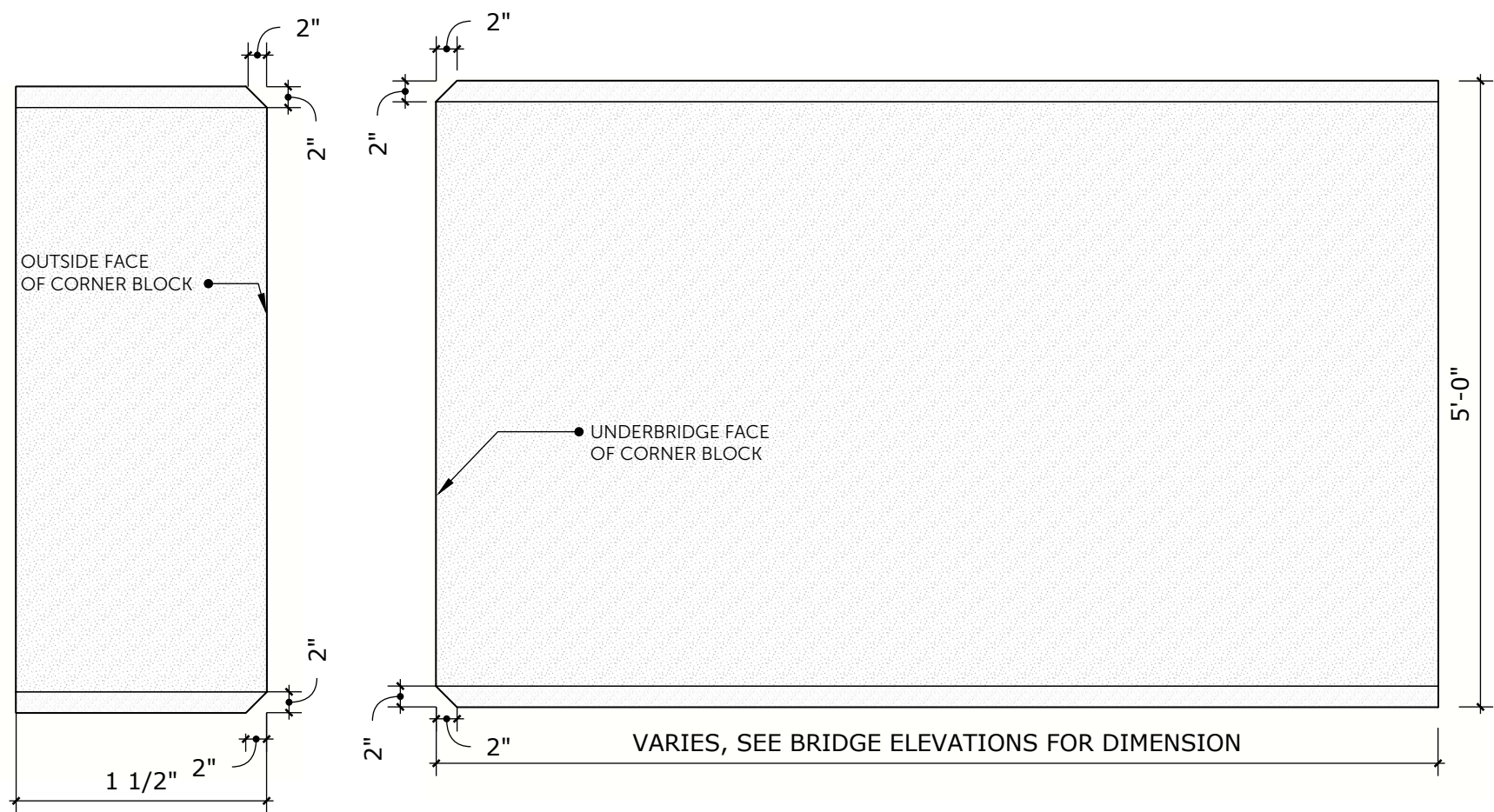
● TRADEWINDS BRIDGE AXON B
N.T.S.

STANDARD DETAILS

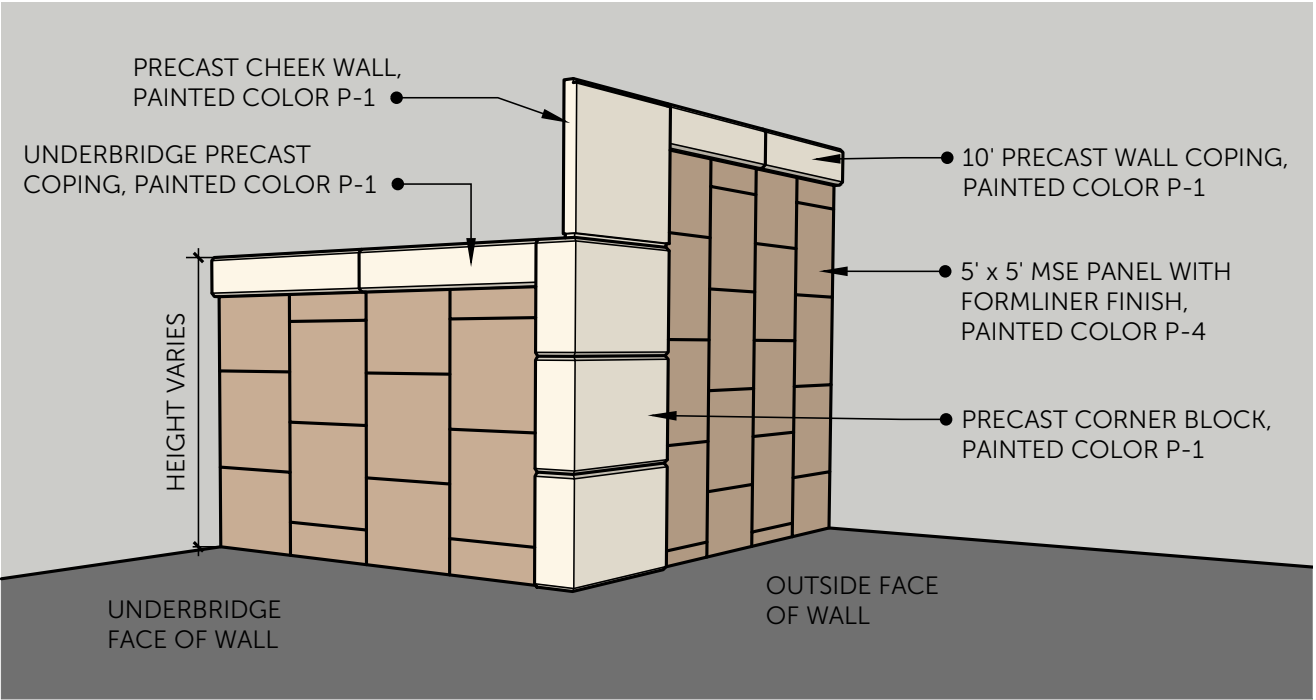
WALLS AND BRIDGE ABUTMENTS



● PRECAST COPING SECTION
Scale: 3/4" : 1'-0"



● PRECAST CORNER BLOCK
Scale: 3/4" : 1'-0"



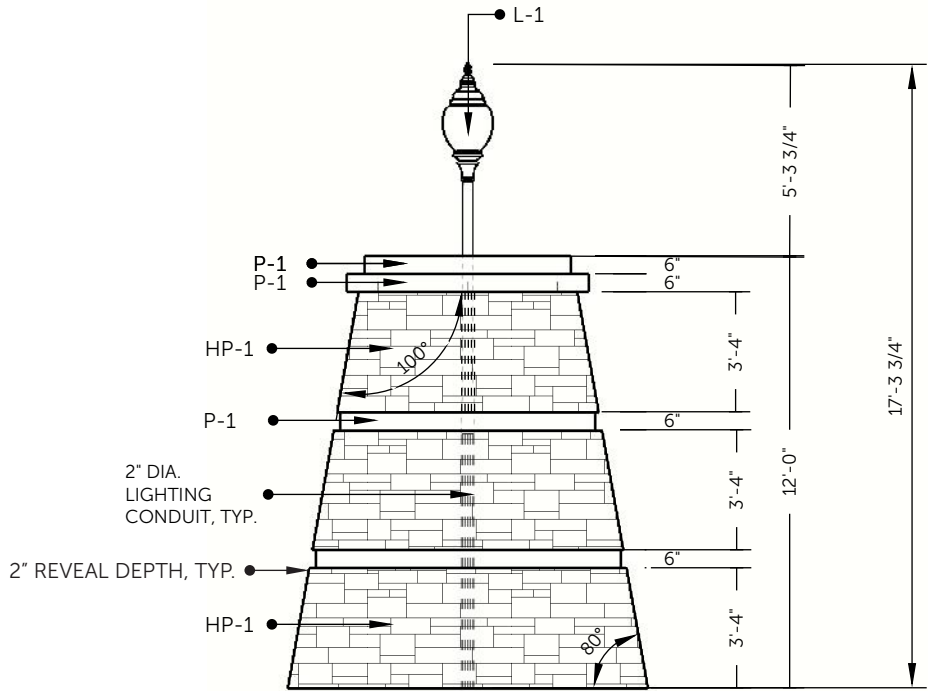
● RETAINING WALL - AXON
N.T.S.

STANDARD DETAILS

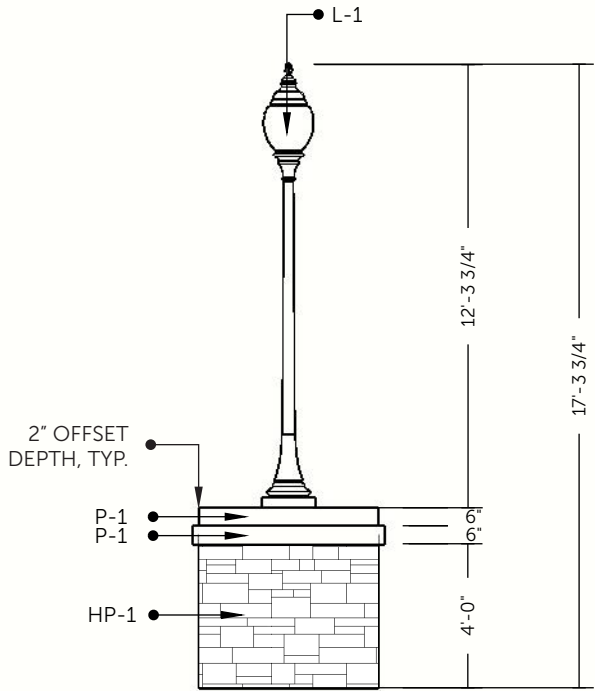
BRIDGE PYLONS AND COLUMNS

BRIDGE PYLON DIMENSIONS AND PLACEMENT WILL VARY FOR EACH LOCATION PER CONCEPT DESIGN.
EACH COMPONENT TO RECEIVE HP-1 (HAND PAINTED) FINISH SHALL ALSO RECIEVE STONE FORMLINER FINISH; COMPONENTS TO RECEIVE P-1 SHALL NOT RECEIVE STONE FORMLINER.
THREE TYPES OF PYLONS AND COLUMNS ARE INCORPORATED INTO THE BRIDGE DESIGNS:

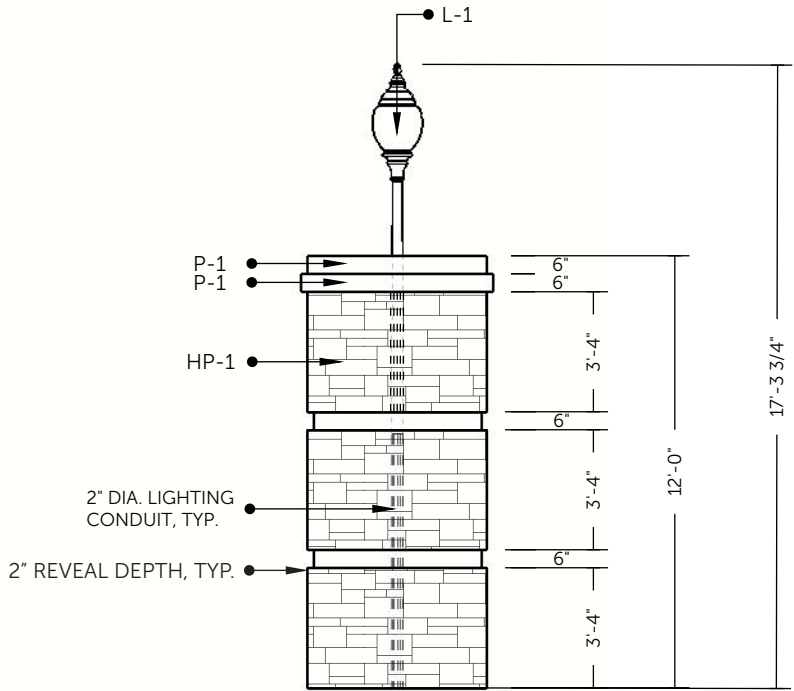
- LARGE PYLON WITH TAPER. (DIMENSIONS APPROXIMATELY 10' x 12' x 2.5').
- SHORT COLUMN WITHOUT TAPER. (DIMENSIONS APPROXIMATELY 5' x 5' x 2.5').
- TALL COLUMN WITHOUT TAPER. (DIMENSIONS APPROXIMATELY 5' x 12' x 2.5').



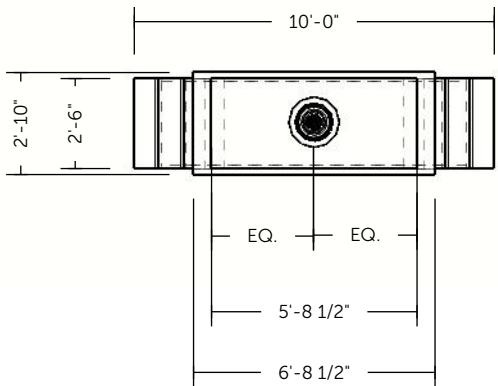
● MONUMENT PYLON: ELEVATION
Scale: 3/16" : 1'



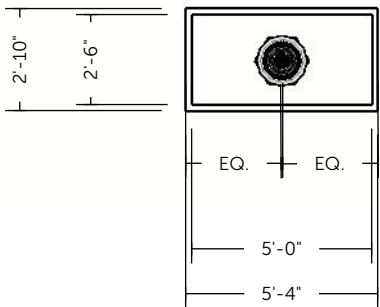
● SHORT COLUMN: ELEVATION
Scale: 3/16" : 1'



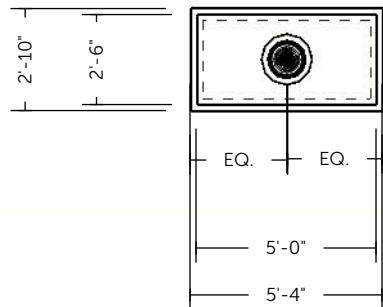
● TALL COLUMN: ELEVATION
Scale: 3/16" : 1'



● MONUMENT PYLON: PLAN
Scale: 3/16" : 1'



● SHORT COLUMN: PLAN
Scale: 3/16" : 1'

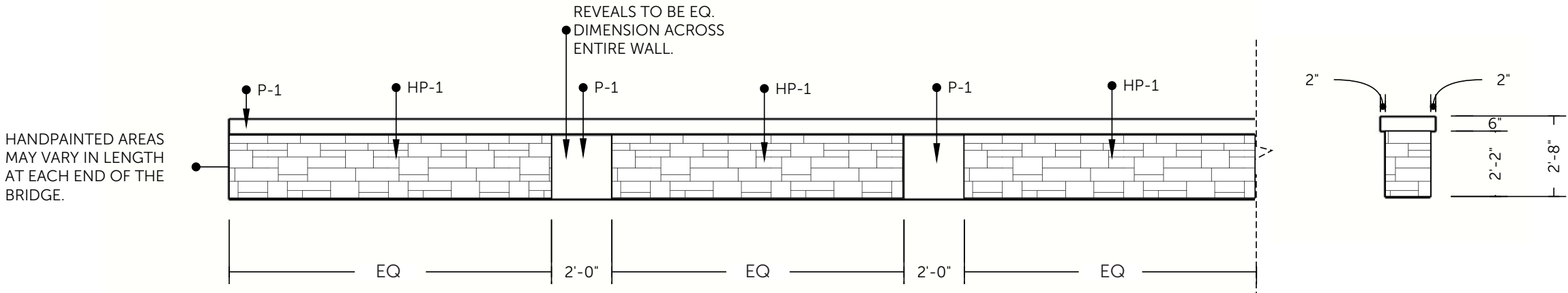


● TALL COLUMN: PLAN
Scale: 3/16" : 1'

STANDARD DETAILS

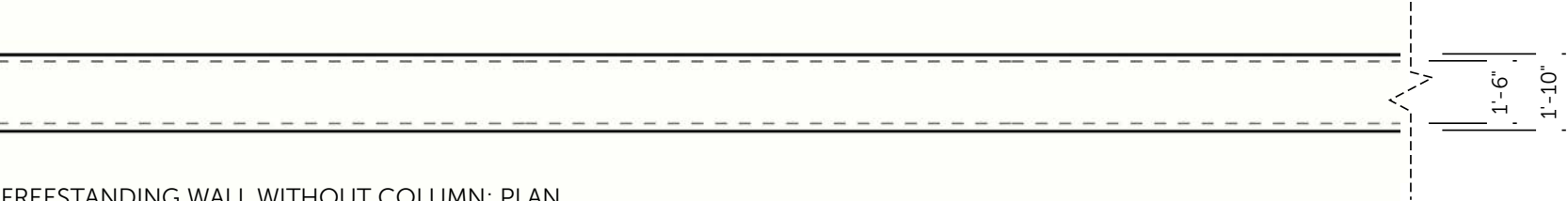
FORMLINER WALLS

FREESTANDING WALLS SHALL BE CAST WITH FORMLINERS, MATCHING OTHER ELEMENTS AS CLOSELY AS POSSIBLE. EACH COMPONENT TO RECEIVE HP-1 (HAND PAINTED) FINISH SHALL ALSO RECIEVE STONE FORMLINER FINISH; COMPONENTS TO RECEIVE P-1 SHALL NOT RECEIVE STONE FORMLINER. STANDARD WIDTH DIMENSION OF FORMLINER WALL REVEALS IS 2'-0" WHILE HANDPAINTED AREAS WILL VARY IN WIDTH BY BRIDGE AND LOCATION.



FREESTANDING WALL WITHOUT COLUMN: ELEVATIONS

Scale: 3/16" : 1'



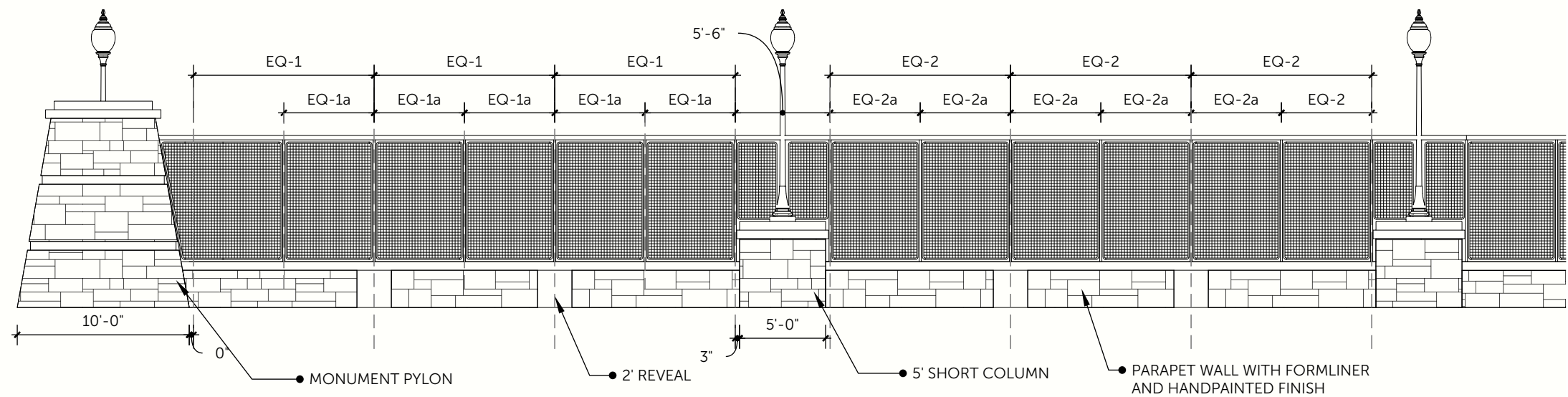
FREESTANDING WALL WITHOUT COLUMN: PLAN

Scale: 3/16" : 1'

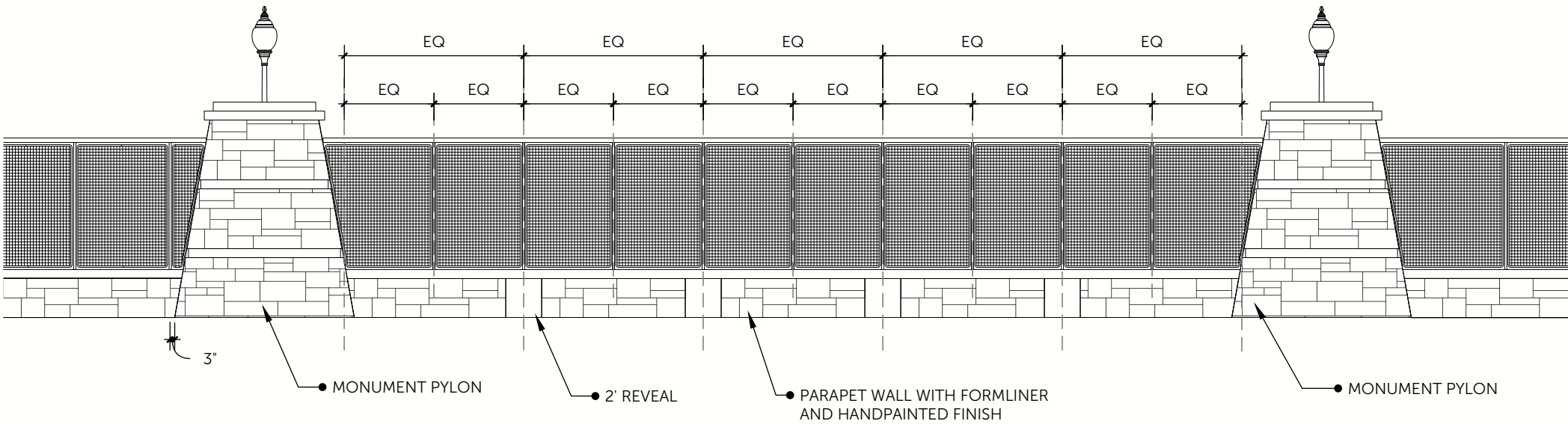
STANDARD DETAILS

VERTICAL BRIDGE FENCING

VERTICAL BRIDGE FENCING SHALL BE SIMILAR CUSTOM DESIGN, COLOR, AND FINISH AS DETAILED BELOW AND INSTALLED ON ENCORE PARKWAY BRIDGE. THIS CONCEPT DESIGN EXCLUDES CANTILEVERED CANOPY ELEMENT INSTALLED ON ENCORE PARKWAY BRIDGE. SQUARE FOOTAGE OF VERTICAL BRIDGE FENCING WILL VARY FOR EACH LOCATION PER CURRENT DESIGN. DIMENSIONS SHOWN IN DETAILS BELOW ARE FOR GUIDANCE ONLY AND MAY VARY FOR EACH LOCATION PER CURRENT DESIGN.



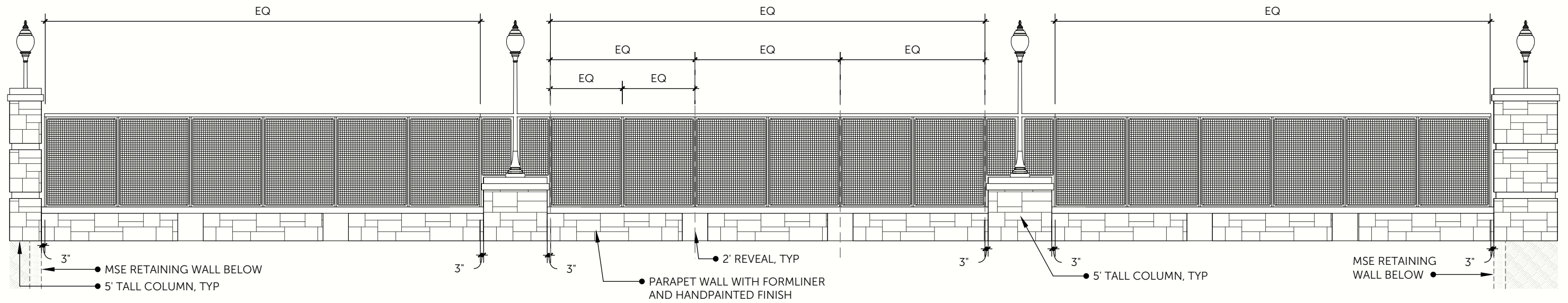
FENCING SECTION - TYPICAL SECTION WITH MONUMENT PYLON
Scale: 1/8" : 1'-0"



FENCING SECTION - CENTER SPAN ON WEBB BRIDGE
Scale: 1" : 20'

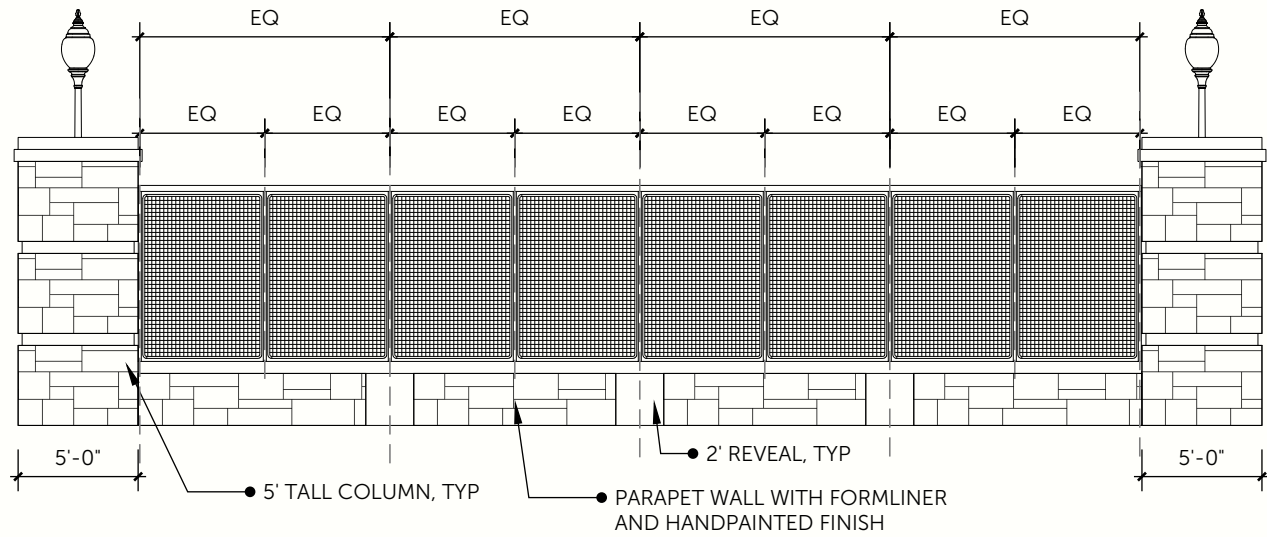
STANDARD DETAILS

VERTICAL BRIDGE FENCING



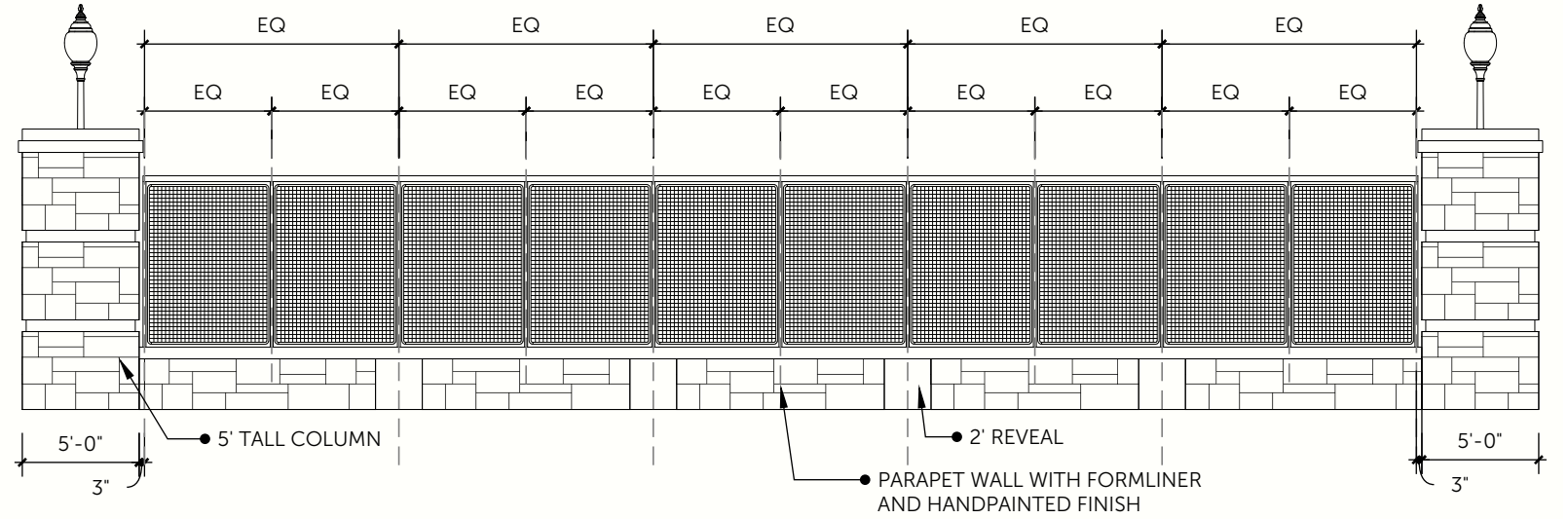
FENCING SECTION - TYPICAL SECTION WITH TALL COLUMN (TRADEWINDS ONLY)

Scale: 1/8" : 1'-0"



FENCING SECTION - CENTER SPAN ON TRADEWINDS BRIDGE

Scale: 1" : 20'

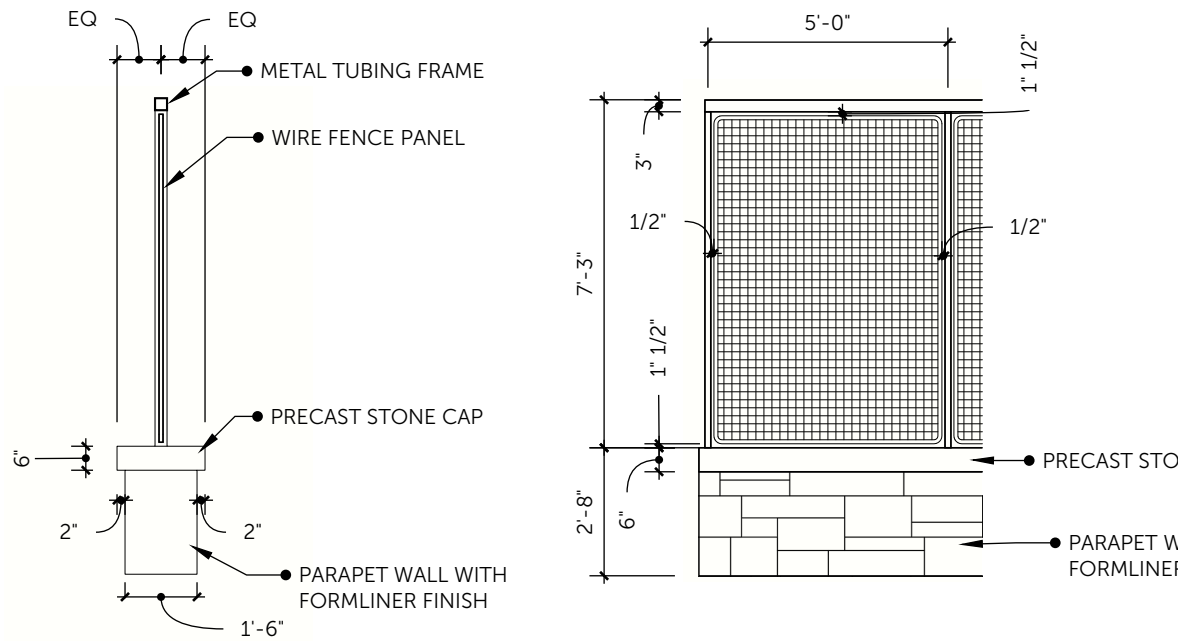


FENCING SECTION - EXIT RAMP FENCING (TRADEWINDS ONLY)

Scale: 1" : 20'

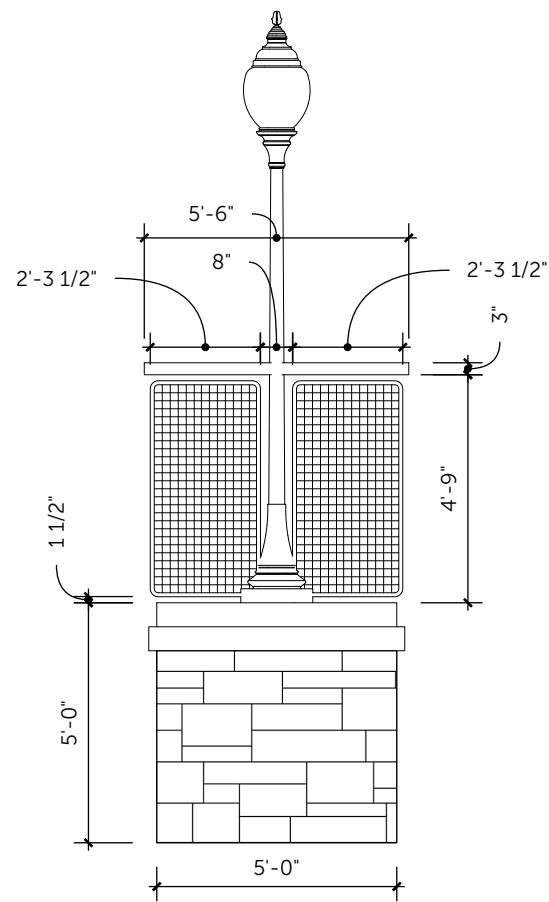
STANDARD DETAILS

VERTICAL BRIDGE FENCING

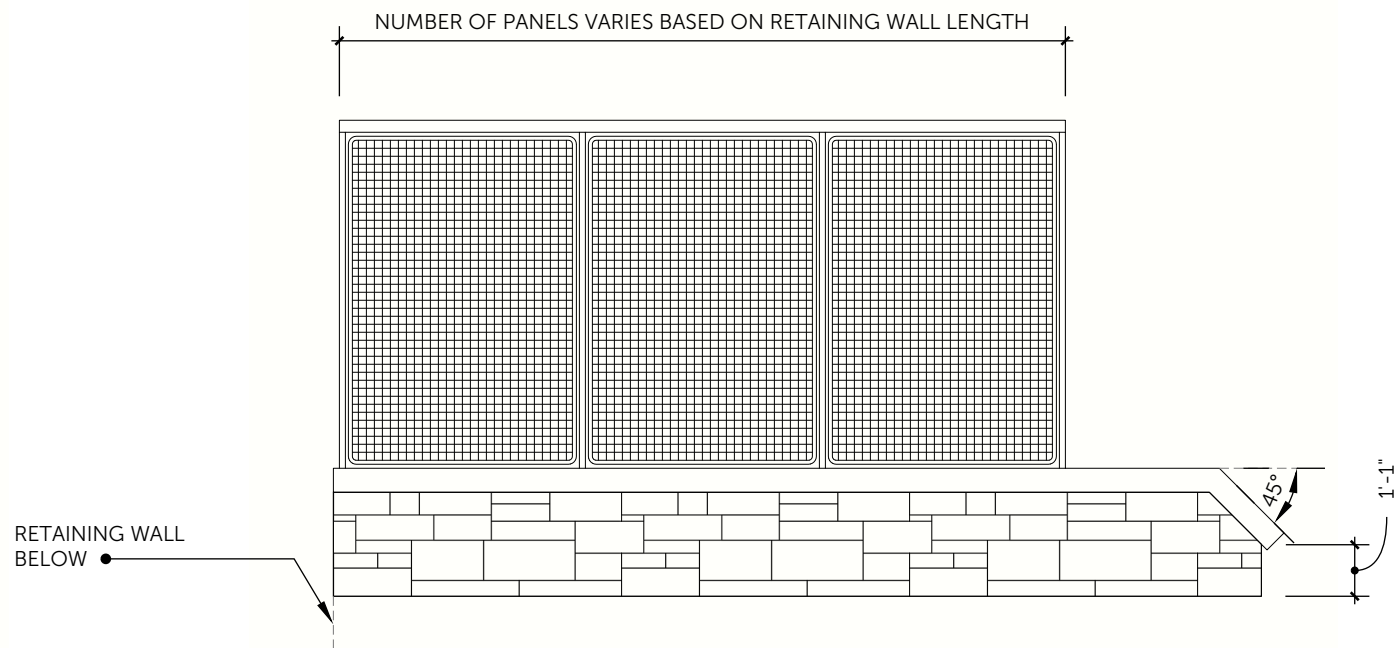


FENCING PANEL SECTION
Scale: 1/4" : 1'-0"

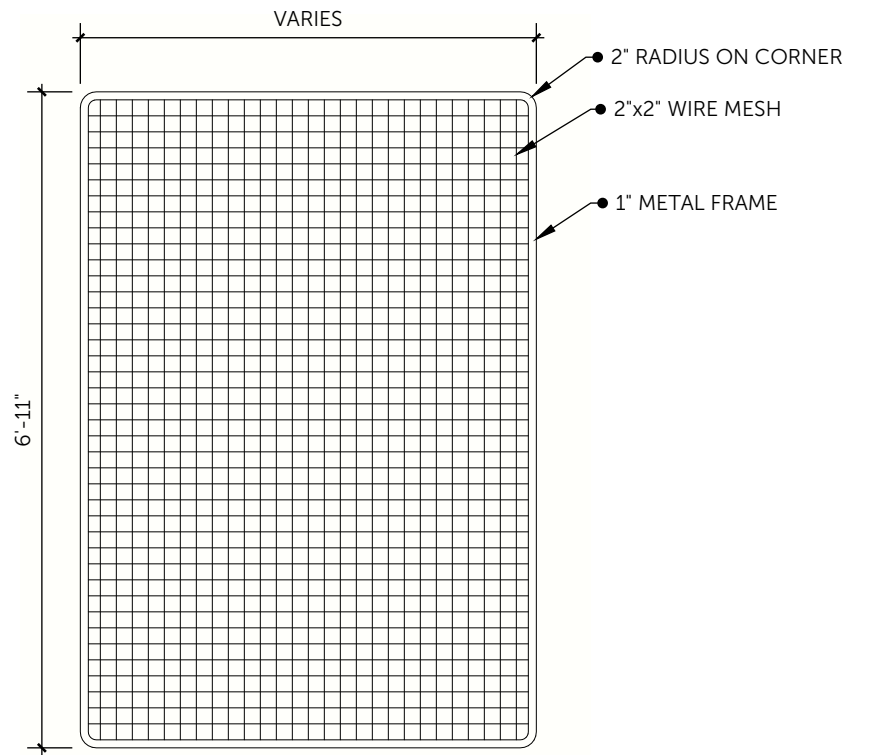
FENCING PANEL ELEVATION
Scale: 1/4" : 1'-0"



FENCING PANEL AT SHORT COLUMN SECTION
Scale: 1/4" : 1'-0"



FENCING EXTENSION ELEVATION
Scale: 1/4" : 1'-0"

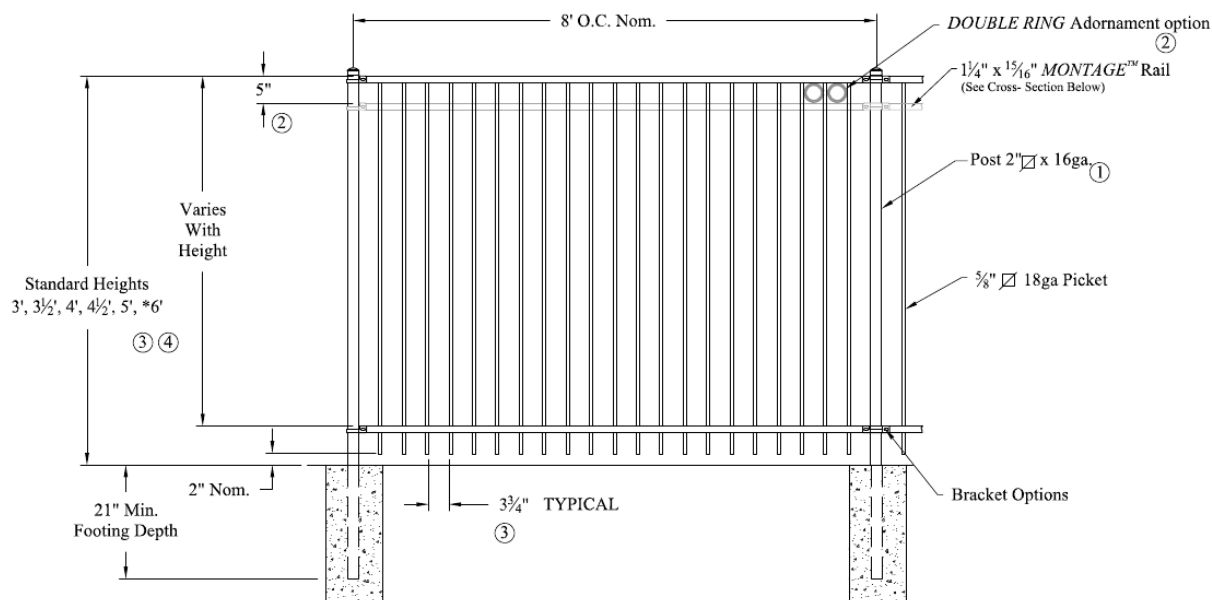


FENCE PANEL DETAIL
Scale: 1/2" : 1'-0"

STANDARD DETAILS

WALL RAILINGS

WALL RAILINGS SHALL BE SIMILAR NON-CUSTOM DESIGN, COLOR, AND FINISH INSTALLED ON ENCORE PARKWAY BRIDGE.
ELEMENT TO BE 6' ORNAMENTAL FENCE (OFF THE SHELF AMERISTAR MONTAGE MAJESTIC 2/3-RAIL STYLE OR SIMILAR) AT TOP OF WALL WHERE REQUIRED BY GDOT.
SQUARE FOOT AREA OF VERTICAL BRIDGE FENCING WILL VARY FOR EACH LOCATION PER CURRENT DESIGN.
DIMENSIONS SHOWN IN DETAILS BELOW ARE FOR GUIDANCE ONLY AND MAY VARY FOR EACH LOCATION PER CURRENT DESIGN.



- NOTES:**
- 1.) Post size depends on fence height and wind loads. See *MONTAGE™* specifications for post sizing chart.
 - 2.) Third rail required for *Double Rings*.
 - 3.) Available in 3" air space and/or Flush Bottom on most heights.
 - 4.) Three rails required for 6' tall.

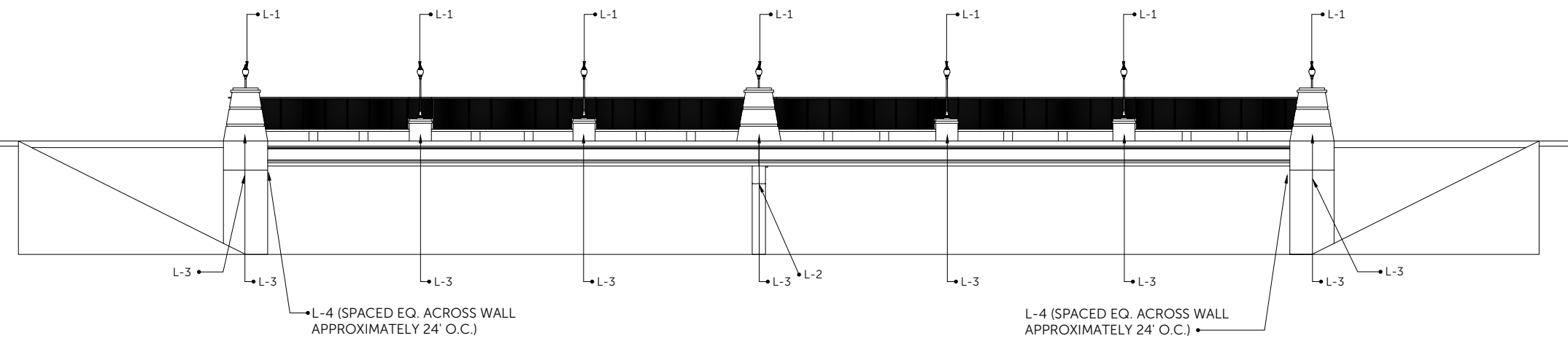
STANDARD DETAILS

BRIDGE AND PEDESTRIAN LIGHTING

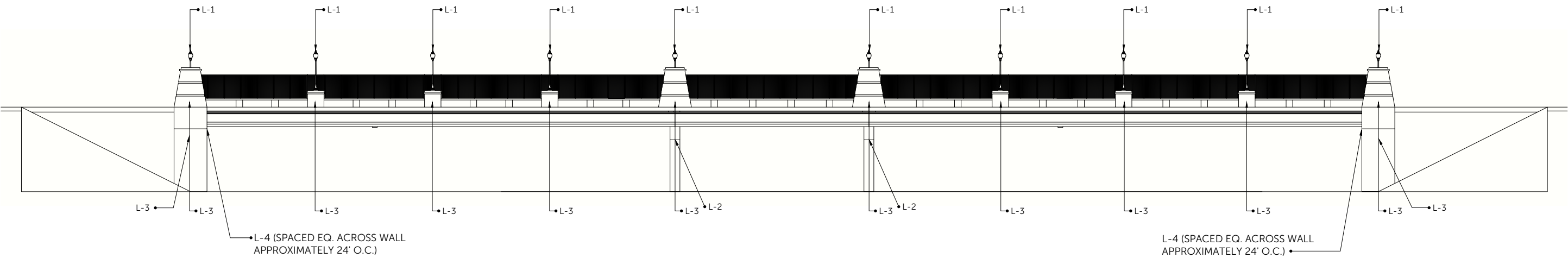
CONCEPT DESIGN INCLUDES THE FOLLOWING TYPES OF LIGHTING AT MINIMUM:

- PEDESTRIAN LIGHTS ON TOP OF PYLONS, SHORT, AND TALL COLUMNS (L-1)
- FLOOD LIGHTS AT SUPPORT BEAMS (L-2)
- COLUMN UP-LIGHTING AT EXTERIOR PARAPET WALL AT EACH COLUMN, PYLON, AND ON CITY SEAL ON EACH SIDE (L-3)
- LINEAR FIXTURES AT TOP OF RETAINING WALLS BENEATH BRIDGE (L-4)

NOTE: SOUTH ELEVATIONS SHOWN BELOW. QUANTITIES AND PLACEMENT SIMILAR ON OPPOSING ELEVATION.



KIMBALL BRIDGE: LIGHTING ELEVATION LAYOUT
Scale: 1" = 30'



WEBB BRIDGE: LIGHTING ELEVATION LAYOUT
Scale: 1" = 30'

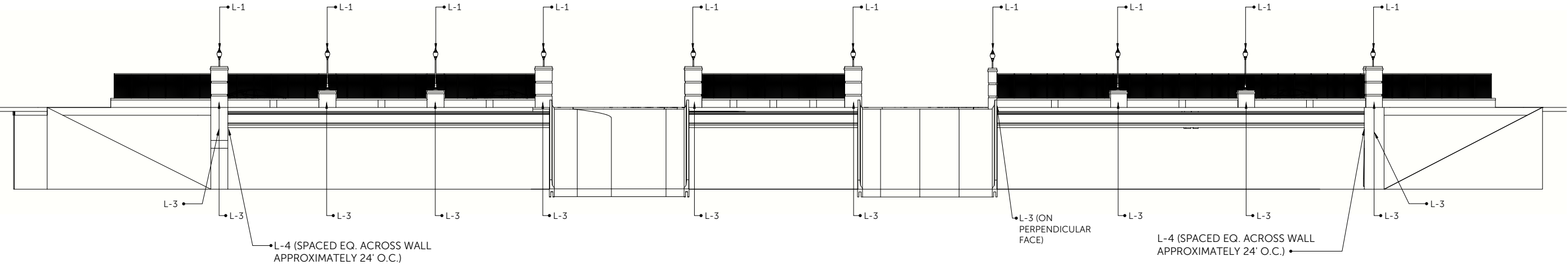
STANDARD DETAILS

BRIDGE AND PEDESTRIAN LIGHTING

CONCEPT DESIGN INCLUDES THE FOLLOWING TYPES OF LIGHTING AT MINIMUM:

- PEDESTRIAN LIGHTS ON TOP OF PYLONS, SHORT, AND TALL COLUMNS (L-1)
- FLOOD LIGHTS AT SUPPORT BEAMS (L-2)
- COLUMN UP-LIGHTING AT EXTERIOR PARAPET WALL AT EACH COLUMN, PYLON, AND ON CITY SEAL ON EACH SIDE (L-3)
- LINEAR FIXTURES AT TOP OF RETAINING WALLS BENEATH BRIDGE (L-4)

NOTE: SOUTH ELEVATIONS SHOWN BELOW. QUANTITIES AND PLACEMENT SIMILAR ON OPPOSING ELEVATION.

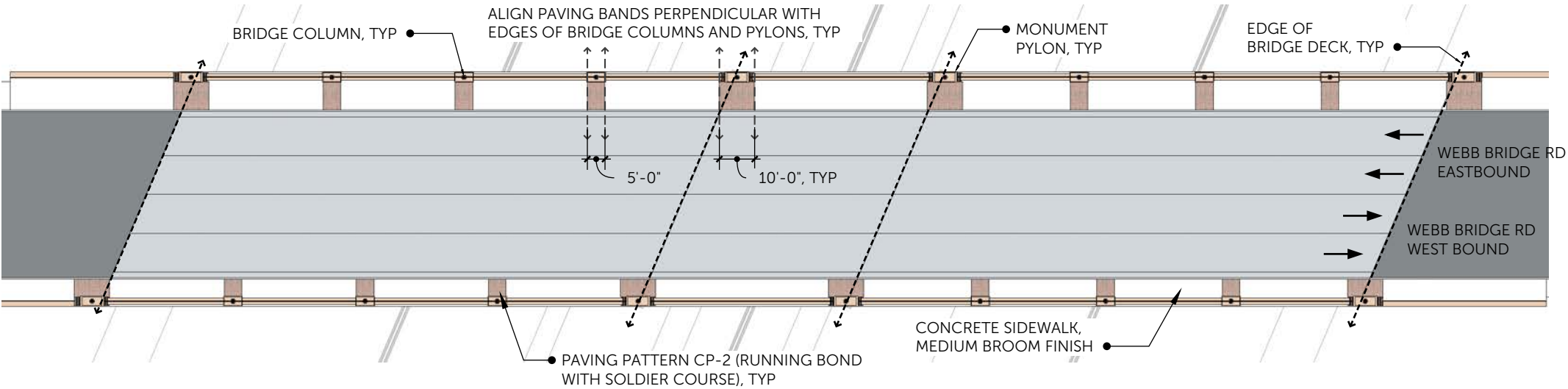


TRADEWINDS BRIDGE: LIGHTING ELEVATION LAYOUT
Scale: 1" = 30'

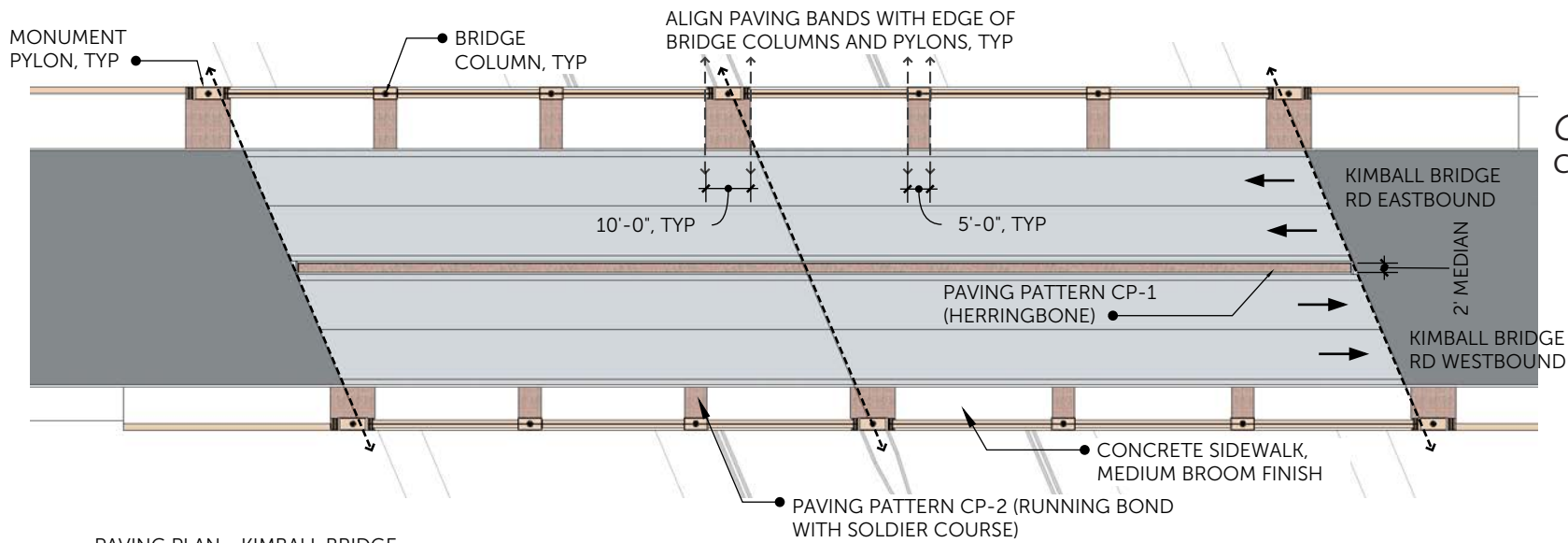
STANDARD DETAILS

CONCRETE PAVER STRIPS AND PAVING PATTERNS

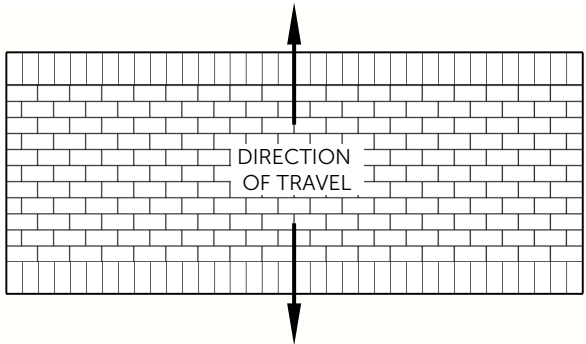
CONCRETE PAVER STRIPS AND PAVING PATTERNS SHALL BE APPLIED IN MEDIANS AND PEDESTRIAN ZONES, INCLUDING SIDEWALKS, ISLANDS. COLOR/FINISH TO BE PAVESTONE HERITAGE SERIES CONCRETE PAVE STONE IN MOCHA BLEND FINISH OR SIMILAR, AS INSTALLED AT ENCORE PARKWAY BRIDGE. SQUARE FOOT AREA OF PAVER TREATMENT WILL VARY FOR EACH LOCATION PER CURRENT DESIGN. DIMENSIONS SHOWN IN DETAILS BELOW ARE FOR GUIDANCE ONLY AND MAY VARY FOR EACH LOCATION PER CURRENT DESIGN.



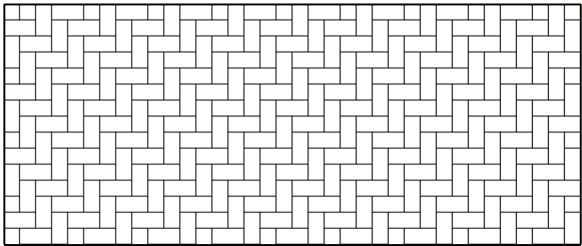
PAVING PLAN - WEBB BRIDGE
Scale: 1" : 40'



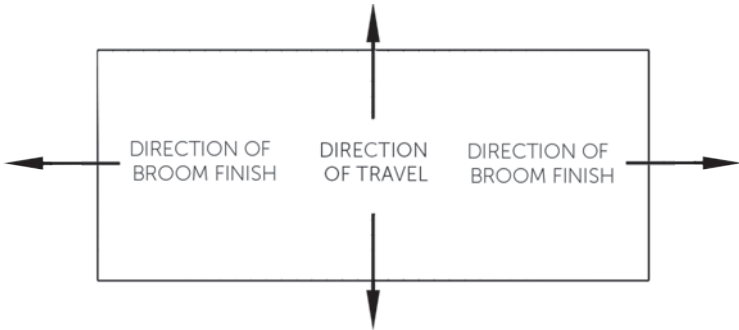
PAVING PLAN - KIMBALL BRIDGE
Scale: 1" : 40'



PAVING DETAIL - RUNNING BOND WITH SOLDIER COURSE PATTERN
N.T.S.



PAVING DETAIL - HERRINGBONE PATTERN
N.T.S.



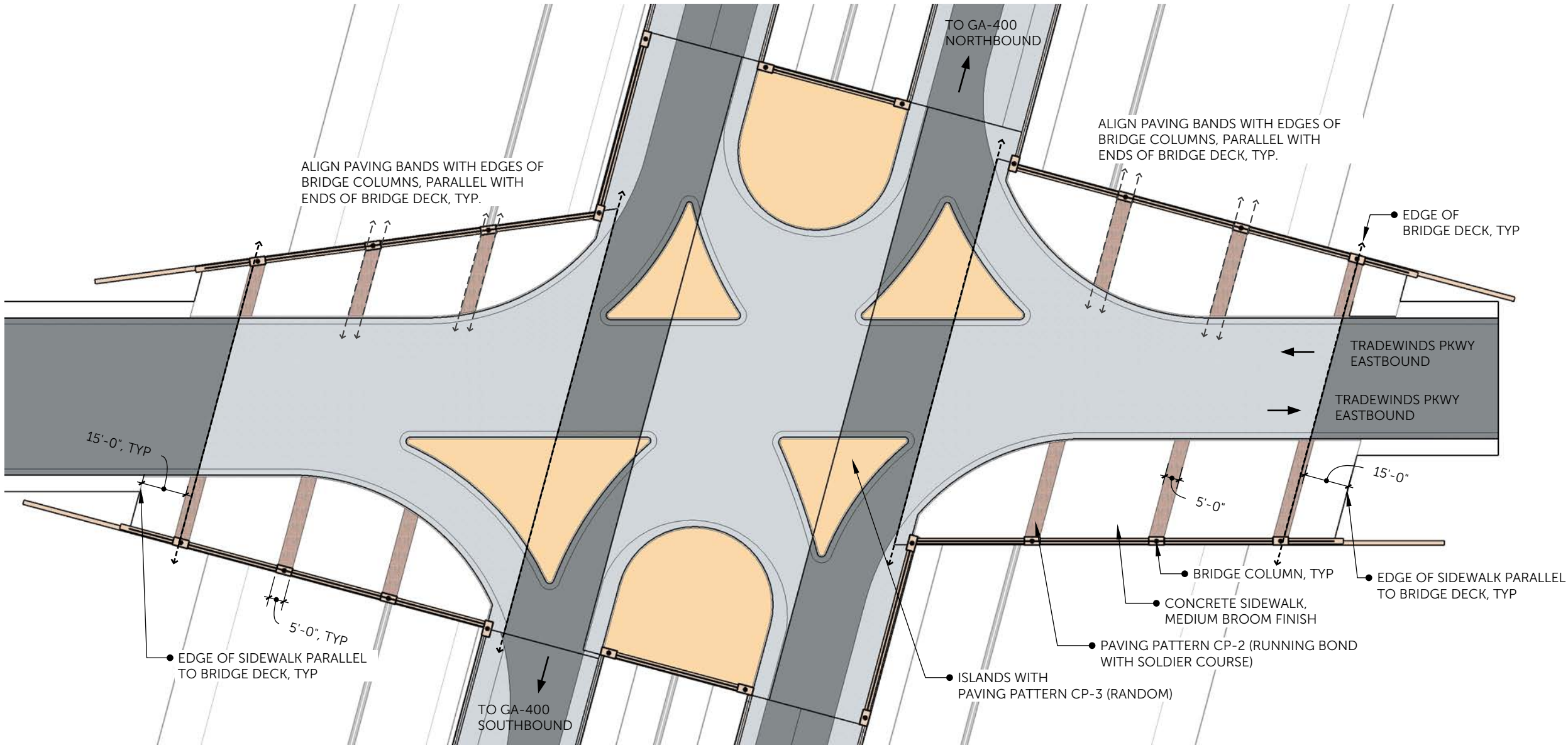
CONCRETE FINISH DETAIL - BROOM FINISH
N.T.S.

C-1
CONCRETE PAVING WITH BROOM FINISH

STANDARD DETAILS

CONCRETE PAVER STRIPS AND PAVING PATTERNS

CONCRETE PAVER STRIPS AND PAVING PATTERNS SHALL BE APPLIED IN MEDIANS AND PEDESTRIAN ZONES, INCLUDING SIDEWALKS, ISLANDS.
COLOR/FINISH TO BE PAVESTONE HERITAGE SERIES CONCRETE PAVE STONE IN MOCHA BLEND FINISH OR SIMILAR, AS INSTALLED AT ENCORE PARKWAY BRIDGE.
SQUARE FOOT AREA OF PAVER TREATMENT WILL VARY FOR EACH LOCATION PER CURRENT DESIGN.
DIMENSIONS SHOWN IN DETAILS BELOW ARE FOR GUIDANCE ONLY AND MAY VARY FOR EACH LOCATION PER CURRENT DESIGN.



INTERGOVERNMENTAL AGREEMENT

BY AND BETWEEN

DEPARTMENT OF TRANSPORTATION

STATE OF GEORGIA

AND

CITY OF ALPHARETTA

Relating To

Project Description: Improvements to Kimball Bridge Road, Webb Bridge Road and Tradewinds Parkway at SR 400 Express Lanes

This Intergovernmental Agreement (hereinafter sometimes referred to as the ("IGA" or "Agreement") is made and entered into this _____ day of _____, 20____, (the "Effective Date") by and between the Georgia Department of Transportation, a public agency of the State of Georgia, hereinafter called (the "DEPARTMENT" or "GDOT"), whose address is 600 W. Peachtree Street, NW, Atlanta, Georgia 30308 and the City of Alpharetta, acting by and through its Mayor, hereinafter called (the "LOCAL GOVERNMENT"), whose address is 2 Park Plaza, Alpharetta, Georgia 30009, for the purposes of memorializing the rights, roles, responsibilities and understandings of the parties relating to the design and construction of certain improvements to Kimball Bridge Road over State Route ("SR") 400, Webb Bridge Road over SR 400 and the new extension of Tradewinds Parkway as well as the new intersection and bridge over SR 400 (the "BRIDGES"), as described in Exhibit A attached hereto and by this reference made a part hereof. The DEPARTMENT and LOCAL GOVERNMENT may sometimes be referred to individually as the "Party" or collectively as "Parties".

WHEREAS, in a separate agreement the DEPARTMENT and the State Road and Tollway Authority ("SRTA") have each determined that the design, construction, financing and maintenance of express managed lanes on the State Route 400 Express Lanes Project ("SR 400 EL Project"), PI #0001757 in Fulton and Forsyth Counties, is an authorized undertaking under State law; and

WHEREAS, the SR 400 EL Project will be delivered through a Public-Private Partnership ("P3") and, as such, the selected developer will enter into a project agreement with SRTA (with GDOT designated by SRTA to serve as agent and manager for the project) (the "Project Agreement"), and will be responsible for the final design and construction of the SR 400 EL Project; and

WHEREAS, the DEPARTMENT has agreed to fund the design and construction of the widening of the overpasses from two lanes to the GDOT standard four lane on the bridge at Kimball Bridge Road and Webb Bridge Road over SR 400, as well as the design and construction of the extension of Tradewinds Parkway over SR 400 including a Single Point Urban Interstate Direct Access Ramp as an express lane access point (interchange) from Tradewinds Parkway to SR 400 to be included in the SR 400 EL Project; and

WHEREAS, the LOCAL GOVERNMENT has expressed to the DEPARTMENT the desire to incorporate additional width on the BRIDGES to accommodate wider than GDOT standard sidewalks as well as certain aesthetic features, including hardscape, landscape and other aesthetic enhancements ("Aesthetic Enhancement Features") to be included on the BRIDGES as agreed in the Memorandum of Understanding ("MOU") executed between the Parties on September 21, 2020; and

WHEREAS, said improvements to the BRIDGES including the Aesthetic Enhancement Features are to be collectively referred to as the "Project Improvements" as further defined in this IGA; and

WHEREAS, the LOCAL GOVERNMENT has represented to the DEPARTMENT a desire to participate in certain activities, as applicable, including fully funding the Aesthetic Enhancement Features and the DEPARTMENT has relied upon such representations; and

WHEREAS, the Parties are permitted to enter into intergovernmental contracts pursuant to Article IX, Section III, Paragraph I(a) of the Constitution of the State which provides, in pertinent part, as follows:

"[t]he state, or any institution, department, or other agency thereof, and any ... or other political subdivision of the state may contract for any period not exceeding 50 years with each other or with any other public agency, public corporation, or public authority for joint services, for the provision of services, or for the joint or separate use of facilities or equipment; but such contracts must deal with activities, services, or facilities which the contracting parties are authorized by law to undertake or provide... "; and

WHEREAS, the DEPARTMENT and the LOCAL GOVERNMENT, by and through their respective governing bodies, desire to enter into this IGA for the purpose of establishing the duties of each Party with respect to the development and funding of the Project Improvements.

NOW THEREFORE, in consideration of the foregoing premises, the mutual promises made and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties do hereby agree as follows:

Article I

General Provisions

Section 1.1. Recitals and Premises a Part of Agreement. The DEPARTMENT and the LOCAL GOVERNMENT hereby agree that the foregoing recitals and premises shall constitute a part of this Agreement.

Section 1.2. Representation of the Parties. The DEPARTMENT and the LOCAL GOVERNMENT have the power to enter into this Agreement and to perform all obligations contained herein, and have, by proper action, duly authorized the execution, delivery and performance of this Agreement.

Section 1.3. Scope of Agreement. This Agreement provides for the procedures the DEPARTMENT and LOCAL GOVERNMENT will employ in identifying, planning, and effecting the design and construction by the developer of the Project Improvements. Further, this Agreement provides for the procedures for the allocation of cost and matters related thereto. The DEPARTMENT and LOCAL GOVERNMENT each covenant and agree to cooperate in good faith with the other Party hereto in achieving the objectives of this Agreement.

Section 1.4. Appointment of GDOT as SRTA's Agent. GDOT shall act as SRTA's agent for the purpose of causing the design, construction, financing, and maintenance of the SR 400 EL Project by the selected developer pursuant to the provisions of the Project Agreement which will be entered into between SRTA and the developer. GDOT will provide project oversight and administration on behalf of SRTA as described in the Project Agreement and the Intergovernmental Agreement between GDOT and SRTA regarding the SR 400 EL Project.

It is understood between GDOT and the LOCAL GOVERNMENT that the general administration of the SR 400 EL Project by GDOT is for the sole purpose of representing the public's interests, and the interests of GDOT and SRTA, with respect to, among others, GDOT's obligation to make the final determination and related decisions regarding the construction, design and other work being performed by the developer in accordance with the Project Agreement.

The DEPARTMENT shall review and has approval authority for all aspects of the SR 400 EL Project, except as reserved by SRTA in the Project Agreement, including coordination with the developer provided however this review and approval does not relieve the LOCAL GOVERNMENT of its responsibilities under the terms of

this Agreement.

Section 1.5. Definitions. Capitalized terms used in this IGA and not otherwise defined shall have the meanings given in Exhibit 1 of the Project Agreement.

Article II Contract Time

Section 2.1. Term of Agreement. The term of this Agreement (the "Term") shall commence on the Effective Date and shall extend until thirty-five (35) years after the issuance of Substantial Completion by SRTA for the SR 400 EL Project, but in no event shall the Term hereof exceed fifty (50) years after the Effective Date of this Agreement.

Article III Design and Construction

Section 3.1. Design and Engineering. The developer for the SR 400 EL Project shall be responsible for the design, engineering and preparation of all plans and specifications for construction including those related to the Project Improvements. Upon the request of the LOCAL GOVERNMENT, GDOT shall make available to the LOCAL GOVERNMENT copies of As Built plans related to the Project Improvements after Final Acceptance of the SR 400 EL Project. The LOCAL GOVERNMENT acknowledges that the final PROJECT design will be the responsibility of the selected developer.

Section 3.2. Preparation and Approval of Plans. The LOCAL GOVERNMENT has provided standards relating to the Aesthetic Enhancement Features as required under the MOU between the Parties, attached as the *GA 400 Bridge Improvementst Design Guidelines, September 14, 2020, Exhibit A, Attachment 1* and *Selected Specifications, April 22, 2020, Exhibit A, Attachment 2.*

The plans and any associated information or specifications related to the Aesthetic Enhancement Features and Project Improvements shall be included in the list of Reference Information Documents ("RID") in the final Request for Proposals to be issued by the DEPARTMENT on or before February 2, 2021. As between the LOCAL GOVERNMENT and the DEPARTMENT, the DEPARTMENT shall have final authority concerning the acceptance of the developer's plans relating to the Project Improvements; provided however the LOCAL GOVERNMENT shall be responsible for the professional quality, technical accuracy, and the coordination of all drawings, specifications, and other services furnished by or on behalf of the LOCAL GOVERNMENT to the DEPARTMENT for use as a RID.

Prior to the issuance, on or before February 2, 2021, of the final Request for Proposals and if notified by the Department, the LOCAL GOVERNMENT shall correct or revise, or cause to be corrected or revised, any errors or deficiencies in the drawings, specifications, and other services furnished for the Aesthetic Enhancement Features.

Section 3.3. Description of Work.

(a) The work expected to be constructed by the developer and funded by the DEPARTMENT generally includes the following:

- i. Design and widening of Webb Bridge Road from two lanes to accommodate the four lanes and GDOT standard sidewalk widths for a total bridge width of 66'-5"
- ii. Design and widening of Kimball Bridge Road from two lanes to accommodate the four lanes and trail width pedestrian facilities for a total bridge width of 76'-5"; and
- iii. Design and construction of the extension of Tradewinds Parkway to Westside Parkway including new bridges over SR 400 and a Single Point Urban Interstate Direct Access Ramp as an express lane access point (interchange) from Tradewinds Parkway to SR 400.

(b) The work expected to be constructed by the developer and funded, in part, with the contributions from the LOCAL GOVERNMENT (described in Article IV, below)

generally includes the incorporation of hardscape, landscape and other Aesthetic Enhancement Features for the BRIDGES as follows:

- i. Bridge widening to accommodate wider sidewalks;
- ii. Exterior barrier wall enhancements (bridge parapet);
- iii. Interior Barrier Wall enhancements (wall between travel lanes and pedestrian areas);
- iv. Above bridge deck column enhancements;
- v. Decorative railing and fencing including fence post sleeves and mounting brackets;
- vi. Upgrade to Specialty Sidewalk paving;
- vii. Decorative lighting and conduit;
- viii. Brick formliner with specified colors and finishes;
- ix. Landscaping;
- x. Recess block out and recess lettering for City of Alpharetta Logo sign.

Section 3.4. Right of Way. If necessary for the design and construction of the Project Improvements, the LOCAL GOVERNMENT shall provide or cause to be provided to the DEPARTMENT access rights to the LOCAL GOVERNMENT property. It is understood by the LOCAL GOVERNMENT that these access rights will then be provided from the DEPARTMENT to SRTA and the developer as necessary for the construction of the SR 400 EL Project.

Where necessary, the developer will coordinate with the LOCAL GOVERNMENT for any work which might affect the LOCAL GOVERNMENT in general, including work necessary to tie-in the SR 400 EL Project to and from LOCAL GOVERNMENT roadways. The LOCAL GOVERNMENT shall not interfere with or hinder the developer's execution of its work on LOCAL GOVERNMENT property nor shall the LOCAL GOVERNMENT's plans and regional projects, including but not limited to Kimball Bridge Road, Webb Bridge Road and Tradewinds Parkway extension/Express Lanes interchange construction, conflict with the SR 400 EL Project.

After Substantial Completion of the SR 400 EL Project, right of way may be quitclaimed to the LOCAL GOVERNMENT if necessary for the purpose of maintenance and such transfer of right of way shall be as solely determined by the DEPARTMENT.

Section 3.5. Utilities Work. Except in the case of a betterment or as directly related to the installation of Aesthetic Enhancement Features, the DEPARTMENT shall be responsible for any and all relocation of utility facilities, and the costs thereof, necessitated by construction within the SR 400 EL Project as may be set forth in the Project Agreement.

Section 3.6 Traffic Management. The LOCAL GOVERNMENT understands that the developer's work will necessitate closures of local roads, parks and trails during construction and maintenance of the SR 400 EL Project including the temporary closures as defined below:

- (a) Temporary/permanent access changes at AlphaLoop Trail; and
- (b) Temporary closure of Kimball Bridge Road and Webb Bridge Road during replacement of these bridges.

If additional closures are needed for local roads or streets, the developer shall provide to the Department a minimum two week notice. The notice from the developer shall include a detour plan and all necessary Maintenance of Traffic (MOT) information. The Department will notify the LOCAL GOVERNMENT as soon as it receives such notice(s) including the detour plan and MOT information. The LOCAL GOVERNMENT shall grant such closures for the SR 400 EL Project work upon receipt of notice from the Department.

The DEPARTMENT shall require the developer to comply with the traffic management provisions of the Project Agreement including the Manual on Uniform Traffic Control Devices (MUTCD) and shall hold the developer responsible to mitigate

any closures or interference, to the extent possible, with the traffic on the local roads, parks and trails of the LOCAL GOVERNMENT. The Department will make all reasonable efforts to coordinate with the LOCAL GOVERNMENT for temporary closures longer than 24 hours.

In addition, the Department will provide timely information including when necessary media alerts and press releases regarding local lane/road closure activities in order for the LOCAL GOVERNMENT to provide adequate notice to the public regarding impacts to traffic.

Section 3.7 Award of Contract. The DEPARTMENT, as the designated project manager and agent for SRTA on the SR 400 EL Project shall use its best efforts to cause the design and construction of the Project Improvements in accordance with the terms and conditions of the Project Agreement and this IGA. GDOT is solely responsible for the award of the Project Agreement.

Article IV Compensation

Section 4.1. Payment Obligations. The LOCAL GOVERNMENT will fund all costs associated with the Aesthetic Enhancement Features to the BRIDGES in the amount of Four Million Eight Hundred Forty Thousand Dollars (\$4,840,000.00) ("LOCAL GOVERNMENT Aesthetic Costs").

The LOCAL GOVERNMENT will be responsible for providing payment in an amount of Four Million Eight Hundred Forty Thousand Dollars (\$4,840,000.00) in seven (7) equal installments on an annual basis. The first installment shall be received by the DEPARTMENT prior to the execution of the Project Agreement but in no case shall such remittance be later than May 30, 2021 and each installment thereafter shall be received no later than May 30 of each following year.

Article V

Maintenance

Section 5.1. Maintenance. In accordance with Georgia Code §32-2-2, the LOCAL GOVERNMENT shall be responsible for all costs for the continual maintenance and operations of any and all sidewalks, landscaping, hardscaping or other Aesthetic Enhancement Features on the BRIDGES. Any warranties associated with the LOCAL GOVERNMENT continued maintenance of the Aesthetic Enhancement Features shall be in the name of the LOCAL GOVERNMENT.

The LOCAL GOVERNMENT shall also be responsible for the continual maintenance and operation of all aesthetic lighting systems installed to illuminate any portion of the BRIDGES constructed as part of the SR 400 EL Project, including all future electric consumption costs.

The maintenance responsibilities will be agreed upon between the Parties at a later date either through a Supplemental Agreement to this IGA or under a separate maintenance agreement either of which may include the execution of any related permits necessary to assume this maintenance responsibility. Upon receipt by the DEPARTMENT of the developer's notification that it anticipates achieving Substantial Completion, the Parties will start the process to document the maintenance roles and responsibilities of the LOCAL GOVERNMENT.

Article VI Schedule

Section 6.1. Schedule. Both the LOCAL GOVERNMENT and the DEPARTMENT hereby acknowledge that Time is of the Essence. It is agreed that all Parties shall adhere to the project schedule, which is attached hereto as Exhibit B and incorporated herein by reference. In the completion of respective commitments contained herein, if a change in the schedule is needed, the LOCAL GOVERNMENT shall notify the DEPARTMENT in writing of the proposed schedule change and the DEPARTMENT shall acknowledge the change through a written response letter;

provided that the DEPARTMENT shall have final authority for approving or denying any proposed change.

If, for any reason, the LOCAL GOVERNMENT does not produce acceptable deliverables in accordance with the approved schedule, the DEPARTMENT reserves the right to continue with the design and construction of the SR 400 EL Project without incorporating the Project Improvements or the Aesthetic Enhancement Features and without remittance of the LOCAL GOVERNMENT Aesthetic Costs.

Article VII Miscellaneous

Section 7.1. Notices. Any and all notices or other communications (including any certificates, requests, demands, consent or approval) which may be required hereunder shall be in writing and shall be deemed given when sent by e-mail, via hand delivery, overnight delivery using a nationally recognized overnight delivery service, or mailed or transmitted by United States certified mail, return receipt requested; in each case addressed as follows:

(a) If GDOT, to:

Georgia Department of Transportation
600 W. Peachtree Street, NW
Atlanta, Georgia 30308
ATTN: Chief Engineer

with a copy to:

Georgia Department of Transportation
600 W. Peachtree Street, NW
Atlanta, Georgia 30308
ATTN: General Counsel

(b) if City of Alpharetta, to:

The City of Alpharetta
2 Park Plaza
Alpharetta, Georgia 30009
ATTN: City Administrator

The date on which such notice is delivered will be deemed the date thereof. Either party may from time to time, by five (5) days' prior notice to the other party in writing, specify a different address to which notices will be sent. Rejection or refusal to accept a notice or inability to deliver a notice because of a changed address of which no notice was given will be deemed a delivery of the notice on the date when postmarked.

Section 7.2. No Third-Party Beneficiaries; No Assignments. Nothing contained herein shall be construed as conferring upon or giving to any person, other than the Parties hereto, any rights or benefits whatever under or by reason of this Agreement. Neither party may assign any interest in this Agreement by assignment, transfer, or novation, without prior written consent of the other party.

Section 7.3. Entire Agreement/Modifications. This Agreement (including, without limitation, any and all Exhibits attached hereto and any and all documents incorporated by reference herein) and any and all instruments and other documents delivered pursuant to this Agreement constitutes the entire agreement between the parties with respect to the subject matter hereof. No representations were made or relied upon by either party, other than those that are expressly set forth herein. Any modification or amendment of this AGREEMENT shall be valid only when it has been reduced to writing and executed by both parties.

Section 7.4 Termination. The DEPARTMENT reserves the right to terminate this Agreement at any time for just cause, or for any cause upon thirty (30) days written notice to the LOCAL GOVERNMENT.

Section 7.5. Binding Effect. This Agreement and any and all provisions hereto, shall inure to the benefit of and shall be binding upon the DEPARTMENT and

the LOCAL GOVERNMENT and their respective successors and assigns, subject, however, to the limitations contained in this Agreement.

Section 7.6. Interpretation of Agreement. Should this Agreement or any provision thereof require interpretation or construction in any judicial proceeding, it is agreed that the Parties intend that the Court interpreting or construing the same shall not apply a presumption that this Agreement or any provision hereof shall be more strictly construed against one party who itself or through its agents prepared the document, drafted a particular provision, or the provision was for the party's benefit, or the party enjoyed a superior bargaining position. It being agreed by the DEPARTMENT and the LOCAL GOVERNMENT that both parties hereto have had significant voice and have fully participated in the preparation of all provisions of this Agreement, including, without limitation, any and all Exhibits attached to this Agreement.

Section 7.7. Governing Law. This Agreement is made and entered into in Fulton County, Georgia, pursuant to and shall be governed by and construed under the laws of the State of Georgia. The sole and exclusive venue for the enforcement of this Agreement, or any right or obligation hereunder, by either Party shall be the Superior Court of Fulton County, Georgia.

Section 7.8. Effective Date. This Agreement shall become effective upon execution thereof by the DEPARTMENT and the LOCAL GOVERNMENT.

Section 7.9. Severability. In the event any provision of this Agreement shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision of this Agreement nor limit or impair the operation of any other provision of this Agreement.

Section 7.10. Execution Counterparts. This Agreement may be simultaneously executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

Section 7.11. Headings. The captions or headings which appear in this Agreement for articles, sections and subsections are for the purpose of convenience only and in no way define, limit or describe the scope or intent of any provisions of this Agreement.

Section 7.12. Compliance with Law. The LOCAL GOVERNMENT certifies that:

- (a) The provisions of Sections 45-10-20 through 45-10-28 of the Official Code of Georgia Annotated relating to Conflict of Interest and State employees and officials trading with the State have been complied with in full.
- (b) The LOCAL GOVERNMENT shall comply and shall require its consultants, subconsultants, and subcontractors to comply with all applicable requirements of the American with Disabilities Act of 1990 (ADA), 42 U.S.C. 12101, *et seq.* and 49 U.S.C. 322; Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 791; and regulations and amendments thereto.

The LOCAL GOVERNMENT acknowledges and agrees that failure to complete appropriate certifications or the submission of a false certification shall result in the termination of this Agreement.

The Parties acknowledge that the following Attachments to this Agreement are hereby incorporated into and made a part of this Agreement as though expressly written herein:

Exhibit A – Cost Estimate and Project details

Attachment 1. *GA Bridge Improvements Design Guidelines, September 14, 2020*

Attachment 2. *Selected Specifications, April 22, 2020*

Exhibit B – Schedule

IN WITNESS WHEREOF, the DEPARTMENT and the LOCAL GOVERNMENT
have caused these presents to be executed under seal by their duly authorized
representatives.

GEORGIA DEPARTMENT OF
TRANSPORTATION

CITY OF ALPHARETTA, GEORGIA

BY: _____
Commissioner

BY: _____(SEAL)

Name: _____
Title: _____

ATTEST:

Treasurer

This Agreement approved by the City of
Alpharetta, this ____ day of
_____, 20____.

ATTEST:

BY: _____

Name: _____
Title: _____

FEIN: _____

EXHIBIT A

Cost Estimate, Project Details and Cut Sheets

PI Number SR 400 Express Lanes Project, 001757

City Alpharetta

County Fulton

Project Manager Tim W. Matthews, P.E.

Project Type City of Alpharetta Aesthetic Enhancement Features at Kimball Bridge Road, Webb Bridge Road and Tradewinds Parkway

Project Description Design and Construction of Project Improvements as described in Section 3.3 of this IGA

Project Cost: Lump Sum amount of \$4,840,000.00

ATTACHMENTS

1. *GA 400 Bridge Improvements Design Guidelines, September 14, 2020*
2. *Selected Specifications, April 22, 2020*

ATTACHMENT 1

GA 400 Bridge Improvements Design Guidelines, September 14, 2020

GA 400 BRIDGE IMPROVEMENTS

DESIGN GUIDELINES

SHEET NO.	DESCRIPTION
2	PROJECT OVERVIEW
3-5	CONCEPT DESIGN: KIMBALL BRIDGE ROAD
3	BRIDGE AXONOMETRIC VIEW
4	BRIDGE PLAN AND ELEVATION
5	BRIDGE SECTION: BB VIEW
6-8	CONCEPT DESIGN: WEBB BRIDGE ROAD
6	BRIDGE AXONOMETRIC VIEW
7	BRIDGE PLAN AND ELEVATION
8	BRIDGE SECTION: BB VIEW
9-12	CONCEPT DESIGN: TRADEWINDS PARKWAY
9	BRIDGE AXONOMETRIC VIEW
10	BRIDGE PLAN VIEW
11	BRIDGE ELEVATION VIEW
12	BRIDGE SECTION: BB VIEW
13-15	GENERAL GUIDELINES
13	STONE FORMLINER
13	PAINT PALETTE
14	CONSTRUCTION MOCKUPS
14	CONCRETE PAVERS AND PAVING PATTERNS
15	LIGHTING SELECTION OVERVIEW
15	SIGNAGE

SHEET NO.	DESCRIPTION
16-30	STANDARD DETAILS
16	BRIDGE BENTS AND COLUMNS
17-20	WALLS AND BRIDGE ABUTMENTS
21	BRIDGE PYLONS AND COLUMNS
22	FORMLINER WALLS
23-25	VERTICAL BRIDGE FENCING
26	WALL RAILINGS
27-28	BRIDGE AND PEDESTRIAN LIGHTING
29-30	CONCRETE PAVERS AND PAVING PATTERNS

PROJECT PARTNERS





City Council Meeting STAFF REPORT

Submitting Department: Community Development

Submitted By: Kathi Cook

Sponsored By:

Meeting Date: November 16, 2020

I. AGENDA ITEM TITLE: PROJECT MANAGEMENT SERVICES: NORTH POINT STREETSCAPE LCI

II. RECOMMENDATION:

Please approve the Atkins North America Inc. proposal in the amount of \$78,500 for Phase I (Concept Phase) project management services for the North Point Streetscape LCI project and authorize the Mayor to execute all necessary documents.

III. BUDGET IMPLICATIONS:

BUDGETED ITEM: NO

FISCAL IMPACT: YES

INCLUDED IN CURRENT FY CPTL BUDGET: NO

INCLUDED IN CURRENT FY
OPRT. BUDGET: NO

TOTAL PROJECT COST: TOTAL **\$2,078,500**: FED \$1,600,000
CITY \$400,000 (REQUIRED MATCH); **\$78,500 (CURRENT REQUEST)**

APPROPRIATIONS:

<u>ACCOUNT TITLE/NUMBER</u>	<u>DOLLAR AMOUNT</u>
30174150-541410-C2107 (North Point Pkwy Streetscape - PH I Project Mgmt Services)	\$78,500.00
30190200-579000 (Non-Allocated)	(\$78,500.00)

EXTERNAL FUNDING SOURCES:

<u>ACCOUNT TITLE/NUMBER</u>	<u>DOLLAR AMOUNT</u>
-	\$0.00
-	\$0.00

IV. REPORT IN BRIEF:

The City was recently awarded federal funding for the design phase of the North Point Parkway Streetscape project. Projects, such as this project, funded under the Federal-aid highway program (FAHP) must follow the regulations within 23 CFR 172 (Code of Federal Regulations), which prescribes the requirements for the procurement, management, and administration of engineering and design related services under 23 U.S.C. 112 (United States Code) and as supplemented by the Uniform Administrative Requirements For Federal Awards rule.

City staff has limited experience with design project oversight on projects required to follow 23 CFR 172. Following the Project Management process being used for recent TSPLOST and Bond Projects, staff requested a task order proposal from the City's current on-call consultant for Project Management Services, Atkins. Staff have reviewed the scope of the task order proposal (Concept Phase) and believe the proposed cost of \$78,500 is reasonable and will help ensure compliance with the federal regulations and required documentation. Atkins will be paid based on hours worked according to the billable rates as agreed in the current on-call contract.

This will be a multi phase design effort potentially spanning several years depending upon the scale of the environmental process. Once the final scope of the project is detailed, additional task orders may be required.

V. ALTERNATIVES:

VI. ATTACHMENTS:

Fee proposal for NP LCI Concept_102320

Scope of Services – Concept Phase

Atkins will provide Program Management services for the North Point LCI project (FN-179). Atkins services will begin once a PI number and GDOT project manager has been assigned. Atkins will provide the following services based on the GDOT PDP Concept Workflow (see below -

<http://www.dot.ga.gov/PartnerSmart/DesignManuals/PDP/GDOT%20PDP%20Flowchart%20-%20Concept.pdf>):

- Assist in the RFP/RFQ process for selected design consultant through attendance at the pre-bid and providing a review of the proposals.
- Monthly monitoring of design consultant status/schedule
- Review invoices from design consultant and make recommendation to the City
- Provide PM services for the concept phase including:
 - PM services through approval of concept report
 - Traffic study review (assumed design consultant will finalize traffic study for concept report)
 - Review of environmental documents (assume design consultant will perform resource ID, delineations of ecology and preliminary studies necessary for concept report with the level of report assume to be a Categorical Exclusion)
 - Review of survey documents (assumes design consultant will receive approval of survey control package)
 - Prepare for and attend Concept Team Meeting (CTM)
 - Prepare for and attend one public meeting (if required by GDOT or the City)
 - Attend GDOT monthly meetings (assume up to 12)
 - Attend up to 4 meetings with the City outside of GDOT monthly meetings
- Provide ROW cost estimate through a GDOT prequalified sub consultant (THC, Inc.)
- It is assumed that an initial concept report will not be required
- It is assumed that a VE study will not be required

Consulting Fees

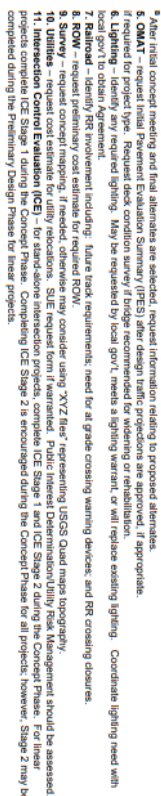
Atkins shall provide professional staff on an as-directed basis for a not-to-exceed budget of \$_____ for the scope mentioned above. Atkins will notify the City staff immediately if there are any items outside the proposed scope that may require additional budget once a design consultant is on board.

Atkins will invoice based on actual hours spent to complete the requested tasks. The billing shall be based on actual hourly rates and a contract multiplier of 2.9 for office tasks.

Schedule

The scope of this purchase order is anticipated to cover approximately 12 months from selection of design consultant. If there are delays from the consultant or GDOT additional budget may be required if it extends past this schedule.

Thursday, May 02, 2019



Public involvement to be consistent with the project Public Involvement Plan. Note that the PJOH may prompt changes to the layout and concept report



- PE - Preliminary Engineering
- PIOH - Public Information Open House
- PM - Project Manager
- PODI - Projects of Divisional Interest (FTHWA)
- QA - Quality Assurance
- ROW - Right-of-Way
- RR - Railroad
- SHPO - State Historic Preservation Officer
- SUE - Overhead/Subsurface Utility Engineering
- USACE - US Army Corps of Engineers
- USGS - United States Geological Survey
- VE - Value Engineering



Member of the SNC-Lavalin Group

Cost Proposal - By Task

North Point LCI (Concept Phase)

City of Alpharetta

(Contract #)

Submittal Date: Oct-23-2020

Task ID	Description	Price
01	Assistance with RFP/RFQ	5,628.46
02	Consultant Oversight (schedule and budget monitoring)	8,642.24
03	Invoice Review/Recommendations	3,795.60
04	Plan Reviews	43,046.49
05	Meetings with City and GDOT	17,387.21
Total Extended Price		\$78,500.00



City Council Meeting STAFF REPORT

Submitting Department: Courts

Submitted By: Brooke Lappin

Sponsored By:

Meeting Date: November 16, 2020

I. AGENDA ITEM TITLE: SCANNING OF CLOSED COURT CASES

II. RECOMMENDATION:

Staff is recommending that Mayor and Council approve funding for the scanning of closed court case files in an amount not to exceed \$39,600.00 and authorize the Mayor to execute all necessary documents.

III. BUDGET IMPLICATIONS:

BUDGETED ITEM: NO

FISCAL IMPACT: YES

INCLUDED IN CURRENT FY CPTL BUDGET: NO

INCLUDED IN CURRENT FY
OPRT. BUDGET: NO

TOTAL PROJECT COST: \$39,600.00.

BALANCE IN THE NON-ALLOCATED ACCOUNT, UPON APPROVAL
OF THIS INITIATIVE, TOTALS \$7 MILLION.

APPROPRIATIONS:

ACCOUNT TITLE/NUMBER	DOLLAR AMOUNT
30126550-542400-C1222 (Records Management)	\$39,600.00

EXTERNAL FUNDING SOURCES:

ACCOUNT TITLE/NUMBER	DOLLAR AMOUNT
30190200-579000 (Non-Allocated)	(\$39,600.00)

IV. REPORT IN BRIEF:

Alpharetta Municipal Court has begun the process of moving towards a paperless court. Data from the closed cases that are still within the 10 year retention schedule will need to be in a searchable format in order for the Court to move away from the current software.

There are currently 200 boxes of archived case files in storage with Georgia Records Management (GRM) and an additional 200 boxes worth of files on site in the Crabapple facility. The Court must respond to all Open Records requests per the Open Records Act. If the file is not on-site, the court must request the file to be transported to the court by GRM. There is a \$27.27 fee to have a box delivered to the court and an additional \$27.27 to return the box to storage.

The City of Alpharetta has a current contract with Advanced Data Solutions to outsource all large scanning projects. The Court is requesting the quoted amount of \$39,600.00 to scan the estimated 400 boxes of closed case files. The scanned files will be saved in a format that will be easily searchable by the Court Clerks. The Court will be able to respond to all requests in a more timely manner.

Once the Court has access to the archived cases, we will be able to move forward with the transition to the Ecourt case management system. This is an internet base platform that will allow the court to move away from physical files. All documents will be scanned once filed with the Court and shredded upon completion. This will reduce the space needed to store closed cases and will allow immediate access to all pending cases.

V. ALTERNATIVES:

VI. ATTACHMENTS:

City of Alpharetta Municipal Court, City_of_Alpharetta_Contract_for_Document_Scan



Products and Services Price Quote

Company Name	City of Alpharetta / Municipal Court
Contact Name/Title	Brooke Lappin / Director of Municipal Court Services
Address	12624 Broadwell Road
Address	
City, State, Zip	Alpharetta, GA 30004
Phone Number	678 297-6252
E-Mail/Fax Number	BLappin@alpharetta.ga.us

Item No.	Description	Cost
	Scanning court records	
1	Scanning @ 300DPI to Multi-page PDF's	\$ 0.045 per image
2	Indexing - Plaintiff last name and case #	\$ Included
3	Pickup and Delivery	\$ Included
	Assumptions: 400 boxes. Scan @ 300DPI, ADS will remove staples and clips. index by Plaintiff last name and case #. Export to Multi-page PDF's Pricing discounted off the City of Alpharetta sealed bid # 18-106. Advanced Data Solutions was the successful bidder. See Attached. Estimated total: \$39,600.00	

CONTRACT NAME: Document Scanning Services for the City of Alpharetta
CONTRACT NO. 18-106

CITY OF ALPHARETTA
STANDARD CONTRACT FOR SERVICES

This Contract for Services for the City of Alpharetta is made and entered into and is effective 6/8/2018, by and between **Advanced Data Solutions, Inc.**, a foreign corporation authorized to transact business in the State of Georgia with its principal office located at 141 Scarlet Blvd., Suite A, Oldsmar, FL 34677 (the "Contractor") and the **City of Alpharetta, Georgia**, a municipal corporation of the State of Georgia (the "City").

1. Contract Documents. The Contract Documents consist of this Contract, the City's Request for Proposal No. 18-106 dated March 1, 2018 (the "RFP"), including any addenda thereto, and the Contractor's Proposal dated March 14, 2018 (the "RFP"), all of which collectively are incorporated herein by reference (collectively, the "Contract Documents"). In the event of any conflict in the Contract Documents, the provisions and requirements set forth in this Contract shall govern; provided however, to the extent any of Contractor's obligations or duties set forth in the Proposal exceed the requirements provided within the RFP or this Contract, or the City finds any of the terms set forth in the Proposal more desirable, the terms set forth in the Proposal shall control. Subject to the foregoing, in the event of a conflict between the language in the RFP and the Proposal, the language in the former shall govern.
2. Scope of Services. The Contractor's duties and scope of services are specifically set forth in the RFP and Proposal (the "Work") and, in general, include the following:

The provision of document imaging, digital and microfilm conversion, indexing, archiving and preservation services of City records on an on-call or task order basis.

Contractor shall provide document imaging and archival services for various types of paper documents, maps, drawings, etc., on an on-call or task order basis. The Work includes, but is not limited to, Contractor's provision of the following services: pickup and delivery of documents by a bonded courier; scanning and imaging of documents; and conversion of documents to digital images or 35mm microfilm. The requirements of the Work include, but are not limited to, the following: (a) Human Resource documents will be prepped and scanned on-site at City Hall facility; (b) Contractor shall comply with all security requirements and certifications as noted in the RFP documents or as may become necessary at any point in the future; and (c) indexing for all types of documents will be performed at the Contractor's facility. Contractor shall furnish all labor, materials, equipment, superintendence, and other incidentals necessary or convenient to perform the Work.

3. Contract Prices. As finally awarded by the City, the City shall pay Contractor in accordance with the unit prices/rates set forth in Contractor's Cost Proposal, which is attached hereto and incorporated herein as **Exhibit "A,"** for Contractor's performance of Work.

The City will process approved payment requests under this project to the Contractor. Payment to sub-contractors and suppliers is the responsibility of the Contractor. The City will not entertain any other payment arrangements.

Invoices shall be submitted to:

CONTRACT NAME: Document Scanning Services for the City of Alpharetta
CONTRACT NO. 18-106

City of Alpharetta
Attn: City Clerk
2 Park Plaza
Alpharetta, Georgia 30009

Payments may be made in the manner and on the periodic basis agreed to by the City prior to the commencement of the Work. Upon completion of the Work or, if agreed to by the City, upon completion of certain portions thereof, the Contractor shall submit an invoice detailing the appropriate charges as currently allowed. Upon receipt of Contractor's invoice and following inspections and confirmation of the performance of the subject portion of the Work, the City will render payment. Upon receipt of Contractor's final invoice and following final inspection and final acceptance of the Work, the City will render final payment. Subject to the withholding of any amounts due to the City as further set forth herein, all such invoices will be paid within forty-five (45) days by the City unless any items thereon are questioned, in which event payment will be withheld pending verification of the amount claimed and the validity of the claim. The Contractor will provide complete cooperation during any such investigation. No price adjustments shall be made during the term or any extension of this Contract except upon mutual consent of the parties. Notwithstanding any other provision of this Contract, and without prejudice to any of City's other rights and remedies, City shall have the right at any time or times to deduct and withhold from any payment for services that may become due under this Contract, such amount or amounts as may reasonably appear necessary to compensate the City for any portion of the Work that is defective, damaged, flawed, unsuitable, non-conforming or incomplete. Acceptance of final payment shall constitute a waiver of all claims against the City by the Contractor except for those claims previously made in writing against the City by the Contractor, pending at the time of final payment, and identified in writing by the Contractor as unsettled at the time of its request for final payment.

4. Commencement of Work; Time for Performance.

- (a) Commencement of Work. The City shall not become obligated to pay for the Work prior to execution of this Contract, and the Contractor shall only proceed to perform the Work as requested by the City by task order.
- (b) Time for Performance. Contractor's time for performance of each portion of the Work shall conform to the time requirements set forth in the subject task order.
- (a) Time is of the Essence. All limitations of time set forth in this Contract are of the essence.

5. Duration of Contract.

- (a) Contract Term. The term of this Contract shall be for a (5) five year period commencing July 1, 2018, and terminating June 30, 2023, as further set forth herein and in accordance with O.C.G.A. § 36-60-13.
- (b) Contract Extension. If the completion of this Contract is delayed by actions of the City, then and in such event the term of this Contract shall be extended for such additional time within which to complete the performance of the Contract as is

CONTRACT NAME: *Document Scanning Services for the City of Alpharetta*
CONTRACT NO. 18-106

required by such delay. This Contract may be extended by mutual consent of both the City and the Contractor for reasons of additional time, additional services and/or additional areas of work.

6. Termination. This Contract may be terminated prior to the term ending by either party in the event of substantial failure or default of the other party to fulfill its obligations under this Contract. Prior to such termination, the non-defaulting party shall give notice to the defaulting party of the failure or default. Such party shall have fifteen (15) days from the date of the notice to cure the default or failure if such default or failure is capable of being cured. Upon failure to cure the default or failure within fifteen (15) days, or if such failure or default is not capable of being cured, the non-defaulting party may terminate the Contract effective immediately upon the provision of written notice as provided in Section 15 (*Notices*). The Contract may also be terminated prior to expiration of the term by the City for City's convenience upon the provision of not less than fourteen (14) days written notice to the Contractor. In the event of such termination, the Contractor shall be compensated for services performed prior to termination. Such amount shall be paid by the City upon the Contractor's delivering or otherwise making available to the City, all data, drawings, specifications, reports, estimates, summaries and other information and materials as may have been accumulated by the Contractor in performing the services included in this Contract, whether completed or in progress. All unperformed obligations incurred by Contractor prior to such date shall survive termination of this Contract.
7. Representations and Warranties. Contractor represents and warrants that:
(a) Contractor has full power and authority to perform its obligations hereunder and to deliver the products and services set forth in the Contract Documents to the City without the consent of any other person or entity, and the products and services shall be delivered free and clear of any lien, encumbrance, security interest or other claim, of whatever nature; (b) Contractor shall comply with all applicable statutes, rules, regulations and requirements of any governmental agency or authority, whether now or hereafter enacted, in performing its obligations hereunder, and the products and services shall comply with all such statutes, rules, regulations and requirements in effect at the time of delivery to and acceptance by the City; (c) Contractor shall perform its obligations hereunder in a good, professional and workman-like manner, and in strict accordance with City's specifications and the terms of this Contract; (d) All services performed by the Contractor under this Contract shall be conducted in a manner consistent with the level of care and skill ordinarily exercised by other members of Contractor's profession or trade currently practicing in the same locality under similar conditions; and (e) Contractor, in the performance of its duties under this Contract, including but not limited to, its dealings with property owners, developers, contractors, consultants, architects and any local, state or federal governmental agency or political subdivision, shall owe its primary duty of loyalty to the City.
8. Licenses, Registrations, Certifications and Permits. The Contractor shall be responsible for obtaining and maintaining in a valid status, all licenses, registrations, certifications and permits necessary to perform the Work as required by law. Contractor represents to the City that the Contractor and its employees are properly licensed and/or registered within the State of Georgia for the performance of the services required herein, provided such licensure and/or registration is required by applicable law. Contractor shall provide copies of any such licenses, certifications or permits to the City upon request.

CONTRACT NAME: *Document Scanning Services for the City of Alpharetta*
CONTRACT NO. 18-106

9. Insurance.

- (a) Insurance Generally. Contractor shall obtain and shall continuously maintain during the term of this Contract insurance of the kind and in the minimum amounts as specified in the RFP, as follows:
- i. Statutory Worker's Compensation and Employers Liability Insurance in the minimum amount of Five Hundred Thousand Dollars (\$500,000) or as required by applicable law, whichever is greater, for all employees and other persons as may be required by Georgia law. If Contractor is self-insured, Contractor shall additionally provide the City with a certificate from the Georgia Board of Workers' Compensation stating that the Contractor qualifies to pay its own workers' compensation claims.
 - ii. Comprehensive General Liability insurance with minimum combined single limits of One Million Dollars (\$1,000,000) per occurrence and in the aggregate. The policy shall be applicable to all premises and all operations of the Contractor. The policy shall include coverage for bodily injury, broad form property damage (including completed operations coverage for a minimum term of two (2) years following final completion), personal injury (including coverage for contractual and employee acts), blanket contractual, independent contractors, products, and completed operations. Further, the policy shall be endorsed to provide "all risks" coverage. The policy shall contain a severability of interests provision. Coverage shall be provided on an "occurrence" basis as opposed to a "claims made" basis. Such insurance shall be endorsed to name the City, and its elected officials, officers, employees and agents, as additional insured parties.
 - iii. Comprehensive Automobile Liability insurance with minimum combined single limits for bodily injury of not less than One Million Dollars (\$1,000,000) per occurrence and property damage of not less than One Hundred Thousand Dollars (\$100,000) per occurrence with respect to each of the Contractor's owned, hired and non-owned vehicles assigned to or used in performance of the Work. The policy shall contain a severability of interests provision. Such insurance coverage must extend to all of Contractor's subcontractors. Such coverage must include all automotive equipment used in the performance of the Contract, both on and off any work site, and such coverage shall include non-ownership and hired cars (vehicles and equipment) coverage. Such insurance shall be endorsed to name the City, and its elected officials, officers, employees and agents, as additional insured parties.
 - iv. Umbrella/Excess Liability insurance with minimum combined single limits of One Million Dollars (\$1,000,000) per occurrence and in the aggregate. Such policy shall provide the same coverage set forth in the Comprehensive General Liability insurance policy. Such insurance shall be endorsed to name the City, and its elected officials, officers, employees and agents as additional insured parties.
- (b) Requirements of Insurance.

CONTRACT NAME: *Document Scanning Services for the City of Alpharetta*
CONTRACT NO. 18-106

- i. Insurance shall be procured and maintained with insurers with an A- or better rating as determined by Best's Key Rating Guide. All insurance shall be continuously maintained to cover all liability, claims, demands, and other obligations assumed by the Contractor.
 - ii. No policy of insurance shall contain any exclusion for bodily injury or property damage arising from completed operations.
 - iii. Every policy of insurance shall provide that the City will receive notice no less than thirty (30) calendar days prior to any cancellation, termination, or a material change in such policy.
 - iv. Proof of required insurance shall be maintained in all equipment and motor vehicles insured in accordance with the provisions of this Contract.
 - v. Contractor will ensure that any and all policies of insurance procured hereunder shall provide for a waiver of subrogation against the City, and Contractor waives any claim against the City arising in contract or tort which is covered by its insurance hereunder.
- (c) Failure to Obtain or Maintain Insurance. The Contractor's failure to obtain and continuously maintain policies of insurance in accordance with this Section and its subsections shall not limit, prevent, preclude, excuse, or modify any liability, claims, demands, or other obligations of the Contractor arising from performance or non-performance of this Contract. Failure on the part of the Contractor to obtain and to continuously maintain policies providing the required coverage, conditions, restrictions, notices, and minimum limits shall constitute a material breach of this Contract upon which the City may immediately terminate this Contract without advance notice.
- (d) Insurance Certificates. Contractor shall provide proof of such insurance to the City contemporaneously with the execution of this Contract. Prior to commencement of the Work, Contractor shall submit to the City certificates of insurance for all required insurance. Insurance limits, term of insurance, insured parties, and other information sufficient to demonstrate conformance with this Section and its subsections shall be indicated on each certificate of insurance. Acceptance of a certificate or proof of insurance does not constitute approval or agreement by the City that the insurance requirements have been satisfied.
- (e) Other Insurance. Contractor shall maintain such other types and/or amounts of insurance as reasonably required by the City from time to time.
10. Indemnification. Contractor shall, to the fullest extent permitted by law, indemnify and hold harmless the City, including its elected officials, officers, employees, and agents, from and against any and all claims, demands, losses, liabilities, suits, actions, costs, expenses (including expenses of litigation and attorneys' fees) and damages ("Claims") of any type or nature, including, but not limited to, Claims for injury to person or property, arising out of or related to Contractor's, or its officers', agents', employees' or subcontractors', performance or non-performance of this Contract; provided, however, that this indemnification obligation shall not apply to any Claims arising from the sole negligence of the City. Nothing in this Section or this Contract shall be deemed to

CONTRACT NAME: Document Scanning Services for the City of Alpharetta
CONTRACT NO. 18-106

constitute a waiver of the City's sovereign immunity, create rights in any third party, or create any third party beneficiaries.

11. No Subcontractors. No subcontractor or consultant shall be retained by Contractor to perform services under this Contract without the prior written consent of the City, except for those subcontractors previously identified in the Proposal. Essential staff members assigned to the performance of the Work shall not be reassigned without the consent of the City, which consent shall not be unreasonably withheld. Administration of any approved subcontractor shall be the Contractor's responsibility and all subcontracts shall require each subcontractor to be bound by all pertinent portions of this Contract and to assume all applicable obligations and responsibilities which the Contractor by this Contract assumes toward the City. In particular, and not by way of limitation, all indemnification and insurance provisions shall be fully binding upon any subcontractor providing a portion of the services, for all intents and purposes as if said subcontractor were a party to this Contract.
12. Independent Contractor. The Contractor shall at all times be acting as an independent contractor and not be considered or deemed to be an agent, employee, joint venture or partner of the City. Contractor shall have no authority to contract for or bind City in any manner. Contractor shall have and maintain the responsibility for and control of the rendition of the Work, the discipline of its employees, and other matters incident to the performance of the Work (services, duties and responsibilities as described and contemplated herein). Notwithstanding the provisions of Section 11 (*No Subcontractors*) hereof or any other provision(s) of this Contract to the contrary, no employee, contractor or subcontractor of Contractor shall be considered an "employee" of the City during the performance of this Contract (the term "employee" shall have the same meaning as provided in IRS Publication No. 15 (2014)(Circular E).
13. Conflict of Interest. The Contractor represents that it has not, within two (2) years preceding the execution of this Contract, made or agreed to make any valuable gift, whether in the form of service, loan, thing, or promise, to any person (including any member of such person's immediate family) having the duty to recommend, the right to vote upon, or any other direct influence on the selection of the Contractor to provide products and services to the City. This provision shall not apply to legal campaign contributions, provided that such contributions have been disclosed in Contractor's response to the City's RFP.
14. Ownership of Work Product. In the event Contractor prepares, pursuant to the performance of this Contract, any drawings, plans, studies, reports, specifications, other documents (the "Work Product"), the City shall be deemed the owner of the original of all such Work Product, and all statutory and common law rights with respect to such Work Product shall accrue to the City, provided the City has paid for the services in full.
15. Notices. All contractual notices and communications under this Contract shall be deemed sufficient if given by certified mail or statutory overnight mail with return receipt requested, or hand delivered:

(a) If to the Contractor, at the following address:

Advanced Data Solutions, Inc.
Attn: Melody S. Engle

CONTRACT NAME: Document Scanning Services for the City of Alpharetta
CONTRACT NO. 18-106

141 Scarlet Blvd., Suite A,
Oldsmar, FL 34677

(b) If to the City, at the following address:

City of Alpharetta
2 Park Plaza
Alpharetta, Georgia 30009
Attn: City Clerk

(c) With a copy to:

C. Sam Thomas, P.C.
Alpharetta City Attorney
Bovis, Kyle, Burch & Medlin, LLC
200 Ashford Center North, Suite 500
Atlanta, Georgia 30338-2668

For the purposes of this Contract, the effective date of notice shall be the date that the notice is placed in certified or statutory overnight mail, or placed with a courier for hand delivery.

16. Public Records. Contractor understands that in accordance with O.C.G.A. § 50-18-70, *et seq.*, the public has a right of reasonable access to all public records of the City, subject to certain exceptions set forth therein or as otherwise provided by law, and agrees to allow access by the City to all documents subject to disclosure under applicable law. Contractor's willful failure or refusal to comply with the provisions of this Section shall result in the immediate termination of this Contract by the City. Further, Contractor agrees to retain all public records in accordance with the City's records retention and disposal policies, O.C.G.A. § 50-18-92, *et seq.*, and the Georgia Administrative Code. Notwithstanding the foregoing, nothing contained herein shall limit the Contractor's or the City's right to defend against disclosure of records alleged to be public.

17. Confidential Information.

(a) Access to Confidential Information. Contractor's employees, agents and subcontractors may have access to confidential data or information maintained by the City to the extent necessary to carry out Contractor's responsibilities under the Contract. Contractor shall presume that all information received pursuant to the Contract is confidential unless otherwise designated by the City. The confidential data or information of the City shall remain the property of the City at all times. Except as otherwise expressly provided for in the Contract Documents, Contractor agrees that access to City records and confidential data/information shall be limited to its employees and provided only to the extent necessary to carry out Contractor's responsibilities under the Contract. Contractor shall maintain appropriate internal policies and procedures sufficient to protect such confidential data or information from unauthorized disclosure. Prior to the performance of the Work and during the term of this Contract, Contractor agrees to the following:

CONTRACT NAME: *Document Scanning Services for the City of Alpharetta*
CONTRACT NO. 18-106

- i. Contractor shall provide to the City a written description of the Contractor's policies and procedures to safeguard confidential information (such policies shall address, as appropriate, information conveyed in verbal, written, and electronic formats; and such procedures shall include, without limitation, procedures to prevent the authorized dissemination of confidential data/information and practices to detect unauthorized disclosures);
 - ii. Contractor shall designate one individual who shall remain the responsible authority in charge of all data collected, used, or disseminated by the Contractor in connection with the performance of the Contract; and
 - iii. Contractor shall provide adequate supervision and training to its agents, employees, and subcontractors to ensure compliance with the terms of the Contract.
 - (b) No Dissemination of Confidential Data. No confidential data collected, maintained, or used in the course of performance of the Contract shall be disseminated, unless otherwise required by law, without the written consent of the City, either during the period of the Contract or thereafter.
 - (c) Subpoena. In the event that a subpoena or other legal process is served upon the Contractor for records containing confidential information, the Contractor shall, if permitted by law, promptly notify the City and cooperate with the City in any lawful effort to protect the confidential information.
 - (d) Reporting of Unauthorized Disclosure. Contractor shall promptly report to the City any unauthorized disclosure of confidential information.
 - (e) Survives Termination. Contractor's confidentiality obligation under the Contract shall survive termination of the Contract.
18. Compliance with Illegal Immigration Reform and Enforcement Act:
- E-Verify Program: The City is committed to compliance with Federal and State laws requiring the verification of newly hired employees to ensure they are lawfully entitled to work in the United States. As such, the City shall not enter into a contract for the "physical performance of services" (as defined in O.C.G.A. § 13-10-90) unless the Contractor registers and participates in a federal work authorization program (E-Verify). The E-Verify affidavit or the secure identifiable document submitted by the Contractor will become part of the Contract Documents.
- (a) Requirement to Participate in a Federal Work Authorization Program (E-Verify):
 - i. Pursuant to O.C.G.A. § 13-10-91, Contractor represents, warrants, acknowledges, and/or agrees that:

The Contractor has registered and participates in a federal work authorization program to verify the employment eligibility of all newly hired employees;

Subcontractors shall not enter into any contract with the Contractor for the physical performance of services within the State of Georgia unless such

CONTRACT NAME: Document Scanning Services for the City of Alpharetta
CONTRACT NO. 18-106

subcontractor registers and participates in a federal work authorization program to verify the employment eligibility of all newly hired employees; and

Sub-subcontractors shall not enter into any contract with a subcontractor or sub-subcontractor for the physical performance of services within the State of Georgia unless such sub-subcontractor registers and participates in a federal work authorization program to verify the employment eligibility of all newly hired employees.

- ii. As of the date of enactment of O.C.G.A. § 13-10-91, the applicable federal work authorization program is "E-Verify" (<https://e-verify.uscis.gov/enroll/StartPage.aspx?JS=YES>) operated by the United States Citizenship and Immigration Services Bureau of the United States Department of Homeland Security. Information and instructions regarding E-Verify program registration, corporate administrator registration, and designated agent registration can be found at that website address.

(b) Contractor, Subcontractor, and Sub-subcontractor Evidence of Compliance:

- i. Contractor, if providing the physical performance of services under this contract, shall comply with the requirements of O.C.G.A. § 13-10-91.
- ii. Pursuant to O.C.G.A. § 13-10-91, in the event the Contractor employs or contracts with a subcontractor in connection with the covered contract, the Contractor shall secure from such subcontractor attestation of the subcontractor's compliance with O.C.G.A. § 13-10-91 by the subcontractor's execution of the subcontractor affidavit, the form of which is included in Appendix A of the RFP, and will maintain a record of such attestation for inspection by the City at any time. Such subcontractor affidavit shall become a part of the Contractor/subcontractor agreement. Further, it shall be the duty of the Contractor to submit copies of all affidavits, drivers' licenses, and/or identification cards required pursuant to this Section, as applicable, to the City within five (5) business days of receipt.
- iii. Pursuant to O.C.G.A. § 13-10-91, in the event the Contractor employs or contracts with a subcontractor that employs or contracts with any sub-subcontractor, the subcontractor will secure from such sub-subcontractor attestation of the sub-subcontractor's compliance with O.C.G.A. § 13-10-91 by the sub-subcontractor's execution of the sub-subcontractor affidavit, the form of which is included in Appendix A of the RFP, and maintain records of such attestation for inspection by the City at any time. Such sub-subcontractor affidavit shall become a part of the subcontractor/sub-subcontractor agreement. Any subcontractor receiving an affidavit from a sub-subcontractor shall forward notice to the Contractor of the receipt, within five (5) business days of receipt, of such affidavit. Further, it shall be the duty of any sub-subcontractor to forward notice of receipt of any affidavit from a sub-subcontractor to the subcontractor or sub-subcontractor with whom such receiving sub-subcontractor has privity of contract. Any subcontractor receiving notice of receipt of an affidavit from any sub-subcontractor that has contracted with a sub-subcontractor shall also forward, within five (5) business days of receipt, a copy of such notice to the Contractor.
- iv. In lieu of the affidavit required by this Section, if Contractor, or any subcontractor or sub-subcontractor, as applicable, has no employees and does

CONTRACT NAME: *Document Scanning Services for the City of Alpharetta*
CONTRACT NO. 18-106

not hire or intend to hire employees for purposes of satisfying or completing the terms and conditions of the Contract (or the subcontractor's or sub-subcontractor's portion of work utilized to perform part of the Contract with the City), such party shall instead provide a copy of his or her state issued driver's license or state issued identification card.

- (c) The Contractor shall comply with any and all other applicable requirements and provisions of O.C.G.A. § 13-10-91 and other applicable rules and regulations promulgated in relation thereto.
- (d) All portions of contracts pertaining to compliance with O.C.G.A. § 13-10-91 and these rules, and any affidavit related hereto, shall be open for public inspection in this State at reasonable times during normal business hours.

19. Miscellaneous.

- (a) Compliance with Laws; No Discrimination. The Contractor, including any approved subcontractors, shall, in performance of the Work, fully comply with all applicable federal, state, or local laws, rules, and regulations, including, but not limited to, the Civil Rights Act of 1964, the Age Discrimination Act of 1975, the Americans with Disabilities Act of 1990, and Section 504 of the Rehabilitation Act of 1973. In performance of the Work, the Contractor shall not discriminate against any person on the basis of race, color, religion, sex, national origin or ancestry, age or disability and shall further ensure that Contractor's agents and/or subcontractors comply with same. Further, Contractor, its agents and subcontractors shall affirmatively comply with all applicable provisions of federal, state and local equal employment laws and shall not engage in or commit any discriminatory practice against any employee, applicant or person based on race, age, religion, color, gender, sexual orientation, national origin, marital status, physical or mental disability, political affiliation or any other factor which cannot lawfully be used as a basis for the provision or denial of employment or service delivery.
- (b) Governing Law. This Contract is executed and shall be performed in the State of Georgia, and this Contract shall be construed and enforced in accordance with the laws of the State of Georgia. Subject to Subsection (j) below (*Arbitration*), venue for any action arising out of this Contract shall lie in the appropriate court of Fulton County, Georgia.
- (c) Captions. Titles or captions of sections contained in this Contract are inserted only as a matter of convenience and for reference, and in no way define, limit, extend or prescribe the scope of this Contract or the intent of any provision.
- (d) Counterparts; Electronic Signature. This Contract may be executed in one or more counterparts, each of which shall be deemed an original, but all of which shall together constitute one (1) and the same instrument. This Contract may be executed by electronic signature, and such signature shall have the same validity and effect as a signature affixed by hand and shall constitute an original for all purposes.
- (e) Severability. In the event that any provision hereof is held to be invalid or unenforceable, such provision shall be severed from this Contract and shall not affect the validity or enforceability of the remainder of this Contract.

CONTRACT NAME: *Document Scanning Services for the City of Alpharetta*
CONTRACT NO. 18-106

- (f) Entire Agreement. This Contract supersedes all prior discussions and agreements between the parties with respect to the matters contained herein and constitutes the sole and entire agreement between the parties.
- (g) Persons Bound. This Contract shall be binding upon and shall inure to the benefit of the parties, their respective successors, successors in title, legal representatives, heirs and permitted assigns. This Contract may not be assigned by the Contractor without the prior written consent of the City.
- (h) Amendment. No term or provision of this Contract may be amended, waived, supplemented, modified or terminated except by an instrument in writing signed by the party against whom the enforcement of the amendment, waiver, supplement, modification or termination is sought.
- (i) Waiver. The City's failure or forbearance to enforce any term hereof shall not be deemed to be a waiver of such right or claim, or any right of claim hereunder. Moreover, the City's waiver of any term hereof shall not operate or be construed as a waiver of any subsequent breaches of the same or any other term.
- (j) Arbitration. Any dispute arising out of this Contract shall, at the option of the City of Alpharetta, be submitted to binding arbitration conducted in Atlanta, Georgia in accordance with the rules of the American Arbitration Association.
- (k) Annual Appropriation. Notwithstanding any other provision of this Contract, in compliance with the requirements of O.C.G.A. § 36-60-13 governing the terms and conditions of multiyear contracts, this Contract shall be effective for a term commencing on July 1, 2018, and terminating at midnight on June 30, 2019 (the "initial term"), without further obligation on the part of either party other than outstanding obligations incurred prior to the expiration of such term. Thereafter, in accordance with O.C.G.A. § 36-60-13 and subject to the further conditions provided in this Paragraph, this Contract shall be automatically renewed for up to four (4) successive one (1) year terms (each one year term occurring after the initial term shall be referred to as a "renewal term") unless the City delivers written notice of non-renewal to Contractor at least thirty (30) days prior to the expiration of the initial term. At the expiration of each renewal term, this Contract shall be automatically renewed for an additional one (1) year term, unless the City furnishes Contractor written notice of its intent not to renew this Contract not less than thirty (30) days prior to the expiration of such renewal term. If written notice of non-renewal is given, this Contract will terminate upon expiration of the then existing term. For any such renewal term commencing after the first two (2) years of this Contract, prices may be increased by the lesser of three percent (3%) or the Consumer Price Index factor (US City Average – All Items; most recent month). Contractor shall provide the City with the subsequent prices or rates for any renewal term, if different from the then existing prices or rates, at least ninety (90) days prior to the expiration of the then existing term. Subsequent prices or rates are guaranteed for a minimum of twelve (12) months. Nothing stated herein shall obligate the City to extend this Contract beyond the initial term or any renewal term. Further, this Contract shall terminate absolutely and without further obligation of the City at the close of the fiscal year in which it was executed and at the close of each succeeding fiscal year if the City Council fails to appropriate

CONTRACT NAME: *Document Scanning Services for the City of Alpharetta*
CONTRACT NO. 18-106

funding for the Contract for any such succeeding fiscal year. Notwithstanding any other provision or provisions of this Contract, pursuant to O.C.G.A. § 36-60-13, this Contract will terminate immediately and absolutely if the City determines that adequate funds are not appropriated or granted or funds are de-appropriated such that the City cannot fulfill its obligations under the Contract, which determination is at the City's sole discretion and shall be conclusive.

- (l) Additional Terms of Contractor. The City shall not be bound by any terms and conditions included in any Contractor invoice, packaging, catalog, brochure, technical data sheet, or other document which attempts to impose any condition in variance with or in addition to the terms and conditions contained herein.
- (m) Presumptions and Interpretations. The parties further agree that should any provision of this Contract require interpretation or construction, the court, administrative body or other entity interpreting or construing this Contract shall not apply a presumption that the provisions hereof shall be more strictly construed against one party by reason of the rule of construction that a document is to be construed more strictly against the party who itself or through its agents prepared same, it being agreed that all parties and/or their respective attorneys and agents have been fully afforded the opportunity to review all provisions of this Contract.
- (n) No Third Party Beneficiaries. Nothing contained in this Contract is intended to or shall create a contractual relationship with, cause of action in favor of, or claim for relief for, any third party, including any agent, sub-consultant or sub-contractor of the Contractor. Absolutely no third party beneficiaries are intended by this Contract. Any third-party receiving a benefit from this Contract is an incidental and unintended beneficiary only.
- (o) No Waiver of Governmental Immunity. Nothing in this Contract shall be construed to waive, limit, or otherwise modify any governmental or sovereign immunity that may be available by law to the City, its elected officials, officers, employees, contractors, or agents, or any other person acting on behalf of the City and, in particular, governmental or sovereign immunity afforded or available pursuant to Georgia Statutes.
- (p) Publicity Provision. Contractor shall not use any trademarks, service marks, or logos of the City without the City's express prior written consent. In particular, Contractor shall not identify or make reference to the City in any advertising or other promotional modality regardless of its form without the express prior written consent of the City.
- (q) Survival. Any and all provisions of this Contract creating obligations extending beyond the term of this Contract, including, without limitation, Contractor's warranty of products and labor and the indemnification provisions contained herein, shall survive the expiration or termination of this Contract, regardless of the reason for such termination.

CONTRACT NAME: *Document Scanning Services for the City of Alpharetta*
CONTRACT NO. 18-106

IN WITNESS WHEREOF, the parties hereto have each caused this Contract to be executed and delivered by a duly authorized officer, agent or official as of the date set forth below.

Executed 6/8/2018

CITY OF ALPHARETTA, GEORGIA

DocuSigned by:
Jim Gilvin
By: 2DC6226B6FD44FB...
Jim Gilvin, Mayor

Approved as to Content:

DocuSigned by:
Coty Thigpen
A57E2DD7A8154E4...
Coty Thigpen, City Clerk

Approved as to form:

DocuSigned by:
Scott T. Hastey
8FC4DE93GDD5464...
Scott T. Hastey, Asst. City Attorney

ADVANCED DATA SOLUTIONS, INC.

DocuSigned by:
Melody S. Engle
By: 7302B3AA14A0425...
Melody S. Engle, President

CONTRACT NAME: *Document Scanning Services for the City of Alpharetta*
 CONTRACT NO. 18-106

Exhibit A

City of Alpharetta, GA

RFP # 18-106, Document Scanning Services for City of Alpharetta

SECTION 5: COST PROPOSAL

A. Offerors must respond to this RFP by utilizing the Cost Proposal form.

Cost per image
 all inclusive, with document preparation,
 conversion of document to both digital
 searchable PDF format and **microfilm**, indexing
 up to three (3) fields

\$.0695

Additional Costs:

Indexing over 3 fields.

\$.0025 Per character

Data storage to CD/DVD.

\$ 0 Included

Pickup and Delivery (Off-Site only).

\$ 0 Included

For Cost proposal comparison, assume 100,000
 paper images (actual amount per year may vary
 and is not guaranteed).

\$ 6,950.00

For Cost Proposal comparison, assume 10,000
 maps/drawings (actual amount per year may
 vary and is not guaranteed)

\$ 5,000.00

List other items that may result in additional charges
[use additional sheet as needed]

\$

See Additional pricing page

B. Offeror's authorized official shall complete, sign, and return one (1) Paper Original of the Cost Proposal and Proposal Price Certification within the sealed proposal package in a separate, sealed, opaque envelope marked:

- Cost Proposal
- Offeror's Name,
- RFP #,
- RFP Title, and
- Due Date/Time.

C. The Cost Proposal form will be used as the primary representation of each Offeror's cost/price, and will be used extensively during proposal evaluations and ranking.

D. Additional information should be included as necessary to explain in detail the Offeror's cost/price.

E. Additional Cost proposal sheets shall not be included in proposal original or copy (paper or digital).

Instructions for submitting Cost Proposal: One (1) Hard Original copy marked "Original" with original signatures shall be submitted in a separate, sealed opaque envelope within the sealed proposal package. See Section 3.0, #7 Cost Proposal and Proposal Price Certification for complete submittal directions.

Proposal Price Certification

CONTRACT NAME: Document Scanning Services for the City of Alpharetta
CONTRACT NO. 18-106

Through the question and answer part of this RFP it was determined that additional services may or may not be required during this Contract. At ADS, we believe in being proactive and giving our customer the best possible price upfront vs negotiating with the vendor after the fact where you may lose some leverage.

Direct Extract from the Question and Answer Responses

Do all scanning jobs require to be done on site and do they all get a microfilm backup? 2. If not should you list the Microfilm and Onsite Service as a separate line item on the pricing page? 3. Large Format was indicated but no line item for it on the pricing page?

1. No 2. Yes 3. Please include pricing for large format if different than regular pricing

Sec. 3.2 1.Can you provide a detailed list of departments and document types that are included in the 100,000 pages?

Department of Public Works – Engineering files – including large plans Department of Community Development – Complex zoning files, large plats and plans, big need for color scanning and proper indexing as well as searchable PDF. Courts- DUI files, case files, mostly standard Police- Mostly reports HR – All employee files, past and present Benefits – Employee benefit files and pension documents

Conversion Services Pricing

ADS has provided a list of services and prices available to the City and its various departments as not all departments may require to be done on-site and have a microfilm backup. We will scan at 300 DPI at the same cost as 200 DPI.

Service	Description	Price
Scanning without microfilm	On-site	
Smaller than 11" X 17"	Scanning 200 DPI to TIFF or PDF B/W	0.045 per image
Smaller than 11" X 17"	Scanning 200 DPI to TIFF or PDF Color	0.045 per image
Scanning with Microfilm	Off-Site	
Smaller than 11" X 17"	Scanning 200 DPI to TIFF or PDF B/W	0.0695 per image
Smaller than 11" X 17"	Scanning 200 DPI to TIFF or PDF Color	0.0695 per image
Scanning without microfilm	Off-site	
Smaller than 11" X 17"	Scanning 200 DPI to TIFF or PDF B/W	0.045 per image
Smaller than 11" X 17"	Scanning 200 DPI to TIFF or PDF Color	0.045 per image
Larger than 11" X 17"	Scanning 200 DPI to TIFF or PDF B/W	0.500 per image
Larger than 11" X 17"	Scanning 200 DPI to TIFF or PDF Color	0.750 per image
Microfilm, Fiche, Aperture Cards		
16mm microfilm	Scanning 16mm microfilm @ 300DPI	0.002 per image
35mm microfilm	Scanning 35mm microfilm @ 300DPI	0.034 per image
16mm microfiche	Scanning 16mm microfiche @ 300DPI	0.025 per image
35mm microfiche	Scanning 35mm microfiche @ 300DPI	0.150 per image
Aperture Cards	Scanning Aperture Cards @ 300DPI	0.250 per image

SECTION 5: COST PROPOSAL

A. Offerors must respond to this RFP by utilizing the Cost Proposal form.

Cost per image	\$.0695
all inclusive, with document preparation, conversion of document to both digital searchable PDF format and microfilm , indexing up to three (3) fields	

Additional Costs:

Indexing over 3 fields,	\$.0025 Per character
-------------------------	------------------------

Data storage to CD/DVD,	\$ 0 Included
-------------------------	---------------

Pickup and Delivery (Off-Site only),	\$ 0 Included
--------------------------------------	---------------

For Cost proposal comparison, assume 100,000 paper images (actual amount per year may vary and is not guaranteed).	\$ 6,950.00
--	-------------

For Cost Proposal comparison, assume 10,000 maps/drawings (actual amount per year may vary and is not guaranteed)	\$ 5,000.00
---	-------------

List other items that may result in additional charges <i>[use additional sheet as needed]</i>	\$
---	----

See Additional pricing page

B. Offeror's authorized official shall complete, sign, and return one (1) Paper Original of the Cost Proposal and Proposal Price Certification within the sealed proposal package in a separate, sealed, opaque envelope marked:

- Cost Proposal
- Offeror's Name,
- RFP #,
- RFP Title, and
- Due Date/Time.

C. The Cost Proposal form will be used as the primary representation of each Offeror's cost/price, and will be used extensively during proposal evaluations and ranking.

D. Additional information should be included as necessary to explain in detail the Offeror's cost/price.

E. Additional Cost proposal sheets shall not be included in proposal original or copy (paper or digital).

Instructions for submitting Cost Proposal: One (1) Hard Original copy marked "Original" with original signatures shall be submitted in a separate, sealed opaque envelope within the sealed proposal package. See Section 3.0, #7 Cost Proposal and Proposal Price Certification for complete submittal directions.

Proposal Price Certification

Through the question and answer part of this RFP it was determined that additional services may or may not be required during this Contract. At ADS, we believe in being proactive and giving our customer the best possible price upfront vs negotiating with the vendor after the fact where you may lose some leverage.

Direct Extract from the Question and Answer Responses

Do all scanning jobs require to be done on site and do they all get a microfilm backup? 2. If not should you list the Microfilm and Onsite Service as a separate line item on the pricing page? 3. Large Format was indicated but no line item for it on the pricing page?

1. No 2. Yes 3. Please include pricing for large format if different than regular pricing

Sec. 3.2 1.Can you provide a detailed list of departments and document types that are included in the 100,000 pages?

Department of Public Works – Engineering files – including large plans Department of Community Development – Complex zoning files, large plats and plans, big need for color scanning and proper indexing as well as searchable PDF. Courts- DUI files, case files, mostly standard Police- Mostly reports HR – All employee files, past and present Benefits – Employee benefit files and pension documents

Conversion Services Pricing

ADS has provided a list of services and prices available to the City and its various departments as not all departments may require to be done on-site and have a microfilm backup. We will scan at 300 DPI at the same cost as 200 DPI.

Service	Description	Price
Scanning without microfilm	On-site	
Smaller than 11" X 17"	Scanning 200 DPI to TIFF or PDF B/W	0.045 per image
Smaller than 11" X 17"	Scanning 200 DPI to TIFF or PDF Color	0.045 per image
Scanning with Microfilm	Off-Site	
Smaller than 11" X 17"	Scanning 200 DPI to TIFF or PDF B/W	0.0695 per image
Smaller than 11" X 17"	Scanning 200 DPI to TIFF or PDF Color	0.0695 per image
Scanning without microfilm	Off-site	
Smaller than 11" X 17"	Scanning 200 DPI to TIFF or PDF B/W	0.045 per image
Smaller than 11" X 17"	Scanning 200 DPI to TIFF or PDF Color	0.045 per image
Larger than 11" X 17"	Scanning 200 DPI to TIFF or PDF B/W	0.500 per image
Larger than 11" X 17"	Scanning 200 DPI to TIFF or PDF Color	0.750 per image
Microfilm, Fiche, Aperture Cards		
16mm microfilm	Scanning 16mm microfilm @ 300DPI	0.002 per image
35mm microfilm	Scanning 35mm microfilm @ 300DPI	0.034 per image
16mm microfiche	Scanning 16mm microfiche @ 300DPI	0.025 per image
35mm microfiche	Scanning 35mm microfiche @ 300DPI	0.150 per image
Aperture Cards	Scanning Aperture Cards @ 300DPI	0.250 per image



City Council Meeting STAFF REPORT

Submitting Department: Finance
Submitted By: James Drinkard, Thomas Harris, Cris Randall
Sponsored By:
Meeting Date: November 16, 2020

I. AGENDA ITEM TITLE: VULNERABLE POPULATION GRANT PROGRAM: AWARD RECOMMENDATION

II. RECOMMENDATION:

Approve the award of Alpharetta Vulnerable Population Grant Funds as presented and authorize the Mayor to execute all necessary documents.

III. BUDGET IMPLICATIONS:

BUDGETED ITEM: YES

FISCAL IMPACT: YES

INCLUDED IN CURRENT FY CPTL BUDGET: NO

INCLUDED IN CURRENT
FY OPRT. BUDGET: YES

TOTAL PROJECT COST: THE TOTAL VALUE OF THE RECOMMENDED AWARDS IS \$225,000. IF MAYOR AND COUNCIL APPROVE THE RECOMMENDATION, A BALANCE OF \$55,000 WOULD BE REMAINING FOR FUTURE AWARD.

APPROPRIATIONS:

ACCOUNT TITLE/NUMBER	DOLLAR AMOUNT

EXTERNAL FUNDING SOURCES:

ACCOUNT TITLE/NUMBER	DOLLAR AMOUNT

IV. REPORT IN BRIEF:

The City of Alpharetta created its Vulnerable Population Grant Program (VPGP) for the purpose of assisting Alpharetta families and residents who have suffered significant financial hardship due to the COVID-19 pandemic.

Because the City lacks established support programs, processes, and experience to provide such support in a direct manner, the VPGP was designed to provide funding to established not-for-profit agencies offering established programs that serve Alpharetta residents and which programs have experienced increased capacity demands due to the pandemic. Specific services on which the VPGP was created to support include overdue rent and mortgage assistance; utility assistance; food and nutrition; childcare; distance learning support; or other unforeseen financial/ emergency needs of the community. It may also focus on providing group community services such as food kitchens or pantries for the same population as mentioned above and/or may also focus on organizations that provide mental health services for vulnerable individuals.

An initial call for applications under the Alpharetta Vulnerable Population Grant Program was issued on October 20, 2020, and the City received a total of nine applications from seven not-for-profit agencies. Of the applications received, all but one of the applications was consistent with the mission, purpose, and target services of the VPGP.

ORGANIZATION	APPLICATION SERVICE CATEGORY
Fulton Education Foundation	Housing / Utility / Food Security / Mental Health
Lionheart School	Distance Learning Support / Emergency Financial Needs
North Fulton Community Charities	Housing / Financial Assistance / Food Security
North Metro Miracle League	Food Security / Emergency Financial Assistance
St. Vincent de Paul	Food Security / Housing / Utilities
Summit Counseling	Mental Health

Eligible applications were reviewed by a staff committee tasked with reviewing all applications for consistency with the program purpose and intent, ability and efficiency of the applicant to deliver specified services / programs, and delivery of programs and services to residents of Alpharetta. The committee was further tasked with bringing forward for consideration by the Mayor and City Council recommendations on award and allocation of funding within the limits of the funding designated for the Alpharetta Vulnerable Population Grant Program.

Following this review, the committee developed the following recommendations:

1. The three applications submitted by St. Vincent de Paul should be considered as a single application because it is for the provision of the same types of services through three physical locations. As such, the committee believes it more appropriate to address the application as a single request and require St. Vincent de Paul to allocate any awarded funding across the three physical locations as needed within the defined scope and intent of the VPGP.
2. That the application submitted by North Metro Miracle League is incomplete and cannot be fully considered at this time. Staff will continue to work with the organization to obtain necessary documents and will advance a recommendation at a later date.
3. That funding be awarded to the six eligible agencies as follows:

ORGANIZATION	RECOMMENDED AWARD
Fulton Education Foundation	\$ 50,000
Lionheart School	\$ 25,000
North Fulton Community Charities	\$ 50,000
St. Vincent de Paul	\$ 50,000
Summit Counseling	\$ 50,000

The total value of the recommended awards is \$225,000. If Mayor and Council approve the

recommendation, a balance of \$55,000 would be remaining for future award.

For any awards approved by Mayor and Council, a grant agreement would be executed between the City and the respective agency. The agreement defines the scope of the award, use of funds, and reporting requirements.

V. ALTERNATIVES:

VI. ATTACHMENTS:

Fulton Education Foundation Application, Lionheart Grant Application, North Fulton Community Charities Grant Application, Summit Counseling Grant Application, St Vincent de Paul Combined Grant Application



CITY OF ALPHARETTA

VULNERABLE POPULATION PROGRAM GRANT APPLICATION PACKET

Updated 10/19/2020

CITY OF ALPHARETTA
2 PARK PLAZA
ALPHARETTA, GA 30009
WWW.ALPHARETTA.GA.US

INTRODUCTION

This application is for consideration of potential funding from the City of Alpharetta (hereinafter "The City") under its COVID-19 Vulnerable Population Program. The program has been established for the purpose of providing support to Alpharetta businesses and families suffering significant hardship due to the economic impacts of the COVID-19 pandemic by extending financial support to not-for-profit organizations administering programs deemed by the City to be effectively meeting the goals of the City's COVID-19 Vulnerable Population Program.

This application may be modified before its inclusion on the City's agenda for approval. Any changes will be communicated to the applying agency for concurrence before placement on the agenda.

The application will become Attachment A: Scope of Work or Provision of Services in the final grant contract, if approved.

The City reserves the right to modify its procedures in awarding grants based upon the applications received.

BACKGROUND

The City of Alpharetta has appropriated funding indirectly through the original CARES Act to a program to assist not-for-profits in providing services to vulnerable populations that have been affected by the COVID pandemic. A high-level summary of the process follows:

- The funding can be used to reimburse eligible expenses incurred by an established and eligible not-for-profit after March 27, 2020. Eligible expenses include providing direct assistance to individuals in the community who have lost employment since March 27, 2020; providing direct assistance to individuals that have been financially hindered by reduced working hours since March 27, 2020; or providing assistance to those who are part of a vulnerable population that has suffered additional burdens because of the COVID pandemic.
- Priority for awards will be given to agencies with a physical location in Alpharetta and that have a record of serving the greater Alpharetta / North Fulton communities. This program is not designed for new programs or start-up efforts.
- The focus of the program will be overdue rent and mortgage assistance; utility assistance; food and nutrition; childcare; distance learning support; or other unforeseen financial/ emergency needs of the community. It may also focus on providing group community services such as food kitchens or pantries for the same population as mentioned above and/or may also focus on organizations that provide mental health services for vulnerable individuals.
- Applications will remain open until funding is exhausted or the Mayor and City Council vote to end the program. The City reserves the right to modify these requirements and procedures based upon the volume or quality of applications. There will be an internal review process which may create a recommendation of approval, denial, or modification before being brought to Mayor and Council for approval.
- All awards will only be official upon approval by Mayor and Council. No advances for expenses will be awarded by this program.

BACKGROUND (CONTINUED)

- Grant requests must have a minimum amount of \$10,000 to be eligible for review and will have a maximum award amount of \$50,000. No reimbursement will be given until the \$10,000 worth of eligible expenses is attained. If a not-for-profit is awarded a grant and fails to show \$10,000 worth of eligible expenses within ninety days of award, the grant will be rescinded.
- Funding should not be requested through this program that will be reimbursed through other measures. If the agency makes multiple applications and wishes to withdraw the one to the City, the agency may contact staff to withdraw the application.
- The goal of all awarded funds are to have the grant expended by December 31, 2020; however, the City will allow individual grantees to work with proposal dates that extend into 2021, but no longer than one year after the approval by Mayor and Council.
- Any questions or communications related to this program or the application should be sent in writing to CaresGrant@alpharetta.ga.us

CHECKLIST OF REQUIRED DOCUMENTS

The following items must be included with your submitted application. Applications that exclude any of the following will be disqualified from consideration.

- | | |
|--|---|
| ☒ Completed and signed application | ☒ 501(c)3 not-for-profit IRS certification |
| ☒ Organization bylaws | ☒ Articles of incorporation recorded by Sec. of State |
| ☒ Organization chart | ☒ Last independent audit of organization by CPA |
| ☒ Dated copies of minutes from last 4 Board Meetings | ☒ Current approved organization budget |
| ☐ Proof of registration with federal SAVE Program
not applicable | ☒ Proof of E-Verify registration |
| ☒ All applicable federal, state, and local licenses | |

Please turn to the next page to begin completing the application.



CITY OF ALPHARETTA

VULNERABLE POPULATION PROGRAM

GRANT APPLICATION

This completed form must be included as the cover to all materials submitted as your application packet for the City of Alpharetta Vulnerable Population Program Grant. In addition to the completed form, your application packet must include ALL of the materials listed in the checklist found at the end of this form.

Your complete application, including this form and all required materials, must be submitted via email to CaresGrant@alpharetta.ga.us. Applications will be reviewed and considered on a rolling basis, and the application period will remain open until funding has been exhausted or the Mayor and City Council vote to end the program.

When submitting your application packet, please include this completed form as a single attachment. It is preferred that all supporting materials, including the items defined in the aforementioned checklist, be submitted as a single, additional attachment in .PDF format. If, however, your organization does not have the ability to combine the supporting materials in this manner, they should be attached as individual files and named using the name of your agency and an identifier similar to how the corresponding document is listed in the checklist (e.g. "City of Alpharetta - Organization Chart").

Organization Name: Fulton Education Foundation

PRIMARY PHYSICAL LOCATION

Street Address: 309 East Paces Ferry NW
Suite #: 400/16 City: Atlanta State: GA Zip Code: 30305
Telephone: 404.520.1866 Website: https://fultoneducationfoundation.org

MAILING ADDRESS

Mailing Address: 2870 Peachtree Road NW #187
Suite #: Atlanta City: GA State: 30305 Zip Code:

CONTACT INFORMATION

Authorized Representative: Graham Huff Title: President & CEO
Telephone: 404.520.1866 Email: grahamhuff@fultoneducationfoundation.org

SWEAR AND ATTEST

I, the undersigned, do solemnly swear and attest, subject to criminal penalties for false swearing, that the information provided in this application and in any and all documents provided in support of this application are true and accurate. I further understand that any false statements provided by me or my representatives as part of this application, beyond any legal penalties, will result in the denial of the subject application.

Graham Huff

October 29, 2020

Applicant's Printed Name

Date Of Application

Applicant's Signature



PROGRAM INFORMATION

In the space provided, please provide a description of the subject program, its history, clientele, and how demand for the program has changed because of the COVID-19 pandemic. Please provide as much detail as the space allows.

Fulton Education Foundation exists to support Fulton County public school children in a "neediest child first" approach. After becoming independent of Fulton County Schools in 2018, the Foundation has greatly expanded programs to children, and in 2020 has put more funds toward the support of public school children than the previous 10-year period combined. The Foundation has first-contact access to needy school children through the network of over forty social workers employed at Fulton Schools, plus contacts at several of the independent charter schools. This allows the Foundation to quickly identify a child in need, and respond in a way that gives the young student a better chance to stay in school, and succeed in school.

The Foundation emphasizes that we are an independent 501c3 public nonprofit, and no funds are blended with Fulton County Schools budget. We focus on out-of-school needs.

In 2020, during Covid19 response, the Foundation received the fourth largest grant of nearly 350 organizations that received funding through the combined United Way/Community Foundation Covid19 fund. We put over \$300k toward housing assistance, food security, transportation assistance, and mental health support for hundreds of Fulton public school students. Currently, the demand is especially high for food security and utility assistance, and we have already coordinated with Georgia Power and Gas South to provide this service. We also have relationships with Walmart, Kroger, and Publix to provide what works best for the needy family. This type of support can provide immediate relief for the numerous Alpharetta families negatively impacted by Covid19.

Fulton Education Foundation also believes in stringent oversight, transparency, and accountability so that, through proper stewardship of funds, we can serve more families. A grant through the City of Alpharetta Vulnerable Population Program will allow the Foundation to expand emergency relief to needy Alpharetta students and their families.

Any funds received for Covid19 relief have administrative oversight through our Fulton Education Foundation Covid19 Response Team, which has as members (alphabetical):

Mary Cahill, President, Rivington Capital LLC
DeAnn Golden, SVP Berkshire Hathaway Properties, 2019 President-Atlanta Board of Realtors
Cynthia Good, Owner & Founder, LittlePinkBook.com
Phyliss Graham, Georgia State President at Residential Real Estate Council
Graham Huff, President & CEO, Fulton Education Foundation
Sarah Elizabeth Langford Reed, Board of Regents for State of Georgia
Kiana Pinckney, Fulton County Schools 2018 Teacher of the Year, Palmetto Elementary
Nicole Townsend, Director, Program Committee, Fulton Education Foundation

PROGRAM INFORMATION (Continued)

In the space provided, please provide a description of estimated expenditures for this program and presentation of the total program budget. It must clearly define the amount of funding you are asking for from the City, though you may show other non-City expenditures to show other revenue source commitments. It should also include any and all COVID or pandemic related grant funding which the agency has been awarded or has applied for.

Fulton Education Foundation requests \$50,000 to serve vulnerable students and families as follows:

Housing assistance as an emergency provision \$25,000. This VPP grant will focus on Alpharetta citizens who have a public school student. While our previous Covid19 program served mainly families living in weekly rentals, we project the VPP will serve more families in rental property. We can also provide a quick response to a developing homeless situation, and get families in weekly rentals if needed.

Utility bill assistance for families in need \$10,000. In a remote-learning environment, a family must have power, internet, and water. We can assist a high number of needy Alpharetta families through utility bill assistance. We have already spoken with Georgia Power and Gas South about an approach to getting bills paid, and giving a child a better chance to engage in school in a remote-learning environment. Children in low-income families are more likely to remain in a remote-learning setting even as schools begin to cautiously re-open.

Food security through grocery cards and transportation cards \$10,000. FCS has found that the neediest families are less likely to travel to school to retrieve food-packages and remote-school packages for their child, which exacerbates the educational challenges facing the child. This can often be attributed to an inability of the parent to travel to school. We have established partnerships with Walmart, Kroger, Publix, QuikTrip, RaceTrac, Uber, and Lyft, and will work to expand coordinated efforts with these partners, especially those with a local administrative presence.

Mental health support \$5,000. We would like to continue providing this service through partner providers to children in need. Mental health support is a need that has grown exponentially during the Covid19 crisis, and in the absence of in-school resources has also contributed to the widening gap in access to education.

These ratios may need to be adjusted based on the time-line and expressed needs of families once funds become available. Neediest Alpharetta students and families served first.

Does/will your organization subcontract the program administration or any other aspect of the program to a third party or work in partnership with another not-for-profit agency to provide services under this program?

☒ Yes

☐ No

If you answered "yes" to the question above, please list the third party organization(s) and the specific role(s) each will play and/or services they will provide.

In order to provide mental health support for students, we partner with professional providers of these services. In North Fulton, this is most often Summit Counseling Center.



CITY OF ALPHARETTA

VULNERABLE POPULATION PROGRAM GRANT APPLICATION PACKET

Updated 10/19/2020

CITY OF ALPHARETTA
2 PARK PLAZA
ALPHARETTA, GA 30009
WWW.ALPHARETTA.GA.US

INTRODUCTION

This application is for consideration of potential funding from the City of Alpharetta (hereinafter "The City") under its COVID-19 Vulnerable Population Program. The program has been established for the purpose of providing support to Alpharetta businesses and families suffering significant hardship due to the economic impacts of the COVID-19 pandemic by extending financial support to not-for-profit organizations administering programs deemed by the City to be effectively meeting the goals of the City's COVID-19 Vulnerable Population Program.

This application may be modified before its inclusion on the City's agenda for approval. Any changes will be communicated to the applying agency for concurrence before placement on the agenda.

The application will become Attachment A: Scope of Work or Provision of Services in the final grant contract, if approved.

The City reserves the right to modify its procedures in awarding grants based upon the applications received.

BACKGROUND

The City of Alpharetta has appropriated funding indirectly through the original CARES Act to a program to assist not-for-profits in providing services to vulnerable populations that have been affected by the COVID pandemic. A high-level summary of the process follows:

- The funding can be used to reimburse eligible expenses incurred by an established and eligible not-for-profit after March 27, 2020. Eligible expenses include providing direct assistance to individuals in the community who have lost employment since March 27, 2020; providing direct assistance to individuals that have been financially hindered by reduced working hours since March 27, 2020; or providing assistance to those who are part of a vulnerable population that has suffered additional burdens because of the COVID pandemic.
- Priority for awards will be given to agencies with a physical location in Alpharetta and that have a record of serving the greater Alpharetta / North Fulton communities. This program is not designed for new programs or start-up efforts.
- The focus of the program will be overdue rent and mortgage assistance; utility assistance; food and nutrition; childcare; distance learning support; or other unforeseen financial/ emergency needs of the community. It may also focus on providing group community services such as food kitchens or pantries for the same population as mentioned above and/or may also focus on organizations that provide mental health services for vulnerable individuals.
- Applications will remain open until funding is exhausted or the Mayor and City Council vote to end the program. The City reserves the right to modify these requirements and procedures based upon the volume or quality of applications. There will be an internal review process which may create a recommendation of approval, denial, or modification before being brought to Mayor and Council for approval.
- All awards will only be official upon approval by Mayor and Council. No advances for expenses will be awarded by this program.

BACKGROUND (CONTINUED)

- Grant requests must have a minimum amount of \$10,000 to be eligible for review and will have a maximum award amount of \$50,000. No reimbursement will be given until the \$10,000 worth of eligible expenses is attained. If a not-for-profit is awarded a grant and fails to show \$10,000 worth of eligible expenses within ninety days of award, the grant will be rescinded.
- Funding should not be requested through this program that will be reimbursed through other measures. If the agency makes multiple applications and wishes to withdraw the one to the City, the agency may contact staff to withdraw the application.
- The goal of all awarded funds are to have the grant expended by December 31, 2020; however, the City will allow individual grantees to work with proposal dates that extend into 2021, but no longer than one year after the approval by Mayor and Council.
- Any questions or communications related to this program or the application should be sent in writing to CaresGrant@alpharetta.ga.us

CHECKLIST OF REQUIRED DOCUMENTS

The following items must be included with your submitted application. Applications that exclude any of the following will be disqualified from consideration.

- | | |
|---|--|
| ☐ Completed and signed application | ☐ 501(c)3 not-for-profit IRS certification |
| ☐ Organization bylaws | ☐ Articles of incorporation recorded by Sec. of State |
| ☐ Organization chart | ☐ Last independent audit of organization by CPA |
| ☐ Dated copies of minutes from last 4 Board Meetings | ☐ Current approved organization budget |
| ☐ Proof of registration with federal SAVE Program | ☐ Proof of E-Verify registration |
| ☐ All applicable federal, state, and local licenses | |

Please turn to the next page to begin completing the application.



CITY OF ALPHARETTA

VULNERABLE POPULATION PROGRAM

GRANT APPLICATION

This completed form must be included as the cover to all materials submitted as your application packet for the City of Alpharetta Vulnerable Population Program Grant. In addition to the completed form, your application packet must include **ALL** of the materials listed in the checklist found at the end of this form.

Your complete application, including this form and all required materials, must be submitted via email to CaresGrant@alpharetta.ga.us. Applications will be reviewed and considered on a rolling basis, and the application period will remain open until funding has been exhausted or the Mayor and City Council vote to end the program.

When submitting your application packet, please include this completed form as a single attachment. It is preferred that all supporting materials, including the items defined in the aforementioned checklist, be submitted as a single, additional attachment in .PDF format. If, however, your organization does not have the ability to combine the supporting materials in this manner, they should be attached as individual files and named using the name of your agency and an identifier similar to how the corresponding document is listed in the checklist (e.g. "City of Alpharetta - Organization Chart").

Organization Name: The Lionheart Life Center

PRIMARY PHYSICAL LOCATION

Street Address: 225 Roswell Street

Suite #: _____ City: Alpharetta State: GA Zip Code: 30009

Telephone: 770-772-4555 Website: www.thelionheartschool.com www.lionheartworks.com

MAILING ADDRESS

Mailing Address: 225 Roswell Street

Suite #: _____ City: Alpharetta State: GA Zip Code: 30009

CONTACT INFORMATION

Authorized Representative: Ashley Cheek Title: Director of Advancement

Telephone: 404-680-2512 Email: acheek@thelionheartschool.com

SWEAR AND ATTEST

I, the undersigned, do solemnly swear and attest, subject to criminal penalties for false swearing, that the information provided in this application and in any and all documents provided in support of this application are true and accurate. I further understand that any false statements provided by me or my representatives as part of this application, beyond any legal penalties, will result in the denial of the subject application.

Ashley Cheek

October 23, 2020

Applicant's Printed Name

Date Of Application

Ashley Cheek

Applicant's Signature

PROGRAM INFORMATION

In the space provided, please provide a description of the subject program, its history, clientele, and how demand for the program has changed because of the COVID-19 pandemic. Please provide as much detail as the space allows.

The Lionheart Life Center provides individuals with autism and other neurodevelopmental challenges a comprehensive range of educational, therapeutic and vocational services to maximize the potential for their highest level of independence. Our vision is to provide programming across the lifespan that maximizes and enhances each individual's capacities in order to help him or her achieve their highest level of independence; making positive contributions to their community and having a purposeful life. The Lionheart Life Center is based out of Alpharetta, with multiple campus locations, that consists of The Lionheart School (celebrating twenty years this past year), Lionheart Gardens, The Heart Cottage, and the Lionheart WORKS vocational program. Lionheart WORKS was pioneered by our school staff when our long-time students began aging out of our school program with nowhere to go for continued education or supported employment. Lionheart WORKS is a vocational training program that provides individuals 18 and older with real work experiences while teaching basic employment skills.

Experience from around the world has made clear that on-campus learning is important for child development and for economic recovery. In March, we were forced to close our doors and quickly pivot to online learning. For most young students with developmental disabilities like those at The Lionheart School, virtual learning was at best sub-par. The Lionheart School and Lionheart WORKS successfully reopened in August with in-person learning for 55 individuals with disabilities. Additional scholarships were provided to families that experienced an income reduction due to employers having to limit or shut down their businesses. Unprecedented flexible payment plans have been incorporated resulting in an unusual income stream during the pandemic. We have promised to serve the Lionheart students and young adults by putting in place the highest level of safety procedures and protocols so that we can keep the doors open. The defined protocols that we feel work best for our students and participants did not come cheap. We had to spread out our classes, modify transportation, improve cleaning procedures and frequency both by our staff and our professional janitorial service, installed UV-C air filters in every teaching space, and spent additional dollars modifying our HVAC system. Additional outdoor educational spaces were created using portable tents, tables and outdoor seating.

Lionheart WORKS closed in-person programming on March 13th and pivoted to virtual training and support; at that time we had no idea how long the shutdown would last and really didn't even think twice about reimbursement for virtual service. Our team continued to work full-time and even above typical service hours in order to keep our participants engaged and connected. Over 20 hours of virtual programming was designed and delivered every week until the end of May with NO reimbursement. Families that had paid upfront for services were credited for hours not served. Initially, in June we reopened with less participants than typical in order to fine-tune our health and safety guidelines. In July, we were near capacity. As we approach September, we are back to running at full capacity with 22 participants. The Lionheartisans Cottage, which employs our participants, closed on March 13th and is still closed today due to property owner's restrictions. We temporarily moved some of the projects to a different space in June so that the participants could continue their work during the summer program.

Loss of Revenue: Lionheart WORKS lost \$45,000 from March 13th - May 27 and lost another \$10,000 between June 1 - August 10th. Lionheart's Fall Fundraiser was canceled, which is a \$25,000 loss in funds that is usually gained in September or October, depending on the event date. During this time we had several new expenses due to COVID-19. To keep our clients and staff safe we added air filtration systems (purchased 10 HEPA, UV-C air scrubbers, maintenance to HVAC to insure filtered air) and have added janitorial costs for weekly disinfecting fogging. We purchased all the necessary cleaning agents to keep the space as sanitary as possible. We added social distancing markings, hand washing stations, safety signage, modification to how participants engage and eat to ensure appropriate social distancing, added outdoor workspaces through the use of tents and exterior chairs, shifted a lot of activities to outdoors and utilized the Lionheart Gardens and the farm.

Many of our participants have lost their place of employment due to COVID-19 shutting down offices. We have successfully used our Crabapple training site to continue and enhance job skills. Participants are required to wear masks and continually sanitize their areas. This will be crucial habits for our participants to learn to safe to return to their worksites once they reopen. The closing of individual worksites required Lionheart WORKS to bring those participants in house. We developed group activities and job skills training experiences that are more fit for a whole group activity rather than our individualized curriculum. We are actively following up weekly with job sites to see if they can welcome back the participants to work. Some sites are opening and those that are giving us an indefinite no we continue to follow up. The Director of Advancement and Director of WORKS go out weekly with two different participants and meet new and/or thriving businesses that are suitable to potential employment during COVID-19. Medically fragile families that could not return to in-person services or be in a group setting are struggling with isolation. Unfortunately, this is a barrier we cannot address successfully due to the nature of the pandemic. Loss of FSS funding has limited the hours certain families can participate at WORKS and this is a barrier we are currently unable to address. We do not have the funding to provide them with virtual training as our staff is short handed and we have lost many volunteers because of COVID-19 concerns. We are about to begin our annual fund campaign and are hopeful for a significant amount of income to help all of our programs at The Lionheart Life Center, Inc.

PROGRAM INFORMATION (Continued)

In the space provided, please provide a description of estimated expenditures for this program and presentation of the total program budget. It must clearly define the amount of funding you are asking for from the City, though you may show other non-City expenditures to show other revenue source commitments. It should also include any and all COVID or pandemic related grant funding which the agency has been awarded or has applied for.

We are requesting \$25,000 from the City of Alpharetta.
 Due to loss of funding, we are looking at the below expenses over the next 180 days as partially unfunded.
 Total Professional Wages \$59,525
 Transportation \$500
 Specialists/ In-House Job Coaches Salaries \$7,652
 Administrative Support \$6,250

Grilling and Gridiron Cancellation \$25,000

We have received the below funding to help with COVID.
 City of Alpharetta Special Needs Grant COVID Relief - \$10,000
 PPP Loan - \$233,300
 Private Donors to our Covid Campaign - \$2,500
 Payroll Sales Tax Credit - \$10,000
 We were unable to secure Covid funding from State Farm, the Enterline Foundation, and the CARES act.

Budget for 2020-2021 The Lionheart Life Center

Professional (Teachers, Therapists)
 Wages \$775,975
 WORKS \$238,100
 Administrative Support \$236,250
 Payroll Taxes \$91,274
 Healthcare Benefits \$34,320
Total Staff Wages \$1,375,919

EXPENSES
 Scholarships \$10,000
 Building Payments/Maintenance/Utilities \$90,000
 Supplies \$15,000
 Equipment \$10,000
 Professional Development/Fees \$10,000
 Program Costs \$55,000
 Transportation Costs \$10,000
 Technology Support \$15,000
 Fundraising Expense \$75,000
 Marketing Costs \$10,000
 Insurance \$20,000
 Audit/Accounting Expenses \$15,000
 Miscellaneous \$10,000
 Curriculum needs \$10,000
 Total Other Expenses \$355,000
Total Expenses \$1,730,919

REVENUE
 Tuition and Fees \$965,919
 Fundraising Events \$300,000
 Individual Donations \$50,000
 Corporate Foundations \$100,000
 Grants \$315,000
Total Revenue \$1,730,919

Does/will your organization subcontract the program administration or any other aspect of the program to a third party or work in partnership with another not-for-profit agency to provide services under this program?

☐ Yes ☒ No

If you answered "yes" to the question above, please list the third party organization(s) and the specific role(s) each will play and/or services they will provide.



CITY OF ALPHARETTA

VULNERABLE POPULATION PROGRAM GRANT APPLICATION PACKET

Updated 10/19/2020

CITY OF ALPHARETTA
2 PARK PLAZA
ALPHARETTA, GA 30009
WWW.ALPHARETTA.GA.US

INTRODUCTION

This application is for consideration of potential funding from the City of Alpharetta (hereinafter "The City") under its COVID-19 Vulnerable Population Program. The program has been established for the purpose of providing support to Alpharetta businesses and families suffering significant hardship due to the economic impacts of the COVID-19 pandemic by extending financial support to not-for-profit organizations administering programs deemed by the City to be effectively meeting the goals of the City's COVID-19 Vulnerable Population Program.

This application may be modified before its inclusion on the City's agenda for approval. Any changes will be communicated to the applying agency for concurrence before placement on the agenda.

The application will become Attachment A: Scope of Work or Provision of Services in the final grant contract, if approved.

The City reserves the right to modify its procedures in awarding grants based upon the applications received.

BACKGROUND

The City of Alpharetta has appropriated funding indirectly through the original CARES Act to a program to assist not-for-profits in providing services to vulnerable populations that have been affected by the COVID pandemic. A high-level summary of the process follows:

- The funding can be used to reimburse eligible expenses incurred by an established and eligible not-for-profit after March 27, 2020. Eligible expenses include providing direct assistance to individuals in the community who have lost employment since March 27, 2020; providing direct assistance to individuals that have been financially hindered by reduced working hours since March 27, 2020; or providing assistance to those who are part of a vulnerable population that has suffered additional burdens because of the COVID pandemic.
- Priority for awards will be given to agencies with a physical location in Alpharetta and that have a record of serving the greater Alpharetta / North Fulton communities. This program is not designed for new programs or start-up efforts.
- The focus of the program will be overdue rent and mortgage assistance; utility assistance; food and nutrition; childcare; distance learning support; or other unforeseen financial / emergency needs of the community. It may also focus on providing group community services such as food kitchens or pantries for the same population as mentioned above and/or may also focus on organizations that provide mental health services for vulnerable individuals.
- Applications will remain open until funding is exhausted or the Mayor and City Council vote to end the program. The City reserves the right to modify these requirements and procedures based upon the volume or quality of applications. There will be an internal review process which may create a recommendation of approval, denial, or modification before being brought to Mayor and Council for approval.
- All awards will only be official upon approval by Mayor and Council. No advances for expenses will be awarded by this program.

BACKGROUND (CONTINUED)

- Grant requests must have a minimum amount of \$10,000 to be eligible for review and will have a maximum award amount of \$50,000. No reimbursement will be given until the \$10,000 worth of eligible expenses is attained. If a not-for-profit is awarded a grant and fails to show \$10,000 worth of eligible expenses within ninety days of award, the grant will be rescinded.
- Funding should not be requested through this program that will be reimbursed through other measures. If the agency makes multiple applications and wishes to withdraw the one to the City, the agency may contact staff to withdraw the application.
- The goal of all awarded funds are to have the grant expended by December 31, 2020; however, the City will allow individual grantees to work with proposal dates that extend into 2021, but no longer than one year after the approval by Mayor and Council.
- Any questions or communications related to this program or the application should be sent in writing to CaresGrant@alpharetta.ga.us

CHECKLIST OF REQUIRED DOCUMENTS

The following items must be included with your submitted application. Applications that exclude any of the following will be disqualified from consideration.

- | | |
|--|---|
| ☒ Completed and signed application | ☒ 501(c)3 not-for-profit IRS certification |
| ☒ Organization bylaws | ☒ Articles of incorporation recorded by Sec. of State |
| ☒ Organization chart | ☒ Last independent audit of organization by CPA |
| ☒ Dated copies of minutes from last 4 Board Meetings | ☒ Current approved organization budget |
| ☐ Proof of registration with federal SAVE Program (N/A) | ☒ Proof of E-Verify registration |
| ☒ All applicable federal, state, and local licenses | |

Please turn to the next page to begin completing the application.



CITY OF ALPHARETTA

VULNERABLE POPULATION PROGRAM GRANT APPLICATION

This completed form must be included as the cover to all materials submitted as your application packet for the City of Alpharetta Vulnerable Population Program Grant. In addition to the completed form, your application packet must include ALL of the materials listed in the checklist found at the end of this form.

Your complete application, including this form and all required materials, must be submitted via email to CaresGrant@alpharetta.ga.us. Applications will be reviewed and considered on a rolling basis, and the application period will remain open until funding has been exhausted or the Mayor and City Council vote to end the program.

When submitting your application packet, please include this completed form as a single attachment. It is preferred that all supporting materials, including the items defined in the aforementioned checklist, be submitted as a single, additional attachment in .PDF format. If, however, your organization does not have the ability to combine the supporting materials in this manner, they should be attached as individual files and named using the name of your agency and an identifier similar to how the corresponding document is listed in the checklist (e.g. "City of Alpharetta - Organization Chart").

Organization Name: North Fulton Community Charities

PRIMARY PHYSICAL LOCATION

Street Address: 11270 Elkins Road

Suite #: _____ City: Roswell State: GA Zip Code: 30076

Telephone: +1 (770) 640-0039 Website: nfcchelp.org

MAILING ADDRESS

Mailing Address: 12270 Elkins Road

Suite #: _____ City: Roswell State: GA Zip Code: 30076

CONTACT INFORMATION

Authorized Representative: Eileen O'Laughlin Title: Grants Manager

Telephone: +1 (470) 568-3108 Email: eolaughlin@nfcchelp.org

SWEAR AND ATTEST

I, the undersigned, do solemnly swear and attest, subject to criminal penalties for false swearing, that the information provided in this application and in any and all documents provided in support of this application are true and accurate. I further understand that any false statements provided by me or my representatives as part of this application, beyond any legal penalties, will result in the denial of the subject application.

Eileen O'Laughlin

Applicant's Printed Name

10 / 30 / 2020

Date Of Application

Eileen O'Laughlin
Applicant's Signature

PROGRAM INFORMATION

In the space provided, please provide a description of the subject program, its history, clientele, and how demand for the program has changed because of the COVID-19 pandemic. Please provide as much detail as the space allows.

North Fulton Community Charities (NFCC) requests emergency funding to assist Alpharetta residents in financial crises caused or exacerbated by COVID-19-related health and economic impacts.

NFCC formed in 1983 through a collaboration of faith-based organizations and concerned community members who recognized the need to coordinate and increase resources available to low-income residents in North Fulton. The organization began by providing emergency funding to residents who were in danger of being evicted or having utilities disconnected, operating a food pantry, and collaborating with an established thrift shop to provide clothing and household items. Today, we serve nearly 10,000 men, women, and children each year and have broadened our efforts to include self-sufficiency program components that help lift people out of poverty.

For more than 37 years, NFCC has provided financial support, food and clothing to neighbors in need. In normal times, we serve a diverse community of individuals and families. A significant number of our clients are low-income single parent families. They were already vulnerable and living on the edge. They are the working poor. Because many work in service industries significantly affected by the COVID-19 crisis, they have slipped off that edge.

Every day we serve people who have lost what little income they had. In many cases, we are now their primary source of income and food. These families are joined by new applicants, people who, pre-COVID, were considered moderate income. They are the self-employed, contract employees, and small business owners who have also lost jobs, contracts, and business and are unable to make ends meet, people who have never applied for financial assistance – and never dreamed they would.

What began as a typical post-holiday assistance period quickly changed as COVID-19 arrived in the U.S. and touched all of our lives – particularly the economically vulnerable. By mid-March, Georgia, like many neighboring states, instituted a shelter-in-place order: schools closed, businesses furloughed employees, and requests for food and financial assistance began pouring in. In mid-March, we shifted all focus to our emergency services — food and financial assistance — and launched our COVID-19 Emergency Fund to help address the sudden increase in emergency assistance requests.

At the onset of the crises, NFCC closed its physical locations and moved programming to online platforms. Applicant requests for assistance were processed online and caseworkers conducted phone interviews with clients. Pantry orders were filled using an emailed form that allowed users to select from a list of available grocery items. Staff delivered pantry orders in the NFCC parking lot, in adherence with strict health and safety guidelines.

In the weeks and months that followed, we adopted new processes and are now offering onsite services. Beginning in early October, caseworkers started meeting clients in person, using social distancing, masking, and other precautions. We have modified our assistance criteria, allowing clients to receive consecutive months of assistance, if appropriate. Case workers are also granting full rent payments, as many property managers no longer accept partial payments, because acceptance could halt an eviction process.

Financial assistance requests for rent and mortgage are steady, but we are anticipating a rise in January and February, with the expiration of eviction moratoriums and reopening of courts. Michael Lucas, a tenants' rights lawyer with the Atlanta Volunteer Lawyers Foundation, recently voiced his concern that "the flood is just building up stronger behind the dam". Based on our assistance data and anecdotal evidence – we agree. Some clients have been able to return to work, but their income is not enough to catch up on accruing past due rent, leaving them in greater distress than at the start of the pandemic, when a prolonged lockdown period was not yet in effect.

Because of this ongoing and anticipated need, our organization is prioritizing funding for financial assistance. Although we are unable to predict outbreak surges, our leadership team is watching the recent uptick in cases, globally and in the US, and preparing for the possibility of new restrictions to mitigate a second COVID-19 wave. Should this happen, as it has in several European countries, leading to shut-downs and nationwide curfews, financial assistance request will increase as, once again, businesses are forced to close or reduce staff.

CARES Act funding from the City of Alpharetta, combined with that from other counties and municipalities, will enable us to continue serving Alpharetta residents, helping them stay in their homes and in the community where they have chosen to live, work, and raise families.

PROGRAM INFORMATION (Continued)

In the space provided, please provide a description of estimated expenditures for this program and presentation of the total program budget. It must clearly define the amount of funding you are asking for from the City, though you may show other non-City expenditures to show other revenue source commitments. It should also include any and all COVID or pandemic related grant funding which the agency has been awarded or has applied for.

NFCC Organization Budget

NORTH FULTON COMMUNITY CHARITIES FY 2021 BUDGET

BUDGETED INCOME

Individuals - 975,500.00
 Faith-based - 362,507.00
 Business - 180,615.00
 Civic - 42,201.00
 Grants Government - 367,000.00
 Private & Corporate Foundation Grants - 247,800.00
 United Way Grant - 29,460.00
 Capital Grant - \$500,000
 Fundraising Income - 195,864.00
 Thrift Shop Sales - 1,137,500.00
 Interest Income 12,000.00
 In-kind donations - 2,225,000.00
 TOTAL - \$6,275,447.00

BUDGETED EXPENSE

Direct Assistance - 1,445,800.00
 Payroll & Benefits - 1,965,000.03
 Other Employee Expenses - 95,368.00
 Outside Services - 214,623.00
 Volunteer Expenses - 12,510.00
 Facilities and Equipment - 257,403.00
 Insurance - 49,025.00
 Marketing & Communications - 28,500.00
 Other Expenses - 107,289.00
 Fundraising - 60,000.00
 In-kind Expense - 2,225,000.00
 Depreciation - \$154,000.00
 Interest Expense - 60,230.00
 TOTAL - \$6,674,748.03

Financial Assistance Program Budget

Expense Category	Budgeted Amount	Request Amount VPP Alpharetta Grant
Rent/Hotel/Mortgage Assistance	\$1,390,400.00	\$50,000
Payroll & Benefits	\$466,495.76	
Other Employee Expenses	\$6,200.00	
Contract Services /Professional Fees	\$800.00	
Office Equipment / Maintenance	\$924.00	
Postage	\$855.00	
Office Supplies	\$600.00	
Fees & Bank Charges	\$2,180.00	
TOTAL	\$1,866,999.76	

COVID-19 & Case Management Financial Assistance Support

Fulton County Commissioners COVID Relief - Two rounds of support totaling \$550,000
 Wells Fargo Foundation – \$17,500
 Country Club of the South Charity Guild – \$25,000
 Roswell Woman's Club – \$5,000
 Ann Allen Cetrino Family Donor Advised Fund - \$35,000
 Community Foundation for NE Georgia – \$10,000
 EFSP – \$18,000

Does /will your organization subcontract the program administration or any other aspect of the program to a third party or work in partnership with another not-for-profit agency to provide services under this program?

☐ Yes ☒ No

If you answered "yes" to the question above, please list the third party organization(s) and the specific role(s) each will play and/or services they will provide.



CITY OF ALPHARETTA

VULNERABLE POPULATION PROGRAM GRANT APPLICATION PACKET

Updated 10/19/2020

CITY OF ALPHARETTA
2 PARK PLAZA
ALPHARETTA, GA 30009
WWW.ALPHARETTA.GA.US

INTRODUCTION

This application is for consideration of potential funding from the City of Alpharetta (hereinafter "The City") under its COVID-19 Vulnerable Population Program. The program has been established for the purpose of providing support to Alpharetta businesses and families suffering significant hardship due to the economic impacts of the COVID-19 pandemic by extending financial support to not-for-profit organizations administering programs deemed by the City to be effectively meeting the goals of the City's COVID-19 Vulnerable Population Program.

This application may be modified before its inclusion on the City's agenda for approval. Any changes will be communicated to the applying agency for concurrence before placement on the agenda.

The application will become Attachment A: Scope of Work or Provision of Services in the final grant contract, if approved.

The City reserves the right to modify its procedures in awarding grants based upon the applications received.

BACKGROUND

The City of Alpharetta has appropriated funding indirectly through the original CARES Act to a program to assist not-for-profits in providing services to vulnerable populations that have been affected by the COVID pandemic. A high-level summary of the process follows:

- The funding can be used to reimburse eligible expenses incurred by an established and eligible not-for-profit after March 27, 2020. Eligible expenses include providing direct assistance to individuals in the community who have lost employment since March 27, 2020; providing direct assistance to individuals that have been financially hindered by reduced working hours since March 27, 2020; or providing assistance to those who are part of a vulnerable population that has suffered additional burdens because of the COVID pandemic.
- Priority for awards will be given to agencies with a physical location in Alpharetta and that have a record of serving the greater Alpharetta / North Fulton communities. This program is not designed for new programs or start-up efforts.
- The focus of the program will be overdue rent and mortgage assistance; utility assistance; food and nutrition; childcare; distance learning support; or other unforeseen financial/ emergency needs of the community. It may also focus on providing group community services such as food kitchens or pantries for the same population as mentioned above and/or may also focus on organizations that provide mental health services for vulnerable individuals.
- Applications will remain open until funding is exhausted or the Mayor and City Council vote to end the program. The City reserves the right to modify these requirements and procedures based upon the volume or quality of applications. There will be an internal review process which may create a recommendation of approval, denial, or modification before being brought to Mayor and Council for approval.
- All awards will only be official upon approval by Mayor and Council. No advances for expenses will be awarded by this program.

BACKGROUND (CONTINUED)

- Grant requests must have a minimum amount of \$10,000 to be eligible for review and will have a maximum award amount of \$50,000. No reimbursement will be given until the \$10,000 worth of eligible expenses is attained. If a not-for-profit is awarded a grant and fails to show \$10,000 worth of eligible expenses within ninety days of award, the grant will be rescinded.
- Funding should not be requested through this program that will be reimbursed through other measures. If the agency makes multiple applications and wishes to withdraw the one to the City, the agency may contact staff to withdraw the application.
- The goal of all awarded funds are to have the grant expended by December 31, 2020; however, the City will allow individual grantees to work with proposal dates that extend into 2021, but no longer than one year after the approval by Mayor and Council.
- Any questions or communications related to this program or the application should be sent in writing to CaresGrant@alpharetta.ga.us

CHECKLIST OF REQUIRED DOCUMENTS

The following items must be included with your submitted application. Applications that exclude any of the following will be disqualified from consideration.

- | | |
|--|---|
| ☒ Completed and signed application | ☒ 501(c)3 not-for-profit IRS certification |
| ☒ Organization bylaws | ☒ Articles of incorporation recorded by Sec. of State |
| ☒ Organization chart | ☒ Last independent audit of organization by CPA |
| ☒ Dated copies of minutes from last 4 Board Meetings | ☒ Current approved organization budget |
| ☒ Proof of registration with federal SAVE Program | ☒ Proof of E-Verify registration |
| ☒ All applicable federal, state, and local licenses | |

Please turn to the next page to begin completing the application.



CITY OF ALPHARETTA

VULNERABLE POPULATION PROGRAM

GRANT APPLICATION

This completed form must be included as the cover to all materials submitted as your application packet for the City of Alpharetta Vulnerable Population Program Grant. In addition to the completed form, your application packet must include ALL of the materials listed in the checklist found at the end of this form.

Your complete application, including this form and all required materials, must be submitted via email to CaresGrant@alpharetta.ga.us. Applications will be reviewed and considered on a rolling basis, and the application period will remain open until funding has been exhausted or the Mayor and City Council vote to end the program.

When submitting your application packet, please include this completed form as a single attachment. It is preferred that all supporting materials, including the items defined in the aforementioned checklist, be submitted as a single, additional attachment in .PDF format. If, however, your organization does not have the ability to combine the supporting materials in this manner, they should be attached as individual files and named using the name of your agency and an identifier similar to how the corresponding document is listed in the checklist (e.g. "City of Alpharetta - Organization Chart").

Organization Name: The Summit Counseling Center

PRIMARY PHYSICAL LOCATION

Street Address: 2750 Old Alabama Road

Suite #: 200 City: Johns Creek State: GA Zip Code: 30022

Telephone: 678-893-5300 Website: www.summitcounseling.org

MAILING ADDRESS

Mailing Address: 2750 Old Alabama Road

Suite #: 200 City: Johns Creek State: GA Zip Code: 30022

CONTACT INFORMATION

Authorized Representative: David Smith Title: Executive Director

Telephone: 678-893-5300 Email: dsmith@summitcounseling.org

SWEAR AND ATTEST

I, the undersigned, do solemnly swear and attest, subject to criminal penalties for false swearing, that the information provided in this application and in any and all documents provided in support of this application are true and accurate. I further understand that any false statements provided by me or my representatives as part of this application, beyond any legal penalties, will result in the denial of the subject application.

David Smith

10/22/2020

Applicant's Printed Name

Date Of Application

David M. Smith

Applicant's Signature

PROGRAM INFORMATION

In the space provided, please provide a description of the subject program, its history, clientele, and how demand for the program has changed because of the COVID-19 pandemic. Please provide as much detail as the space allows.

As the leading non-profit outpatient counseling center primarily serving North Fulton County, The Summit's mission is to provide professional counseling, psychological services, school-based mental health, and community education services utilizing an integrated approach to care for the whole person-body, mind, spirit and community. Founded in 1990, The Summit envisions a community where everyone, without exception, (children, teens, adults and seniors) have full access to the professional (mind, body, spirit) integrated behavioral healthcare they need. The Summit offers a full array of comprehensive behavioral health services, including individual counseling services, testing, school-based mental health services and mental health awareness education. Our services are focused on resources, strategies and solutions to meet the mental well-being of our community. The Summit's trained clinicians offer the following clinical programs: alcohol and substance abuse, dialectical behavior therapy, marriage/couples counseling, psychological testing and assessments, crisis assessments, eye movement desensitization and reprocessing (EMDR), play therapy, and school-based mental health. Groups are offered throughout the year at our office locations, through our school-based program and via a virtual platform. Topics include acculturation stress, DBT skills (adolescent/family and adult), divorce, mindfulness, self-esteem, anger management, grief, parent support and social skills.

The Summit OnSite School-Based Therapy Program (SOS) works with school in North Fulton and DeKalb County with the goal of removing barriers to students receiving quality community mental health services – stigma, transportation and funding. This year, Summit will provide school-based mental health services in 25 public schools (23 in Fulton, 2 in DeKalb) via the SOS program. Licensed professional counselors provide on-site counseling, support groups, therapy groups, student and faculty psychoeducation, suicide prevention training and no-cost suicide assessments. Our SOS counselors completed Trauma Informed training prior to this school year. Therapists are also placed in off-site community-based satellite counseling offices to see those who choose to be served away from school. This flexibility allows the therapist to quickly intervene, so children get the help they need as quickly as possible. SOS is currently offered offsite, via telehealth and onsite (per each school's preference).

The cost of mental health care presents a significant barrier to many families. As a non-profit, Summit reduces financial barriers to care by offering a sliding scale fee structure and fully subsidized counseling for low income students qualifying for free/reduced school meals. No student who needs help is ever turned away. Last year, \$461,414 was spent on Client Assistance Funds for low-income youth served through the SOS program.

At the onset of the pandemic, The Summit quickly pivoted to be able to provide counseling virtually. Since March each of our therapists have completed a 12-hour certification program in teletherapy and have full access to a HIPAA-compliant Zoom platform to serve their clients whenever in-person, office-based counseling is not a viable option. Today our counselors are "meeting people where they are" - at home or school, at their office or ours. This also provides Summit counselors the ability to conveniently serve clients throughout the entire state of Georgia; something that was not practical previously.

We are seeing increased levels of anxiety, depression, marital conflict, trauma, and suicidality across demographic lines due to the widespread multi-faceted (economic, educational, relational, emotional, and physical) impact of the virus; those who were already dealing with these mental health concerns are at even greater risk. National mental health resources indicate the emotional fallout will be with us for at least the next 3 years.

We continue to seek strategic partnerships that provide opportunities for our professionally trained and licensed practitioners to address the escalating behavioral health issues presented by unrelenting stress that is exacerbated by increased social isolation, job, food and financial insecurity, child care, virtual learning, parenting work-life, grief, trauma, loss and more. All of this is taxing kids, teens, parents, and seniors in a way in which the toll has only just begun to be realized. By all indicators, the bill that our youth, families, government and communities will pay in the months and years to come will be enormous as it relates to personal lives, marriage/partner and family relationships, education, healthcare, workforce, law enforcement and our judicial system. They are all intertwined. An ounce of prevention truly is far more valuable than a pound of cure. Early intervention is infinitely more prudent and affordable in a few or several sessions than fully developed cases that often need treatment over a period of several months.

Between April 1 and September 2020, The Summit has provided 2,203 clinical mental health counseling hours to 275 unduplicated Alpharetta residents; 91 of those served attend an SOS school. The Summit serves more residents in Alpharetta than any other city in North Fulton.

The Summit is a leading catalyst in normalizing the conversation surrounding mental health by engaging community leaders in an on-going dialogue and facilitating workshops in our schools, churches, businesses and the community at large. The Summit has provided 29 online mental health awareness community events since the onset of the COVID-19 pandemic: Mental Health 101, Building Resiliency in Youth, Navigating the Unknown: Coping Skills for Families During COVID-19, Parent Support Forum, Community Conversation on Mental Health (North Fulton Mental Health Collaborative), Handling Stress in VODI-19, Parent Workshop: Coping with Anxiety During COVID-19, Mental Health During COVID-19, Back to School and COVID-19 (via North Fulton Mental Health Collaborative), Strategies for Coping in 2020, Supporting Kids Returning to School, Community Resiliency Model Training (via North Fulton Mental Health Collaborative), and Signs of Suicide Trusted Adult Training.

The Summit works with the following Alpharetta schools for our SOS Program: Alpharetta High School, Autrey Mill Middle School, Creek View High School, Haynes Bridge Middle School, Holcomb Bridge Middle School, Summit Hill Elementary School, and Webb Bridge Middle School.

PROGRAM INFORMATION (Continued)

In the space provided, please provide a description of estimated expenditures for this program and presentation of the total program budget. It must clearly define the amount of funding you are asking for from the City, though you may show other non-City expenditures to show other revenue source commitments. It should also include any and all COVID or pandemic related grant funding which the agency has been awarded or has applied for.

Cost of Care - Alpharetta (April 1 - December 31, 2020)

ITEM:

PPE: \$750 (Staff and Client Safety)

HIPPA-Compliant Video Therapy - \$10,780 (Training and Licenses

Counseling Subsidies (April - September, 2020): \$134,631 (275 clients received subsidized counseling)

Counseling Subsidies (October - December projected): \$67,315

TOTAL \$214,476

The Summit has a total organizational budget of \$3,607,500. A detailed budget is attached.

The Summit has received COVID-19 funding of \$560,00 from the Payroll Protection Program. This is the only COVID-19 specific funding received and it has been fully expended. We have submitted a request to the City of Dunwoody for \$50,000 to support our counseling subsidies (Client Assistance Funds) for Dunwoody and DeKalb County residents between April 1 – December 31, 2020.

We respectfully request consideration of a grant of \$50,000 to support The Summit's provision of \$213,476 for partial and fully subsidized mental health care in Alpharetta this year. Together, we can move the mountains of stigma, accessibility and affordability which are the real barriers to mental healthcare.

Does/will your organization subcontract the program administration or any other aspect of the program to a third party or work in partnership with another not-for-profit agency to provide services under this program?

☐ Yes

☒ No

If you answered "yes" to the question above, please list the third party organization(s) and the specific role(s) each will play and/or services they will provide.

N/A



IRS Department of the Treasury
Internal Revenue Service

P.O. Box 2508, Room 4010
Cincinnati OH 45201

In reply refer to: 4077552844
Jan. 29, 2010 LTR 4168C 0
58-2424268 000000 00

00025145
BODC: TE

THE SUMMIT COUNSELING CENTER INC
2750 OLD ALABAMA ROAD
ALPHARETTA GA 30022



000040

Employer Identification Number: 58-2424268
Person to Contact: Ms Fox
Toll Free Telephone Number: 1-877-829-5500

Dear Taxpayer:

This is in response to your Jan. 11, 2010, request for information regarding your tax-exempt status.

Our records indicate that your organization was recognized as exempt under section 501(c)(03) of the Internal Revenue Code in a determination letter issued in February 1998.

Our records also indicate that you are not a private foundation within the meaning of section 509(a) of the Code because you are described in section(s) 509(a)(1) and 170(b)(1)(A)(vi).

Donors may deduct contributions to you as provided in section 170 of the Code. Bequests, legacies, devises, transfers, or gifts to you or for your use are deductible for Federal estate and gift tax purposes if they meet the applicable provisions of sections 2055, 2106, and 2522 of the Code.

Beginning with the organization's sixth taxable year and all succeeding years, it must meet one of the public support tests under section 170(b)(1)(A)(vi) or section 509(a)(2) as reported on Schedule A of the Form 990. If your organization does not meet the public support test for two consecutive years, it is required to file Form 990-PF, Return of Private Foundation, for the second tax year that the organization failed to meet the support test and will be reclassified as a private foundation.

If you have any questions, please call us at the telephone number shown in the heading of this letter.

AMENDED AND RESTATED BYLAWS
OF

The Summit Counseling Center Inc.

April 21, 2010

TABLE OF CONTENTS

INTRODUCTION

I. GOVERNING LAW AND DEFINITIONS

- 1.01 Governing Law**
- 1.02 Definitions**
- 1.03 Registered Office and Agent**
- 1.04 Emergency**

II. MEMBERS

- 2.01 No Members**

III. DIRECTORS

- 3.01 Duties of Directors**
- 3.02 Qualifications of Directors**
- 3.03 Chairman**
- 3.04 Number and Election of Directors**
- 3.05 Term of Directors**
- 3.06 Staggered Terms and Classes of Directors**
- 3.07 Resignation of Directors**
- 3.08 Removal of Directors**
- 3.09 Vacancy on the Board**
- 3.10 Chairman**
- 3.11 Meetings of the Board**
- 3.12 Action without Meeting**
- 3.13 Notice of Meeting**
- 3.14 Waiver of Notice**
- 3.15 Quorum and Voting**
- 3.16 Committees of Directors**
- 3.17 Advisory Committee**

IV. OFFICERS

- 4.01 Required Officers**
- 4.02 Duties of Officers**
- 4.03 Standards of Conduct for Officers**
- 4.04 Resignation and Removal of Officers**
- 4.05 Contract Rights of Officers**

V. INDEMNIFICATION

- 5.01 Definitions**
- 5.02 Court-Ordered Indemnification and Advance**
- 5.03 Approved Indemnification**
- 5.04 Indemnification of Officers, Employees, and Agents**
- 5.05 Insurance**
- 5.06 Conflicting Interest Transactions**

VI. AMENDMENT

- 6.01 Amendment by Directors or Others**

VII. MISCELLANEOUS

- 7.01 Merger**
- 7.02 Sale of Assets**
- 7.03 Dissolution**
- 7.04 Foreign Corporation**
- 7.05 Records and Reports**
- 7.06 Meetings Generally**

INTRODUCTION

The Mission of The Summit Counseling Center Inc. (the “Corporation”) is to provide professional counseling and psychological services that integrate the behavioral and social sciences and the Christian faith. These services may include, but are not limited to -- care, support, counseling, psychotherapy, education, lay and professional training, testing, consulting, and coaching. The Summit is further committed to provide partial fee subsidies – to the best of our ability – to make these services more available to those who could not otherwise afford them.

The Mission shall be the central guiding principle of the Corporation. All who serve as Directors or officers of the Corporation must embrace this mission.

The Corporation is an outreach ministry of Jesus Christ and, therefore, its volunteers (workers, officers, and Directors) are committed to presenting the gospel of Jesus Christ to men, women and children as part of its psychological and counseling services both in word and deed. In so doing, integrity and accuracy must never be sacrificed in serving the Corporation’s clients. Staff and Volunteers are respectful of the faith (or lack of professed faith) of the clients we serve, while clearly presenting the faith we profess as both ordained and lay care providers and supporters.

The Corporation does not discriminate in providing services because of race, creed, color, religion, national origin, age, sexual orientation or marital status of its clients.

I. GOVERNING LAW AND DEFINITIONS

(Georgia Nonprofit Corporation Code §§14-3-101 through 1410)

1.01 Governing Law. The Corporation is governed by the non-elective provisions of the Georgia Nonprofit Corporation Code as amended (the “Code”), and shall be construed insofar as possible to be consistent therewith. Further, these Bylaws are intended to be consistent with the Book of Discipline.

1.02 Definitions. The definitions are incorporated by reference that appear in the Code §14-3-140 as amended, and as provided herein.

Book of Discipline. “Book of Discipline” refers to the most recent edition of The Book of Discipline of the United Methodist Church, as amended from time to time.

Charge Conference. The “Charge Conference” refers to the Charge Conference of Mt. Pisgah Methodist Church, as that group is defined in Part V, Section VI of the Book

of Discipline (2008 Edition) or, if changed in later editions, to that part and section dealing with the organization and administration of the local church.

Mt. Pisgah Executive Committee. The “Mt. Pisgah Executive Committee” refers to the Executive Committee of the Church Council of Mt. Pisgah United Methodist Church, or such other group appointed to serve as the primary management and advisory committee of the Church Council.

1.03 Registered Office and Agent. The registered office and agent is governed by the Code §§14-3-501 through 504 as amended.

1.04 Emergency. Emergency powers are provided by §14-3-303 of the Code as amended.

II. MEMBERS

(Georgia Nonprofit Corporation Code §14-3-601 through 727)

2.01 No Members. The corporation does not have members.

III. DIRECTORS

(Georgia Nonprofit Corporation Code §§14-3-801 through 831)

3.01 Duties of Directors. (a) All corporate powers shall be exercised by or under the authority of, and the business and affairs of the Corporation shall be managed under the direction of, the board of directors (“Board”), subject to any limitation in the Articles of Incorporation, these Bylaws or the Book of Discipline that is otherwise lawful. (b) No limitation upon the authority of the Directors shall be effective against persons, other than Directors, who are without actual knowledge of the limitation. (c) The Board shall have authority to fix the compensation of Directors for services in any capacity, subject to the applicable requirements of the Internal Revenue Code.

3.02 Qualifications of Directors. Directors shall be natural persons who are 18 years of age or older, but need not be residents of this state nor officers of the Corporation. All Directors shall be committed to the Mission of the Corporation.

3.03 Standard of Conduct for Directors. The standard of conduct for Directors shall be as prescribed by the Code, the Book of Discipline and other applicable law, or as agreed upon by the Board and approved by the Mt. Pisgah Executive Committee.

3.04 Number and Election of Directors. (a) The number of Directors shall be no fewer than three (3) and no more than fifteen (15). (b) After the initial meeting of Directors following incorporation, a majority of Directors shall be elected or re-elected by the Charge Conference. Directors elected or re-elected by the Charge Conference shall be referred to herein as “Mt. Pisgah Directors.” Said election or re-election shall be annually even if said Directors are grouped into

classes or have staggered terms as provided for in paragraphs 3.04, 3.05 and 3.06 hereinafter. (c) Additionally, a second group of Directors (referred to herein as “External Directors”) may be elected or re-elected by a majority of the Directors then in office. The External Directors shall not outnumber the Mt. Pisgah Directors. The External Directors and Mt. Pisgah Directors shall be collectively referred to herein as “Directors.”

3.05 Term of Directors. (a) The terms of the initial directors of the corporation expire at the first meeting at which directors are elected. (b) Thereafter, Directors shall serve three year terms unless removed as otherwise provided herein. (c) A Director elected to fill a vacancy shall be elected for the unexpired term of his predecessor and office. (d) Despite the expiration of a Director’s term, a Director shall continue to serve until his successor is elected and qualified or until there is a decrease in the number of Directors.

3.06 Staggered Terms and Classes of Directors. (a) Mt. Pisgah Directors may serve staggered terms by dividing the total number of said directors into two or three classes, with each class containing one-half or one-third of the total, as near as may be. In that event, the terms of Mt. Pisgah Directors in the first class expire at the first annual meeting of the Charge Conference after their election, the terms of the second class expire at the second annual meeting of the Charge Conference after their election, and the terms of the third class (if any) expire at the third annual meeting of the Charge Conference after their election. At each annual meeting of the Charge Conference held thereafter, a Mt. Pisgah Director shall be chosen for a term of two years or three years (as the case may be) to succeed those whose terms expire. The staggered terms of Mt. Pisgah Directors must be approved by the Charge Conference and the classes of all Directors must be consistent with the requirement that a majority of the Directors be Mt. Pisgah Directors.

(b) External Directors may serve staggered terms by dividing the total number of said directors into two or three classes, with each class containing one-half or one-third of the total, as near as may be. In that event, the terms of External Directors in the first class expire at the first annual meeting of the Board after their election, the terms of the second class expire at the second annual meeting of the Board after their election, and the terms of the third class (if any) expire at the third annual meeting of the Board after their election. At each annual meeting of the Board held thereafter, an External Director shall be chosen for a term of two years or three years (as the case may be) to succeed those whose terms expire. The staggered terms of External Directors must be consistent with the requirement that a majority of the Directors be Mt. Pisgah Directors. The Board will endeavor to hold its annual meeting as close as possible to the annual Charge Conference.

(c) If Directors have staggered terms and the number of Directors is thereafter changed, any increase or decrease in the number of Directors shall be so apportioned among the classes as to make all classes as nearly equal in number as possible. Any changes in the number of Directors and the staggered terms Mt. Pisgah Directors must be approved by the Charge Conference and the classes of Directors must be consistent with the requirement that a majority of the Directors be Mt. Pisgah Directors.

3.07 Resignation of Directors. (a) A Director may resign at any time by delivering written notice to the Chairman of the Board or, if the Chairman is not available, to any other Director. (b) A

resignation is effective when the notice is received by the Chairman of the Board or another member of the Board as allowed herein.

3.08 Removal of Directors. (a) Any Director may be removed by the Charge Conference at any time, with or without cause; (b) An External Director may be removed at any meeting of the Board of Directors duly called, with quorum present, without notice to the Directors or others as to the reason for the removal at such meeting. Any removals of Directors must be consistent with the requirement that a majority of the Directors be Mt Pisgah Directors.

3.09 Vacancy on the Board. (a) If a vacancy occurs on the Board, including a vacancy resulting from an increase in the number of Directors, the vacancy of a Mt. Pisgah Director may be filled temporarily by the Mt. Pisgah Executive Committee. Any such temporary Mt. Pisgah Director must be approved by the Charge Conference at the next meeting of the Charge Conference. If the vacancy is due to the departure of an External Director, such vacancy may be filled by the remaining Directors then in office; (b) a vacancy that will occur at a specific later date may be filled before the vacancy occurs but the new Director may not take office until the vacancy occurs. The filling of any vacancies on the Board must be consistent with the requirement that a majority of the Directors be Mt. Pisgah Directors.

3.10 Chairman. The Chairman of the Board (“Chairman”) shall be a Mt. Pisgah Director and shall be elected at the annual meeting of the Charge Conference. The Chairman shall preside at all meetings of the Board and shall perform the normal and customary duties of a board chairman along with all other duties required by these bylaws or as may be assigned to him or her from time to time by the Board. In the Chairman’s absence the Directors, by a majority vote of those present, shall designate another Mt. Pisgah Director to preside at the meeting. The Chairman shall serve a three year term unless the Charge Conference determines otherwise and may, from time to time, be reelected to such office.

3.11 Meetings of the Board. (a) The Board shall hold an annual meeting as close in time as possible to the annual meeting of the Charge Conference and may hold regular meetings each year after the annual meeting as agreed upon by the Board. Special meetings may be called at any time by the Chairman or by at least three (3) other Directors, provided two of said directors are Mt. Pisgah Directors. All meetings of the Board shall be at the principal location of the Corporation or at Mt. Pisgah United Methodist Church, unless otherwise agreed upon by the Board. (b) The Board or any committee designated by the Board may conduct any regular or special meeting of such Board or committee, if they so agree, through the use of any means of conference telephone or similar communications equipment by which all persons participating in the meeting can hear each other. Participation in a meeting by this means shall constitute presence in person at the meeting.

3.12 Action without Meeting. (a) Action required or permitted by the Bylaws to be taken at a Board meeting may be taken without a meeting if the action is taken by all Directors. The action must be evidenced by one or more written consents describing the action taken, signed by each Director, and delivered to the Corporation for inclusion in the minutes or filing with the corporate records. (b) A consent signed under this section has the effect of a meeting vote and may be described as such in any document. (c) Such written consents may be delivered by any electronic means

generally used for the electronic transmission of documents and said electronic version of the consent shall be deemed to be the original.

3.13 Notice of Meeting. (a) The annual meeting of the Board shall be set by the Chairman and notice shall be sent to all Directors as soon thereafter as possible, but in no event less than ten (10) days before the meeting date. Regular meetings of the Board shall be set at the annual meeting and no further notice of the date, time, place, or purpose of these regular meetings is required. (b) Special meetings of the Board must be preceded by at least two days notice of the date, time, and place of the meeting. The notice need not describe the purpose of the special meeting. (c) All notices shall be sent by electronic mail or any other generally accepted form of electronic transmission. Each Director shall provide the Chairman with his or her preferred method of electronic notification.

3.14 Waiver of Notice. (a) A Director may waive any notice required to be given, before or after the date and time stated in the notice. Except as provided by subsection (b) of this section, the waiver must be in writing, signed by the Director entitled to the notice, and delivered to the Corporation for inclusion in the minutes or filing with the corporate records. (b) A Director's attendance at or participation in a meeting waives any required notice to him of the meeting unless the Director at the beginning of the meeting (or promptly upon his arrival) objects to holding the meeting or transacting business at the meeting because of inadequate notice and does not thereafter vote for or assent to action taken at the meeting.

3.15 Quorum and Voting. (a) A majority of the number of Directors then in office shall constitute a quorum for the transaction of business, provided that a majority of the Directors present are Mt. Pisgah Directors. (b) If a quorum is present when a vote is taken, the affirmative vote of a majority of Directors present is the act of the Board, unless the Code, the Articles of Incorporation, or these Bylaws require the vote of a greater number of Directors. (c) A Director who is present at a meeting of the Board or a committee of the Board when corporate action is taken is deemed to have assented to the action taken unless (1) the Director objects at the beginning of the meeting (or promptly upon his arrival) to holding it or transacting business at the meeting; (2) the Director's dissent or abstention from the action taken is entered in the minutes of the meeting; or (3) the Director delivers written notice of his dissent or abstention to the presiding officer of the meeting before its adjournment or to the Corporation immediately after adjournment of the meeting.

3.16 Committees of Directors. (a) The Board may by resolution create one or more committees and appoint Directors to serve on them. Each committee may have one or more members, who serve at the pleasure of the Board. A majority of the members of any such committee shall be Mt. Pisgah Directors. (b) Those sections of these bylaws which govern meetings, action without meetings, notice and waiver of notice, and quorum and voting requirements of the Board, apply to committees and their members as well, including, but not limited to, the requirement that a majority of the members present must be Mt. Pisgah Director to constitute a quorum. (c) To the extent specified in a specific resolution or in the Articles of Incorporation or the Bylaws, each committee may exercise the authority of the Board. (d) The Board, by resolution adopted in accordance with subsection (a) of this section, may designate one or more Directors as alternate members of any such committee, who may act in the place and stead of any absent member or members at any meeting of such committee. (e) The designation of any such committee and the delegation thereto of authority shall not operate to relieve the Board, or any member thereof, of any responsibility imposed by law

to be exercised by the Board. (f) Each committee may adopt rules for its own government, so long as such rules are consistent with these Bylaws or with rules otherwise adopted by the Board.

3.17 Advisory Committee. (a) The Board may provide for one or more advisory committees, consisting in whole or in part of persons who are not Directors, as it deems necessary or desirable, and discontinue such committees at its pleasure. It shall be the function and purpose of each such advisory committee to advise the Board; and each such committee shall have such powers and perform such specific duties or functions, not inconsistent with the Articles of Incorporation or these Bylaws, as the Board may prescribe. Appointments to any such advisory committee shall be made by a majority vote of the Board at any such meeting where a nomination is raised, unless the Board decides otherwise.

(b) Each advisory committee member shall serve at the pleasure of the Board. Vacancies in the membership of any advisory committee may be filled by appointments made in the same manner as provided in the case of the original appointments.

(c) Unless otherwise provided in the resolution of the Board designating the advisory committee, a majority of the whole committee shall constitute a quorum and the act of a majority of members present at a meeting at which a quorum of the committee members is present shall be the act of the advisory committee. Each advisory committee may adopt rules for its own governance so long as such rules are consistent with these Bylaws or with rules otherwise adopted for such advisory committee by the Board.

IV. OFFICERS

(Georgia Nonprofit Corporation Code 14-3-840 through -846)

4.01 Required Officers. (a) The Corporation shall have a president, secretary, and treasurer, and may have additional officers appointed by the Board. (b) A duly appointed officer may appoint one or more officers or assistant officers. (c) The same individual may simultaneously hold more than one office in the Corporation, except that the Secretary and President shall be different individuals. (d) Subject to the Articles of Incorporation or the Bylaws, all officers shall be elected or appointed annually by the Board, provided that the President must also be approved by the Mt. Pisgah Executive Committee. None of the officers of the Corporation are required to be Directors, but can be if duly elected as required herein.

4.02 Duties of Officers. (a) The President shall be the chief executive officer of the Corporation. The President shall be ex officio a non-voting member of all committees, unless the Board provides that he/she shall be a voting member. The President shall attend all meetings of the Board, unless the Board excuses him for part of a meeting if he has not been elected as a Director. (b) The Secretary shall attend all meetings of the Board and shall keep or cause to be kept the minutes of meetings of Directors and the other corporate records, shall act as the Treasurer during that person's inability to act. (c) The Treasurer shall keep or cause to be kept the assets and financial records of the Corporation, in the name of the Corporation, and shall give written reports thereon to each meeting of the Board and to the President when requested. The Treasurer shall cause the Corporation to pay or

make provision for its liabilities, and shall act as Secretary during that person's inability to act. (d) The foregoing officers and other officers shall perform such duties as are generally performed by such officers, and such duties as are additionally conferred by the Board. (e) The President or Secretary each shall be authorized to execute documents on behalf of the Corporation without need of further execution or attestation, if such documents are specifically authorized by the Board or are within the scope of said officer's normal and customary responsibility.

4.03 Standards of Conduct for Officers. The standards of conduct for officers shall be as provided by the Code, the Book of Discipline and other applicable law, or as specifically proscribed by the Board or by the Mt. Pisgah Executive Committee.

4.04 Resignation and Removal of Officers. (a) An officer may resign at any time by delivering written notice to the Chairman, or if the Chairman is not available, to another Director. A resignation is effective when notice is received by the Chairman or other Director. (b) Either the Board or the Mt. Pisgah Executive Committee may remove any officer at any time whenever in their judgment the best interest of the Corporation will be served thereby, provided that the Mt. Pisgah Executive Committee must approve the removal of the President. (c) Any vacancy in any office occurring for whatever reason may be filled by the Board, provided that the approval of the Mt. Pisgah Executive Committee is required to fill a vacancy for President.

4.05 Contract Rights of Officers. (a) The appointment of an officer does not itself create contract rights. (b) The removal of an officer does not affect the officer's contract rights (if any) with the corporation. (c) An officer's resignation does not affect the corporation's contract rights (if any) with the officer.

V. INDEMNIFICATION

(Georgia Nonprofit Corporation Code §§14-3-850 through 864 and 14-3-110)

5.01 Definitions. As used in this article V, the term: (1) "Corporation" includes any domestic or foreign predecessor entity of a corporation in a merger or other transaction in which the predecessor's existence ceased upon consummation of the transaction. (2) "Director" means an individual who is or was a Director of the Corporation, or an individual who while a Director of the Corporation is or was serving at the Corporation's request as a Director, officer, partner, trustee, employee, or agent of another foreign or domestic corporation, partnership, joint venture trust, employee benefit plan, or other enterprise. A Director is considered to be serving an employee benefit plan at the Corporation's request if his duties to the Corporation also impose duties on, or otherwise involve services by, him to the plan or to participants in or beneficiaries of the plan. Director includes, unless the context requires otherwise, the estate or personal representative of a Director. (3) "Expenses" include attorney's fees. (4) "Liability" means the obligation to pay a judgment, settlement, penalty, fine (including an excise tax assessed with respect to an employee benefit plan), or reasonable expenses incurred with respect to a proceeding. (5) "Party" includes an individual who was, is, or is threatened to be made a named defendant or respondent in a proceeding. (6) "Proceeding" means any threatened, pending, or completed action, suit, or proceeding, whether civil, criminal, administrative, or investigative and whether formal or informal.

5.02 Court-Ordered Indemnification and Advance. In addition to the following section, a Director of the Corporation who is a party to a proceeding may apply for indemnification or advances for expenses to the court conducting the proceeding or to another court of competent jurisdiction. The court may order indemnification or advances for expenses or both if the court determines that (1) the Director is entitled to indemnification and advance expenses under these Bylaws, in which case the court shall also order the Corporation to pay the Director's reasonable expenses incurred to obtain court ordered indemnification; or (2) the Director is fairly and reasonably entitled to indemnification in view of all the relevant circumstances, whether or not he met the standard of conduct set forth in the Code §14-3-851(a) or was adjudged liable as described in the Code §14-3-851(d), to the extent indemnification would be available under section 5.03 below.

5.03 Approved Indemnification. (a) The Corporation shall indemnify a Director who is made a party to a proceeding because he is or was a Director, including a proceeding brought by or in the right of the Corporation, without regard to the limitations in the preceding section. (b) The Corporation shall not indemnify a Director under this section for any liability incurred in a proceeding in which the Director is adjudged liable to the Corporation or is subjected to injunctive relief in favor of the Corporation (1) for any appropriation, in violation of his duties, of any business opportunity of the Corporation; (2) for acts or omissions that involve intentional misconduct or a knowing violation of law; (3) for liability for unlawful distributions pursuant to the Code; or (4) for any transaction from which he received an improper personal benefit. (c) Where approved or authorized in the manner described in subsection (a) of this section, a Corporation shall advance expenses incurred in advance of final disposition of the proceeding but only if (1) the Director furnishes the Corporation a written affirmation of his good faith belief that his conduct does not constitute behavior of the kind described in subsection (b) of this section; and (2) the Director furnishes the Corporation a written undertaking, executed personally or on his behalf, to repay any advances if it is ultimately determined that he is not entitled to indemnification under this section.

5.04 Indemnification of Officers, Employees, and Agents. The Corporation shall indemnify and advance expenses to an officer, and may indemnify and advance expenses to an employee or agent by Board resolution, consistent with public policy, to the extent that the Corporation indemnifies and advances expenses to Directors pursuant to section 5.03 above.

5.05 Insurance. The Corporation may, but is not required to, purchase and maintain insurance on behalf of one or more Directors, officers, employees, or agents against liability, whether or not the Corporation would have power to indemnify him against the same liability.

5.06 Conflicting Interest Transactions. The validity and ramifications of conflicting interest transactions are governed by the Code and the internal Revenue Code.

VI. AMENDMENT

(Georgia Nonprofit Corporation Code §§14-3-1020 through 1022)

6.01 Amendment by Directors. (a) The Board may amend or repeal the Bylaws, or adopt new Bylaws, provided, that any such change must be approved by the Charge Conference. If deemed necessary, the Charge Conference may amend or repeal the Bylaws, or adopt new bylaws.

VII. MISCELLANEOUS

7.01 Merger. These matters are governed by Georgia Nonprofit Corporation Code §§14-3-1101 through 1107 as amended.

7.02 Sale of Assets. These matters are governed by Georgia Nonprofit Corporation Code §§ 14-3-120

7.03 Dissolution. See Articles.

7.04 Foreign Corporation. These matters are governed by Georgia Nonprofit Corporation Code §§14-3-1501

7.05 Records and Reports. These matters are governed by Georgia Nonprofit Corporation Code §§14-3-160

7.06 Meetings Generally. All meetings shall be governed by the most recent edition of Robert's Rules of Order, except to the extent that that book is inconsistent with these Bylaws or with the Code.

Secretary of State
Corporations Division
315 West Tower
#2 Martin Luther King, Jr. Dr.
Atlanta, Georgia 30334-1530

DOCKET NUMBER : 020170726
CONTROL NUMBER: K838183
EFFECTIVE DATE: 01/09/2002
REFERENCE : 0045
PRINT DATE : 01/31/2002
FORM NUMBER : 611

HIRAM BOBO III
11840 WINDBROOKE WAY
ALPHARETTA, GA 30005

CERTIFICATE OF NAME CHANGE AMENDMENT

I, Cathy Cox, the Secretary of State and the Corporations Commissioner of the State of Georgia, do hereby certify under the seal of my office that

UNITED METHODIST PSYCHOLOGICAL AND COUNSELING SERVICES, INC.
A DOMESTIC NONPROFIT CORPORATION

has filed articles of amendment in the Office of the Secretary of State changing its name to

THE SUMMIT COUNSELING CENTER, INC.

and has paid the required fees as provided by Title 14 of the Official Code of Georgia Annotated. Attached hereto is a true and correct copy of said articles of amendment.

WITNESS my hand and official seal in the City of Atlanta and the State of Georgia on the date set forth above.



A handwritten signature in cursive script, reading "Cathy Cox".

Cathy Cox
Secretary of State

Articles of Amendment
Of
United Methodist Psychological and Counseling Services, Inc.

Article 1.

The name of the corporation is to be changed from "United Methodist Psychological and Counseling Services, Inc." to "The Summit Counseling Center, Inc."

Article 2.

The effective date of this change is January 1, 2002.

Article 3.

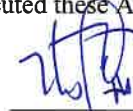
These changes were approved by the board of directors on September 6, 2001 and these changes do not require approval other than by the board of directors.

Article 4.

The "Notice of Change of Corporate Name" will be published pursuant to O.C.G.A. 14-2-1006.1(b).

IN WITNESS WHEREOF, the undersigned has executed these Articles of Amendment.

This 7th day of January 2002.



Hiram Bobo, III, Treasurer

SECRETARY OF STATE
JAN 31 A 10:22
CORPORATIONS DIVISION

Secretary of State
Corporations Division
Suite 315, West Tower
2 Martin Luther King Jr. Dr.
Atlanta, Georgia 30334-1530

CONTROL NUMBER: 9838183
EFFECTIVE DATE: 10/19/1998
COUNTY : FULTON
REFERENCE : 0045
PRINT DATE : 10/19/1998
FORM NUMBER : 311

WENDELL R. BIRD, P.C.
1150 MONARCH PLAZA
3414 PEACHTREE ROAD, NE
ATLANTA, GA 30326

COPY

CERTIFICATE OF INCORPORATION

I, Lewis A. Massey, the Secretary of State and the Corporation Commissioner of the State of Georgia, do hereby certify under the seal of my office that

UNITED METHODIST PSYCHOLOGICAL AND COUNSELING SERVICES, INC.
A DOMESTIC NONPROFIT CORPORATION

has been duly incorporated under the laws of the State of Georgia on the effective date stated above by the filing of articles of incorporation in the office of the Secretary of State and by the paying of fees as provided by Title 14 of the Official Code of Georgia Annotated.

WITNESS my hand and official seal in the City of Atlanta and the State of Georgia on the date set forth above.



Lewis A. Massey

Lewis A. Massey
Secretary of State

ARTICLES OF INCORPORATION OF
UNITED METHODIST PSYCHOLOGICAL AND COUNSELING
SERVICES, INC.
A NONPROFIT CORPORATION

ARTICLE I. NAME

The name of the corporation is:

United Methodist Psychological and Counseling Services, Inc.

ARTICLE II. AUTHORITY

The corporation is organized pursuant to the provisions of the Georgia Nonprofit Corporation Code as amended.

ARTICLE III. PURPOSES

The corporation is organized exclusively for religious, educational, and charitable purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code (or the corresponding provision of any future United States internal revenue law), including but not limited to the promotion and development of pastoral counseling services and Christian marriage and family life education, and distributions to or for the use of organizations exempt at the time under Section 501(c)(3) of the Internal Revenue Code (or the corresponding provision of any future United States internal revenue law). Subject to the foregoing, the corporation shall have all powers authorized for nonprofit

corporations, and not prohibited to nonprofit corporations, under the Georgia Nonprofit Corporation Code.

ARTICLE IV. DURATION

The corporation shall have perpetual duration.

ARTICLE V. RESTRICTIONS

Section 1. No Private Inurement. No part of the net earnings or property of the corporation shall inure to the benefit of, or be distributable to, its directors, trustees, officers, or other private persons; except that the corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth in Article III hereof. The corporation shall not have capital stock or shareholders.

Section 2. No Substantial Lobbying. No substantial part of the activities of the corporation shall be the carrying on of propaganda, or otherwise attempting to influence legislation, provided that the corporation may make the election provided in Section 501(h) of the Internal Revenue Code (or the corresponding provision of any future United States internal revenue law).

Section 3. No Political Campaigning. The corporation shall not participate in, or intervene in (including the publishing or distribution of statements), any political campaign on behalf of or in opposition to any candidate for public office.

Section 4. Irrevocable Dedication. The income and assets of the corporation shall be irrevocably dedicated to its exclusive purposes.

ARTICLE VI. DIRECTORS

Section 1. Number. The Board of Directors shall consist of not fewer than three (3) members, and of not more than a maximum number determined by the Bylaws of the corporation as amended from time to time.

Section 2. Powers. The Board of Directors shall govern the corporation, and shall have all the rights and powers of a board of directors under the laws of the State of Georgia and of the United States, as well as such other rights and authority as are herein granted. Such rights and powers shall include, but not be limited to, the power to adopt and amend the Bylaws and other corporate governing documents (except these Articles of Incorporation), by a majority vote, in any way not inconsistent with the Articles of Incorporation, the laws of the State of Georgia, or the laws of the United States.

Section 3. Term. The term of each member of the Board of Directors shall be as established in the Bylaws.

Section 4. Election. Directors shall be elected by the Charge Conference of Mt. Pisgah United Methodist Church (Alpharetta, Georgia), upon the expiration of a Director's term or a vacancy for any reason (including positions created by an increase in the number of Directors). If the Charge Conference of Mt. Pisgah United Methodist Church, or the Board of Directors, as provided in the Bylaws in the case of a vacancy, is unable to select a successor Director(s), such successor(s) shall be appointed by the appropriate court of the county in which the principal Georgia office (or if none the Georgia registered office) of the corporation is then located.

Section 5. Amendment. The Board of Directors shall have the power to amend these Articles of Incorporation in any way not inconsistent with the laws of the State of Georgia or of the United States, upon the vote approving such amendment of three-fourths of the Directors.

Section 6. Initial Directors. The initial Board of Directors shall consist of eight (8) members, whose names and addresses are:

James E. Epperly
110 Florence Drive
Newnan, GA 30263

Betty A. Rankin
495 Knoll Woods Drive
Roswell, GA 30075

Dr. R. Warren Lathem, Jr.
9426 Kingston Crossing Circle
Alpharetta, GA 30022

Julie Carberry
142 Lakeshore Drive
Berkley Lake, GA 30136

Julian Loube, M.D.
115 Whitney Valley Walk
Duluth, GA 30136

Betsy Prater
420 Woodvine Court
Alpharetta, GA 30076

Gina Sanders
3722 Summertree Court
Duluth, GA 30129

Robert K. McIntire
3105 Dunn Street
Smyrna, GA 30080

ARTICLE VII. MEMBERS

Section 1. Members. The corporation shall not have members.

ARTICLE VIII. POWERS

Section 1. General. The corporation shall have all the rights and powers customary and proper for tax exempt nonprofit corporations, including the powers specifically enumerated in Section 14-3-302 of the Georgia Code as amended.

Section 2. Restrictions. Notwithstanding any other provisions of these Articles of Incorporation, the corporation shall not carry on any activities not permitted to be carried on by a corporation exempt from federal income tax under Section 501(c)(3) of the Internal Revenue Code, or by a corporation to which contributions are deductible under Sections 170(b)(1)(A) or (B) and 170(c)(2) of the Internal Revenue Code (or the corresponding provisions of any future United States internal revenue law).

Section 3. Charitable Trusteeship Etc. The corporation shall be empowered to hold or administer property for the purposes stated in Article III, including the power to act as trustee.

ARTICLE IX. DISSOLUTION

Section 1. Dissolution. The Board of Directors may approve that the corporation cease corporate activities and dissolve and liquidate, by three-fourths vote of the Board.

Section 2. Liquidation. Upon the dissolution of the corporation, the Board of Directors shall pay or make provision for the payment of all of the liabilities of the corporation, and shall thereafter dispose of all of the assets of the corporation (i) exclusively for one or more exempt purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code (or the corresponding provision of any future United States internal revenue law), in such manner as the Board of Directors shall determine, (ii) or to such organization or organizations organized and operated exclusively for charitable, educational, religious, literary, or scientific purposes as shall at the time qualify as an exempt organization or organizations under Section 501(c)(3), and shall at the time be described in Section 170(c)(2) of such Code, as the Board of Directors shall determine.

Section 3. Contingent Provision. If any such assets are not so disposed of, the appropriate court of the county in which the principal Georgia office (or if none the Georgia registered office) of the corporation is then located shall dispose of such assets exclusively for the purposes stated in Article III herein, and exclusively to such organization or organizations which are organized and operated exclusively for such purposes and at the time qualify as an exempt organization or organizations under such Section 501(c)(3), as said court shall determine.

ARTICLE X. CONTINGENT RESTRICTIONS

Section 1. Contingent Restrictions. In the event that the corporation is determined by the Internal Revenue Service to be a private foundation within the meaning of Section 509 of the Internal Revenue Code (or the corresponding provision of any future United States internal revenue law), and only during the period during which such determination applies, notwithstanding any other provision of these Articles of Incorporation, this Article X shall apply and the corporation shall: (1) not engage in any act of "self-dealing" (as defined in Section 4941(d) of the Internal Revenue Code) that would subject the corporation to tax under Section 4941 of the Internal Revenue Code; (2) distribute its income for each taxable year for the purposes specified in Article III herein at such time, in such manner, and in such amounts as are necessary to avoid subjecting the corporation to tax under Section 4942 of the Internal Revenue Code; (3) not retain any "excess business holdings" (as defined in Section 4943(c) of the Internal Revenue Code) that would subject the corporation to tax under Section 4943 of the Internal Revenue Code; (4) not make any investments that would jeopardize the carrying

out of any of the exempt purposes of the corporation (within the meaning of Section 4944 of the Internal Revenue Code) that would subject the corporation to tax under Section 4944 of the Internal Revenue Code; and (5) not make any "taxable expenditures" (as defined in Section 4945(d) of the Internal Revenue Code) that would subject the corporation to tax under Section 4945 of the Internal Revenue Code.

Section 2. Definition. Each reference in this Article X to a section of the Internal Revenue Code shall be deemed to include the corresponding provisions of any future United States internal revenue law.

ARTICLE XI. INITIAL OFFICE AND AGENT

Section 1. Registered Office. The name and street address and county of the initial registered agent and initial registered office of the corporation shall be Wendell R. Bird, 1150 Monarch Plaza, 3414 Peachtree Road, N.E., Atlanta, Fulton County, Georgia 30326.

Section 2. Principal Office. The mailing address of the initial principal office shall be 9855 Nesbit Ferry Road, Suite 200, Alpharetta, Fulton County, Georgia, 30022.

ARTICLE XII. LIMITATION OF LIABILITY

Section 1. Limitation. The personal liability is hereby eliminated entirely of a director to the corporation for monetary damages for breach of duty of care or other duty as a director; provided that such provision shall not eliminate or limit the liability of a director: (i) For any appropriation, in violation of his duties, of any business opportunity of the corporation; (ii) For acts or omissions which involve intentional misconduct or a

knowing violation of laws; (iii) For the types of liability set forth in Georgia Code Sections 14-3-860 through 14-3-864 as amended; or (iv) For any transaction from which the director received an improper personal benefit.

Section 2. No Effect on Prior Liability. Such provision shall not eliminate or limit the liability of a director for any act or omission occurring prior to the date of these Articles of Incorporation when such provision becomes effective.

Section 3. Amendment. Any repeal or modification of the provisions of this Article shall be prospective only, and shall not adversely affect any limitation on the personal liability of a director of the corporation with respect to any act or omission occurring prior to the effective date of such repeal or modification, and must be approved by the sole member of the corporation. In the event of any amendment of the Georgia Nonprofit Corporation Code to authorize the further elimination or limitation of liability of directors, then the liability of a director of the corporation shall be limited to the fullest extent permitted by the amended Georgia Nonprofit Corporation Code, in addition to the limitation on personal liability provided herein.

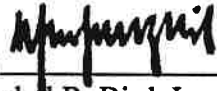
Section 4. Severability. In the event that any provision of this Article (including a clause) is held by a court of competent jurisdiction to be invalid, void, or otherwise unenforceable, the remaining provisions are severable and shall remain enforceable to the fullest extent permitted by law.

ARTICLE XIII. INCORPORATOR(S)

Section 1. Incorporator(s). The name and address of the incorporator(s), who is a citizen(s) of the United States, is:

Wendell R. Bird
Bird & Associates, P.C.
1150 Monarch Plaza
3414 Peachtree Road, N.E.
Atlanta, GA 30326

IN WITNESS WHEREOF, the undersigned incorporator or attorney for and representative of the incorporator has executed these Articles of Incorporation, pursuant to the Georgia Nonprofit Corporation Code.

BY: 

Wendell R. Bird, Incorporator
Bird & Associates, P.C.
1150 Monarch Plaza
3414 Peachtree Road, N.E.
Atlanta, GA 30326

BSR (6)

OCT 19 10 49 AM '98

SECRETARY OF STATE



THE SUMMIT COUNSELING CENTER

Organization Chart (Staff)

Last Updated:

10/06/2020



Board of Directors

Mr. J. David Smith, President of the Board, Retired Chairman, President and CEO of Euramax International, Inc.

Mrs. Karen Ford, Community Representative and Mental Health Advocate

Mr. Andrew “Andy” Gibson, Partner, BDO

Mr. Keith Griffin, President, Griffin Insurance Agency

Mr. Justin Y. Hester, Attorney at Law, Partner, Hester Outman, LLC, Family Law & Adoption Attorneys

Mr. Quentin “Q” Jones, Retired, Senior Executive, General Motors Company (GM)

Mr. Todd Kohout, CEO, T. Hudson Risk Advisors

Mr. Chuck McElroy, Chief Executive Officer, Deep Fiber Solutions, Inc.

Mr. Jim Pope, Senior Regional Executive Vice President – Chairman North Georgia Division (Retired), Renasant Bank

Mrs. Barbara Williams, President, xMedica, LLC

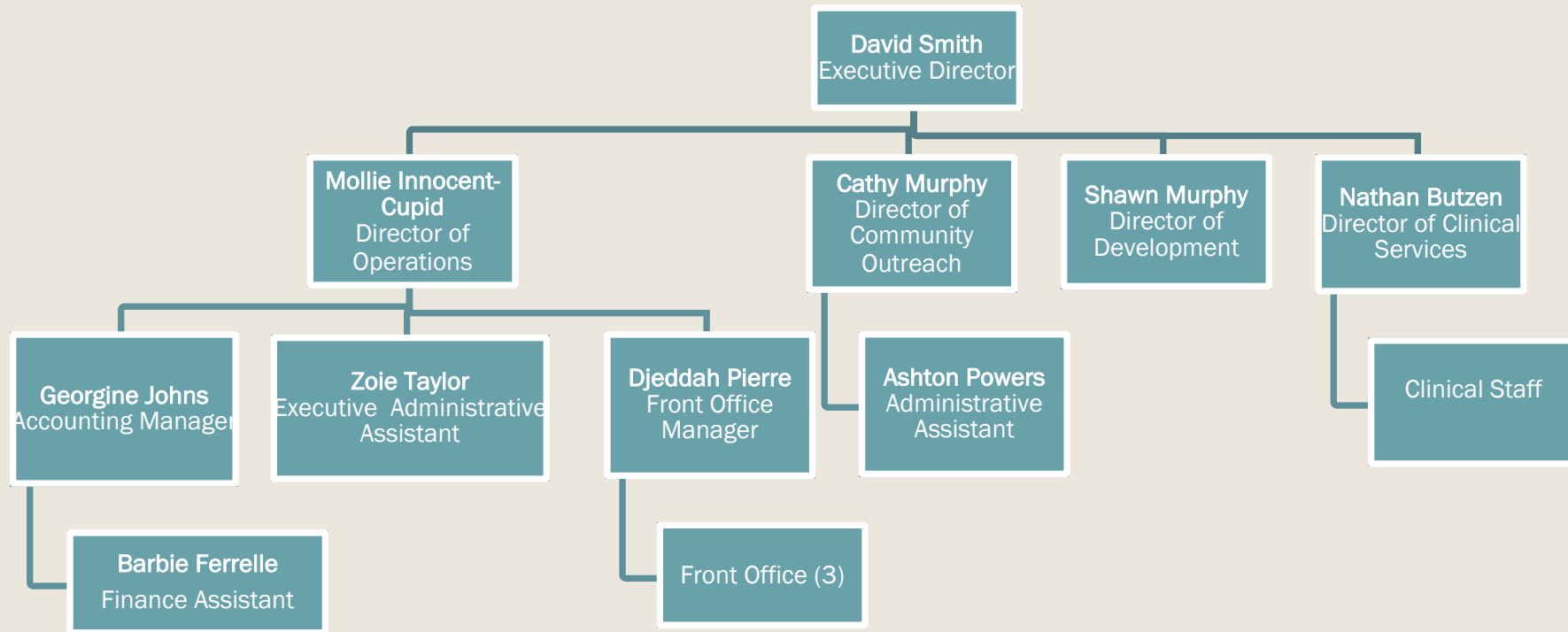
Mr. Marshall Turner, Retired, Head of Maxum Specialty, Maxum Specialty Insurance Group, A Company of The Hartford

Mr. Bill McLendon, Retired, Managing Director, Deloitte

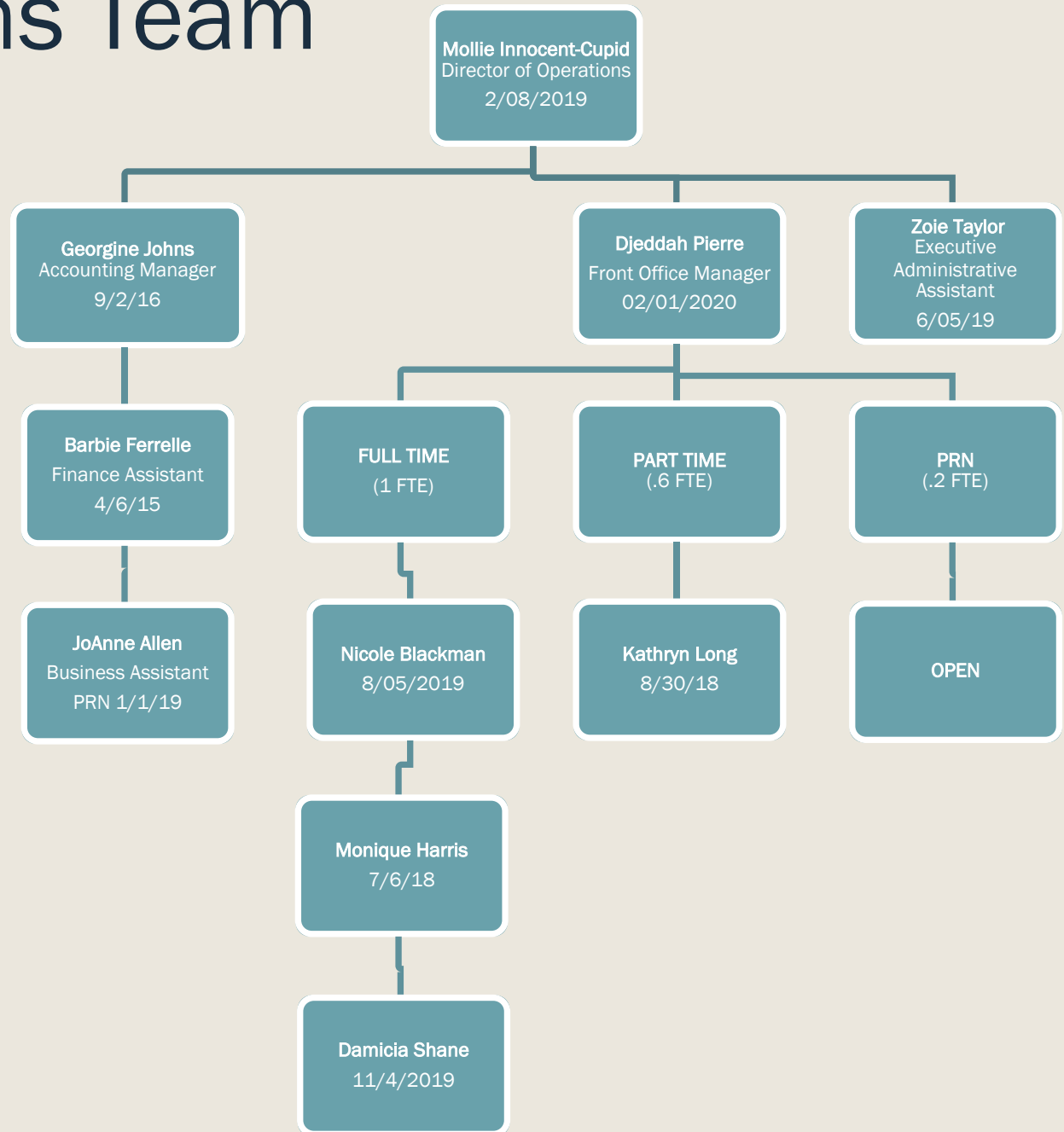
Mrs. Jane Schilling, Johns Creek United Methodist Church Advisory Committee

Mr. Fran Millar, Former State Senator, Dunwoody United Methodist Church Advisory Committee

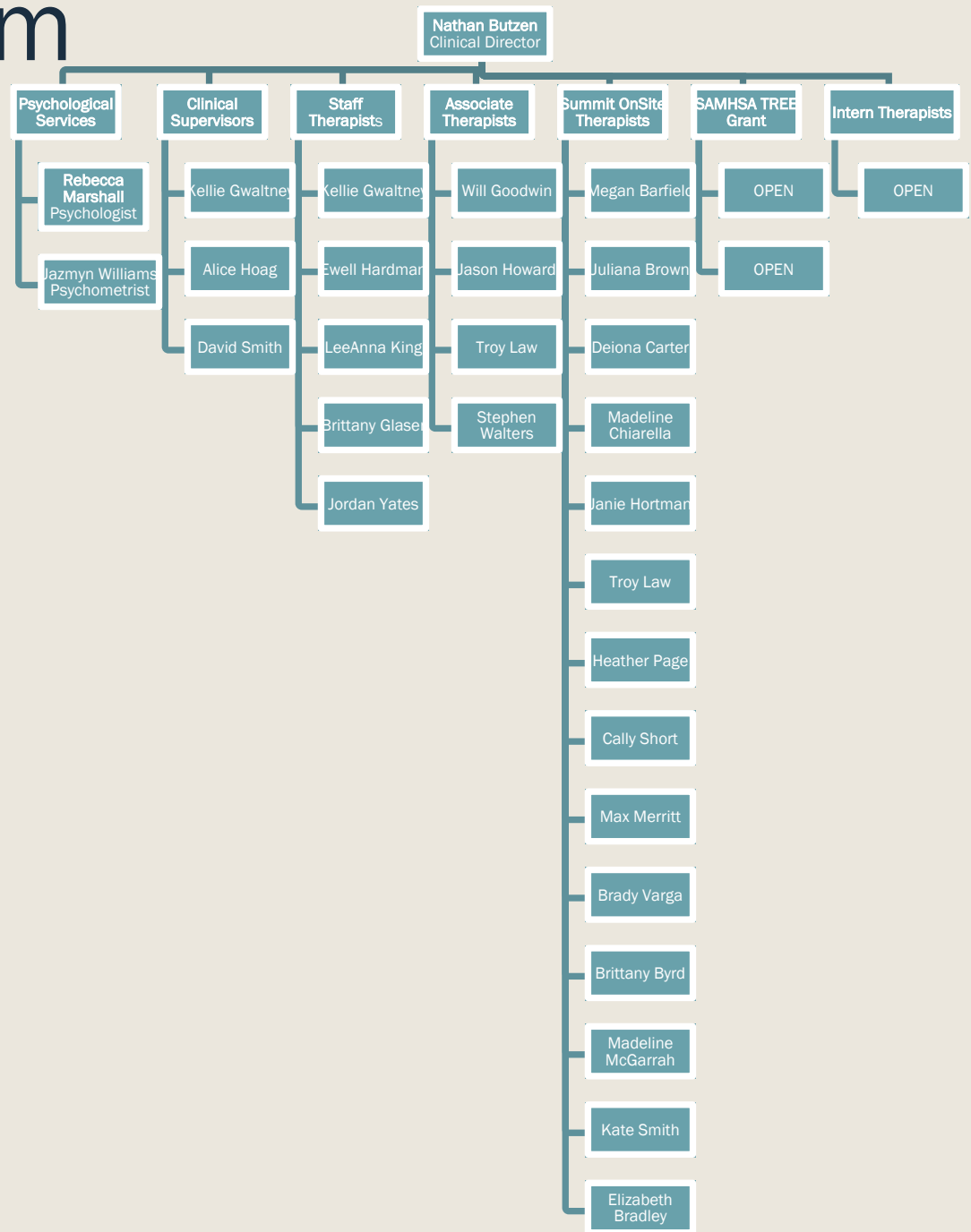
Leadership & Administrative Team



Operations Team



Clinical Team



THE SUMMIT COUNSELING CENTER, INC.

**FINANCIAL STATEMENTS
YEARS ENDED JUNE 30, 2019 AND 2018**

**with
INDEPENDENT AUDITORS' REPORT**

TABLE OF CONTENTS

	<u>PAGE</u>
INDEPENDENT AUDITORS' REPORT	3-4
STATEMENT OF FINANCIAL POSITION	5
STATEMENT OF ACTIVITIES AND CHANGES IN NET ASSETS	6-7
STATEMENT OF FUNCTIONAL EXPENSES	8-9
STATEMENT OF CASH FLOWS	10
NOTES TO FINANCIAL STATEMENTS	11-17

INDEPENDENT AUDITORS' REPORT

Board of Directors

The Summit Counseling Center, Inc.

We have audited the accompanying financial statements of The Summit Counseling Center, Inc. (the "Summit"), which comprise the statement of financial position as of June 30, 2019, and the related statements of activities and changes in net assets, functional expenses and cash flows for the year then ended, and the related notes to the financial statements.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America ("GAAP"); this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditors' Responsibility

Our responsibility is to express an opinion on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditors' judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the Summit's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Summit's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Opinion

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of the Summit as of June 30, 2019, and the changes in net assets and cash flows for the year then ended in conformity with GAAP.

Emphasis of Matter – Prior Year Financial Information

The prior year comparative information and the financial statements of The Summit Counseling Center, Inc. as of and for the year ended June 30, 2018 were audited by other auditors whose report dated May 1, 2019 expressed an unqualified opinion on those financial statements.

Smith & Howard

April 15, 2020

THE SUMMIT COUNSELING CENTER, INC.
STATEMENT OF FINANCIAL POSITION
JUNE 30, 2019 AND 2018

ASSETS

	<u>2019</u>	<u>2018</u>
Cash and cash equivalents	\$ 185,145	\$ 117,864
Due from related entity	-	140,082
Other	29,473	3,054
Property and equipment, net	<u>108,070</u>	<u>100,486</u>
 Total Assets	 <u><u>\$ 322,688</u></u>	 <u><u>\$ 361,486</u></u>

LIABILITIES AND NET ASSETS (DEFICIT)

Liabilities		
Accounts payable and accrued expenses	\$ 112,186	\$ 111,455
Deferred revenues	11,293	15,557
Due to related entity	<u>6,019</u>	<u>-</u>
 Total Liabilities	 129,498	 127,012
 Net Assets		
Without Donor Restrictions		
Board designated	137,036	123,623
Undesignated	<u>(88,086)</u>	<u>18,596</u>
Total Without Donor Restrictions	48,950	142,219
 With Donor Restrictions	 <u>144,240</u>	 <u>92,255</u>
	<u>193,190</u>	<u>234,474</u>
	 <u><u>\$ 322,688</u></u>	 <u><u>\$ 361,486</u></u>

The accompanying notes are an integral part of these financial statements.

THE SUMMIT COUNSELING CENTER, INC.
STATEMENT OF ACTIVITIES AND CHANGES IN NET ASSETS
YEAR ENDED JUNE 30, 2019

	<u>Without Donor Restrictions</u>	<u>With Donor Restrictions</u>	<u>Total</u>
Revenues and Other Support:			
Counseling fees	\$ 2,361,266	\$ -	\$ 2,361,266
Contributions	467,493	280,437	747,930
Client assistance fund revenue	363,920	-	363,920
In-kind contributions	166,331	-	166,331
Other	-	-	-
Net assets released from restrictions	<u>228,452</u>	<u>(228,452)</u>	<u>-</u>
	<u>3,587,462</u>	<u>51,985</u>	<u>3,639,447</u>
Expenses:			
Program	3,032,919	-	3,032,919
Management and general	311,551	-	311,551
Fundraising	<u>336,261</u>	<u>-</u>	<u>336,261</u>
	<u>3,680,731</u>	<u>-</u>	<u>3,680,731</u>
Change in Net Assets	(93,269)	51,985	(41,284)
Net Assets at Beginning of Year	<u>142,219</u>	<u>92,255</u>	<u>234,474</u>
Net Assets at End of Year	<u>\$ 48,950</u>	<u>\$ 144,240</u>	<u>\$ 193,190</u>

The accompanying notes are an integral part of these financial statements.

THE SUMMIT COUNSELING CENTER, INC.
STATEMENT OF ACTIVITIES AND CHANGES IN NET ASSETS
YEAR ENDED JUNE 30, 2018

	<u>Without Donor Restrictions</u>	<u>With Donor Restrictions</u>	<u>Total</u>
Revenues and Other Support:			
Counseling fees	\$ 1,688,192	\$ -	\$ 1,688,192
Contributions	571,918	62,305	634,223
Client assistance fund revenue	260,357	-	260,357
In-kind contributions	159,875	-	159,875
Other	1,349	-	1,349
Net assets released from restrictions	<u>99,169</u>	<u>(99,169)</u>	<u>-</u>
	<u>2,780,860</u>	<u>(36,864)</u>	<u>2,743,996</u>
Expenses:			
Program	1,914,032	-	1,914,032
Management and general	259,808	-	259,808
Fundraising	<u>450,844</u>	<u>-</u>	<u>450,844</u>
	<u>2,624,684</u>	<u>-</u>	<u>2,624,684</u>
Change in Net Assets	156,176	(36,864)	119,312
Net Assets at Beginning of Year	<u>(13,957)</u>	<u>129,119</u>	<u>115,162</u>
Net Assets at End of Year	<u>\$ 142,219</u>	<u>\$ 92,255</u>	<u>\$ 234,474</u>

The accompanying notes are an integral part of these financial statements.

THE SUMMIT COUNSELING CENTER, INC.
STATEMENT OF FUNCTIONAL EXPENSES
YEAR ENDED JUNE 30, 2019

	<u>Program</u>	<u>Management and General</u>	<u>Fundraising</u>	<u>Total Expenses</u>
Salaries	\$ 2,362,777	\$ 199,221	\$ 62,662	\$ 2,624,660
Events	-	-	258,505	258,505
Occupancy	191,894	51,172	12,793	255,859
Clinical program	126,562	2,525	58	129,145
Information technology	82,601	27,534	-	110,135
Advertising	81,613	-	-	81,613
Banking	83,708	854	854	85,416
Depreciation and amortization	33,808	11,269	-	45,077
Office	19,753	5,267	1,317	26,337
Administrative	15,000	5,000	-	20,000
Professional fees	15,361	8,342	72	23,775
Other	<u>19,842</u>	<u>367</u>	<u>-</u>	<u>20,209</u>
Total Expenses	<u>\$ 3,032,919</u>	<u>\$ 311,551</u>	<u>\$ 336,261</u>	<u>\$ 3,680,731</u>

The accompanying notes are an integral part of these financial statements.

THE SUMMIT COUNSELING CENTER, INC.
STATEMENT OF FUNCTIONAL EXPENSES
YEAR ENDED JUNE 30, 2018

	<u>Program</u>	<u>Management and General</u>	<u>Fundraising</u>	<u>Total Expenses</u>
Salaries	\$ 1,453,866	\$ 183,197	\$ 183,197	\$ 1,820,260
Events	-	-	255,023	255,023
Occupancy	162,047	43,212	10,803	216,062
Clinical program	73,682	933	-	74,615
Advertising	56,819	-	-	56,819
Banking	53,287	544	544	54,375
Information technology	25,718	8,572	-	34,290
Office	18,197	4,852	1,213	24,262
Depreciation and amortization	15,367	5,122	-	20,489
Administrative	15,000	5,000	-	20,000
Professional fees	7,933	7,933	-	15,866
Travel	7,256	-	-	7,256
Professional development	6,288	64	64	6,416
Other	18,572	379	-	18,951
	<u>\$ 1,914,032</u>	<u>\$ 259,808</u>	<u>\$ 450,844</u>	<u>\$ 2,624,684</u>
Total Expenses				

The accompanying notes are an integral part of these financial statements.

THE SUMMIT COUNSELING CENTER, INC.
STATEMENT OF CASH FLOWS
YEARS ENDED JUNE 30, 2019 AND 2018

	<u>2019</u>	<u>2018</u>
Cash Flows from Operating Activities:		
Change in Net Assets	\$ (41,284)	\$ 119,312
Adjustments to Reconcile Change in Net Assets to Net Cash Provided by Operating Activities:		
Depreciation and amortization	45,077	20,489
Change in operating assets and liabilities:		
Due to/from related entity	146,101	(93,475)
Other assets	(26,419)	17,929
Accounts payable and accrued expenses	(10,687)	27,521
Deferred revenues	(4,264)	(242)
Total adjustments	<u>149,808</u>	<u>(27,778)</u>
Net Cash Provided by Operating Activities	<u>108,524</u>	<u>91,534</u>
Cash Flows from Investing Activities:		
Purchases of property and equipment	<u>(41,243)</u>	<u>(82,300)</u>
Net Cash Required by Investing Activities	<u>(41,243)</u>	<u>(82,300)</u>
Net Change in Cash and Cash Equivalents	67,281	9,234
Cash and Cash Equivalents at Beginning of Year	<u>117,864</u>	<u>108,630</u>
Cash and Cash Equivalents at End of Year	<u>\$ 185,145</u>	<u>\$ 117,864</u>

Non-Cash Investing Activities

At June 30, 2019, accounts payable included \$11,418 related to purchases of property and equipment.

The accompanying notes are an integral part of these financial statements.

THE SUMMIT COUNSELING CENTER, INC.
NOTES TO FINANCIAL STATEMENTS
JUNE 30, 2019 AND 2018

NOTE 1 – ORGANIZATIONAL MATTERS

Nature of Organization

The Summit Counseling Center, Inc. (the “Summit”) is a private, nonprofit community-focused organization providing professional counseling services by state licensed and/or certified mental health professionals to the North Metro Atlanta community. The Summit’s mission is to provide professional counseling, psychological services, and community education services utilizing an integrated approach to care for the whole person-body, mind, spirit and community. A wide spectrum of services is provided for adults, children, teens, and families including services for anxiety, depression, grief, trauma, and other mental health and substance use disorders. The Summit is committed to providing care for those who cannot afford the full cost of services through the Client Assistance Funds – subsidies composed of private donations, event-based fundraising proceeds, and partnerships. Through the innovative Summit OnSite School-Based Therapy program, in 2018-2019 The Summit provided onsite services in 19 local public and private schools (High Schools, Middle Schools, and Elementary Schools). The Summit partners with a wide range of community partners including churches, schools, businesses, foundations, individuals, and other nonprofit organizations to serve the North Metro Atlanta Community. The Summit is accredited by The Solihten Institute, Denver, Colorado.

NOTE 2 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

Basis of Accounting

The Summit follows accounting standards set by the Financial Accounting Standards Board (“FASB”). The FASB sets accounting principles generally accepted in the United States of America (“GAAP”).

New Accounting Policy

In August 2016, the FASB issued Accounting Standards Update (“ASU”) 2016-14, *Presentation of Financial Statements of Not-for-Profit Entities*. This guidance is intended to improve the net asset classification requirements and the information presented in the financial statements and notes about a nonprofit’s liquidity and availability of resources, expenses and investments returns, and cash flows.

THE SUMMIT COUNSELING CENTER, INC.
NOTES TO FINANCIAL STATEMENTS
JUNE 30, 2019 AND 2018

NOTE 2 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

New Accounting Policy (Continued)

Main provisions of this guidance include: (a) presentation of only two classes of net assets now entitled “net assets without donor restrictions” and “net assets with donor restrictions”, (b) modifying the presentation of underwater endowment funds and related disclosures, (c) requiring that all nonprofits present an analysis of expenses by function and nature and disclose a summary of the allocation methods used to allocate costs, (d) presenting investment return net of external and direct internal investment expenses, and (e) requiring the disclosure of quantitative and qualitative information regarding liquidity and availability of resources.

The Summit has elected to adopt ASU 2016-14 as of and for the year ended June 30, 2019, with retrospective application for the 2018 financial statements. The Summit opted to not disclose liquidity and availability information for 2018 as permitted under the ASU in the year of adoption.

Financial Statement Presentation

The Summit prepares its financial statements using the accrual method of accounting; consequently, revenues and the related assets are recognized when earned and expenditures are recognized when the obligation is incurred.

Net assets, revenue, and support are classified based on the existence or absence of donor-imposed restrictions. Accordingly, net assets and changes therein are classified and reported as follows:

Net Assets Without Donor Restrictions – Net assets available for use in general operations and not subject to donor restrictions. Included within this category are Board-designated net assets, which are funds not specifically restricted by outside donors, but designated by the Board of Directors for a specific purpose.

Net Assets With Donor Restrictions – Net assets subject to donor-imposed restrictions. Some donor-imposed restrictions are temporary in nature, such as those that will be met by the passage of time or other events specified by the donor. Other donor-imposed restrictions are perpetual in nature, where the donor stipulates that such resources be maintained in perpetuity.

THE SUMMIT COUNSELING CENTER, INC.
NOTES TO FINANCIAL STATEMENTS
JUNE 30, 2019 AND 2018

NOTE 2 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

Reclassifications

Certain 2018 amounts have been reclassified to conform with the 2019 financial statement presentation.

Use of Estimates

The preparation of financial statements in conformity with GAAP requires management to make estimates and assumptions that affect the amounts recorded and disclosed in these financial statements. Actual results could differ from those estimates.

Functional Allocation of Expenses

The Summit allocates its expenses on a functional basis among its programs and supporting services. Expenses that can be identified with a specific program or supporting service are allocated directly. Expenses common to several functions are allocated according to the formula developed by management.

Revenue Recognition

Counseling center fees are due after services are performed and revenue is recognized in the period in which the services are provided. In 2019, the counseling center collected fees in advance of services being performed and recorded as deferred revenue. The revenue is recognized when services are performed in the following fiscal year. Counseling center fees earned but uncollected at June 30, 2019 and 2018 were not significant.

Contributions

The Summit reports contributions of cash and other assets as donor restricted support if they are received with donor stipulations that limit the use of the donated assets for a future accounting period or for a special purpose. When a donor restriction expires, that is, when a stipulated time restriction ends or purpose of restriction is accomplished, net assets with donor restrictions are reclassified to net assets without donor restrictions and reported in the statement of activities and net assets as net assets released from restrictions. When donor restricted contributions are received, and the restrictions are met in the same accounting period, they are reported as increased in net assets with donor restrictions and net assets released from restrictions.

THE SUMMIT COUNSELING CENTER, INC.
NOTES TO FINANCIAL STATEMENTS
JUNE 30, 2019 AND 2018

NOTE 2 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

Contributions (Continued)

The Summit reports gifts of land, buildings and equipment, or the right to use those assets at estimated fair value as unrestricted support unless explicit donor stipulations specify how the donated assets must be used. Gifts of long-lived assets with explicit restrictions specify how the assets are to be used and gifts of cash or other assets that must be used to acquire long-lived assets are reported as donor restricted support.

Gifts-In-Kind

Donated goods and services are reflected as contributions in the accompanying financial statements at their estimated fair values at the date of receipt. The value of donated services is recorded in the financial statements if the services create or enhance non-financial assets or require specialized skill that would typically need to be purchased if not donated. Services donated to the Summit are only recognized in the financial statements when utilized. During the years ended June 30, 2019 and 2018, the Summit received and utilized \$166,331 and \$159,875 in donated goods and services, respectively.

Cash and Cash Equivalents

Cash and cash equivalents include cash and highly liquid investments that are readily convertible into cash and have a maturity of ninety days or less from the date of purchase. At times, cash and cash equivalent balances exceed federally insured amounts. The Summit believes it reduces risks associated with balances in excess of federally insured amounts by maintaining its cash with major financial institutions with sound financial standing. If liquidity issues arise in the global credit and capital markets, it is at least reasonably possible that these changes in risks could materially affect the amounts reported in the accompanying financial statements.

Property and Equipment

Acquisitions of property and equipment in excess of \$1,500 are capitalized. Property, equipment and leasehold improvements are depreciated and amortized using the straight-line method over the estimated useful lives of the assets of 3-30 years.

**THE SUMMIT COUNSELING CENTER, INC.
NOTES TO FINANCIAL STATEMENTS
JUNE 30, 2019 AND 2018**

NOTE 2 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

Property and Equipment (Continued)

Property and equipment of the Summit consists of the following at June 30:

	<u>2019</u>	<u>2018</u>
Building Improvements	\$ 71,964	\$ 71,964
Furniture and Equipment	68,988	66,348
Computers and Software	115,455	100,685
Leasehold Improvements	50,093	14,842
	<u>306,500</u>	<u>253,839</u>
Less Accumulated Depreciation and Amortization	(198,430)	(153,353)
	<u>\$ 108,070</u>	<u>\$ 100,486</u>

Depreciation expense was \$45,077 and \$20,489 for the years ending June 30, 2019 and 2018, respectively.

Income Taxes

The Summit is exempt from federal and state income taxes under Internal Revenue Code Section 501(c)(3). Accordingly, no provision for incomes taxes has been made.

The Summit annually evaluates all federal and state income tax positions. This process includes an analysis of whether these income tax positions the Summit takes meet the definition of an uncertain tax position under the Income Taxes Topic of the Financial Accounting Standards Codification. Management believes the Summit is no longer subject to income tax examinations for tax years ending before June 30, 2016.

Advertising

Advertising costs are expensed as incurred. For the years ended June 30, 2019 and 2018, advertising expense totaled \$81,613 and \$56,819, respectively.

NOTE 3 – RELATED PARTY TRANSACTIONS

The \$6,019 balance due to a related entity at June 30, 2019 represents net borrowings from an affiliated entity which are non-interest bearing. The \$140,082 balance due from related entity at June 30, 2018 represents net transfers to an affiliated entity which is non-interest bearing.

THE SUMMIT COUNSELING CENTER, INC.
NOTES TO FINANCIAL STATEMENTS
JUNE 30, 2019 AND 2018

NOTE 3 – RELATED PARTY TRANSACTIONS (Continued)

The Summit shares operating expenses with an affiliated entity. Total shared operating expenses of \$20,000 were allocated to the Summit during each of the years ended June 30, 2019 and 2018.

The Summit uses certain facilities owned by affiliated entities at no cost. To account for this benefit, the Summit recognized in-kind revenue and expense of \$159,875 for the years ended June 30, 2019 and 2018.

NOTE 4 – EMPLOYEE BENEFIT PLAN

The Summit provides a discretionary retirement program to its employees by utilization of an Internal Revenue Code Section 403(b) plan. The Summit matches the employees' contributions to a maximum of 4% of gross wages. Employees become eligible for this program after one year of employment and with a minimum of 1,000 hours of service. The Summit contributed and expensed approximately \$58,000 and \$42,000 to this program for the year ended June 30, 2019 and 2018, respectively.

NOTE 5 – NET ASSETS

Net assets with donor restrictions are restricted for the following purposes as of June 30:

	<u>2019</u>	<u>2018</u>
Capital expenditures	\$ 14,843	\$ 14,843
Counseling	126,832	74,847
Other designated funds	<u>2,565</u>	<u>2,565</u>
	<u>\$ 144,240</u>	<u>\$ 92,255</u>

The Board also designates a portion of net assets without donor restrictions to be reserved for future operations. The amounts designated by the Board for the years ended June 30, 2019 and 2018 were \$137,036 and \$123,623, respectively.

THE SUMMIT COUNSELING CENTER, INC.
NOTES TO FINANCIAL STATEMENTS
JUNE 30, 2019 AND 2018

NOTE 6 – LIQUIDITY AND AVAILABILITY

The Summit's financial assets available within one year for general expenditure are as follows at June 30, 2019:

Cash and cash equivalents	\$ 185,145
Board designated restrictions	(137,036)
Donor imposed restrictions	<u>(144,240)</u>
	<u>(281,276)</u>
Financial assets available to meet cash needs for general expenditures within one year	<u>\$ (96,131)</u>

To manage liquidity needs, the Summit opened a line of credit subsequent to June 30, 2019 with maximum borrowings of \$250,000 and an interest rate of LIBOR plus 2.0%. The line is guaranteed by an affiliated entity and matures in December 2020. Additionally, board designated net assets in the amount of \$137,036 were utilized subsequent to June 30, 2019. As part of the Summit's liquidity management, it structures its financial assets to be available as its general expenditures, liabilities and other obligations become due.

NOTE 7 – SUBSEQUENT EVENT

The Summit has experienced a disruption of normal business operations caused from COVID-19 since December 31, 2019. The Summit responded with the immediate expansion of The Summit Video Therapy Program providing Telehealth delivery of services via a HIPAA-compliant video-conferencing platform. The overall financial impact cannot be determined through the date of this report; however, it is reasonably possible that changes in risks in the near term could occur which could result in a material change to the financial statements.

Management has evaluated subsequent events through the date of this report, which is the date the financial statements were available to be issued.

The Summit Board Meeting Monday, October 28, 2019

Attendees: Andy Gibson, Keith Griffin, Justin Hester, Quentin Jones, Sid Linton, Bill McLendon, Fran Miller, Jim Pope, Jane Schilling, J. David Smith, Marshall Turner, Barbara Williams

Absent: Chuck McElroy

Staff: Nathan Butzen Psy.D, Helen Caudill, Mollie Innocent-Cupid, LCSW, Cathy Murphy, Shawn Murphy, David Smith M.DIV, M.A.

Visitors: Whitney Emrick MSW (Mental Health Awareness Coordinator) and Max Merritt M.A. (new Summit therapist)

The meeting opened in prayer.

Whitney was introduced as the Mental Health Awareness coordinator for the Summit. She updated the Board on the upcoming trainings and presentations the Summit will be providing for the community.

Max spoke to the Board about his path to employment at the Summit. He studied pastoral ministry in his early 20's while working in the technical field. He realized he was being called into counseling and began his master's degree. It was at this time he worked in a school-based counseling program in Alabama. He views his work with clients as his ministry.

Jim made a motion to approve the September 30, 2019 minutes, Fran seconded, and the minutes were unanimously approved.

Financials – Helen

Helen reviewed financial results for period ending September 30, 2019. A favorable variance of \$225k was reported for the month of September. Actual net income of \$150k was recognized versus a budgeted loss of \$75k. Actual year to date net income was reported at a loss of \$84k versus a budgeted loss of \$303k for a favorable variance of \$218k.

Executive Director Report – David and J. David

J. David proposed a resolution to authorize the Finance Committee to release monies from the Summit's unrestricted Board designated funds to cover expenses before utilizing the new line of credit to be established with Renasant Bank. Jim made a motion to approve the proposed resolution, Marshal seconded, and the motion was unanimously approved.

Beacon and Summit Building Restoration and Office Space

The Board was updated on the progress of the restoration of the Summit building from the flood. David spoke to the Board about challenges they are facing regarding renovation of the HVAC system and making it more efficient. Unfortunately, the HVAC reconfiguration will not be covered by insurance.

David continues to be in discussion with Dunwoody UMC regarding satellite office space. Sugar Hill UMC is now fully funded and they are renovating a space in order to open the satellite there very soon.

Committee Reports

Finance Committee – N/A

HR Committee – N/A

Clinical Services – Nathan

School based therapists are seeing increased caseloads as the school year proceeds. Five therapists are becoming certified in telehealth therapy and will soon be able to offer online sessions. Patient satisfaction surveys will be distributed quarterly via email and paper, depending on the age of the client.

Operations- Mollie

Mollie distributed and reviewed the revised operations dashboard. She reviewed data accumulated via exit interviews. She also gave a quick overview of the results from recently implemented strategies and updates on cultural diversity both with staff and the client base.

Development – Shawn

Helen was asked to revise the minutes from the September board meeting to reflect a \$1.05 million fundraising goal for 2019-2020, not a \$1.5 million goal. Summit Rocks fundraiser is expected to net approximately \$172k. Shawn shared he is looking forward to working with donors on year-end giving, the Summit Gala and shepherding the top 100 donors.

Community Outreach – Cathy

Cathy reported a record high of new clients of 204 for September. Most schools are growing in client numbers and Cathy expects an increase in referrals when progress reports are sent home to parents.

Board Membership - N/A

New Business –

Next Board meeting is scheduled for November 25, 2019 at 7:30am. The Christmas party has also been scheduled for Sunday, December 8 at 5:00pm and everyone should be receiving an invitation. J. David thanked Andy Gibson for graciously hosting again this year.

There being no additional new business, the meeting closed in prayer.

Respectfully Submitted by:

Helen Caudill

Senior Director – Finance

Mount Pisgah United Methodist Church, Inc.

The Summit Board Meeting Monday, December 2, 2019

Attendees: Karen Ford, Andy Gibson, Keith Griffin, Justin Hester, Quentin Jones, Todd Kohout, Chuck McElroy, Bill McLendon, Fran Miller, Jim Pope, Jane Schilling, J. David Smith, Marshall Turner, Barbara Williams

Absent: N/A

Staff: Nathan Butzen Psy.D, Helen Caudill, Mollie Innocent-Cupid, LCSW, Cathy Murphy, Shawn Murphy, David Smith M.Div, M.A.

Visitors: Cally Short, M.S. and Juliana Brown, M.S.

The meeting opened in prayer.

Nathan introduced Cally and Juliana explaining that they are both school based therapists with the Summit.

Cally spoke to the Board about her past experiences in school-based therapy. Her undergraduate internship was in a crisis stabilization unit focusing on children aged 4-17. Her masters' program focused on sexual abuse and teenaged sex offenders. Before coming to the Summit, she worked in Habersham County where the overriding difficulties her clients experienced revolved around poverty. She shared a recent client success story from her time with the Summit.

Juliana shared that her undergraduate studies led her to work in family and marriage-based therapy. Before joining the Summit staff, she worked in community-based settings building relationships with teachers, parents, social workers, school staff, etc. to optimize student success. Juliana is bilingual, speaking both English and Spanish. She has recently found herself working with students experiencing overwhelming stress. These clients have varying challenges, yet the common denominator is the desire to do their very best.

Minutes

Jim made a motion to approve the October 28, 2019 minutes, Bill seconded, and the minutes were unanimously approved.

Financials – Helen

Financials for the period ending October 31, 2019 were reviewed. The month of October reflected a loss of \$28k versus a budgeted net income of \$28k for an unfavorable variance of \$56k.

Year to date results reflected a net loss of \$112k versus a budgeted loss of \$275k for a favorable variance of \$163k.

Executive Director Report – David

David proposed a \$10 fee increase for therapy sessions from \$140 to \$150. He also suggested a \$5 increase for the CAF copay from \$55 to \$60 per client session. Marshal made a motion to approve the proposal, Andy seconded, and the proposal was unanimously approved.

David spoke about creating a study committee to address the Summit's current compensation method. He also expressed the need to transition to a different electronic medical records system, in addition to a compatible accounting system. The first step will be the hiring of a controller to oversee these changes.

Helen gave an update regarding the change in the accounting firm performing the fiscal year end audit for period ending June 30, 2019 for The Beacon, The Summit, Champions Community Foundation and Mount Pisgah UMC. The firm of Smith and Howard has been rehired after a brief time with a different firm (Aprio) that did not meet the needs of the four entities.

David updated the Board on some of the topics the Leadership Team has been reviewing and studying regarding the strengths and vulnerabilities of the satellite offices.

Satellite Updates:

Dunwoody UMC - working through issues around rent and CAF

Johns Creek UMC - adding office space to allow for therapists to be on site 3 days a week

Milton Office - due to high number of private pay clients, doing very well

Sugar Hill UMC – CAF funding covered for the first 3 years, schedule to open in mid-February

Greater Atlanta Christian School – intends to cover all CAF funds

CARF Update - David met with consultant and moved timeline to November 2020 to get a 3-year accreditation due to the demanding schedules and workloads of the operations team.

Committee Reports

Finance Committee

N/A

HR Committee

N/A

Clinical Services – Nathan

Therapist personnel changes: 3 therapists have resigned (Tory, Nina and Jessica); Dunwoody is being hardest hit because 2 of the 3 resigning therapists who served the Dunwoody office.

Tele-mental health: 2 therapists are certified and expected to be online in 30 days.

Satisfaction surveys have been well received and are providing great feedback.

Operations - Mollie

Revising treatment planning to be a more formal policy in order to be aligned with CARF requirements.

Personnel changes: Front office manager Olivia Wilson has resigned effective December 31, 2019.

Currently interviewing for a replacement that can handle 600 calls, 200 new clients and multiple locations.

Mollie is also developing a whistleblower policy to be implemented soon.

Development – Shawn

On track for meeting goal of \$1.02 million.

Relationship with SFG to end, will save \$18k annually.

Community Outreach – Cathy

Summit gained 196 new clients in October and school-based therapists are doing well overall. Ewell and Rebecca still exceeding expectations.

Board Membership

N/A

New Business –

Next meeting will be **Friday**, January 24, 2020.

There being no additional new business, the meeting closed in prayer.

Respectfully Submitted by:

Helen Caudill

Senior Director – Finance

Mount Pisgah United Methodist Church, Inc.

The Summit Board Meeting Monday, January 24, 2020

Attendees: Karen Ford, Andy Gibson, Keith Griffin, Justin Hester, Quentin Jones, Bill McLendon, Fran Miller, Jim Pope, Jane Schilling, J. David Smith, Marshall Turner, Barbara Williams

Absent: Todd Kohout, Chuck McElroy, Shawn Murphy

Staff: Nathan Butzen Psy.D, Helen Caudill, Mollie Innocent-Cupid, LCSW, Cathy Murphy, David Smith M.Div, M.A.

Visitors:

The meeting opened in prayer.

Minutes

Fran made a motion to approve the December 2, 2019 minutes, Marshall seconded, and the minutes were unanimously approved.

Financials – Helen

Financials for period ending December 31, 2019 were reviewed. The month of December results reflected a profit of \$58k versus a budgeted net income of \$51k for a favorable variance of \$7k.

Year to date results reflected a net loss of \$58k versus a budgeted loss of \$157k for a favorable variance of \$99k.

Executive Director Report – J. David, David

J. David - 1/3 of school-based sites are operating at a loss even with the use of CAF and pro-bono funds. He suggested a meeting with the Fulton County School Superintendent, Fulton Co. School Board, David Smith and Summit Board members to explain the need for on-going funding from Fulton Co. Schools to support the Summit-on-Site program.

David - Fulton Co. School system has asked the Summit to open in more schools by offering \$22k per school for four (4) more schools and provide services only one day a week. David expects to use existing therapists and not hire new counselors. The Summit plans to accept Medicaid in the next 6-9 months but that will not cover the immediate need.

There have been unexpected expenses from the water damage due to two different flooding incidents in the R building. Mount Pisgah Christian School has rescinded their guarantee to have space available to the Summit for administration and leadership offices. David has secured space at The Lakes until September 2021.

Sugar Hill UMC is in the process of renovating and plans to have office space for a Summit satellite available in February.

Committee Reports

Finance Committee

N/A

HR Committee

N/A

Clinical Services – Nathan

Tele-mental health – Five (5) therapists are certified and in operation providing services. Satisfaction surveys show high referral and satisfaction ratings and he will provide printed compilation at the next board meeting.

Operations - Mollie

Djeddadh Pierre (Jetta) has been hired as the new operations office manager and is in the process of on boarding.

Quarterly Personnel Report - Staff turnover is between 8-9.7%. Mollie shared that compensation, commute, work/life balance are primary reasons for leaving.

A Whistle Blower Policy is required by CARF and was explained. Mollie will be the compliance officer. Jim made a motion to approve the Whistle Blower Policy, Andy seconded, and the motion was approved unanimously.

Development

N/A

Community Outreach – Cathy

Cathy shared she has been extremely busy with Mental Health Awareness/ Suicide Prevention presentations. Screenagers Next Chapter was shown at Mount Pisgah UMC and soon will be shown at Stone Creek for an evening session. Upcoming events include training Fulton County bus drivers and YMCA workers in suicide awareness and prevention.

Gala - Barbara

The committee is projecting to net \$260k and they have sold 57 tables with 455 attending to date. They are estimating 131 attendees at the VIP reception. They are still accepting gift cards for the silent auction.

Board Membership

N/A

New Business –

Next Board meeting will be held **Monday, February 24, 2020**

Strategic Planning Meeting is scheduled for **Saturday, March 21, 2020**

There being no additional new business, the meeting closed in prayer.

Respectfully Submitted by:

Helen Caudill

Senior Director – Finance

Mount Pisgah United Methodist Church, Inc.

The Summit Counseling Center, Inc.
Board Meeting
Monday, August 10, 2020

Attendees: Andy Gibson, Keith Griffin, Justin Hester, Quentin Jones, Todd Kohout, Chuck McElroy, Bill McLendon, Fran Miller, Jim Pope, Jane Schilling, J. David Smith, Marshall Turner, Barbara Williams

Absentees: Karen Ford, Marshall Turner

Staff: Nathan Butzen Psy.D, Helen Caudill, Mollie Innocent-Cupid, LCSW, Cathy Murphy, Shawn Murphy, David Smith M.DIV, M.A.

The meeting opened in prayer.

Minutes

n/a - Last meeting held was an Executive Session.

Welcome and Agenda Review

J. David welcomed everyone on the call and thanked them for their prayers related to his Covid-19 diagnosis and hospitalization. He thanked the Summit Leadership team for their hard work related to the Summit's financial matters. Due to the inherent business model issues, many difficult decisions had to be made by leadership. He is hopeful the Summit can overcome the personnel challenges with some therapists leaving in addition to the fundraising concerns.

Financials – Bill McLendon, Finance Chair

Financials for the period ending June 30, 2020 were reviewed reflecting a fiscal year-end loss of approximately \$100k. Bill reported there was an \$41k intercompany payable that was recorded in accounts payable and a \$23k intercompany receivable recorded as an in-transit deposit. Transactions of this nature are normally posted to the intercompany account with the church. He thanked Mollie for reconciling the designated accounts and making the necessary fund balance transfers. Temp restricted accounts total \$146k and unrestricted balances total \$212k. June year-end close and results did include catchup for clinicians and staff for former payroll cost reductions.

During the Covid pandemic, the Summit was losing \$110k – \$120k per month excluding grants and contributions from donors with CAF utilization totaling \$80k per month. Bill noted the depletion of cash was a result of the losses in spite of the significant contributions during the year. To address the shortfall, payroll and benefit costs as well as usage of CAF had to be reduced immediately. In addition, leadership was also able to re-negotiate with Fulton County for a \$700k contract for 13 months increasing revenues. Bill believes the Summit can manage to a \$500k fundraising goal even without live events.

Management has been able to keep billable hours up for June however July fell but usage of CAF fell as well. Margins have improved from the reduction in payroll and benefit

costs. During the first 5 months of the year, the Summit averaged a margin of \$33k per month and for the two months of June and July they averaged a margin of \$64k or an average increase of \$31k per month.

Executive Director Report – David and J. David

David reviewed the Summit's current headcount and clinical/therapist losses due to the recent terminations and resignations. Of the 13 therapists no longer employed, only 4 therapists were terminated. The remaining clinicians resigned with 2 SAMHSA grant therapists moving to Chris 180 and all other therapists transitioning to telehealth or other employment.

The resignations were a result of leadership's decision to reduce compensation and CAF utilization. Unfortunately, there was no advanced notice on the reductions in compensation which made it worse on the clinicians.

David shared he does have a non-compete clause with a 10-mile rule included in the therapist's contracts however it is difficult to enforce with telehealth. He has released both Erin and Carleen from their non-competes due to various circumstances. David also requires a 45-day notice to clients from therapists who are resigning giving their clients time to complete any outstanding sessions.

Based on the achievement of significant financial goals for June and July, leadership proposed incremental improvements to administrative staff compensation and to both the client assistance funds (CAF) subsidy and to the therapist compensation percentages. Administrative staff compensation was eased by 5% (20%>15%, 15%>10%). The total collected fee for CAF was increased from \$75 per session to \$90 per session (client copay represents \$60, so covering the balance was increased from \$15 to \$30). The change was designated to increase the staff percentages.

Additionally, the Summit has secured 2 new service contracts. The Greater Atlanta Christian School (GACS) contract was finalized for \$22k. The Sugar Hill United Methodist Church contract and budget are in the process of being finalized.

While there was intentional pruning of staff, there was also some losses in great therapists. Due to the compensation changes, Julia Harris, Bea Pressley and Madison Clark all left the Summit for new opportunities.

Leadership has identified four (4) goals/metrics to re-establish financial stability and health for the organization. The goals include:

1. Maintain a three (3) month reserve of operating expenses (\$500k) in the bank account and maintain it without using it for three (3) months.
2. Achieve a margin of \$60k per month from therapist production and sustain throughout the year.
3. Begin receiving the Fulton County Government/Chris 180 monthly payments and funds from the Fulton County Schools.

4. Raise \$500k in additional fundraising support (\$125k per quarter) for the year through events, grants, corporate and individual donors.

David noted that 85% of the therapy sessions were being conducted through telehealth. Management is in the process of reviewing the telehealth policy to service clients across the state. CAF funds would not be available outside North Fulton to keep utilization down.

Operations - Mollie

Mollie reviewed the exit survey summary representing the entire fiscal year noting there had been 12 voluntary and 6 involuntary resignations and terminations. Primary reasons for leaving prior to the recent lay-offs was work-life balance. However, the most recent response that rated high was the feeling there was strong management and supervisor support but not happy with the culture or leadership. Mollie noted it was a very difficult time for positive outlooks since the exit surveys came from 6 of 18 staff who were a part of the RIF.

New Policies and Procedures:

A phased return to the office is being planned with a robust document to be completed by all clients. The waiting room will be blocked off for social distancing in this Phase 2 of Covid.

Clinical Services - Nathan

Nathan reviewed the Therapist Performance Dashboard. Therapists not generating adequate income or meeting their baseline target hours will be held accountable to maintain benefits. Therapists have been given a 90-day target and Nathan is working with each of them in regard to performance.

Development – Shawn

Last year Shawn was given a target of \$1.3M for fundraising. With the economic impact of Covid-19, the 2020-2021 goal has been set at \$500k however an additional \$200-\$300k would be most beneficial. In July 2020, \$29k was raised.

A business partnership strategy has been developed and the fundraising team is currently making 60 contacts. Ashton and Shawn have both been undergoing Blackbaud training to help them in their fundraising efforts.

A possible Gala date has been planned and Shawn is hopeful the Summit can hold a live event. Virtual events have proved to be successful and may be the only option.

Community Outreach – Cathy

Cathy and her team are ramping back up from Summer with kids going back to school. They have developed PTA flyers and provided a link to the Summit's website on all school websites. The Summit now has a new user-friendly website that was just launched and developed pro-bono.

New Business – J. David

J. David shared they would wait on the preparation of a budget for the fiscal year 2020-2021 until leadership could further analyze the new goals and metrics.

The next board meeting will be held Monday, September 28, 2020 via Zoom. There being no additional new business, the meeting closed in prayer.

Respectfully Submitted by:
Helen Caudill

Summit Counseling Center Annual Budget 2020-2021

Description	Annual Budget
Income	
Clinical Private Payments & CoPays	\$1,890,000
Summit Client Assistance Fund (Temp. Donor Restricted)	\$450,000
Grants	\$739,500
Other Admin Fees and Income	\$72,000
Summit Society (Unrestricted)	\$150,000
Fundraising Income - Events (Unrestricted)	\$300,000
Gifts In Kind	\$6,000
Total Income	\$3,607,500
Expenses	
Compensation Expense	
Salaries - Management and Administrative	\$890,000
Salaries - Clinical Programs	\$1,155,000
Salaries - Clinical Programs Support	\$84,000
Salaries - Non Clinical Support	\$0
Salaries - Mental Health Awareness & Suicide Prevention Programs	\$0
Employee Taxes & Benefits	\$390,000
Total Compensation Expense	\$2,519,000
Operating Expenses	
Operating Costs	\$198,000
Support Services	\$24,000
Operating Reserve Expense	\$0
Program Expenses	
Clinical Program Expenses	\$96,000
Mental Health Awareness & Suicide Prevention Programs	\$52,000
Fundraising Expense	\$150,000
Marketing and Development Investment	\$150,000
General & Administrative Expenses	\$167,000
Gifts In Kind Expense	\$6,500
Total General and Operating Expenses	\$843,500
Total Compensation and Expense	\$3,362,500
Other	
Depreciation Expense	\$45,000
Net Income After Depreciation	\$200,000
Designated Expenditures	\$50,000
Capital Expenditures	\$50,000
Operating Reserve	\$100,000
Net Income - Cash Basis	\$0



SAVE Program Registration Statement

The Systematic Alien Verification for Entitlements (SAVE) Program is an inter-governmental initiative using a web-based service to help federal, state and local benefit-issuing and licensing agencies and other governmental entities determine the immigration status of applicants for public benefits or licenses (hereinafter “benefits”) so only entitled applicants receive them. SAVE verifies the status of non-immigrants, immigrants, and certain naturalized and derived U.S. citizens. SAVE does not determine an applicant’s eligibility for a specific benefit. Reference: <https://www.uscis.gov/save>

Agencies and Benefits Covered by SAVE

U.S. Department of Health and Human Services (HHS)

- Temporary Assistance to Needy Families (TANF) Program
- Medicaid Program
- Certain Territorial Assistance Programs
- Food Stamps

U.S. Department of Labor (DOL)

- Unemployment Compensation Program

U.S. Department of Education (DOE)

- Title IV Educational Assistance Programs

U.S. Department of Housing and Urban Development (HUD)

- Certain Housing Assistance Programs

SAVE and Summit Counseling

The Summit Counseling Center is a private, nonprofit incorporated in the State of Georgia. The Summit does not provide services covered by the SAVE Program and therefore is not enrolled in the SAVE Program.

Sincerely,

David Smith
Executive Director

The Summit Counseling Center

A Solihnten Institute Affiliate

2750 Old Alabama Rd., Suite 200
Johns Creek, GA 30022

||| ||| summitcounseling.org
678-893-5300



E-Verify Confirmation

The Summit is an active participant in E-Verify. Our E-Verify number is 613089. Also attached is a PDF of a screenshot from the E-Verify website confirming our active participation.

Sincerely,

A handwritten signature in dark ink that reads "David M. Smith". The signature is written in a cursive style with a large, stylized "D" and "S".

David Smith
Executive Director

The Summit Counseling Center

A Solihnten Institute Affiliate

2750 Old Alabama Rd., Suite 200
Johns Creek, GA 30022

||| ||| summitcounseling.org
678-893-5300

e-verify.gov

How To Find Participating Employers

Search

Business Name

The Summit

Primary Industry Type

Select Industry Type(s)

Hiring Site Locations (by state)

Georgia

Account Status

- Any -

Items per page

10

SEARCH

RESET

Employer	Doing Business As	Account Status	Date Enrolled	Date Terminated	Workforce Size	Number of Hiring Sites	Hiring Site Locations (by state)
The Summit Counseling Center		Open	10/30/2012		10 to 19	1	GA

Showing 1 to 1 of 1 entries. CSV

ENROLLING IN E-Verify IS EASY! WANT TO LEARN MORE?

E-Verify ENROLLMENT



The Office of Secretary of State Securities & Charities Division

Date of Notice: October 20, 2019

Mailed To:

The Summit Counseling Center, Inc.
Attn: David M. Simth
2750 Old Alabama Road, Suite 200
Alpharetta GA 30022

Registrant #: CH011373
Effective Date: 10/18/2019
Expiration Date: 10/18/2021

CHARITABLE ORGANIZATION PERMIT

The Charitable Organization identified above, having complied with the filing requirements of O.C.G.A. § 43-17-5, is registered as a Charitable Organization in Georgia.

The issuance of this permit in no way relieves said Charitable Organization from complying with the Georgia Charitable Solicitations Act of 1988, including the requirement to maintain current information on file with the Secretary of State.

The registration is effective on the date set forth above and such registration shall expire on the expiration date set above unless all reports are filed and the registration is renewed as required by law.

The issuance of this permit does not mean that the Secretary of State has passed, in any way, upon the truth, completeness, or accuracy of the information filed, and the merits of the Charitable Organization.

-

STATE OF GEORGIA

Secretary of State

Corporations Division

313 West Tower

2 Martin Luther King, Jr. Dr.

Atlanta, Georgia 30334-1530

CERTIFICATE OF EXISTENCE

I, **Brad Raffensperger**, the Secretary of State of the State of Georgia, do hereby certify under the seal of my office that

THE SUMMIT COUNSELING CENTER, INC.

a Domestic Nonprofit Corporation

was formed in the jurisdiction stated below or was authorized to transact business in Georgia on the below date. Said entity is in compliance with the applicable filing and annual registration provisions of Title 14 of the Official Code of Georgia Annotated and has not filed articles of dissolution, certificate of cancellation or any other similar document with the office of the Secretary of State.

This certificate relates only to the legal existence of the above-named entity as of the date issued. It does not certify whether or not a notice of intent to dissolve, an application for withdrawal, a statement of commencement of winding up or any other similar document has been filed or is pending with the Secretary of State.

This certificate is issued pursuant to Title 14 of the Official Code of Georgia Annotated and is prima-facie evidence that said entity is in existence or is authorized to transact business in this state.

Docket Number : 17193967
Date Inc/Auth/Filed: 10/19/1998
Jurisdiction : Georgia
Print Date : 05/13/2019
Form Number : 211



Brad Raffensperger

Brad Raffensperger
Secretary of State



EXPIRATION DATE
12/31/2020

DATE ISSUED
1/1/2020

BUSINESS OCCUPATIONAL TAX LICENSE

LICENSE NUMBER
3289

(NOT TRANSFERABLE)
OTHER INDIVIDUAL & FAMILY SERVICES-06

NAICS
624190

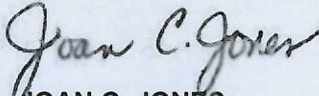
VALID FOR BUSINESSES SHOWN BELOW:
The Summit Counseling Center, Inc.
The Summit Counseling Center, Inc.
2750 Old Alabama Rd Suite 200
Johns Creek. GA 30022

FOR OPERATION IN THE CITY OF JOHNS CREEK,
GEORGIA, SUBJECT TO ZONING RESTRICTIONS
AND ALL OTHER CODES AND ORDINANCES AS
ESTABLISHED BY MAYOR AND CITY COUNCIL.

MAILING ADDRESS:

The Summit Counseling Center, Inc.
2750 Old Alabama Rd Suite 200
Johns Creek, GA 30022

ISSUED BY:


JOAN C. JONES
CITY CLERK

POST IN A CONSPICUOUS LOCATION



BUSINESS OCCUPATION TAX RECEIPT

City of Johns Creek Revenue Dept.
11360 Lakefield Drive
Johns Creek, GA 30097
(678) 512-3242
revenue@johnscreekga.gov

Receipt of payment for Johns Creek business occupation taxes for the period **1/1/2020 - 12/31/2020** for the following business location:

The Summit Counseling Center, Inc.
The Summit Counseling Center, Inc.
2750 Old Alabama Rd Suite 200
Johns Creek, GA 30022

License #: 3289

Current Year Amount Charged:	\$0.00
Total Payment Amount:	\$0.00
Total Amount Due:	\$0.00

The business occupation tax certificate for the named business location above will expire 12/31/2020
Occupation taxes with the associated administrative fees are due and payable by March 31st of each calendar
year. Penalty and interest will be assessed to all occupation taxes and fees not paid by the due date.



CITY OF ALPHARETTA

VULNERABLE POPULATION PROGRAM GRANT APPLICATION PACKET

Updated 10/19/2020

CITY OF ALPHARETTA
2 PARK PLAZA
ALPHARETTA, GA 30009
WWW.ALPHARETTA.GA.US

INTRODUCTION

This application is for consideration of potential funding from the City of Alpharetta (hereinafter "The City") under its COVID-19 Vulnerable Population Program. The program has been established for the purpose of providing support to Alpharetta businesses and families suffering significant hardship due to the economic impacts of the COVID-19 pandemic by extending financial support to not-for-profit organizations administering programs deemed by the City to be effectively meeting the goals of the City's COVID-19 Vulnerable Population Program.

This application may be modified before its inclusion on the City's agenda for approval. Any changes will be communicated to the applying agency for concurrence before placement on the agenda.

The application will become Attachment A: Scope of Work or Provision of Services in the final grant contract, if approved.

The City reserves the right to modify its procedures in awarding grants based upon the applications received.

BACKGROUND

The City of Alpharetta has appropriated funding indirectly through the original CARES Act to a program to assist not-for-profits in providing services to vulnerable populations that have been affected by the COVID pandemic. A high-level summary of the process follows:

- The funding can be used to reimburse eligible expenses incurred by an established and eligible not-for-profit after March 27, 2020. Eligible expenses include providing direct assistance to individuals in the community who have lost employment since March 27, 2020; providing direct assistance to individuals that have been financially hindered by reduced working hours since March 27, 2020; or providing assistance to those who are part of a vulnerable population that has suffered additional burdens because of the COVID pandemic.
- Priority for awards will be given to agencies with a physical location in Alpharetta and that have a record of serving the greater Alpharetta / North Fulton communities. This program is not designed for new programs or start-up efforts.
- The focus of the program will be overdue rent and mortgage assistance; utility assistance; food and nutrition; childcare; distance learning support; or other unforeseen financial/ emergency needs of the community. It may also focus on providing group community services such as food kitchens or pantries for the same population as mentioned above and/or may also focus on organizations that provide mental health services for vulnerable individuals.
- Applications will remain open until funding is exhausted or the Mayor and City Council vote to end the program. The City reserves the right to modify these requirements and procedures based upon the volume or quality of applications. There will be an internal review process which may create a recommendation of approval, denial, or modification before being brought to Mayor and Council for approval.
- All awards will only be official upon approval by Mayor and Council. No advances for expenses will be awarded by this program.

BACKGROUND (CONTINUED)

- Grant requests must have a minimum amount of \$10,000 to be eligible for review and will have a maximum award amount of \$50,000. No reimbursement will be given until the \$10,000 worth of eligible expenses is attained. If a not-for-profit is awarded a grant and fails to show \$10,000 worth of eligible expenses within ninety days of award, the grant will be rescinded.
- Funding should not be requested through this program that will be reimbursed through other measures. If the agency makes multiple applications and wishes to withdraw the one to the City, the agency may contact staff to withdraw the application.
- The goal of all awarded funds are to have the grant expended by December 31, 2020; however, the City will allow individual grantees to work with proposal dates that extend into 2021, but no longer than one year after the approval by Mayor and Council.
- Any questions or communications related to this program or the application should be sent in writing to CaresGrant@alpharetta.ga.us

CHECKLIST OF REQUIRED DOCUMENTS

The following items must be included with your submitted application. Applications that exclude any of the following will be disqualified from consideration.

- | | |
|---|--|
| ☐ Completed and signed application | ☐ 501(c)3 not-for-profit IRS certification |
| ☐ Organization bylaws | ☐ Articles of incorporation recorded by Sec. of State |
| ☐ Organization chart | ☐ Last independent audit of organization by CPA |
| ☐ Dated copies of minutes from last 4 Board Meetings | ☐ Current approved organization budget |
| ☐ Proof of registration with federal SAVE Program | ☐ Proof of E-Verify registration |
| ☐ All applicable federal, state, and local licenses | |

Please turn to the next page to begin completing the application.



CITY OF ALPHARETTA

VULNERABLE POPULATION PROGRAM

GRANT APPLICATION

This completed form must be included as the cover to all materials submitted as your application packet for the City of Alpharetta Vulnerable Population Program Grant. In addition to the completed form, your application packet must include **ALL** of the materials listed in the checklist found at the end of this form.

Your complete application, including this form and all required materials, must be submitted via email to CaresGrant@alpharetta.ga.us. Applications will be reviewed and considered on a rolling basis, and the application period will remain open until funding has been exhausted or the Mayor and City Council vote to end the program.

When submitting your application packet, please include this completed form as a single attachment. It is preferred that all supporting materials, including the items defined in the aforementioned checklist, be submitted as a single, additional attachment in .PDF format. If, however, your organization does not have the ability to combine the supporting materials in this manner, they should be attached as individual files and named using the name of your agency and an identifier similar to how the corresponding document is listed in the checklist (e.g. "City of Alpharetta - Organization Chart").

Organization Name: Society of St. Vincent de Paul Georgia

PRIMARY PHYSICAL LOCATION

Street Address: 535 Rucker Road

Suite #: _____ City: Alpharetta State: GA Zip Code: 30004

Telephone: 678-892-6175 Website: www.svdpgorgia.org

MAILING ADDRESS

Mailing Address: 2050-C Chamblee Tucker Road

Suite #: _____ City: Atlanta State: GA Zip Code: 30341

CONTACT INFORMATION

Authorized Representative: Yoon Chong Title: Grants Manager

Telephone: 678-892-6175 Email: ychong@svdpgeorgia.org

SWEAR AND ATTEST

I, the undersigned, do solemnly swear and attest, subject to criminal penalties for false swearing, that the information provided in this application and in any and all documents provided in support of this application are true and accurate. I further understand that any false statements provided by me or my representatives as part of this application, beyond any legal penalties, will result in the denial of the subject application.

Patrick McNulty, CEO

November 4, 2020

Applicant's Printed Name

Date Of Application

Applicant's Signature

PROGRAM INFORMATION

In the space provided, please provide a description of the subject program, its history, clientele, and how demand for the program has changed because of the COVID-19 pandemic. Please provide as much detail as the space allows.

The Society of St. Vincent de Paul Georgia volunteers – based out of the St. Thomas Aquinas Parish in Alpharetta – have been serving North Fulton County residents since 1982. Our services are provided through personal case management and serve those in need: services include an on-site food pantry, food delivery, rent, mortgage, utility & medical payments, transportation and other needs that the person or family may have. Through our service hotline, we serve all callers, regardless of race, creed, or situation, in the zip codes of 30004, 30009, and 30076 (west of 400 and north of Holcomb Bridge Rd). Each caller goes through an intake process with a caseworker that gathers all the pertinent information of a household, which enables us to assess their situation and determine a scope of services to provide.

The bulk of our funding comes from our monthly collection from the parish. We strive to be good stewards of those donated funds. We do have written guidelines for our volunteers addressing the frequency and amount of assistance offered to families. Those guidelines are not intended to be punitive to the family in need. However, our financial assistance is designed to be for emergencies and based on financial capacity. When the need is repetitive or long term, we work with the family to create a plan that puts them on a more stable foundation.

In our fiscal year 2020, which ended on Sept. 30th, SVDP Georgia at St. Thomas Aquinas distributed \$171,669 in eviction/homelessness prevention funds. This is an increase of 44% over 2019. Overall in 2020, we served 1,246 individuals: 58% of households had a female head of household; in terms of household ethnic demographics, they were 37% Black, 12% White, 45% Latinx, 1% Asian, and 5% Mixed/Other. All households served fit into the low- to moderate-income category.

On March 17, SVDP Georgia officially started to track COVID-19 as the underlying cause of need for emergency assistance. Like most organizations, we saw a significant increase in both the number of families needing assistance as well as the amount of assistance needed. In the Alpharetta zip codes we cover, from March 27 through October 20, 2020, SVDP supported 250 households directly impacted by COVID-19, meaning they lost employment, wages, or working hours due to the COVID-19 pandemic. In zip code 30004, we supported 46 households with \$11,395; in 30009, we supported 38 households with \$6,583; and in 30076, we supported 166 households with \$46,322. The most significant increases came from the Latinx community seeking housing and food security.

PROGRAM INFORMATION (Continued)

In the space provided, please provide a description of estimated expenditures for this program and presentation of the total program budget. It must clearly define the amount of funding you are asking for from the City, though you may show other non-City expenditures to show other revenue source commitments. It should also include any and all COVID or pandemic related grant funding which the agency has been awarded or has applied for.

In 2019, St. Vincent de Paul Georgia as a whole provided over \$6.9 million dollars in direct financial assistance through our Homelessness Prevention Program throughout north and central Georgia. Through the SVDP Georgia St. Thomas Aquinas Conference, our case workers provided \$175,483 in FY2019 in rental/mortgage assistance and \$221,263 in FY2020 within the Alpharetta (30004, 30009, and 30076) service area. SVDP Georgia is requesting \$50,000 from the City of Alpharetta to support our Homelessness Prevention services, specifically rental/mortgage and utility assistance, to City of Alpharetta residents. We will leverage our fundraising capacity through the parish collection and support funds from the Council office to implement the Vulnerable Population Program for City of Alpharetta.

SVDP Georgia is working with a number of municipalities and local counties to provide COVID-19 relief to our vulnerable community members. SVDP Georgia was awarded \$55,000 from Cobb County to provide emergency food relief; \$100,000 from DeKalb County to provide emergency rental and utility assistance; \$200,000 from United Way/Community Foundation of Greater Atlanta to provide COVID-19 relief; and \$50,000 from the City of Dunwoody to provide rental assistance. SVDP Georgia is also working with the City of Atlanta/United Way to provide rent assistance in collaboration with 23 other organizations. In addition, through individual giving campaigns and grants from private foundations, SVDP has been able to secure additional funds to support our most vulnerable community members throughout the state.

Does/will your organization subcontract the program administration or any other aspect of the program to a third party or work in partnership with another not-for-profit agency to provide services under this program?

☐ Yes ☐ No

If you answered "yes" to the question above, please list the third party organization(s) and the specific role(s) each will play and/or services they will provide.



CITY OF ALPHARETTA

VULNERABLE POPULATION PROGRAM

GRANT APPLICATION

This completed form must be included as the cover to all materials submitted as your application packet for the City of Alpharetta Vulnerable Population Program Grant. In addition to the completed form, your application packet must include **ALL** of the materials listed in the checklist found at the end of this form.

Your complete application, including this form and all required materials, must be submitted via email to CaresGrant@alpharetta.ga.us. Applications will be reviewed and considered on a rolling basis, and the application period will remain open until funding has been exhausted or the Mayor and City Council vote to end the program.

When submitting your application packet, please include this completed form as a single attachment. It is preferred that all supporting materials, including the items defined in the aforementioned checklist, be submitted as a single, additional attachment in .PDF format. If, however, your organization does not have the ability to combine the supporting materials in this manner, they should be attached as individual files and named using the name of your agency and an identifier similar to how the corresponding document is listed in the checklist (e.g. "City of Alpharetta - Organization Chart").

Organization Name: Society of St. Vincent de Paul Georgia

PRIMARY PHYSICAL LOCATION

Street Address: 11045 Parsons Road

Suite #: _____ City: Duluth State: GA Zip Code: 30097

Telephone: 678-892-6175 Website: www.svdpgorgia.org

MAILING ADDRESS

Mailing Address: 2050-C Chamblee Tucker Road

Suite #: _____ City: Atlanta State: GA Zip Code: 30341

CONTACT INFORMATION

Authorized Representative: Yoon Chong Title: Grants Manager

Telephone: 678-892-6175 Email: ychong@svdpgeorgia.org

SWEAR AND ATTEST

I, the undersigned, do solemnly swear and attest, subject to criminal penalties for false swearing, that the information provided in this application and in any and all documents provided in support of this application are true and accurate. I further understand that any false statements provided by me or my representatives as part of this application, beyond any legal penalties, will result in the denial of the subject application.

Patrick McNulty, CEO

November 4, 2020

Applicant's Printed Name

Date Of Application

Applicant's Signature

MLC 1/4

PROGRAM INFORMATION

In the space provided, please provide a description of the subject program, its history, clientele, and how demand for the program has changed because of the COVID-19 pandemic. Please provide as much detail as the space allows.

St Vincent de Paul (SVDP) is the primary community outreach ministry for St. Benedict Catholic Church, located in Johns Creek. The service areas for our SVDP Conference are zip codes 30005 and 30097, covering portions of Alpharetta, Duluth and Johns Creek. We operate a 24/7 Helpline that offers Homelessness Prevention assistance to all residents in this area without discrimination of any kind. This includes residents of extended stay motels and the homeless. Our 40 active volunteers including caseworkers and helpline workers respond to pleas for help by providing counseling and financial support, including food, utility bills and rent. Funds that we use are provided by donations to our organization by our parishioners.

In fiscal year 2020 (ending 9-30-20) our team supported 505 people in our service area. Overall direct aid was \$210,483 plus In-kind gifts and vouchers totaling \$12,884. Our assistance included \$69,929 in the 30005 zip code, concentrated south of McGinnis Ferry, west of Jones Bridge, north of State Bridge and east of 400. This was our second largest zip code, with the largest being zip code 30097 totaling \$77,298. Our overall client demographics included 322 Black/African American people helped, 72 Caucasians, 60 Hispanic/Latinos and 16 Asian people. Focus has been significant in the category of Rent Assistance/Eviction Prevention with 71% of our funds expended to protect families from eviction. Recently we have seen a rise in client cases, and an increase in the severity of need with most clients needing over \$1000 to stay in their homes. We are also seeing an increase in the number of cases with several months of rent in arrears.

The number of families that have been affected by the results of the COVID-19 pandemic has been significant. Our caseworkers have been working overtime to keep up with the needs of our community clients. With the initial payments made for unemployment, PPP and the government stimulus checks, there was a lull in activity in March thru June of 2020. Since then the levels of cases and clients in significant need have been ramping up. The deferral of rent payments and the moratorium of eviction court cases until January has caused a growing problem of rent in arrears for several months. Client funds have been used to meet other needs. We expect a significant flow of new cases for clients needing thousands of dollars to avoid eviction. Nationally, the WSJ has estimated that the average amount of missed rent payments owed is \$5400.

PROGRAM INFORMATION (Continued)

In the space provided, please provide a description of estimated expenditures for this program and presentation of the total program budget. It must clearly define the amount of funding you are asking for from the City, though you may show other non-City expenditures to show other revenue source commitments. It should also include any and all COVID or pandemic related grant funding which the agency has been awarded or has applied for.

In 2019, St. Vincent de Paul Georgia as a whole provided over \$6.9 million dollars in direct financial assistance through our Homelessness Prevention Program throughout north and central Georgia. Through the SVDP St. Benedict Conference, our case workers provided \$222,537 in FY2019 in total direct aid and \$210,483 in FY2020. For the 30005 zip code specifically, SVDP provided \$58,191 in FY2019 and \$73,454 in FY2020. SVDP Georgia is requesting \$50,000 from the City of Alpharetta to support our Homelessness Prevention services, specifically rental/mortgage and utility assistance, to City of Alpharetta residents. We will leverage our fundraising capacity through the parish collection and support funds from the Council office to implement the Vulnerable Population Program for City of Alpharetta.

SVDP Georgia is working with a number of municipalities and local counties to provide COVID-19 relief to our vulnerable community members. SVDP Georgia was awarded \$55,000 from Cobb County to provide emergency food relief; \$100,000 from DeKalb County to provide emergency rental and utility assistance; \$200,000 from United Way/Community Foundation of Greater Atlanta to provide COVID-19 relief; and \$50,000 from the City of Dunwoody to provide rental assistance. SVDP Georgia is also working with the City of Atlanta/United Way to provide rent assistance in collaboration with 23 other organizations. In addition, through individual giving campaigns and grants from private foundations, SVDP has been able to secure additional funds to support our most vulnerable community members throughout the state.

Does/will your organization subcontract the program administration or any other aspect of the program to a third party or work in partnership with another not-for-profit agency to provide services under this program?

☐ Yes ☐ No

If you answered "yes" to the question above, please list the third party organization(s) and the specific role(s) each will play and/or services they will provide.



CITY OF ALPHARETTA

VULNERABLE POPULATION PROGRAM

GRANT APPLICATION

This completed form must be included as the cover to all materials submitted as your application packet for the City of Alpharetta Vulnerable Population Program Grant. In addition to the completed form, your application packet must include **ALL** of the materials listed in the checklist found at the end of this form.

Your complete application, including this form and all required materials, must be submitted via email to CaresGrant@alpharetta.ga.us. Applications will be reviewed and considered on a rolling basis, and the application period will remain open until funding has been exhausted or the Mayor and City Council vote to end the program.

When submitting your application packet, please include this completed form as a single attachment. It is preferred that all supporting materials, including the items defined in the aforementioned checklist, be submitted as a single, additional attachment in .PDF format. If, however, your organization does not have the ability to combine the supporting materials in this manner, they should be attached as individual files and named using the name of your agency and an identifier similar to how the corresponding document is listed in the checklist (e.g. "City of Alpharetta - Organization Chart").

Organization Name: Society of St. Vincent de Paul Georgia

PRIMARY PHYSICAL LOCATION

Street Address: 3400 Old Alabama Road

Suite #: _____ City: Johns Creek State: GA Zip Code: 30022

Telephone: 678-892-6175 Website: www.svdpgorgia.org

MAILING ADDRESS

Mailing Address: 2050-C Chamblee Tucker Road

Suite #: _____ City: Atlanta State: GA Zip Code: 30341

CONTACT INFORMATION

Authorized Representative: Yoon Chong Title: Grants Manager

Telephone: 678-892-6175 Email: ychong@svdpgeorgia.org

SWEAR AND ATTEST

I, the undersigned, do solemnly swear and attest, subject to criminal penalties for false swearing, that the information provided in this application and in any and all documents provided in support of this application are true and accurate. I further understand that any false statements provided by me or my representatives as part of this application, beyond any legal penalties, will result in the denial of the subject application.

Patrick McNulty, CEO

November 4, 2020

Applicant's Printed Name

Date Of Application

Patrick McNulty

Applicant's Signature

PROGRAM INFORMATION

In the space provided, please provide a description of the subject program, its history, clientele, and how demand for the program has changed because of the COVID-19 pandemic. Please provide as much detail as the space allows.

Our Mission, as a St Vincent de Paul Ministry, at St Brigid Catholic Church, is assist individuals / families who are struggling to pay their rent & other expenses through our Homelessness Prevention program so that they can maintain their housing stability. SVDP Georgia caseworkers provide an individualized case management approach to conduct a comprehensive intake process. This process enables us to assess a clients emergency situation and to determine a scope of services to support the client households. We advocate for these neighbors & talk with the Apartment Managers or landlords to find creative solutions. We also financially assist individual &/or families that are temporarily living in an Extended Stay Hotel or those individuals that are truly homeless & living on the street to get them into an Extended Stay Hotel until we can determine other viable options.

Operating centrally through the St. Brigid Catholic Church in John Creek, we serve Alpharetta residents in the 30004, 30005, 30009, and 30022 zip codes. In FY2019, we served 223 households with \$146,590 in direct financial assistance, and in FY2020, we served 227 households with \$169,897. In FY2020, the client ethnic demographic breakdown was 55% Black, 20% Latinx, 18% White, 1% Asian, and 6% Mixed/Other.

During the early months of the COVID stay in place directives, clients in our service areas were not requesting significant increases in financial assistance due to the Stimulus Program checks, & the unemployment checks with the additional Federal bonus payment. However, with the conclusion of the stimulus program, & with individuals being under employed, the requested amounts in support of rent assistance had significantly increased. 90+% of the calls received by our Ministry have been rent related with some clients also requesting assistance with utility bills. Over the past month, the number of calls for financial assistance has doubled & tripled per week. Cases are more complex in that clients are either still struggling to secure full-time jobs, unemployment has been denied and they are reapplying. As a result over the past 4-6 weeks clients are requesting assistance with almost their full monthly rent of \$1000-\$1500. In most cases they have some monies towards the rent. It is expected that the requests for higher amounts of financial support will continue into the near future unless a new stimulus programs is passed by Congress or unemployment period is extended.

PROGRAM INFORMATION (Continued)

In the space provided, please provide a description of estimated expenditures for this program and presentation of the total program budget. It must clearly define the amount of funding you are asking for from the City, though you may show other non-City expenditures to show other revenue source commitments. It should also include any and all COVID or pandemic related grant funding which the agency has been awarded or has applied for.

In 2019, St. Vincent de Paul Georgia as a whole provided over \$6.9 million dollars in direct financial assistance through our Homelessness Prevention Program throughout north and central Georgia. Through the SVDP Georgia St. Brigid Conference, our case workers provided \$146,690 in FY2019 in rental/mortgage assistance and \$169,897 in FY2020 within the Alpharetta (30004, 30005, 30009, and 30022) service area. SVDP Georgia is requesting \$50,000 from the City of Alpharetta to support our Homelessness Prevention services, specifically rental/mortgage and utility assistance, to City of Alpharetta residents. We will leverage our fundraising capacity through the parish collection and support funds from the Council office to implement the Vulnerable Population Program for City of Alpharetta.

SVDP Georgia is working with a number of municipalities and local counties to provide COVID-19 relief to our vulnerable community members. SVDP Georgia was awarded \$55,000 from Cobb County to provide emergency food relief; \$100,000 from DeKalb County to provide emergency rental and utility assistance; \$200,000 from United Way/Community Foundation of Greater Atlanta to provide COVID-19 relief; and \$50,000 from the City of Dunwoody to provide rental assistance. SVDP Georgia is also working with the City of Atlanta/United Way to provide rent assistance in collaboration with 23 other organizations. In addition, through individual giving campaigns and grants from private foundations, SVDP has been able to secure additional funds to support our most vulnerable community members throughout the state.

Does/will your organization subcontract the program administration or any other aspect of the program to a third party or work in partnership with another not-for-profit agency to provide services under this program?

☐ Yes ☐ No

If you answered "yes" to the question above, please list the third party organization(s) and the specific role(s) each will play and/or services they will provide.



City Council Meeting STAFF REPORT

Submitting Department: Community Development

Submitted By: Kathi Cook

Sponsored By:

Meeting Date: November 16, 2020

I. AGENDA ITEM TITLE: ALPHA LOOP FEASIBILITY STUDY

II. RECOMMENDATION:

This item is presented for City Council discussion and information purposes. No vote or formal action is requested at this time.

III. REPORT IN BRIEF:

IV. ALTERNATIVES:

V. ATTACHMENTS:

201106 - ALFS-Council Presentation

NORTH POINT AREA & ALPHA LOOP TRAIL CONNECTIVITY FEASIBILITY STUDY

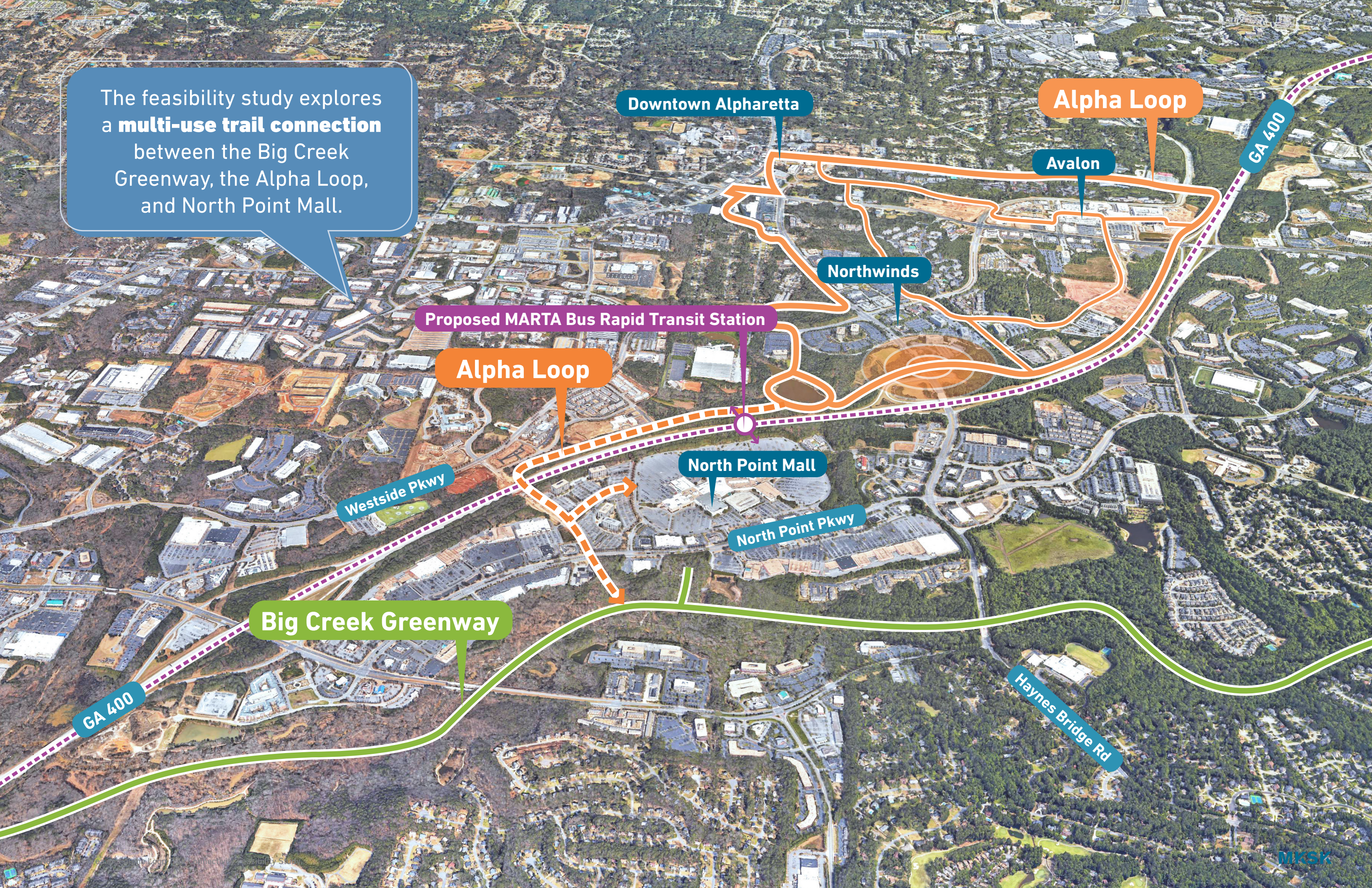
COUNCIL PRESENTATION | 11.06.20



photo: alpharetta.ga.us



The feasibility study explores a **multi-use trail connection** between the Big Creek Greenway, the Alpha Loop, and North Point Mall.



Downtown Alpharetta

Alpha Loop

Avalon

Northwinds

Proposed MARTA Bus Rapid Transit Station

Alpha Loop

North Point Mall

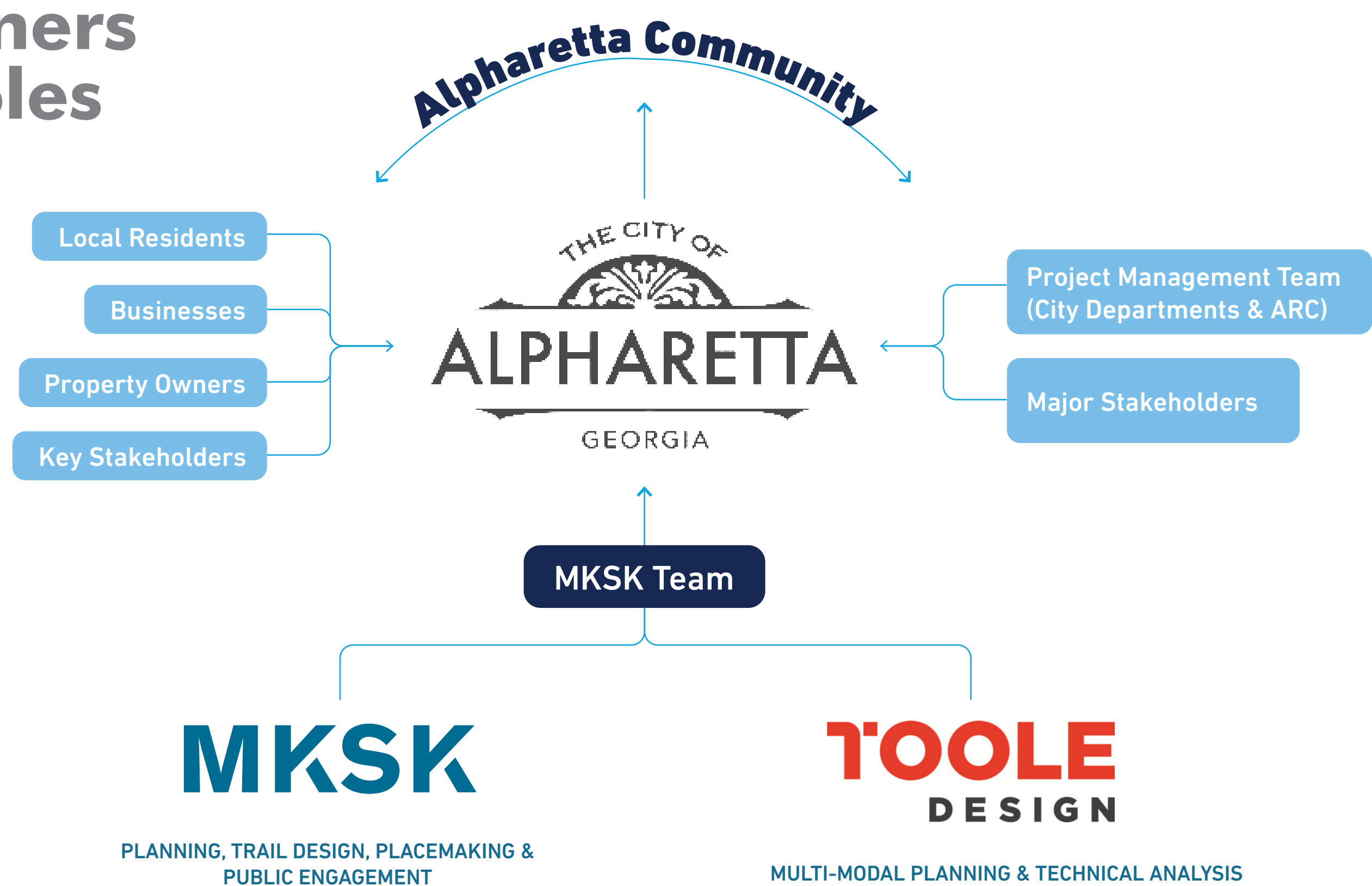
North Point Pkwy

Westside Pkwy

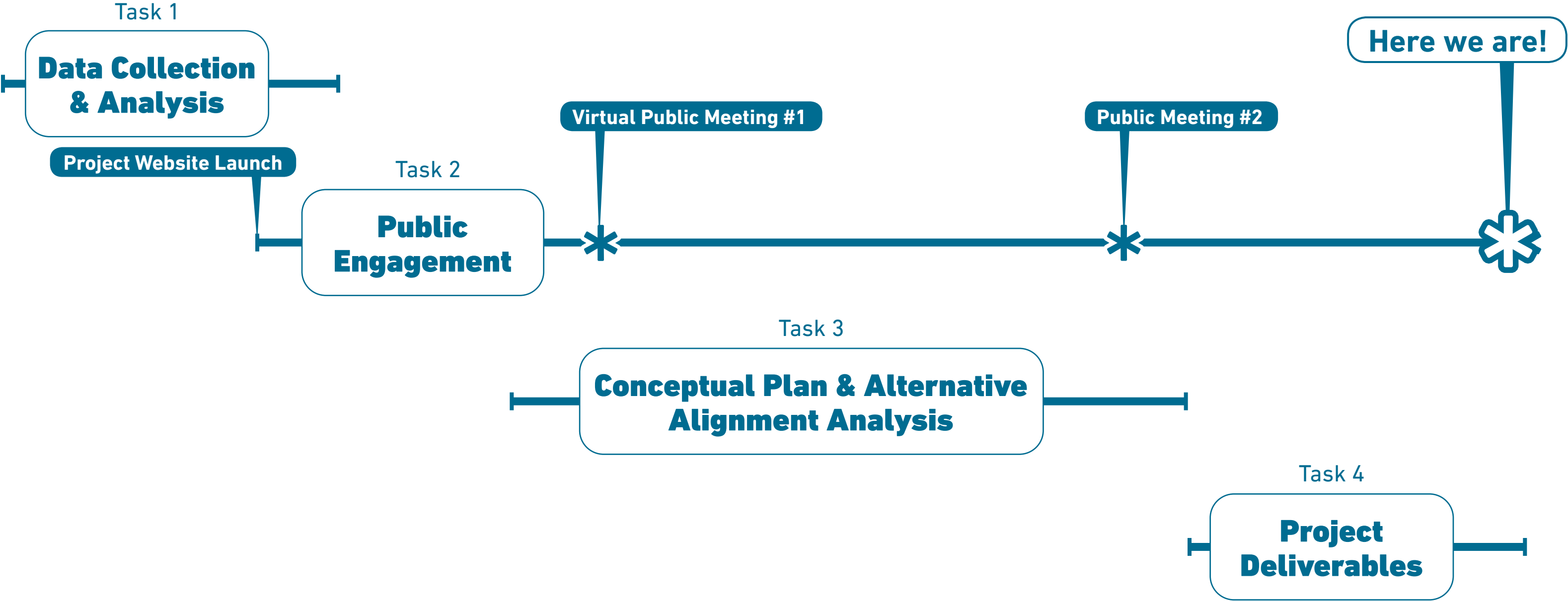
Big Creek Greenway

Haynes Bridge Rd

Project Partners & Roles



Project Schedule



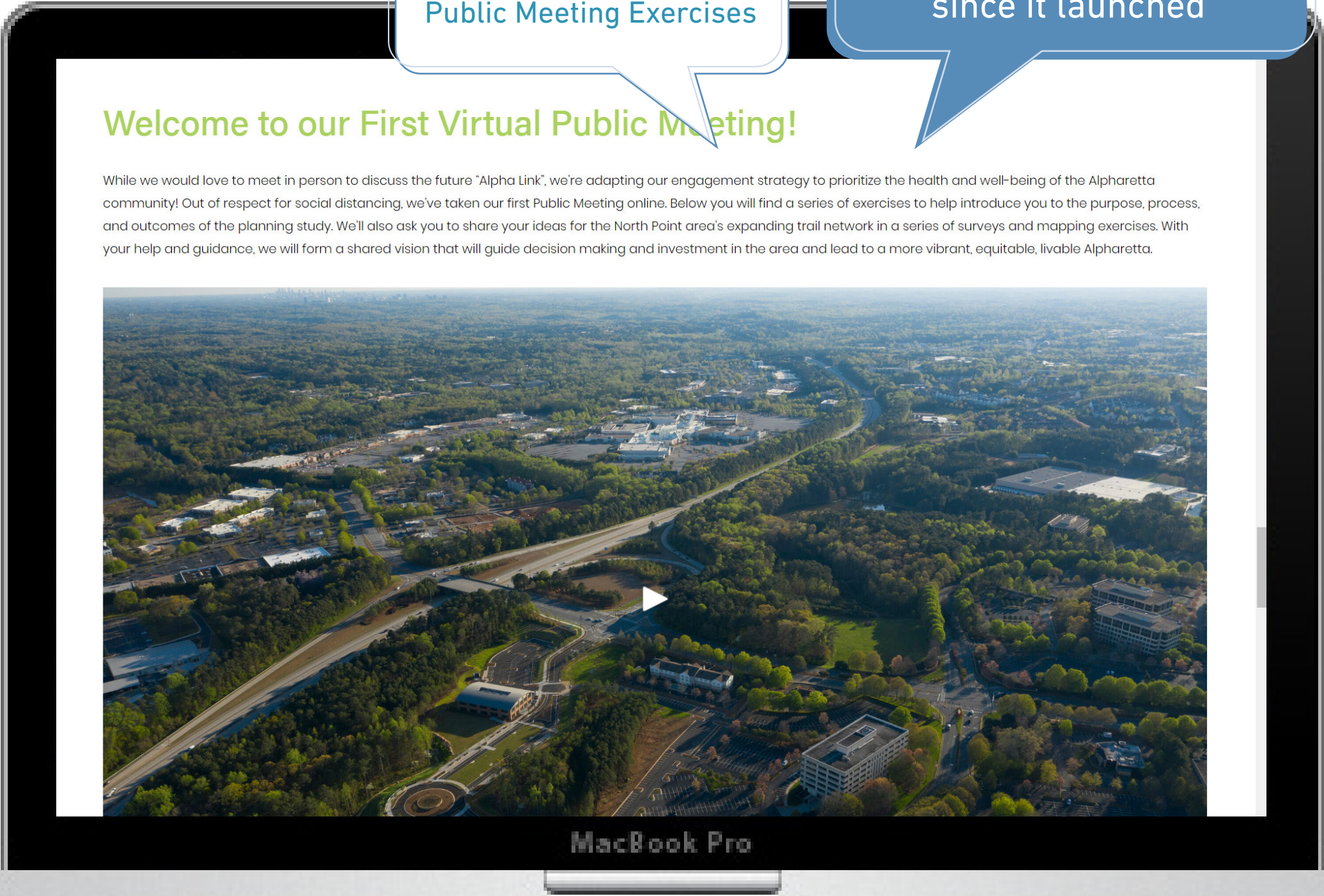
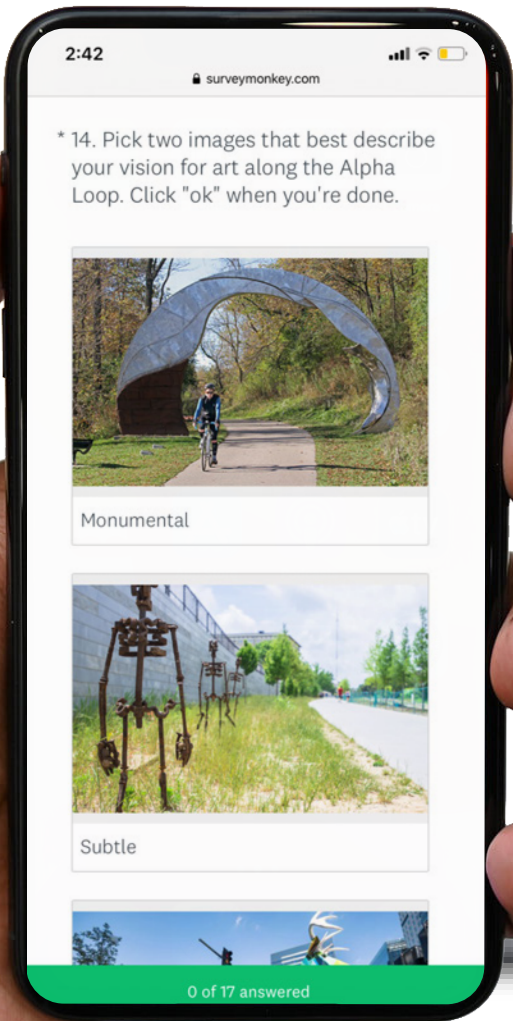
Virtual Public Meeting: Overview

In the wake of the COVID-19 outbreak, the planning team adapted it's engagement strategy to prioritize the health and well-being of the Alpharetta community.

Out of respect for social distancing, Public Meeting #1 transitioned to a webpage designed to introduce participants to the planning study and provide a space to share ideas for the North Point area's expanding trail network through a series of surveys and mapping exercises.

We've received **316 responses*** to the Virtual Public Meeting Exercises

The Virtual Public Meeting page has been **viewed more than 2,300 times**** since it launched



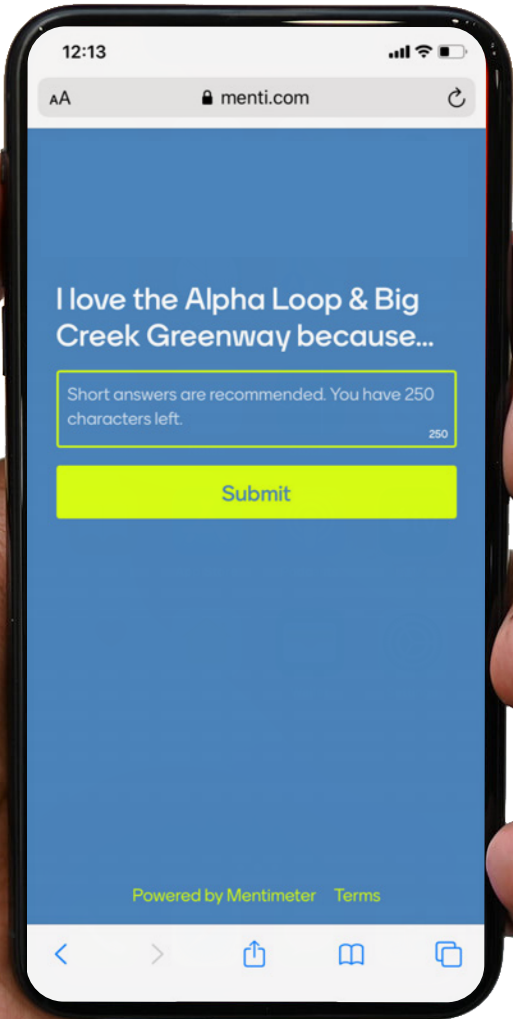
* Statistics reflect the period between 04/22/2020 & 05/25/2020 at 11:59pm
* Statistics reflect the period between 04/22/2020 & 10/26/2020 at 11:59pm

Intercept Survey

Phase 1 of the Intercept Survey launched the week of 04/20/2020 when **1,450 postcards were mailed to area residents**. Phase 2 began on 05/11/2020 when **25 yard signs were strategically located in high-traffic areas** across the community.

The postcards and yard signs were designed to inform the public of the project, promote the Virtual Public Meeting exercises and allow a simple, interactive way for participants to get involved.

The Remote Intercept Survey closed on 05/25/2020. It received **48 responses**.



The exercise was open between the week of 04/20/2020 & 05/25/2020

1,450 postcards were sent to area residents and **25 yard signs** were placed across Alpharetta.

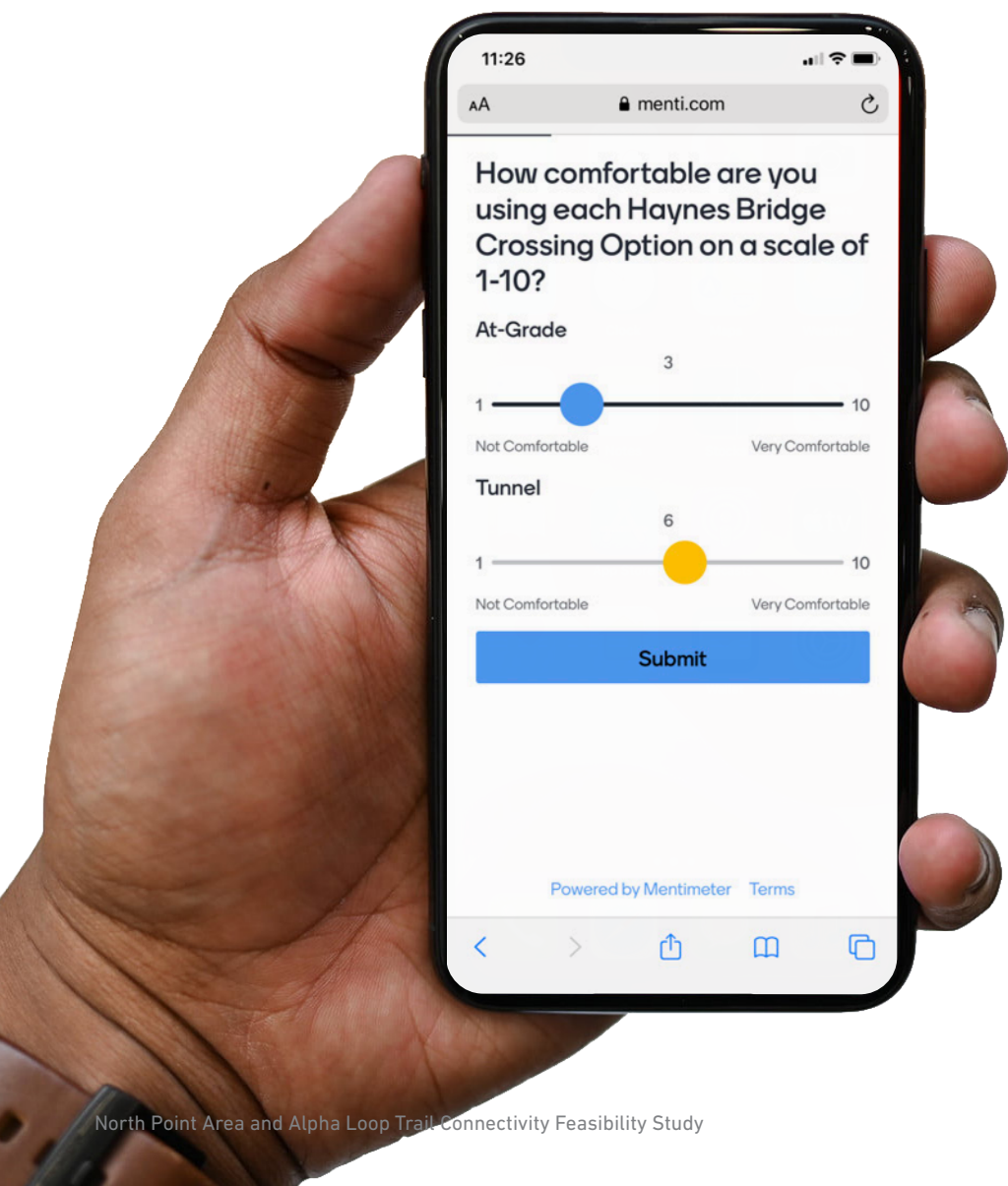


Intercept Survey signage at the Big Creek Greenway - North Point Parkway Trailhead

Public Meeting #2: Engagement

Participants were encouraged to submit feedback through the online polling platform Mentimeter, though analog options (post it notes & sticky dots) were available for those uncomfortable with, or unable to access the necessary technology.

Approximately **40 community members** attended the meeting on Wednesday, July 29th. **38 community members** engaged with the online survey.

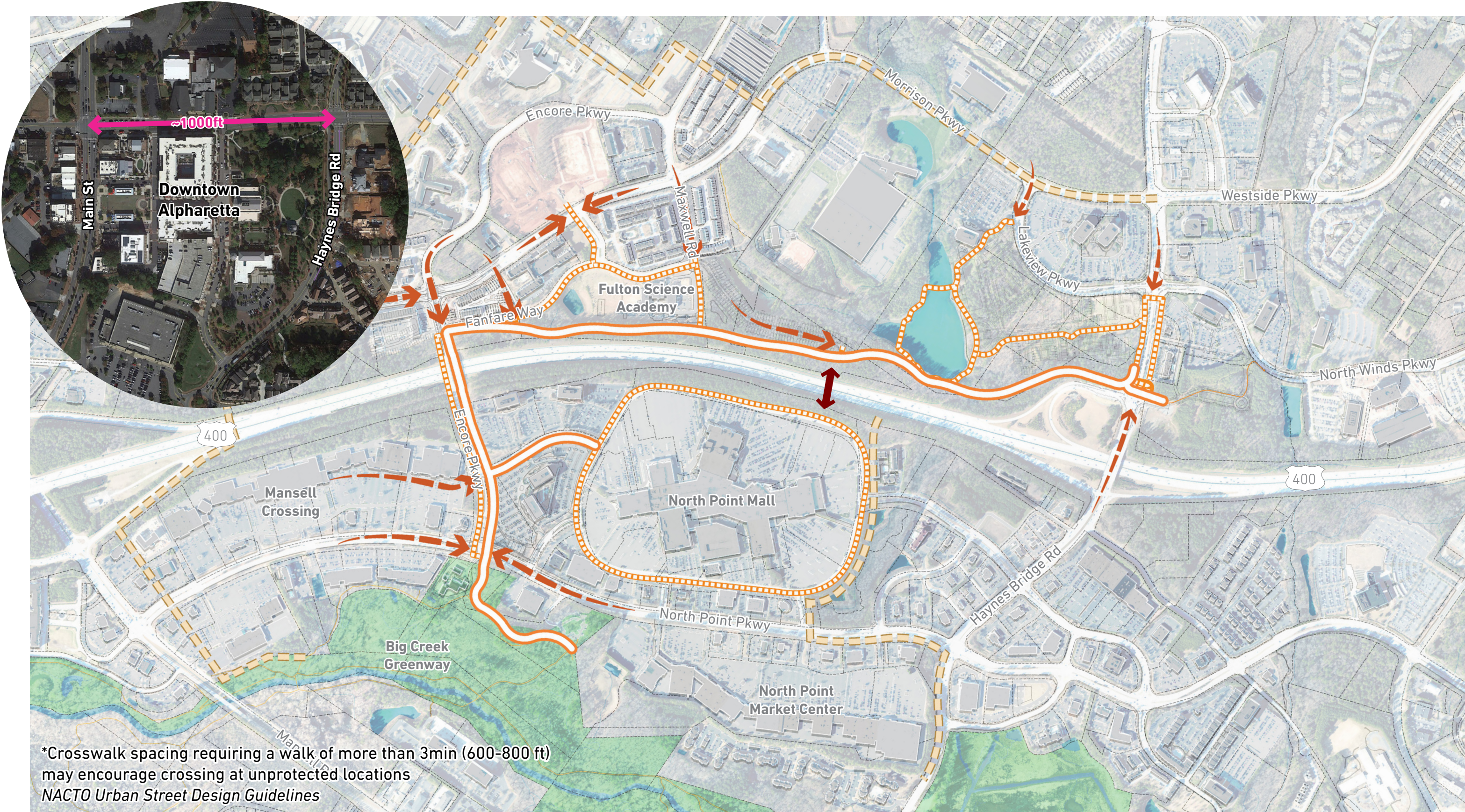




Conceptual Alignment

Conceptual Alignment

- Alpha Loop
- Alpha Loop Connection
- ~10m Walkshed
- Proposed Connection @ 800-1000'
- Planned BRT Station & Overpass



Big Creek Greenway

North Point Mall



Morrison Lake



360 Tech Village (Proposed)

Georgia 400 Center

Haynes Bridge Rd

Summit Pl

Lakeview Pkwy



Northwinds Summit

Northwinds

Trail Alignment

- Legend
- Alpha Loop

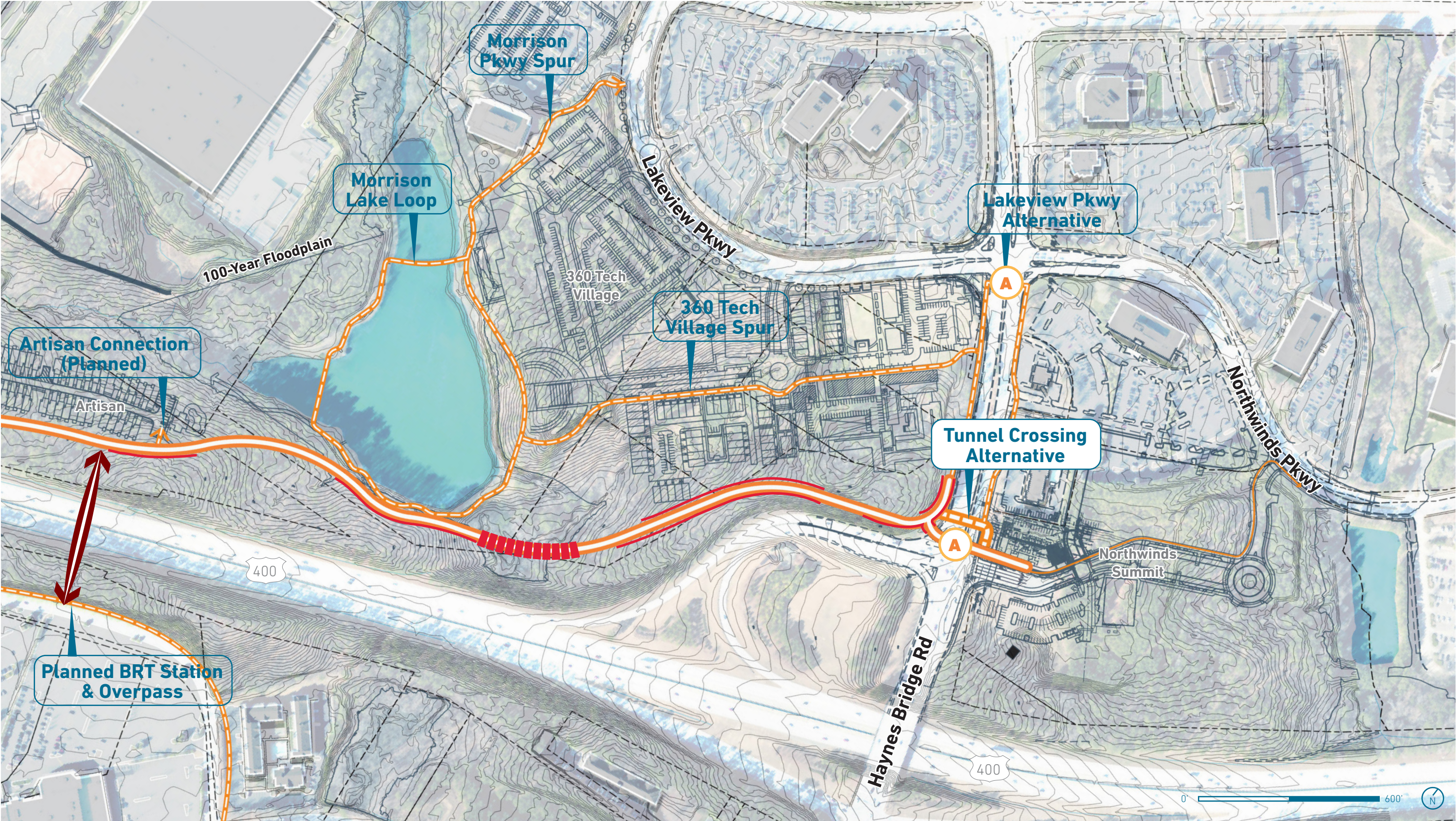
Alpha Loop Connection

A

Proposed Crosswalk

Elevated Walk

Retaining Wall



Haynes Bridge Rd

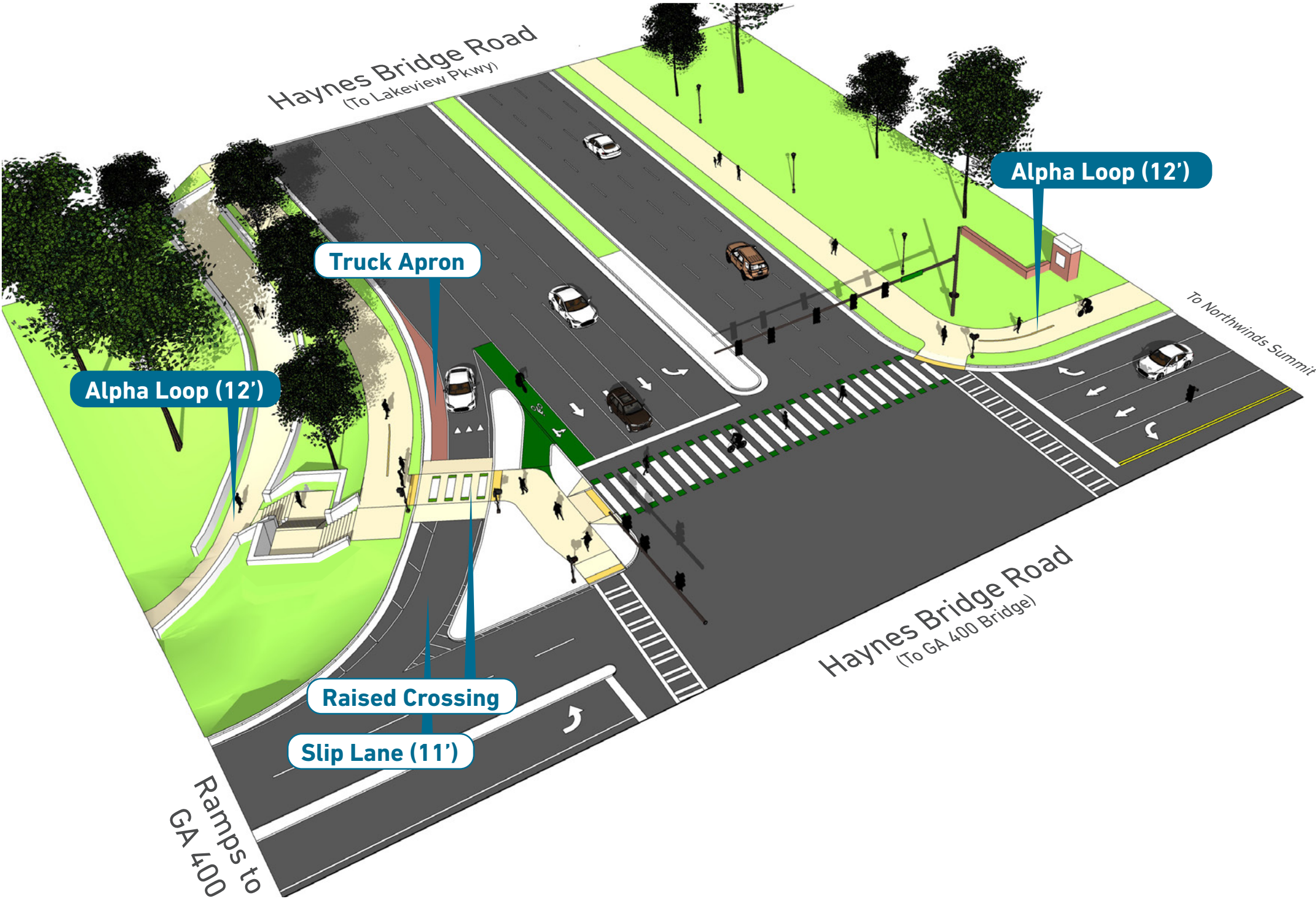
Intersection at Summit Place / GA 400 (looking west)



Haynes Bridge Rd

At Grade Crossing

- Channelized Right-Turn onto SB-400 On-Ramp Accommodates a WB-67.
- No Right On Red & Right Only Signal Phased Separately From Crosswalk Signal.
- If There Are Issues With Yielding Compliance At Raised Crossing, Rectangular Rapid Flashing Beacons Or Right-Turn Signal Control Could Be Added For The Southbound Channelized Right-Turn.
- Signage: A R1-5 Mod With W17-16p Should Be Placed At The Yield Lines At Southbound Channelized Right-Turn.



Key Map



Haynes Bridge Rd

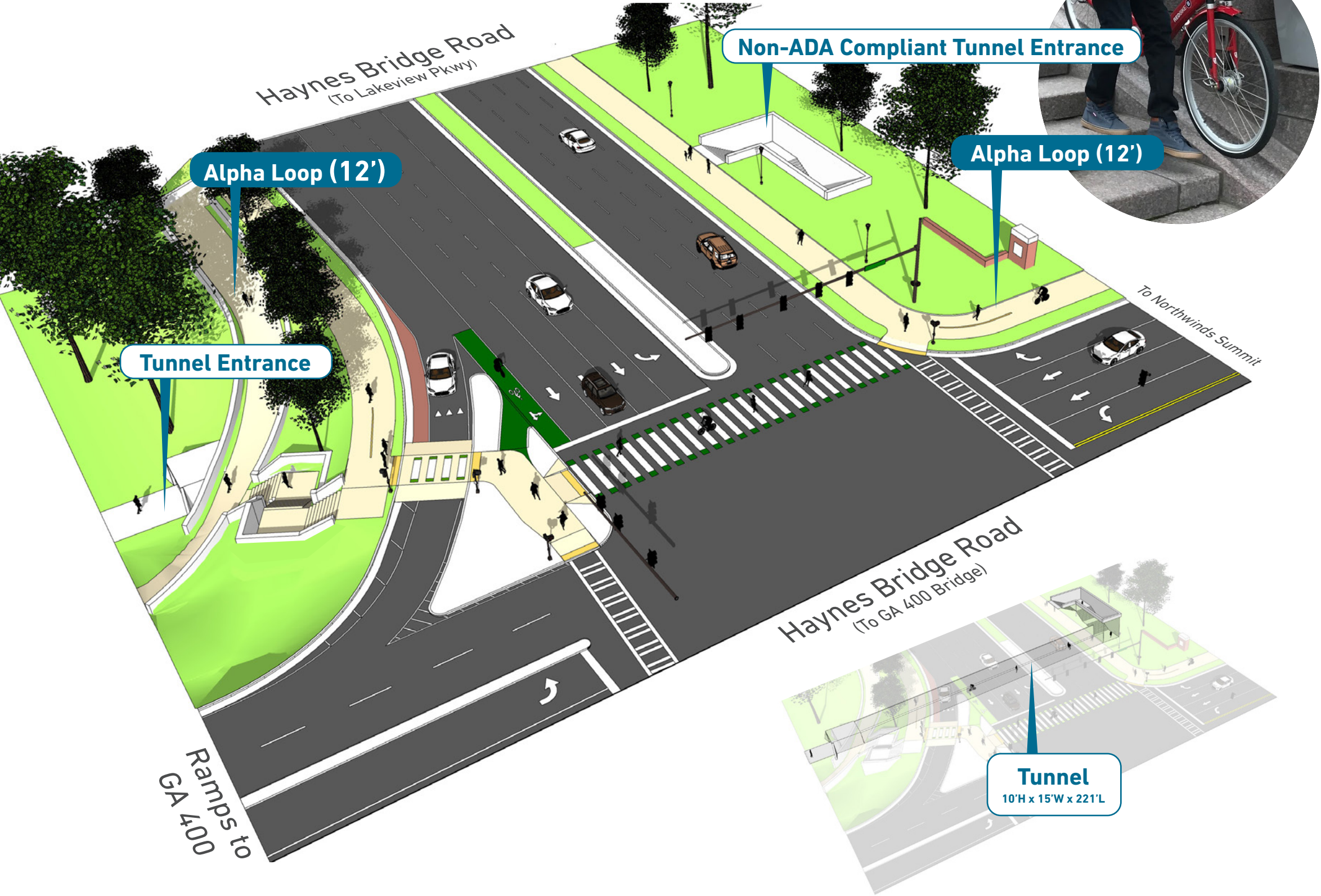
Tunnel Crossing

Working Assumptions

- Deepest Utility: 36" (16" Water Main)
- Min. Clearance From Utility: 36"
- Tunnel Width: 15'
- Tunnel Height: 10'
- Depth Of Top Of Tunnel Structure: 2'

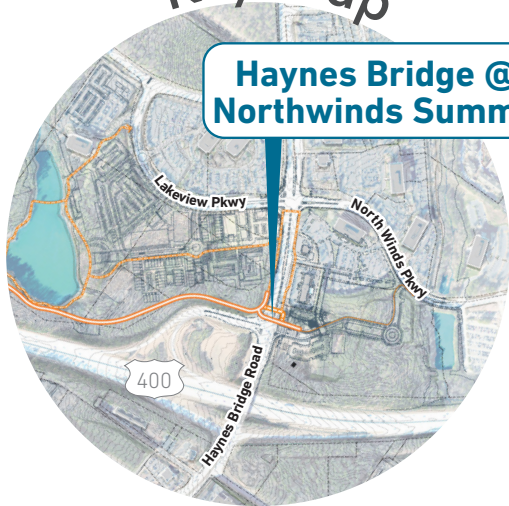
Stairwell Conditions

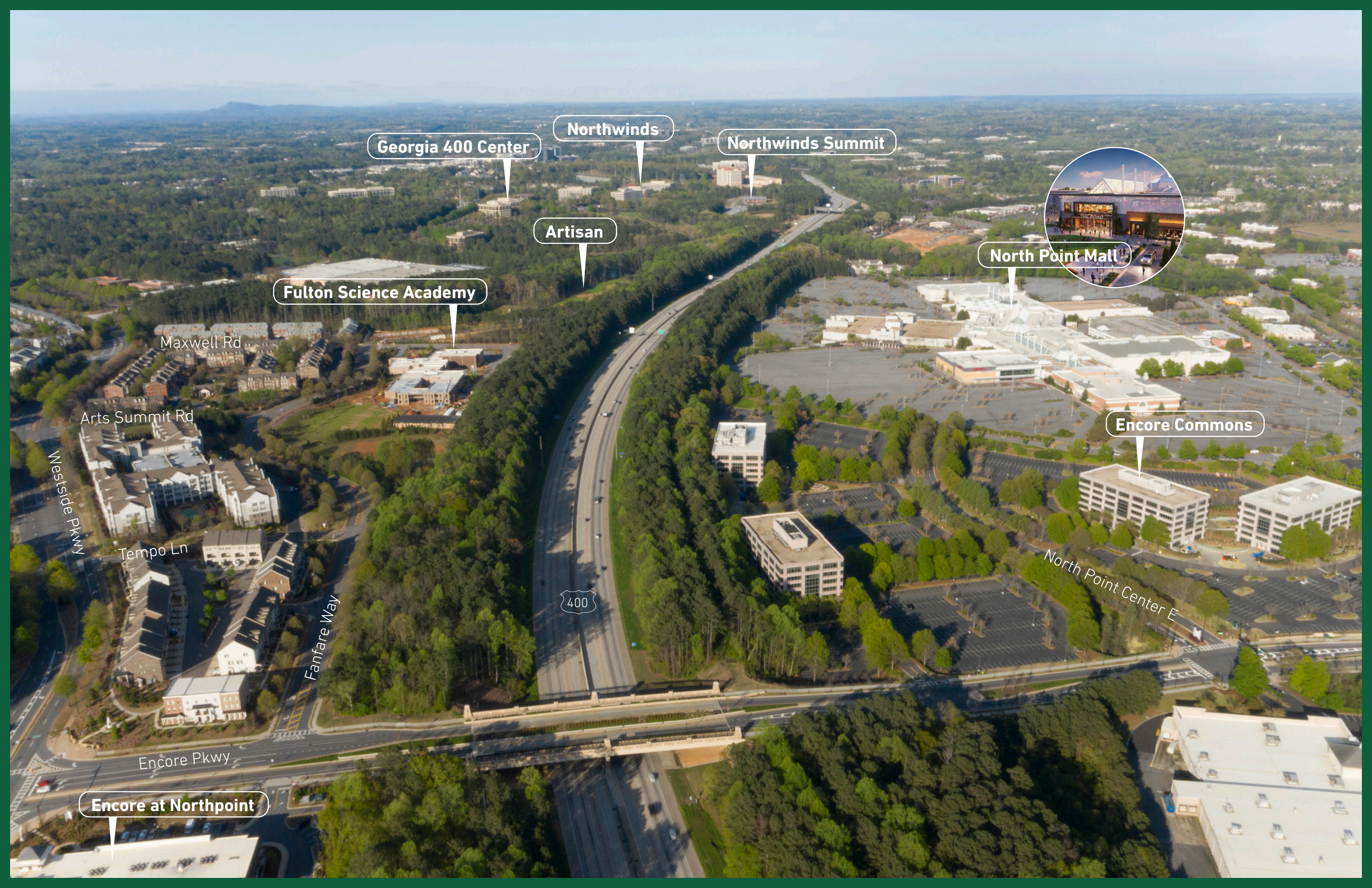
- Width: 16' Total (12' Trail + 2' Clearance For Bike Channels, Both Directions)
- 12' Trail: 4' Bikeways (Both Directions) And 4' Center Walkway
- Riser Height: 6" ; Tread Depth: 12"
- Landings Every 5-7.5' Of Rise (12' Maximum Rise Per Building Code)
- Retaining Wall Depth: 18"



Key Map

Haynes Bridge @
Northwinds Summit





Georgia 400 Center

Northwinds

Northwinds Summit

Artisan

Fulton Science Academy

North Point Mall



Encore Commons

Maxwell Rd

Arts Summit Rd

Westside Pkwy

Tempo Ln

Fanfare Way

400

North Point Center E

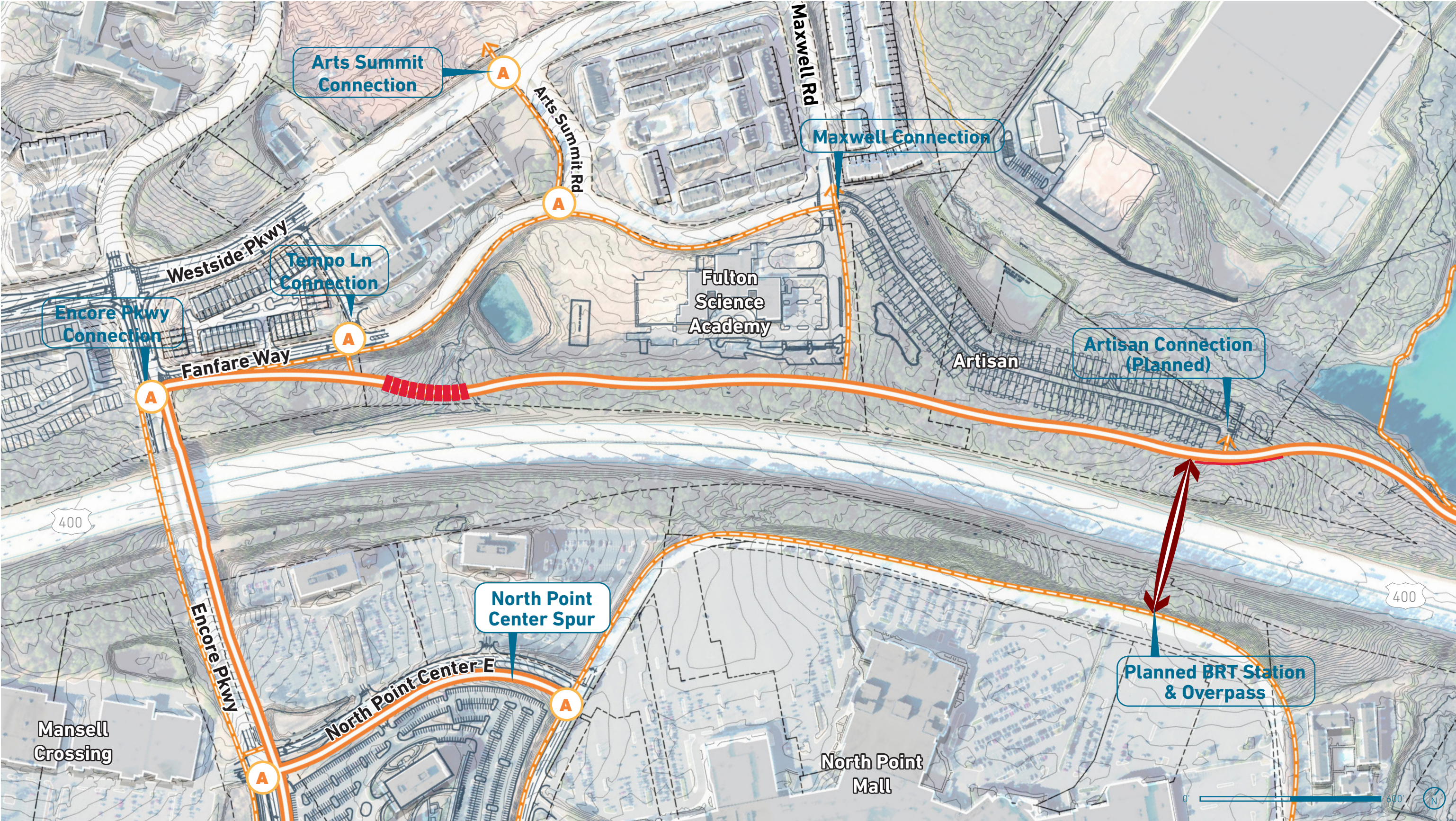
Encore Pkwy

Encore at Northpoint

Trail Alignment

- Legend**

 - Alpha Loop
 - Alpha Loop Connection
- Proposed Crosswalk
 - Elevated Walk
 - Retaining Wall



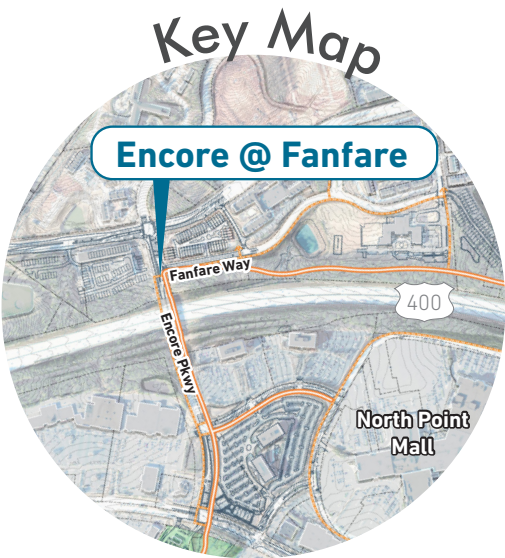
Encore Pkwy

Existing Condition - Intersection at Fanfare Way (looking north)



Encore Pkwy

Typical Section - Fanfare Way Intersection



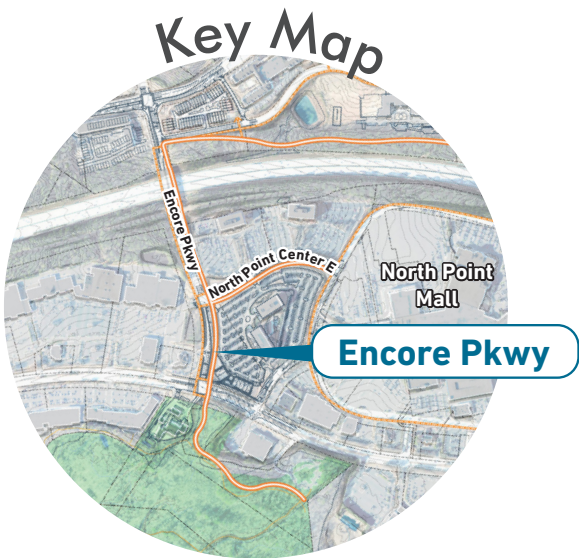
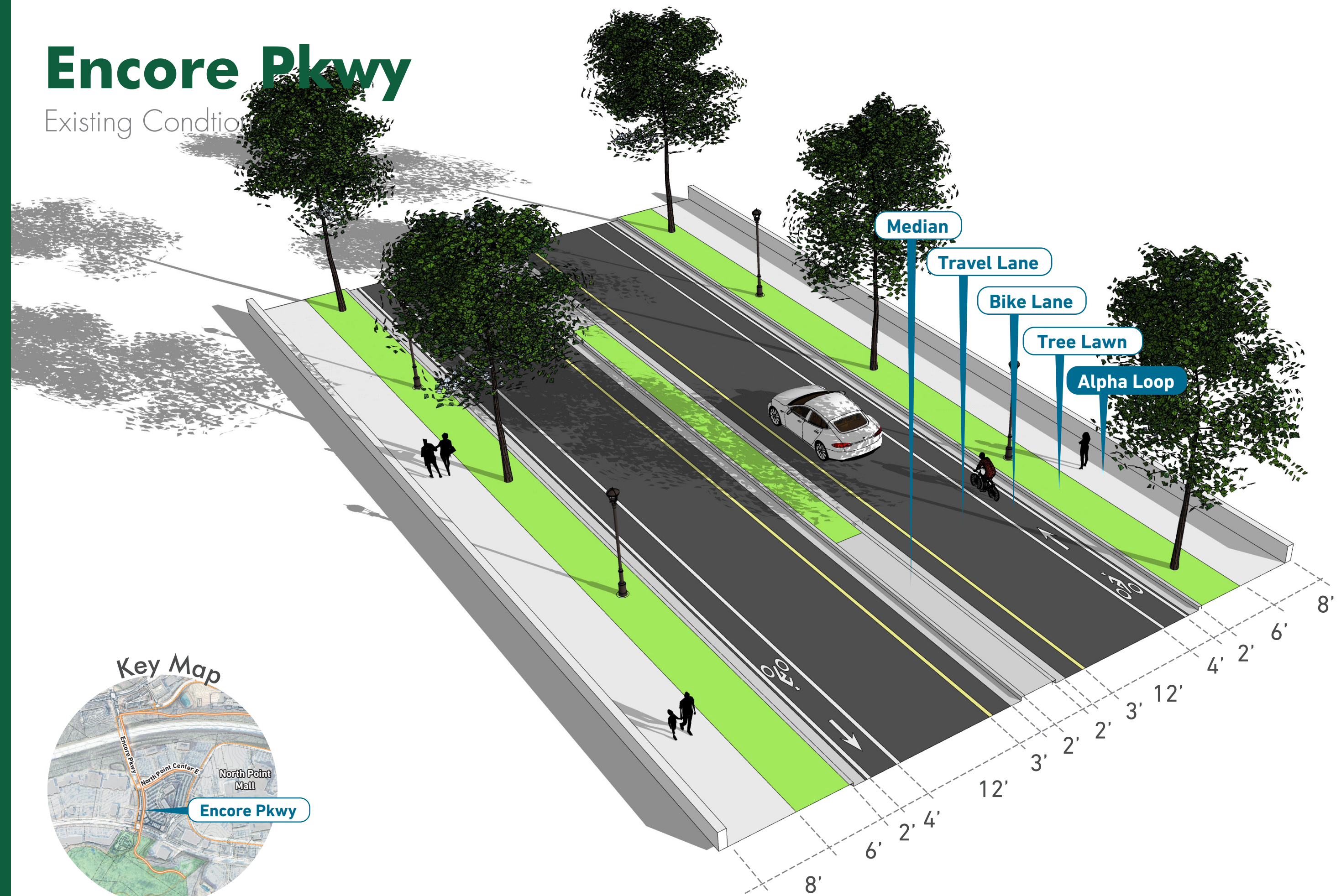
Encore Pkwy

Existing Condition - Near intersection of North Point Pkwy (looking north)



Encore Pkwy

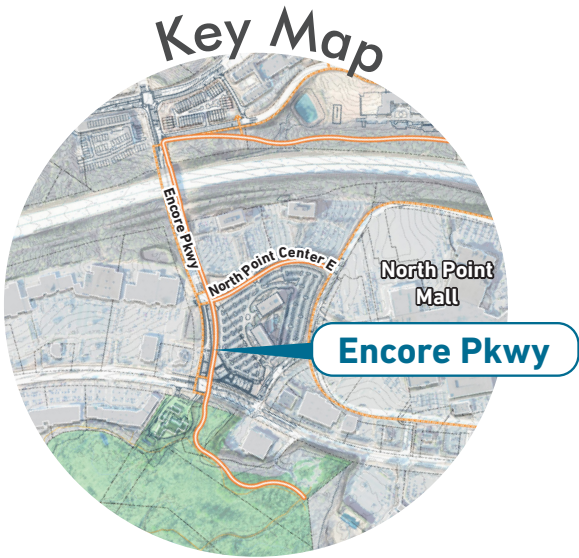
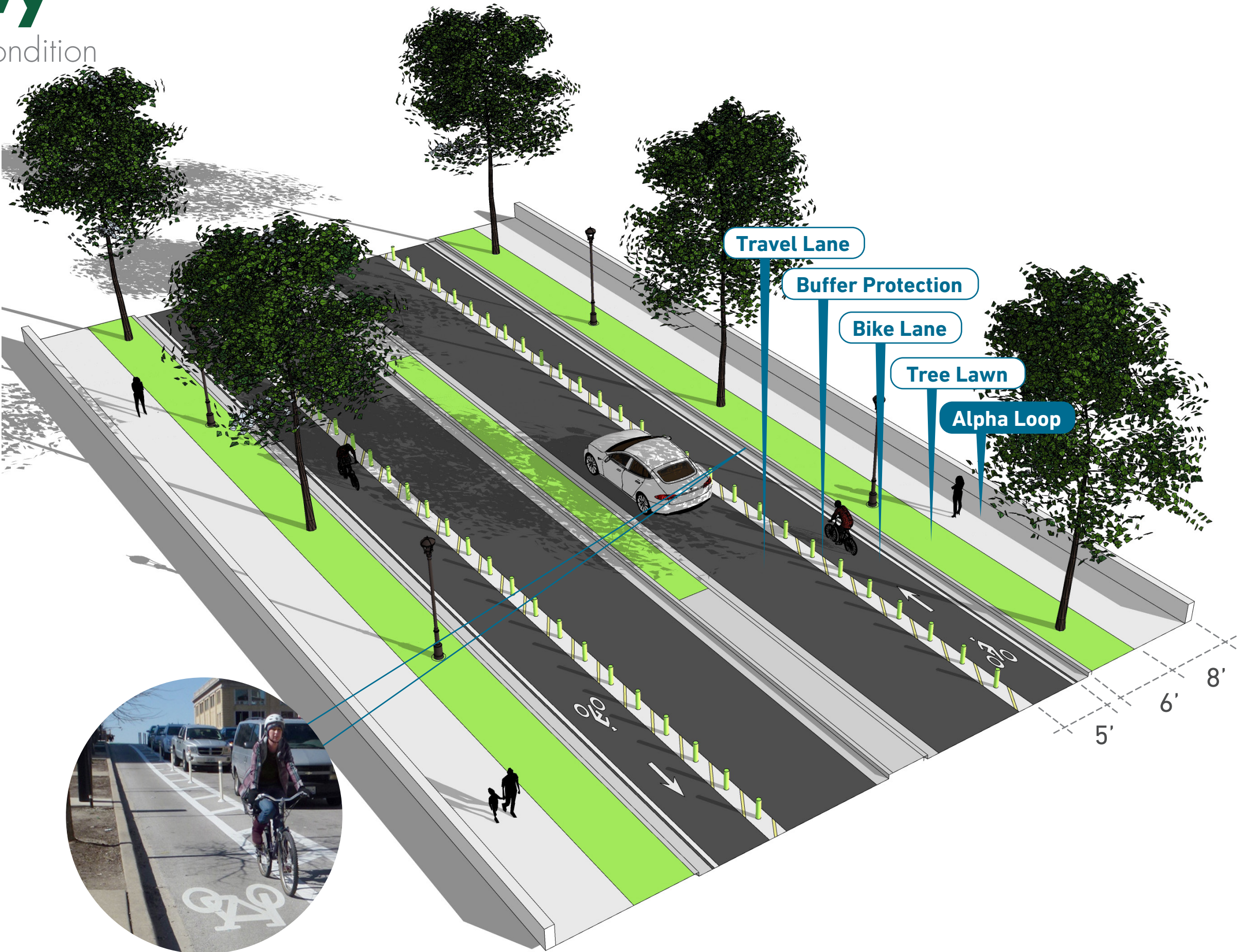
Existing Condition



Encore Pkwy

Typical Section - Interim Condition

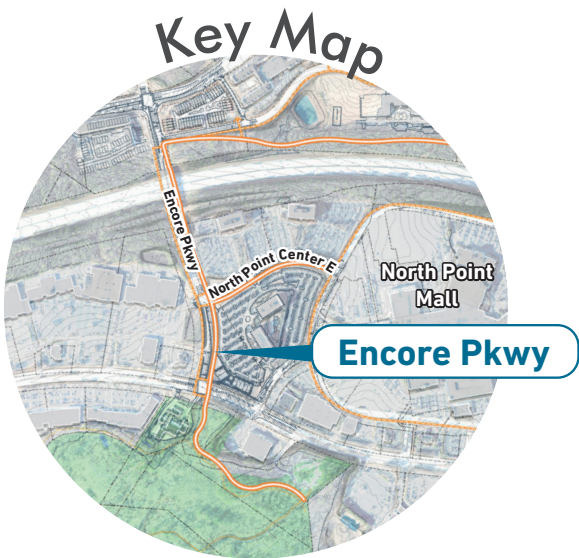
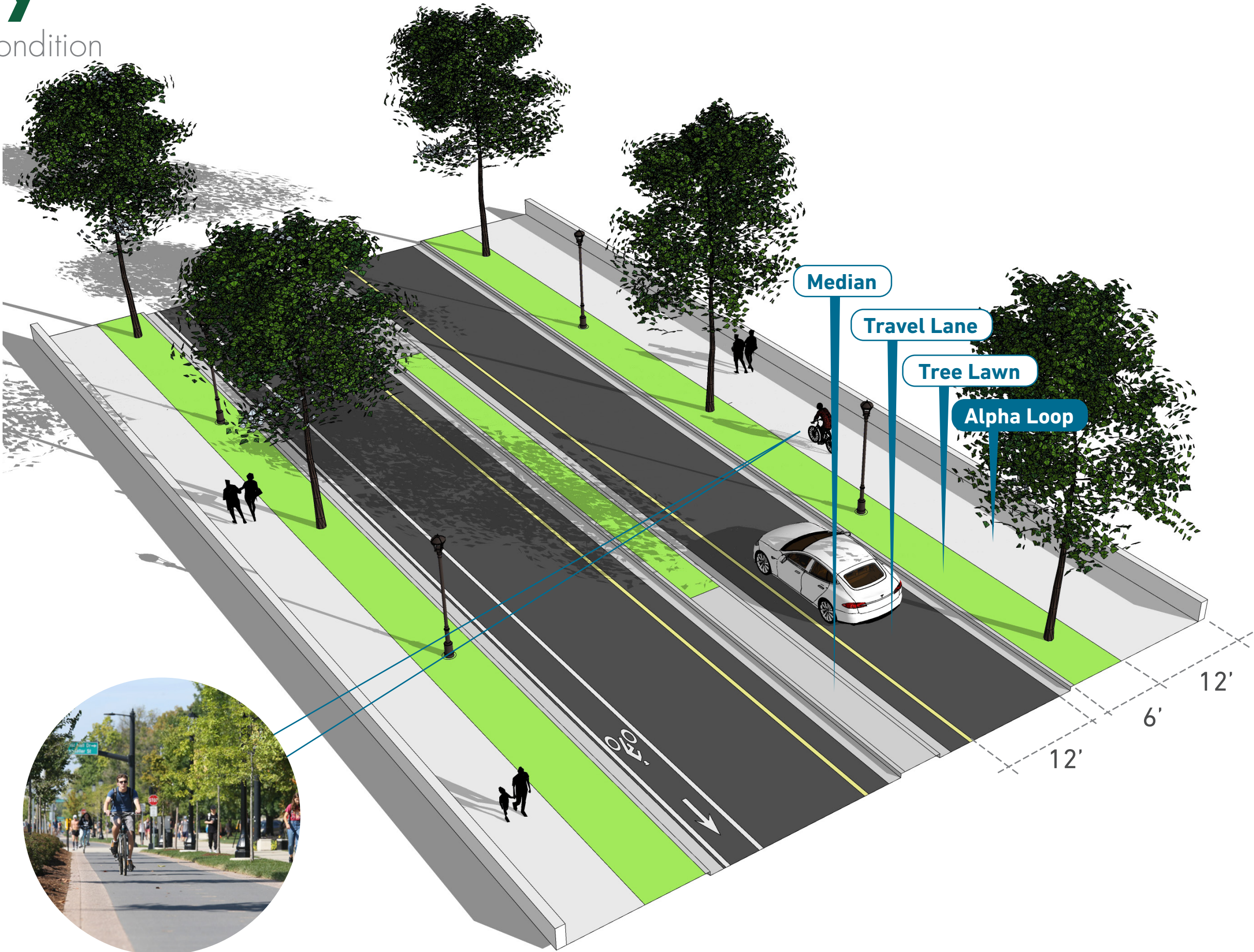
- Cyclists on-street or shared on 8ft multi-use path
- Street section modified to include a 5ft protected bike lane - use of signage and markings to delineate Alpha Loop



Encore Pkwy

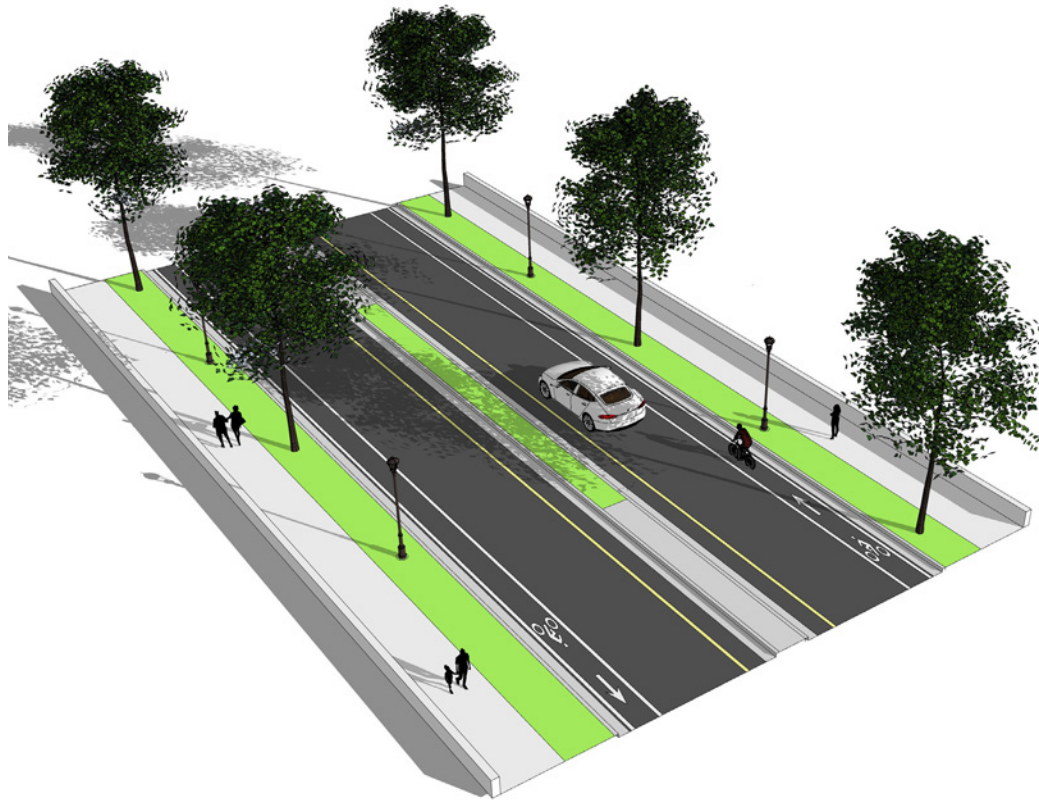
Typical Section - Desired Condition

- Sidewalk section expanded to encompass north bound bike lane
- Expanded sidewalk paving and planting areas, along with signage and markings to delineate Alpha Loop



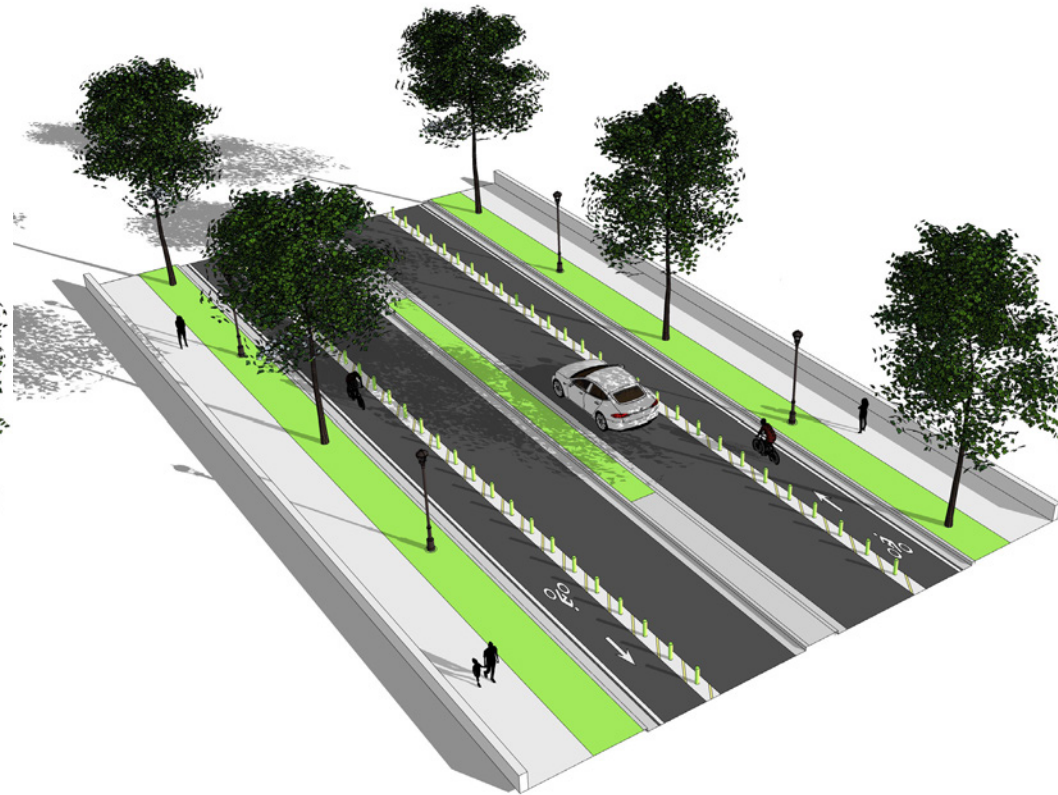
Encore Pkwy

Typical Sections



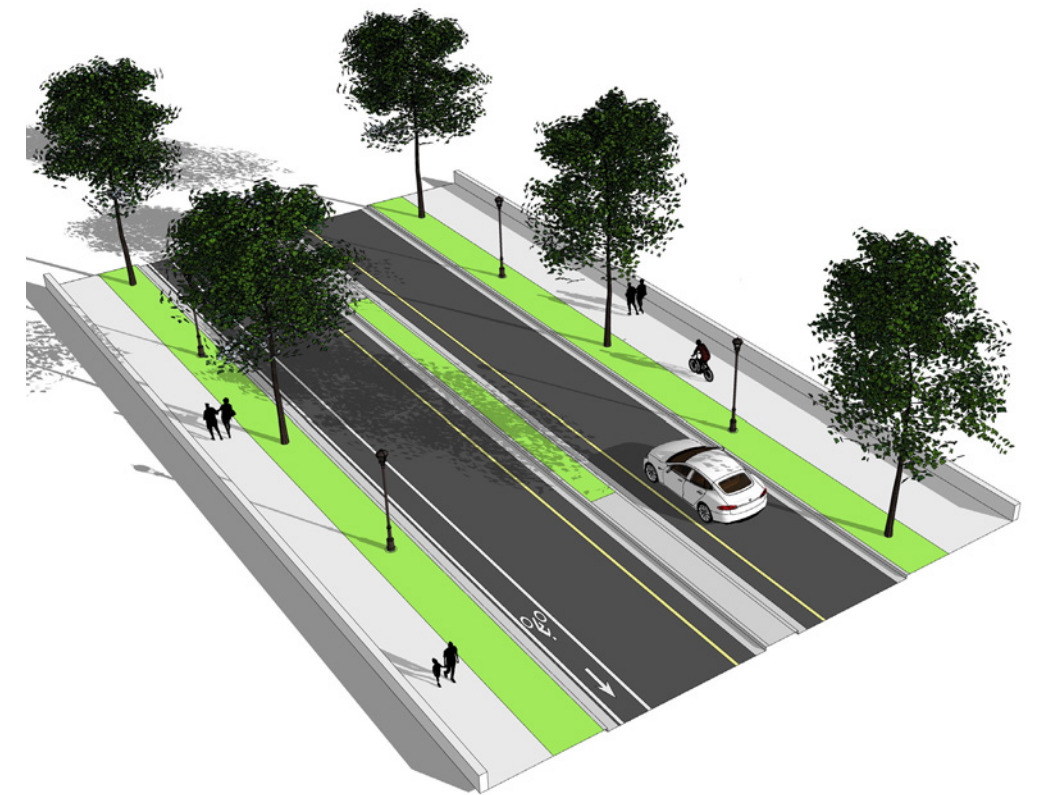
Existing Condition

- Cyclists on-street or shared on 8ft multi-use path
- No changes to street section - use of signage and markings to delineate Alpha Loop



Interim

- Cyclists on-street or shared on 8ft multi-use path
- Street section modified to include a 5ft protected bike lane - use of signage and markings to delineate Alpha Loop



Desired

- Sidewalk section expanded to encompass north bound bike lane
- Expanded sidewalk paving and planting areas, along with signage and markings to delineate Alpha Loop

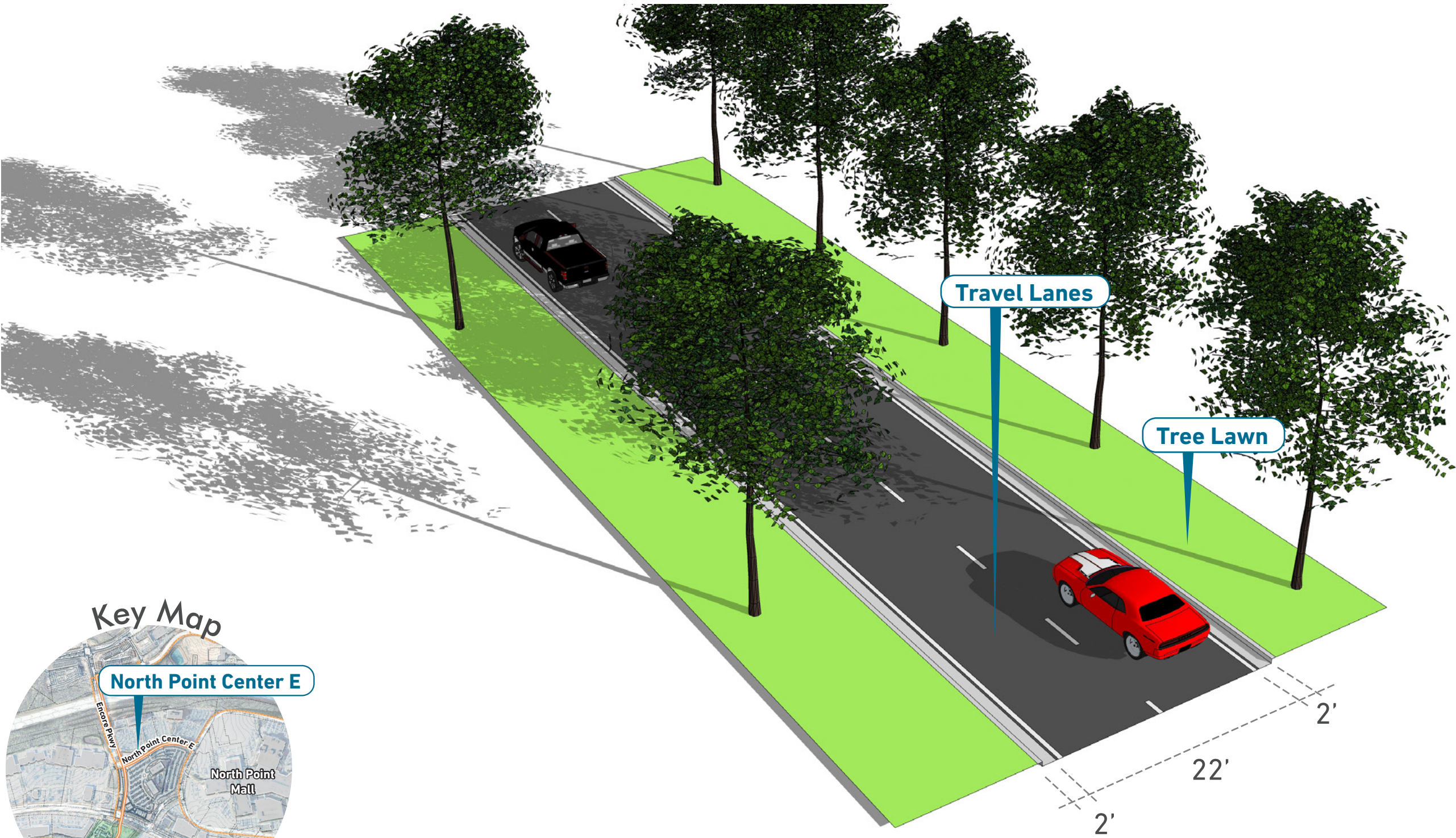
North Point Center E

Existing Condition (Eastbound) - Near Intersection of Encore Pkwy (looking east)



North Point Center E

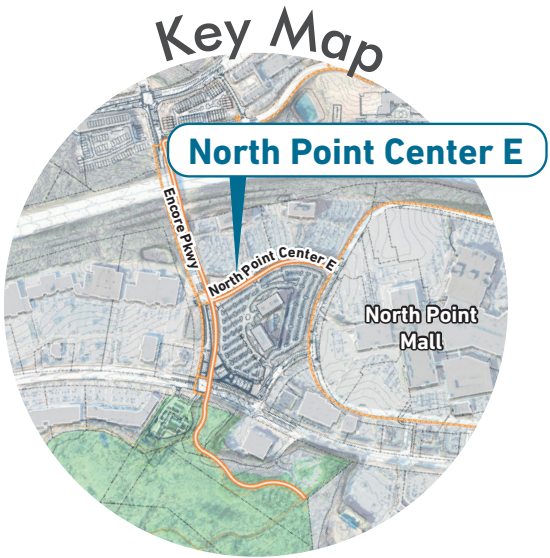
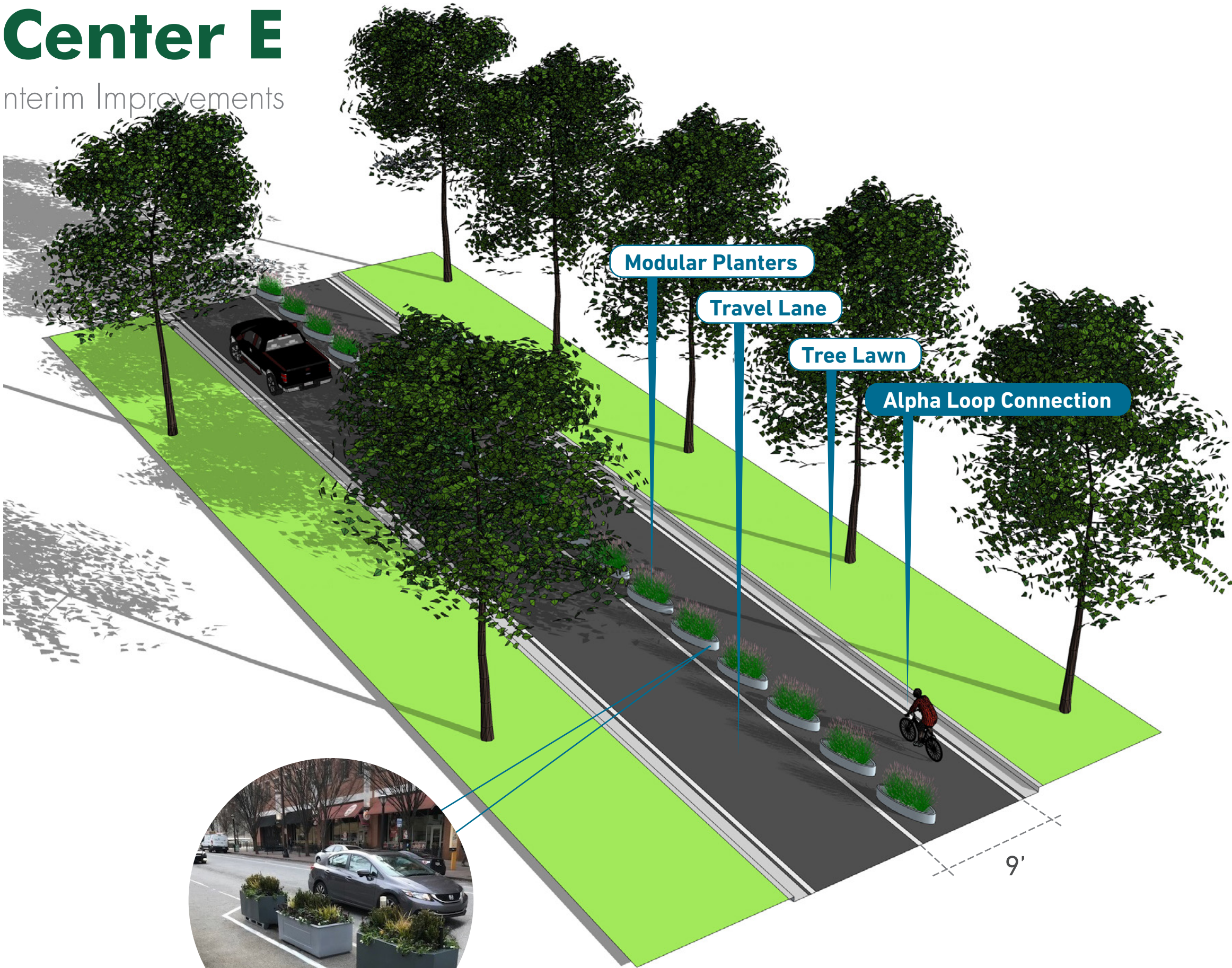
Existing Condition (Eastbound)



North Point Center E

Typical Section (Eastbound) - Interim Improvements

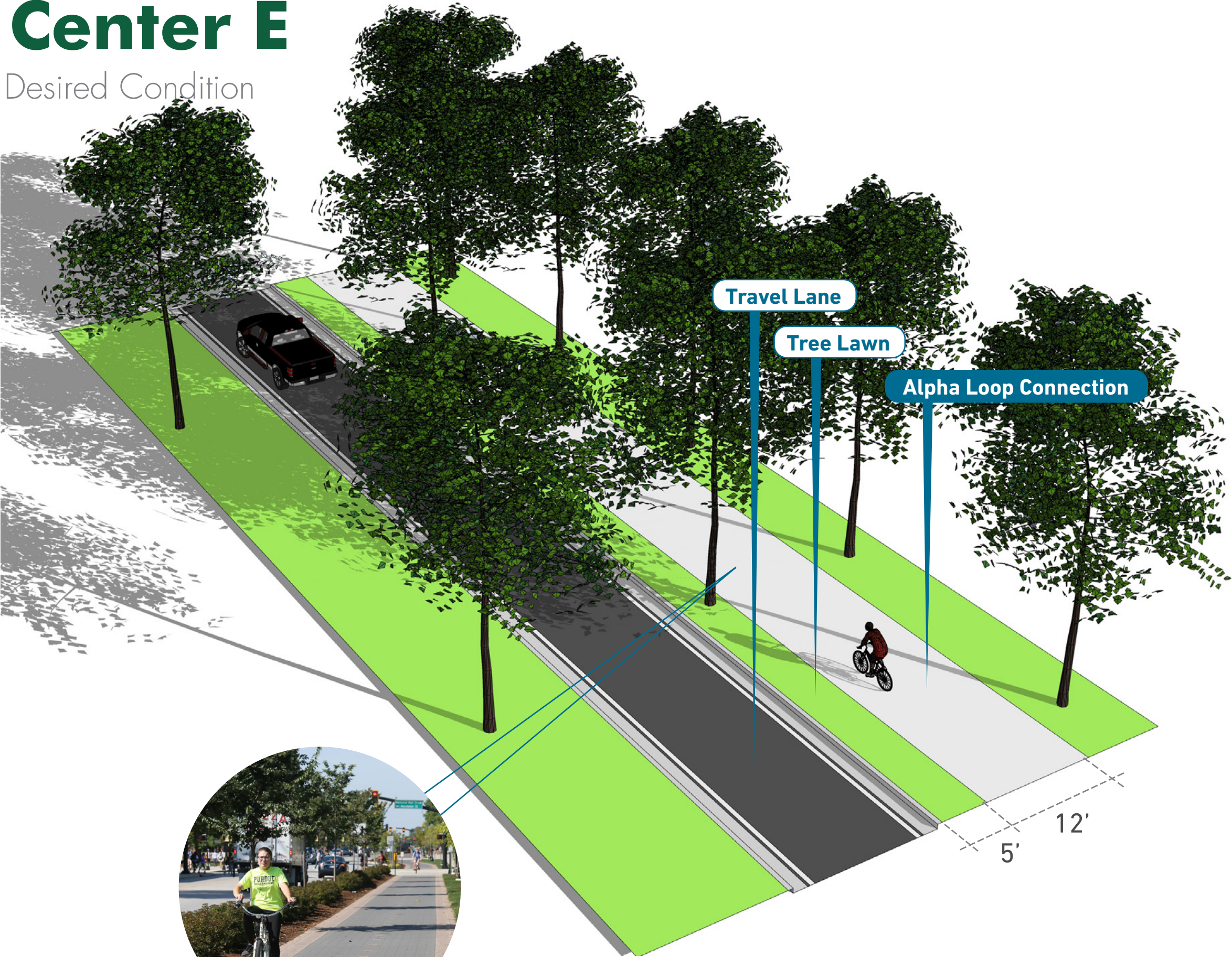
- No change to street section
- Separated Alpha Loop trail delineated with planters on outer east-bound lane.
- Trail width approximately 8-9ft, excluding gutter.



North Point Center E

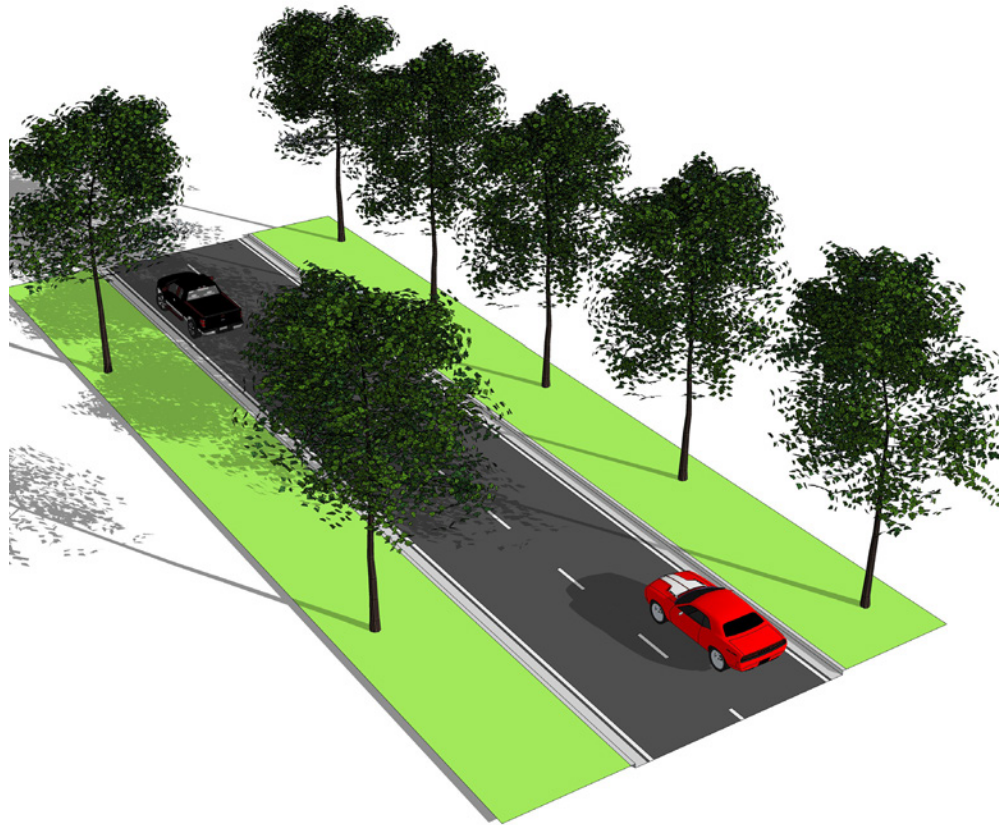
Typical Section (Eastbound) - Desired Condition

- Creation of grade-separated Alpha Loop trail using outer east-bound lane
- Trail width 12ft with 5ft tree lawn



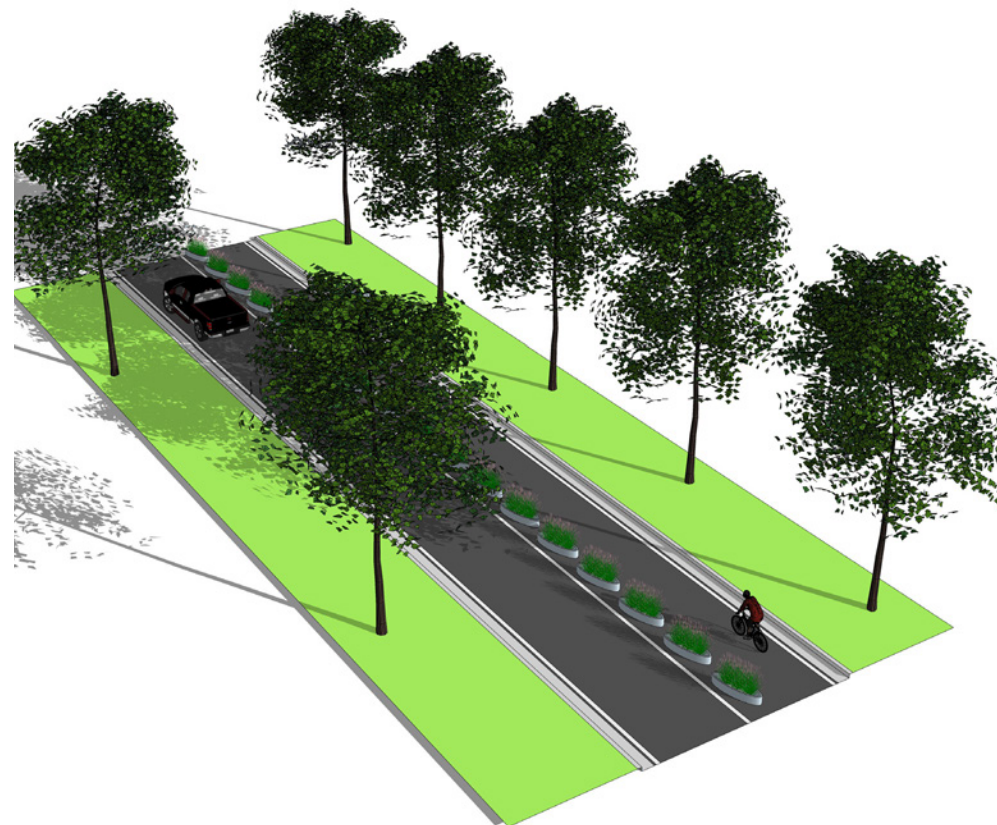
North Point Center E

Typical Sections (Eastbound)



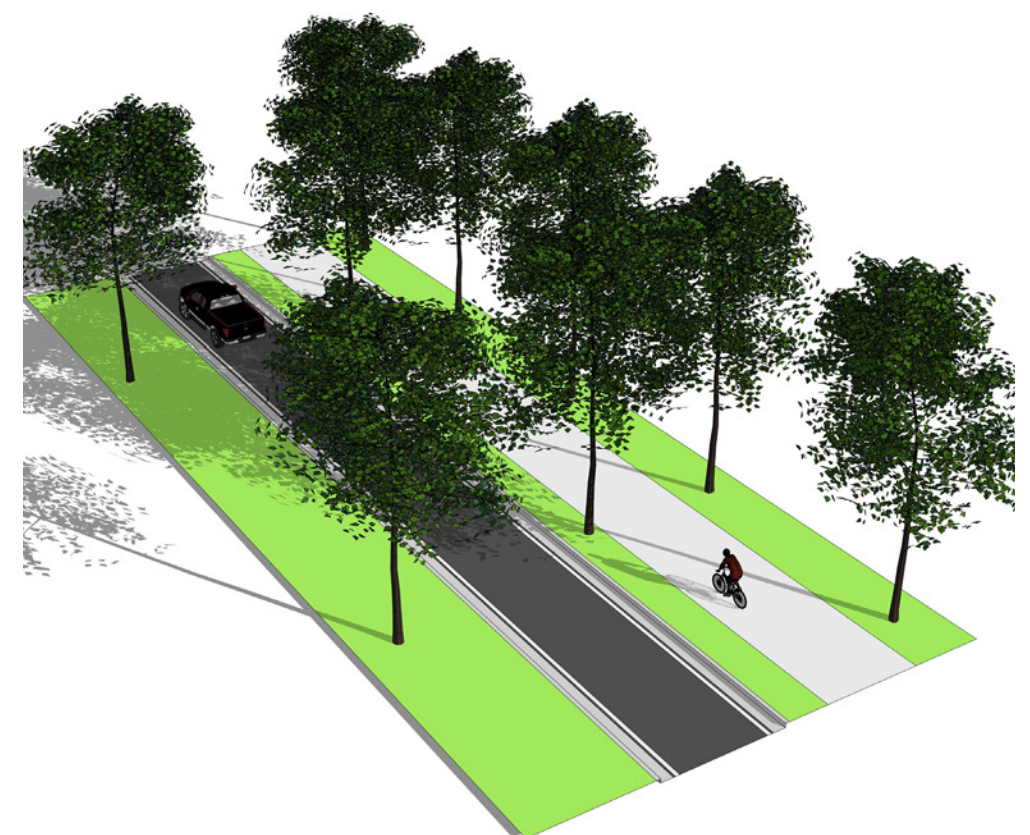
Existing Condition

- No existing bike/ped facilities
- Four lane, divided section plus dedicated turn lanes



Interim

- No change to street section
- Separated Alpha Loop trail delineated with planters on outer east-bound lane.
 - Trail width approximately 8-9ft, excluding gutter.



Desired

- Creation of grade-separated Alpha Loop trail using outer east-bound lane
- Trail width 12ft with 5ft tree lawn

Fulton Science Academy

North Point Mall

Mansell Crossing

Encore Commons

Big Creek Greenway

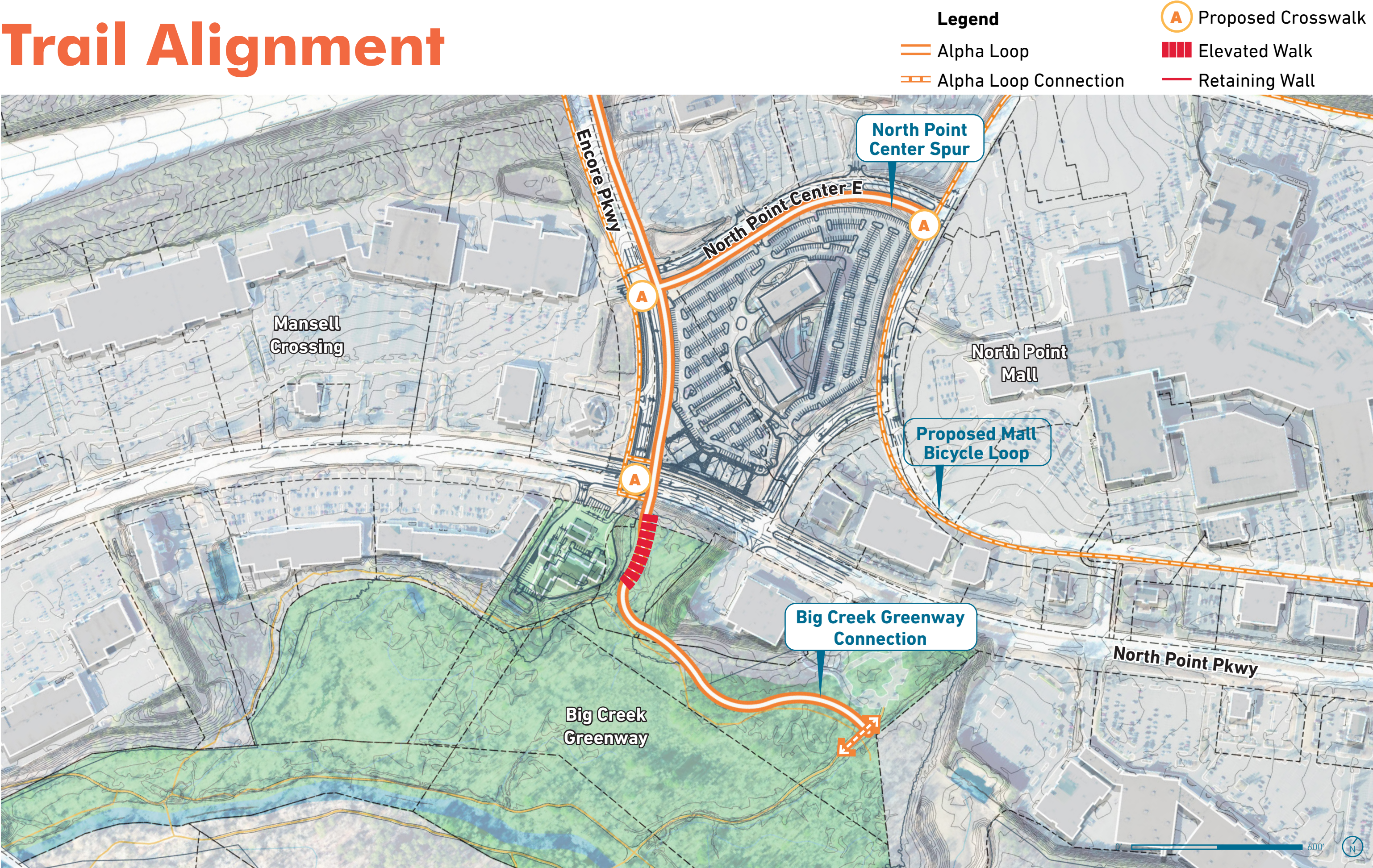
400

Encore Pkwy

North Point Pkwy



Trail Alignment



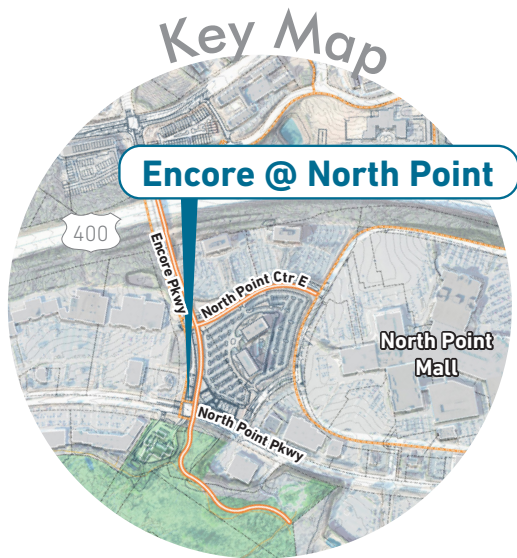
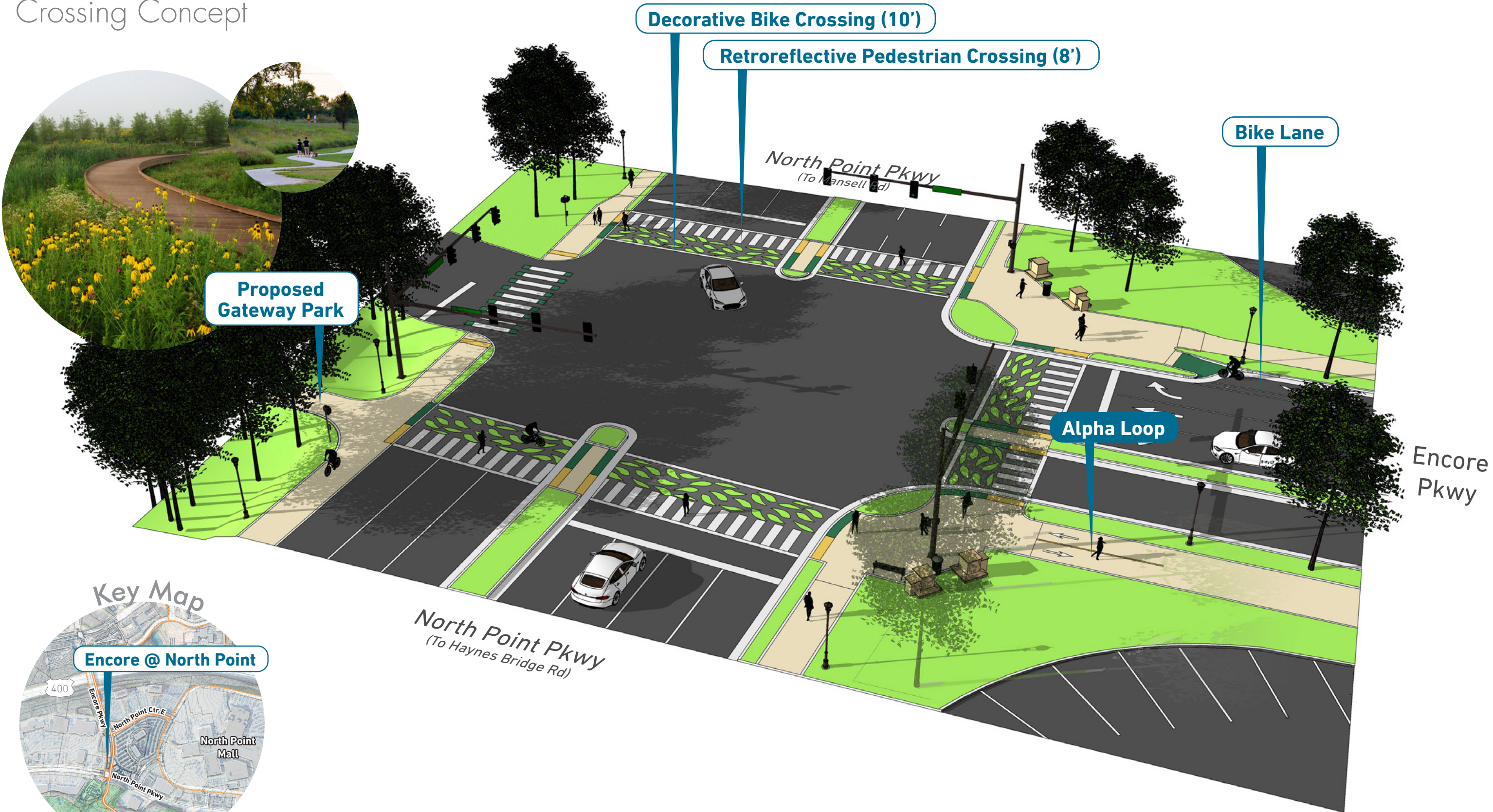
North Point Pkwy

Existing Condition - Intersection at Encore Pkwy (looking south)



North Point Pkwy

Crossing Concept



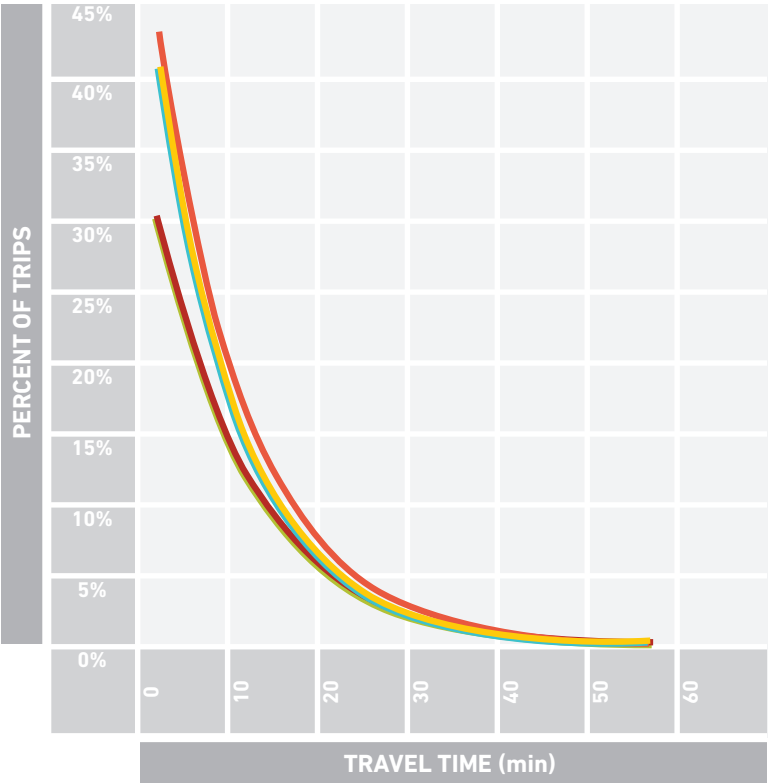


Amenities & Placemaking

Pedestrian & Cyclist Characteristics

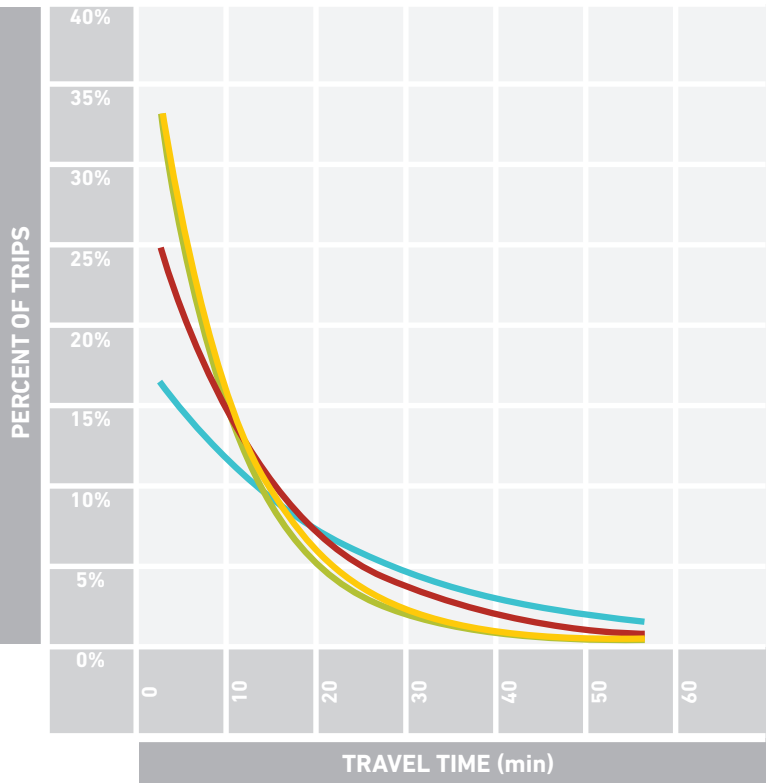
According to the latest National Household Travel Survey (NHTS), approximately **11%** of daily trips in the United States are made by **walking** & about **1%** by **bicycle**.

Time Decay Curves for Walking Trips ¹

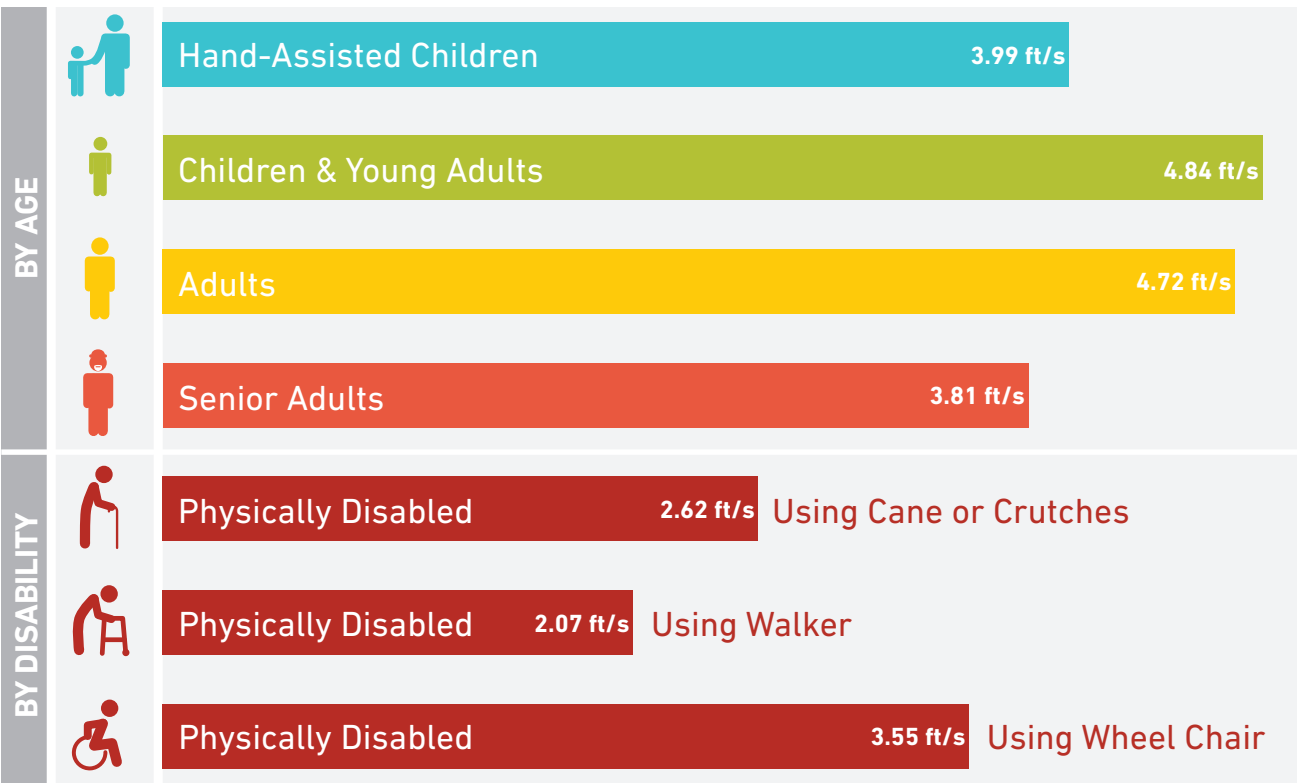


WORK SHOPPING SCHOOL RESTAURANT RECREATION

Time Decay Curves for Bicycle Trips ¹



Pedestrian Groups & Their Walking Speeds ²



NOTE: The speeds shown in this diagram are mean values for each of the groups.

¹ BIBLIOGRAPHY: Iacono, M., Krizek, K., & El-Geneidy, A. (2008). Access to destination: how close is close enough. *Estimating accurate distance decay functions for multiple modes and different purposes*. Minnesota Department of Transportation, St. Paul, MN/RC, 11.

² BIBLIOGRAPHY: Gates, T. J., Noyce, D. A., Bill, A. R., Van Ee, N., & Gates, T. J. (2006, January). Recommended walking speeds for pedestrian clearance timing based on pedestrian characteristics. In *Proceeding of TRB 2006 Annual Meeting*. Federal Highway Administration. (2006). Federal Highway Administration University Course on Bicycle and Pedestrian Transportation. Publication No. FHWA-HRT-05-099. US Department of Transportation.

Stop & Stay

Public Space: Journey Dynamics

- A

→

D

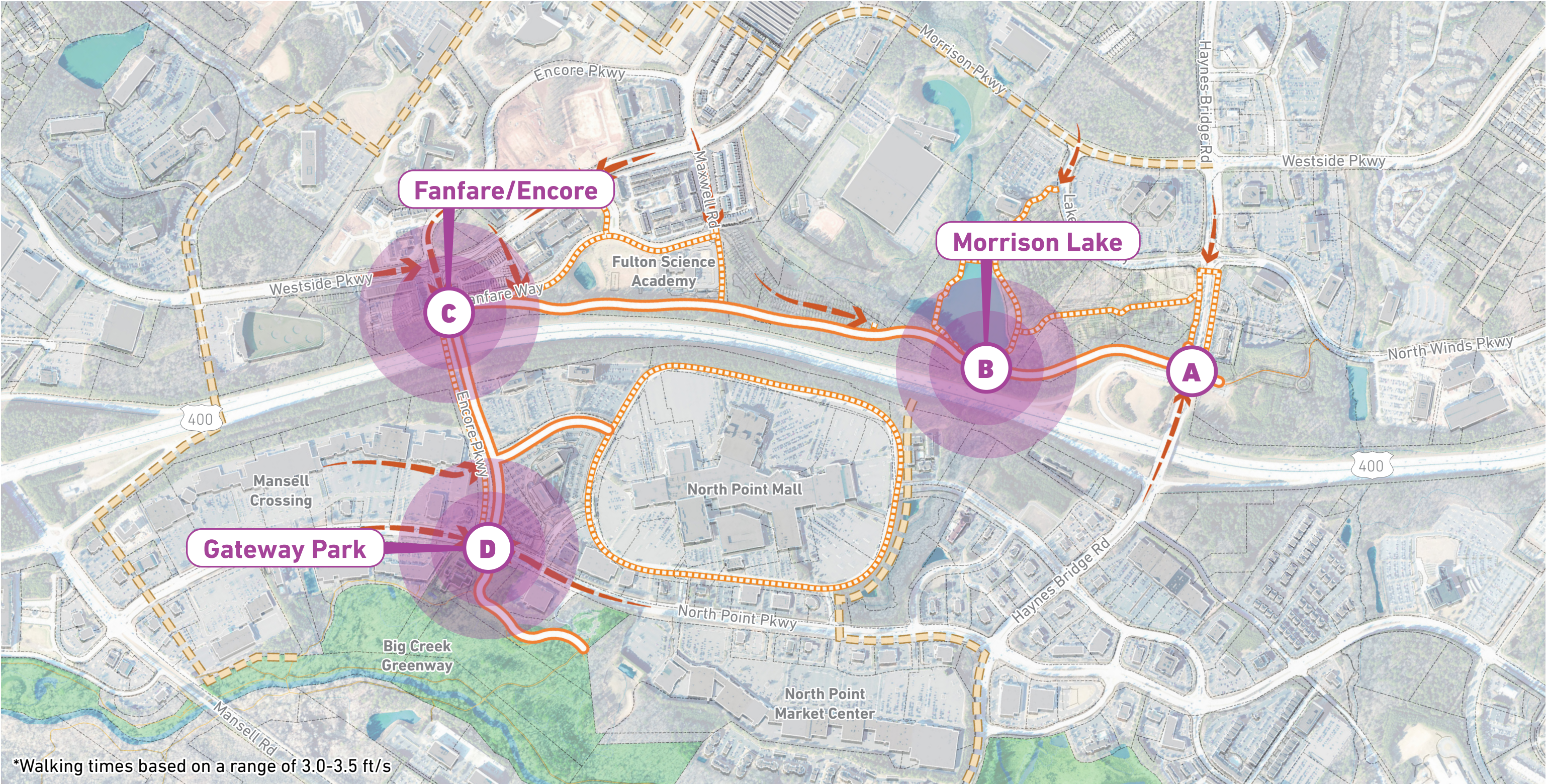
40-45m Walk (~8200ft)
- B

→

C
- 20-25m Walk (~4500ft)
- B

→

D
- 30-35m Walk (~6400ft)
- ~10m Walkshed
- Proposed Connection @ 800-1000'
- Planned BRT Station & Overpass
- Alpha Loop
- Alpha Loop Connection



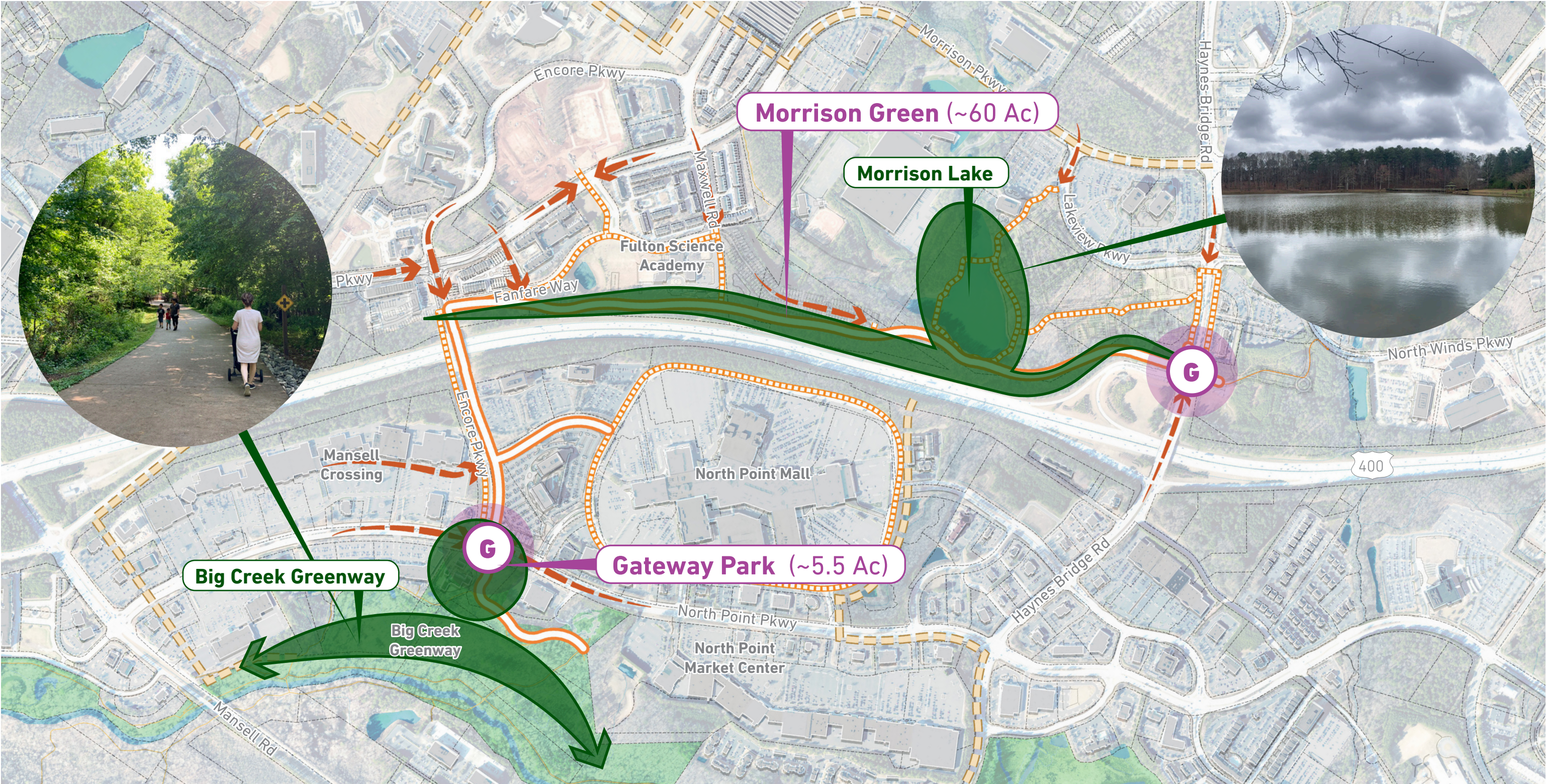
*Walking times based on a range of 3.0-3.5 ft/s

Placemaking

Overview

Placemaking Legend

- ~10m Walkshed
- Proposed Connection @ 800-1000'
- Planned BRT Station & Overpass
- Alpha Loop
- Alpha Loop Connection
- Gateways
- Greens



Placemaking

Public Greens

Gateway Park
~5.5 Acres



Morrison Green
~60 Acres

Encore Park
~6.5 Acres



Brooke Street Park
~5 Acres

Placemaking

Public Greens

Morrison Green Inspiration

Mirror Lake



Ballantrae Park



Placemaking

Public Greens

Gateway Park Inspiration

Falls Park - Greenville, SC



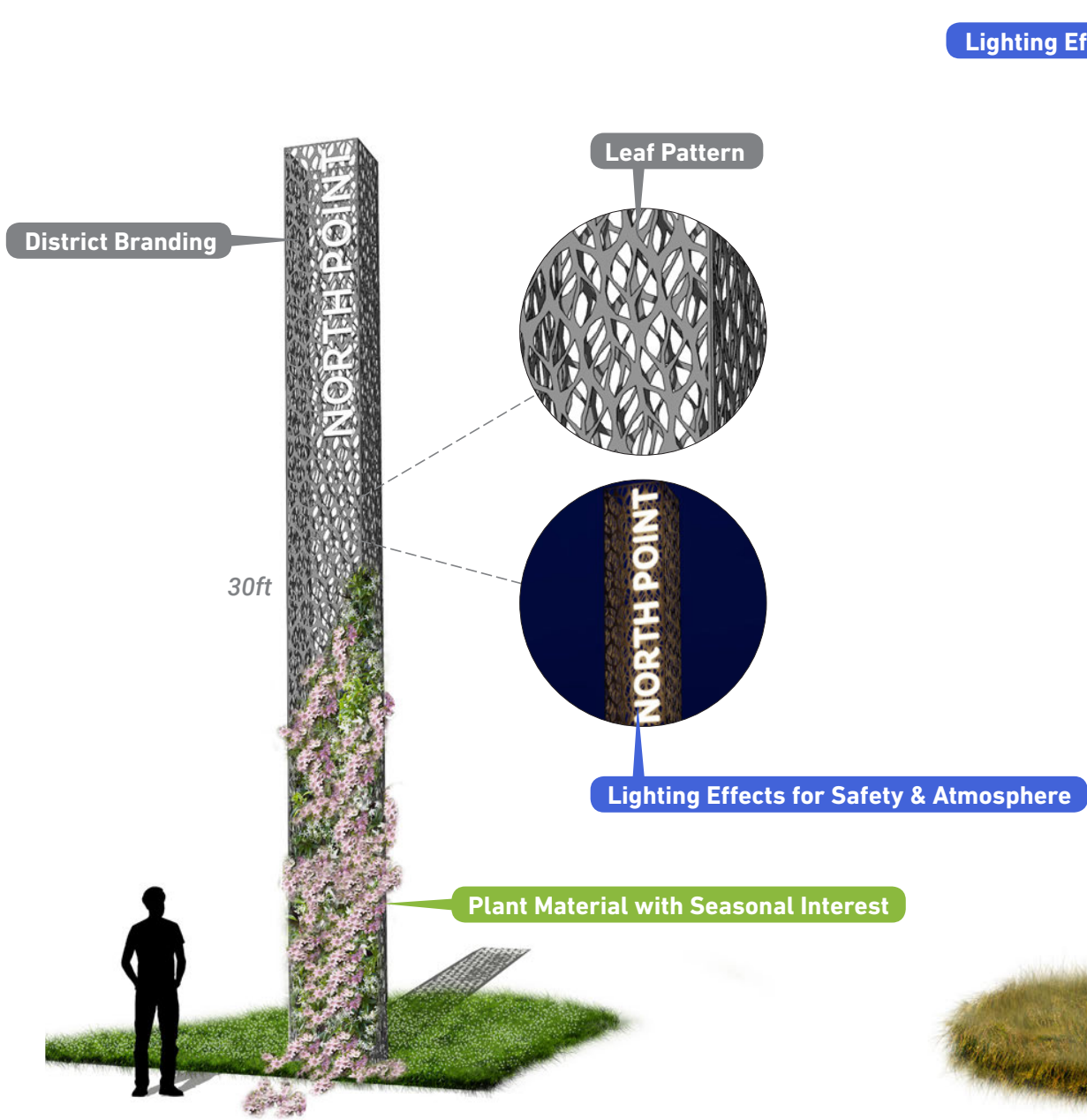
Scioto Audubon Metro Park - Columbus, OH



James Clarkson Environmental Discovery Center - White Lake Township, MI

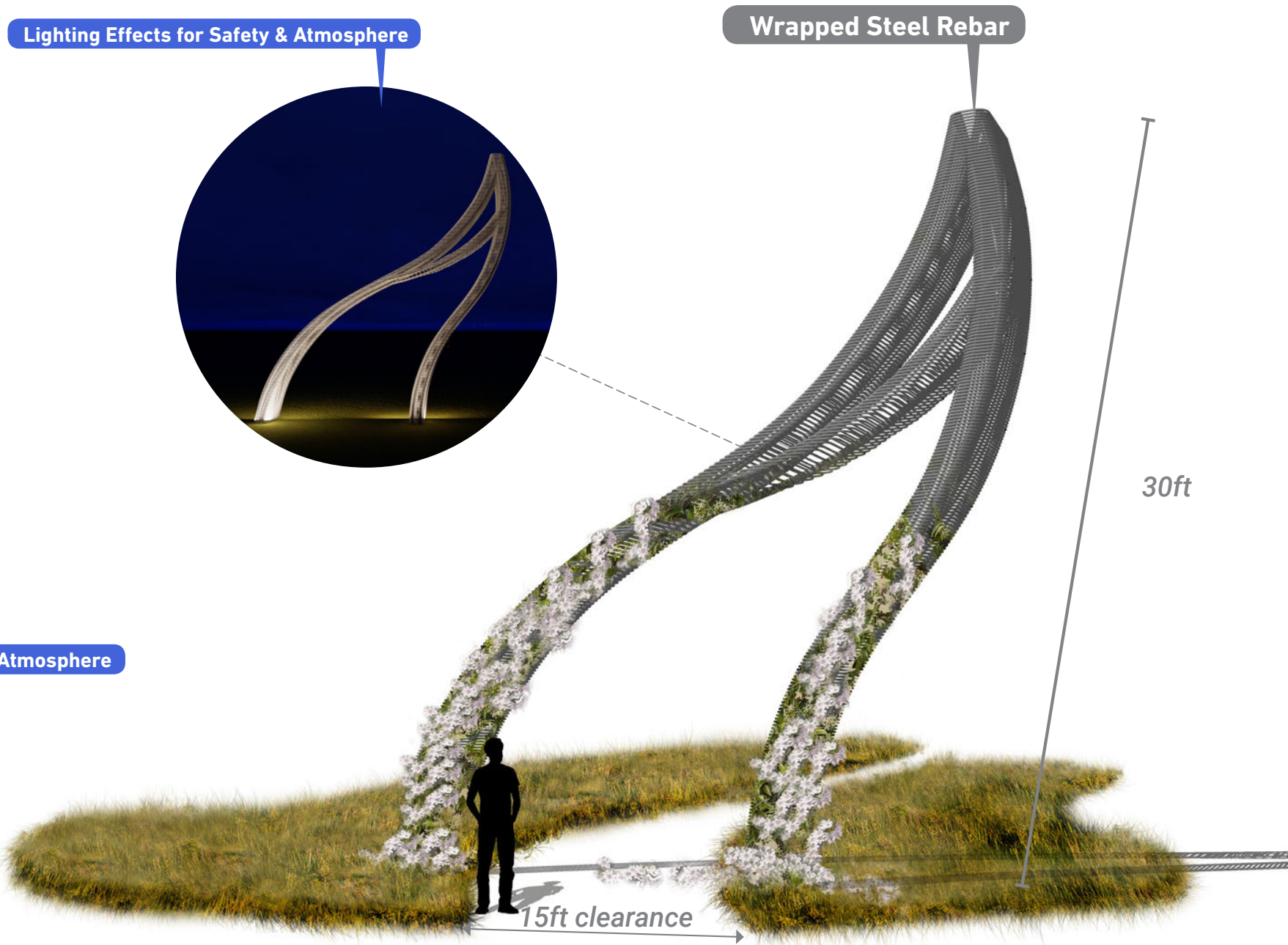
Placemaking

Gateways



The Lattice

The Lattice features an inlaid leaf pattern, raised lettering and is designed to accommodate plant material



The Alpha

The Alpha features a dynamic shape reminiscent of the letter "A" and is designed to accommodate plant material.



Cost & Constructability



Cost Estimate

Executive Summary

Haynes Bridge Rd
Crossing Concepts

At-Grade **\$1.57M**
Tunnel **\$7.15M**

Encore Pkwy
Fanfare Way to
North Point Pkwy

Buffered Bike Lane **\$202k**
(Interim)
Multi-use Trail **\$3.43M**

Haynes Bridge Rd to
Fanfare Way

\$6.56M

North Point
Center East

Buffered Bike Lane **\$199k**
(Interim)
Multi-use Trail **\$556k**

North Point Pkwy to
Big Creek Greenway

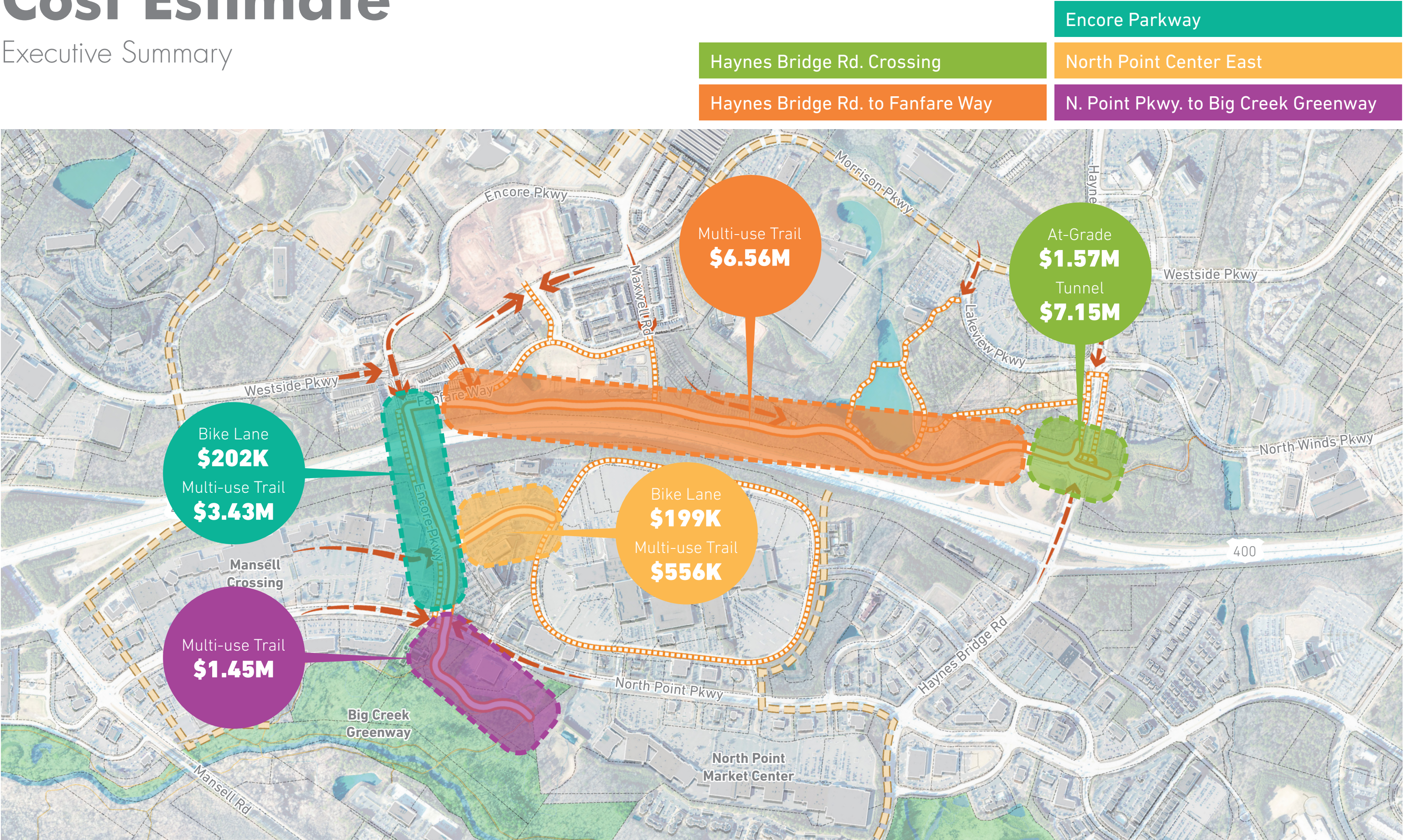
\$1.45M

Design &
Engineering

8-12%
of Construction Cost

Cost Estimate

Executive Summary



NORTH POINT AREA & ALPHA LOOP TRAIL CONNECTIVITY FEASIBILITY STUDY

COUNCIL PRESENTATION | 11.06.20



photo: alpharetta.ga.us





City Council Meeting STAFF REPORT

Submitting Department: Community Development

Submitted By: Kathi Cook

Sponsored By:

Meeting Date: November 16, 2020

I. AGENDA ITEM TITLE: UDC TEXT AMENDMENT NORTH POINT OVERLAY

CONSIDERATION OF AMENDMENTS TO THE NORTH POINT OVERLAY BOUNDARIES AND PRIORITY AREAS.

II. RECOMMENDATION:

This items is presented for City Council discussion and information purposes. No vote or formal action is requested at this time.

III. REPORT IN BRIEF:

Consideration of amendments to the North Point Overlay boundaries and priority areas.

IV. ALTERNATIVES:

V. ATTACHMENTS:

Workshop Staff Report, North Point LCI - Additions Map



CITY COUNCIL MEETING STAFF REPORT

SUBMITTING DEPARTMENT: COMMUNITY DEVELOPMENT

SUBMITTED BY: KATHI COOK

DRAFTED BY: MICHAEL WOODMAN

I. AGENDA ITEM TITLE: PH-20-18 UNIFIED DEVELOPMENT CODE TEXT AMENDMENTS – NORTH POINT OVERLAY

CITY COUNCIL (WORKSHOP): NOVEMBER 16, 2020

II. RECOMMENDATION:

Approve text amendments to the Unified Development Code related to the North Point Overlay boundary and priority areas.

III. REPORT IN BRIEF:

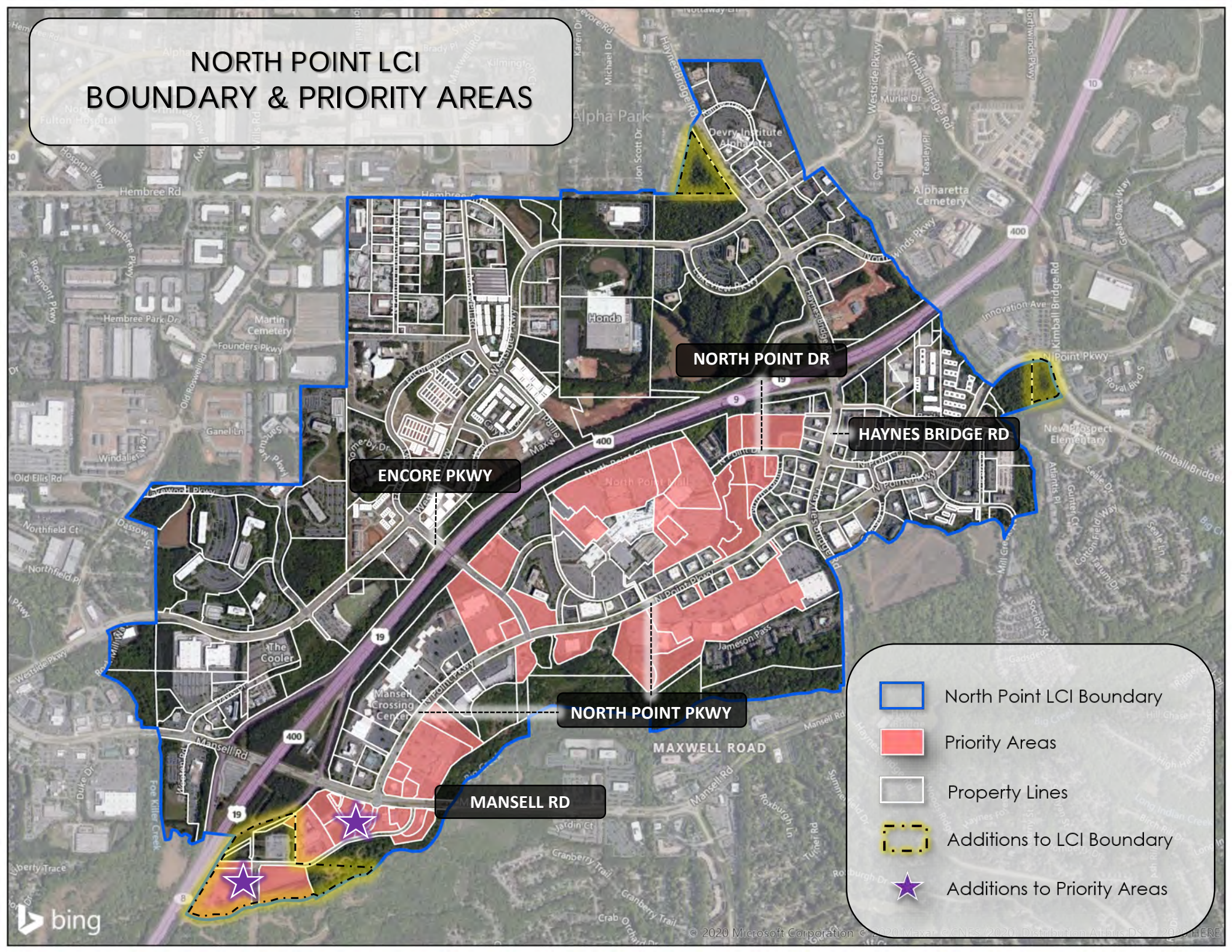
Consideration of text amendments to Unified Development Code (UDC) Subsection 2.10.2 North Point Overlay Use and Density, to amend the Overlay boundaries and priority areas. The City Council may authorize an increase to the residential density permitted in the underlying zoning district in conjunction with a request for conditional use permit for properties depicted in a priority area.

There are two (2) parcels of land, the Morrison Property at the northwest corner of Haynes Bridge Road and Morrison Parkway and the KB400 Property at the southwest corner of North Point Parkway and Kimball Bridge Road, where common ownership only includes a portion of the property within the North Point Overlay boundaries. In addition, the area to the south of the Mansell Road and North Point Parkway intersection is proposed to be added to the Overlay and become a priority area. There are currently two (2) shuttered restaurants and undeveloped properties in this area, which provide an opportunity to implement the vision of the Overlay to become a walkable, mixed-use environment.

IV. ATTACHMENTS:

- UDC Strike Through and Underline Edits

NORTH POINT LCI BOUNDARY & PRIORITY AREAS



NORTH POINT DR

HAYNES BRIDGE RD

ENCORE PKWY

NORTH POINT PKWY

MANSELL RD

-  North Point LCI Boundary
-  Priority Areas
-  Property Lines
-  Additions to LCI Boundary
-  Additions to Priority Areas



City Council Meeting STAFF REPORT

Submitting Department: Recreation, Parks & Cultural Services

Submitted By: Morgan Rodgers

Sponsored By:

Meeting Date: November 16, 2020

I. AGENDA ITEM TITLE: PARK RULES ORDINANCE UPDATE

II. RECOMMENDATION:

Staff seeks input and requests permission to work with the City Attorney to draft appropriate language to codify the updated rules in preparation for final consideration and adoption by City Council.

III. REPORT IN BRIEF:

Currently, the City Ordinance that deals with Park Rules is outdated. The City has added many parks, facilities, and services; however, the Park Rules Ordinance does not reflect the changes and additions that have been made to the park system.

The Recreation Commission utilized several of its monthly workshop meetings to review the current City Ordinance and to develop a new set of Park Rules that are in keeping with the current status of our City. Subsequently, the Recreation Commission approved unanimously at its November 12, 2019 meeting to recommend for adoption by City Council the attached Park Rules.

IV. ALTERNATIVES:

V. ATTACHMENTS:

Park Rules - draft - 11-3-20, Park categories (002), 5.13.91 - Ord. #286 Parks Rules and Regulations0001 (002)

Park Rules

11-3-20

Alcohol is not allowed except in designated event venues during city sponsored events

Tobacco/smoking/vaping/illegal drugs are not allowed

Motorized vehicles on roadways only

- No motorized vehicles on trails unless authorized by the City
- No motorized scooters, motorized skateboards, E-bikes, hover boards on trails or Alpharetta Greenway

Bikes are only allowed on roadways and Alpharetta Greenway

- Maximum speed for bikes is 15 mph
- Bikes are not permitted on park trails except the Alpharetta Greenway.
- Exception, children under the age of 6 on bikes are allowed on park trails when accompanied by an adult

Skateboards are allowed on the Greenway and in designated areas only.

- Designated areas will be posted with proper signage

Park hours are set according to park categories and are posted at each park. Park categories and a listing of all park hours can be found on the City of Alpharetta's website

- Active Parks – 5:00 am – 11:00 pm
- Greenway & Greenway Access Parks – Dawn to Dusk
- Neighborhood Parks – Dawn to Dusk
- Downtown Parks – Dawn to Midnight

No littering, vandalism, damage or removal of City property allowed

All pets must be on-leash, under physical control at all times, except at designated off-leash areas

- No pets or animals are allowed on athletic fields
- Pet waste must be picked up and disposed of properly

All organized programs and activities must be approved by the City

- Groups of 25 or more require a permit
- When using an athletic field, a group of 10 or more and Private Instruction require a permit

Cooking fires and charcoal are allowed in pavilion grills only

Park Rules continued

The following are prohibited except by permit issued by the City:

- Hunting, camping, urban camping, tents, open fires
- Fireworks, explosives
- Golf or archery
- Soliciting, vending, peddling, selling
- Cutting of trees or shrubs
- Removal or attachments of any kind to trees, plants or structures
- Amplified music or PA systems
- Overnight parking
- Drones, unmanned aerial vehicles, rockets, model aircraft
- Inflatables, petting zoos
- Metal detecting
- Construction of any structure (temporary or permanent)

Disorderly conduct is not permitted in any City Park

- Any disorderly conduct or behavior tending to a breach of the public peace such as
 - o Engaging in fighting or threatening, violent or tumultuous behavior
 - o Jostling or roughly crowding persons unnecessarily
 - o Creating a hazardous condition by any act which serves no legitimate purpose
 - o Causing or risking public inconvenience, annoyance or alarm
 - o Making an obscene communication or display

Active Parks – 5:00 am – 11:00 pm

1. Wills Park
2. North Park
3. Webb Bridge Park
4. Fitness Park on Westside
5. Union Hill Park

Greenway / Greenway Access – Dawn to Dusk

1. Big Creek Greenway
2. Beaver Creek Park
3. Haynes Bridge Park
4. Marconi Road Park
5. North Point Parkway Park
6. Preston Ridge Park
7. Rock Mill Park

Neighborhood Parks – Dawn to Dusk

1. Brookside Park
2. Cogburn Road Park
3. Encore Park
4. Windward Community Park
5. Maxwell Road Park
6. Silos Park
7. Old Rucker Park
8. Milton Avenue Park

Downtown Park – Dawn to Midnight

1. Brooke Street Park
2. Ole Milton Park
3. Thompson Street Park
4. Town Green
5. Maddox Park

AN ORDINANCE TO ESTABLISH
RULES AND REGULATIONS FOR PARKS
OWNED AND OPERATED BY THE
CITY OF ALPHARETTA, GEORGIA

The Council of the City of Alpharetta hereby ordains:

Section I - Park Rules

- A. There shall be a set of rules and regulations developed to set standards of conduct in the parks and recreational facilities owned or operated by the City of Alpharetta. These rules shall be designed to assure the safety and enjoyment of park participants.
- B. The rules of the Alpharetta parks are attached and made part of this ordinance by reference.

Section II - Enforcement

- A. All law enforcement officers of the City and officials and officers of the City are authorized, empowered, and directed to enforce compliance with this ordinance.
- B. Nothing in this ordinance shall prevent the enforcement of City and County ordinances and regulations or State Statutes or Code in any park or recreation facility owned or operated by the City of Alpharetta.
- C. Any person who violates any provision of this ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined not less than \$25.00 nor more than \$500.00, or confined in the City jail for a period not to exceed 45 days, or both, or to labor under City supervision on the streets, sidewalks, parks or other public works for a period not to exceed 45 days.

Section III - Public Notification

- A. The Recreation Director shall reproduce the rules in a format suitable for public distribution. Such copies of the park rules shall be available to the public at all City recreation buildings and other City locations, as deemed necessary by the Recreation Director.
- B. The Public Works Director shall have the rules reproduced on all weather signs and shall post said signs in the City's parks. Location of such signs shall be determined by Recreation Director and shall be placed in plain public view.

Section IV - Miscellaneous

- A. Severability. The provisions of this ordinance are severable, and if any provision or section is determined to be invalid or unconstitutional by a court of competent jurisdiction, the remaining provisions of this ordinance shall remain in full force and effect.
- B. Inclusion in Code. The provisions of this ordinance shall be included in the official Code of the City of Alpharetta.
- C. Repealer. All ordinance and parts of ordinances in conflict with this ordinance are hereby repealed.
- D. Effective Date. This ordinance shall become effective immediately upon its adoption.

Adopted this 13th day of May, 1991.

Mayor

Jimmy Phillips

Council Member

[Signature]

Council Member

Jonathan Beach

Council Member

Billy Suter

Council Member

Earl Mitchell

Council Member

[Signature]

Council Member

Sandra Johnson

Attest:

City Clerk

Lucy Ramwater

CITY OF ALPHARETTA
PARK RULES

No alcoholic beverages

No noise disturbances, as defined by local ordinance (including excess P.A. volume, car radios, etc.)

No motorized vehicles except on roadways

No littering

Speed limit 15 mph

Park closes at 10:00 p.m. except for scheduled events

Pets must be on leash except in connection with events approved by Recreation Director

Trails for walking and jogging only

All activities to be coordinated through the Recreation Department

No fire arms

No hunting

No camping except by permit issued by Recreation Director

Vandalism will be prosecuted

No fires except by permit issued by Recreation Director

No soliciting except with prior written approval of the Recreation Director