



City Council Meeting DECEMBER 14, 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. Alpharetta High School Volleyball Team Proclamation
- V. CONSENT AGENDA
 - A. Council Meeting Minutes (Meeting of 12/7/2020)
- VI. PUBLIC HEARING
 - A. V-20-17 130 Devore Road Waiting Period Variance
Consideration of a variance request to reduce the waiting period for an application for zoning change affecting the same property from one (1) year to six (6) months. The property is located at 130 Devore Road and is legally described as being located in Land Lot 693, 1st District, 2nd Section, Fulton County, Georgia.
 - B. PH-20-22/V-20-16 Sedgwick/Downtown Architecture Variance
Consideration of a change to previous condition of zoning and a variance to the Downtown Building Design requirements to allow an alternative architectural style for a single-family home. The property is located at 130 Devore Road and is legally described as being located in Land Lot 693, 1st District, 2nd Section, Fulton County, Georgia.
 - C. V-20-15 Castro/1190 Upper Hembree Rd Tree Recompense Variance
Consideration of a variance to eliminate tree recompense on three (3) single-family residential lots. The property is located at 1190 Upper Hembree Road and is legally described as being located in Land Lot 550, 1st District, 2nd Section, Fulton County, Georgia.
 - D. PH-20-20 North Point Urban Redevelopment Plan
Consideration of adoption of the North Point Urban Redevelopment Plan as a condition prerequisite to apply for a Georgia State Opportunity Zone as an economic development incentive to help revitalize the North Point area.
- VII. OLD BUSINESS
 - A. PH-20-16 Unified Development Code Text Amendments – Stormwater and Floodplain Management **(2nd Reading)**
Consideration of text amendments to the Unified Development Code to amend regulations associated with stormwater and floodplain management.
 - B. Consideration to Amend the Charter of the City of Alpharetta, Georgia by Ordinance Pursuant to "The Municipal Home Rule Act of 1965" O.C.G.A. § 36-35-1, Et Seq., To Permit City Councilmembers to Participate in City Council Meetings Via Teleconference Consistent with State Law **(2nd Reading)**
 - C. Consideration of an Ordinance to Amend the City of Alpharetta Alcoholic Beverage Ordinance so as to Change the Minimum Age for Servers from 21 to 18; to Repeal Conflicted Ordinances; and for Other Purposes **(2nd Reading)**
Sponsored By: Council Member Hipes

VIII. NEW BUSINESS

A. Public Safety Vehicle Replacements

B. Extension of the IGA with the City of Milton Regarding Shared Municipal Court Clerk Services

IX. PUBLIC COMMENT

X. REPORTS

XI. ADJOURNMENT TO EXECUTIVE SESSION



City Council Meeting STAFF REPORT

Submitting Department: City Clerk

Submitted By:

Sponsored By:

Meeting Date: December 14, 2020

I. AGENDA ITEM TITLE: COUNCIL MEETING MINUTES (MEETING OF 12/7/2020)

II. RECOMMENDATION:

III. REPORT IN BRIEF:

IV. ALTERNATIVES:

V. ATTACHMENTS:

Council Meeting Minutes Draft 12-7-2020



City Council Meeting
December 7, 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
- 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. PRESENTATIONS & PROCLAMATIONS

A. GA Recreation & Parks Association Student of the Year Award - Meredith Ray

V. CONSENT AGENDA

A. Council Meeting Minutes (Meeting of 11/30/2020)

B. Financial Management Report: Month Ending October 31, 2020

C. Alcoholic Beverage License Applications

- 1. PH-20-AB-17 Rena's Italian Fishery & Grill, LLC
Rena's Italian Fishery & Grill
240 South Main Street, Suite M
Alpharetta, GA 30009**

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

**Owner: Rena's Italian Fishery & Grill, LLC
Registered Agent: Darren Henderson**

- 2. PH-20-AB-18 Mikhail Mart, LLC
Mikhail Mart
3325 Old Milton Parkway
Alpharetta, GA 30005**

**Convenience Store
Retail Package Sales
Beer, Wine & Sunday Sales**

**Owner: Mikhail Mart, LLC
Registered Agent: Medhat Karout**

- Council Member Binder requested that the Financial Management Report: Month Ending October 31, 2020 be removed from the consent agenda in order for the Director of Finance, Tom Harris, to present an overview.
- ❖ Council Member Hipes offered a motion to approve the consent agenda excluding the Financial Management Report: Month Ending October 31, 2020
 - The motion received a second from Council Member Richard
 - The motion was approved unanimously (7-0)

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 October 31, 2020
 - The motion received a second from Mayor Pro Tem Mitchell
 - The motion was approved unanimously (7-0)

VI. NEW BUSINESS

A. Consideration to Amend the Charter of the City of Alpharetta, Georgia by Ordinance Pursuant to "The Municipal Home Rule Act of 1965" O.C.G.A. § 36-35-1, Et Seq., To Permit City Councilmembers to Participate in City Council Meetings Via Teleconference Consistent with State Law (1st Reading)

- City Attorney, Sam Thomas, came forward to present this item.
- Staff is recommending that Mayor and Council approve an ordinance to amend Article 11, Section 2.20 of the City Charter by ordinance pursuant to "The Municipal Home Rule Act of 1965" O.C.G.A. § 36-35-1, et seq., to permit City Councilmembers to participate in City Council Meetings via teleconference consistent with State Law; to repeal conflicting ordinances; to provide for an effective date; and for other purposes.
- Article IX, Section II, Paragraph II of the Constitution of the State of Georgia, entitled Home Rule for Municipalities, allows the General Assembly of the State of Georgia to provide by law for the self-government of municipalities, which the General Assembly has done with The Municipal Home Rule Act of 1965, O.C.G.A. § 36-35-1, et seq.
- O.C.G.A. § 36-35-3 provides that the governing authority of each municipal corporation shall have legislative power to adopt clearly reasonable ordinances, resolutions and regulations relating to its property, affairs, and local government for which no provision has been made by general law and which are not inconsistent with the Constitution or any charter provision applicable thereto.
- The Mayor and Council desire to amend the Charter of the City of Alpharetta so as to update the Act to allow Councilmembers to participate in City Council meetings via teleconference to the greatest extent permitted by state law, including, but not limited to O.C.G.A. § 50-14-1.
- If approved the following amendments will be made to the City Charter:
 - o **Section One of Amendment.** Article 11, Section 2.20 is amended by a new paragraph (c) as follows: "Sec. 2.20(c) Members of the City Council of the City of Alpharetta, Georgia are also authorized to participate in City Council meetings via teleconference to the greatest extent permitted by state law, including, but not limited to O.C.G.A. § 50-14-1."
 - o **Section Two of Amendment.** This Ordinance shall become effective immediately upon a copy of this Ordinance, the required notice of publication, and affidavits of a duly authorized representative of The Herald and The Fulton County Daily Report to the effect that the notice has been published as provided in O.C.G.A. § 36-35-1, et seq., having been filed with the Secretary of State. The City Attorney is directed to affect such filings as soon as is reasonably practicable.
- City Attorney, Sam Thomas, read the ordinance aloud.
- Mayor Gilvin recommended that we also adopt an ordinance to update our boards and commissions ordinance to permit meetings via teleconference.

Public Comment

- No Public Comment

- ❖ Council Member Binder offered a motion to approve as presented the first reading of an ordinance to amend Article 11, Section 2.20 of the City Charter by ordinance pursuant to "The Municipal Home Rule Act of 1965" O.C.G.A. § 36-35-1, et seq., to permit City Councilmembers to participate in City Council Meetings via teleconference consistent with State Law; to repeal conflicting ordinances; to provide for an effective date; and for other purposes
 - The motion received a second from Council Member Richard
 - The motion was approved unanimously (7-0)

B. Consideration of an Ordinance to Amend the City of Alpharetta Alcoholic Beverage Ordinance so as to Change the Minimum Age for Servers from 21 to 18; to Repeal Conflicted Ordinances; and for Other Purposes (1st Reading) Sponsored By: Council Member Hipes

- City Attorney, Sam Thomas, came forward to present this item.
- Staff recommends that City Council approve as presented the first reading of an ordinance to amend Chapter 4 (Alcoholic Beverages) of the Code of the City of Alpharetta, Georgia; to change the minimum age for employee servers from 21 to 18; to provide for an effective date; to repeal conflicting ordinances; and for other purposes.
- Chapter 4 (Alcoholic Beverages) of The Code of the City of Alpharetta, Georgia provides regulations governing the sale of alcoholic beverages within the City. As currently adopted, the ordinance stipulates that an employee of a business licensed to sell alcoholic beverages must be at least 21 years of age in order to sell / serve such beverages.
- The minimum age for an employee to serve alcoholic beverages under State law is 18 years of age. Thus, the presented amendment would match the local ordinance to the State law.
- The ordinance presented would amend Chapter 4 so as to allow for the issuance of an alcoholic beverage permit (i.e., server permit) to a person 18 years of age or older and who sells, serves, or dispenses alcoholic beverages.
- City Attorney, Sam Thomas, read the ordinance aloud.

Public Comment

- Dave Filipowicz, 260 Canton Street, Alpharetta, GA 30009, came forward in support of the ordinance.
- ❖ Council Member Hipes offered a motion to approve as presented the first reading of an ordinance to amend Chapter 4 (Alcoholic Beverages) of the Code of the City of Alpharetta, Georgia; to change the minimum age for employee servers from 21 to 18; to provide for an effective date; to repeal conflicting ordinances; and for other purposes
 - The motion received a second from Council Member Merkel
 - The motion was approved unanimously (7-0)

VII. PUBLIC COMMENT

- No Public Comment

VIII. REPORTS

- Council Member Merkel appointed Michael Gordy as his appointee to the Board of Zoning Appeals.
- City Administrator, Bob Regus, came forward to present the possible TSPLOST 2022 Referendum Schedule.

IX. ADJOURNMENT

- ❖ With no further business to discuss or items to be heard, Mayor Gilvin adjourned the meeting at 7:12 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:

Sponsored By:

Meeting Date: December 14, 2020

I. AGENDA ITEM TITLE: V-20-17 130 DEVORE ROAD WAITING PERIOD VARIANCE

CONSIDERATION OF A VARIANCE REQUEST TO REDUCE THE WAITING PERIOD FOR AN APPLICATION FOR ZONING CHANGE AFFECTING THE SAME PROPERTY FROM ONE (1) YEAR TO SIX (6) MONTHS. THE PROPERTY IS LOCATED AT 130 DEVORE ROAD AND IS LEGALLY DESCRIBED AS BEING LOCATED IN LAND LOT 693, 1ST DISTRICT, 2ND SECTION, FULTON COUNTY, GEORGIA.

II. RECOMMENDATION:

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:

V. ALTERNATIVES:

VI. ATTACHMENTS:

Staff Report



CITY COUNCIL MEETING STAFF REPORT

SUBMITTING DEPARTMENT: COMMUNITY DEVELOPMENT

SUBMITTED BY: KATHI COOK

DRAFTED BY: MICHAEL WOODMAN

I. AGENDA ITEM TITLE: V-20-17 SEDGWICK/130 DEVORE ROAD WAITING PERIOD VARIANCE

CITY COUNCIL: DECEMBER 14, 2020

II. RECOMMENDATION:

Approve V-20-17 Sedgwick/130 Devore Road request for waiting period variance.

III. REPORT IN BRIEF:

The applicant, Michele Sedgwick, requests a variance to reduce the waiting period for Council consideration of an application for zoning change affecting the same property from one (1) year to six (6) months, per Unified Development Code Section (UDC) 4.2.1(C). A rezoning and variance request (Z-20-02/V-20-06) was approved on May 26, 2020 to allow for a single-family detached home. The applicant is currently requesting a change to previous conditions of zoning and variance to allow for a change to the architectural style of the home. The subject property is located at 130 Devore Road on the south side of Devore Road between Alpharetta Highway and Karen Drive.

IV. ATTACHMENTS:

N/A



City Council Meeting STAFF REPORT

Submitting Department: Community Development

Submitted By:

Sponsored By:

Meeting Date: December 14, 2020

I. AGENDA ITEM TITLE: PH-20-22/V-20-16 SEDGWICK/DOWNTOWN ARCHITECTURE VARIANCE

CONSIDERATION OF A CHANGE TO PREVIOUS CONDITION OF ZONING AND A VARIANCE TO THE DOWNTOWN BUILDING DESIGN REQUIREMENTS TO ALLOW AN ALTERNATIVE ARCHITECTURAL STYLE FOR A SINGLE-FAMILY HOME. THE PROPERTY IS LOCATED AT 130 DEVORE ROAD AND IS LEGALLY DESCRIBED AS BEING LOCATED IN LAND LOT 693, 1ST DISTRICT, 2ND SECTION, FULTON COUNTY, GEORGIA.

II. RECOMMENDATION:

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:

V. ALTERNATIVES:

VI. ATTACHMENTS:

Staff Report, Aerial Map, Future Land Use, Zoning Map, Location Map, CZIM 11.11.20, Complete Citi Part B, Architect Presentation, App, Renderings, Plans Combined



CITY COUNCIL MEETING STAFF REPORT

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

I. AGENDA ITEM TITLE: PH-20-22/V-20-16 SEDGWICK/130 DEVORE ROAD

CITY COUNCIL: DECEMBER 14, 2020

II. RECOMMENDATION:

Approve PH-20-22/V-20-16 Sedgwick/130 Devore Road, subject to the following conditions:

1. Architecture and materials shall be substantially similar to the submitted renderings, as approved by Staff.
2. Landscaping along the street frontage shall be substantially similar to the submitted rendering and shall be supplemented with additional trees, as approved by Staff.
3. All previous conditions of zoning related to Z-20-02/V-20-06 Sedgwick Residence/Devore Road shall remain in effect, except as modified in the conditions above.

III. REPORT IN BRIEF:

The applicant, Michele Sedgwick, is requesting a change to previous conditions of zoning and a variance on a 0.29-acre property approved for a single-family detached home. The request would allow for the use of an architectural style that is not approved in the Downtown Overlay. The subject property is located at 130 Devore Road on the south side of Devore Road between Alpharetta Highway and Karen Drive.

DISCUSSION

The submitted request, if approved, would allow for the use of a Contemporary or International architectural style, which is not approved for use in the Downtown Overlay. A previous condition of zoning required that the architecture of the home be substantially similar to the submitted renderings, which was Mercantile style. The subject property is located at 130 Devore Road on the south side of Devore Road between Alpharetta Highway and Karen Drive.

The property is currently undeveloped. The subject property was approved on May 26, 2020 for a rezoning from C-2 (General Commercial) to DT-MU (Downtown Mixed-Use) to allow for the construction of a single-family detached home on 0.29 acres. Surrounding properties are zoned C-2 to the north and west and O-I (Office Institutional) to the south and east. Bank of America is located to the north, Seven Seas Café is located to the west and Colony Park office park is located to the south and east.

The applicant proposes the following change to the previous conditions of zoning related to Z-20-02/V-20-06 Sedgwick Residence/Devore Road (changes reflected in red):

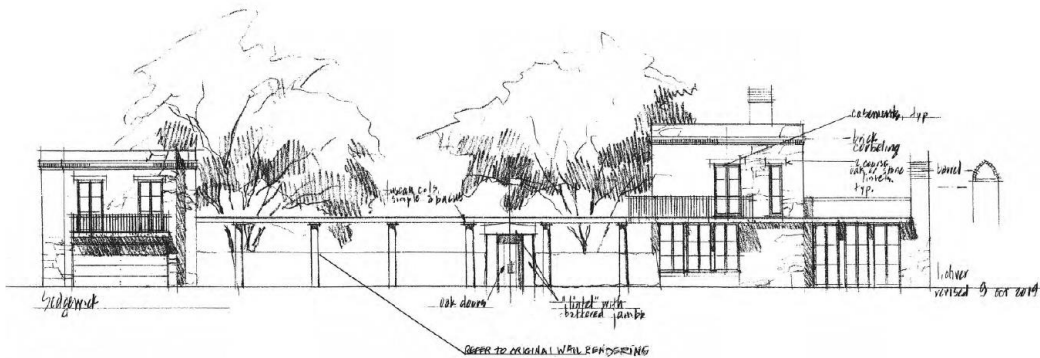
4. Architecture and materials shall be substantially similar to the submitted renderings, ~~except for modifications required to comply with the Downtown Consultant's markups related to the home and in compliance with the Alpharetta Downtown Code, with final approval by DRB.~~

There have been two (2) previous variance requests from the Downtown architectural requirements. The Maxwell mixed-use development at the northeast corner of South Main Street and Devore Road was approved in January 2017 allowing commercial and residential buildings to be designed in the Mercantile style. West of Main, located at the northeast corner of Canton Street and Church Street, was also approved in January 2017 to allow townhomes in the Tudor Eclectic style. In September 2017, both styles were added as permitted styles in the Downtown Overlay. The addition of the two (2) architectural styles was supported by the City's Downtown Consultant, who believed that the styles were compatible with the historic intent and architectural styles approved in the Downtown Overlay.

BUILDING ELEVATIONS & ARCHITECTURE

City Council previously approved the rendering below, which depicts a Mercantile style. The new proposed design depicts the home in a Contemporary or International style and maintains a similar footprint, massing and roofline as the currently approved design. The new design is by architect Manuel Cervantes and proposes a simple and subtle aesthetic using local vernacular materials (stone and wood) and earth tones. Large floor-to-ceiling windows separated by vertical oak columns are depicted across the façade of the home with oak shutters across the ground level of the home and garage. For reference, the currently approved rendering and proposed rendering are depicted below.

Current Approved Design



Proposed Design



The City's Downtown Consultant reviewed the applicant's proposal and does not believe that it achieves the Mercantile style or historic intent described in the Downtown Design Guidelines. However, he does think that the design has merit and should be considered for approval. The adjacent examples of design on the south side of Devore Road are underwhelming, and do not meet the intent of the design guidelines. The applicant's design encourages quality design effort and sets a high standard for the area. In addition, the series of walls and landscaping are nearly as prominent as the home. Once the landscaping matures, the home will likely blend with the surroundings.

VARIANCE REQUIREMENTS

The City of Alpharetta Unified Development Code Article IV, Section 4.5.3 outlines the criteria set forth for granting a hardship variance. The ordinance specifically states..."a variance may be granted in whole or in part, or with conditions, in such individual case of unnecessary hardship upon a finding that":

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography; or

Response: There are not conditions specific to the subject property that impact the applicant's ability to construct a home in one of the approved Downtown architectural styles. The applicant desires an architectural style that is not approved in the Downtown. However, the other residential properties along the south side of Devore Road are zoned R-12 and located within a subdivision (Alpha Park), which are exempt from the Downtown architectural regulations. In addition, the property is not located on a Corridor of Influence such as, Main Street or Haynes Bridge Road, nor is it located in the Downtown Core as designated in the Downtown Master Plan and therefore, has less of an impact.

2. The application of the Ordinance to this particular piece of property would create an unnecessary hardship; or

Response: The application of the Ordinance to the subject property would not create an unnecessary hardship. The applicant desires an architectural style that is not approved in the Downtown.

3. There are conditions that are peculiar to the property which adversely affect its reasonable use or usability as currently zoned; or

Response: There are not conditions specific to the subject property that impact the applicant's ability to construct a home in one of the approved Downtown architectural styles. The applicant desires an architectural style that is not approved in the Downtown. However, the other residential properties along the south side of Devore Road are zoned R-12 and located within a subdivision (Alpha Park), which are exempt from the Downtown architectural regulations. In addition, the property is not located on a Corridor of Influence such as, Main Street or Haynes Bridge Road, nor is it located in the Downtown Core as designated in the Downtown Master Plan and therefore, has less of an impact.

4. Relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of the Ordinance.

Response: The applicant's request should not cause a substantial detriment to the public good. The property is not located on a Corridor of Influence such as, Main Street or Haynes Bridge Road, nor is it located in the Downtown Core as designated in the Downtown Master Plan and therefore, has less of an impact. While the City's Downtown Consultant agrees that the request does not meet the Downtown design guidelines, he believes the design has merit and should be considered for approval. The adjacent examples of design are underwhelming, and do not meet the intent of the design guidelines. The applicant's design encourages quality design effort and sets a high standard for the area. The walls and landscaping, once mature, will likely screen the home from the street.

CONCURRENCES

Staff has reviewed the applicant's proposal and finds that it can generally support the applicant's request for a change to previous conditions of zoning and variance. While the request does not meet the Downtown design guidelines, the design has merit and would set a high standard for the area. The property is not located on a Corridor of Influence such as, Main Street or Haynes Bridge Road, nor is it located in the Downtown Core as designated in the Downtown Master Plan and therefore, has less of an impact. In addition, the other residential properties on the south side of Devore Road and located in Alpha Park are exempt from meeting the Downtown building design regulations.

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.

IV. ATTACHMENTS:

- Site Plan
- Building Elevations

PH-20-22 / V-20-16

0694

0695

Roswell Street

South Main Street

Janis Lane

Burton Drive

Devore Road

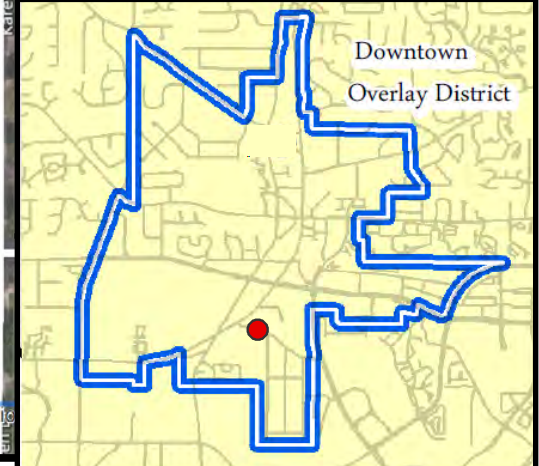
Karen Drive

0693

0696

LEGEND

- Case Number
- Land Lots
- Tax Parcels



Aerial Map

Sedgwick Variance to DT Architectural Requirements
130 Devore Road

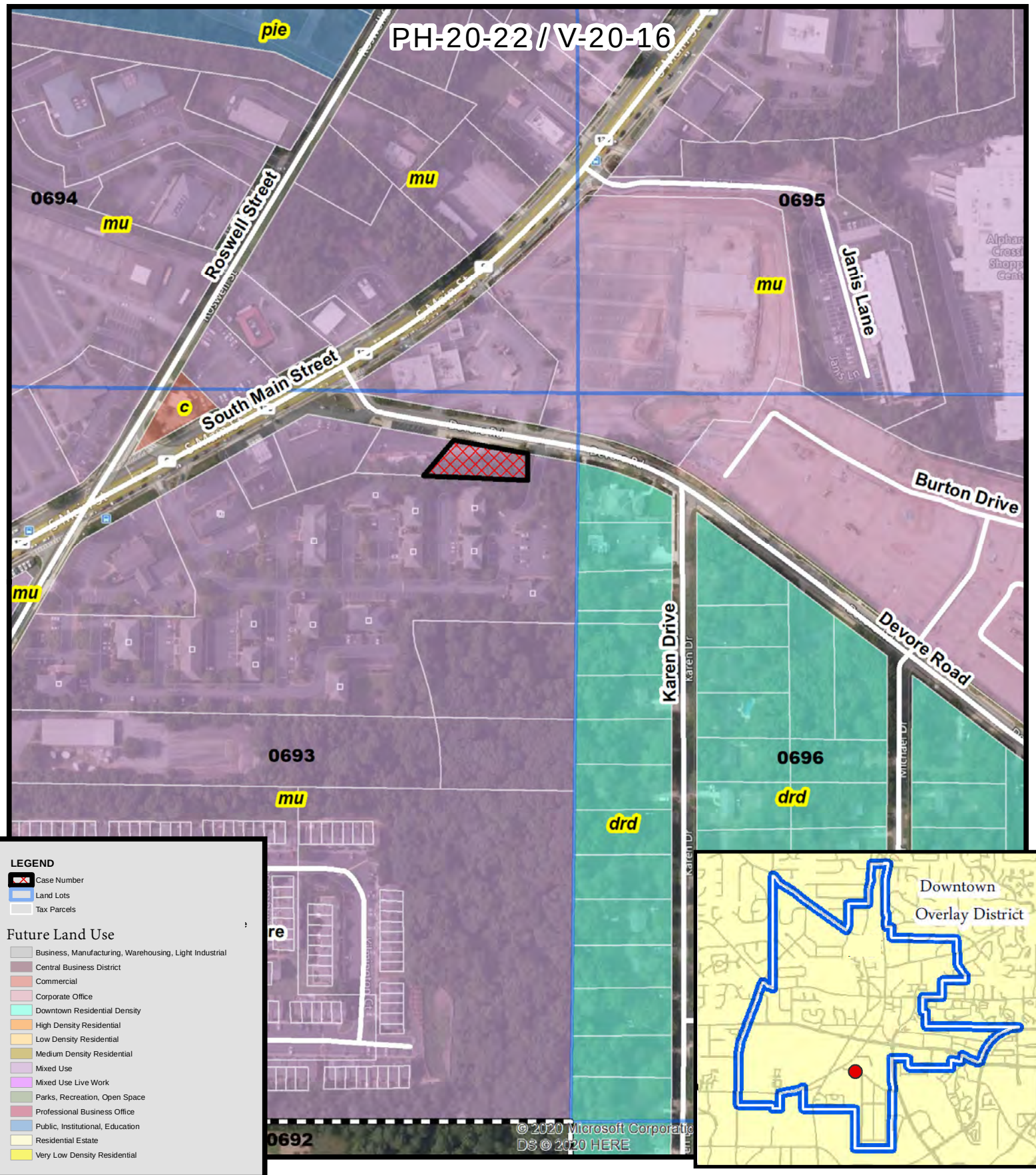
PH-20-22 / V-20-16

D/LL: 1/2/693

CC: 12/14/20



Location Map Provided by:
Community Development - GIS

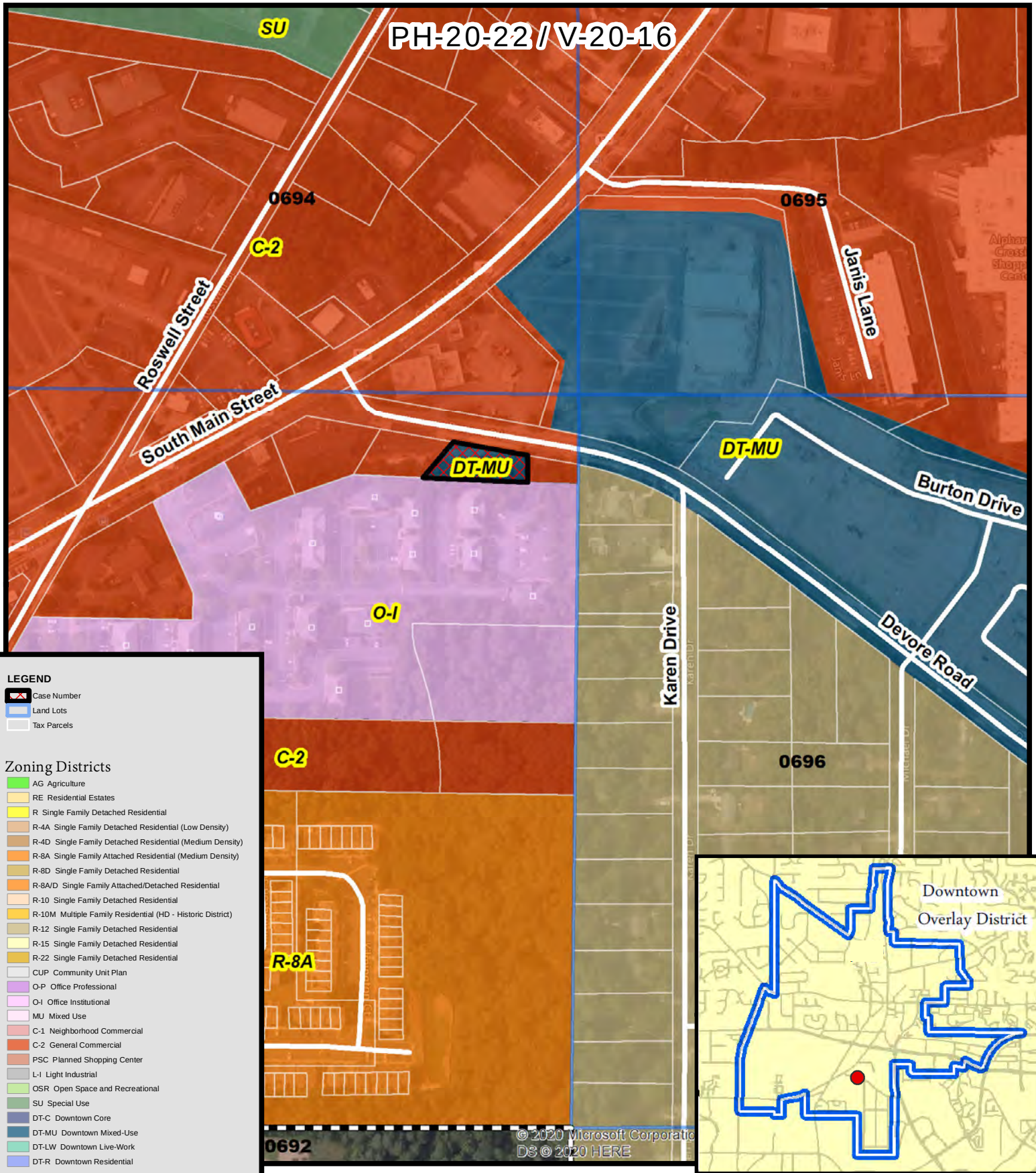


Future Land Use
Sedgwick Variance to DT Architectural Requirements
130 Devore Road

PH-20-22 / V-20-16
D/LL: 1/2/693
CC: 12/14/20



Location Map Provided by:
 Community Development - GIS

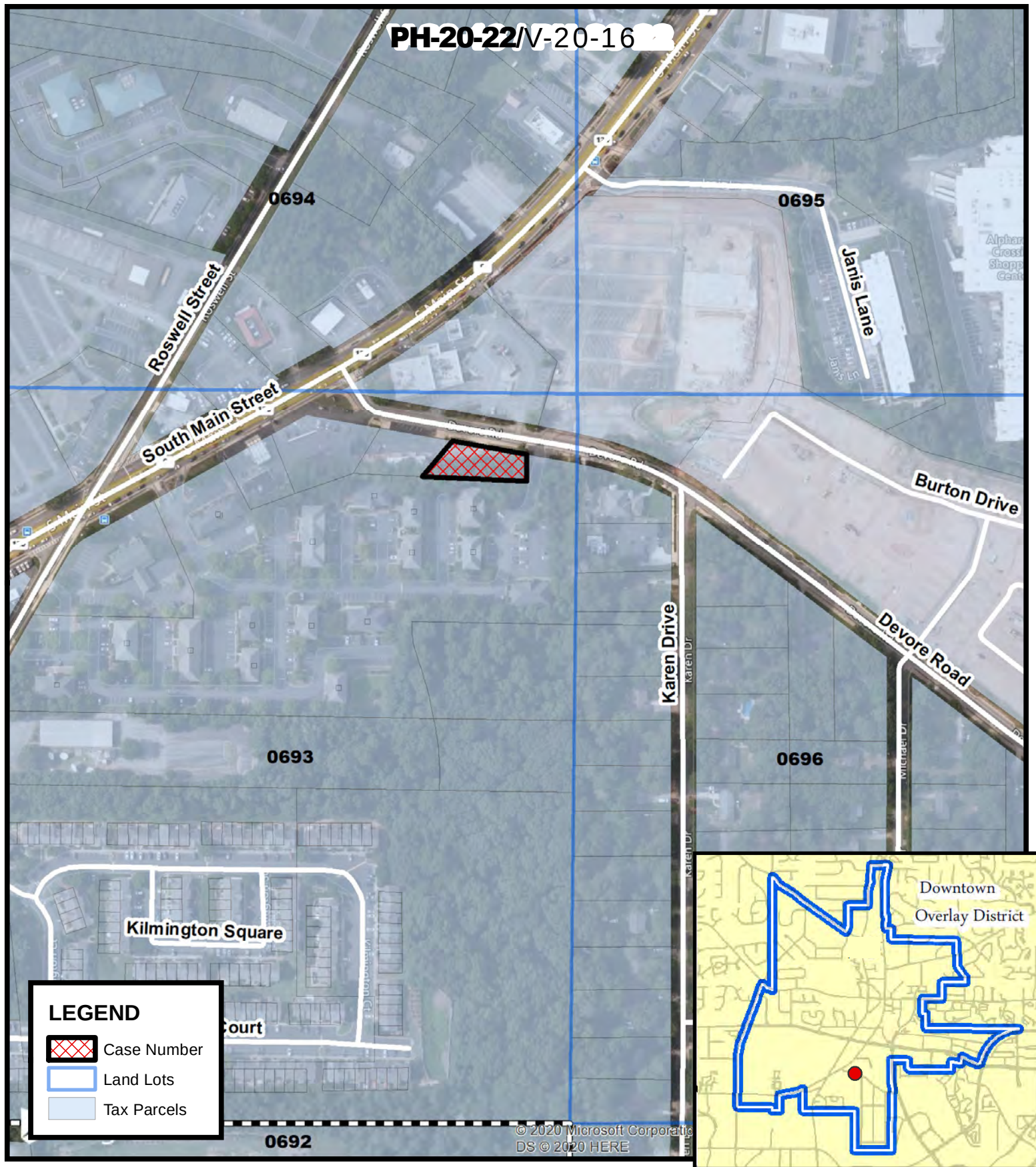


Zoning Districts
Sedgwick Variance to DT Architectural Requirements
130 Devore Road

PH-20-22 / V-20-16
 D/LL: 1/2/693
 CC: 12/14/20



Location Map Provided by:
 Community Development - GIS



Location Map
Sedgwick Variance to DT Architectural Requirements
130 Devore Road

PH-20-22/V-20-16
D/LL: 1/2/693
CC: 12/14/20

Location Map Provided by:
Community Development - GIS

Go to www.menti.com and use the code 25 09 22 6

Sedgwick Architecture Variance - V-20-16/PH-20-22

 Mentimeter

Beautiful design



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: Devore Road Variance application

Contact Name: Michele Sedgwick Telephone: 678-595-7008

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 Comments were recieved.

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: 12/01/2020

Print Form

October 30, 2020

V-20-16/PH-20-22.

Sedgwick Variance to Downtown Architectural Requirements

130 Devore Road , Alpharetta, Ga. 30009

Dear Property Owner:

We have filed a Public Hearing Application with the City of Alpharetta for consideration of a request for a variance to the Downtown architectural requirements.

The Community Zoning Information Meeting will be held on Wednesday, November 11, 2020 at 6:00 p.m. in Council Chambers at City Hall. This is an informal, drop in style meeting to allow the Public to view current Applications and speak with the Applicants.

The Public Hearing is scheduled for Monday, December 14, 2020 at 6:30 p.m. in Council Chambers at City Hall, 2 Park Plaza, Alpharetta, GA, 30009.

If you have questions or wish further information, please contact
678-595-7008

Sincerely,

Michele Sedgwick

A handwritten signature in black ink, appearing to be 'Michele Sedgwick', with a long horizontal stroke extending to the right.

ATLANTA CABLE PARTNERS L P
1 COMCAST CENTER 32ND FL
PHILADELPHIA PA 19103-2838

BYINGTON FRANK & MADGE
310 MAXWELL RD STE 100
ALPHARETTA GA 30009-2061

COLONY PARK INC
284 S MAIN ST STE 400
ALPHARETTA GA 30009

COUNTRY MANOR HOMES DEV CORP
284 SOUTH MAIN ST # 600
ALPHARETTA GA 30004

COUNTRY MANOR HOMES DEVELOPMENT CORP
284 S MAIN ST
ALPHARETTA GA 30004

CRABAPPLE LAKES INC
284 SOUTH MAIN ST # 600
ALPHARETTA GA 30004

DANIELAK MARY H
314 MAXWELL RD STE 400
ALPHARETTA GA 30201

DANIELAK MICHAEL W & MARY
314 MAXWELL RD # 300
ALPHARETTA GA 30201

DOVE JAMES D
292 S. MAIN ST SUITE 500
ALPHARETTA GA 30009

DOVE PAUL F
292 S MAIN ST STE 600
ALPHARETTA GA 30009-1985

DURGA PROPERTIES LLC
280 S MAIN ST
ALPHARETTA GA 30009

FULTON COUNTY BANK
101 N TRYON ST
CHARLOTTE NC 28255

GIGLIA PETER J
284 S MAIN ST STE 800
ALPHARETTA GA 30009

HARDCASTLE JAMES ROBERT
314 MAXWELL RD SUITE 500
ALPHARETTA GA 30004

HFT INVESTMENT HOLDINGS LLC
285 KAREN DR
ALPHARETTA GA 30009

HODGSON ENTERPRISES LLC
294 SOUTH MAIN ST # 300
ALPHARETTA GA 30004

HOLIDAY ENTERTAINMENT LLC
1827 POWERS FERRY RD # 5
ATLANTA GA 30339

IAN CONRAD ORDWAY LIVING TRUST THE
14738 BIRMINGHAM HWY
ALPHARETTA GA 30004

J & J PROPERTIES INC
P.O. BOX 22147
KNOXVILLE TN 37933

JDR HOLDINGS LLC
292 SOUTH MAIN ST # 200
ALPHARETTA GA 30004

JENNINGS CENTURY DRIVE LLC
284 S MAIN ST # 900 & 1000
ALPHARETTA GA 30009

JPM VENTURES LLC
292 SOUTH MAIN ST
ALPHARETTA GA 30009

KARTOS JOHN L
P.O. BOX 22147
KNOXVILLE TN 37933

KENT RONALD & ELIZABETH
294 KAREN DR
ALPHARETTA GA 30009-2114

KREIKEMEIER JOHN E & JEAN
292 SOUTH MAIN ST #100
ALPHARETTA GA 30004-1950

L & L REAL ESTATE INC
282 SOUTH MAIN ST # S-D
ALPHARETTA GA 30004

LAMBERT DANNY R
315 KAREN DR
ALPHARETTA GA 30009

LINEAR INVESTMENT GROUP LLC
P O BOX 2303
ALPHARETTA GA 30023

MADDOX RANDALL C & MONIQUE S
5435 TALLANTWORTH TRL
CUMMING GA 30040

MAMMOTH DETAIL SALON INC
255 S MAIN ST
ALPHARETTA GA 30009

MF 217 MAIN LLC
26 MILTON AVE
ALPHARETTA GA 30009

NAHSER DONALD P
305 KAREN DR
ALPHARETTA GA 30004-2115

NEWSOME BARBARA S & RONALD J
1500 CUMBERLAND CT
ALPHARETTA GA 30009-3120

PERLING JONATHAN & ALLYSON
P O BOX 92
ALPHARETTA GA 30009

PURE TAQUERIA LLC
103 ROSWELL ST
ALPHARETTA GA 30009

RACHEL TRIBBLE
304 KAREN DR
ALPHARETTA GA 30009

RIVOLI PROPERTIES INC & ALPHA
DEVELOPMENT CORP
PO BOX 92
ALPHARETTA GA 30009

ROGERS DAVID
314 MAXWELL RD # 100
ALPHARETTA GA 30201

ROGERS DAVID
314 MAXWELL RD # 200
ALPHARETTA GA 30201

RP DEVELOPMENT LLC
308 S MAIN ST SUITE 100
ALPHARETTA GA 30004

SOURCE CAPITAL INVESTMENTS L.L.C
330 RHODES CHASE CT
ALPHARETTA GA 30004

TALLANT PROPERTIES LLC
206 HIDDEN RIVER DR
WOODSTOCK GA 30188

THOMPSON RICHARD L
14315 WYNDHAM FARMS DR
MILTON GA 30004-3264

TRIBBLE DONNA E
285 KAREN DR
ALPHARETTA GA 30009

WICKS RONALD S & MARY A
270 S MAIN ST
ALPHARETTA GA 30009

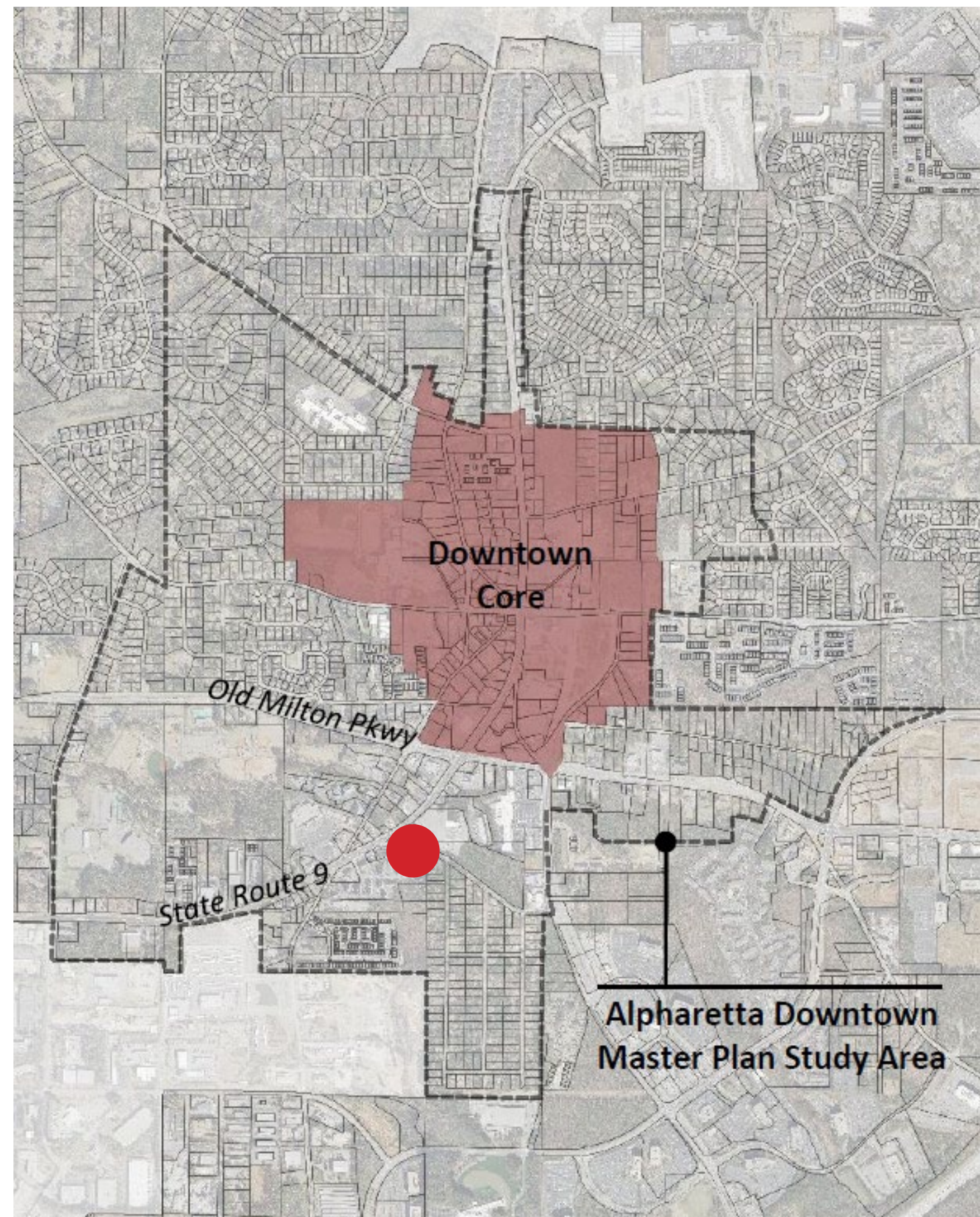
DEVORE ROAD

Alpharetta, GA
USA

OCTOBER 2020

MANUEL CERVANTES ESTUDIO

SITE





01



02



03

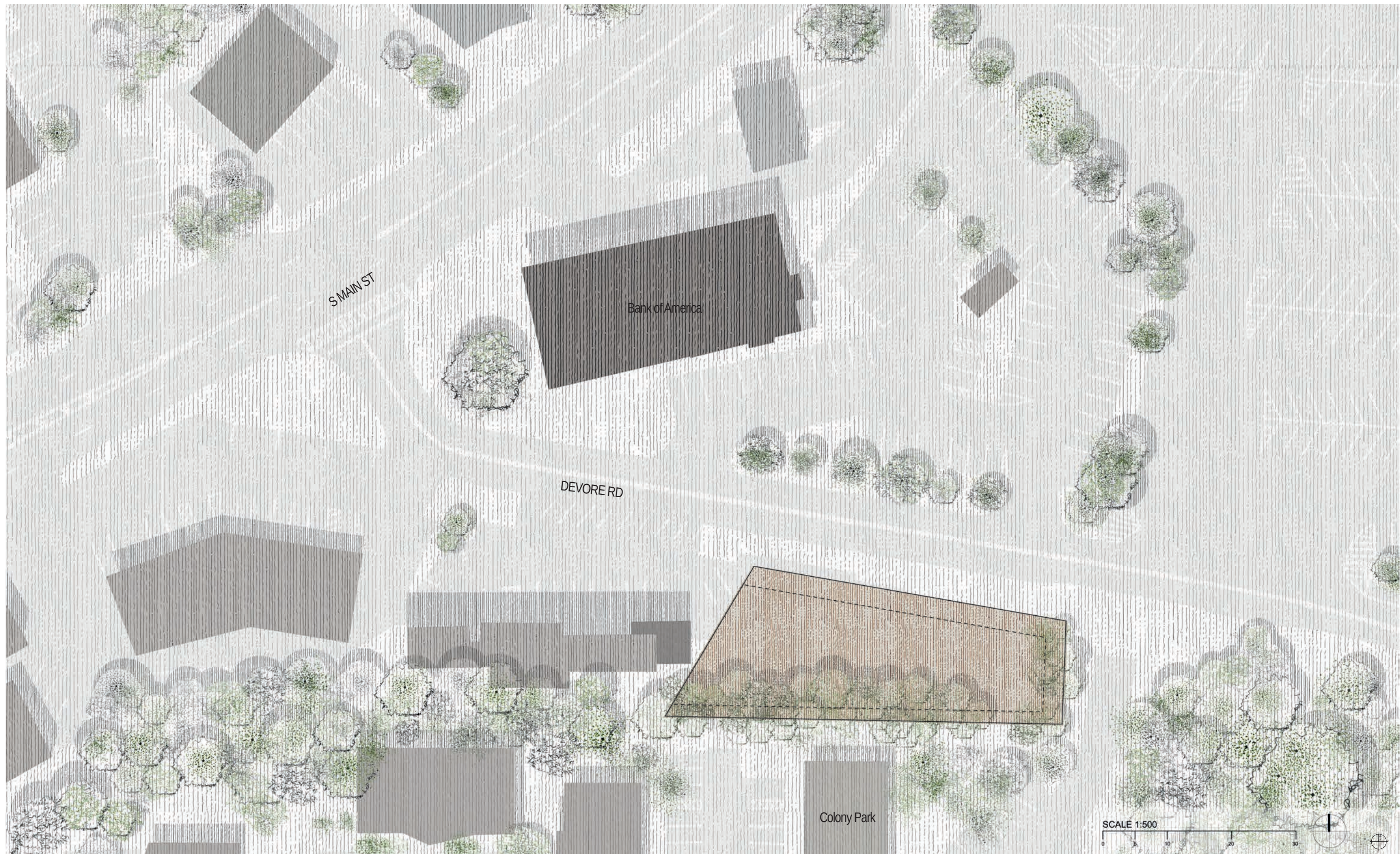


04



05







EAST VIEW



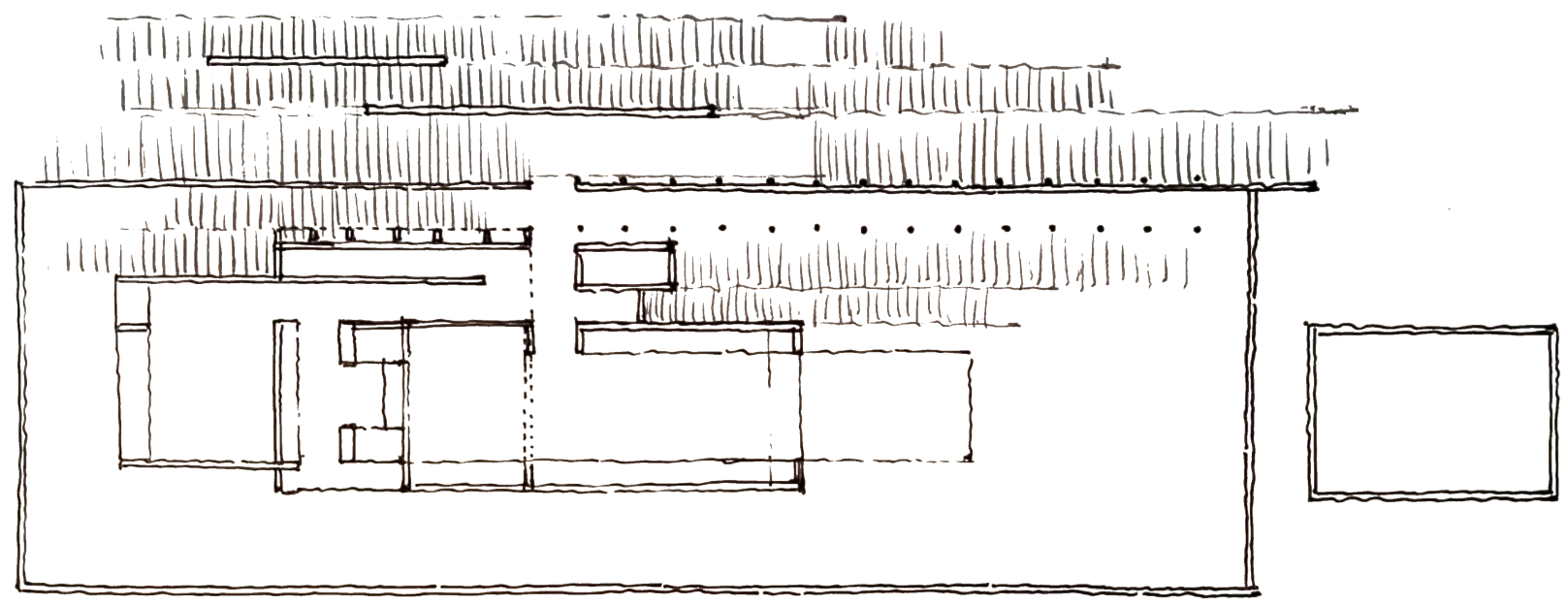
WEST VIEW



FRONTAL VIEW



DESIGN ELEMENTS







SOURCE: VANISHING NORTH GEORGIA



"BOXY" FORMS
FLAT ROOFS

SOURCE: ALPHARETTA & OLD MILTON COUNTY HISTORICAL SOCIETY



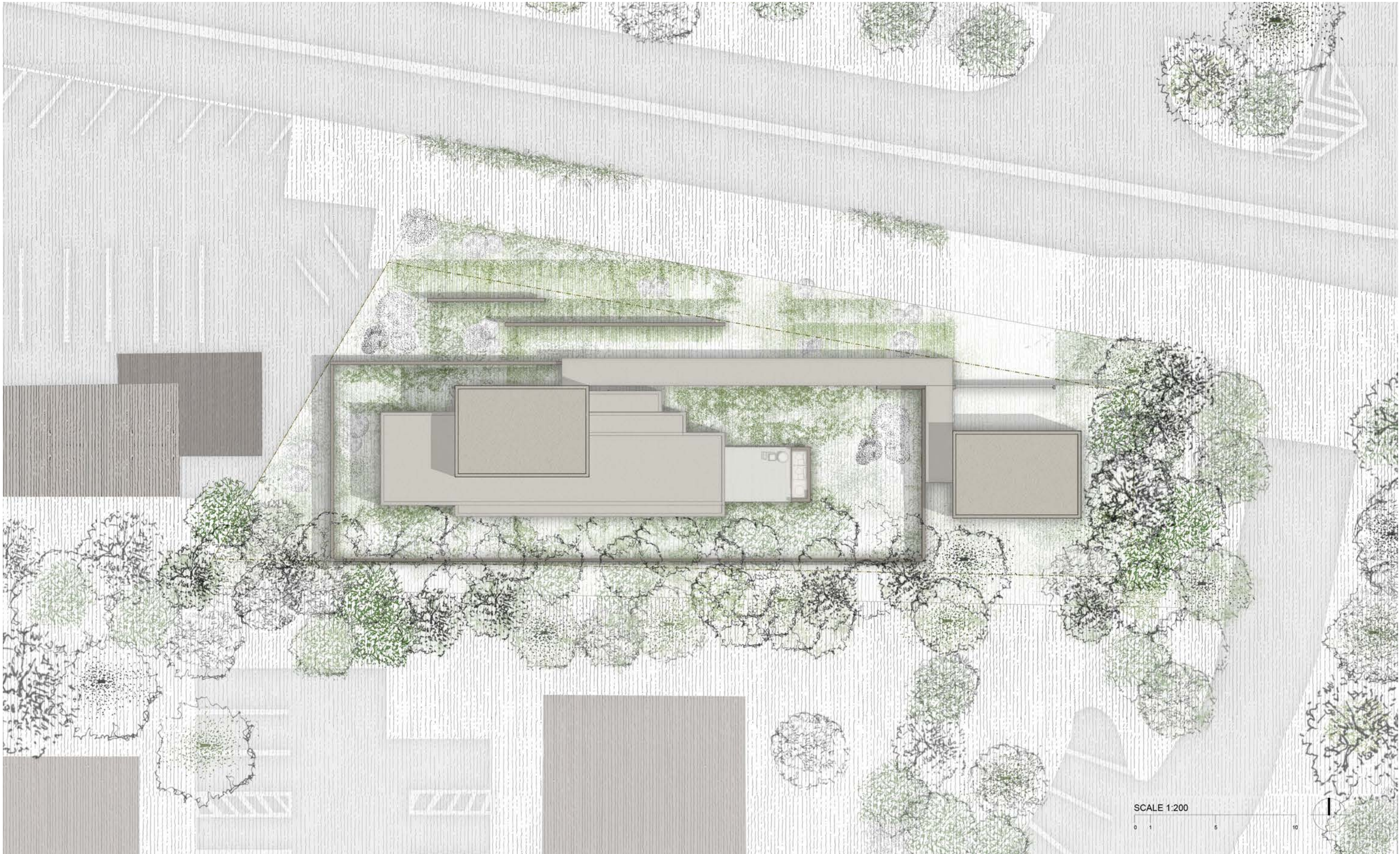
RECTILINEAR FORMS. HORIZONTAL ELEMENTS

SOURCE: VANISHING NORTH GEORGIA

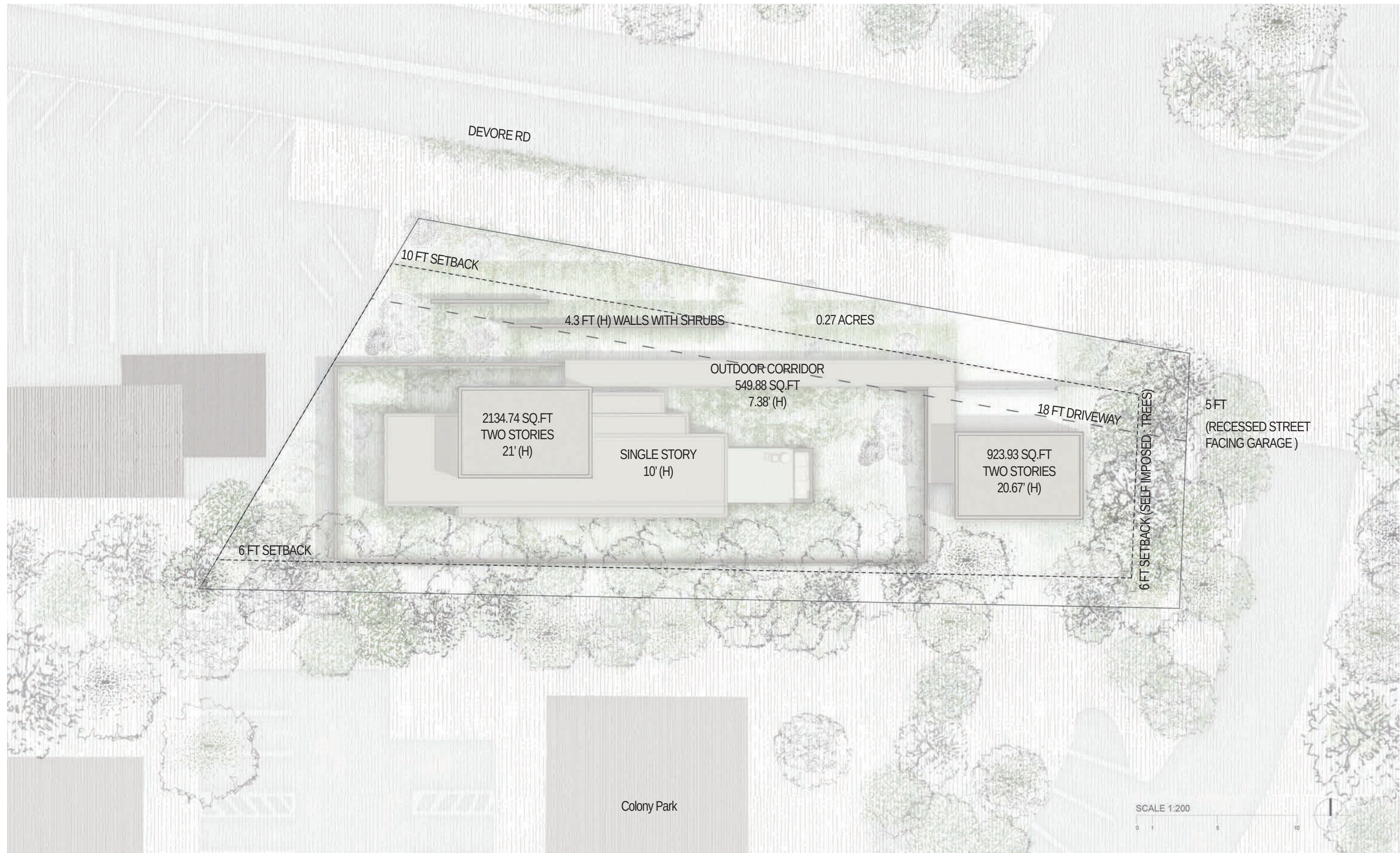
SOURCE: ALPHARETTA & OLD MILTON COUNTY HISTORICAL SOCIETY



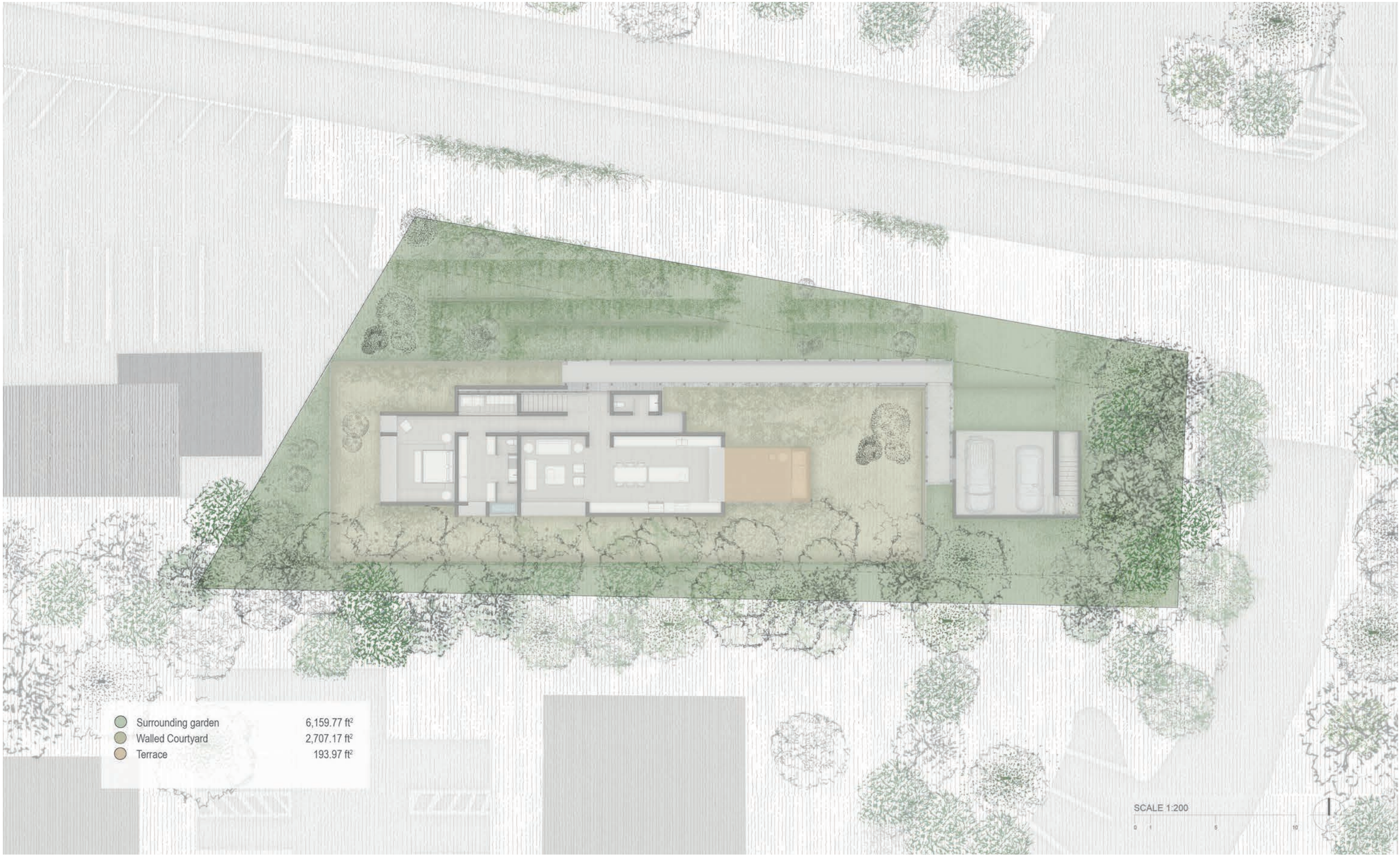
MASONRY STONE WALLS



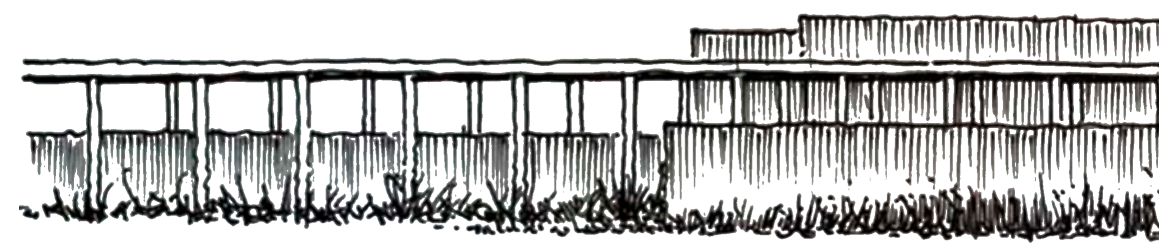
SITE PLAN



SITE PLAN. SETBACKS

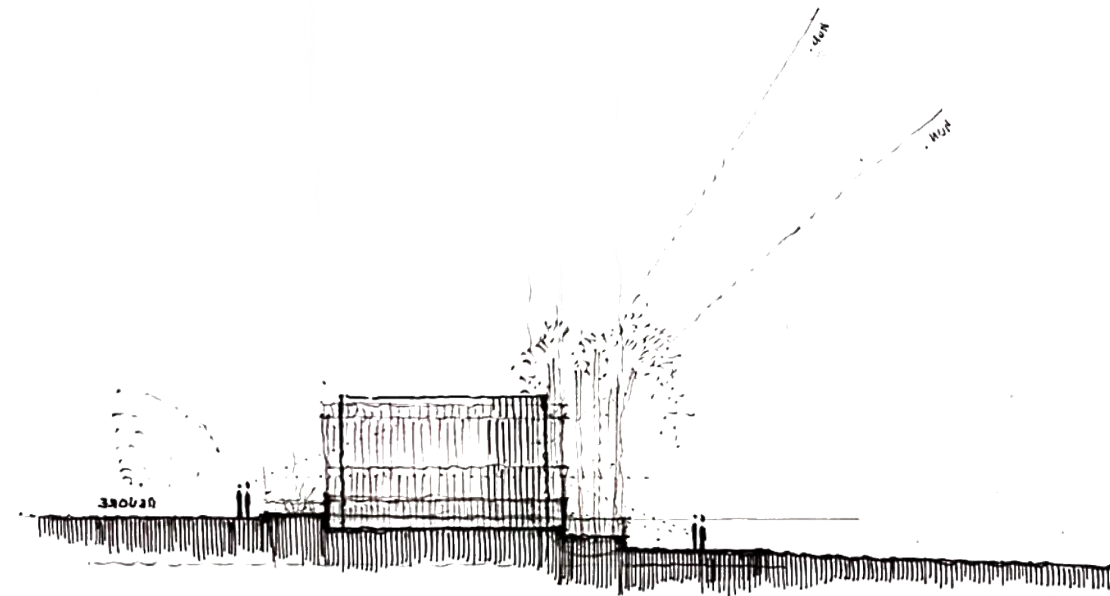


GROUND FLOOR - EXTERIOR AREAS

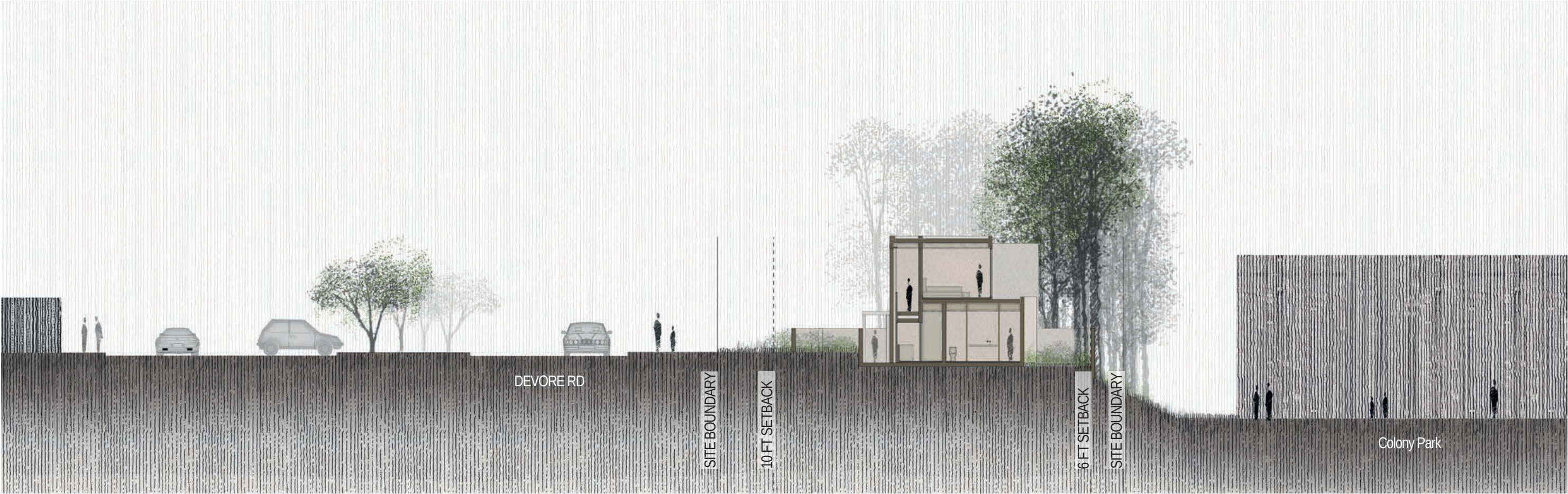








CONTENIDO DE ESPALDO PARA
CREAR EL MUNDO INTERIOR



shrubs planted along the 4.30' height walls

sunken architecture to achieve privacy and a reduced scale towards Devore Rd. And minimize terrain slope (Colony Park)

DEVORE RD

SITE BOUNDARY

10 FT SETBACK

4.30'

1.65'

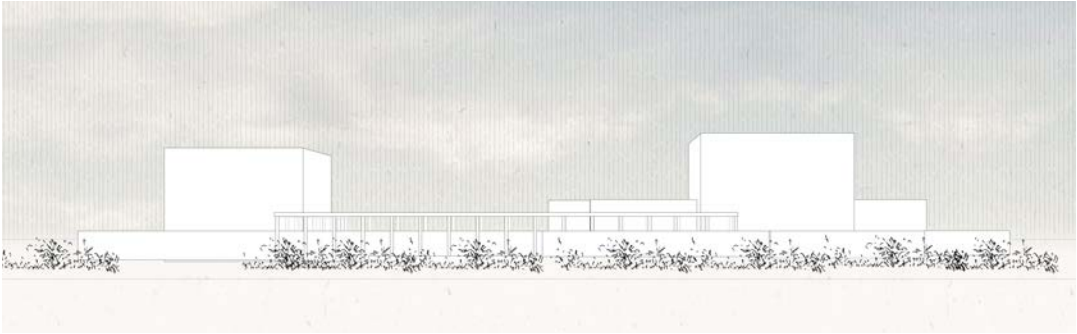
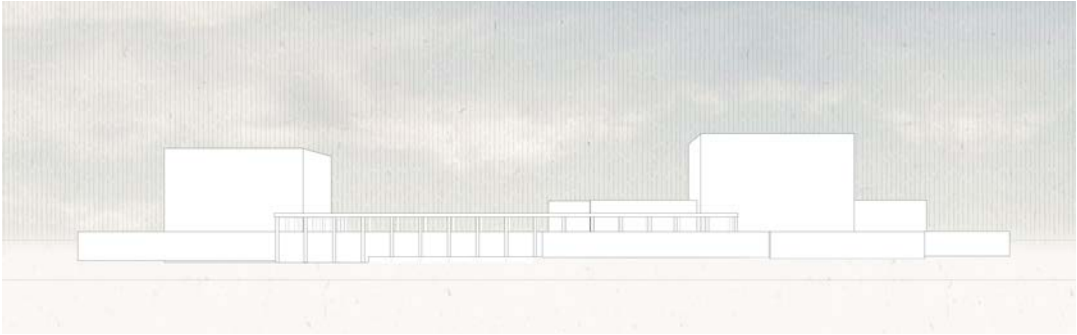
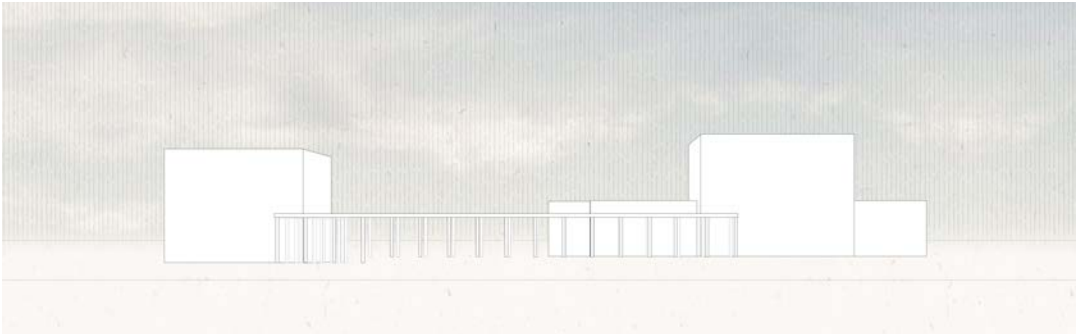
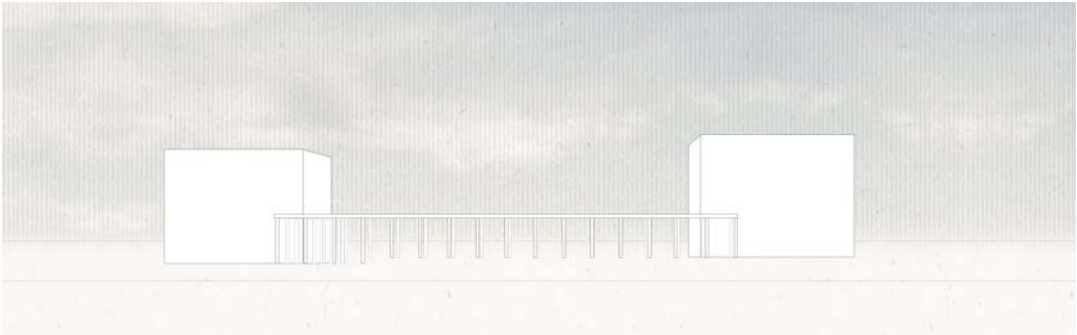
22.98'

6 FT SETBACK

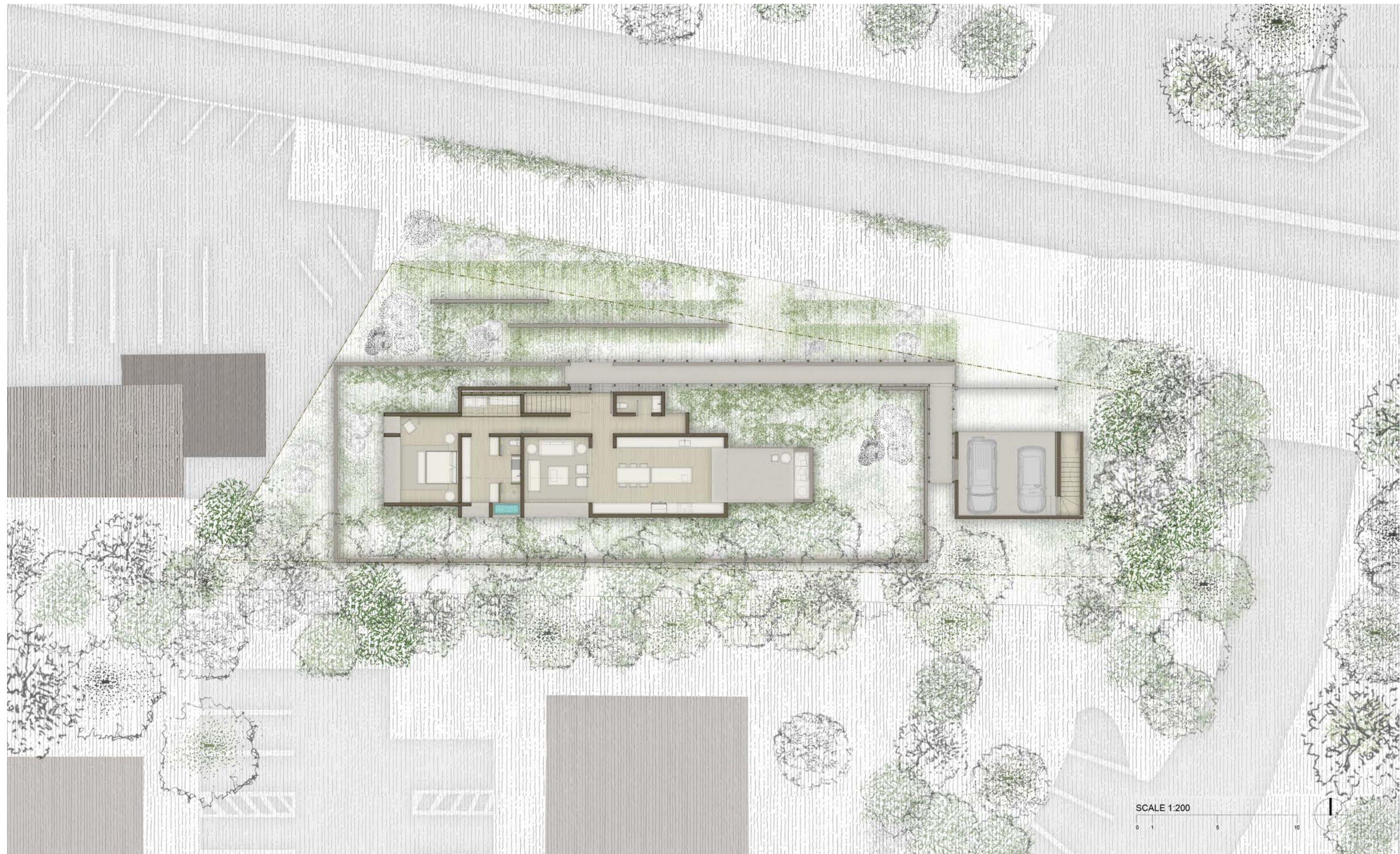
SITE BOUNDARY

Colony Park

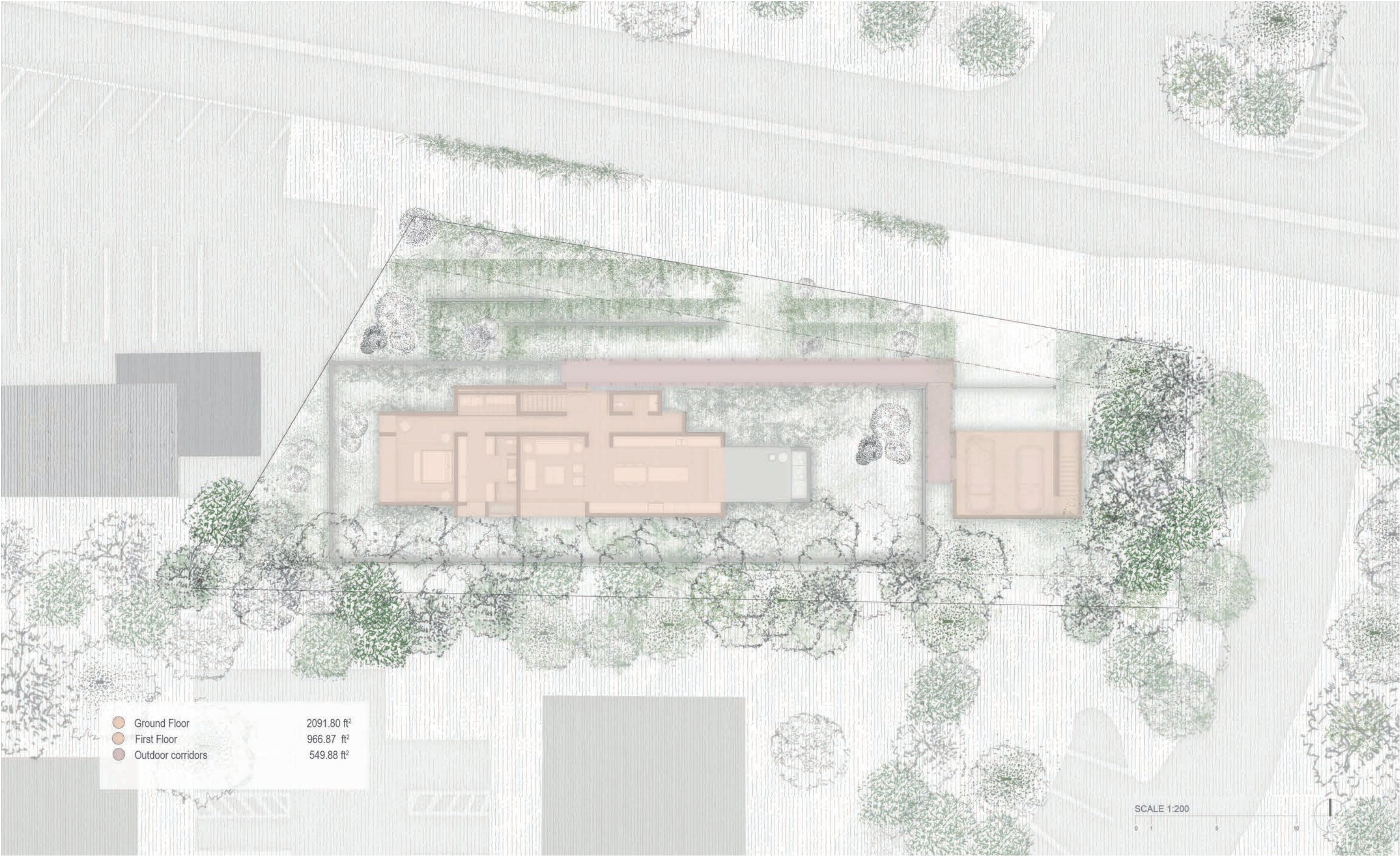


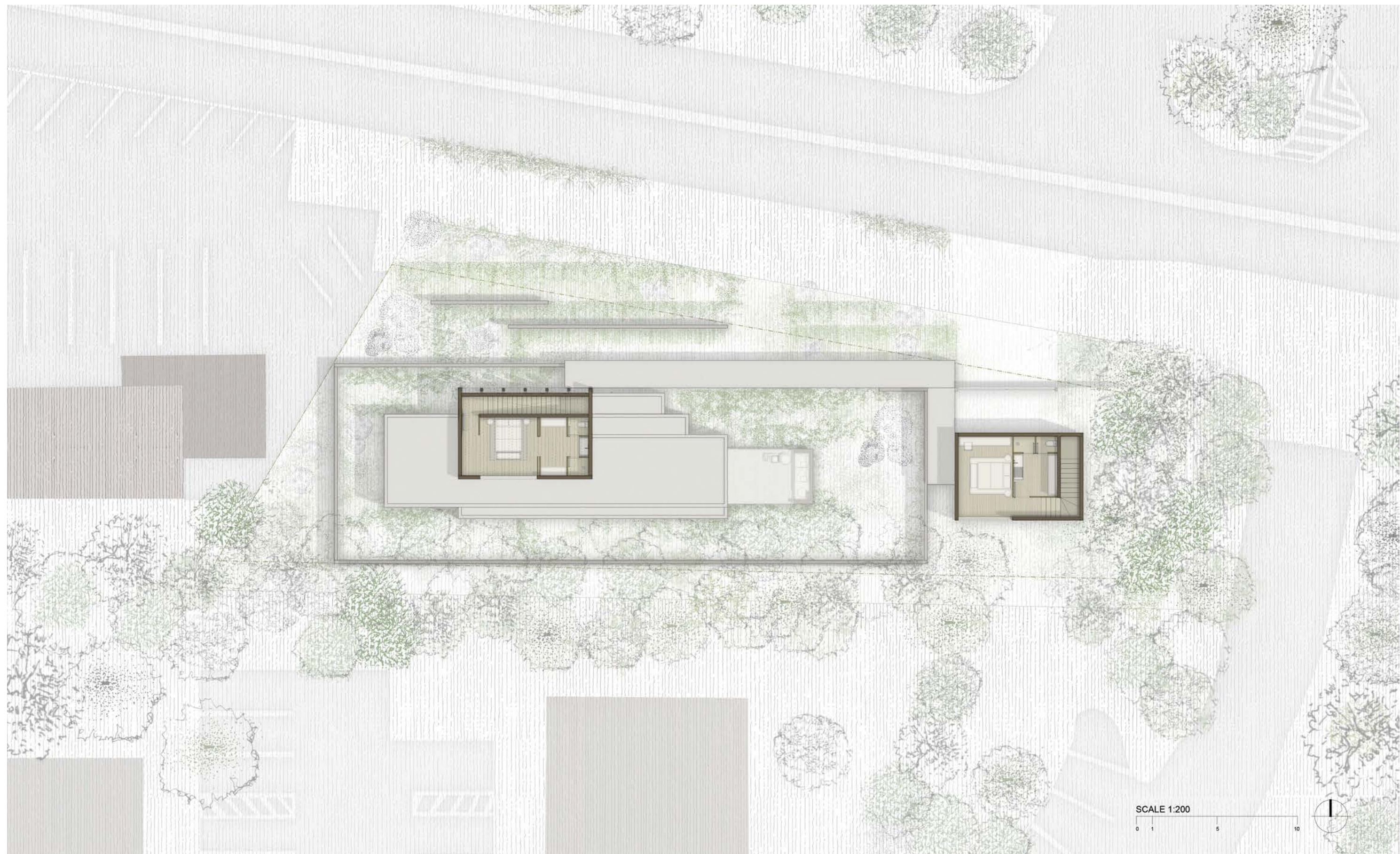






GROUND FLOOR

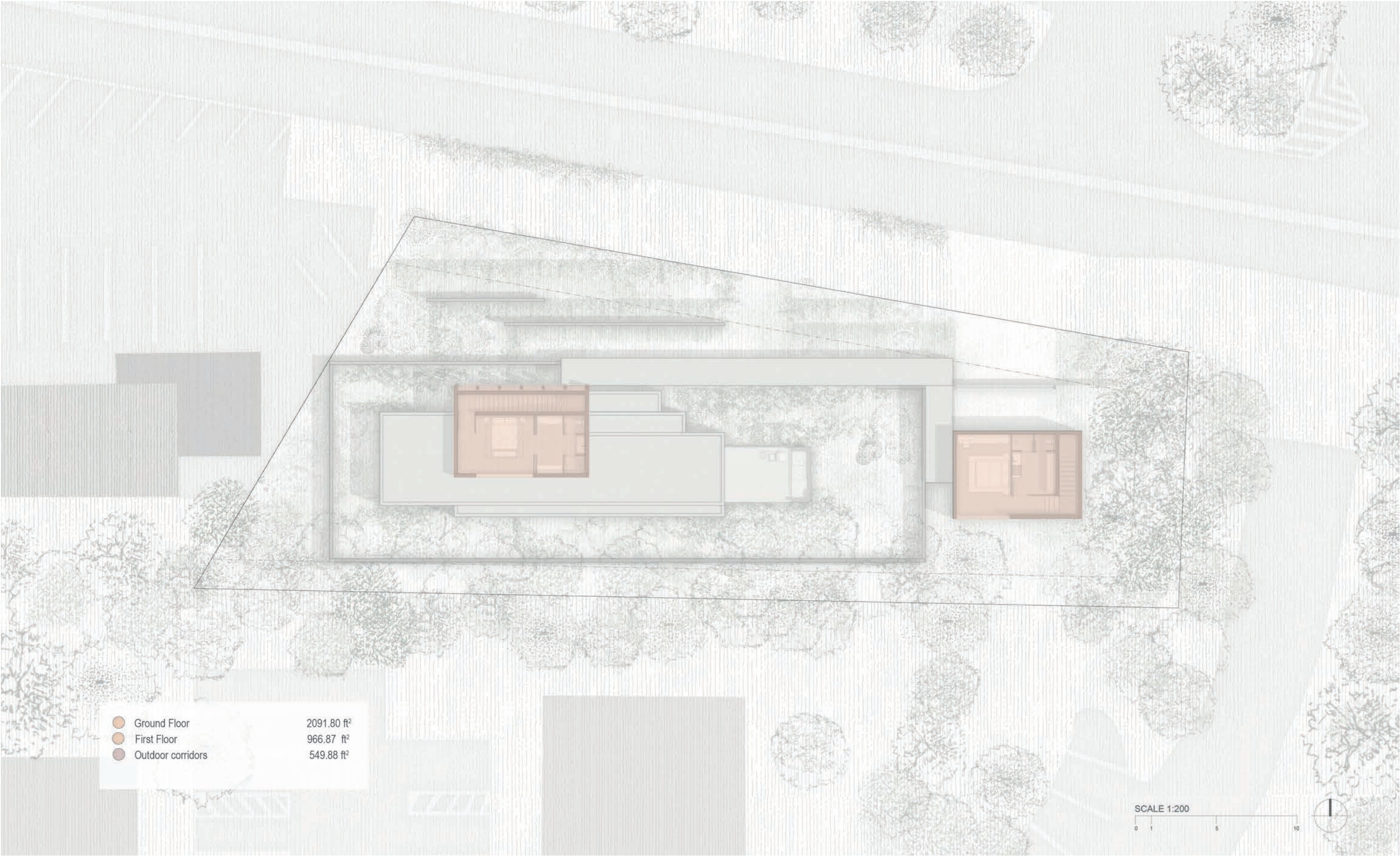


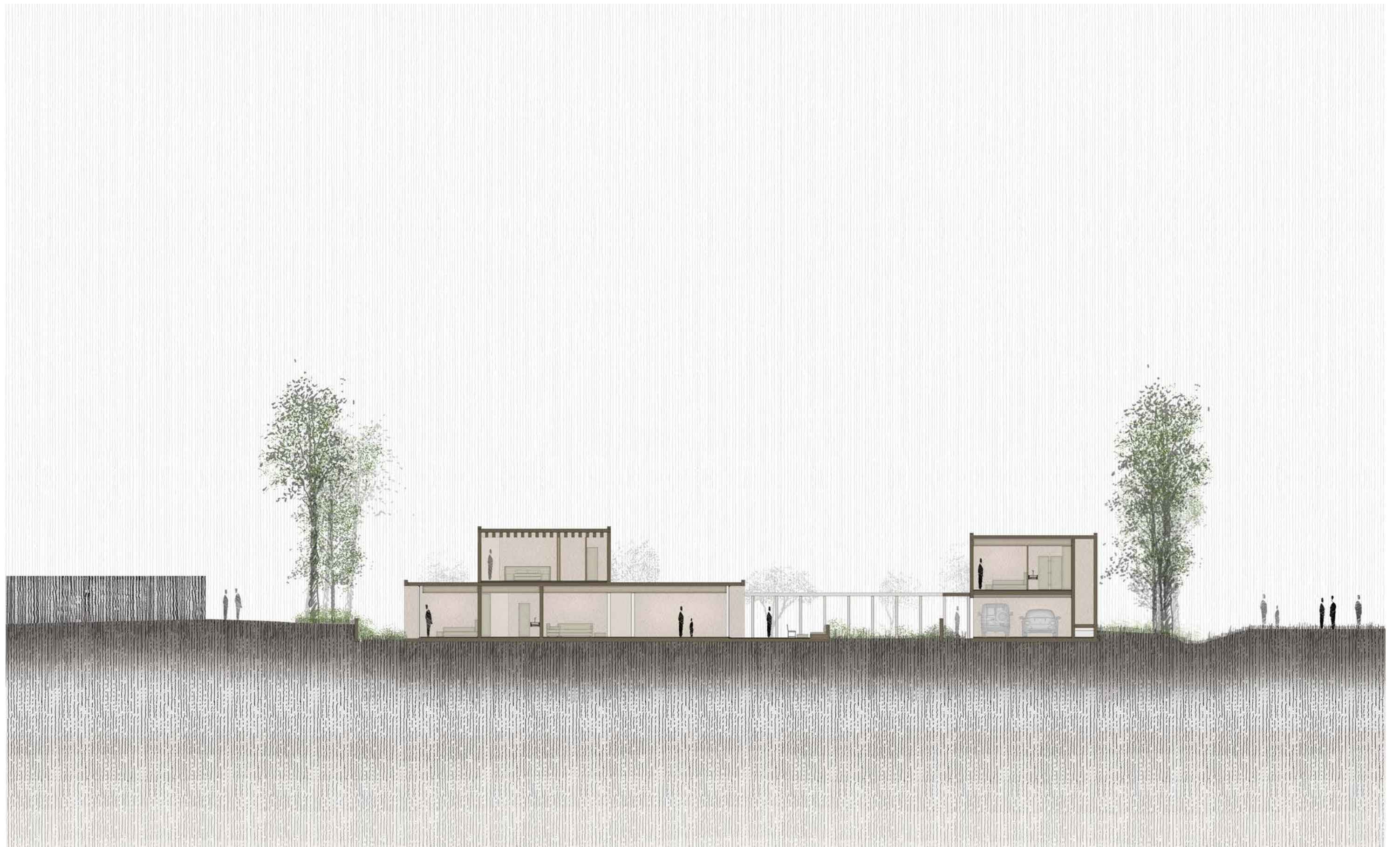


SCALE 1:200

0 1 5 10





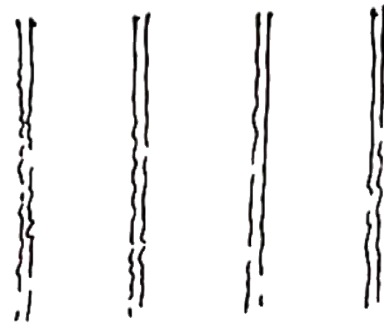




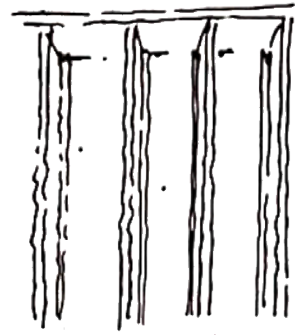




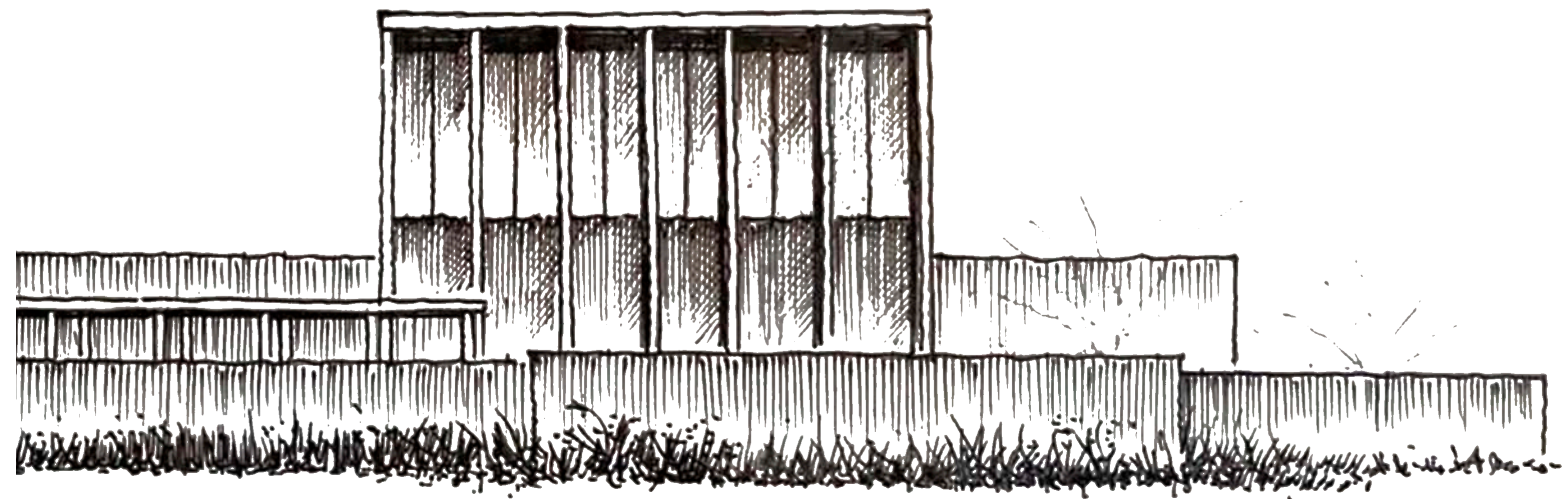
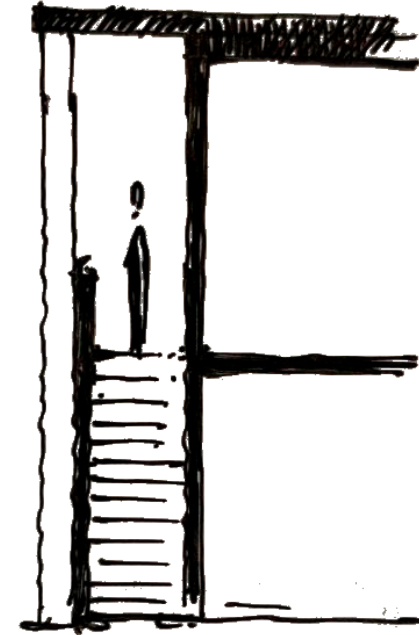
FACADE STUDY



LA REPETICION DE LOS EJES



LA FILITERANA DE LA ESTRUCTURA.











DEVORE ROAD

Alpharetta, GA
USA

SEPTEMBER 2020

MANUEL CERVANTES ESTUDIO

CITY OF ALPHARETTA

PUBLIC HEARING APPLICATION

FOR OFFICE USE ONLY

Case #: PH200042☒ Fee PaidInitial: PC

COMMUNITY DEVELOPMENT DEPARTMENT

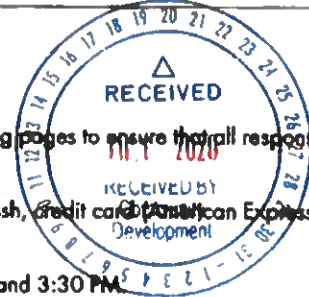


2 PARK PLAZA



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: Michele SedgwickTelephone: 678-595-7008Address: 2451 Commerce Street

Suite: _____

City MiltonState: gaZip: 30009

Fax: _____

Mobile Tel: 678-595-7008Email: michelesedgwick66@gmail.com**Subject Property Information:**Address: Devore StreetCurrent Zoning: DT-MU

District: _____

Section: _____

Land Lot: _____

Parcel ID: _____

Proposed Zoning: _____

Current Use: Vacant**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): _____

PH-20-22/V-20-16
Sedgwick Variance to DT Architectural Requirements

APPLICANT REQUEST AND INTENT

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

A 3000 sq ft single family home with potential studio above garage.

Applicant's Request (Please itemize the proposal):

I am requesting a variance on the historical design requirement for the design of my home on Devore.

Despite thoughtful efforts to incorporate many of the fundamental aspects of the approved Mercantile design into my facade, it was found to be too simple and not showing enough of the typical desired ornamental details. I believe that some flexibility on the design is a reasonable ask for the following reasons:

1. My lot is located on the outside perimeter of the Downtown overlay.
2. The remaining residential lots to be developed on the the South of Devore are considered part of a platted subdivision; I would be the only residential lot that would remain subject to these downtown architectural requirements.
3. Due to the unique size and proportion of my lot, our goal has been in designing a property that blends organically into it's surroundings.

This being achieved by:

- Keeping many of the existing trees.
- Lowering the grade of the house to minimize the size of the surrounding walls and impact of the structures.
- Utilizing a series of smaller walls and landscape to have a natural transition from the sidewalk / street to the structure.
- The original idea basing the idea off of fundamental mercantile style, along with utilizing elements of brick and stone will be compatible with surrounding developments.

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

In asking for a variance on the HDR, and continued regard for the primary principles of Mercantile design, I will have the flexibility to build a home that is unique; with character and integrity for my authentic vision, but still naturally conforming with it's surroundings.

I believe this project to both complement and be a tremendous asset for the neighborhood.

Sedgwick Variance to DT Architectural Requirements

Devore Road, Alpharetta GA

1 Context

The lot is located on the outside perimeter of Alpharetta's Downtown Core. It is located on Devore Road and it is surrounded by non-historic buildings, most of them commercial. The property has bands of tall trees along the south and east part of the lot. Due to the unique size and proportion of the lot, our goal has been in designing a property that blends organically into its surroundings. Therefore, the proposed design is respectful to the local context by being quiet.

2 Site Plan

The project develops a 2-story single family home with a detached garage on 0.29 acres. The objective was to break down the massing of the new building into two smaller volumes, one for the family home and the other one for the detached garage. These two buildings are connected through a walled courtyard and a breezeway. The breezeway is a natural connector between the two buildings that serves a practical function and also provides architectural structure to the garden. It has many precedents in traditional Southern forms. The property is surrounded by a garden which is larger than the required setbacks. Facing Devore Road this garden employs a series of short walls, shrubs and local vegetation to have a natural transition from the sidewalk to the main structure of the house.

3 Form and Materiality

The proposed design seeks for a simple and subtle aesthetic. The proposed design is meant to balance the owner's lifestyle and her aesthetic vision. We were inspired by the early commercial and mercantile buildings from around the area. We were looking at its basic principles: simple massing, boxy and rectilinear forms, flat roofs and masonry walls. We were appealed by the construction systems of these early commercial buildings and by their simple and functional aesthetics. The materiality of the proposed design is an expression of the structural elements and the construction systems; the substance of the building is being expressed directly and does not rely on applied ornaments. Following the path opened by the Alpharetta Code it is our goal to learn from tradition, adapting and reinterpreting an architectural style to create a contemporary landmark.

4 Fenestration

The interior spaces of the house are directly related to the surrounding landscape through window openings located on the South and East façades of the buildings. The south façades face the existing trees located on the rear part of the lot. The front façades, facing Devore Road, present only two window openings. The first one is a large window opening that points out the location of the main stairwell of the house. This window is a reinterpretation of large storefront windows featured in mercantile and commercial buildings. The window is divided in 6 bays by wood columns that follow a rhythm given by the structural beams that would support the roof of the house. The second window is a small opening located on the second floor of the detached garage where a potential studio could be placed.

PH-20-22/V-20-16
Sedgwick Variance to DT Architectural Requirements

PROPERTY OWNER AUTHORIZATION

Property Owner Information:

Contact Name: Michele Sedgwick Telephone: 678-595-7008
Address: 2451 Commerce street 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: Michele Sedgwick Telephone: 678-595-7008
Address: _____ Suite: _____
City Alpharetta State: Ga Zip: 30009

So Sworn and Attested:

Owner Signature: _____

Date: 10-6-2020

Notary:

Notary Signature: _____

Amy Lane Paul



Date: 10-6-2020

Sedgwick Variance to DT Architectural Requirements

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: **Michele Sedgwick**

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 has 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: _____

Date: 10.2.2020

ALPHARETTA PLANNING COMMISSION REVIEW CRITERIA

How will this proposal be compatible with surrounding properties?

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

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

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

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

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

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

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.

Sedgwick Variance to DT Architectural Requirements

BOARD OF ZONING APPEALS REVIEW CRITERIA

Please respond to the following ONLY if you are applying for a zoning variance.

Are there extraordinary and exceptional conditions pertaining to the subject property because of its size, shape, or topography? Please describe them.

This is a very unique piece of property in that it is long and narrow. Being set directly on Devore, it lends itself perfectly to this particular design that we have envisioned; a uniquely curated enclave amidst lushly landscaped outside living spaces. This design could not be achieved on most properties, and certainly not within a subdivision.

Would the application of the Zoning Code standards as they relate to the subject property create an unnecessary hardship? Please explain.

Ironically, I went through similar circumstances in Milton, trying to subdivide and build a uniquely designed home on my 2 acres in the woods. As it turned out, while living downtown throughout the process, (which subsequently, was denied) I realized it was not meant to be and I would really prefer to build my new home in town.

Having access to this special lot on Devore seemed like a silver lining. I was inspired by the uniqueness of its size and shape and how it has the perfect potential for urban living while at the same time privacy from the surrounding wall. It goes without saying properties are all but impossible to come by in town, and if I were to secure a lot in any of the nearby neighborhoods, this would not be at all feasible.

I am thrilled to have the opportunity to work and collaborate with a very highly regarded architect on this passion project; in a neighborhood I have loved being a part of and growing in business and relationships for over 25 years. It is not my desire to build my home for anyone else at this point, and I simply don't have the luxury of finding such a special lot like this elsewhere to do so.

Are there conditions that are peculiar to the subject property? Please describe them in detail.

Aside from being on the very Southern perimeter of the Downtown overlay, I would currently be the only residential property South of Devore that is subject to the Historic design requirements.

In terms of design continuity, or setting a precedent, neither would seem of issue under these circumstances.

Would relief, if granted, cause substantial detriment to the public good or impair the purpose and intent of the Zoning Code? Please defend your response.

On the contrary. Aside from the unique design of the project, many thoughtful aspects have been considered to specifically benefit pedestrians, and the neighborhood alike. While I could have developed the property as commercial; 4 stories and 10K sq feet, (More lucrative as well), we kept it proportionate, and used set back for landscaping and a natural transition to the space.

Because of the special circumstances of the remaining residential homes on Devore, I don't believe there is any concern of impairment regarding purpose or intent.

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.

Sedgwick Variance to DT Architectural Requirements

SIGN VARIANCE REVIEW CRITERIA

Are there exceptional conditions pertaining to the property where the sign is to be located as a result of the property size, shape, or topography which are not applicable to other lands or structures in the area? If "yes," please explain.

☐ Yes

☐ No

Would the applicant be deprived of rights that are commonly enjoyed by others similarly situated? If "yes," please explain.

☐ Yes

☐ No

Would granting the variance confer on the applicant any significant privileges which are denied to others similarly situated? If "yes," please explain.

☐ Yes

☐ No

Are the exceptional circumstances the result of actions of the applicant or the applicant's representatives? If "yes," please explain.

☐ Yes

☐ No

Is the requested variance the minimum necessary to allow the applicant to enjoy rights commonly enjoyed by others similarly situated? If "no," please explain.

☐ Yes

☐ No

Would granting of the variance violate more than one standard of the Unified Development Code? If "yes," please explain.

☐ Yes

☐ No

Would granting the variance result in allowing a sign that interferes with road or highway visibility or obstruct or otherwise interfere with the safe and orderly movement of traffic? On a separate sheet or sheets, please defend your response.

☐ Yes

☐ No

PH-20-22/V-20-16
Sedgwick Variance to DT Architectural Requirements

CITIZEN PARTICIPATION FORM - PART A

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

Public Hearing or Project Name: _____

Contact Name: _____ Telephone: _____

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.

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.

PH-20-22/V-20-16
Sedgwick Variance to DT Architectural Requirements

CITIZEN PARTICIPATION FORM - PART B

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

Public Hearing or Project Name: _____

Contact Name: _____ Telephone: _____

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

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

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

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

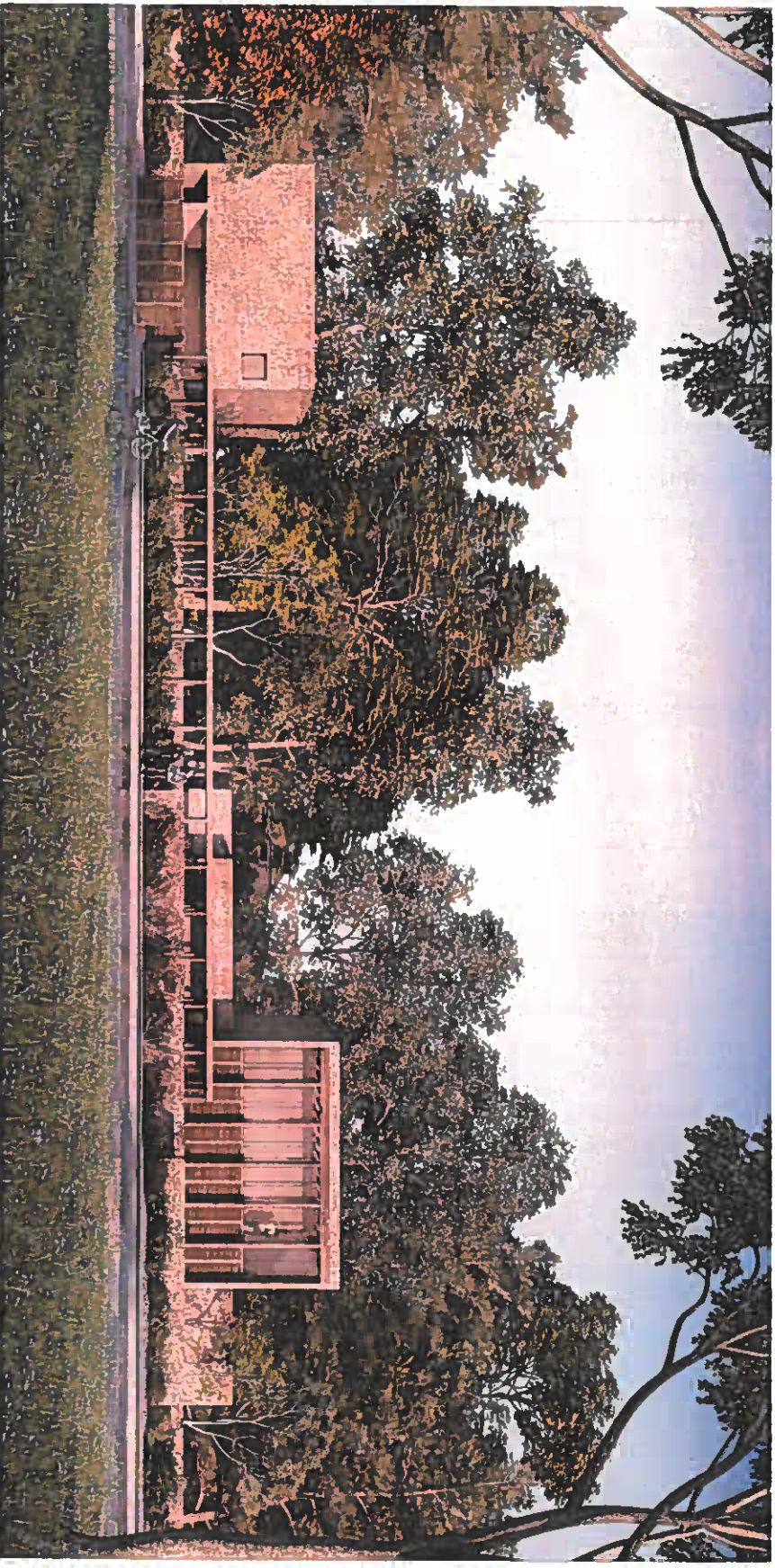
I, the undersigned, as an authorized representative of the applicant and Public Hearing item identified above, do solemnly swear and attest, subject to criminal penalties for false swearing, that the information provided in this Citizen Participation Form - Part B and in any and all documents provided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

Signature of Authorized Agent: _____ Date: _____

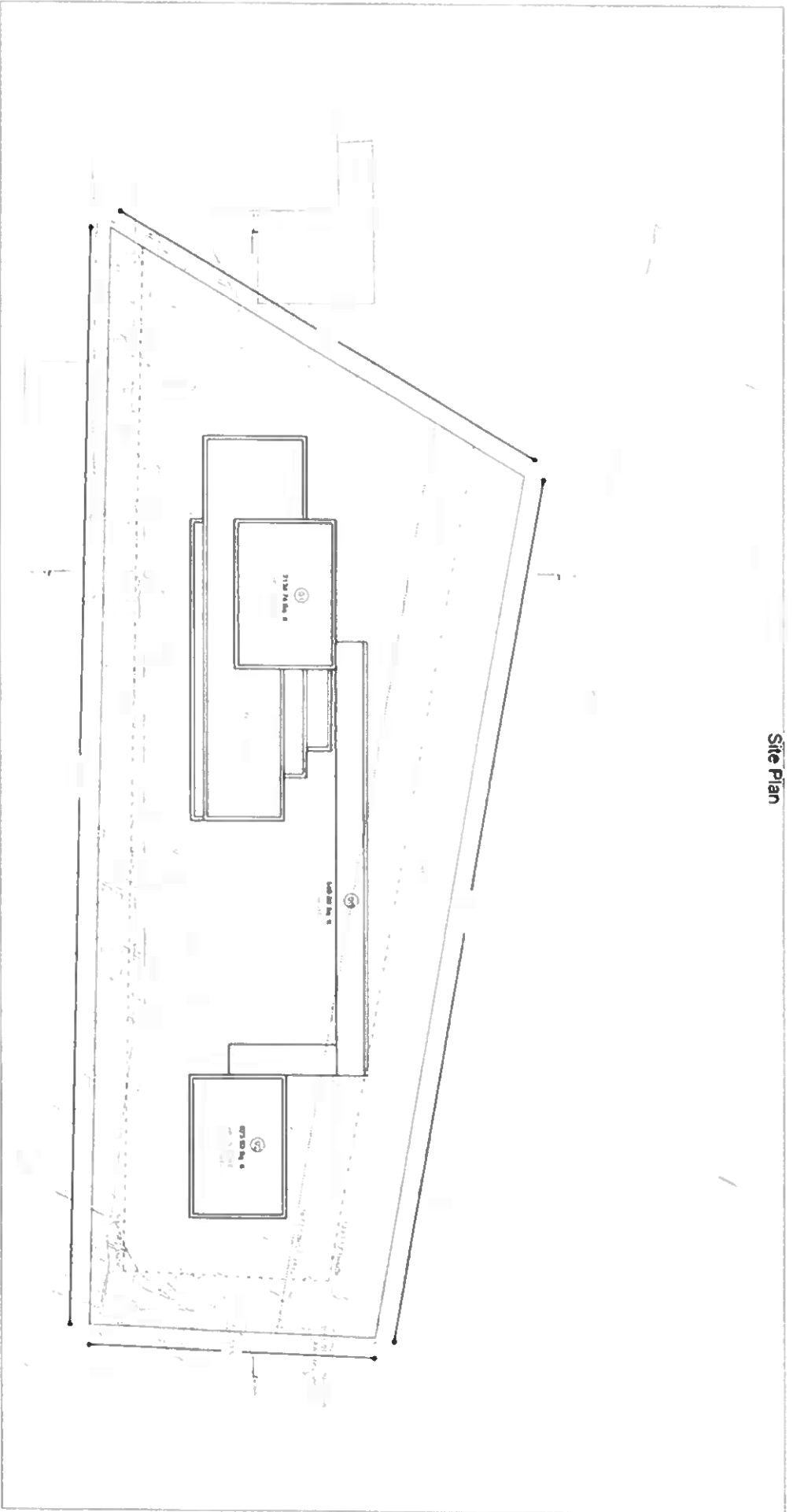
Print Form



EXHIBIT A



Site Plan

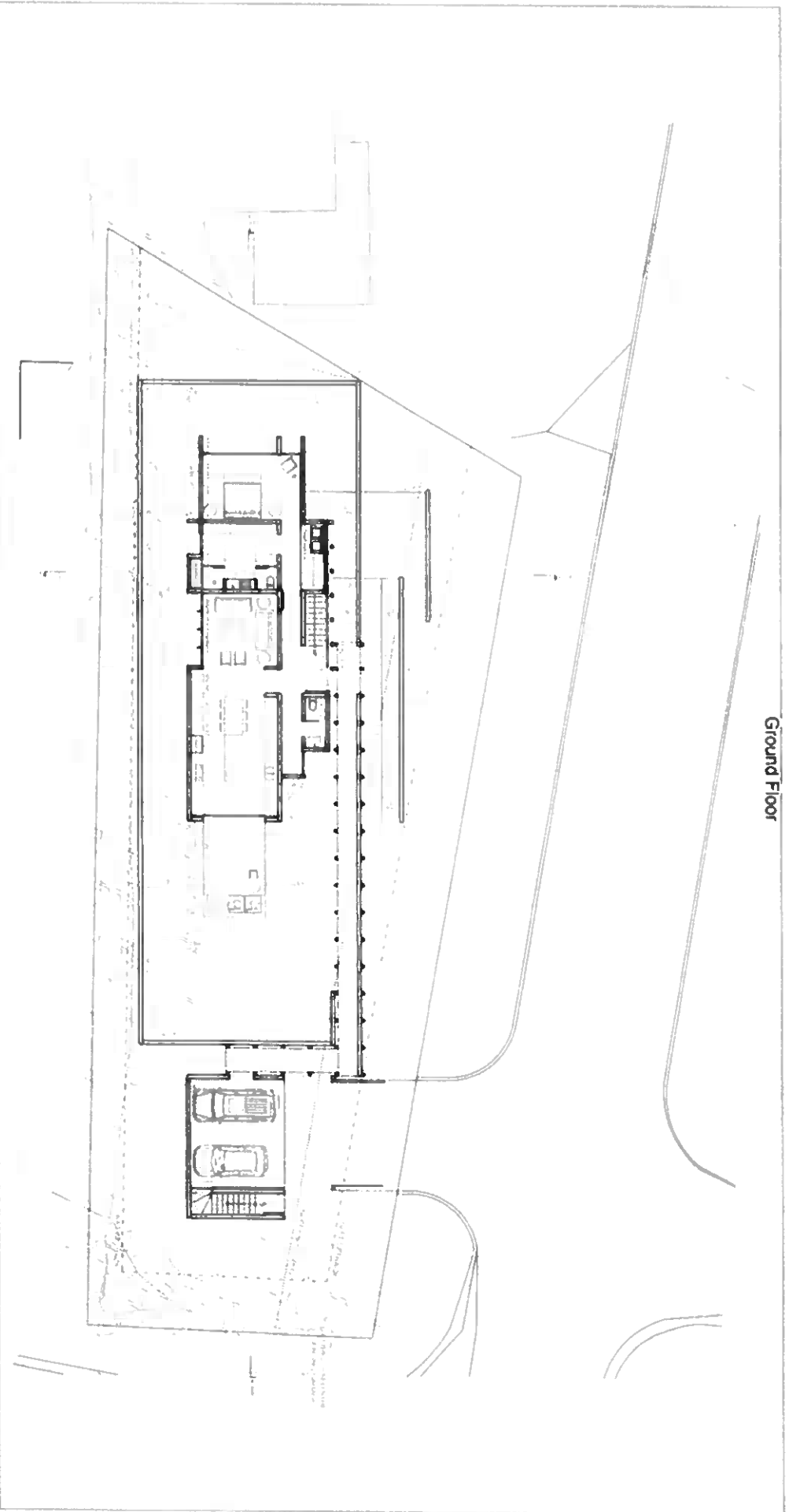


MANUEL CERVANTES ESTUDIO

27,000 Sq. Ft. 1
27,000 Sq. Ft. 2
27,000 Sq. Ft. 3



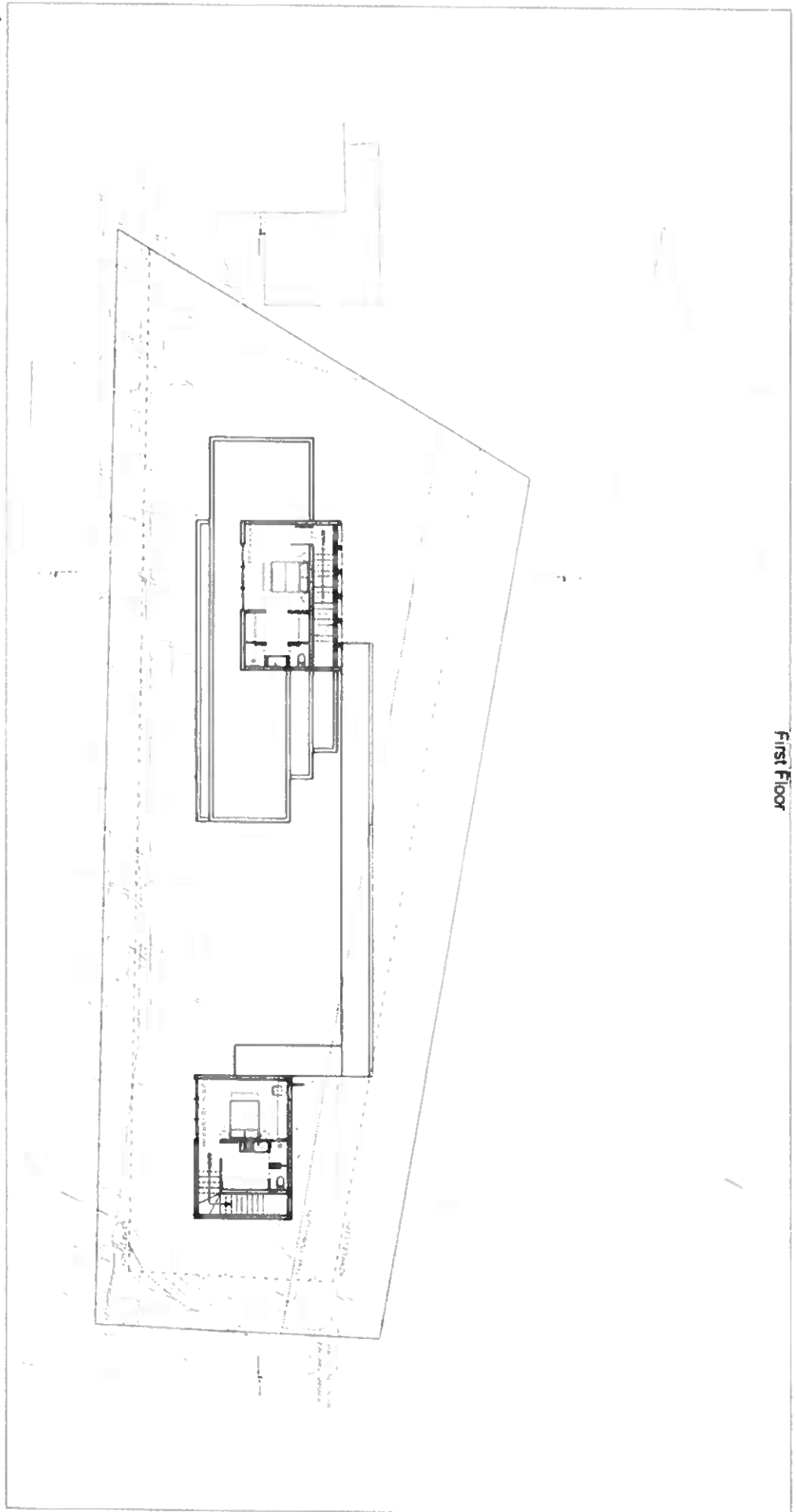
Ground Floor



MANUEL CERVANTES ESTUDIO



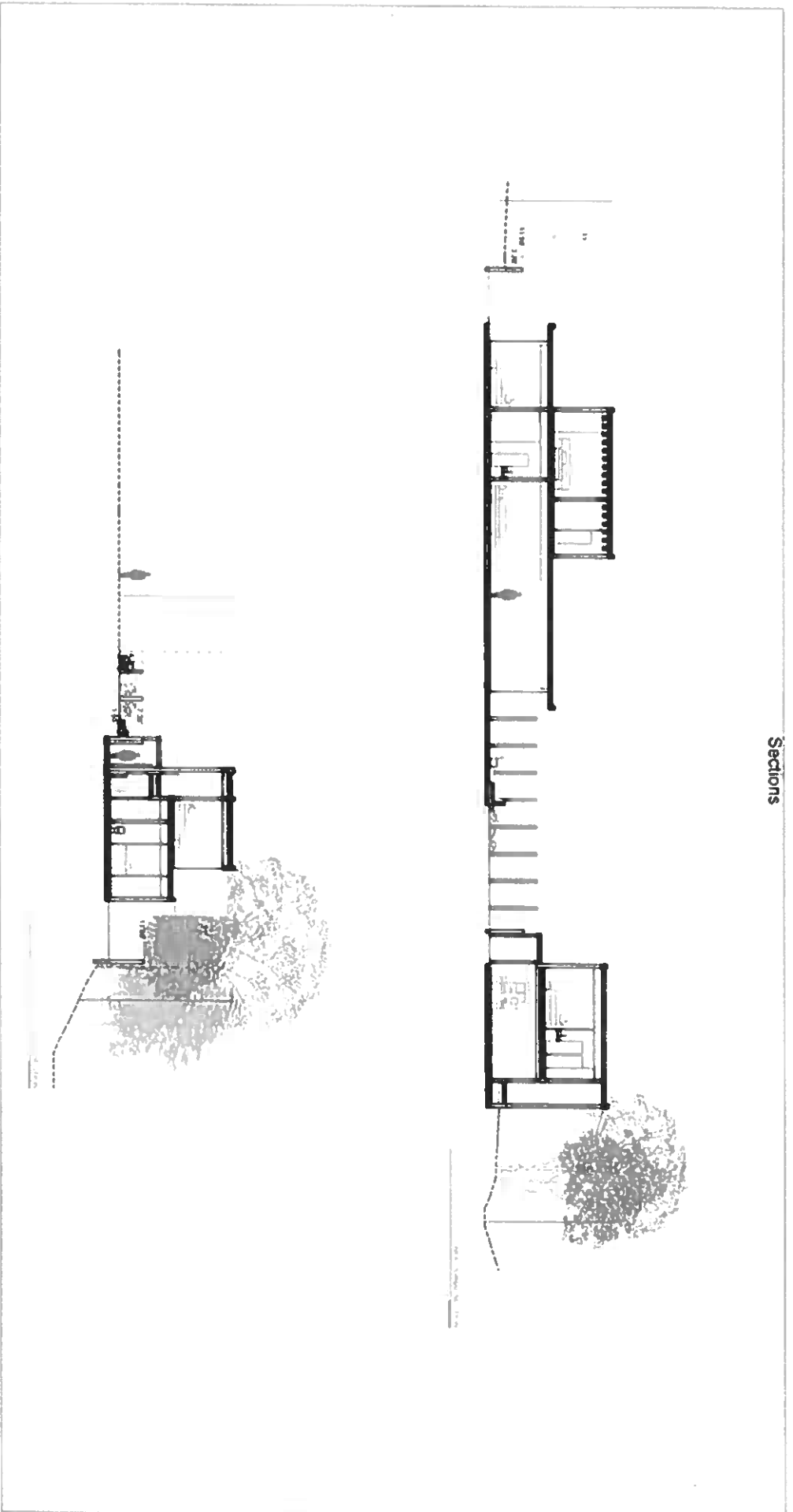
First Floor



MANUEL CERVANTES ESTUDIO



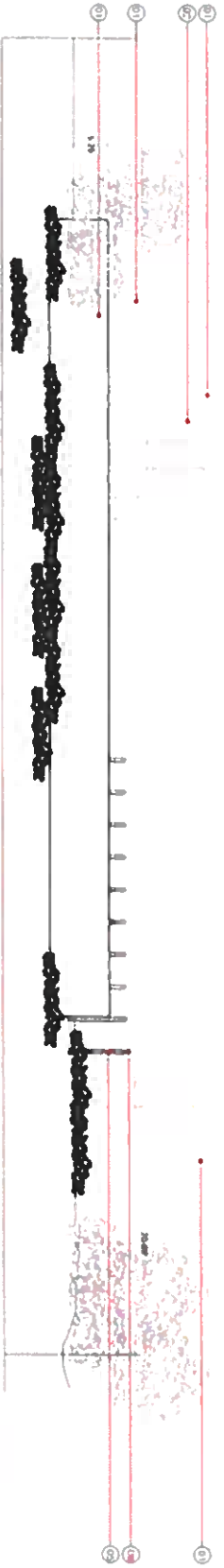
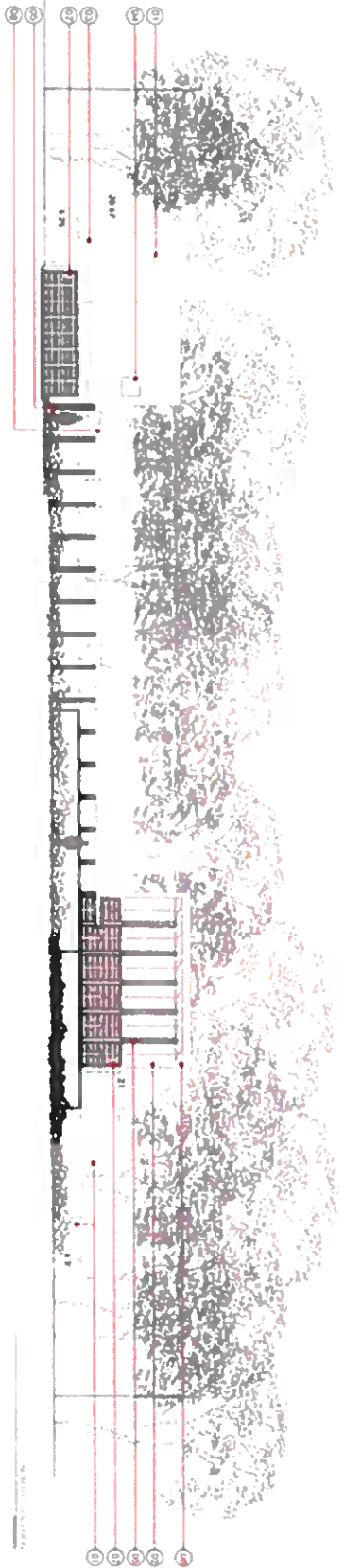
Sections



MANUEL CERVANTES ESTUDIO



Elevations N S



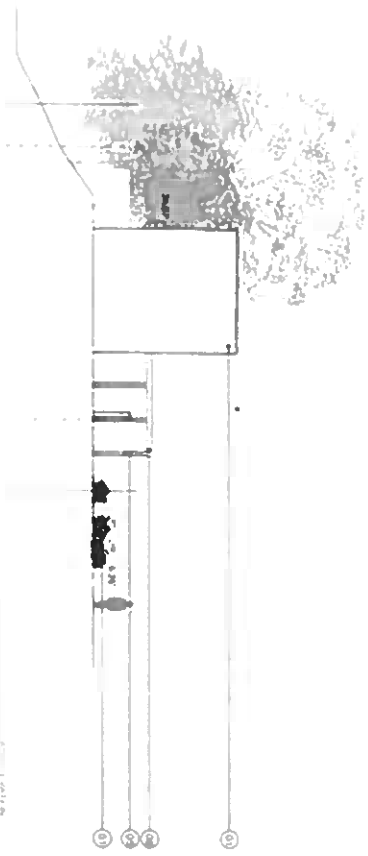
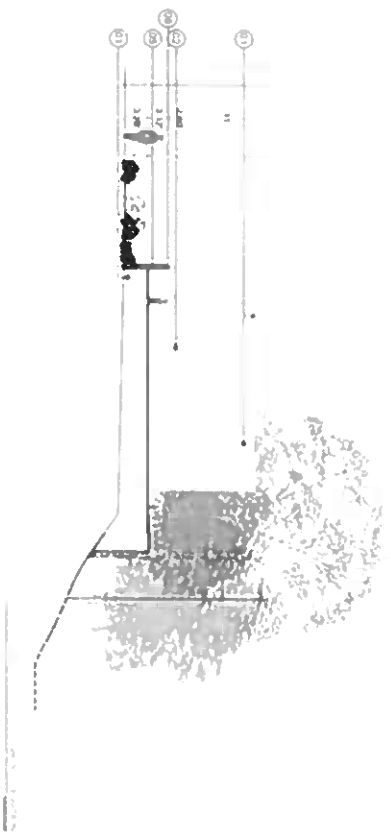
- 1) 1st Floor (Level 1)
- 2) 2nd Floor
- 3) 3rd Floor (Level 3)
- 4) 4th Floor (Level 4)
- 5) 5th Floor (Level 5)
- 6) 6th Floor (Level 6)
- 7) 7th Floor (Level 7)
- 8) 8th Floor (Level 8)
- 9) 9th Floor (Level 9)
- 10) 10th Floor (Level 10)

MANUEL CERVANTES ESTUDIO



100' 0"

Elevations E W



- 10 - 10' 0" 0" 0"
- 11 - 10' 0" 0" 0"
- 12 - 10' 0" 0" 0"
- 13 - 10' 0" 0" 0"
- 14 - 10' 0" 0" 0"
- 15 - 10' 0" 0" 0"
- 16 - 10' 0" 0" 0"
- 17 - 10' 0" 0" 0"
- 18 - 10' 0" 0" 0"
- 19 - 10' 0" 0" 0"





City Council Meeting STAFF REPORT

Submitting Department: Community Development

Submitted By:

Sponsored By:

Meeting Date: December 14, 2020

I. AGENDA ITEM TITLE: V-20-15 CASTRO/1190 UPPER HEMBREE RD TREE RECOMPENSE VARIANCE
CONSIDERATION OF A VARIANCE TO ELIMINATE TREE RECOMPENSE ON THREE (3) SINGLE-FAMILY RESIDENTIAL LOTS. THE PROPERTY IS LOCATED AT 1190 UPPER HEMBREE ROAD AND IS LEGALLY DESCRIBED AS BEING LOCATED IN LAND LOT 550, 1ST DISTRICT, 2ND SECTION, FULTON COUNTY, GEORGIA.

II. RECOMMENDATION:

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:

V. ALTERNATIVES:

VI. ATTACHMENTS:

Staff Report, Aerial Map, Future Land Use, Zoning Map, Location Map, CZIM 11.11.20, Complete Citi Part B, Complete 10.7.20 Docs without Tree Report, Arborist Report 1190 Upper Hembree Specimen Tree report, Tree Survey - Specimen detailed - 1190 Upper Hembree Rd



CITY COUNCIL MEETING STAFF REPORT

SUBMITTING DEPARTMENT: COMMUNITY DEVELOPMENT

SUBMITTED BY: KATHI COOK

DRAFTED BY: MICHAEL WOODMAN

I. AGENDA ITEM TITLE: V-20-15 CASTRO/1190 UPPER HEMBREE ROAD

CITY COUNCIL: DECEMBER 14, 2020

II. RECOMMENDATION:

Deny V-20-15 Castro/1190 Upper Hembree Road variance request to eliminate tree recompense.

If approval is considered, the following conditions are recommended:

1. Tree recompense associated with the 2019 tree removal permit shall be reduced from 3x to 1x the unit value, or 54" (18 – 3" caliper trees).
2. A Certificate of Occupancy shall not be issued on the subject property until the recompense associated with the 2017 violation and 2019 tree removal has been provided.

III. REPORT IN BRIEF:

The applicant, Carlos Castro, is requesting consideration of a variance to eliminate tree recompense on three (3) single-family lots. Tree recompense on the subject property is associated with a tree removal permit to remove two (2) specimen trees, as well as a violation for the removal of trees without a permit. The applicant cites financial impacts from the COVID-19 pandemic, as well as the abundance of trees remaining on the property as the hardship for the variance request. The subject property is located at 1190 Upper Hembree Road at the northwest corner of Upper Hembree Road and Harris Road.

DISCUSSION

The submitted request, if approved, would eliminate the required tree recompense on three (3) single-family lots. The applicant received a violation for the removal of trees without a tree removal permit and proposes to remove two (2) additional specimen trees. The applicant states that the variance request is related to financial impacts associated with the COVID-19 pandemic, as well as the abundance of trees that will remain on the property. The subject property is located at 1190 Upper Hembree Road at the northwest corner of Upper Hembree Road and Harris Road.

The 1.15-acre property is zoned R-15 and developed with one (1) single-family detached home. Surrounding properties are zoned R-12 (Dwelling, 'For-Sale', Residential) to the north, R-10 (Dwelling, 'For-Sale', Residential) and O-I (Office-Institutional) to the east, PSC (Planned Shopping Center) to the south and C-1 (Neighborhood Commercial) to the west. Birch Hollow Subdivision is located to the north, Creekside at Hembree Subdivision and the future site of Spirit of God Church is located to the east, the former Harry's Market (Whole Foods) is located to the south and Paw Patch Animal Clinic is located to the west.

Setback variances were approved on the subject property in 2018 in conjunction with a development plan to subdivide the property into three (3) single-family lots. The variance approval included conditions requiring that the developer save ten (10) specimen trees and make reasonable efforts to save two (2) additional specimen trees. The current variance request to eliminate tree recompense is not related to any of the trees previously conditioned by City Council to be saved.

The City's Unified Development Code (UDC) requires that specimen trees that cannot be saved be replaced with trees having three (3) times the unit value of the tree removed with a minimum four-inch (4") tree caliper by species with potentials for comparable size and quality. However, it has been the City's policy to allow individual homeowners a reduction in the replacement value from three-times (3x) to one-times (1x) the unit value.

A tree removal permit was approved on the subject property in 2019 to remove two (2) specimen trees (#269 – 26" Hickory and #276 – 28" Hickory) in conjunction with the proposed three (3) single-family lot development. The 54" to be removed requires replacement at three-times (3x) the unit value of the removed specimen trees with minimum four-inch (4") caliper trees planted on-site, which would be 162" or 41 – 4"

caliper trees. The City approved a replanting plan for 129.6", or 43 – 3" caliper trees, which represents a 20% reduction allowed by Staff due to understory trees being easier to secure. If trees cannot be planted on-site, a payment to the tree bank in the amount of \$300/caliper inch may be substituted.

There is also an open violation on the property for the removal of sixteen (16) trees without a tree removal permit. Of the trees removed, four (4) were specimen trees and twelve (12) were non-specimen. Ultimately, Staff agreed to reduce the fine (from \$5,225 to \$500) and tree recompense (from 336" or 84 – 4" caliper trees to 40" or 10 – 4" caliper trees). The property owner paid the associated fine; however, the required recompense remains outstanding. The table below provides a summary off the 2017 violation and 2019 tree removal permit.

1190 Upper Hembree Road – Tree Recompense Summary

Action	Tree Removal	Recompense	Notes
2017 Violation	112" (4 specimen trees) & 209" (12 non-specimen trees)	\$500 fine (paid) & 10 – 4" caliper trees	Fine and recompense significantly reduced by Staff
2019 Tree Removal Permit	54" (2 specimen trees)	54" x 3 = 162" x 0.8 (20% reduction) = 129.6" OR 43 – 3" caliper trees	Staff approved a 20% reduction in recompense
TOTAL	375"	10 – 4" caliper trees & 43 – 3" caliper trees (169" total)	

As shown in the table below, there have been past variance requests to reduce tree recompense. With the exception of the 2001 request that was denied, the other requests were approved. However, two (2) of the requests that were approved represented a reduction in recompense and the other two (2) included conditions either requiring additional tree saves or requiring compliance with the Tree Ordinance.

Past Variance Requests to Reduce Tree Recompense

Project Name	Request	Result	Notes
King's Ridge Christian School	Eliminate recompense for the removal of 2 trees (25")	Approved, 7/9/18	Staff rec'd approval, condition requiring other tree save areas
273 Milton Ave/Edman	Reduce recompense from 59" to 30"	Approved, 9/21/17	No staff recommendation
Alpharetta First United Methodist Church	Reduce recompense from 478.4" to 239.2"	Approved, 1/19/17	Staff rec'd approval, church has been on property for 150 years
Broadwell Road Assemblage	Eliminate recompense for removal of 5 specimen trees	Approved, 9/26/05 (condition req'd compliance with Tree Ordinance)	Staff rec'd approval of annexation, CLUP & rezoning with variances addressed in the conditions. Staff condition rec'd compliance with Tree Ordinance.
39 Teasley Street/Uptown Parking Lot	Refund \$5,000 contributed to the Tree Fund, reduce recompense, reduce replacement trees from 4" to 2-1/2"	Denied, 11/15/01	Staff rec'd approval, parking lot a benefit to the community

VARIANCE REVIEW CRITERIA

The Alpharetta Unified Development Code Article IV, Section 4.5.3 outlines the criteria set forth for granting a hardship variance. The ordinance specifically states..."a variance may be granted in whole or in part, or with conditions, in such individual case of unnecessary hardship upon a finding that":

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography; or

Response: There are not exceptional conditions pertaining to the subject property due to its size, shape or topography. However, the 1.15-acre property has a large number of trees, which impacts development costs and leaves few options of on-site replanting.

2. The application of the Ordinance to this particular piece of property would create an unnecessary hardship; or

Response: The remaining trees on the property could be saved and the violation corrected. However, the large number of trees on the property make it difficult to develop three (3) single-family lots and replant recompense trees on those lots. If approved, a condition is recommended allowing for a reduction in the recompense from three-times (3x) to one-times (1x) the unit value, which is consistent with the City's policy on individual residential lots.

3. There are conditions that are peculiar to the property which adversely affect its reasonable use or usability as currently zoned; or

Response: The subject property is covered with trees, which impacts development costs. Due to the number of trees on the property, there are few options for on-site replanting. If approved, it is recommended that the recompense for the 2019 tree removal permit be reduced from three-times (3x) to one-times (1x) the unit value, which is consistent with the City's policy on individual residential lots.

4. Relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of the Ordinance.

Response: Relief as requested by the applicant could cause a substantial detriment to the public good. The 2017 violation should be corrected by the property owner with the reduced recompense prescribed by the City. If approved, it is recommended that the recompense for the 2019 tree removal permit be reduced from three-times (3x) to one-times (1x) the unit value, which is consistent with the City's policy on individual residential lots.

CONCURRENCES

Staff has reviewed the applicant's request and is not in agreement with the requested variance to eliminate tree recompense. The City has already agreed to a significant reduction in the tree recompense associated with the 2017 violation. With respect to the 2019 tree removal permit, a reduction in the replacement value from three-times (3x) to one-times (1x) the unit value could be supported. It is the City's policy to allow

individual homeowners a reduced tree replacement value and the applicant has indicated that he intends to subdivide the property into three (3) single-family lots from himself and his children to live in.

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.

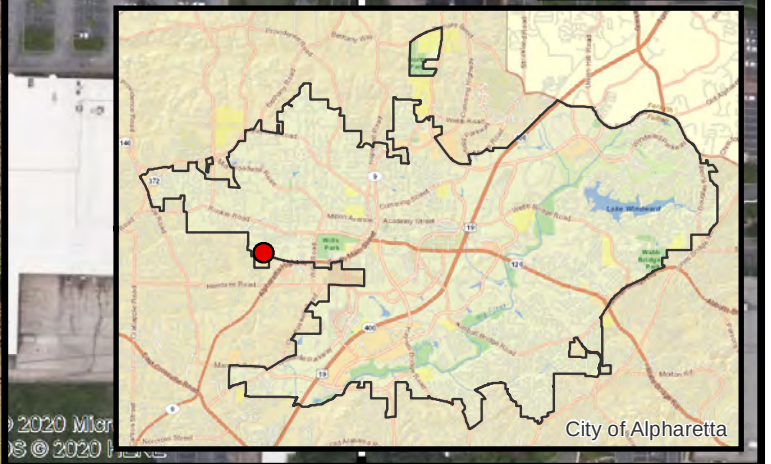
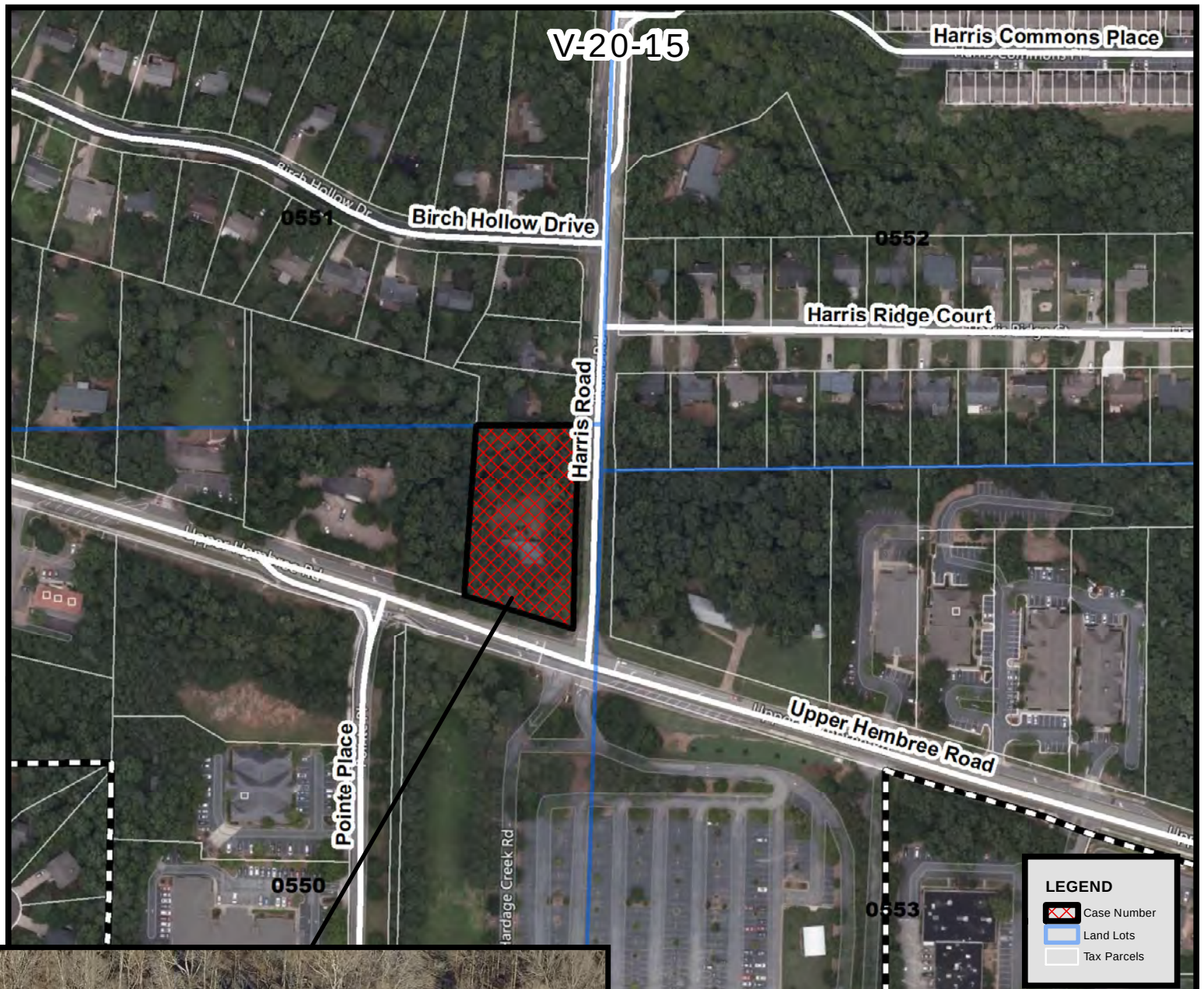
Staff received email correspondence from a resident in the adjacent Birch Hollow Subdivision with concerns over the applicant's request. The resident is opposed to the requested variance, if the result leads to increased stormwater runoff within the associated floodplain. Additional correspondence was received from a resident objecting to the request with general concerns over impacts to the tree canopy resulting from development.

COMMUNITY ZONING INFORMATION MEETING

The CZIM was held on November 11, 2020. There were no public comments.

IV. ATTACHMENTS:

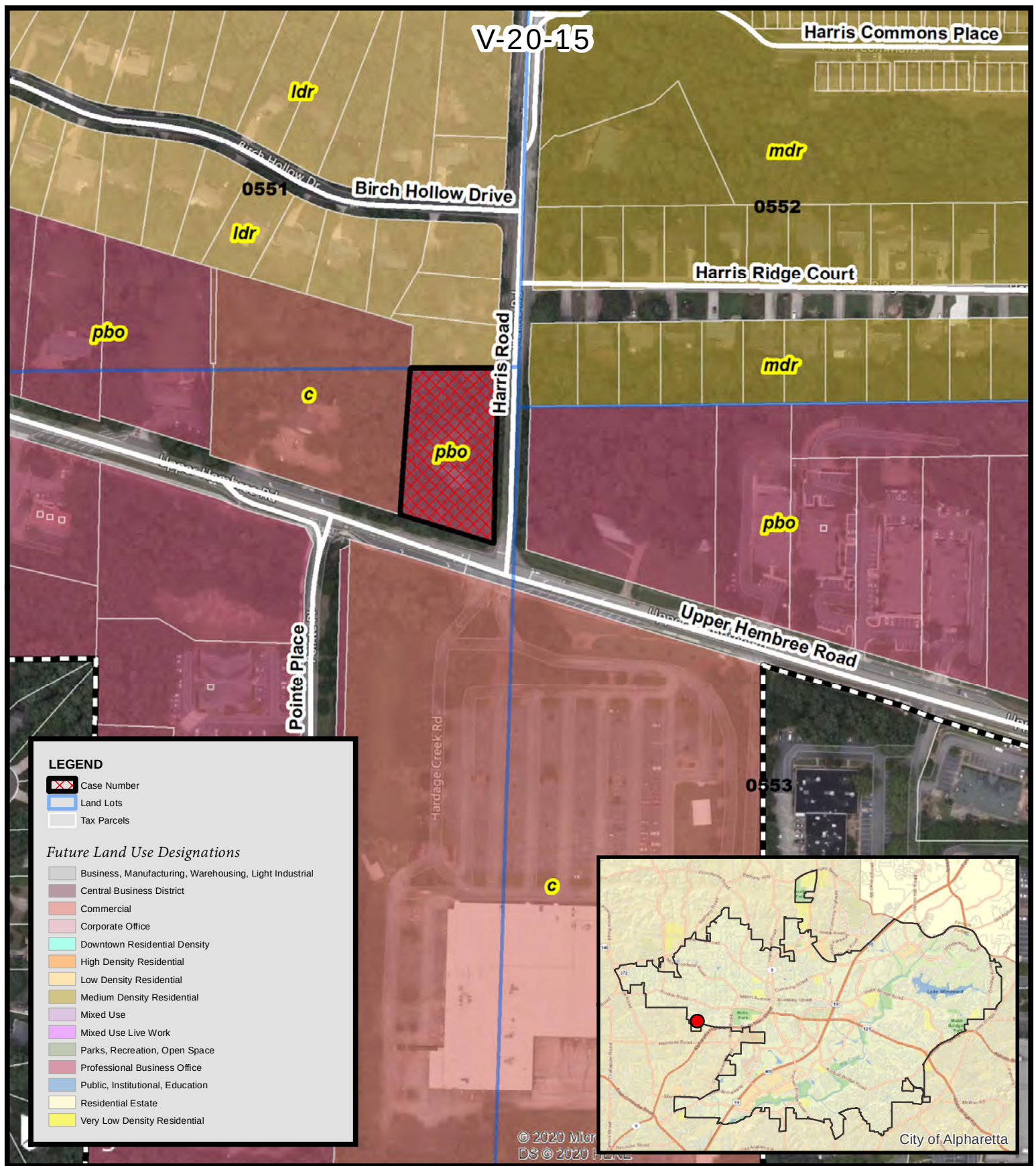
- Survey



Aerial Map
Castro Tree Ordinance Variance
1190 Upper Hembree Road

V-20-15
D/LL: 1/2/550
CC: 12/14/20

Location Map Provided by:
Community Development - GIS

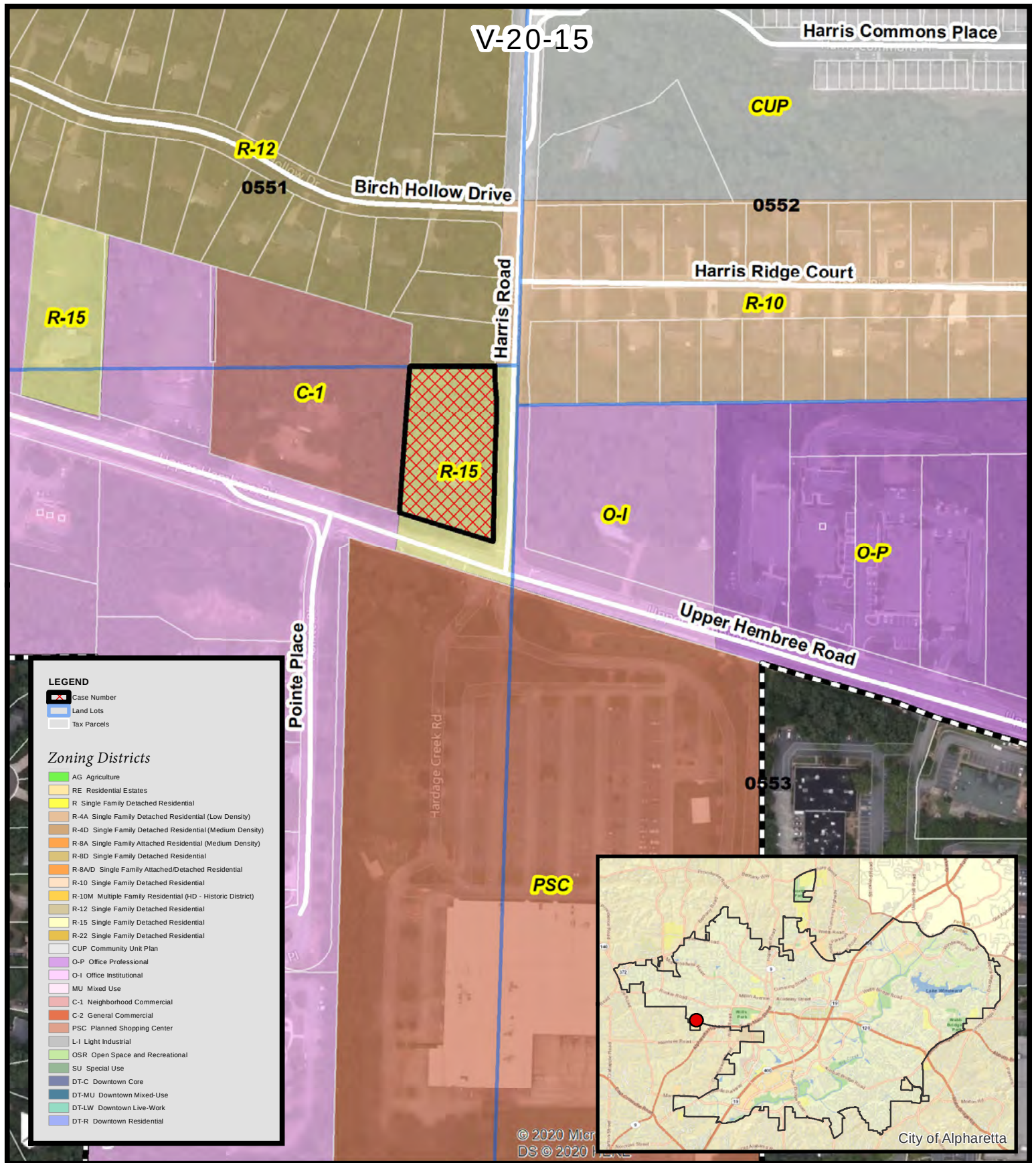


**Future Land Use
Castro Tree Ordinance Variance
1190 Upper Hembree Road**

V-20-15
D/LL: 1/2/550
CC: 12/14/20



Location Map Provided by:
Community Development - GIS

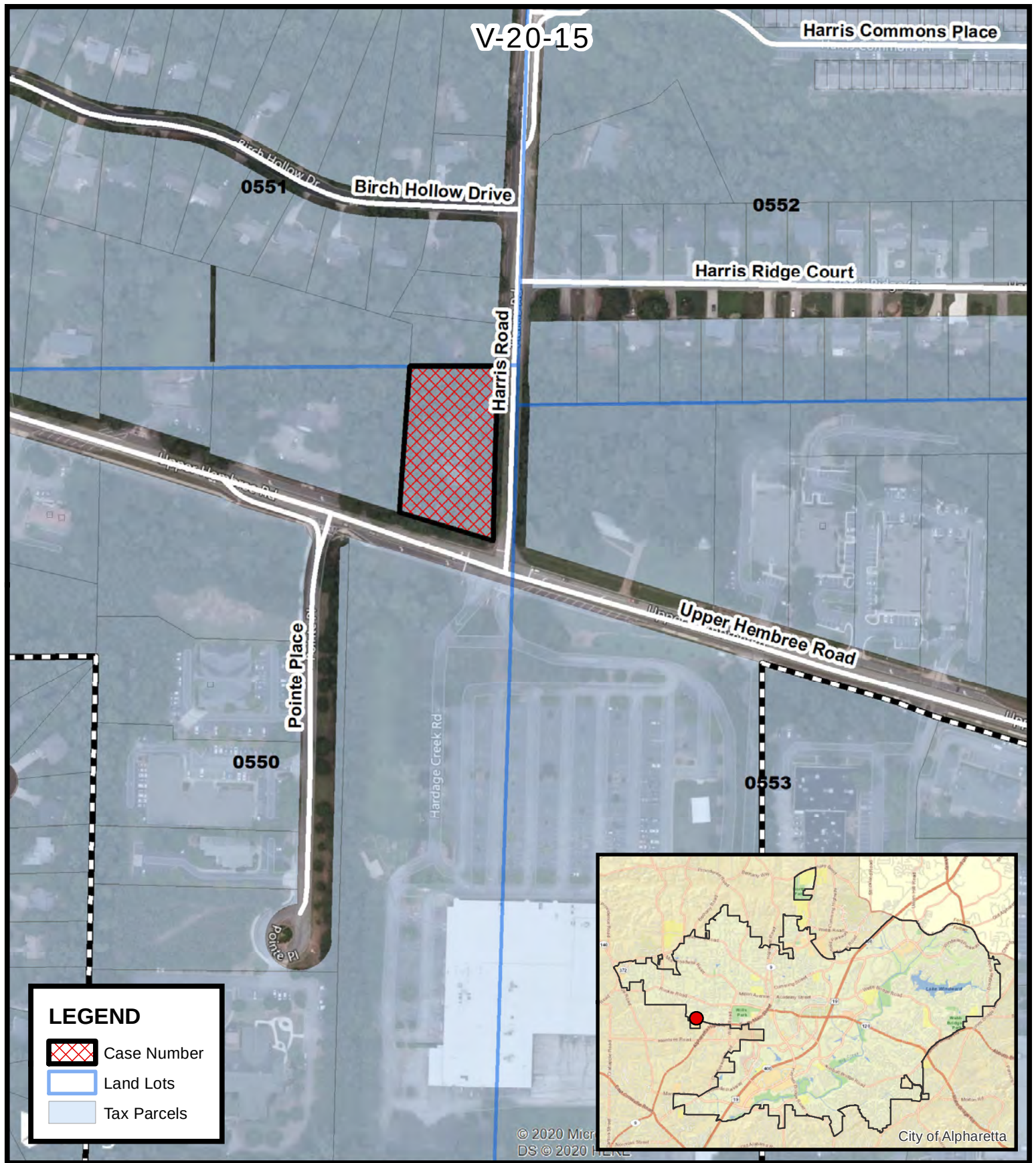


Zoning Map
Castro Tree Ordinance Variance
1190 Upper Hembree Road

V-20-15
D/LL: 1/2/550
CC: 12/14/20



Location Map Provided by:
Community Development - GIS



Location Map
 Castro Tree Ordinance Variance
1190 Upper Hembree Road

V-20-15
 D/LL: 1/2/550
 CC: 12/14/20



Location Map Provided by:
 Community Development - GIS

Go to www.menti.com and use the code 41 84 30 0

The code lets your audience join the presentation. It expires in 4 days.

Castro Tree Ordinance Variance - V-20-15

Mentimeter

NO COMMENTS

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: Upper Hembree Harris
Contact Name: Carlos M Castro Telephone: 770-778-9103

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.

We mailed 42 letters to the list of adjacent neighbors provided by the city. So far we have not received any response or comment.

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 | None |
| ☐ 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: 09/16/2020

Print Form

November 5, 2020

RE: V-20-15 Castro Tree Ordinance Variance

Dear Property Owner:

We are requesting consideration to eliminate the required tree recompense for 1190 Upper Hembree Rd.

The Community Zoning Information will be held on Wednesday, November 11, 2020 at 6:00 p.m. in Council Chambers at City Hall, 2 Park Plaza. This is an informal meeting where the Public may ask questions.

This item will be considered by City Council on Monday, December 14, 2020 at 6:30 p.m. in Council Chambers at City Hall. If you have any questions or would like additional information, please contact me at 770-778-9103

Thank you,

Carlos M Castro

BARNETT MARK D
11920 HARRIS RD
ROSWELL GA 30076

BECKER GARY L & BECKER MARY L
8540 BIRCH HOLLOW DR
ROSWELL GA 30076

BHAVANI GIRIDHARAN R
4208 HARRIS RIDGE CT
ROSWELL GA 30076

BIS PROPERTIES LLC
1230 UPPER HEMBREE RD # 200
ROSWELL GA 30076

BLANCO MILAGRO
4201 HARRIS RIDGE CT
ROSWELL GA 30076

CASTRO CARLOS M & PEREZ ROSAS ROSA M
1190 UPPER HEMBREE RD
ROSWELL GA 30076

CHASTEEN ROGER E
4209 HARRIS RIDGE CT
ROSWELL GA 30076

CHERYL L GORMAN REVOCABLE TRUST THE
8530 BIRCH HOLLOW DR
ROSWELL GA 30076

CROMEN PAMALA K
4211 HARRIS RIDGE CT
ROSWELL GA 30076

DUFFY JAIME & DUFFY GRANT
4200 HARRIS RIDGE CT
ROSWELL GA 30076

GALINAITIS RICHARD
8521 BIRCH HOLLOW DR
ROSWELL GA 30076-1176

GARNETT LYNDEE L
8510 BIRCH HOLLOW DR
ROSWELL GA 30076

GRAFT JEANNETTE & JAMES
140 BAY COLT RD
ALPHARETTA GA 30004

GUY-RICE BONNA K RICE DENNIS
4204 HARRIS RIDGE CT
ROSWELL GA 30076

HARBEN ALAN
11775 POINTE PL # 103
ROSWELL GA 30076

HARRIS COMMONS COMMUNITY ASSOCIATION
INC .
1100 NORTHMEADOW PKWY STE 114
ROSWELL GA 30076

HEMBREE POINTE PROS LLC
11775 POINTE PL #104
ROSWELL GA 30076-4636

HEMBREE POINTE PROS LLC
11775 POINTE PL #102
ROSWELL GA 30076

HEMBREE POINTE PROS LLC
11775 POINTE PL # 101
ROSWELL GA 30076-4636

HPA BORROWER 2016 2 LLC
180 N STETSON SUITE 3650
CHICAGO IL 60601

ICREATE LLC
11755 POINTE PL
ALPHARETTA GA 30076

IRVIN MARTHA ANN
1200 UPPER HEMBREE RD
ROSWELL GA 30076

LATKA JAN P & ZAMBRANA GEORGINA
8550 BIRCH HOLLOW DR
ROSWELL GA 30076-1175

LOWREY ROBERT N & TAMARA L
4203 HARRIS RIDGE CT
ROSWELL GA 30076

MAGUIRE ANNELYSS K & MAGUIRE GREG
8500 BIRCH HOLLOW DR
ROSWELL GA 30076

MALONEY JUDITH A
8501 BIRCH HOLLOW DR
ROSWELL GA 30076

MATIKEEVA KINNEY SAIRAGUL & KINNEY
ANTHONY ROBERT
11910 HARRIS RD
ROSWELL GA 30076

NATURAL MEDICAL SOLUTIONS LLC
490 SUN VALLEY DR SUITE 203
ROSWELL GA 30076

ORAM RICHARD A JR & JOANNE R
4206 HARRIS RIDGE CT
ROSWELL GA 30076

PEREZ COLLEEN
4210 HARRIS RIDGE CT
ROSWELL GA 30076

POINTE PLACE LLC
12730 NW 12 TH RD
NEWBERRY FL 32669

RUSSELL ELAINE L
4202 HARRIS RIDGE CT
ROSWELL GA 30076

S2 PARTNERS LLC
5755 NORTH POINT PKWY STE 210
ALPHARETTA GA 30022

SCHNEIDER DIANNE
3055 HARBOR DR # 2102
FORT LAUDERDALE FL 33316

SOUTHFUND PARTNERS I
270 CARPENTER DR STE 520
ATLANTA GA 30328

TURNER STEVEN RUSSELL & STEWART JENNIFER LEE
8520 BIRCH HOLLOW DR
ROSWELL GA 30076

VORE STEVEN J & HILARY
8560 BIRCH HOLLOW DR
ROSWELL GA 30076

WHITNEY JEREMY E
11690 HARRIS RD
ROSWELL GA 30076

WHOLE FOODS MARKET GROUP INC
550 BOWIE ST
AUSTIN TX 78703

WILBURN MARCUS WILBURN LAINA
4205 HARRIS RIDGE CT
ROSWELL GA 30076

WROBLE LINDA R & BERNARD P
8511 BIRCH HOLLOW DR
ROSWELL GA 30076

ZOLOTAREV PAUL
8531 BIRCH HOLLOW DR
ROSWELL GA 30076

10/7/20

V-20-15

Castro Tree Ordinance

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: Carlos M CastroTelephone: 770-778-9103Address: 140 N Pond Ct.

Suite: _____

City: RoswellState: GAZip: 30076

Fax: _____

Mobile Tel: 770-778-9103

Email: _____

Subject Property Information:

Address: 1190 Upper Hembree Rd.Current Zoning: R-15District: 1Section: 2Land Lot: 550

Parcel ID: _____

Proposed Zoning: R-15Current Use: Residential

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?

- *The proposed use is for single family residential lots

Applicant's Request (Please itemize the proposal):

The reason I am writing you today is the following; as we all know, the pandemic crisis has greatly affected our economy in all sectors. In my particular case, my insurance business has suffered great losses and we do not know when we will be able to recover. We have already applied for a subsidy from the government (Small Business) to assume fixed expenses (rents and payrolls) but we do not know when we will receive it.

The scenario;

We have been informed we will need to plant 130 " with approximate cost of \$300/inch which means a total expense of \$39,000.

*According to the city code the inch caliper required for the whole lot (1.15acre) is 105 " .

*Currently the lot has around 610 " .

*We have been authorized to remove 40 trees to start the building process, after that removal there will be 575 " remaining yet.

*Among the 40 trees allowed to be removed there are TWO trees considered specimen; one is 26 " and the other is 28 " , so based in the arborist calculations we will have to plant another 40 trees of 3 " to compensate. (!?)

*This means the total inch caliper on site after plantings will be 745 " Almost 8 times more than required by the code.

For this reason, which is notoriously affecting all of us, I want to request a moratorium on the huge compensation that we have to pay for the trees that still have to be removed and also for those trees that will have to be planted. Since this is not a business but a family residential project I think this request should be heard.

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

- * Intent to build three single family houses
- * Price range, based on SF of family house, starting price in low \$400K
- * Facade brick and stone

10/7/20

V-20-15

Castro Tree Ordinance

PROPERTY OWNER AUTHORIZATION**Property Owner Information:**Contact Name: **Carlos M Castro**Telephone: **770-778-9103**Address: **1190 Upper Hembree Rd.**

Suite: _____

City **Alpharetta**State: **GA**Zip: **30076****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: **Juan Pablo del Rio**Telephone: **404-399-5192**

Address: _____

Suite: _____

City **Peachtree Corners**State: **GA**Zip: **30092****So Sworn and Attested:**

Owner Signature: _____

Date: **09/16/2020**

Notary: _____

Notary Signature: _____

Date: _____

10/7/20

Castro Tree Ordinance

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: **Carlos M Castro**

Subject Public Hearing Case: **Project: Upper Hembree Harris**

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 has 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: **09/16/2020**

10/7/20

Castro Tree Ordinance

ALPHARETTA PLANNING COMMISSION REVIEW CRITERIA

How will this proposal be compatible with surrounding properties?

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

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

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

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

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

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

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.

BOARD OF ZONING APPEALS REVIEW CRITERIA

Please respond to the following ONLY if you are applying for a zoning variance.

Are there extraordinary and exceptional conditions pertaining to the subject property because of its size, shape, or topography? Please describe them.

- *Save trees in the best possible way
- *Similarities with surrounding areas
- *Increasing build-able area
- *Flexibility to accommodate new house

Would the application of the Zoning Code standards as they relate to the subject property create an unnecessary hardship? Please explain.

Yes, due to the property geometry the lot wouldn't be able to be subdivided into three parcels even though the acreage of the lot allows it.

Are there conditions that are peculiar to the subject property? Please describe them in detail.

- *Amount of trees on property
- *Lot shape

Would relief, if granted, cause substantial detriment to the public good or impair the purpose and intent of the Zoning Code? Please defend your response.

- *Amount of trees on property
- *Lot shape

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.

SIGN VARIANCE REVIEW CRITERIA

Are there exceptional conditions pertaining to the property where the sign is to be located as a result of the property size, shape, or topography which are not applicable to other lands or structures in the area? If "yes," please explain.

☐ Yes

☐ No

Would the applicant be deprived of rights that are commonly enjoyed by others similarly situated? If "yes," please explain.

☐ Yes

☐ No

Would granting the variance confer on the applicant any significant privileges which are denied to others similarly situated? If "yes," please explain.

☐ Yes

☐ No

Are the exceptional circumstances the result of actions of the applicant or the applicant's representatives? If "yes," please explain.

☐ Yes

☐ No

Is the requested variance the minimum necessary to allow the applicant to enjoy rights commonly enjoyed by others similarly situated? If "no," please explain.

☐ Yes

☐ No

Would granting of the variance violate more than one standard of the Unified Development Code? If "yes," please explain.

☐ Yes

☐ No

Would granting the variance result in allowing a sign that interferes with road or highway visibility or obstruct or otherwise interfere with the safe and orderly movement of traffic? On a separate sheet or sheets, please defend your response.

☐ Yes

☐ No

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: Upper Hembree Harris

Contact Name: Carlos M Castro Telephone: 770-778-9103

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.

Adjacent neighbors only

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 asked them to respond by letter as well

10/7/20

Castro Tree Ordinance

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: Upper Hembree Harris

Contact Name: Carlos M Castro

Telephone: 770-778-9103

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

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

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

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

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

Signature of Authorized Agent: _____

Date: 09/16/2020

Print Form

ORIGINAL**Legal Description****1190 Upper Hembree Road Alpharetta GA 30076**

All that tract or parcel of land lying and being in Land Lot 550 of the 1st District, 2nd Section of Fulton County, Georgia and being more particularly described as follows:

Beginning at a point where northern right of way of Upper Hembree Road intersects with western right of way of Harris Road,

Thence run northwesterly along northern right of way of Upper Hembree Road North 73 degrees 07 minutes 56 seconds West a distance of 229.40 feet to a 0.5"rbf,

Thence leaving said right of way of Upper Hembree Road run North 14 degrees 34 minutes 06 seconds East a distance of 227.90 feet to a 1.0"rod located on the northern line of Land Lot 550.

Thence easterly along northern line of Land Lot 550 run South 89 degrees 17 minutes 41 seconds East a distance of 169.20 feet to a 0.5"rbs located on the western right of way of Harris Road.

Thence run southerly along western right of way of Harris Road South 01 degrees 24 minutes 11 seconds East a distance of 285.14 feet to the True Point of Beginning.

Land Area 1.153 AC

Survey completed by Survey Land Express, Inc, dated May 18, 2018

End

AFTER SUBDIVISION**Legal Description**

Proposed Lot 1
Upper Hembree Harris Project
City of Alpharetta
1st District, 2nd Section
Fulton County, Georgia

All that tract or parcel of land being proposed Lot 1, Upper Hembree Harris Project, lying in Land Lot 550 of the 1st District, 2nd Section of Fulton County, Georgia and being more particularly described as follows:

Beginning at a 1/2-inch rebar, found, at the intersection of the northerly right-of-way of Upper Hembree Road, an 80-foot right-of-way, with the westerly right-of-way of Harris Road, a 60-foot right-of-way,

Thence departing said westerly right-of-way of Harris Road and with said northerly right-of-way of Upper Hembree Road, North 72°42'13" West a distance of 229.40 feet to a 1/2-inch rebar, found, in the division line between said proposed Lot 1 to the east and RKM Family L.P. as recorded in Deed Book 29599 at Page 700 among the land records of Fulton County, Georgia, to the west;

Thence departing said northerly right-of-way of Upper Hembree Road and with said division line, North 14°59'49" East a distance of 137.74 feet to a 1/2-inch rebar with cap stamped "LSF001283", set, in the division line between said proposed Lot 1 to the south and proposed Lot 3, Upper Hembree Harris Project to the north;

Thence with said division line, North 88°54'21" East a distance of 189.97 feet to a 1/2-inch rebar with cap stamped "LSF001283", set, on the said westerly right-of-way of Harris Road;

Thence with said westerly right-of-way of Harris Road, South 01°49'54" West a distance of 204.98 feet to the Point of Beginning. Containing 35,231 square feet or 0.809 acre of land.

GeoTerra USA, LLC
Marietta, Georgia
Karie L. Colburn, PLS 2963

AFTER SUBDIVISION**Legal Description**

**Proposed Lot 3
Upper Hembree Harris Project
City of Alpharetta
1st District, 2nd Section
Fulton County, Georgia**

All that tract or parcel of land being proposed Lot 3, Upper Hembree Harris Project, lying in Land Lot 550 of the 1st District, 2nd Section of Fulton County, Georgia and being more particularly described as follows:

Commencing at a 1/2-inch rebar, found, at the intersection of the northerly right-of-way of Upper Hembree Road, an 80-foot right-of-way, with the westerly right-of-way of Harris Road, a 60-foot right-of-way;

Thence departing said northerly right-of-way of Upper Hembree Road and with said westerly right-of-way of Harris Road, North 01°49'54" East a distance of 204.98 feet to a 1/2-inch rebar with cap stamped "LSF001283", set, in the division line between said proposed Lot 1, Upper Hembree Harris Project to the south and proposed Lot 3, Upper Hembree Harris Project to the north, being the Point of Beginning;

Thence with said division line, South 88°54'21" West, a distance of 189.97 feet to a 1/2-inch rebar with cap stamped "LSF001283", set, in the division line between RKM Family L.P., Deed Book 29599 at Page 700, Fulton County, Georgia land records, to the west and said proposed Lot 3 to the east;

Thence with said division line, North 14°59'49" East a distance of 90.16 feet to a 1/2-inch rebar, found, in the division line between said proposed Lot 3 to the south and Lot 1, Unit One, Birch Hollow Subdivision, Plat Book 151 at Page 15, said Fulton County land records, to the north;

Thence with said division line the following two (2) courses:

1. South 88°49' 43" East a distance of 163.10 feet to a 1/2-inch rebar, found and
2. South 89°52'00" East a distance of 6.10 feet to a 1/2-inch rebar, found, on said westerly right-of-way of Harris Road;

Thence with said westerly right-of-way of Harris Road, South 01°49'54" West a distance of 80.00 feet to the Point of Beginning. Containing 15,000 square feet or 0.344 acre of land.

**GeoTerra USA, LLC
Marietta, Georgia
Karie L. Colburn, PLS 2963**



SITE SUMMARY			
DESCRIPTION	QTY OF ALUMINUM		
PROPERTY AREA	1,133 AC (50,000 SF)		
CURRENT ZONING	R-19		R-1
MINIMUM LOT SIZE	10,000 SF		12,000 SF
MINIMUM BUILDING COVERAGE	3,750 SF		3,000 SF
MINIMUM A/PW FOOTAGE	100 LF		80 LF
BUILDING SETBACK FROM FRONT OF LOT	25' MIN	OR 50' IF 100' MIN	25' MIN
REAR BUILDING SETBACK	10'		10'
REAR BUILDING SETBACK	10'		10'
LANDSCAPE SETBACK FROM FRONT OF LOT	5'		5'
LANDSCAPE SETBACK (SOS)	5'		5'

DRAFT

ONE POINT,
LLC

(800) 762-6343
 800-6-66-466
 800-6-66-466
 800-6-66-466

CARLOS CASTRO
RESIDENTIAL DEVELOPMENT
LOCATION: ALPHARETTA, GA

LOCATION: 1190 UPPER MEMBRE ROAD
ALPHARETTA, GA 30076

LOCATION: 1190 UPPER MEMBRE ROAD
ALPHARETTA, GA 30076

#	DATE	REVISIONS

DRAWN
JPO

DATE: 04/12/18

R-12
PROPERTY
LAYOUT

SHEET

10/7/20

Subdivision Plat

Castro Tree Ordinance



STATE PLANE - NAD 83
GEORGIA WEST ZONE

AREA RESERVED FOR CLERK OF
SUPERIOR COURT STAMP

AREA TABLE		
LOT 1 =	36,831 SQ. FT.	0.808 ACRES
LOT 2 =	16,000 SQ. FT.	0.344 ACRES
TOTAL SITE =	50,831 SQ. FT.	1.153 ACRES

FLOOD PLAIN TABLE
ZONE "X"
LOT 1 = 36,231 SQ.FT. 0.808 ACRES
LOT 2 = 15,000 SQ.FT. 0.344 ACRES
TOTAL SITE = 50,231 SQ.FT. 1.153 ACRES

CORNER LEGEND

P.O.B. = POINT OF BEGINNING
P.O.C. = POINT OF COMMENCEMENT
I.P.F. = IRON PIPE FOUND
R.B.F. = REBAR FOUND
C.R.B.S. = CLAPPED REBAR SET
STAMPED "25F001281"

LEGEND

EP = ELECTRIC MISTAL
 FH = FIRE HYDRANT
 FO = FIBER OPTIC MARKER
 LP = LAMP POLE
 PP = POWER POLE
 WM = WATER METER
 WV = WATER VALVE
 DI = DRAINAGE INLET

SURVEYORS CERTIFICATE

It is hereby certified that this plat is true and correct and was prepared from an actual survey of the property by me or under my supervision, that all monuments shown thereon actually exist or are marked as "future" and will be placed during construction of the improvements shown on this plat; and their location, size, type and material are correctly shown.

As required by subsection (d) of G.C.F.A. Section 15-6-87, this plat has been prepared by a land surveyor and approved by all applicable local jurisdictions for recording as evidenced by approval certificates, signatures, stamps, or attestations hereon. Such approvals or attestations shall be the confirmation of the surveyor's compliance with any applicable laws, codes, or rules of this plat as to intended use of any parcel. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the Department of Natural Resources, Georgia Professional Engineers and Land Surveyors and as set forth in G.C.F.A. Section 15-6-87.

KARLE L. COLBURN, GAPS #2063

DATE



CLOSURE:

Error of Closure Plot: 1:88,913
Error of Closure Field: 1:68,808
Angular Error: 24"
Adjusted by Least Squares
Field Date: October 12, 2018
Plot Date: November 18, 2018

24-25

- Trimble 3600 Total
- Trimble RB GPS
- Trimble [PSC] Data Collector

NOTES

1. Bearings shown hereon are State Grid - Georgia West Zone, North American Datum 1983 (NAD83).
2. The public records referenced on this plot were used for the establishment of the boundary of this property. They are not and do not constitute a title search. This plot is subject to all legal easements, right-of-ways, and covenants public and private.
3. This plot or survey is intended for the sole use of the parties listed hereon, any other use is strictly prohibited.
4. Contours and existing conditions shown hereon are from Existing Conditions Survey prepared for Carlos Castro by Survey Land Express, Inc., 24 Lenox Pointe, Suite 1000, Atlanta, Georgia 30326, dated 05/17/2016 and field verified by GeoTerra LLC on October 13, 2016.

OWNER:
CARLOS M. CASTRO
UPPER MEMPHREE ROAD
RETTE, GEORGIA 30070
770-778-9103

NOTE A
UNABLE TO FIND VEIN AT THE
TIME OF SURVEY EXACTLY
LOCATION WITHOUT EXACT
APPROX. LOCATION BY THIS SECTION
WORTH RECONSIDERED DOWNWARD

LOT 1
UNIT ONE
BIRCH HOLLOW SUBDIVISION
P.R. 131 PG 15
PIN: 12 223103510013
ZONE: R-12

ZONING:

THIS PROPERTY IS ZONED O-1 PER ZONING CASE NUMBER V-18-06
AS APPROVED WITH CONDITIONS ON AUGUST 16, 2018.
SEE SHEET 2 OF 2 FOR CONDITIONS AND RESTRICTIONS.

FEMA FLOOD NOTE:

THIS PROPERTY LIES WITHIN FLOOD HAZARD ZONE "X". AREA OF MINIMAL FLOOD HAZARD, AS SHOWN ON F.I.R.M. MAP #13121C0054F WITH AN EFFECTIVE DATE OF SEPTEMBER 18, 2013.

OWNERS CERTIFICATE OF DEDICATION AND ACKNOWLEDGEMENT:

The owner of record of the land shown on this plat and whose name is subscribed thereto, in person or through a duly authorized agent, hereby acknowledges that this subdivision plat was made from an actual survey, and that there are no public dedications on this property.

Submitter: [Signature]
Date: 01/14/2019
Owner: [Signature]
Date: 01/14/2019

CERTIFICATE OF MINOR SUBDIVISION PLAT:
The Community Development Department of the City of Alpharetta, Georgia, certifies that this plat complies with all requirements of the Alpharetta Unified Development Code including Zoning Requirements.

B. K. — 1/14/19

SCALE: 1" = 30'



MINOR SUBDIVISION

UPPER HEMBREE HARRIS PROJECT

City of Alpharetta
Land Lot 550,
1st District, 2nd Section
Fulton County, Georgia

GeoTerra USA, LLC

4328 Arbor Bridge Drive
Marietta, GA 30066
kcalburn@goearthlink.net
678-697-7044

COA: LSF00128J
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SHEET 1 OF 2

Tree Study Report

1190 Upper Hembree Rd Alpharetta GA 30004

Date of Inspection 5/25/2018

Inspector

Jesse Milton
ISA #SO-1170B
Email: jesse@onebark.com

Developer

Carlos Castro
carlos_manuel_castro@hotmail.com

INTRODUCTION

This inspection was made to verify trees that meet Specimen Tree criteria and/or meet the criteria for an Arborist Report as outlined in the City of Alpharetta checklist..

METHODOLOGY

The project site was traversed to identify trees that meet the minimum size criteria for Specimen trees, including boundary trees within 30 feet outside of the parcel limits and potential 'Trees of Character.' Boundary trees can only be inspected from the subject parcel, unless written permission is given by the neighboring parcel owner. This inspection uses Level I and Level II assessment standards. Level III standards can be applied at the customers request.

Any tree which qualifies for special consideration for preservation due to its size, type, condition, location or historical significance and which also meets the minimum size criteria set forth below:

30-inch DBH or larger for trees in the *Pinus* genus

30-inch diameter or larger for trees in the Sweetgum or Tulip poplar genus

20-inch DBH or larger for trees in the *Cedrus*, *Thuja*, or other ecologically similar trees

20-inch diameter or larger for trees in the Beech, *Nyssa*, Persimmon, Sassafras, or other ecologically similar trees

20-inch diameter or larger for *Magnolia grandiflora* and those cultivars that generally reach a mature height over 40'

24-inch DBH or larger for trees in all other genera

10-inch DBH or larger for Sourwood

Understory Trees: 8-inch DBH diameter or larger

DEFINITIONS OF TREE HEALTH

GOOD - Few if any pathological problems exist; canopy is full, leaf density is above average, and live crown ratio is generally 50% or greater

FAIR - vigor is reasonable but a minor pathological problem may exist; leaf density is average; live crown ratio may be less than 50%. Most urban trees fall in this category.

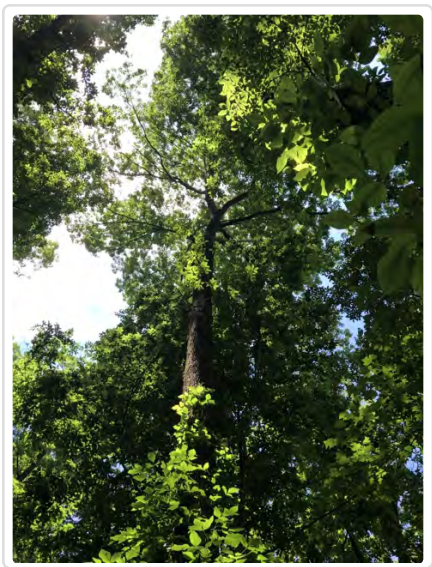
POOR - vigor is waning, some dieback may be present, leaf density is below average; a significant pathological problem may be present; decay may exist within vital structures.

DECLINING - vigor is terminal, dieback is developing or is inevitable; tree has a limited life expectancy of less than 5 years.

Tree 198

Species	27"	Hickory, pignut	<i>Carya glabra</i>
Status	Specimen		
Health/Vigor	Good		
Structure	Asymmetric	Live crown ratio is less than 30%	

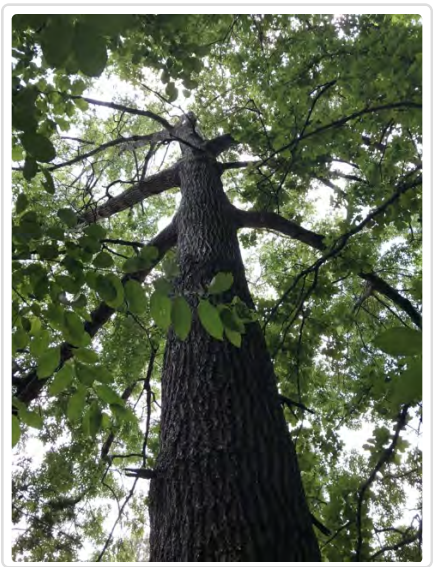
Other notes



Tree 226

Species	27"	Oak, scarlet	<i>Quercus coccinea</i>
Status	Specimen		
Health/Vigor	Good		
Structure	Asymmetric	One sided canopy	

Other notes



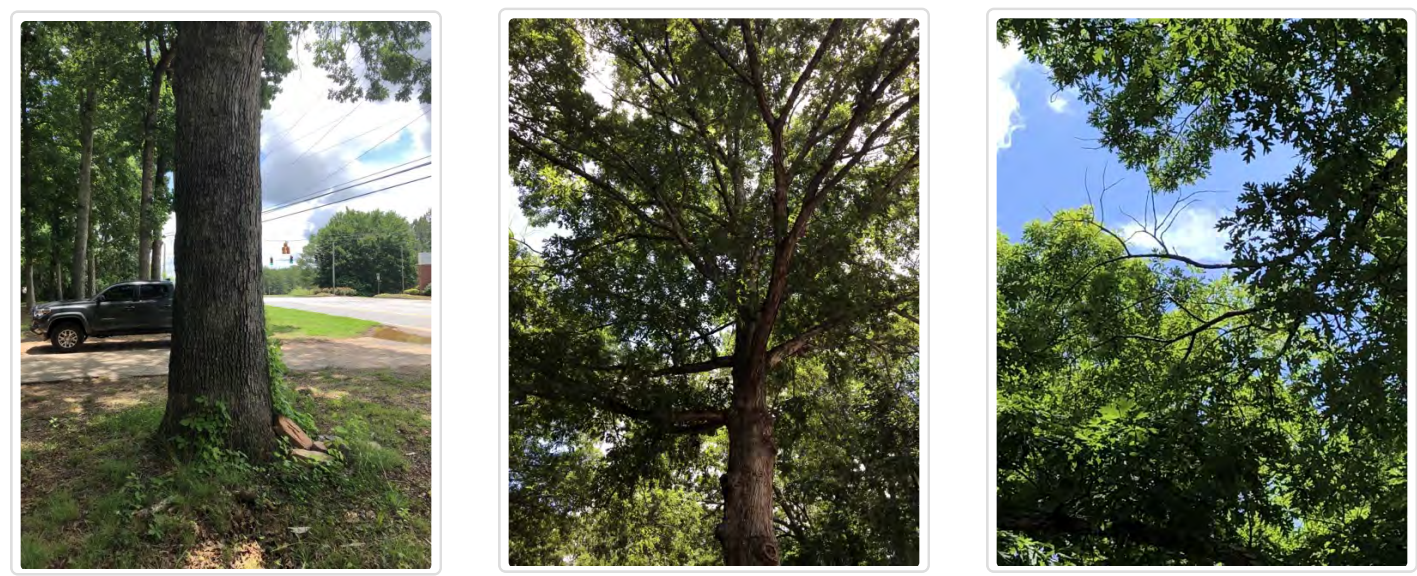
Tree 233

Species	27"	Oak, Southern red	<i>Quercus falcata</i>
Status	Not Specimen		
Health/Vigor	Poor	Poorly compartmentalized wound in lower trunk; cavity; active decay in multiple regions of crown	
Structure	Asymmetric		
Other notes	Does not meet condition criteria		



Tree 235

Species	31"	Oak, white	<i>Quercus alba</i>
Status	Specimen		
Health/Vigor	Fair	Soil stress symptoms in upper canopy; leaf density somewhat below average; significant soil compaction	
Structure	Single	Atypical dead branches	
Other notes			



Tree 236

Species	26"	Oak, white	<i>Quercus alba</i>
Status	Specimen		
Health/Vigor	Fair	Soil stress symptoms in upper canopy; leaf density somewhat below average; moderate soil compaction	
Structure	Single		
Other notes			

Tree 238

Species	37"	Oak, white	<i>Quercus alba</i>
Status	Specimen		
Health/Vigor	Good	Multiple dead limbs, relatively small, scattered throughout canopy	
Structure	Single		
Other notes			



Tree 240

Species	24"	Oak, scarlet	<i>Quercus coccinea</i>
Status	Specimen		
Health/Vigor	Fair	Superficial mechanical injuries on lower trunk, not problematic	
Structure	Asymmetric	Bifurcated top; narrow canopy	
Other notes	Poor candidate for conservation due to canopy shape		



Tree 250

Species	24"	Oak, post	<i>Quercus stellata</i>
Status	Specimen		
Health/Vigor	Good		
Structure	Single	History of overhead line clearance pruning	
Other notes			



Tree 267

Species	25"	Oak, white	<i>Quercus alba</i>
Status	Specimen		
Health/Vigor	Good	No significant problems identified	
Structure	Asymmetric		

Other notes



Tree 268

Species	30"	Oak, post	<i>Quercus stellata</i>
Status	Specimen		
Health/Vigor	Fair	Canopy density is below average	
Structure	Asymmetric		

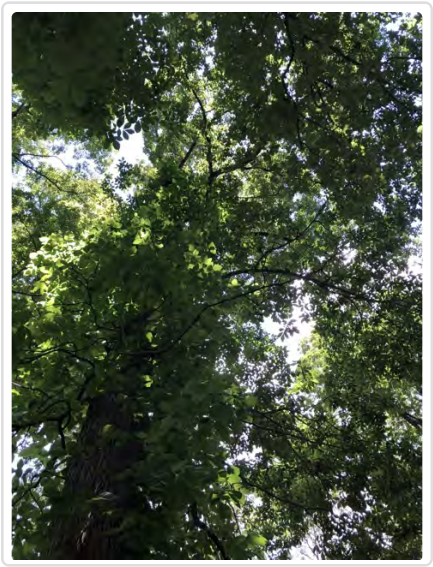
Other notes



Tree 269

Species	26"	Hickory, pignut	<i>Carya glabra</i>
Status	Specimen		
Health/Vigor	Good	Trunk covered in poison ivy	
Structure	Asymmetric		

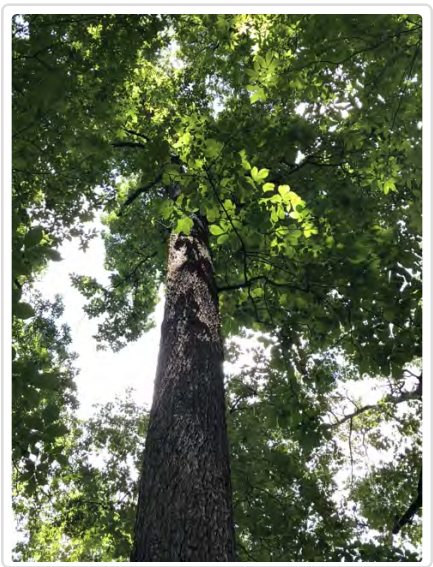
Other notes



Tree 276

Species	28"	Hickory, pignut	<i>Carya glabra</i>
Status	Specimen		
Health/Vigor	Good	No significant problems identified	
Structure	Asymmetric	Bent, one-sided canopy	

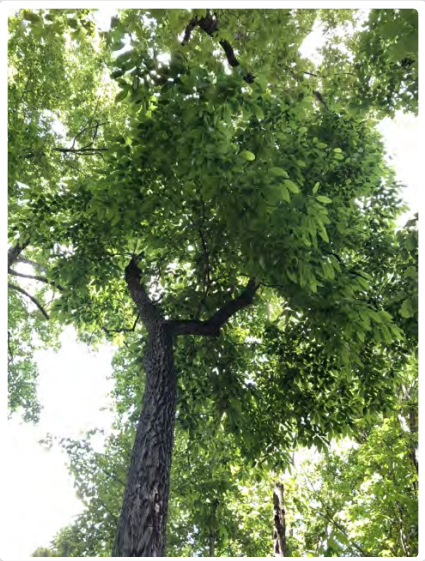
Other notes



Tree 277

Species	10"	Sourwood	<i>Oxydendron arborea</i>
Status	Specimen		
Health/Vigor	Good	No significant problems identified	
Structure	Asymmetric		

Other notes



Tree 278

Species	10"	Sourwood	<i>Oxydendron arborea</i>
Status	Not Specimen		
Health/Vigor	Poor	Cavity at base; bark delaminating from lower trunk exposing dead cambium/xylem	
Structure	Single		

Other notes

Does not meet condition criteria

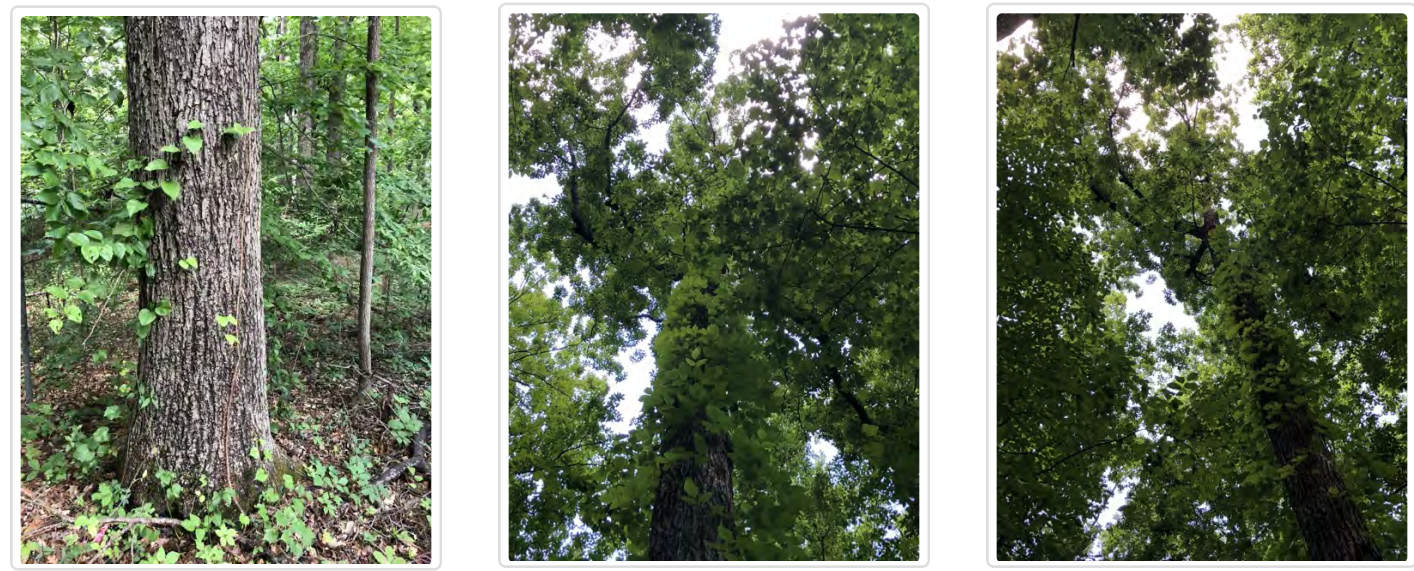


Tree 281

Species	27"	Oak, Southern red	<i>Quercus falcata</i>
Status	Specimen		
Health/Vigor	Fair	Leaf density below average	
Structure	Single		
Other notes			

Tree 299

Species	25"	Hickory, pignut	<i>Carya glabra</i>
Status	Specimen		
Health/Vigor	Fair	Canopy is less dense than average; no significant problems identified	
Structure	Asymmetric		
Other notes			



Tree 899

Species	29"	Oak, white	<i>Quercus alba</i>
Status	Not Specimen		
Health/Vigor	Poor	Evidence of injury, possibly lightning; vertical scar with associated decay inside trunk in 2 locations: mid canopy death of branches	
Structure	Asymmetric		
Other notes	Does not meet condition criteria		



Summary

Total specimen trees identified: 14

Additional Recommendations

Three trees shown on the site survey, noted as HW and greater than 24" DBH, are Tuliptrees and do not meet the minimum size criteria for specimen designation.

Few trees appear to meet 'Character status'. A full review of potential character trees can be evaluated following the final house and plat layouts.

LIMITATIONS

This report is not meant to override any determination by the City of Alpharetta regarding the status of Specimen trees. Additional tree information may be required by the City once the Specimen Tree Report is submitted to Alpharetta, including but not limited to: Trees of Character, Level III assessments, site meetings with the City arborist, and Tree Maintenance Plan preparation.

Arborists cannot detect every condition that could possibly lead to the structural failure of a tree. Trees are living organisms that fail in ways we do not fully understand. Conditions are often hidden within trees and below ground. Arborists cannot guarantee that a tree will be healthy or safe under all circumstances, or for a specified period of time. Likewise, remedial treatments cannot be guaranteed. Clients may choose to accept or disregard the recommendations of the arborists, or to seek additional advice. This inspection was made without the expectation of a particular result.

Certification

Date Certified: 5/25/2018

I certify that all of the statements made in this report are true, complete and correct to the best of my knowledge and belief, and are made in good faith.

Jesse Milton
ISA #SO-1170B



Specimen Detailed Survey

PROPERTY IS ZONED R-15
BUILDING SETBACK:
FRONT 65.0'
SIDE 10.0'/35.0'
REAR 25.0'
MAX LOT COVERAGE 25%
MAX BUILDING HEIGHT 35'

ZONING NOTE:
BEFORE DEVELOPMENT OF THIS PROPERTY,
DEVELOPER AND ARCHITECT TO CONFIRM
ZONING DISTRICT, PER ZONING DEPARTMENT.



FLOOD NOTE:

I HAVE THIS DATE EXAMINED THE "FIA FLOOD HAZARD MAP" AND FOUND IN MY OPINION REFERENCED PARCEL (S) NOT IN AN AREA HAVING SPECIAL FLOOD HAZARDS, WITHOUT AN ELEVATION CERTIFICATION SURVEYOR IS NOT RESPONSIBLE FOR ANY DAMAGE DUE TO ITS OPINION FOR SAID PARCEL MAP ID 13121C0054F EFFECTIVE DATE: 09/18/2013

ZONE: X

THE FLOOD INFORMATION ON THIS PLAT HAS BEEN DETERMINED AFTER REVIEW OF MAPS WHICH ONLY APPROXIMATE THE LOCATION OF THE APPLICABLE FLOOD HAZARD AREA A SECOND OPINION OR COMPREHENSIVE FLOOD EVALUATION STUDY IS SUGGESTED FOR MORE ACCURATE INFORMATION. FOR FURTHER INFORMATION CONTACT THE LOCAL DRAINAGE DEPARTMENT, CORPS OF ENGINEERS AND INSURANCE COMPANY OR AN APPRAISER.

THIS PLAT WAS PREPARED TO SHOWN THE APPROXIMATE LOCATION OF THE IMPROVEMENTS AND IS NOT RECORDABLE. FENCES SHOULD NOT BE PLACED USING SIDE DIMENSIONS FROM HOUSE. ALL MATTERS OF TITLE ARE EXCEPTED. THIS PLAT IS SUBJECT TO ALL LEGAL EASEMENTS AND RIGHT-OF-WAY PUBLIC OR PRIVATE.

SURVEY NOTES:

1. STORM SEWER, SANITARY SEWER AND OTHER BURIED UTILITIES MAY HAVE BEEN PAVED OR COVERED OVER. THE LOCATION OF UNDERGROUND UTILITIES AS SHOWN HEREON ARE BASED ON ABOVE GROUND STRUCTURES AND RECORD DRAWINGS PROVIDED TO THE SURVEYOR. LOCATION OF UNDERGROUND MAY VARY FROM LOCATIONS SHOWN HEREON. ADDITIONAL BURIED UTILITIES MAY BE ENCOUNTERED. NO EXCAVATIONS WERE MADE DURING THE PROCESS OF THIS SURVEY TO LOCATE BURIED UTILITIES. BEFORE EXCAVATIONS ARE BEGUN, TELEPHONE, ELECTRIC, WATER AND SEWER, GAS COMPANIES SHOULD BE CONTACTED FOR VERIFICATION OF UTILITY TYPE AND FOR FIELD LOCATIONS.
2. THIS PLAT WAS PREPARED TO SHOW THE APPROXIMATE LOCATION OF THE IMPROVEMENTS AND IS NOT RECORDABLE. FENCES SHOULD NOT BE LOCATED USING SIDE DIMENSIONS FROM THE HOUSE. ALL MATTERS OF THE TITLE ARE EXCEPTED. THIS PLAT IS SUBJECT TO ALL LEGAL EASEMENTS AND RIGHT OF WAY PUBLIC OR PRIVATE.
3. SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD RECORDED AND NOT RECORDED, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.
4. THIS SURVEY WAS MADE WITHOUT THE BENEFIT OF CURRENT TITLE COMMITMENT, EASEMENTS AND ENCUMBRANCES MAY EXIST WHICH BENEFIT OR BURDEN THIS PROPERTY. MATTERS OF TITLE ARE EXCEPTED. PROPERTY OWNER OR PERSON ORDERING THE SURVEY IS RESPONSIBLE TO CONTACT CLOSING ATTORNEY OR TITLE COMPANY FOR A FULL TITLE SEARCH AND COMMITMENT INCLUDING ALL THE EXCEPTION.
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* LEGEND *

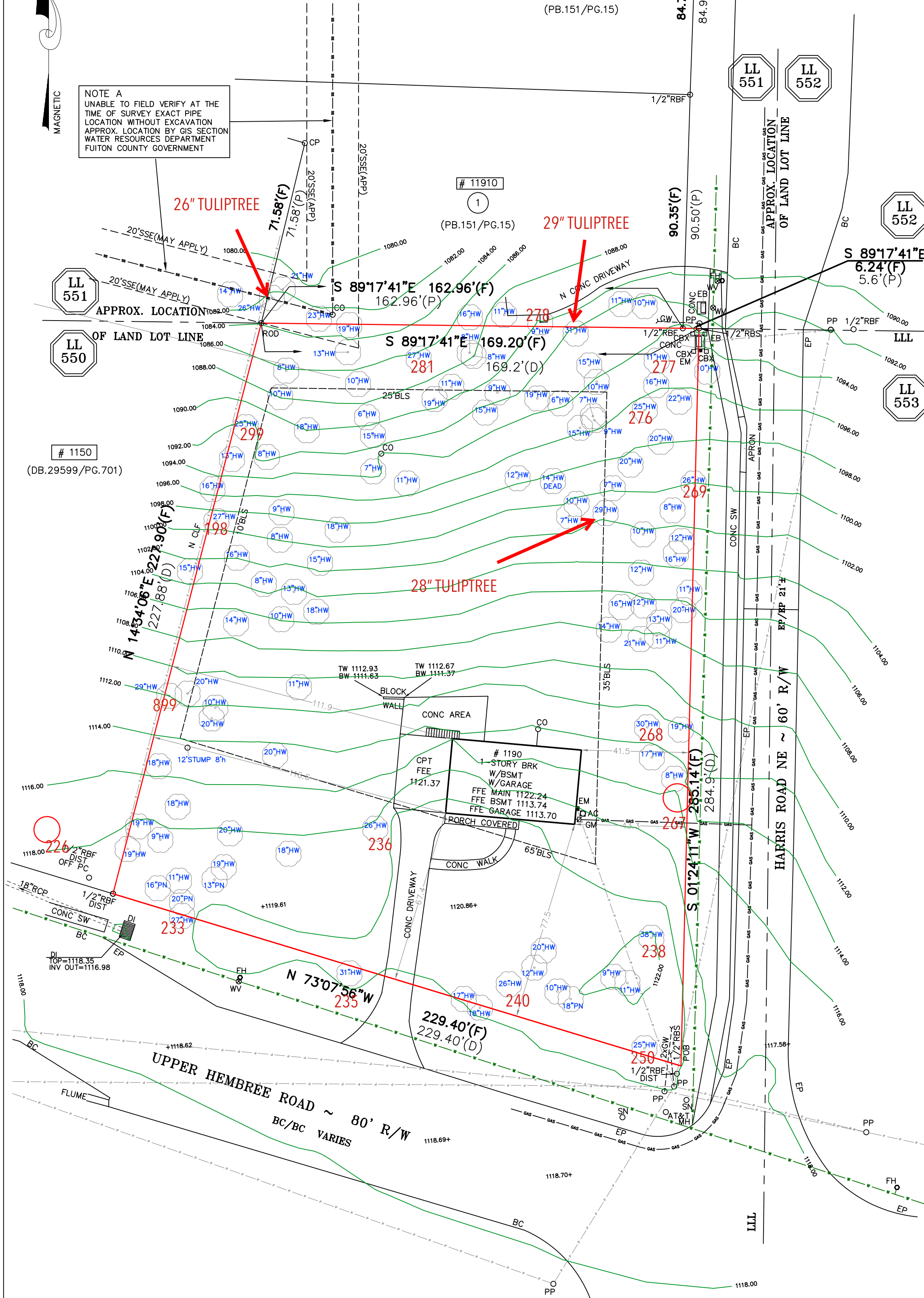
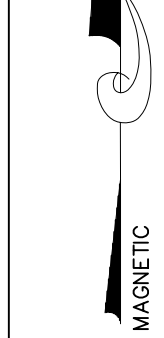
APD	AS PER DEED	IR	IRON ROD FOUND
AE	ACCESS EASEMENT	IV	IRRIGATION VALVE
APF	AS PER FIELD	JB	JUNCTION BOX
AI	ANGLE IRON FOUND	LL	LAND LOT LINE
APP	AS PER PLAT	MAG	MAGNETIC READING IP
APR	AS PER RECORD	MGN	MAGNOLIA TREE
BC	BACK OF CURB	MH	MAN HOLE
BLK	BLOCK	MTF	METAL FENCE
BLS	BUILDING LINE SETBACK	N	N'BERS
BRK	BRICK	OH	OVERHANG
BSMT	BASEMENT	OTP	OPEN TOP PIPE FOUND
CBX	CABLE BOX	OU	OWNERSHIP UNCLEAR
C	CONCRETE	P	PORCH
CB	CATCH BASIN	PC	PROPERTY CORNER
CL	CENTER LINE	PL	PROPERTY LINE
CLF	CHAIN LINK FENCE	PN	PINE TREE
CMP	CORRUGATED METAL PIPE	POB	POINT OF BEGINNING
C.O.A.	CITY OF ATLANTA	PP	POWER POLE
CSWL	CRAWL SPACE	PW	POWER LINE
CP	CALCULATED POINT	P	PORCH
CPT	CARPOT	(P)	PLA
CTP	CRIMP TOP PIPE FOUND	R	RECORD
DE	DRAINAGE EASEMENT	RBF	REINFORCING BAR FOUND
DI	DRAINAGE INLET	RBS	REINFORCING BAR SET
EB	ELECTRIC POWER BOX	RCP	REINFORCED CONC. PIPE
EM	ELECTRIC METER	R/W	RIGHT-OF-WAY
EP	EDGE OF PAVEMENT	SN	SIGN
EP	FIELD	SSL	SANITARY SEWER LINE
FC	FENCE CORNER	SSE	SANITARY SEWER EASEMENT
FH	FIRE HYDRANT	SP	SCREENED PORCH
FR	FRAME	SW	SIDEWALK
GM	GAS METER	TB	TOP OF BANK
GV	GAS VALVE	UE	UTILITY EASEMENT
GW	GUY WIRE	WD	WOOD
HDW	HEAD WALL	WDF	WOOD FENCE
HW	HARDWOOD TREE	WDK	WOOD DECK
IPF	IRON PIN FOUND	WL	WATER LINE
IPS	IRON PIN SET	WM	WATER METER
		WRF	WIRE FENCE
		WV	WATER VALVE
		WW	WET WEATHER
		W/Y	W/TH/ YARD INLET

* SYMBOLS *

■	ELECTRIC PANEL/METER
□	WATER METER
□	AIR CONDITIONER
□	GAS METER
⊠	JUNCTION BOX
⊙	SANITARY SEWER MANHOLE
⊙	STORM MANHOLE
⊙	TRAFFIC/INFO SIGN
⊙	GAS MARKER
⊙	LAMP POST
⊙	METAL POST
⊙	WATER VALVE
⊙	HEADWALL
⊙	STAIRS
⊙	DRAINAGE INLET
⊙	FIRE HYDRANT

* LINE INDICATORS *

— SS — SS — SS —	INDICATES SANITARY SEWER LINE
— P — P — P — P —	INDICATES POWER LINE
— W — W — W — W —	INDICATES WATER LINE
— G — G — G — G —	INDICATES GAS LINE
— D — D — D — D —	INDICATES DRAINAGE LINE
— F — F — F — F —	INDICATES FENCE LINE



LOT	BLOCK
SUBDIVISION	UNIT
LAND LOT 550	1ST DISTRICT SECTION
FULTON COUNTY, GEORGIA	DB.56934/ PG.137 PB./PG.
FIELD WORK DATE MAR 02, 2018	PRINTED/SIGNED MAR 18, 2018
ALL MATTERS PERTAINING TO TITLE ARE EXCEPTED	PAPER SIZE: 17" x 22"

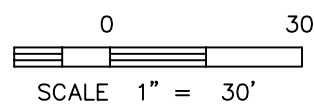
EXISTING CONDITIONS SURVEY PREPARED FOR: SHEET 1 OF 1
CARIOS CASTRO
PROPERTY ADDRESS: 1190 UPPER HEMBREE ROAD ALPHARETTA GA 30076

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE OF 1 FOOT IN 30,000+ FEET, AN ANGULAR ERROR OF 05 SECONDS PER ANGLE POINT AND WAS ADJUSTED USING THE LEAST SQUARES METHOD. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND FOUND TO BE ACCURATE TO 1 FOOT IN 100,000+ FEET. AN ELECTRONIC TOTAL STATION AND A 100' CHAIN WERE USED TO GATHER THE INFORMATION USED IN THE PREPARATION OF THIS PLAT. NO STATE PLANE COORDINATE MONUMENT FOUND WITHIN 500' OF THIS PROPERTY.

LK
COORD #20180414
DWG #20180414

SURVEY LAND EXPRESS, INC
LAND SURVEYING SERVICES

24 LENOX POINTE
ATLANTA, GA 30324
FAX 404-601-0941
TEL 404-252-5747
INFO@SURVEYLANDEXPRESS.COM



TOTAL LAND AREA
50240.14 SF / 1.153 AC
ALLOWABLE LOT COVERAGE
12560.04 SF / 0.288 AC



City Council Meeting STAFF REPORT

Submitting Department: Economic Development

Submitted By:

Sponsored By:

Meeting Date: December 14, 2020

I. AGENDA ITEM TITLE: PH-20-20 NORTH POINT URBAN REDEVELOPMENT PLAN

CONSIDERATION OF ADOPTION OF THE NORTH POINT URBAN REDEVELOPMENT PLAN AS A CONDITION PREREQUISITE TO APPLY FOR A GEORGIA STATE OPPORTUNITY ZONE AS AN ECONOMIC DEVELOPMENT INCENTIVE TO HELP REVITALIZE THE NORTH POINT AREA.

II. RECOMMENDATION:

Staff recommends adoption of the North Point Urban Redevelopment Plan in order to apply for a State Opportunity Zone for the North Point area.

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 adoption of the North Point Urban Redevelopment Plan as a condition prerequisite to apply for a Georgia State Opportunity Zone as an economic development incentive to help revitalize the North Point area.

Upon adoption, staff will submit the Urban Redevelopment Plan as part of the Opportunity Zone application for the Georgia Department of Community Affairs to review.

V. ALTERNATIVES:

VI. ATTACHMENTS:

RESOLUTION NORTH POINT REDEVELOPMENT PLAN ADOPTION(3952939.3), Opportunity Zone Application - Updated 12.11.20

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALPHARETTA, GEORGIA; TO FIND THAT A REDEVELOPMENT AREA WITHIN THE CITY OF ALPHARETTA, GEORGIA CONSTITUTES A POCKET OF BLIGHT PURSUANT TO AND AS DEFINED IN THE “URBAN REDEVELOPMENT LAW,” O.C.G.A. SECTIONS 36-61-1, *ET SEQ.*; TO DESIGNATE SAID REDEVELOPMENT AREA AS APPROPRIATE FOR AN URBAN REDEVELOPMENT PROJECT; TO ADOPT A REDEVELOPMENT PLAN FOR SAID REDEVELOPMENT AREA PURSUANT TO SAID LAW; TO APPROVE AN APPLICATION FOR AN OPPORTUNITY ZONE FOR ALL OR PART OF SAID REDEVELOPMENT AREA PURSUANT TO O.C.G.A. § 48-7-40.1; TO PROMOTE THE PUBLIC HEALTH, SAFETY, AND WELFARE; AND FOR OTHER PURPOSES.

WHEREAS, the City Council of the City of Alpharetta, Georgia (the “City”) is the duly authorized elected governing authority for the City; and

WHEREAS, pursuant to O.C.G.A. § 36-61-7, the City Council of the City has determined and hereby finds that, within the redevelopment area (the “Redevelopment Area”) identified in the “North Point Urban Redevelopment Plan” (the “Redevelopment Plan”) attached hereto as Exhibit “A,” there exists such conditions as: (1) a predominance of buildings or improvements, both residential and nonresidential, which by reason of dilapidation, deterioration, age, vacancy, obsolescence, or other causes, are conducive to ill health or crime and detrimental to the public health, safety, or welfare; and (2) the presence of a substantial number of vacant, deteriorated, or deteriorating structures; predominance of defective or inadequate street layout; faulty lot layout in relation to size, adequacy, accessibility, or usefulness for present or future development; deterioration of site or other improvements; development impaired by transportation noise or by other environmental hazards; or a combination of such conditions, that substantially impairs or arrests the sound growth of the City, suppresses the provision of housing accommodations, and/or constitutes an economic detriment and impairs the public health, safety, or welfare in the present condition and use; and

WHEREAS, the City Council of the City has determined that within the Redevelopment Area there exist such conditions as: pervasive poverty, underdevelopment, general distress, and blight; and

WHEREAS, the City Council of the City has further determined that within the Redevelopment Area there exists such conditions as: poverty areas that are in decline, suffering from disinvestment, and are in need of redevelopment and revitalization; and

WHEREAS, the City Council of the City has found and determined that the Redevelopment Area meets the criteria of O.C.G.A. Sections 36-61-7 and 36-61-2(15) and should be designated as a Redevelopment Area; and

WHEREAS, the City Council of the City has determined that there is a need for a redevelopment project that enables the revitalization, rehabilitation, and redevelopment of the Redevelopment

Area and that these activities within said area are appropriate and in the interest of the public health, safety, morals, and welfare of the residents of the City; and

WHEREAS, the City has prepared or had prepared a workable program to encourage needed rehabilitation, to provide for redevelopment, and to undertake such activities as may be suitably employed to achieve these objectives in the Redevelopment Area; and

WHEREAS, the City has caused a public hearing on the adoption of the Redevelopment Plan to be held pursuant to O.C.G.A. § 36-61-7 on December 14, 2020 at 6:30 p.m. at City Hall; and

WHEREAS, the City Council of the City has determined that the Redevelopment Plan conforms to the general plan of the City as a whole; and

WHEREAS, the City Council of the City has further determined that the Redevelopment Plan will afford maximum opportunity, consistent with the sound needs of the City as a whole, for the rehabilitation or redevelopment of the Redevelopment Area by private enterprise; and

WHEREAS, Georgia law (O.C.G.A. § 48-7-40.1) provides for the creation of an Opportunity Zone to assist in the redevelopment of Redevelopment Area; and

WHEREAS, the City finds that all or part of the Redevelopment Area qualifies for such a zone; and

WHEREAS, the City finds that the Redevelopment Area has undergone significant changes and that an Opportunity Zone would increase property values, promote economic development, and provide other benefits; and

WHEREAS, the City understands that adoption of the Redevelopment Plan will assist in the creation of an Opportunity Zone with the approval of the Georgia Department of Community Affairs.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Alpharetta, Georgia, that the City Council of the City of Alpharetta, Georgia hereby finds and determines that the Redevelopment Area, identified in the Redevelopment Plan attached hereto as Exhibit “A,” constitutes a pocket of blight, as defined by and pursuant to the Urban Redevelopment Law; and

BE IT FURTHER RESOLVED, by the City Council of the City of Alpharetta, Georgia, that the City Council of the City of Alpharetta, Georgia hereby designates the Redevelopment Area as appropriate for an Urban Redevelopment Project, pursuant to the Urban Redevelopment Law; and

BE IT FURTHER RESOLVED, by the City Council of the City of Alpharetta, Georgia, that the City Council of the City of Alpharetta, Georgia hereby adopts the North Point Urban Redevelopment Plan and adopts the same as the North Point Urban Redevelopment Plan in the form attached hereto as Exhibit “A”; approves the submission of the North Point Urban Redevelopment Plan to the Georgia Department of Community Affairs for the purpose of applying

for Opportunity Zone designation for all or part of the area encompassed by said plan, together with an application for such designation; and

BE IT FURTHER RESOLVED that any and all resolutions in conflict with this resolution be and the same are hereby repealed.

APPROVED AND ADOPTED THIS ____ DAY OF DECEMBER 2020.

CITY OF ALPHARETTA, GEORGIA

By: _____
Jim Gilvin, Mayor



NORTH POINT URBAN REDEVELOPMENT PLAN

ALPHARETTA, GA

November 2020

Prepared by:

The City of Alpharetta Community Development Department

2 Park Plaza

Alpharetta, GA 30009



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Introduction

The North Point Urban Redevelopment Plan (URP) has been prepared and adopted pursuant to the procedural and planning requirements of the Georgia Redevelopment Act (O.C.G.A. 36-61-1 et seq.) to allow the City to take advantage of the redevelopment powers enabled by law. It is intended to address the North Point area which is an aging commercial core in need of reinvestment and redevelopment. For administrative purposes, the Mayor and City Council, pursuant to the authority granted by O.C.G.A Chapter 36-61, are the designated urban redevelopment agency for the City of Alpharetta.

Alpharetta is Georgia's 12th largest city and is located in northern Fulton County with a population of over 67,000 people. Its footprint spans more than 27 square miles and is positioned about 28 miles north of Atlanta and roughly 56 miles south of the North Georgia Mountains. Frequently ranked as a family-friendly destination and, simultaneously, a transient business hub, Alpharetta sees the largest daytime percentage population growth in Georgia, with numbers nearly doubling that of its residents.

Much of this growth was set forth by the dedication of Georgia 400 in 1971, granting easier access to cities north of Atlanta. With the construction of North Point Mall in 1993, one of the country's largest malls at the time, North Point became an important commercial hub with a regional economic impact. The Mall alone generated \$4.0 million in real property taxes and an estimated \$12.9 million in local sales taxes for the County, the Fulton County School District, the City, the Metro Atlanta Rapid Transit Authority (MARTA), the North Fulton Community Improvement District (CID), and regional transportation (T-SPLOST) programs in 2018. Other nearby businesses rely on the Mall to generate customer traffic – increasing its economic impact. Although other areas in Alpharetta have seen robust growth and development, the North Point area lags behind in several economic indicators such as lower building permits, business licenses, higher vacancy and higher crime.

Since 2001, North Point's share of retail space as part of the whole City has been decreasing—a trend that is expected to continue with new developments in Alpharetta and surrounding cities that are offering a walkable, mixed use shopping experience. Additionally, office tenants are locating to areas within a mixed-use development that offer walkable amenities. These and other recent trends impacting retailers locally and nationally, have led to retail sales at North Point trending downward and accelerated vacancy rates. The fabric of the North Point corridor reflects an antiquated, auto-centric retail development pattern with underutilized shopping centers with an inadequate street layout.

North Point has over 3.4 million square feet of retail inventory with a current vacancy rate of 9.1%, a year ago the vacancy rate was 6.73%. The 10-year average from 2010-2020 was 4.89%. This percentage from Costar was from first quarter of 2020 before Covid-19 had even begun to impact retail. There have been several additional vacancies since the pandemic began and the area may not stabilize without attracting new development.

In 2018 the City updated its 2008 LCI Plan for the North Point area which recommends several initiatives such as encouraging mixed-use development, improve walkability, and requiring new development to provide amenities such as green space for residents and workers. The plan includes connecting the planned Alpha Loop multi-use trail to the existing Big Creek Greenway and recommends adding pedestrian improvements such as sidewalks and crosswalks to North Point Parkway, connections to the Big Creek Greenway and creating a small block roadway grid system. The City will need to make significant infrastructure investments over several years to provide the needed public infrastructure improvements and other public amenities to create an environment that is more attractive to private investment.

The City of Alpharetta's North Point Urban Redevelopment Plan strives to identify and implement development strategies which will result in the revitalization and redevelopment of the North Point corridor, thereby increasing the quality of life for residents, competitiveness for private investment to create employment opportunities, and reduce the amount of underutilized properties in the area. The City desires to be proactive to help stabilize, transition and improve the area before economic conditions further deteriorate.

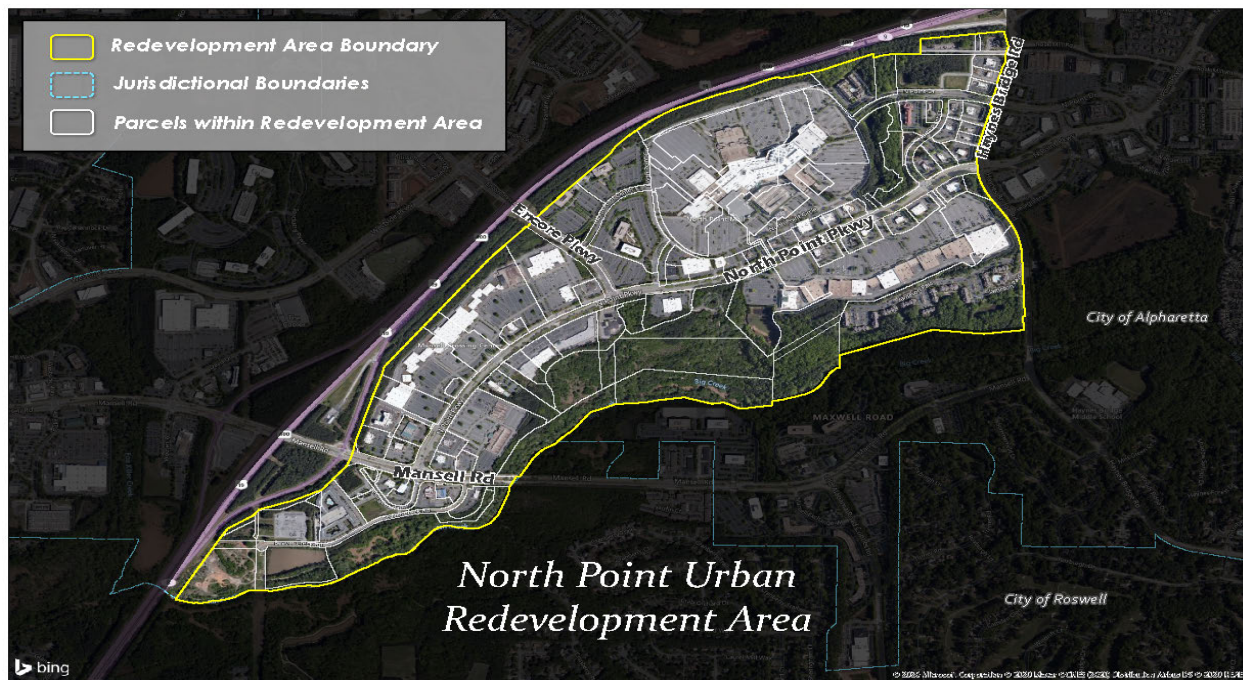
The primary objectives of the City of Alpharetta in implementing this Redevelopment Plan are to:

- Provide incentives and mechanisms to promote investment in blighted and under-utilized properties within the North Point Corridor.
- Spur and support the creation of new jobs and business relocations within and in close proximity to the North Point Corridor, signifying the City's long-term commitment to the revitalization of the area.
- Improve the financial intake and provision of services by the City of Alpharetta by strengthening the diversity of the tax digest.
- Remove impediments to recruiting new industries to facilitate marketing the North Point Corridor as a live, work, and play destination.
- Using the redevelopment power granted by the State statute in public/private partnerships to participate in the overall Redevelopment Plan.
- Identify impediments to redevelopment such as crime, general distress, and infrastructure needs.
- Increase the long-term tax base of Alpharetta and Fulton County.
- Create new jobs and attract and retain businesses within the North Point Corridor to provide a better quality of life to residents and workers needing jobs in the Alpharetta area.
- Meet the requirements necessary to apply for Opportunity Zone designation through the Georgia Department of Community Affairs.

Boundaries of the Urban Redevelopment Area

The boundaries of the North Point Corridor drawn for the Urban Redevelopment Area are consistent with the definition of an “urban redevelopment area” in Georgia’s Urban Redevelopment Law (O.C.G.A § 36-61). The area is bounded by Georgia 400 to the north and west, Big Creek to the south and Haynes Bridge Road to the east. This footprint consists of approximately 590 acres with 108 parcels, as seen below:

Map 1



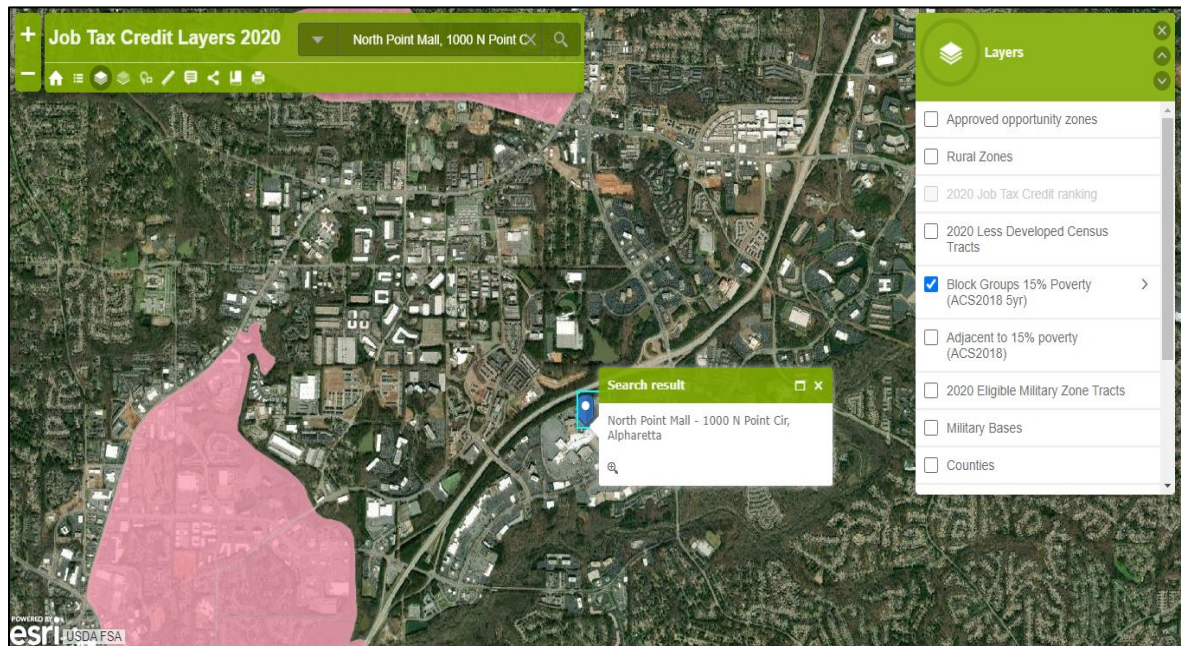
Negative Conditions

Pervasive Poverty

Maps 2 and 3 (DCA website) show the North Point Urban Redevelopment Area (Block Group 131210116111) as immediately adjacent to US Census block group 131210114212 with a resident population of 15% or greater who are living in poverty.

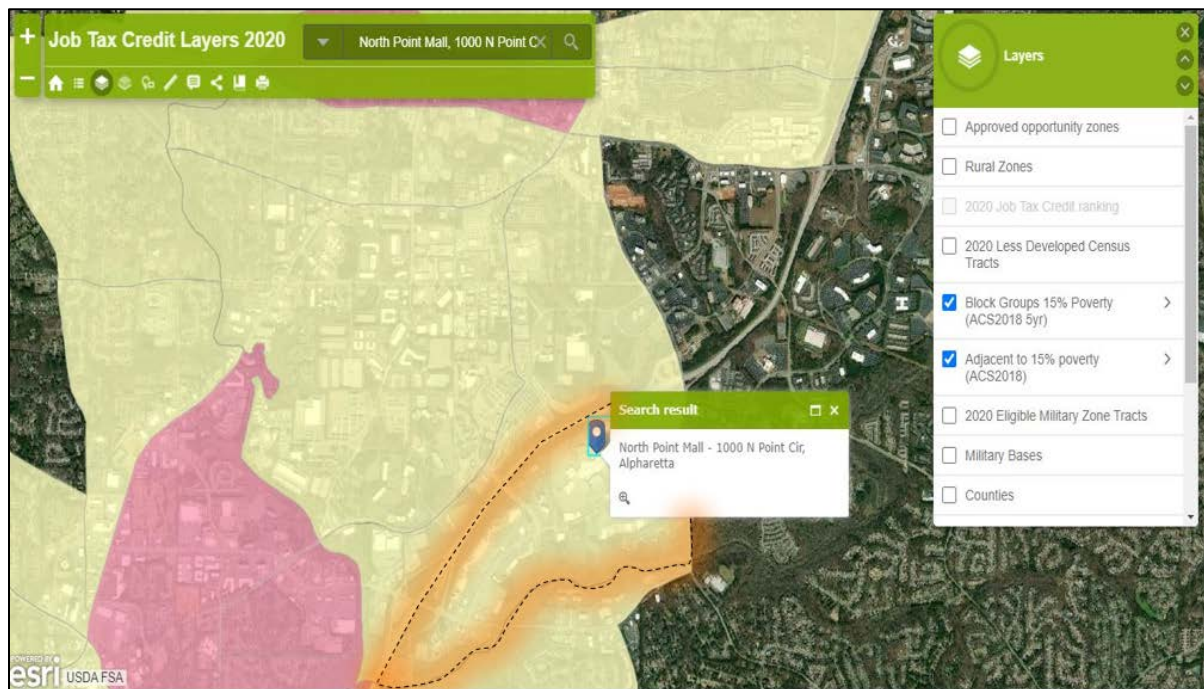
The urban redevelopment area’s adjacency to a block group with pervasive poverty satisfies a State of Georgia requirement for Opportunity Zone application.

Map 2



The Block Groups in pink contain greater than 15% Poverty (Source: Georgia Dept of Community Affairs)

Map 3



The North Point Urban Redevelopment Area, highlighted in orange, is adjacent to a Block Group of 15% or greater poverty

While the Census Block Group that includes the Mall is defined by commercial development, there are 35 acres of residential property within the 590-acre corridor. This includes apartment complexes by the names of Avana North Point and AMLI North Point.

The larger census tract for the North Point Area also includes many high-density residential areas and apartment complexes north of Georgia 400. Of these, two of the prominent living centers are for assisted living and 55+ demographics. As shown in the chart below, the per capita income of this specific census tract is \$33,933 – nearly \$10,000 less than that of Fulton County.

Chart 1

	Fulton County	City of Alpharetta	North Point Census Tract 116.11
Population	1,021,902	64,672	8,379
Households	400,016	23,790	3,373
Median Household Income	\$64,787	\$105,908	\$67,666
Per Capita Income	<i>\$43,707</i>	<i>\$54,474</i>	<i>\$33,933</i>
% Below Poverty Level	13.1%	5.1%	1.7%
Unemployment Rate	6.5%	4.6%	2.7%
Median Contract Rent	\$962	\$1,209	\$1,128
Rental Vacancy Rate	7.9%	8.2%	6.2%

U.S. Census Bureau, 2018, ACS 5yr estimate

Unemployment

Alpharetta is a regional employment center with more than two-thirds of the jobs within the city being occupied by people residing outside of the city limits. Of the approximately 7,000 jobs within the Urban Redevelopment Area, over 99% of them are occupied by workers who live outside of the area (Map 4). The success of this employment center has a ripple effect not only upon Alpharetta’s tax base (60% Commercial) but also on several surrounding communities whose residents are employed within the Urban Redevelopment Area. Unemployment rate information over the previous five years for the City and the North Point area is shown in the table below. The table also shows that although Alpharetta as a whole is trending lower unemployment, North Point shows increasing unemployment.

Chart 2

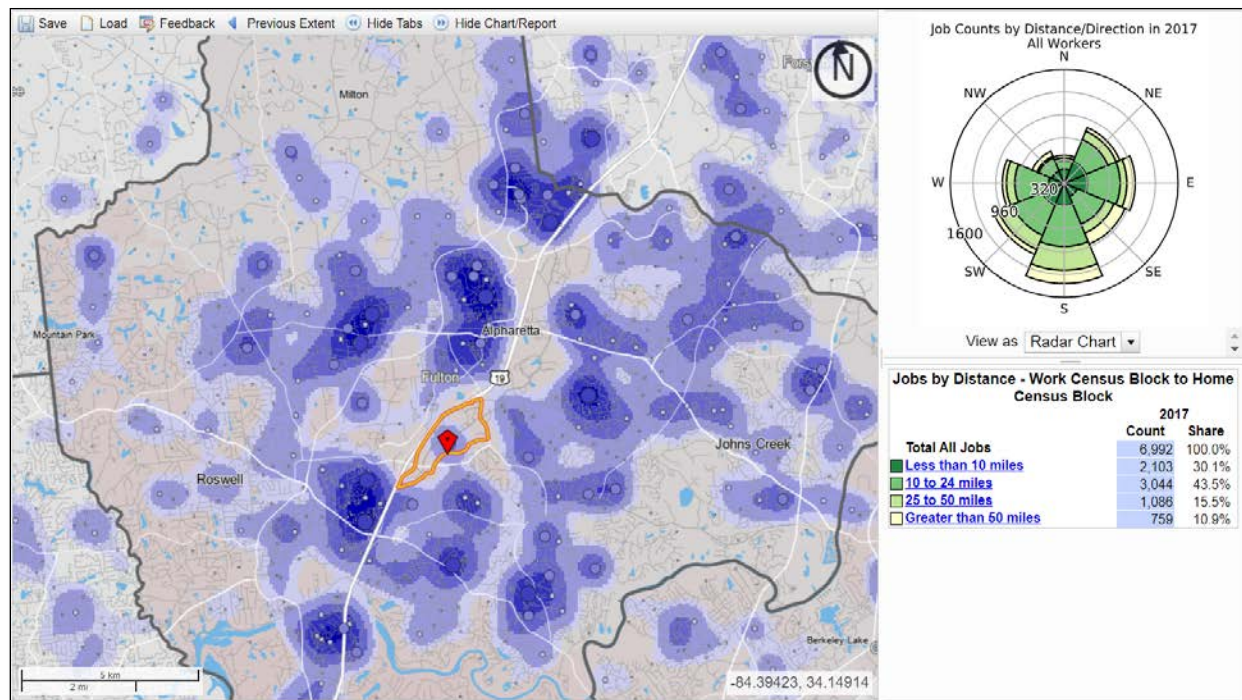
YEAR	CITYWIDE UNEMPLOYMENT	CENSUS TRACT 116.11 UNEMPLOYMENT
2015	4.8%	1.1%
2016	4.3%	1.5%
2017	4.3%	2.4%
2018	2.9%	2.7%
2019	2.5%	N/A *

Source: US Census Bureau, ACS 5-Year Estimates for 2015, 2016, 2017, and 2018

*ACS 5-Year Estimates for 2019 data unavailable

City of Alpharetta 2019 Comprehensive Financial Report

Map 4



The Urban Redevelopment Area is shown in orange, with the geographic breakdown where employees within that area live. Source: Census on the Map

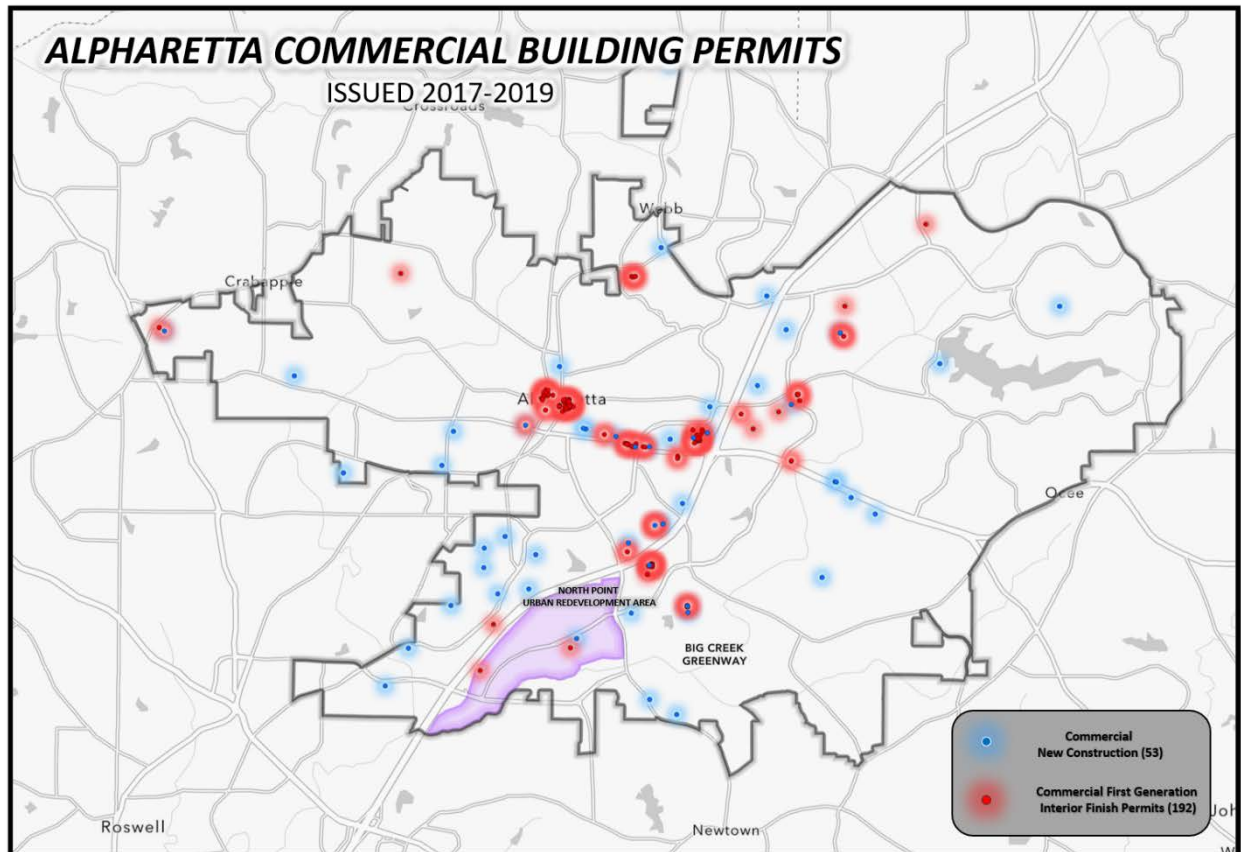
Underdevelopment

There are significant indicators of underdevelopment in the North Point Urban Redevelopment Area. Despite the approved zoning which permits a broad range of allowable uses, development in the area has been sporadic resulting in minimal and slow growth. Due to a combination of the economic effects caused by the coronavirus pandemic (i.e. less consumer spending, more online shopping, etc.), increased competition to other commercial destinations, and the decline of big box stores, North Point, now more than ever, remains underserved by employment opportunities, shopping and dining options, and desirable housing.

Map 5 shows Commercial Building Permits that have been pulled within the city of Alpharetta for the three-year period of 2017-2019. These permits included commercial new construction in

the form of new buildings or new interior renovations. Citywide there were 245 of these permits pulled with only 3 occurring within the Redevelopment Area. That's only 1% of the commercial permits pulled within the city limits, indicating significant stagnancy in new building construction.

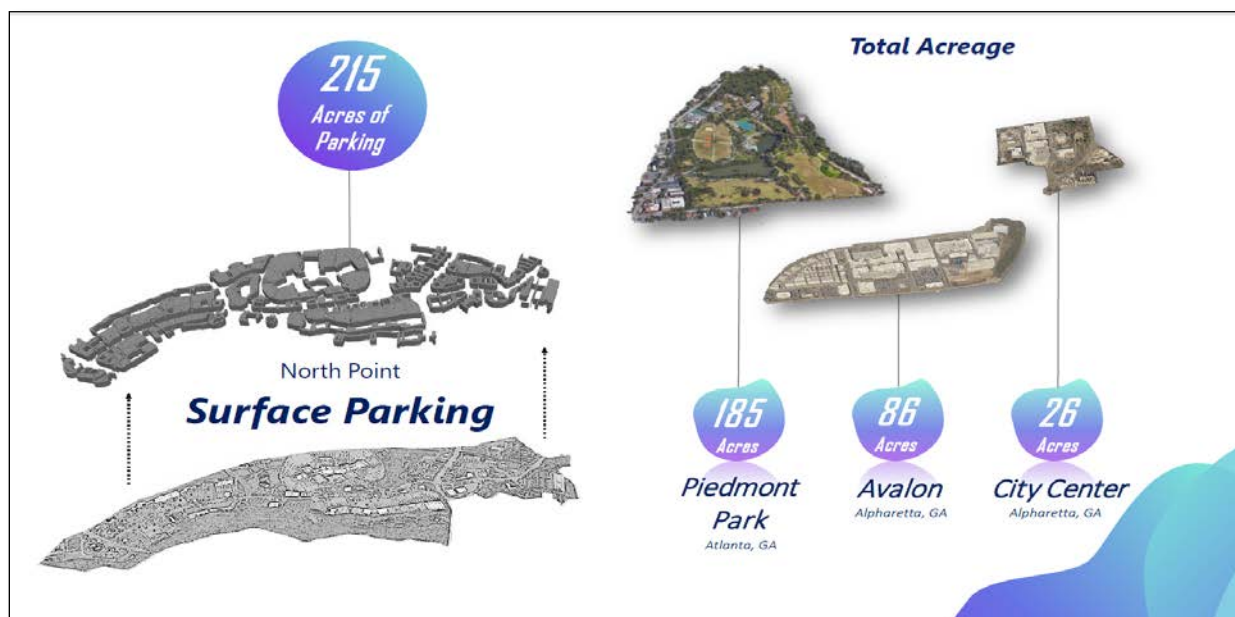
Map 5



Parking Lots & Street Layout

North Point currently has an inadequate street layout whereby large development blocks currently exist bordered by high-volume arterial roads without necessary pedestrian amenities. The adopted LCI recommends smaller blocks and transportation corridors, such as North Point Parkway, are envisioned to support development that will address the street. This re-orientation of development creates valuable visibility and access for commercial uses and also contributes to traffic calming and the creation of a more walkable environment which doesn't exist today. Additionally, over 215 acres of North Point consists of surface parking lots which, with decreasing use, create a vacuous feel within the district (Map 6).

Map 6



Surface parking acreage at North Point relative to other local activity centers

Structural Age and Deterioration

North Point Mall, opened in 1993, was built to accommodate an auto-centric shopping experience characterized by sprawling parking lots and big box retailers occupying hundreds of thousands of square feet per lease. Adjacent properties became home to retail strip center developments thus adding more parking. The majority of the area can be described as older suburban retail and most properties are in some state of disinvestment.

The North Point area is anchored by North Point Mall, a 1.6 million square foot super-regional shopping center occupying nearly 94 acres. Developed in the early 1990's, this facility is an important source of public revenue for Alpharetta, Fulton County and the Fulton County School District. Due to recent trends impacting retailers locally and nationally, it is estimated that Mall vacancy has recently risen above 20% and average sales per square foot for remaining mall tenants have been declining at a significant annual percentage rate since 2014.

The mall's declining sales performance has in turn negatively impacted other nearby retail centers that depend upon customer traffic generated by the mall. The recent struggles of nearby properties are reflected in increasing vacancy rates and stagnating office rents. The office properties within the redevelopment area had lower vacancy rates in 4Q 2009 (7.9%) as compared to Alpharetta overall (13.8%), according to CoStar. By 4Q 2017 the situation changed dramatically. Whereas the city's overall office vacancy rate decreased to 10.4%, the vacancy rate within North Point rose above the city's rate to 12.2%. Thus, while the city overall improved its office vacancy rate over the past 10 years, the North Point area's vacancy rate increased by over

50%, providing further evidence of the declining nature of the commercial real estate performance.

The analysis for this plan estimates that department stores and other businesses within the mall provide employment to 1,850 workers, with several hundred additional jobs provided by nearby commercial, retail and entertainment businesses. A continuation of recent trends will have obvious negative consequences to both local employment and local governmental revenues.

Inefficient and Obsolete Commercial Design and Layout

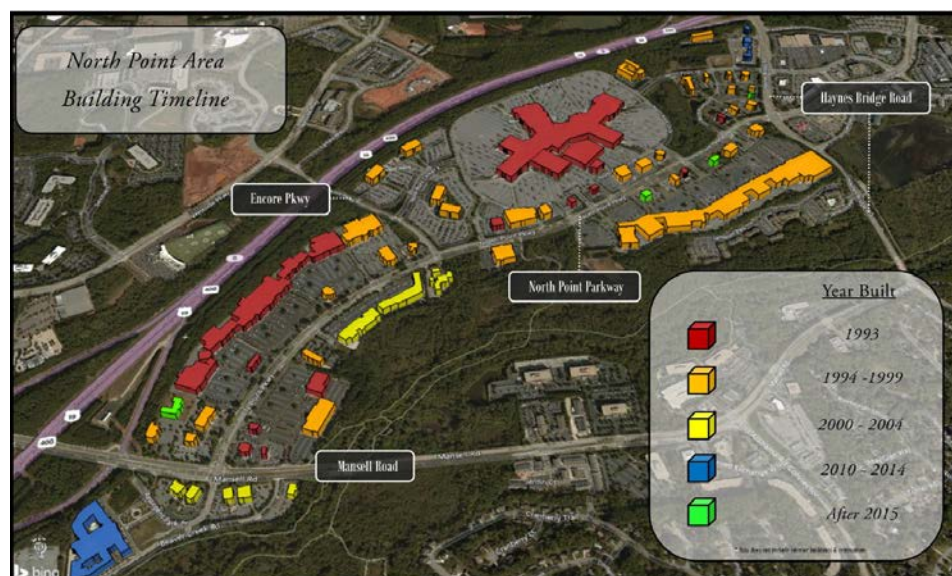
As discussed earlier, the existing commercial vacancies and freestanding structures are inefficient with respect to site use and density. Most sites are considered unattractive with respect to current standards and obsolete with respect to consumer market appeal. Vacant building signage is unappealing and unkempt.

Map 7 below shows the trend of larger buildings with prominent parking areas built in the 1990's and the decrease in size of facilities built post 2015. The streets and blocks of the North Point District will create the framework on which all private investment is arrayed. The future plan is to create a network of public ways designed to create both a walkable environment and high-value development parcels.

North Point currently has very large development blocks bordered by high-volume arterials. The recommended framework is to create a much finer-grained network of streets to encourage compact development and walkability. This network can be developed incrementally and built around existing major arterials and intersections.

The success of this approach hinges on how streets and adjacent development address features that drive value.

Map 7



Map showing the timeline of when commercial properties were built in the redevelopment area.

Economic Underutilization of Developable Land

A significant portion of previously developed land in the area is underutilized with respect to potential density, type of development, and/or resulting market and taxable values. Many parcels are suitable for redevelopment or reinvestment. A recent analysis of other mixed-use developments that have been developed with less parking and walkable amenities shows that by land comparison another 5,000 jobs could be added to North Point if developed at similar density.

In alignment with the LCI and North Point overlay, transportation corridors, such as North Point Parkway, are envisioned to support development that will address the street. This re-orientation of development creates valuable visibility and access for commercial uses and also contributes to traffic calming and the creation of a more walkable environment.

The second type of high-value frontage - green space - is largely untapped. Only 1 building currently developed along the Big Creek Greenway has direct access to the greenway trail. The amenity is mostly hidden and does not connect to the existing retail strip centers. Big Creek Greenway is a green asset that could provide valuable frontage if redevelopment leverages the asset and would provide a tremendous economic benefit.

Underachievement as a Business Center

The number of occupational tax certificates, or business licenses, issued in the North Point area over the last three years suggests that new business generation and existing commercial activity has remained fairly stagnant when compared to the city as a whole. An examination of issuances of building permits and business licenses from 2017-2019 strengthens the assertion that the targeted urban redevelopment area has suffered from a lack of investment and continues to be a strong candidate for redevelopment and incentives for revitalization. The Annual business closures have increased by 41% between 2013 -2016 and 2017-2019.

Chart 3

Business Closures within Redevelopment Area by Year:

2019 - 51
2018 - 69
2017 - 45
2016 - 39
2015 - 55
2014 - 35
2013 - 26

(Source: City of Alpharetta, Finance Department)

Annual Average:

2013-2016 - 39
2017-2019 - 55

OCCUPATIONAL TAX CERTIFICATES ISSUED, 2017-2019

	2017		2018		2019	
	#	% of Total	#	% of Total	#	% of Total
City of Alpharetta	4,324		4,387		4,543	
City of Alpharetta (North Point URA)	361	8.3%	371	8.5%	382	8.4%

Note:

Data above represents Occupational Tax Certificates that are linked with a specific address/parcel ID. (e.g. excludes Occupational Tax Certificates on select insurance companies, alcohol distributors, etc.)

Source: City of Alpharetta Finance Department

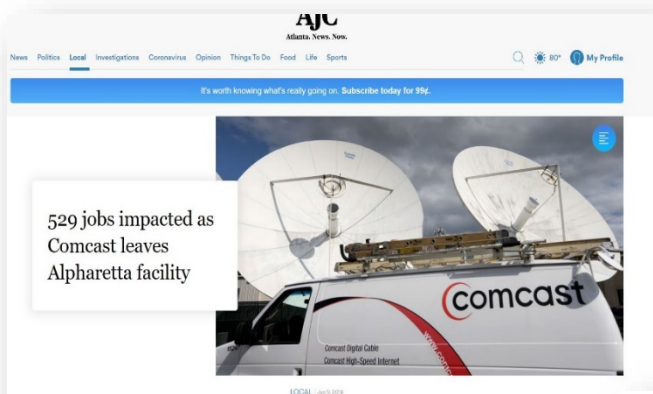
Underachievement as an Employment Center

The North Point Urban Redevelopment area has been in decline for the last several years. A recent analysis of other mixed-use developments that have been developed with less parking and walkable amenities shows that by land comparison another 5,000 jobs could be added to North Point if developed at similar density.

Due to a combination of a lower market appeal, more competition, corporate shakeups, and COVID-19, many businesses in North Point have recently closed for business or closed over the last two years and remain vacant, including:

- Comcast
- Toys R' Us
- Atlantic Seafood
- Galeto Brazilian Steakhouse
- Thomasville Furniture
- La-Z-Boy
- Charlotte Russe
- Fuddruckers
- American Girl
- Wendy's
- Pier 1 Imports
- Stein Mart
- Sur La Table
- Hudson Grille
- Sears
- Steinmart
- Corner Bakery
- Regions Bank
- AMC Theater
- Sweet Tomatoes

News article clippings announcing closings in North Point.



Pier 1 to close Alpharetta location on North Point Parkway as company braces to go out of business

Now is the chance to help your local community succeed. Become a Patron by contributing to *Community Impact Newspaper* and gain daily insight into what's happening in your own backyard. Thank you for

Lack of Rental Revenue Generation

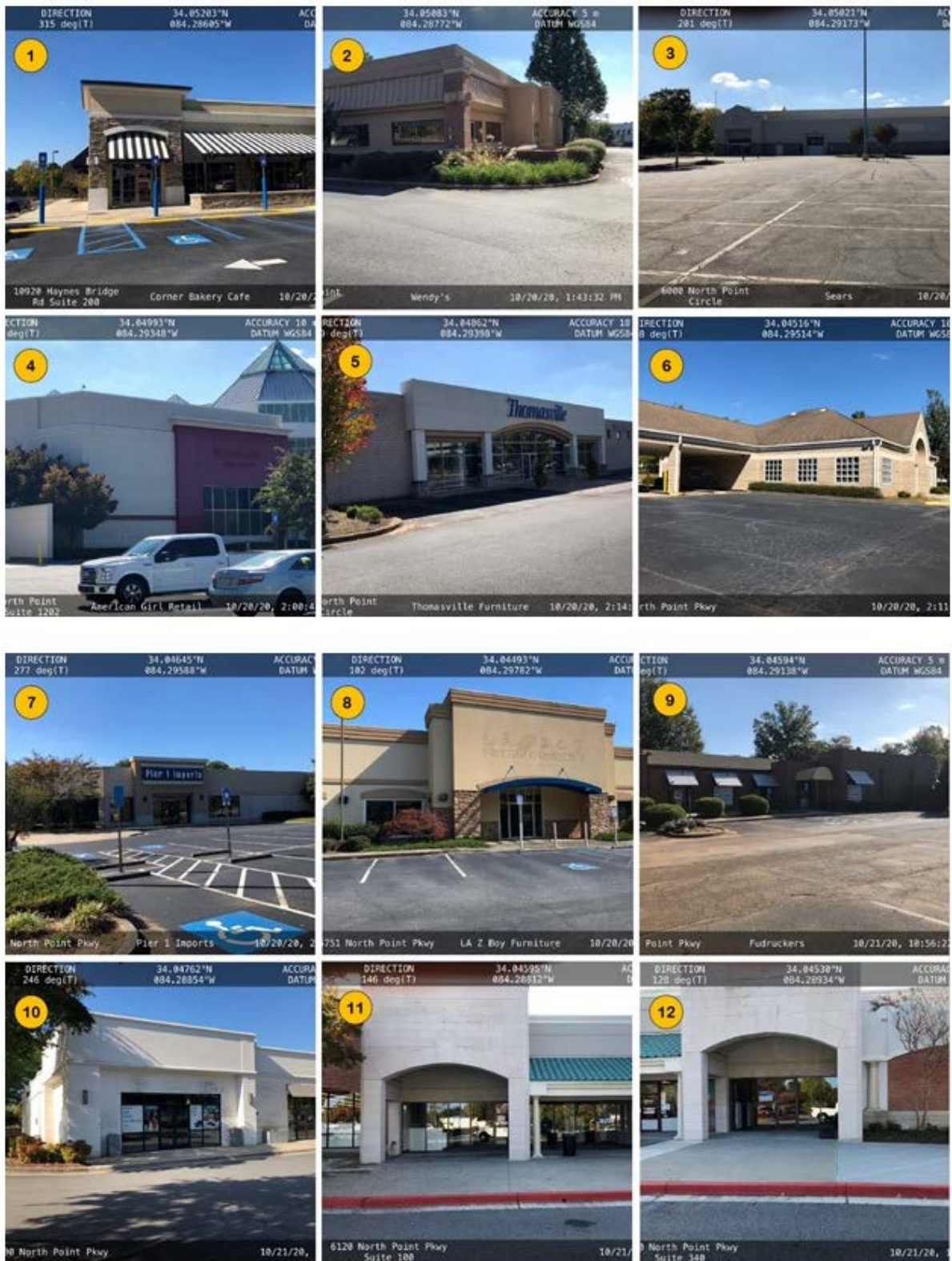
When properties become vacant, the vacancy could last for many months, and possibly years. The potential for absentee landlordism could also mean little to no improvements to properties resulting in further deterioration, blight, and a loss of revenues.

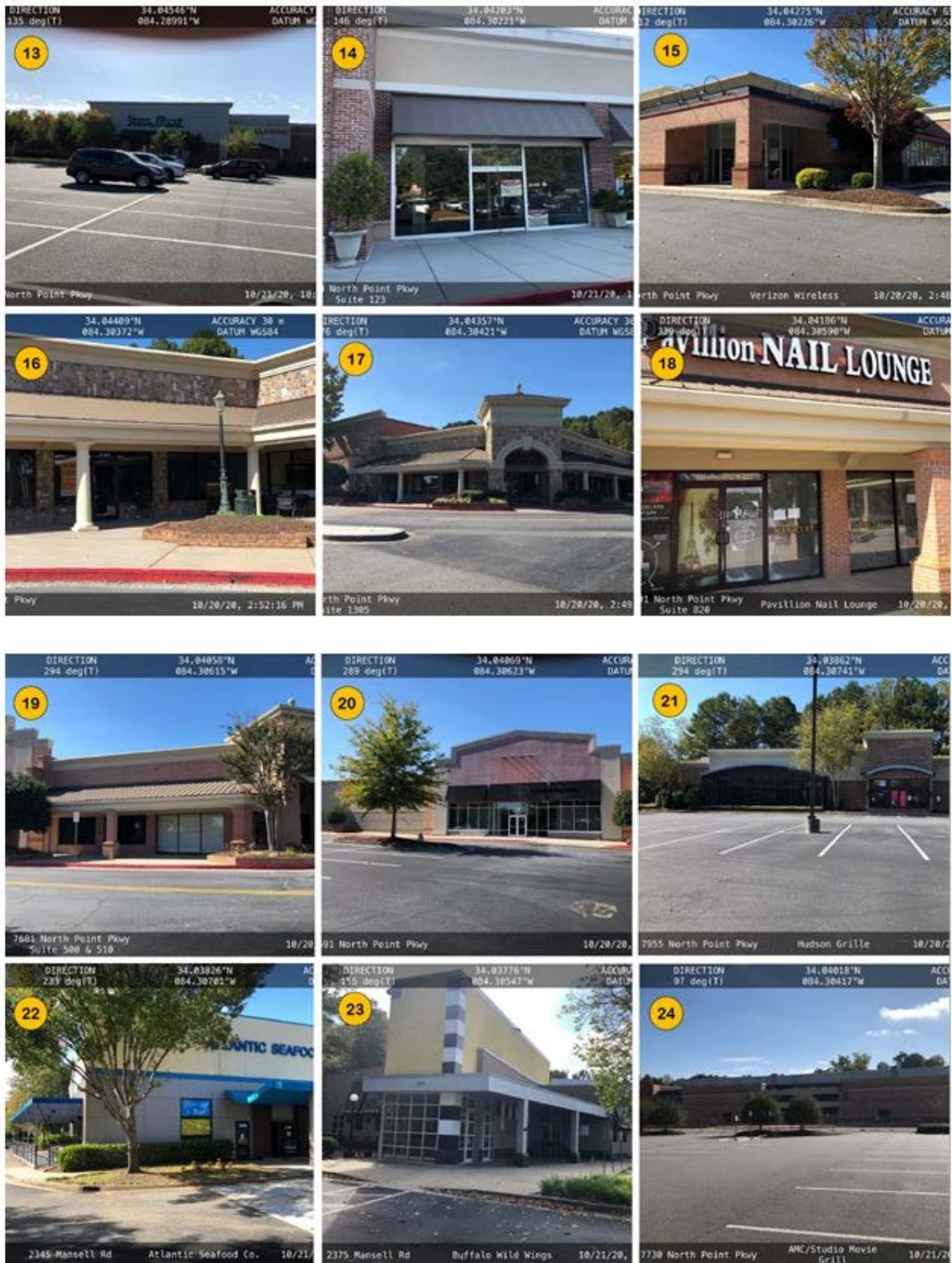
A vacant commercial building could have many negative economic impacts annually including, but not limited to the combination of lost sales dollars, lost property tax revenues to local governments, lost property management fees, lost sales tax revenues to state and local governments, lost loan demand to local banks for the business, lost employee payroll, lost business profits and ownership compensation, lost loan demand to local banks for the building, lost hotel-motel tax dollars due to fewer tourism options, and lost aesthetic appeal for future investment.

The following images are examples of vacant sites in North Point keyed to Map 8 below titled “Business Closures in North Point Urban Redevelopment Area.”

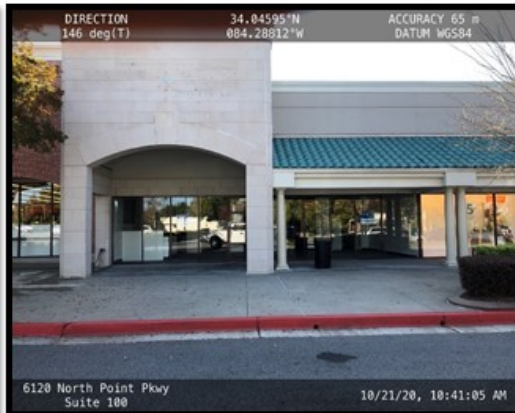
Map 8







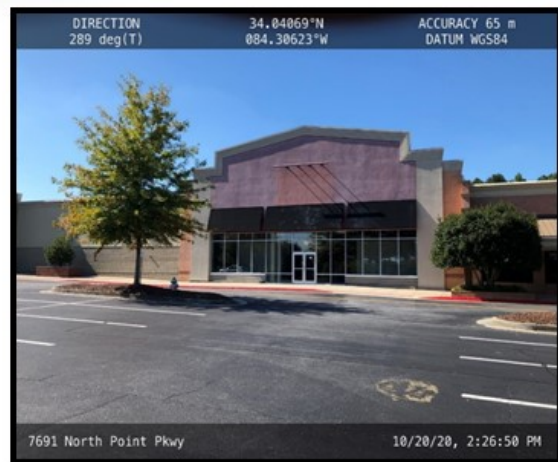
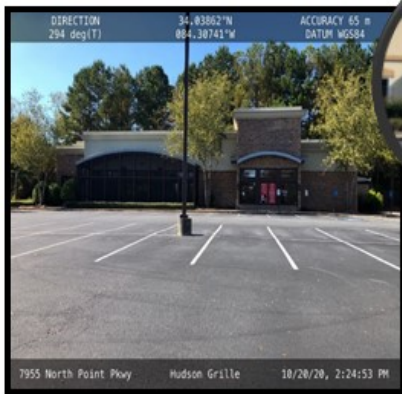
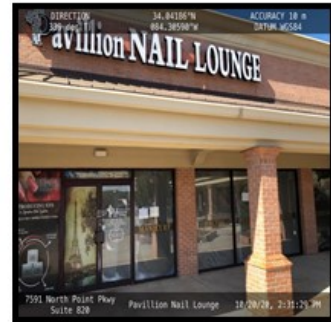
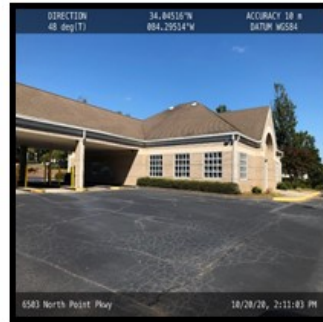
Vacancies west of North Point Parkway within the Mansell Crossing Shopping Center



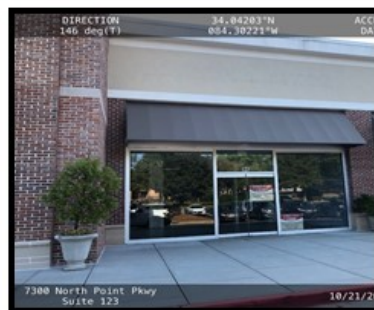
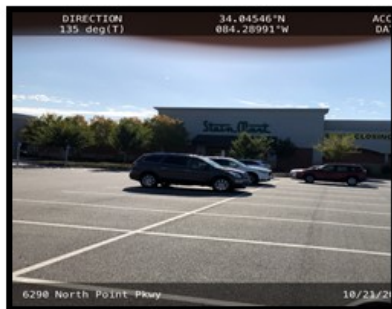
Area South of Mansell Road, Resurgens Park



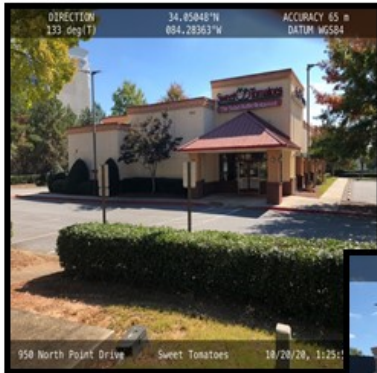
North Point Parkway



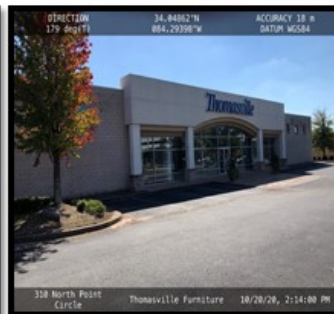
North Point Parkway Continued...



Haynes Bridge Road / North Point Drive



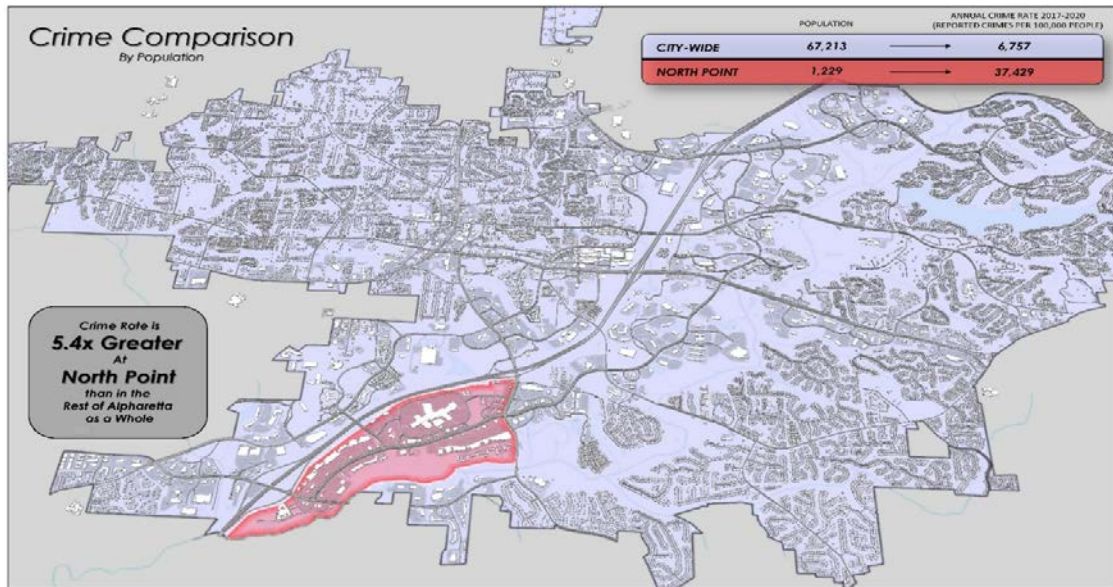
North Point Circle & Inside North Point Mall



Crime

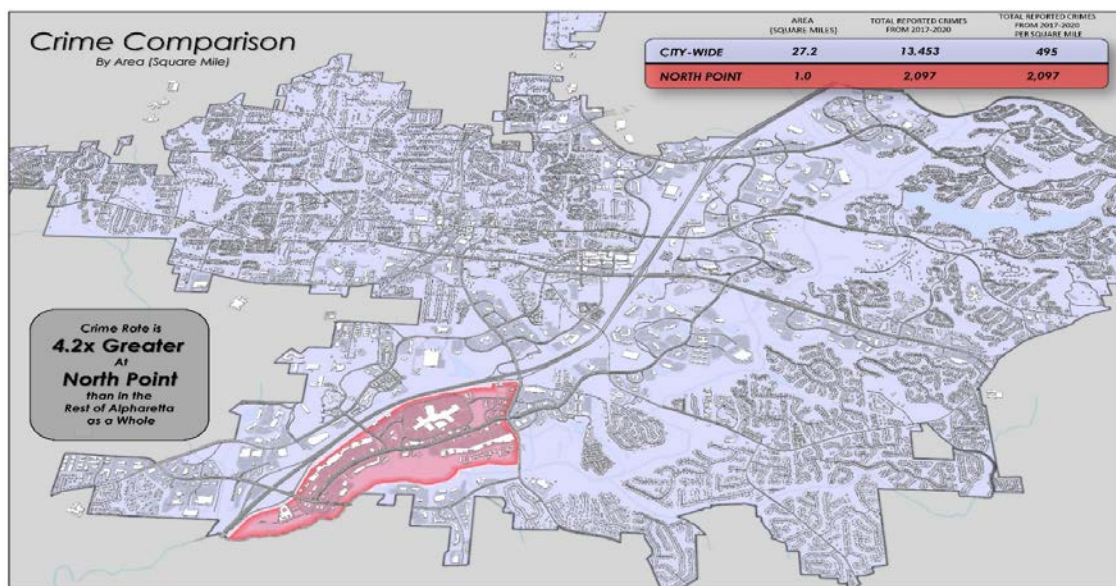
Map 9 shows that the crime rate in North Point is 5.4 times greater than Alpharetta as a whole. However, given that the North Point corridor's development is mostly defined by commercial development, Map 10 does not consider household population at all, but looks strictly at crime in this specific geographical area compared to the city as a whole. With this considered, North Point's crime rate is still more than 4 times higher than Alpharetta's as a whole. This number is significant.

Map 9



Above – Crime Rate by Population. Below – Crime Rate by Geographic Area (Source: Alpharetta Dept of Public Safety)

Map 10



Blight

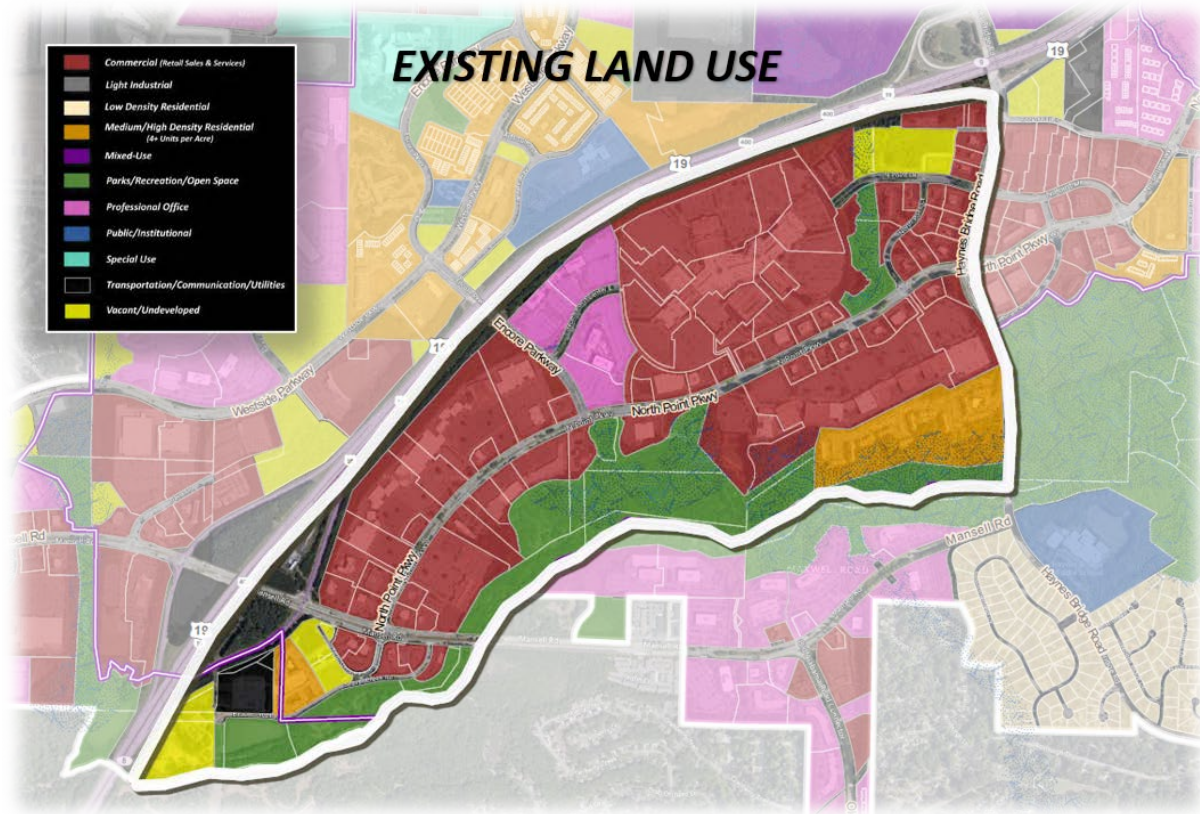
The North Point area contains a considerable number of properties and infrastructure that exhibit signs of blight - i.e. deterioration sufficient to constitute a threat to health, safety and public welfare. Below are some examples of properties and infrastructure showing indicators of blight.

Properties showing indicators of blight on North Point Pkwy.



Existing Land Use

Much of the surface area of the North Point Corridor has been dedicated to parking due to the auto-centric retail design. As the shopping experience has shifted over the last two decades, the use of these large parking lots has declined, leaving vast, under-utilized, and un-monitored areas open for crime to occur. As seen below the majority of the land use is strip retail with limited office. The green spaces lack sufficient access and require connectivity.



Above: Existing Land Use Map, predominately retail strip centers. Below: Large areas of underutilized parking in the corridor have resulted in property underutilization and appear mostly abandoned:



Land Use Objectives/Comprehensive Plan Consistency

The North Point Urban Redevelopment Plan is consistent with City of Alpharetta's 2035 Comprehensive Plan. The Comprehensive Plan establishes Vision Themes to organize a series of primary issues/opportunities, goals, policies, and strategies that address specific areas of focus. Vision Themes that are addressed in this Urban Redevelopment Plan include strategies for Economic Development, Transportation, Housing, Land Use and Natural Resources. The North Point Urban Redevelopment Plan includes Community Elements defining Character Areas such as open space, neighborhoods, centers, and corridors, which are commonly found in livable communities with mixed use initiatives.

The City of Alpharetta has been aware of the economic challenges facing North Point and similar 25- to 40-year old auto-centric retail districts throughout the Atlanta metro region and has focused substantial planning effort on a strategy to address issues at North Point before conditions deteriorate to unacceptable levels. Two recent studies outline the means by which the City of Alpharetta can re-energize the district by shaping the space and creating a destination worthy of employers, employees, shoppers, and other activity seekers. These two studies are the North Point Livable Centers Initiative Plan (2018 LCI Study) and the Tax Allocation District #2 Redevelopment Plan for Alpharetta North Point Activity Center developed by the Bleakly Advisory Group (TAD Redevelopment Plan).

The LCI program was established by the Atlanta Regional Commission to encourage city and county governments in the Atlanta Region to plan and implement strategies that link transportation improvements with land use development strategies, with an overarching goal of creating sustainable and livable communities that complement regional development policies. With goals falling in line with the 2035 Comprehensive Plan, North Point received designation followed by the completion of the North Point LCI Study in 2008 (updated in 2018). The study conducted on the North Point Area proved the community desire to revise focus from a linear growth pattern to a cluster/nodal growth pattern that targets strategic development with the North Point node identified as needing the most intense and concentrated development.

The 2018 LCI Plan highlights the North Point District's ability to draw companies in the Professional, Scientific, and Technical Services sector, as well as the Information Sector. These two sectors are expected to draw 5,000 new employees to Alpharetta over the next five years. It is expected that the North Point District can provide a home for 15% of the new office space needed for these employees, equating to 200,000 square feet of net tech-oriented space. The North Point District has the space for growth, but improved public infrastructure is needed to draw new development and the accompanying jobs.

Future Plan

The City of Alpharetta's North Point Urban Redevelopment Plan is intended to address areas in an aging economic center that are in need of redevelopment. The City envisions a revitalized live, work, play area that realizes its fullest economic development potential. The North Point Corridor offers an opportunity for a mixture of commercial and residential opportunities within a walkable and connected setting for Alpharetta residents and corporate citizens.

The main development recommendations for North Point, as outlined in the 2018 LCI Plan are:

- **Transportation, access, and connectivity- New development grid should reduce block size to encourage walkability.**
- **High-quality development oriented to the street with access to the greenway:**
Integrated mixed use centers that allow for a unique diverse lifestyle that afford consumers a diverse, low-maintenance lifestyle.
- **Maximize the greenway as a district amenity**
- **Incorporate green pathways and parallel multi model roads**
- **Create a “park once walk everywhere” walkable environment**
- **Induce redevelopment of large areas of surface parking**

To accomplish these goals for the area, the City will need to make significant infrastructure investments, provide public infrastructure improvements, and other public amenities to create the environment and attract private investment to the area. This Urban Redevelopment Plan seeks to identify tools to address the challenges in the North Point area.

For the North Point District to be a viable employment center again, the area must transition from the current big box retail with large asphalt parking lots fronting North Point Parkway, to a mix-used, office environment with ease of travel for both automobiles, pedestrians, and transit-oriented options. According to Gensler's The Future of the Workspace, “Office buildings are changing. This reflects a shift from hierarchy to community, to support innovation. A younger workforce wants to see itself and its locally based culture in the office. Mixing work with other uses is a growing practice; connecting informally with others in and around the building is a plus. Both make urban mixed-use locations more highly valued.”

Strategy for Leveraging Other Sources of Investment

Recognizing the issues in the North Point Urban Redevelopment area, City leaders have worked for nearly a decade to make strategic investments in capital projects and infrastructure to address the area's critical needs. Working collaboratively with partners such as the Alpharetta Development Authority, Georgia Power, the North Fulton CID, the Georgia Department of Transportation, the Atlanta Regional Commission, and others, this Urban Redevelopment Plan

aims to leverage these partnerships to support economic development in this part of the City of Alpharetta.

Completed projects listed in the 2008 and 2018 North Point Activity Center LCI Study include:

- Design and construction of the Encore Parkway Bridge, to include the addition of sidewalks, bicycle lanes, and streetscaping along Encore Parkway to the Big Creek Greenway.
- Mansell Road and Haynes Bridge Road corridor enhancements, including landscaping at the two State Route/Georgia 400 interchanges.
- Conduct consumer research study regarding potential residential development in the North Point District.
- Develop alternative/incentive zoning for the North Point District that accommodates redevelopment and encourages connectivity, open space, and structured parking.
- Update the Comprehensive Land Use Plan to reflect rental housing study policies.
- Review and revise the City of Alpharetta's Unified Development Code to allow residential uses within properties zoned Planned Shopping Center and other appropriate regulatory changes consistent with the updated LCI Update.
- Meet with local partners and organizations to determine potential opportunities for their collaboration and involvement in the green space and public art projects
- Incorporate green space projects and initiatives into the the City of Alpharetta's Parks and Recreation Plan
- Create and implement architectural standards, streetscape standards, lighting and public amenities

Consistency with Other Adopted Plans

To ensure that the North Point Urban Redevelopment Plan maintains compatibility with the City of Alpharetta's vision for the North Point corridor, components of the City's Comprehensive Plan, North Point LCI, TAD Redevelopment Plan, Alpha Loop Feasibility Study and Placemaking Plan were used to guide the development of this Urban Redevelopment Plan.

The vision for the North Point Urban Redevelopment area is reflected in the City's 2035 Comprehensive Plan. Components of the Comprehensive Plan's recommendations for North Point were used to guide the development of this plan.

"Future development should emphasize connectivity, uses that generate a high level of activity and transit-oriented development that anticipates the extension of MARTA transit service to the area. It should reinforce a walkable, mixed-use destination supported by a range of housing types and transportation modes. It should also focus on expanding the street network, enhancing public transit service, creating a pedestrian-friendly environment by adding sidewalks and supporting bicycle use with infrastructure that makes biking safe and convenient." (Source: 2035 Comprehensive Plan).

Additionally, the City has also established a North Point Overlay in order to enable and support development and redevelopment that balances and enhances the live-work-play potential of the district.

Below are brief descriptions of each previously adopted plan that are consistent with this Urban Redevelopment Plan.

North Point Livable Centers Initiative (LCI) Update

The City updated its LCI Plan for the North Point area to encourage more mixed-use real estate, promote quality development, improve walkability, and provide more amenities, including green space, for residents and workers. However, in order to realize the vision of the plan, the City continues to identify programs and tools to help pay for public improvements and attract private investment.

North Point Tax Allocation District (TAD) Redevelopment Plan

The North Point TAD Redevelopment Plan was created to generate funds to pay for public improvements around the Mall. The TAD would freeze current property taxes and capture the increased increment for capital improvements to infrastructure such as sidewalks and parks in the area.

North Point Creative Placemaking Plan

This study was made possible by a grant from the Atlanta Regional Commission. The City worked closely with stakeholders and the community to create the North Point Creative Placemaking Plan. The study provides recommendations for greenspace network, streetscape enhancements, wayfinding signage, and smart technologies that will encourage walkability and safe movement for pedestrians, bicycles, and vehicles throughout the North Point area.

North Point Overlay

The City of Alpharetta North Point Overlay includes information which establishes specific policies and allowances to guide density, building height, streetscaping, and landscaping of all development within the corridor. As part of the North Point LCI approval, the City established an EcoDistrict for the area to support sustainable development as a way to preserve the North Point area's natural resources. Developers can earn EcoDistrict points (Chart 4) toward their development applications but the code also allows additional density when additional ecodistrict credits are obtained.

Chart 4

EcoDistrict Measures and Values Table

Measure	Value
Certified Green Building	3 to 5 points
Renewable Energy Sources	3 points
Greenroof	3 points
Building Energy Efficiency	2 points
Bio-retention	2 points
Building Water Efficiency	2 points
Transportation Demand	2 to 3 points
Heat Island Reduction	2 points
Pervious Paving	2 points
Connected Open Space	2 points
Consolidated Open Space	2 points
Sustainable Landscaping	1 point
Enhanced Bicycle Amenities	1 to 2 points
Alternative Transportation	1 to 2 points
Additional Landscaped Civic Space	1 to 5 points
Alternative Measures	1 to 3 points

Atlanta Regional Commission (ARC) Grant

The Atlanta Regional Commission awarded a \$1.6M grant through the Surface Transportation Block Grant Program to the City to design pedestrian corridor enhancements along the North Point Parkway between Mansell and Hayne Bridge Road. The grant will study smart technologies, sidewalk widening, bike paths, storm water management, pedestrian lighting, and landscape enhancements throughout the North Point corridor.

The ARC also provided a grant to study the Alpha Loop connection and concept to North Point and to the Big Creek Greenway System. This study was recently completed and adopted by the City Council.

Strategies for Addressing Redevelopment

While the City has made enormous strides to strategically plan and cast a vision for the North Point corridor, more action is still needed. After adopting a Resolution of Need, the City of Alpharetta can implement the following strategies under the Urban Redevelopment Law in order to encourage rehabilitation.

Strategy 1: Apply for a State of Georgia Opportunity Zone (OZ).

Upon adoption of the North Point Urban Redevelopment Plan, the City of Alpharetta will seek to establish an Opportunity Zone to include the North Point Redevelopment area. OZ's are designated zones that are within or adjacent to a census block group with 15% or greater poverty where an Enterprise Zone or Urban Redevelopment Plan exists. Local governments undertaking redevelopment and revitalization efforts in older commercial and industrial areas can qualify for the State's maximum job tax credit of \$3,500 per created job. The incentive applies whenever a new or existing business creates two or more jobs and can be taken against the business' Georgia income tax liability and payroll withholding. There is no adverse fiscal impact on the City of Alpharetta. This tool may also be layered with other incentive mechanisms. The City of Alpharetta currently has one existing Opportunity Zone that will expire in 2022.

Strategy 2: Continue Supporting the North Point Tax Allocation District (TAD).

A TAD is a special district created to finance redevelopment activities with public dollars with an anticipation of increased property tax revenues. As properties attract investment, property taxes will rise. TAD's are an effective tool for revitalizing blighted or underutilized areas. Upon designation of a Tax Allocation District and establishing its base floor, the increased revenues over and above that floor can be used for a period of time to pay for the costs of improvements needed to spur new development.

In December 2019, the City of Alpharetta City Council voted unanimously to approve the formation of a TAD for the North Point corridor. The City continues working with Fulton County Board of Commissioners and the Fulton County Board of Education on future determinations for their respective TAD approvals.

Strategy 3: Identify other State, regional, and local incentives to support new investment in the Urban Redevelopment Area.

The City has an ongoing, collaborative partnership with the Georgia Department of Economic Development, the Georgia Department of Community Affairs, Georgia Power, and other partners for attracting economic development projects. Key business recruitment wins for Alpharetta such as Fiserv, ZKTeco USA, and Toyota Financial Services, are results of these strategic partnerships. Additionally, the Alpharetta Development Authority is able to issue bonds for projects that create jobs, bring new investment, and increase the tax base.

With emphasis on the North Point area, the City will continue leveraging partnerships and incentive programs that will strategically reinvigorate the corridor.

Strategy 4: Encourage voluntary, private sector-driven redevelopment of under-performing and unproductive structures.

In 2018, the City began hosting monthly, then quarterly meetings with North Point property owners to inform them of the latest information and gain face-to-face feedback and interaction on the area's direction. While the results of COVID-19 has limited in-person meeting capabilities, interaction with owners, developers, and businesses continues through other means of communication.

The City also highlights North Point as an area of promise and opportunity when speaking with prospective businesses and recently created a special layer for North Point on the local site selection database, SelectAlpharetta.com.

Strategy 5: Continue to seek grant opportunities and opportunities to partner with the North Fulton CID.

Description of Parcels to be Acquired

The North Point Urban Redevelopment Plan does not require any parcels to be acquired by the City of Alpharetta at this time. If circumstances should change such that property acquisition becomes a probability, is desired or necessary, the Plan will be amended to reflect such changes.

Structures to be Demolished or Rehabilitated

As part of this Plan, the City of Alpharetta has no desire to demolish any structures. The Plan will be updated in the event any changes occur in future actions.

Strategy for Relocating Displaced Residents

A need for a resident relocation strategy is not necessary at this time. Should the need arise and the displacement of residents becomes necessary in the future, the Plan shall be amended to include a relocation plan and strategy for displaced residents.

Covenants and Restrictions to be Placed on Properties

No covenants or restrictions will be placed on properties at this time.

Conclusion

The data and analysis presented in this Plan provides factual information about the North Point Urban Redevelopment Area. This Plan documents required blight factors as outlined in the Urban Redevelopment Act (O.C.G.A 36-61-1). This report provides findings that identifies one more blighted areas existing within the defined area and that rehabilitation, conservation, or redevelopment of the study area are necessary in the interest of public health, safety, morals or welfare of the residents in the North Point area and throughout the City of Alpharetta.

Pre- COVID-19, the North Point area was already seeing an alarming number of business closings. The effects of the coronavirus have only accelerated business shutdowns resulting in more commercial vacancies. The office properties in the North Point area had lower vacancy rates in Q4 2009 at 7.9% as compared to Alpharetta citywide at 13.8%, by Q4 2017, the citywide office vacancy decreased to 10.4% while the vacancy rate around the Mall increased to 12.2%. These numbers depict the city's overall office vacancy rate decreased while the North Point area's vacancy rate increased by more than 50%, showing the declining environment of the area's commercial real estate performance.

Additionally, according to Fulton County tax assessment data, the assessed value of in-line mall stores at the North Point, with 656,000 SF of gross leasable area, was recently reduced on appeal by over 20% in 2019. The assessed values of the department stores connected to the mall were also reduced by a range of 3.2% to 16.7% since 2017.



City Council Meeting STAFF REPORT

Submitting Department: Community Development

Submitted By: Kathi Cook

Sponsored By:

Meeting Date: December 14, 2020

- I. AGENDA ITEM TITLE:** PH-20-16 UNIFIED DEVELOPMENT CODE TEXT AMENDMENTS –
STORMWATER AND FLOODPLAIN MANAGEMENT (2ND READING)
*CONSIDERATION OF TEXT AMENDMENTS TO THE UNIFIED DEVELOPMENT CODE TO AMEND
REGULATIONS ASSOCIATED WITH STORMWATER AND FLOODPLAIN MANAGEMENT.*

II. RECOMMENDATION:

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

III. BUDGET IMPLICATIONS:

BUDGETED ITEM: NO

FISCAL IMPACT: NO

INCLUDED IN CURRENT FY CPTL BUDGET: NO

INCLUDED IN CURRENT FY OPRT. BUDGET: NO

TOTAL PROJECT COST:

APPROPRIATIONS:

ACCOUNT TITLE/NUMBER	DOLLAR AMOUNT

EXTERNAL FUNDING SOURCES:

ACCOUNT TITLE/NUMBER	DOLLAR AMOUNT

IV. REPORT IN BRIEF:

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

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

Proposed amendments include:

- Reorganization of Section 3.3.1-3.3.14 to match the model ordinances provided by MNGWPD.
- Updated definitions.
- Renaming the Alpharetta Stormwater Management Manual to the Alpharetta Stormwater Policy Handbook.
- Regulations added to projects replacing 5,000 sf or more impervious (to meet state permit minimum standards).
- Exemption added for installation or modifications to existing structures for the purpose of providing ADA requirements.
- Reduction in number of design storms that must be studied for downstream analysis.
- Explanation of requirements for conceptual plan meeting, permit plan and study submittal, application

- process, and determination of infeasibility requests.
- Additional requirements for inspection and maintenance agreements and city response should an owner fail to maintain private stormwater management systems.
- Corrected typographic errors in current approved ordinances.

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

V. ALTERNATIVES:

VI. ATTACHMENTS:

Staff Report, 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>

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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 structures such as fences, decks, patios, and wall footings within the easement or may be allowed to alter the layout of the easement at the city's discretion.

(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 unremediated 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”

EXHIBIT “C”



City Council Meeting STAFF REPORT

Submitting Department: City Clerk
Submitted By: Sam Thomas
Sponsored By:
Meeting Date: December 14, 2020

I. AGENDA ITEM TITLE: CONSIDERATION TO AMEND THE CHARTER OF THE CITY OF ALPHARETTA, GEORGIA BY ORDINANCE PURSUANT TO "THE MUNICIPAL HOME RULE ACT OF 1965" O.C.G.A. § 36-35-1, ET SEQ., TO PERMIT CITY COUNCILMEMBERS TO PARTICIPATE IN CITY COUNCIL MEETINGS VIA TELECONFERENCE CONSISTENT WITH STATE LAW (2ND READING)

II. RECOMMENDATION:

Please approve an ordinance to amend Article 11, Section 2.20 of the City Charter by ordinance pursuant to "The Municipal Home Rule Act of 1965" O.C.G.A. § 36-35-1, et seq., to permit City Councilmembers participate in City Council Meetings via teleconference consistent with State Law; to repeal conflicting ordinances; to provide for an effective date; and for other purposes.

III. REPORT IN BRIEF:

Article IX, Section II, Paragraph II of the Constitution of the State of Georgia, entitled Home Rule for Municipalities, allows the General Assembly of the State of Georgia to provide by law for the self-government of municipalities, which the General Assembly has done with The Municipal Home Rule Act of 1965, O.C.G.A. § 36-35-1, et seq.

O.C.G.A. § 36-35-3 provides that the governing authority of each municipal corporation shall have legislative power to adopt clearly reasonable ordinances, resolutions and regulations relating to its property, affairs, and local government for which no provision has been made by general law and which are not inconsistent with the Constitution or any charter provision applicable thereto.

The Mayor and Council desire to amend the Charter of the City of Alpharetta so as to update the Act to allow Councilmembers to participate in City Council meetings via teleconference to the greatest extent permitted by state law, including, but not limited to O.C.G.A. § 50-14-1.

If approved the following amendments will be made to the City Charter:

- **Section One of Amendment.** Article 11, Section 2.20 is amended by a new paragraph (c) as follows: "Sec. 2.20(c) Members of the City Council of the City of Alpharetta, Georgia are also authorized to participate in City Council meetings via teleconference to the greatest extent permitted by state law, including, but not limited to O.C.G.A. § 50-14-1."
- **Section Two of Amendment.** This Ordinance shall become effective immediately upon a copy of this Ordinance, the required notice of publication, and affidavits of a duly authorized representative of The Herald and The Fulton County Daily Report to the effect that the notice has been published as provided in O.C.G.A. § 36-35-1, et seq., having been filed with the Secretary of State. The City Attorney is directed to effect such filings as soon as is reasonably practicable.

This ordinance was presented at the December 7, 2020 City Council Meeting and was approved unanimously.

IV. ALTERNATIVES:

V. ATTACHMENTS:

ORDINANCE AMENDING CHARTER PERMITTING COUNCIL TO PARTICIPATE IN CC MEETINGS VIA TELECONFERENCE(3956537.1)

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF ALPHARETTA, GEORGIA TO AMEND ARTICLE 11, SECTION 2.20 OF THE CHARTER OF THE CITY OF ALPHARETTA, GEORGIA BY ORDINANCE PURSUANT TO "THE MUNICIPAL HOME RULE ACT OF 1965", O.C.G.A. § 36-35-1, ET SEQ., TO PERMIT CITY COUNCILMEMBERS PARTICIPATE IN CITY COUNCIL MEETINGS VIA TELECONFERENCE CONSISTENT WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

WHEREAS, Article IX, Section II, Paragraph II of the Constitution of the State of Georgia, entitled Home Rule for Municipalities, allows the General Assembly of the State of Georgia to provide by law for the self-government of municipalities, which the General Assembly has done with The Municipal Home Rule Act of 1965, O.C.G.A. § 36-35-1, et seq.; and

WHEREAS, O.C.G.A. § 36-35-3 provides that the governing authority of each municipal corporation shall have legislative power to adopt clearly reasonable ordinances, resolutions and regulations relating to its property, affairs, and local government for which no provision has been made by general law and which are not inconsistent with the Constitution or any charter provision applicable thereto; and

WHEREAS, O.C.G.A. § 36-35-3 provides that a municipal corporation may, as an incident of its home rule power, amend its charter, except where prohibited pursuant to O.C.G.A. § 36-35-6; and

WHEREAS, the Mayor and Council of the City of Alpharetta, Georgia desire to amend the Charter of the City of Alpharetta so as to update the Act to allow Councilmembers to participate in City Council meetings via teleconference to the greatest extent permitted by state law, including, but not limited to O.C.G.A. § 50-14-1; and

WHEREAS, the modifications provided for in this Ordinance may be lawfully completed by home rule; and

WHEREAS, O.C.G.A. § 36-35-3 provides that, in order to amend its charter, a municipal corporation must duly adopt ordinances at two regular consecutive meetings of the municipal governing

authority, not less than seven (7) nor more than sixty (60) days apart; and

WHEREAS, pursuant to O.C.G.A. § 36-35-3, a notice, containing a synopsis of the proposed amendment and stating that a copy of the proposed amendment is on file in the office of the clerk or the recording officer of the municipal governing authority for the purpose of examination and inspection by the public, shall be published in the official organ of the county of the legal situs of the municipal corporation and/or in a newspaper of general circulation in the municipal corporation once a week for three weeks within a period of sixty (60) days immediately preceding its final adoption; and

WHEREAS, those requirements applicable to amendments to the charter of a municipal corporation by an ordinance duly adopted by the municipality's governing authority as set forth in O.C.G.A. § 36-35-3 have been met and satisfied, and, specifically, notice of the consideration of this Ordinance has been advertised and this Ordinance has been duly adopted by the governing authority at two (2) regularly consecutive meetings in compliance with O.C.G.A. § 36-35-3; and

WHEREAS, a majority of the Council deems it to be in the best interests of the citizens of the City of Alpharetta that the Act be further amended.

NOW THEREFORE, the Council of the City of Alpharetta hereby ordains and resolves that the Charter of the City of Alpharetta shall be amended as follows:

Section One of Amendment. Article 11, Section 2.20 is amended by a new paragraph (c) as follows:

"Sec. 2.20(c) Members of the City Council of the City of Alpharetta, Georgia are also authorized to participate in City Council meetings via teleconference to the greatest extent permitted by state law, including, but not limited to O.C.G.A. § 50-14-1."

Section Two of Amendment. This Ordinance shall become effective immediately upon a copy of this Ordinance, the required notice of publication, and affidavits of a duly authorized representative of *The Herald* and *The Fulton County Daily Report* to the effect that the notice has been published as provided in O.C.G.A. § 36-35-1, *et seq.*, having been filed with the Secretary

of State. The City Attorney is directed to effect such filings as soon as is reasonably practicable.

ADOPTED this _____ day of _____, 2020.

CITY OF ALPHARETTA, GEORGIA

By: _____
Jim Gilvin, Mayor

Approved as to form and
legal sufficiency:

COUNCILMEMBERS

C. Sam Thomas, City Attorney

Jason Binder

Ben Burnett

John Hipes

Dan Merkel

Donald Mitchell

(SEAL)

Attest:

Karen Richard

City Clerk

First Reading: _____

Second Reading: _____

Adopted: _____

3956537



City Council Meeting STAFF REPORT

Submitting Department: City Clerk

Submitted By: Erin Cobb

Sponsored By: Council Member Hipes

Meeting Date: December 14, 2020

I. AGENDA ITEM TITLE: CONSIDERATION OF AN ORDINANCE TO AMEND THE CITY OF ALPHARETTA ALCOHOLIC BEVERAGE ORDINANCE SO AS TO CHANGE THE MINIMUM AGE FOR SERVERS FROM 21 TO 18; TO REPEAL CONFLICTED ORDINANCES; AND FOR OTHER PURPOSES **(2ND READING)**
SPONSORED BY: COUNCIL MEMBER HIPES

II. RECOMMENDATION:

Staff recommends that City Council approve as presented the second reading of an ordinance to amend Chapter 4 (Alcoholic Beverages) of the Code of the City of Alpharetta, Georgia; to change the minimum age for employee servers from 21 to 18; to provide for an effective date; to repeal conflicting ordinances; and for other purposes.

III. REPORT IN BRIEF:

Chapter 4 (Alcoholic Beverages) of The Code of the City of Alpharetta, Georgia provides regulations governing the sale of alcoholic beverages within the City. As currently adopted, the ordinance stipulates that an employee of a business licensed to sell alcoholic beverages must be at least 21 years of age in order to sell / serve such beverages.

The minimum age for an employee to serve alcoholic beverages under State law is 18 years of age. Thus, the presented amendment would match the local ordinance to the State law.

The ordinance presented would amend Chapter 4 so as to allow for the issuance of an alcoholic beverage permit (i.e. server permit) to a person 18 years of age or older and who sells, serves or dispenses alcoholic beverages.

This ordinance was presented at the December 7, 2020 City Council Meeting and was approved unanimously.

IV. ALTERNATIVES:

V. ATTACHMENTS:

ORDINANCE AMENDING CHAPTER 4 OF CODE - CHANGING MINIMUM AGE FOR SERVERS FROM 21 TO 18(3956491.1)

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF ALPHARETTA, GEORGIA TO AMEND CHAPTER 4 (ALCOHOLIC BEVERAGES) OF THE CODE OF THE CITY OF ALPHARETTA, GEORGIA; TO CHANGE THE MINIMUM AGE FOR EMPLOYEE SERVERS FROM 21 TO 18; TO PROVIDE FOR AN EFFECTIVE DATE; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES

WHEREAS, Chapter 4 (Alcoholic Beverages) of The Code of the City of Alpharetta, Georgia provides regulations governing the sale of alcoholic beverages within the City; and

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

WHEREAS, the City Council has determined that it is appropriate from time to time to modify alcoholic regulations to comport with current conditions; and

WHEREAS, the City Council desires to amend Chapter 4 (Alcoholic Beverages) of The Code of the City of Alpharetta, Georgia (the "Code") in order to change the minimum age for employee servers from 21 to 18.

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

Section 1. Chapter 4 of the Code is hereby amended by deleting Section 4-50(2)a and substituting in lieu thereof a revised (2)a as follows:

"Sec. 4-50(2)a.

Alcoholic beverage permit, which shall be issued only to a person 18 years of age or older and who sells, serves or dispenses alcoholic beverages."

Section 2. It is the intention of the City Council and it is hereby ordained by the authority of the City Council that the provisions of this Ordinance shall become and be made a part of The Code of the City of Alpharetta, Georgia, and the codifier is authorized to make the specified deletions, insertions, additions, and to insert headings, article numbers and section numbers as and where appropriate.

Section 3. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 4. 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 5. This Ordinance shall become effective immediately upon adoption.

ADOPTED this _____ day of _____, 2020.

CITY OF ALPHARETTA, GEORGIA

By: _____
Jim Gilvin, Mayor

Approved as to form and
legal sufficiency:

COUNCILMEMBERS

C. Sam Thomas, City Attorney

Jason Binder

Ben Burnett

(SEAL)

John Hipes

Attest:

Dan Merkel

City Clerk

First Reading: _____

Donald Mitchell

Second Reading: _____

Adopted: _____

Karen Richard



City Council Meeting STAFF REPORT

Submitting Department: Public Safety

Submitted By:

Sponsored By:

Meeting Date: December 14, 2020

I. AGENDA ITEM TITLE: PUBLIC SAFETY VEHICLE REPLACEMENTS

II. RECOMMENDATION:

Staff recommends approval for the Department of Public Safety to purchase four (4) replacement vehicles at a total cost of \$185,704 (including upfitting):

Four (4) 2021 Ford F-150 XL (4-wheel drive) pickup trucks from Wade Ford, Inc, (low quote provider) in an amount totaling \$135,704, representing the lowest of four (4) solicited quotes.

Approval to expend no more than \$50,000 for estimated costs associated with purchasing and installing (upfitting) the necessary emergency equipment.

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: \$185,704

APPROPRIATIONS:

ACCOUNT TITLE/NUMBER	DOLLAR AMOUNT
PS Fleet Replacement 30131150-542200-C1801	\$185,704.00

EXTERNAL FUNDING SOURCES:

ACCOUNT TITLE/NUMBER	DOLLAR AMOUNT
-	\$0.00

IV. REPORT IN BRIEF:

As approved in the FY 2021 capital budget, the Department of Public Safety planned to purchase and outfit for service eight (8) vehicles and two (2) motorcycles at a cost not to exceed \$465,000. At this time, the Department of Public Safety is seeking to purchase and outfit four (4) vehicles for service at a cost not to exceed \$185,704. The four (4) vehicles will be replacements for older units that have reached documented end of service thresholds and will be auctioned for disposal. As a general guide for replacement, the Department uses 100,000 to 110,000 service miles for Patrol vehicles, and years of service and higher mileage (a goal of 120,000 miles or more) for Administrative vehicles, and a repair cost to vehicle value analysis if any of the aforementioned are not met.

The requested vehicles include:

Four (4) 2021 Ford F-150 XL (4-wheel drive) pickup trucks from Wade Ford, Inc. for an amount not to exceed \$135,704, representing the lowest of four (4) solicited quotes. Due to the changing needs of personnel (Admin police training and the Community Services Unit necessity to transport equipment, bicycles, and tow trailers; Criminal Investigation Division for operational purposes, etc.), the necessary request is for pickup trucks. It is the Department's preference and current plan that all vehicles be all-wheel or 4-wheel drive for the emergency response capabilities and the associated safety factors. These pickup trucks will be replacing three (3) sedans and one (1) pickup truck that have met the above disposal thresholds.

Competitive quotes were obtained for this purchase with the results as follows:

Wade Ford, Inc. (\$34,292/\$33,804, long bed/short bed option respectively)

Allan Vigil Ford-Lincoln (\$37,040/\$37,930) *note: state contract holder

Billy Howell Ford (\$36,895/\$38,200) *note: quote was not built completely to spec

Angela Krause (\$42,774.60/NA) *note: quote was not built completely to spec, did not provide for long bed option

Approval is also requested to expend an amount not to exceed \$50,000 for estimated costs associated with purchasing and installing necessary emergency equipment (upfitting) for the said vehicles (e.g. emergency lighting, consoles, computer stands, radios, weapon racks, prisoner transport systems, graphics, etc.). As a practice, the Department recycles emergency equipment from older vehicles and installs it into newly purchased vehicles whenever possible and/or applicable. Due to the age and type of equipment installed in the disposal vehicles, it will not be possible or applicable to reuse it. The request includes the costs associated with preparing the vehicles for disposal (removing law enforcement equipment and markings).

Funding for this initiative is requested from existing appropriations within the Department's Capital Fleet Replacement, as per the FY 2021 capital budget.

V. ALTERNATIVES:

VI. ATTACHMENTS:

Ford F150 11.23.2020

Prepared for: City of Alpharetta, City of Alpharetta

2021 F-150 4x4 SuperCrew Cab Styleside 6.5' box 157" WB XL (W1E)

Price Level: 120



* note:

- lowest estimate
- built according to specs
- established vendor
- preferred to purchase

→ one(1) long bed — 34,292.00
three(3) short bed — 101,412.00

\$135,704.00 ←

four(4) Dana uplt "built" cost @ \$12,500.00

50,000.00 ←

\$185,704.00 TOTAL

Client Proposal

Prepared by:

Roger Moore

Office: 770-436-1200

Date: 11/12/2020



Wade Ford, Inc. | 3860 South Cobb Drive, Smyrna, Georgia, 300805537

Office: 770-436-1200 | Fax: 770-436-9698

Prepared for: City of Alpharetta

City of Alpharetta

Prepared by: Roger Moore

11/12/2020

Wade Ford, Inc. | 3860 South Cobb Drive Smyrna Georgia | 300805537

**2021 F-150 4x4 SuperCrew Cab Styleside 6.5' box 157" WB XL (W1E)**

Price Level: 120

As Configured Vehicle

Code	Description
Base Vehicle	
W1E	Base Vehicle Price (W1E)
Packages	
101A	Equipment Group 101A High <i>Includes:</i> - Engine: 5.0L V8 - Includes auto start-stop technology and flex-fuel capability. - Transmission: Electronic 10-Speed Automatic - Includes selectable drive modes: normal, ECO, sport, tow/haul, slippery, deep snow/sand and mud/rut. - 3.31 Axle Ratio - GVWR: 7,050 lbs Payload Package - Tires: 265/70R17 OWL A/T - Radio: AM/FM Stereo w/6 Speakers - Includes auxiliary audio input jack. - SYNC 4 - Includes 8" LCD capacitive touchscreen with swipe capability, wireless phone connection, cloud connected, AppLink with App catalog, 911 Assist, Apple CarPlay and Android Auto compatibility and digital owners manual. - Cruise Control - Reverse Sensing System
Powertrain	
995	Engine: 5.0L V8 <i>Includes auto start-stop technology and flex-fuel capability.</i>
44G	Transmission: Electronic 10-Speed Automatic <i>Includes selectable drive modes: normal, ECO, sport, tow/haul, slippery, deep snow/sand and mud/rut.</i>
X27	3.31 Axle Ratio
STDGV	GVWR: 7,050 lbs Payload Package
Wheels & Tires	
STDTR	Tires: 265/70R17 OWL A/T
64F	Wheels: 17" Silver Painted Aluminum
Seats & Seat Trim	
W_	Cloth 40/Console/40 Front-Seats <i>Includes flow-through console, steering column-mounted shift and two (2) USB charge only ports.</i>

Other Options

Prices and content availability as shown are subject to change and should be treated as estimates only. Actual base vehicle, package and option pricing may vary from this estimate because of special local pricing, availability or pricing adjustments not reflected in the dealer's computer system. See salesperson for the most current information.

Prepared for: City of Alpharetta

City of Alpharetta

Prepared by: Roger Moore

11/12/2020

Wade Ford, Inc. | 3860 South Cobb Drive Smyrna Georgia | 300805537

**2021 F-150 4x4 SuperCrew Cab Styleside 6.5' box 157" WB XL (W1E)**

Price Level: 120

As Configured Vehicle (cont'd)

Code	Description
157WB	157" Wheelbase
STDRD	Radio: AM/FM Stereo w/6 Speakers <i>Includes auxiliary audio input jack.</i> <i>Includes:</i> - SYNC 4 <i>Includes 8" LCD capacitive touchscreen with swipe capability, wireless phone connection, cloud connected, AppLink with App catalog, 911 Assist, Apple CarPlay and Android Auto compatibility and digital owners manual.</i>
86A_	XL Chrome Appearance Package <i>Includes:</i> - Wheels: 17" Silver Painted Aluminum - Front & Rear Chrome Bumpers - Fog Lamps
53B	Class IV Trailer Hitch Receiver Ordering the Trailer Tow Package does not include Integrated Brake Controller (67T). Integrated Brake Controller (67T) is a standalone option and must be ordered separately. <i>Includes towing capability up to TBD lbs. on 3.3L V6 PFDI engine (99B) and 2.7L EcoBoost engine (99P) or up to TBD lbs. on 3.5L EcoBoost engine (998) and 5.0L V8 engine (995), 7-pin wiring harness with 7-pin-to-4-pin adapter and smart trailer tow connector (Includes BLIS w/trailer tow coverage where BLIS is available.).</i>
53A	Trailer Tow Package Ordering the Trailer Tow Package does not include Trailer Tow Mirrors. Trailer Tow Mirrors are a standalone option and must be ordered separately. (Option Code: 54Y/59S). <i>Towing capability up to TBD lbs. Includes tailgate LED.</i> <i>Includes:</i> - Class IV Trailer Hitch Receiver <i>Includes towing capability up to TBD lbs. on 3.3L V6 PFDI engine (99B) and 2.7L EcoBoost engine (99P) or up to TBD lbs. on 3.5L EcoBoost engine (998) and 5.0L V8 engine (995), 7-pin wiring harness with 7-pin-to-4-pin adapter and smart trailer tow connector (Includes BLIS w/trailer tow coverage where BLIS is available.).</i> - Pro Trailer Backup Assist - Integrated Trailer Brake Controller
413	Skid Plates <i>Includes fuel tank, transfer case and front differential.</i>
18B	Black Platform Running Boards
63T	Tailgate Step w/Tailgate Work Surface
655_	Extended Range 36 Gallon Fuel Tank
67T	Integrated Trailer Brake Controller
PAINT	Monotone Paint Application

Prices and content availability as shown are subject to change and should be treated as estimates only. Actual base vehicle, package and option pricing may vary from this estimate because of special local pricing, availability or pricing adjustments not reflected in the dealer's computer system. See salesperson for the most current information.

Prepared for: City of Alpharetta

City of Alpharetta

Prepared by: Roger Moore

11/12/2020

Wade Ford, Inc. | 3860 South Cobb Drive Smyrna Georgia | 300805537



2021 F-150 4x4 SuperCrew Cab Styleside 6.5' box 157" WB XL (W1E)

Price Level: 120

As Configured Vehicle (cont'd)

Code	Description
471	Onboard 400W Outlet <i>Includes 2nd outlet in the console.</i>
924	Rear Window Fixed Privacy Glass
57Q	Rear Window Defroster
76R	Reverse Sensing System
595_	Fog Lamps
168_	Color-Coordinated Carpet w/Carpeted Floor Mats
96W	Tough Bed Spray-In Bedliner Ford accessory.

Fleet Options

17C	Front & Rear Chrome Bumpers
50S	Cruise Control
91P	8-Way Power Driver's Seat w/Power Lumbar (Fleet) Requires valid FIN code.

Interior Colors

WS_01	Black
-------	-------

Primary Colors

M7_05	Carbonized Gray Metallic
-------	--------------------------

Quote pricing

Long bed per above specs \$34,292.00 each
Short bed per above specs \$33,804.00 each

Note. The 400 watt inverter is only available from factory if you also order the 53A Trailer tow package. I do not like using aftermarket inverters, so i always, where possible, order factory equipment. Bed liner is also Ford factory. Nothing in this quote is added aftermarket.

**Roger A.
Moore**

Digitally signed by Roger A. Moore
DN: cn=Roger A. Moore, c=US,
o=Wade Ford, Inc.,
ou=Government Sales,
email=moore@wade.com
Date: 2020.11.12 14:37:59 -05'00'

Prices and content availability as shown are subject to change and should be treated as estimates only. Actual base vehicle, package and option pricing may vary from this estimate because of special local pricing, availability or pricing adjustments not reflected in the dealer's computer system. See salesperson for the most current information.

ALLAN VIGIL FORD-LINCOLN GOVERNMENT SALES

2021 Ford F150 (1/2 ton)
Regular Cab, 6 Cyl, 4x2, SWB

SWC #99999-SPD-ES40199373-002

Equipment included in

Base price

3.3L V6 Flex Fuel engine
6 Speed Automatic Transmission
Factory Installed A/C
AM-FM Radio
Solar Tinted Glass
Power Steering/ABS Brakes
Rear view back up camera
Vinyl 40/20/40 Bench Seat
Rubber Floor Covering
Full Size Spare/ Step bumper
Autolamp headlights
Short Bed (6.5 ft)
6300 GVWR
P245/70R17 Tires
Ford SYNC (Bluetooth)
Crew Cab only:
Power Windows, Locks & Mirrors

Exterior Colors	Interior Color
D1 Stone Gray	Gray
PQ Race Red	"
HX Antimatter Blue	"
E7 Velocity Blue	"
JS Iconic Silver	"
UM Agate Black	"
M7 XXXXXXXXXX	"
YZ Oxford White	"

School Bus Yellow is available at \$925.00 per vehicle

FOB Allan Vigil Ford
Delivery- see chart, \$75 minimum

ALLAN VIGIL FORD GOV'T SALES
6790 Mt. Zion Blvd
Morrow, GA 30260
770-968-0680 Phone
678-364-3910 Fax

- * 5.0L V8 or 3.5L Ecoboost engine required
- ** Not available with regular cab short wheel base
- *** Requires 85A (Power W-L-M)
- **** Super cab & Crew cab only

Base Price \$20,685.00
NOTE: Auto Start/Stop is standard on all F150 engines

Options	Price	Code
5.0L V8 Flex Fuel engine	1,836.00	1836 995
3.5L V6 EcoBoost engine**	2,388.00	99G
2.7L V6 Ecoboost	1,125.00	99P
Long Bed (8 ft)	295.00	145
Extended range fuel tank**	410.00	410 655
Super Cab (6.5 ft. bed)	2,525.00	X1C
Super Cab (8 ft. bed) *	3,690.00	X1C/Long
4x4 Option- Regular cab	3,495.00	F1E
4X4 Option- Super&Crew Cabs	3,045.00	3045 X1E
Skid plates (4X4s only)	155.00	155 413
Crew Cab SWB (5.5 ft bed)	5,850.00	W1Cs ★
Crew Cab LWB* (6.5 ft bed)	6,740.00	6740 W1C/Long
3.5L Hybrid engine- Crew Cab)	7,150.00	99D
Limited Slip Axle	525.00	XL9
Daytime Running Lights	42.00	942
Power Windows/Locks/Mirrors	1,088.00	85A
Power Seat- requires 85A	345.00	345 91P
XL w/ Power W-L-M, SYNC, AM/FM, & Cruise control.	2,075.00	101A
101A for Crew Cab	995.00	995 101A
Class IV Hitch (w/o tow pkg)	189.00	53B
Trailer Tow Pkg(includes 67T)	897.00	897 53A
Electric Brake Controller	265.00	67T
Tow Mirrors w/ spotlights***	495.00	54Y/59S
Running boards (black)	262.00	262 18B
Cruise Control	215.00	50S
40-20-40 Cloth Split Bench	N/C	CS
Cloth Buckets w/console****	275.00	275 WS
Rear window defroster	305.00	305 57Q/924
Fog Lights	135.00	595
Carpet w/ Mats	140.00	140 168
Aluminum Wheels & Bumpers	740.00	740 86A
SYNC 4 w/ SiriusXM	305.00	525
Tailgate Step	355.00	355 63T
Spray-in Bedliner	395.00	395 ATK
Reverse Sensing- requires 53A or 53B	255.00	76R
Back up alarm	120.00	85H
XLT Package	5,250.00	300A
XLT Power Driver Seat	330.00	91P
Navigation pkg (XLT Only)	755.00	50N
400W Inverter		275 910871
Options total		17,170.00
Other vendor added equipment		
Delivery		75

Total (long bed) **\$37,930.00**
* (short bed) \$37,040.00

Contact person
Agency
Phone Number

Sgt. C. Miller #262
Alpharetta Police
678-858-0159

OK
R. Burtner
4 (1/2/20)
ford
11/12/20
8/3/2020

★ State Contract

Billy Howell



BUYERS ORDER

1805 Atlanta Highway • Cumming, GA 30040

Bus.: (770) 887-2311 • Fax: (770) 887-0080

www.howellford.com



CUST #: 099680

SPC# 0031120

STOCK NO. ~~00000~~

ETCH THEFT PROTECTION

DATE 11/09/2020

SALESPERSON BRUCE CASTLEBERRY

PURCHASER ALPHARETTA DEPARTMENT OF PUBLIC SAFETY

ADDRESS CITY ALPHARETTA

STATE GA COUNTY FULTON ZIP 30004

CAR ☐

TRUCK ☒

VAN ☐

OTHER ☐

HOME PHONE 678-297-6336

OFFICE

E-MAIL CMILLER@ALPHARETTA.GA.US 678-858-0156

NEW ☒	YEAR 2021	MAKE FORD	MODEL F150 SUPERCRE PICKUP	BODY TYPE	SERIAL NO. 1F150TAKR3197
USED ☐	COLOR MAGNETIC	AUTO TRANS ☒	AIR CONDITION ☒	POWER WINDOWS ☐	AM AM-FM CD CASSETTE
DEMO ☐	STANDARD ☐	4x4 ☐	POWER SEATS ☐	MOON ROOF ☐	Mileage 3
			LEATHER ☐		MANAGER

SOCIAL SECURITY NUMBER

DATE OF BIRTH

Purchaser hereby sells and transfers unto Dealer the used car described herein and warrants that he has absolute title thereto and that same is free from any liens or encumbrances except as disclosed herein, provided however, if there is any difference between the actual pay-off on the vehicle traded in and the balance as stated herein, then and in the event that even if Purchaser fails to pay said difference within 24 hours after demand, Dealer may, at its election, declare this agreement null and void with no title passing to Purchaser and Purchaser agrees to return to Dealer immediately the vehicle sold to Purchaser.

Purchaser certifies that Purchaser is 18 years of age or older.

Purchaser accepts delivery of the vehicle sold by the Dealer as described herein and acknowledges that this vehicle has a FEDERAL PRICE LABEL on the vehicle Pursuant to Public Law 85-506

DEALER SUGGESTED RETAIL PRICE

38151.00

TRADE-IN DESCRIPTION

Year Make Model Type Mileage Cyl Color License No. Decal Serial No. Lien Holder Street Address City State Zip Verif. By Good Until Account # Phone #

TITLE INFORMATION

Lien To CASH DEAL Address Lien Code #

note:
- did not build according to
specs provided

Total Cash Price	38151.00
Trade In Allowance	NA
Trade Difference	38151.00
Electronic Filing Fee	36.00
Doc Fees	799.00
TAVT	NA
License	NA
Title	NA
Emissions Inspection (Used Only)	NA
GWRA (New Only)	3.00
Subtotal	38200.00
Net Pay Off	NA
Rebate	NA
Cash on Delivery	NA
Balance	38200.00
	NA
Balance Due Finance or Cash	38200.00
Deposit	Rec. #

I accept delivery of this vehicle and I have read, understand and accept all provisions of this buyer's order covering this Ford Motor Company vehicle that I am purchasing.

THIS ORDER NOT BINDING UNTIL SIGNED BY MANAGER

PURCHASER'S SIGNATURE

Accepted by BILLY HOWELL FORD LINCOLN, Inc.

Buyer's
Signature X

Date 11/09/2020

Sales Manager

Date 11/09/2020

For the purpose of securing credit, I/we authorize BILLY HOWELL FORD LINCOLN, Inc. to check my/our credit and to answer questions about credit experience with me/us and I/we authorize BILLY HOWELL FORD LINCOLN, Inc. to check any and all credit sources.

CNGP530

VEHICLE ORDER CONFIRMATION

11/12/20 09:28:00

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Dealer: F21449

Page: 1 of 2

2021 F-150

Order No: B300 Priority: A4 Ord FIN: QJ548 Order Type: 5B Price Level: 125

Ord PEP: 101A Cust/Flt Name: ALPHARETTA

PO Number:

	W1E	F150	4X4	CREW	RETAIL	DLR	INV		RETAIL	DLR	INV
					\$42635		\$40717.00				
				157" WHEELBASE				168	FLEET SPCL ADJ	NC	\$(520.00)
M7				CARBONIZED GRAY				145	FLOOR CARPET	250	132.00
W				CLTH BUCKT SEAT	295		269.00	18B	BLK PLAT BDS	250	228.00
S				MED DARK SLATE				425	50 STATE EMISS	NC	NC
101A				EQUIP GRP	920		837.00	471	400W OUTLET	340	310.00
				.XL SERIES				53A	TRAILER TOW PKG	1090	992.00
				.POWER EQUIP GRP					TOTAL BASE AND OPTIONS	50285	44442.60
				.CRUISE CONTROL					XL HIGH DISCOUNT	(750)	(683.00)
				.REV SENSING SYS					XL HIGH DISCT CHROME	(500)	(455.00)
995				5.0L V8 FFV ENG	NC		NC		TOTAL	49035	43304.60
44G				ELEC 10-SPDAUTO					*THIS IS NOT AN INVOICE*		
				.265/70R-17					* MORE ORDER INFO NEXT PAGE *		
X27				3.31 REG AXLE	NC		NC		F8=Next		
				7150# GVWR					F3/F12=Veh Ord Menu		

F1=Help

F2=Return to Order

F4=Submit

F5=Add to Library

S006 - MORE DATA IS AVAILABLE.

QC00341

missing:

skid plates 413 \$155

~~tax~~ ~~914~~ ~~*275~~

LONG

CNGP530

VEHICLE ORDER CONFIRMATION

11/12/20 09:28:11

==>

Dealer: F21449

Page: 2 of 2

Order No: B300 Priority: A4 Ord FIN: QJ548 Order Type: 5B Price Level: 125

Ord PEP: 101A Cust/Flt Name: ALPHARETTA

PO Number:

2021 F-150

RETAIL DLR INV

.TRL BRAKE CONTR

B4A NET INV FLT OPT

RETAIL

DLR INV

57Q REAR DEFROSTER 220 200.00

PRICED DORA

NC

\$7.00

63T TAILGATE STEP 430 392.00

DEST AND DELIV

1695

NC

655 EXT RANGE TANK 445 405.00

1695.00

86A XL CHROME PKG 775 706.00

TOTAL BASE AND OPTIONS 50285 44442.60

.CHROME BUMPERS

XL HIGH DISCOUNT (750) (683.00)

.FOG LAMPS

XL HIGH DISCT CHROME (500) (455.00)

.17" SILVER ALUM

TOTAL 49035 43304.60

91P 8-WAY PWR SEAT 350 319.00

THIS IS NOT AN INVOICE

924 PRIVACY GLASS 100 91.00

96W SPRAY-IN LINER 595 542.00

FLEX FUEL

SP DLR ACCT ADJ (1588.00)

SP FLT ACCT CR (1300.00)

FUEL CHARGE 8.60

F1=Help

F2=Return to Order

F7=Prev

F4=Submit

F5=Add to Library

F3/F12=Veh Ord Menu

S099 - PRESS F4 TO SUBMIT

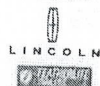
QC00341

Billy Howell



BUYERS ORDER

1805 Atlanta Highway • Cumming, GA 30040
Bus.: (770) 887-2311 • Fax: (770) 887-0080
www.howellford.com



CUST #: 099680

SPC# 0031120
STOCK NO. 210929
ETCH THEFT PROTECTION
DATE 11/09/2020
SALESPERSON BRUCE CASTLEBERRY

PURCHASER ALPHARETTA DEPARTMENT OF PUBLIC SAFETY

ADDRESS
STATE GA CITY ALPHARETTA

COUNTY FULTON ZIP 30004

CAR ☐ TRUCK ☒ VAN ☐ OTHER ☐ HOME PHONE 678-297-6336 OFFICE

E-MAIL CMILLER@ALPHARETTA.GA.US 678-858-0156

NEW ☒	YEAR 2021	MAKE FORD	MODEL F150 SUPERCRE PICKUP	BODY TYPE	SERIAL NO.
USED ☐	COLOR MAGNETIC	AUTO TRANS ☒	AIR CONDITION ☒	POWER WINDOWS ☐	AM AM-FM CD CASSETTE
DEMO ☐	STANDARD ☐	4x4 ☐	MOON ROOF ☐	LEATHER ☐	MANAGER
		POWER SEATS ☐		4 6 8	Mileage 3

SOCIAL SECURITY NUMBER

DATE OF BIRTH

Purchaser hereby sells and transfers unto Dealer the used car described herein and warrants that he has absolute title thereto and that same is free from any liens or encumbrances except as disclosed herein, provided however, if there is any difference between the actual pay-off on the vehicle traded in and the balance as stated herein, then and in the event that even if Purchaser fails to pay said difference within 24 hours after demand, Dealer may, at its election, declare this agreement null and void with no title passing to Purchaser and Purchaser agrees to return to Dealer immediately the vehicle sold to Purchaser.

Purchaser certifies that Purchaser is 18 years of age or older.

Purchaser accepts delivery of the vehicle sold by the Dealer as described herein and acknowledges that this vehicle has a FEDERAL PRICE LABEL on the vehicle Pursuant to Public Law 95-606.

DEALER SUGGESTED RETAIL PRICE

36856.00

Short 5.5 Bed

Customer Signature Exp. Date

TRADE-IN DESCRIPTION

Year Make
Model Type Mileage
Cyl Color
License No. Decal
Serial No.
Lien Holder
Street Address
City
State Zip
Verif By Good Until
Account # Phone #

TITLE INFORMATION

Lien To CASH DEAL
Address
Lien Code #

Total Cash Price	36856.00
Trade In Allowance	NA
Trade Difference	36856.00
Electronic Filing Fee	36.00
Doc Fees	788.00
TAVT	NA
License	NA
Title	NA
Emissions Inspection (Used Only)	NA
GWRA (New Only)	3.00
Subtotal	36895.00
Net Pay Off	NA
Rebate	NA
Cash on Delivery	NA
Balance	36895.00
	NA
Balance Due Finance or Cash	36895.00
Deposit	Rec. #

I accept delivery of this vehicle and I have read, understand and accept all provisions of this buyer's order covering this Ford Motor Company vehicle that I am purchasing.

THIS ORDER NOT BINDING UNTIL SIGNED BY MANAGER

PURCHASER'S SIGNATURE

Accepted by BILLY HOWELL FORD LINCOLN, Inc.

Sales Manager

Date 11/09/2020

Buyer's
Signature X

Date 11/09/2020

** note:
- d.e not build according to
specs provided*

For the purpose of securing credit, I/we authorize BILLY HOWELL FORD LINCOLN, Inc. to check my/our credit and to answer questions about credit experience with me/us and I/we authorize BILLY HOWELL FORD LINCOLN, Inc. to check any and all credit sources.

CNGP530

VEHICLE ORDER CONFIRMATION

11/12/20 09:18:57

==>

Dealer: F21449

Page: 1 of 2

Order No: B300 Priority: A4 Ord FIN: QJ548 Order Type: 5B Price Level: 125
 Ord PEP: 101A Cust/Flt Name: ALPHARETTA PO Number:

2021 F-150

		RETAIL	DLR INV		RETAIL	DLR INV
W1E	F150 4X4 CREW	\$40160	\$38352.00			
	145" WHEELBASE			168	FLEET SPCL ADJ	NC \$(520.00)
M7	CARBONIZED GRAY			425	FLOOR CARPET	145 132.00
W	CLTH BUCKT SEAT	295	269.00	471	50 STATE EMISS	NC NC
S	MED DARK SLATE			53A	400W OUTLET	340 310.00
101A	EQUIP GRP	920	837.00		TRAILER TOW PKG	1090 992.00
	.XL SERIES				.TRL BRAKE CONTR	
	.POWER EQUIP GRP					
	.CRUISE CONTROL					
	.REV SENSING SYS					
995	5.0L V8 FFV ENG	1995	1816.00		TOTAL BASE AND OPTIONS	49110 43354.60
44G	ELEC 10-SPDAUTO				XL HIGH DISCOUNT	(750) (683.00)
	.265/70R-17				XL HIGH DISCT CHROME	(500) (455.00)
					TOTAL	47860 42216.60
X27	3.31 REG AXLE	NC			*THIS IS NOT AN INVOICE*	
	7050# GVWR					

TOTAL BASE AND OPTIONS 49110 43354.60
 XL HIGH DISCOUNT (750) (683.00)
 XL HIGH DISCT CHROME (500) (455.00)
 TOTAL 47860 42216.60

THIS IS NOT AN INVOICE

* MORE ORDER INFO NEXT PAGE *

F8=Next

F3/F12=Veh Ord Menu

F2=Return to Order

F1=Help

F4=Submit

F5=Add to Library

S006 - MORE DATA IS AVAILABLE.

QC00341

missing
 running boards 228
 skid plates 155
 large fuel tank 405

That

CNGP530

VEHICLE ORDER CONFIRMATION

11/12/20 09:18:36

==>

Dealer: F21449

Page: 2 of 2

Order No: B300 Priority: A4 Ord FIN: QJ548 Order Type: 5B Price Level: 125
 Ord PEP: 101A Cust/Flt Name: ALPHARETTA PO Number:

2021 F-150

	RETAIL	DLR INV		RETAIL	DLR INV
57Q REAR DEFROSTER	\$220	\$200.00	DEST AND DELIV	\$1695	\$1695.00
63T TAILGATE STEP	430	392.00			
86A XL CHROME PKG	775	706.00			
.CHROME BUMPERS			TOTAL BASE AND OPTIONS	49110	43354.60
.FOG LAMPS			XL HIGH DISCOUNT	(750)	(683.00)
.17" SILVER ALUM			XL HIGH DISCT CHROME	(500)	(455.00)
91P 8-WAY PWR SEAT	350	319.00	TOTAL	47860	42216.60
924 PRIVACY GLASS	100	91.00	*THIS IS NOT AN INVOICE*		
96W SPRAY-IN LINER	595	542.00			
FLEX FUEL					
SP DLR ACCT ADJ		(1526.00)			
SP FLT ACCT CR		(1268.00)			
FUEL CHARGE		8.60			
B4A NET INV FLT OPT	NC	7.00			
PRICED DORA	NC	NC			

F1=Help F2=Return to Order
 F4=Submit F5=Add to Library
 S099 - PRESS F4 TO SUBMIT

F7=Prev
 F3/F12=Veh Ord Menu

QC00341

CNGP530

VEHICLE ORDER CONFIRMATION

11/12/20 12:00:21

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Dealer: F21021

Page: 1 of 2

Order No: 1112 Priority: A4 Ord FIN: QJ548 Order Type: 5B Price Level: 125
 Ord PEP: 101A Cust/Flt Name: DPS PO Number:

2021 F-150

	RETAIL	DLR INV		RETAIL	DLR INV
X1E F150 4X4 S/C	\$36455	\$34815.00	168 FLOOR CARPET	\$145	\$132.00
145" WHEELBASE			18B BLK PLAT BDS	250	228.00
M7 CARBONIZED GRAY			413 SKID PLATES	160	145.00
W CLTH BUCKT SEAT	295	269.00	425 50 STATE EMISS	NC	NC
S MED DARK SLATE			471 400W OUTLET	340	310.00
101A EQUIP GRP	2280	2075.00	53A TRAILER TOW PKG	1090	992.00
.XL SERIES					
.POWER EQUIP GRP					
.CRUISE CONTROL					
.REV SENSING SYS					
995 5.0L V8 FFV ENG	1995	1816.00			
44G ELEC 10-SPDAUTO					
.265/70R-17					
X27 3.31 REG AXLE	NC				
7050# GVWR					

TOTAL BASE AND OPTIONS 47620 43912.60
 XL HIGH DISCOUNT (750) (683.00)
 XL HIGH DISCT CHROME (500) (455.00)
 TOTAL 46370 42774.60

THIS IS NOT AN INVOICE

* MORE ORDER INFO NEXT PAGE *

F8=Next

F3/F12=Veh Ord Menu

F1=Help

F2=Return to Order

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F5=Add to Library

S006 - MORE DATA IS AVAILABLE.

QC05769

CNGP530

VEHICLE ORDER CONFIRMATION

11/12/20 12:00:46

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Dealer: F21021

Page: 2 of 2

Order No: 1112 Priority: A4 Ord FIN: QJ548 Order Type: 5B Price Level: 125
 Ord PEP: 101A Cust/Flt Name: DPS PO Number:

2021 F-150

	RETAIL	DLR INV		RETAIL	DLR INV
.TRL BRAKE CONTR					
57Q REAR DEFROSTER	220	200.00			
63T TAILGATE STEP	430	392.00			
655 EXT RANGE TANK	445	405.00			
86A XL CHROME PKG	775	706.00			
.CHROME BUMPERS					
.FOG LAMPS					
.17" SILVER ALUM					
91P 8-WAY PWR SEAT	350	319.00			
924 PRIVACY GLASS	100	91.00			
96W SPRAY-IN LINER	595	542.00			
FLEX FUEL					
SP FLT ACCT CR		(1228.00)			
FUEL CHARGE		8.60			
DEST AND DELIV	1695	1695.00			

TOTAL BASE AND OPTIONS 47620 43912.60
 XL HIGH DISCOUNT (750) (683.00)
 XL HIGH DISCT CHROME (500) (455.00)
 TOTAL 46370 42774.60

THIS IS NOT AN INVOICE

★ Angela Krause ★

• note:

- did not build according to
specs provided- estimate is for short bed option,
longbed was not provided

F7=Prev

11/12/2020

IMS2 screen capture

F1=Help

F2=Return to Order

F4=Submit

F5=Add to Library

F3/F12=Veh Ord Menu

S099 - PRESS F4 TO SUBMIT

QC05769



City Council Meeting STAFF REPORT

Submitting Department: City Clerk

Submitted By: Erin Cobb

Sponsored By:

Meeting Date: December 14, 2020

I. AGENDA ITEM TITLE: EXTENSION OF THE IGA WITH THE CITY OF MILTON REGARDING SHARED MUNICIPAL COURT CLERK SERVICES

II. RECOMMENDATION:

Staff is recommending that Mayor and Council approve extending the Intergovernmental Agreement (IGA) with the City of Milton regarding shared Municipal Court Clerk services through March 31, 2021 and authorize the Mayor to execute all necessary documents.

III. REPORT IN BRIEF:

During the September 8, 2020 City Council Executive Session Meeting, the City Administrator, Bob Regus, received direction from City Council to move forward with an agreement with the City of Milton regarding shared Municipal Court Clerk services. The Intergovernmental Agreement (IGA) will allow the City to hire the City of Milton's Municipal Court Director, Brooke Lappin, as the Director of Court Services for the City of Alpharetta and will allow Milton and Alpharetta to concurrently utilize Ms. Lappin's services for both courts.

Ms. Lappin will spend 2/5ths (40%) of her work week (Monday and Friday) at the Milton Municipal Court and 3/5th (60%) of her work week (Tuesday-Thursday) at the Alpharetta Municipal Court. During the terms of this agreement Milton will reimburse Alpharetta 40% of the prorated cost of Ms. Lappin's base salary and 40% of the prorated cost of the employee benefits provided by the City of Alpharetta.

This IGA was presented to Mayor and Council during the September 21, 2020 City Council Meeting and approved unanimously. The renewed terms would extend the current agreement through March 31, 2021, unless terminated or extended upon mutual agreement of both cities.

IV. ALTERNATIVES:

V. ATTACHMENTS:

EXTENSION OF INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF MILTON AND THE CITY OF ALPHARETTA REGARDING SHARED MUNICIPAL COURT CLERK SERVICES(3963569

**EXTENSION OF INTERGOVERNMENTAL AGREEMENT
BETWEEN THE CITY OF MILTON AND THE CITY OF ALPHARETTA
REGARDING SHARED MUNICIPAL COURT CLERK SERVICES**

THIS EXTENSION OF INTERGOVERNMENTAL AGREEMENT (the "Extension Agreement"), by and between the City of Milton, a Georgia municipal corporation ("Milton"), and the City of Alpharetta, a Georgia municipal corporation ("Alpharetta"), is entered into as of the "Effective Date" defined herein. Milton and Alpharetta may also be referred to herein as the "Parties".

RECITALS

WHEREAS, on or about September 21, 2020, Milton and Alpharetta entered into that certain Intergovernmental Agreement regarding shared municipal court services (the "Original Agreement"), with an expiration date of December 31, 2020; and

WHEREAS, the Original Agreement provides the Parties, by mutual consent, may extend the Original Agreement; and

WHEREAS, by this Extension Agreement, the Parties wish to extend the Original Agreement through March 31, 2021; and

WHEREAS, the recitals contained in the Original Agreement are incorporated herein by reference.

NOW THEREFORE, in consideration of the following mutual obligations, the Parties agree as follows:

ARTICLE 1

OBLIGATIONS OF THE PARTIES

The Parties agree to the above Recitals and restate for convenience the obligations of the Parties in the Original Agreement, which shall continue to govern, except for the prior termination date:

1. On September 11, 2020, Ms. Lappin tendered her resignation of employment to Milton, which resignation was accepted by Milton. The resignation effective date shall apply retroactively to September 8, 2020, that being deemed Ms. Lappin's last day of employment with Milton.

2. On September 9, 2020, Ms. Lappin began her employment with Alpharetta.

3. Ms. Lappin will spend 2/5ths (40%) of her work week (Monday and Friday) at the Milton Municipal Court and 3/5ths (60%) of her work week (Tuesday through Thursday) at the Alpharetta Municipal Court.

4. Ms. Lappin will be reasonably available to both Milton and Alpharetta throughout each day of her work week.

5. Ms. Lappin's base salary will be \$100,000.00 annually to be paid by Alpharetta in addition to other regular employee benefits as may be offered to the other employees of Alpharetta.

6. During the Term hereof, and for so long as this Extension Agreement remains effective, Milton shall reimburse Alpharetta 40% of the prorated cost of Ms. Lappin's base salary and 40% of the prorated cost of the employee benefits provided to her based on her position with Alpharetta as the municipal court clerk.

7. Requests for reimbursement shall be tendered to Milton monthly and shall only seek reimbursement for the proportionate share of the salary and benefits paid from Alpharetta to Ms. Lappin during the previous month. Upon receipt of Alpharetta's reimbursement request, Milton shall promptly reimburse Alpharetta and in no event later than thirty (30) days from receipt.

ARTICLE 2

MISCELLANEOUS

1. **NON-WAIVER.** Any Party's failure to seek redress for a violation or to insist upon strict performance of any Agreement provision will not prevent a subsequent act, which would originally have constituted a violation, from having the effect of an original violation.

2. **COUNTERPARTS.** This Extension Agreement may be executed in any number of counterparts with the same effect as if all Parties hereto had all signed the same document. All counterparts will be construed together and will constitute one agreement. Delivery of executed copies of this Extension Agreement by facsimile or e-mail transmission to the other Party hereto shall constitute good and valid execution and delivery by the Parties for all purposes, with the same effect as if such Party had received an original counterpart signed by the other Party.

3. **GENDER AND NUMBER.** Unless the context requires otherwise, the use of a masculine pronoun includes the feminine and the neuter, and vice versa, and the use of the singular includes the plural, and vice versa.

4. **COMPLETE AGREEMENT.** This Extension Agreement constitutes the complete and exclusive statement of the agreement between the Parties. It supersedes all prior written and oral statements, including any prior representation, statement, condition or warranty. Except as expressly provided otherwise herein, this Extension Agreement may not be amended without the written consent of all the Parties.

5. **SEVERABILITY.** If any paragraph, subparagraph, sentence, clause, phrase, or any portion of this Extension Agreement shall be declared invalid or unconstitutional by any court of competent jurisdiction or if the provisions of any part of this Extension Agreement 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 Extension Agreement not held to be invalid. It is hereby declared to be the intent of the Parties to provide for separable and divisible parts, and they do hereby adopt any and all parts hereof as may not be held invalid for any reason.

6. **GOVERNING LAW; VENUE.** This Extension Agreement shall be governed by the laws of the State of Georgia. The Parties agree to comply, to the extent applicable, with all obligations of O.C.G.A. § 13-10-91, et seq., and Title VI of the Civil Rights Act of 1964. The proper venue for any actions arising out of this Extension Agreement shall be in the Superior Court of Fulton County.

7. **TIME OF ESSENCE.** Time is of the essence of this Extension Agreement.

8. **NON-ASSIGNABILITY.** Neither Party may assign any of the obligations or benefits of this Extension Agreement.

9. **AUTHORITY TO CONTRACT.** Each Party declares that it has obtained all necessary approvals of its governing authority to execute and bind the Party to the terms of this Extension Agreement. Ratification of the Extension Agreement by a majority of the governing authority shall authorize the Mayor to execute on behalf of such governing authority but shall not preclude execution by the full Council of either Party.

10. **NO THIRD-PARTY RIGHTS.** This Extension Agreement shall be exclusively for the benefit of the Parties and shall not provide

any third parties with any remedy, claim, liability, reimbursement, cause of action or other right.

11. **OFFICIAL NOTICES.** Any notice required hereunder shall be in writing and shall be deemed to have been delivered when deposited in the United States mail, registered or certified, or when sent by overnight courier, addressed as follows:

City of Milton
Steve Krokoff, City Manager
Milton City Hall
2006 Heritage Walk
Milton, Georgia 30004

City of Alpharetta
Robert J. Regus, City Administrator
Alpharetta City Hall
2 Park Plaza
Alpharetta, Georgia 30009

Or to such other address as either Party may designate for itself by written notice to the other Party from time to time.

12. **NO EMPLOYMENT CONTRACT.** This Extension Agreement shall in no way operate as or be interpreted as an employment contract between Brooke Lappin and either or both Parties.

13. **EFFECTIVE DATE; TERM.** The terms and conditions of this Extension Agreement shall be effective as of January 1, 2021, and shall remain effective through and including March 31, 2021, unless earlier terminated as provided herein. The March 31, 2021 expiration date may be extended upon mutual agreement of the Parties. The Original Agreement shall remain in place until December 31, 2020.

14. **TERMINATION.** Either Party may terminate this Extension Agreement prior to March 31, 2021, at any time, without cause, upon providing at least thirty (30) days' prior written notice to the other Party in accordance with Paragraph 11 above.

[SIGNATURES CONTAINED ON FOLLOWING PAGE]

IN WITNESS WHEREOF, the Parties have executed this Extension Agreement by and through their duly authorized officers.

CITY OF MILTON

CITY OF ALPHARETTA

By: _____
Joe Lockwood, Mayor

By: _____
Jim Gilvin, Mayor

Attest: _____
Sudie Gordon, City Clerk

Attest: _____
Erin Cobb, City Clerk

Dated: _____

Dated: _____

[AFFIX CITY SEAL]

[AFFIX CITY SEAL]

ACKNOWLEDGED AND AGREED TO:

**APPROVED AS TO FORM AND LEGAL
SUFFICIENCY:**

Brooke Lappin

C. Sam Thomas, City Attorney