

CITY OF STONECREST, GEORGIA

Honorable Mayor Jason Lary, Sr.

Council Member Jimmy Clanton, Jr. – District 1

Council Member Rob Turner- District 2

Council Member Jazzmin Cobble – District 3

Council Member George Turner- District 4

Council Member Diane Adoma – District 5

CITY COUNCIL MEETING AGENDA

June 18, 2018

7:00 p.m.

3120 Stonecrest Blvd. Suite 190

Stonecrest, Georgia

I. CALL TO ORDER: Mayor Jason Lary

II. ROLL CALL: Brenda James, Interim City Clerk

III. INVOCATION:

IV. PLEDGE OF ALLEGIANCE:

V. ADOPTION OF THE CITY COUNCIL AGENDA:

VI. PRESENTATIONS:

VII. PUBLIC HEARINGS:

1 . Industrial Parking Modifications TMOD 18-002

2 . Special Land Use Permit SLUP 18-003

VIII. PUBLIC COMMENTS:

IX. MINUTES: Approval of Minutes of the Special Called Meeting of May 3, 2018 and City Council Meeting of June 6, 2018

X. AGENDA ITEMS:

3 . Resolution Amending the 2018 Planning and Zoning Calendar

4. Ordinance to Amend Section 2.15(A) of Article II to Allow the Passage of an Ordinance related to Zoning and Land Use on the First Read.
5. Internal Auditor
6. Ordinance for the Letter of Credit Agreement for Stonecrest Center, LLC Ashley Capital
7. Ordinance Adopting the City of Stonecrest Travel Policy and Procedures
8. An Ordinance Adopting Chapter 14- Land Development
9. Intergovernmental Agreement with DeKalb County for Tax Billing and Collections

XI. CITY MANAGER COMMENTS:

XII. CITY ATTORNEY COMMENTS:

XIII. MAYOR AND COUNCIL COMMENTS:

XIV. ADJOURNMENT:

XV. EXECUTIVE SESSION:

WHEN AN EXECUTIVE SESSION IS REQUIRED, ONE WILL BE CALLED FOR THE FOLLOWING ISSUES: 1) PERSONNEL, 2) LITIGATION, 3) REAL ESTATE



CITY COUNCIL AGENDA ITEM

SUBJECT: Industrial Parking Modifications TMOD 18 -0002

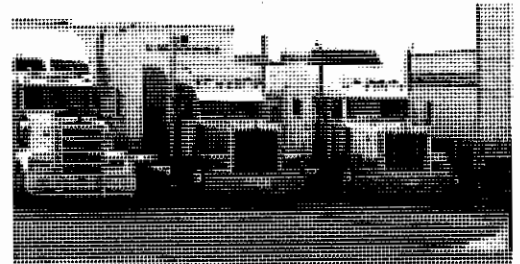
☐ ORDINANCE ☐ POLICY ☐ STATUS REPORT
☐ DISCUSSION ONLY ☐ RESOLUTION ☒ OTHER

Date Submitted: 06/11/18 Work Session: Council Meeting: 06/18/2018

SUBMITTED BY: Nicole C.E. Dozier, Community Development Department Director

PURPOSE: Parking Ordinance Text Amendment (for Industrial parking). The purpose of this amendment is to allow gravel parking areas (as proposed) that are currently **not allowed** as per the Stonecrest code adopted from Dekalb County.

HISTORY: Currently the city ordinance requires that **all parking lots and spaces shall be paved and have continuous paved access to public and private streets (as adopted from Dekalb County)**. This is done to ensure neat, uniform and well-maintained parking lots throughout the city. Based on staff research five (5) neighboring cities have the same requirement (Attachment #6). It is typical that paved surfaces are required for parking areas including industrial sites. Some cities with the allowance of gravel on overflow parking areas.



On March 6, 2018 Mr. Knight submitted suggestion for a text amendment to the parking ordinance in Article VI, Chapter 27 of the City Zoning Ordinance (Attachment #1). Based on the submitted suggestions staff recommended text amendment draft #1 (Attachment # 2) for consideration of the Planning Commission on April 3, 2018- the Planning Commission deferred the item.



On April 13, 2018 City Staff meet with Mr. Knight, Mr. Kelly and Mr. Wikle to discuss this item to see if further compromises could be met. On April 16, 2018 Staff recommended text amendment draft #2 (Attachment #3) the item was presented at the May 1, 2018 Planning Commission but at the request of Mr. Knight was withdrawn for further work.

On May 16, 2018 Staff met with Mr. Knight and the property owners in Lithonia Industrial Park to go over the proposed ordinance. Staff drafted the final recommendation on May 17, 2018 and has no further recommendations (Attachment #4). This compromising document addresses a number of concerns including the stabilizing agent to

be used on gravel surfaces, availability of such agent (availability: South Eastern Road treatment based in Augusta, GA) (Attachment #5) and flexibility with the 200 ft. setback requirement from residential properties (...as approved by City Engineer or Community Development Director) the property owner would also have the ability to ask for a variance if needed.

RECOMMENDED ACTION: The Planning Commission held the public comments on this petition at their June 5, 2018 meeting and recommended deferral. Staff respectfully requests approval as drafted.

OPTIONS: Approve, Deny, or make alternative recommendation

ATTACHMENTS:

- #1 Mr. Knights Suggested Text
- #2 Staff text amendment draft # 1 & April 3, 2018- Planning Commission Minutes
- #3 Staff text amendment draft# 2 & May 1, 2018 -Planning Commission Meeting Minutes
- #4 Staff final recommended text amendment & June 5, 2018 -Planning Commission Minutes
- #5 6/5 Planning Commission Staff report
- #6 Supplemental information on the use of Stabilizing agent.
- #7 Sample Parking regulations from: Brookhaven, Tucker, Covington, Lithonia and Conyers

ATTACHMENT #1

**AN ORDINANCE OF THE CITY OF STONECREST, GEORGIA, TO AMEND
CHAPTER 27, ARTICLE VI, SECTION 6.1.3**

WHEREAS, the City of Stonecrest, Georgia Mayor and City Council are authorized by the City Charter and the Georgia Constitution to regulate and adopt ordinances governing zoning and land use; and

WHEREAS, the Zoning Procedures Law, O.C.G.A. 36-66-1, *et seq.*, provides statutory requirements which must be met by a local government to enact zoning ordinances and make zoning decisions, including, requiring publication of notice and public hearing prior to the enactment of zoning ordinances;

WHEREAS, the City of Stonecrest has advertised and held public hearings on _____ and _____ on the amendment to Article III, Chapter 27;

WHEREAS, the City of Stonecrest has been vested with substantial powers, rights, and functions to generally regulate the use of real property for the purposes of maintaining health, morals, safety, security, peace, and the general welfare of the City; and

WHEREAS, the health, safety, welfare, aesthetics and morals of the citizens of the City of Stonecrest, Georgia shall be improved and protected by adoption and implementation of this Ordinance.

THEREFORE, the Mayor and City Council of the City of Stonecrest, Georgia, hereby ordain as follows:

Section 1: Section 6.1.3 of Article VI, Chapter 27 of the Code of the City of Stonecrest, Georgia is hereby amended to read as follows:

Sec. 6.1.3. - Parking regulations, off-street parking spaces.

Off-street parking spaces shall be provided in accordance with the following requirements:

A. Each application for a development permit or building permit, other than for a detached single-family residence, shall be accompanied by a parking plan showing all required off-street parking spaces, driveways, and the internal circulation system for each such parking lot.

B. All parking lots and spaces shall conform to the following requirements:

1. All vehicles shall be parked on a paved surface that is connected to and has continuous paved access to a public or private street, except as otherwise allowed in this section.

2. Each parking space, except those located on a single-family residential lot, shall comply with the minimum dimensions established in Table 6.1: Each parking lot shall have adequate space for each car to park and exit every parking space and space for internal circulation within said parking lot.

- 37 3. Each parking lot, except those parking spaces located on property used for single-
38 family residential purposes, shall comply with section 5.4.4, site and parking area
39 landscaping.
- 40 4. All parking lots and parking spaces, except those located on property used for
41 single-family residential purposes, shall conform to the geometric design standards
42 of the Institute of Traffic Engineers.
- 43 5. Parking and loading shall not be permitted within the front yard in any MR, HR, O-
44 I, or O-I-T zoning district, except for required handicapped parking.
45 Notwithstanding the previous sentence, parking and loading shall be permitted
46 within the front yard where provision of adequate parking spaces within the rear is
47 impractical and upon issuance of a variance pursuant to article 7.
- 48 6. Parking shall not be permitted within the front yard of any property used for single-
49 family residential purposes, except within a driveway, or in a roofed carport or
50 enclosed garage. Within any single-family residential district, not more than thirty-
51 five (35) percent of the total area between the street right-of-way line and the front
52 of the principal building shall be paved.
- 53 7. No parking space, driveway or parking lot shall be used for the sale, repair,
54 dismantling, servicing, or long-term storage of any vehicle or equipment, unless
55 located within a zoning district which otherwise permits such use.
- 56 8. The parking of business vehicles on private property located within residential
57 zoning districts is prohibited. This section shall not prohibit: (1) typical passenger
58 vehicles, with or without logos, including automobiles, pickup trucks, passenger
59 vans, and dually trucks, (2) vehicles engaged in active farming, construction
60 activities or contractor services on the private property, or the temporary parking
61 (twelve (12) hours or less) of vehicles for the purpose of loading/unloading within
62 residential zoning districts; nor (3) the parking of vehicles on property located in
63 residential zoning districts, where such property is used for an authorized non-
64 residential use such as a church. Vehicles used in law enforcement are exempt from
65 the restrictions of this subsection.
- 66 9. All parking lots shall conform to the requirements of section 6.1.7.
- 67 10. Parking lots on unpaved surfaces on parcels zoned M or M-2 shall be allowed,
68 provided that:
- 69 a. The streetscape, landscape, buffering and screening requirements in
70 Article 5 of Chapter 27 are met;
- 71 b. The soil erosion, sedimentation and pollution requirements of Chapter 14,
72 Article V of the Code of the City of Stonecrest, Georgia are met;
- 73 c. Certificate of Compliance requirements are met; and
- 74 d. The minimum acreage requirements of Section 6.1.3 are met.

- 75 11. Inspections of proposed or existing parking lots on unpaved surfaces in M or M-2
76 zoning districts shall be by the Community Development Manager or her
77 designee to ensure compliance with the requirements of Subsection 6.1.3.B.10,
78 and if found to be in compliance then the Community Development Manager
79 shall issue an initial Certificate of Compliance. For each subsequent year of
80 operations, an annual inspection and Certificate of Compliance shall be required.
81 An inspection fee of \$500 shall be paid for the first inspection and for each annual
82 inspection.
- 83 12. Any parking lot on an unpaved surface in an M or M-2 zoning district which is
84 proposed to begin operating after the adoption of Section 6.1.3.B.11 shall obtain
85 an initial Certificate of Compliance prior to beginning operation.
- 86 13. Any parking lot on an unpaved surface in an M or M-2 zoning district which
87 began operating prior to the date of adoption of Section 6.1.3.B.11 shall obtain an
88 initial Certificate of Compliance no later than January 1, 2020, or cease operation.
- 89 14. Parcels on which parking lots on unpaved surfaces in M or M-2 zoning districts
90 are proposed to begin operating after the date of adoption of Section 6.1.3.B.11
91 must have a minimum of one (1) acre.
- 92 15. There shall be no minimum size for parking lots on unpaved surfaces in M or M-2
93 zoning districts which began operating prior to adoption of Section 6.1.3.B.11.

94
95 **Section 2:**

- 96 1. It is hereby declared to be the intention of the Mayor and City Council that all sections,
97 paragraphs, sentences, clauses and phrases of this Ordinance are and were, upon their
98 enactment, believed by the Mayor and City Council to be fully valid, enforceable and
99 constitutional.
- 100
101 2. It is hereby declared to be the intention of the Mayor and City Council that, to the
102 greatest extent allowed by law, each and every section, paragraph, sentence, clause or
103 phrase of this Ordinance is severable from every other section, paragraph, sentence,
104 clause or phrase of this Ordinance. It is hereby further declared to be the intention of the
105 Mayor and City Council that, to the greatest extent allowed by law, no section, paragraph,
106 sentence, clause or phrase of this Ordinance is mutually dependent upon any other
107 section, paragraph, sentence, clause or phrase of this Ordinance.
- 108
109 3. In the event that any phrase, clause, sentence, paragraph or section of this Ordinance
110 shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise

STATE OF GEORGIA
COUNTY OF DEKALB
CITY OF STONECREST

ORDINANCE 2018-_____

unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and City Council that such invalidity, unconstitutionality, or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

4. All ordinances or resolutions and parts of ordinances or resolutions in conflict herewith are hereby expressly repealed.
5. The within ordinance shall become effective upon its adoption.
6. The provisions of this Ordinance shall become and be made part of The Code of the City of Stonecrest, Georgia, and the sections of this Ordinance may be renumbered to accomplish such intention.

SO ORDAINED AND EFFECTIVE this the ____ day of _____, 2018.

Approved:

Jason Lary, Sr., Mayor

As to form:

City Attorney

Attest:

Brenda James, City Clerk

ATTACHMENT # 2

AN ORDINANCE OF THE CITY OF STONECREST, GEORGIA, TO AMEND
CHAPTER 27, ARTICLE VI, SECTION 6.1.3

WHEREAS, the City of Stonecrest, Georgia Mayor and City Council are authorized by the City Charter and the Georgia Constitution to regulate and adopt ordinances governing zoning and land use; and

WHEREAS, the Zoning Procedures Law, O.C.G.A. 36-66-1, *et seq.*, provides statutory requirements which must be met by a local government to enact zoning ordinances and make zoning decisions, including, requiring publication of notice and public hearing prior to the enactment of zoning ordinances;

WHEREAS, the City of Stonecrest has advertised and held public hearings on _____ and _____ on the amendment to Article III, Chapter 27;

WHEREAS, the City of Stonecrest has been vested with substantial powers, rights, and functions to generally regulate the use of real property for the purposes of maintaining health, morals, safety, security, peace, and the general welfare of the City; and

WHEREAS, the health, safety, welfare, aesthetics and morals of the citizens of the City of Stonecrest, Georgia shall be improved and protected by adoption and implementation of this Ordinance.

THEREFORE, the Mayor and City Council of the City of Stonecrest, Georgia, hereby ordain as follows:

Section 1: Section 6.1.3 of Article VI, Chapter 27 of the Code of the City of Stonecrest, Georgia is hereby amended to read as follows:

Sec. 6.1.3. - Parking regulations, off-street parking spaces.

Off-street parking spaces shall be provided in accordance with the following requirements:

A. Each application for a development permit or building permit, other than for a detached single-family residence, shall be accompanied by a parking plan showing all required off-street parking spaces, driveways, and the internal circulation system for each such parking lot.

B. All parking lots and spaces shall conform to the following requirements:

1. All vehicles shall be parked on a paved surface that is connected to and has continuous paved access to a public or private street, except as otherwise allowed in this section.

2. Each parking space, except those located on a single-family residential lot, shall comply with the minimum dimensions established in Table 6.1. Each parking lot shall have adequate space for each car to park and exit every parking space and space for internal circulation within said parking lot.

3. Each parking lot, except those parking spaces located on property used for single-family residential purposes, shall comply with section 5.4.4, site and parking area landscaping.
4. All parking lots and parking spaces, except those located on property used for single-family residential purposes, shall conform to the geometric design standards of the Institute of Traffic Engineers.
5. Parking and loading shall not be permitted within the front yard in any MR, HR, O-I, or O-I-T zoning district, except for required handicapped parking. Notwithstanding the previous sentence, parking and loading shall be permitted within the front yard where provision of adequate parking spaces within the rear is impractical and upon issuance of a variance pursuant to article 7.
6. Parking shall not be permitted within the front yard of any property used for single-family residential purposes, except within a driveway, or in a roofed carport or enclosed garage. Within any single-family residential district, not more than thirty-five (35) percent of the total area between the street right-of-way line and the front of the principal building shall be paved.
7. No parking space, driveway or parking lot shall be used for the sale, repair, dismantling, servicing, or long-term storage of any vehicle or equipment, unless located within a zoning district which otherwise permits such use.
8. The parking of business vehicles on private property located within residential zoning districts is prohibited. This section shall not prohibit: (1) typical passenger vehicles, with or without logos, including automobiles, pickup trucks, passenger vans, and dually trucks, (2) vehicles engaged in active farming, construction activities or contractor services on the private property, or the temporary parking (twelve (12) hours or less) of vehicles for the purpose of loading/unloading within residential zoning districts; nor (3) the parking of vehicles on property located in residential zoning districts, where such property is used for an authorized non-residential use such as a church. Vehicles used in law enforcement are exempt from the restrictions of this subsection.
9. All parking lots shall conform to the requirements of section 6.1.7.
10. Partially paved parking lots shall be permitted as approved by the City Engineer or Community Development Director through an administrative permit on parcels zoned M or M-2, provided that:
 - a. The streetscape, landscape, buffering and screening requirements in Article 5 of Chapter 27 are met;
 - b. The soil erosion, sedimentation and pollution requirements of Chapter 14, Article V of the Code of the City of Stonecrest, Georgia are met;
 - c. The parking lot has a minimum of one (1) acre; and

d. All driveways aisles shall be paved;

Section 2:

1. It is hereby declared to be the intention of the Mayor and City Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are and were, upon their enactment, believed by the Mayor and City Council to be fully valid, enforceable and constitutional.
2. It is hereby declared to be the intention of the Mayor and City Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and City Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.
3. In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and City Council that such invalidity, unconstitutionality, or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.
4. All ordinances or resolutions and parts of ordinances or resolutions in conflict herewith are hereby expressly repealed.
5. The within ordinance shall become effective upon its adoption.
6. The provisions of this Ordinance shall become and be made part of The Code of the City of Stonecrest, Georgia, and the sections of this Ordinance may be renumbered to accomplish such intention.

SO ORDAINED AND EFFECTIVE this the ____ day of _____, 2018.

Approved:

Jason Lary, Sr., Mayor

STATE OF GEORGIA
COUNTY OF DEKALB
CITY OF STONECREST

ORDINANCE 2018-_____

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Attest:

Brenda James, City Clerk

As to form:

City Attorney

CITY OF STONECREST, GEORGIA

Planning Commission Meeting Minutes

Summary

April 3, 2018, 6:00 P.M.

Stonecrest City Hall's Chambers | 3120 Stonecrest Blvd., Suite 155 | Stonecrest, Georgia 30038 | (770) 224-0200 | www.stonecrestga.gov

The Planning Commission met on Wednesday, April 3, 2018 at 6:05 p.m. in Stonecrest City Hall's Chamber in Stonecrest, Georgia.

I. The meeting was called to order by Chairman Eric Hubbard.

II. Roll Call - The Members

Present:

Mr. J.W. Eady	District 1
Ms. Wanda McNeal	District 2
Mr. Eric Hubbard	District 3
Ms. Pearl Hollis	District 4 (arrived late; join platform at 6:53 PM)
Ms. Lisa Wright	District 5

Staff Present:

Mrs. Nicole Dozier	Community Development Director
Mrs. Emily Macheski-Preston	City Attorney
Mr. Chris Wheeler	City Planner
Mr. Ken Hildebrandt	City Engineer

III. The Honorable Mayor Jason Lary, Sr. administered the Oath of Office to Ms. Pearl Hollis, District 4, at 6:51 p.m. Ms. Hollis read and signed a copy of the Oath of the Office.

Chairman Eric Hubbard completed the roll call and read the Rules and Procedures for Planning Commission Meetings and Public Hearings for the City of Stonecrest, Georgia. There was a quorum.

IV. Old Business:

1. Public Hearing(s)

LAND USE PETITION:	SLUP-17-0002 (Deferred on February 6, 2018)
PETITIONER:	Alfie Igbadume
LOCATION:	3185 Evans Mills Road
CURRENT ZONING:	R-100 (Residential Med Lot) District
PROPOSED ZONING:	R-100 (Residential Med Lot) District
PROPOSED DEVELOPMENT:	Request Special Land Use Permit to operate child care institution.

Mr. Wheeler asked the Planning Commissioners if there were questions. There were no questions from the Planning Commissioners.

The Chairman asked the applicant, Mr. Bernard Knight, to come forth.

Mr. Knight stated that he was a part of the Steering Committee and representing clients, the Kelly family, have worked very hard. The said 345 acres property is a split parcel and is vacant. Negative impact. Mr. Knight asked, "Why do we want to combine?" It will add an increase by 7% percent. The property is in Councilman Clanton's District 1. Mr. Walker lives at 1843 and is 1700 feet away. There will be access to Coffee Road and a 50' buffer. Mr. Knight said he agrees with the staff report and asked that the Planning Commissioners approve the petition.

The applicant, Mr. Knight, had 2:19 minutes left on the clock and returned to the podium and asked to view the slide(s) displaying Tract 4 from Lithonia Industrial Boulevard.

The Chairman asked if there were any comments. There was none.

Commissioner Eady motion to approve RZ 18-001 amendment with the conditions amended by Mr. Knight: 1) Access to and from Tract "A" of 1882 Coffee Road, limited to Lithonia Industrial Boulevard; 2) A fifty-foot (50') wide undisturbed buffer along the Coffee Road frontage of Tract "A" of 1882 Coffee Road; 3) A maximum of one emergency access (1) curb cut on Coffee Road, shall be provided and maintained. Commissioner Wright seconded the motion with the above conditions by Mr. Knight. The motion was unanimously carried and approved.

The Chairman asked the presenter of the next application to come forth.

Mrs. Nicole Dozier presented TMOD-18-0002:

TEXT AMENDMENT:	TMOD 18-0002
PETITIONER:	City Council
PROPOSED AMENDMENT:	Amendment to (Industrial) "Parking Regulations" District." Chapter 27 Article VI Section 6.1.3

The Chairman asked the presenter of the next application to come forth.

Community Development Director Mrs. Nicole Dozier stated that Amendment to (Industrial) "Parking Regulations" District, Chapter 27 Article VI Section 6.1.3. The Mayor and City Council has concerns with environmental impact and want to modify the Parking Regulations to address industrial parking areas. Zoning M and M-2 are permitted and must meet certain criteria. Driveway isle must be paved. Received a letter addressed to the Mayor and City Council members opposing unpaved parking and its effects on the environment and run-offs. DeKalb County's ordinance states that all parking lots and spaces shall be paved and have continuous paved access to public and provide streets. The Staff seeks neat, uniform and well-maintained parking lots throughout the city of Stonecrest.

City Engineer Ken Hildebrandt stated that City of Stonecrest is promoting an environmental to avoid run off. Using gravel where heavy trucks travels will cause dust and drainage issues. Cannot stripe. The propose recommendation is to allow gravel parking but, require parking isle shall be hard surface. Feel this a fair compromise.

The Chairman asked if there were oppositions to come forth.

- 1) Mr. Bernard Knight said that he opposed the draft presented by the City of Stonecrest and stated that looking at the background, the satellite shows that fifteen (15) gravel surfaced parking were approved by DeKalb County within the last three (3) years for The Kellies and Jack Phillips, the same wording as we have now. The parking Ordinance has a lot of demand for this and it is expensive to pave. We do not want this there forever. We have a draft and Councilman Clanton to sponsor. We thought staff would reach out and we had meeting with Mr. Hildebrandt.

Mr. Knight stated that the Kelly Paving Company has been in existing since 1959. There are three (3) factors: 1) Appearance, 2) Environment quality, and 3) Durable surface material(s) – this one is the kicker. We came up with a draft and want to get into a dialogue with Stonecrest staff. We suggest referral for more examination of adequate standards and compliance.

- 2) Received a *City of Stonecrest Public Comments Card* from Mr. Bill Wikle of Lee & Associates at 3500 Lenox Road, Atlanta, GA. Mr. Wikle stated, "I support gravel parking as someone who does business in the area. I would like to see the currently proposed language deferred to broaden the possibility of its use." Mr. Wikle said that he was in the gravel business for fifteen (15) years. Large gravel lots looks good; renewable surface; most cost effective; run-offs and of dust; way to do it; good for he environment. Florida prefer it. Do not think they will work.
- 3) With 1:10 seconds remaining, Mr. Knight said that Kelly made a point to say we are blessed to have had two (2) quarries here, and that it depends on the quality of the base of the stone. Mined, crushed, and produced here. We want to take advantage of that.

Mrs. Dozier stated that the language from DeKalb County is very clear, "All Parking must be paved. We are reinforcing the ordinance in place. We are willing to work with our client. The compromise is to have gravel and hard surfaces. We did look at the original documents submitted by Mr. Knight. Was thinking about adding criteria."

Commissioner Eady motion to defer Public Hearing for TMOD 18-0002. Commissioner Wright seconded the motion. The motion to defer TMOD 18-0002 was passed. The vote was unanimously carried.

There being no further business, Commissioner Wright moved to adjourn the meeting. Ms. McNeal seconded the motion. The vote was carried unanimously to adjourn the meeting at 8:20 PM.

Approved:

Vice Chairman

Date

Attest:

Secretary

Date

ATTACHMENT # 3

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CHAPTER 27, ARTICLE VI, SECTION 6.1.3

WHEREAS, the City of Stonecrest, Georgia Mayor and City Council are authorized by the City Charter and the Georgia Constitution to regulate and adopt ordinances governing zoning and land use; and

WHEREAS, the Zoning Procedures Law, O.C.G.A. 36-66-1, *et seq.*, provides statutory requirements which must be met by a local government to enact zoning ordinances and make zoning decisions, including, requiring publication of notice and public hearing prior to the enactment of zoning ordinances;

WHEREAS, the City of Stonecrest has advertised and held public hearings on _____ and _____ on the amendment to Article III, Chapter 27;

WHEREAS, the City of Stonecrest has been vested with substantial powers, rights, and functions to generally regulate the use of real property for the purposes of maintaining health, morals, safety, security, peace, and the general welfare of the City; and

WHEREAS, the health, safety, welfare, aesthetics and morals of the citizens of the City of Stonecrest, Georgia shall be improved and protected by adoption and implementation of this Ordinance.

THEREFORE, the Mayor and City Council of the City of Stonecrest, Georgia, hereby ordain as follows:

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A. Each application for a development permit or building permit, other than for a detached single-family residence, shall be accompanied by a parking plan showing all required off-street parking spaces, driveways, and the internal circulation system for each such parking lot.

B. All parking lots and spaces shall conform to the following requirements:

1. All vehicles shall be parked on a paved surface that is connected to and has continuous paved access to a public or private street, except as otherwise allowed in this section.

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- 36 3. Each parking lot, except those parking spaces located on property used for single-
37 family residential purposes, shall comply with section 5.4.4, site and parking area
38 landscaping.
- 39 4. All parking lots and parking spaces, except those located on property used for single-
40 family residential purposes, shall conform to the geometric design standards of the
41 Institute of Traffic Engineers.
- 42 5. Parking and loading shall not be permitted within the front yard in any MR, HR, O-
43 I, or O-I-T zoning district, except for required handicapped parking. Notwithstanding
44 the previous sentence, parking and loading shall be permitted within the front yard
45 where provision of adequate parking spaces within the rear is impractical and upon
46 issuance of a variance pursuant to article 7.
- 47 6. Parking shall not be permitted within the front yard of any property used for single-
48 family residential purposes, except within a driveway, or in a roofed carport or
49 enclosed garage. Within any single-family residential district, not more than thirty-
50 five (35) percent of the total area between the street right-of-way line and the front
51 of the principal building shall be paved.
- 52 7. No parking space, driveway or parking lot shall be used for the sale, repair,
53 dismantling, servicing, or long-term storage of any vehicle or equipment, unless
54 located within a zoning district which otherwise permits such use.
- 55 8. The parking of business vehicles on private property located within residential
56 zoning districts is prohibited. This section shall not prohibit: (1) typical passenger
57 vehicles, with or without logos, including automobiles, pickup trucks, passenger
58 vans, and dually trucks, (2) vehicles engaged in active farming, construction
59 activities or contractor services on the private property, or the temporary parking
60 (twelve (12) hours or less) of vehicles for the purpose of loading/unloading within
61 residential zoning districts; nor (3) the parking of vehicles on property located in
62 residential zoning districts, where such property is used for an authorized non-
63 residential use such as a church. Vehicles used in law enforcement are exempt from
64 the restrictions of this subsection.
- 65 9. All parking lots shall conform to the requirements of section 6.1.7.
- 66 10. Parking lots on unpaved surfaces for transportation equipment and vehicle storage,
67 without services provided. Partially paved parking lots shall be permitted as
68 approved by the City Engineer or Community Development Director through an
69 administrative permit on parcels zoned M or M-2, provided that:
- 70 a. The streetscape, landscape, buffering and screening requirements in
71 Article 5 of Chapter 27 are met;
- 72 b. The soil erosion, sedimentation and pollution requirements of Chapter 14,
73 Article V of the Code of the City of Stonecrest, Georgia are met;

c. Minimum standards of the Georgia Stormwater Management Manual are met in terms of stormwater runoff and water quality;

de. The parking lot has a minimum of one (1) acre; and

ed. The parking lot shall be at least two hundred feet (200') from the boundaries of a residentially zoned parcel;

fe. The parking lot subgrade must meet a minimum compaction of ninety-five percent (95%) as certified by a registered professional engineer;

gf. The parking lot surface shall be composed of at least eight inches (8") of compacted Graded Aggregate Base;

hg. The Graded Aggregate Base shall be stabilized with a surface treatment such as ~~secoating~~ of Calcium Chloride or other material approved by the City Engineer to control dust and provide stabilization of the stone; and-

i. Parking lots shall be inspected by the City of ~~Atlanta~~ every two (2) years to ensure continued compliance with the above specifications. Additional maintenance such as grading, Graded Aggregate Base, or surface treatment may be required. ~~All driveways aisles shall be paved;~~

Section 2:

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

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

3. In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise

STATE OF GEORGIA
COUNTY OF DEKALB
CITY OF STONECREST

ORDINANCE 2018-_____

unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and City Council that such invalidity, unconstitutionality, or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

4. All ordinances or resolutions and parts of ordinances or resolutions in conflict herewith are hereby expressly repealed.
5. The within ordinance shall become effective upon its adoption.
6. The provisions of this Ordinance shall become and be made part of The Code of the City of Stonecrest, Georgia, and the sections of this Ordinance may be renumbered to accomplish such intention.

SO ORDAINED AND EFFECTIVE this the ____ day of _____, 2018.

Approved:

Jason Lary, Sr., Mayor

As to form:

City Attorney

Attest:

Brenda James, City Clerk

CITY OF STONECREST, GEORGIA

Planning Commission Meeting Minutes

Summary

May 1, 2018, 6:00 P.M.

Stonecrest City Hall's Chambers | 3120 Stonecrest Blvd., Suite 155 | Stonecrest, Georgia 30038 | (770) 224-0200 | www.stonecrestga.gov

The Planning Commission met on Tuesday, May 1, 2018 at 6:02 p.m. in Stonecrest City Hall Chamber in Stonecrest, Georgia.

I. The meeting was called to order by Vice Chairman J.W. Eady.

II. Roll Call - The Members

Present:

Mr. J.W. Eady	District 1
Ms. Wanda McNeal	District 2
Mr. Eric Hubbard	District 3 (absent)
Ms. Pearl Hollis	District 4 (absent)
Ms. Lisa Wright	District 5

Staff Present:

Mrs. Nicole Dozier	Community Development Director
Mrs. Emily Macheski-Preston	City Attorney
Mr. Chris Wheeler	City Planner

III. Secretary Ms. Lillian Lowe completed the roll call. Vice Chairman J.W. Eady read the Rules and Procedures for the Planning Commission Meetings and Public Hearings for the City of Stonecrest, Georgia. There was a quorum.

Mrs. Nicole Dozier interjected and advised the Chairman that a three (3) board member was present this evening which means, any vote is either pass or fail. As each applicant approach to speak, they should indicate if they would like to proceed with the public hearing or have their case moved to the next meeting.

Vice Chairman J.W. Eady asked for motion to approve the Planning Commission Meetings Minutes Summary dated April 3, 2018.

Ms. Lisa Wright motion to approve the Planning Commission Meetings Minutes Summary dated April 3, 2018. Ms. Wanda McNeal seconded the motion. The motion was approved. The vote was unanimously carried.

IV. Old Business:

1. Public Hearing(s)

TEXT AMENDMENT:	TMOD 18-0002 (Deferred on April 16, 2018)
PETITIONER:	City Council
LOCATION:	City-Wide
PROPOSED AMENDMENT:	Amendment to (Industrial) "Parking Regulations" Chapter 27 Article VI Sec. 6.1.3

Mrs. Dozier advised the Chairman that the item scheduled for old business, TMOD 18-0002 (deferred on April 16, 2018), is being withdrawn and it will be re-presented back to the Planning Commission later.

Mr. Bernard Knight approached the podium and began speaking, "Even though the matter is being withdrawn, there are some folks here tonight, starting with myself, are in opposition."

Attorney Emily Preston interjected and advised the Chairman that if the Board wants to have a public hearing on TMOD 18-0002, there should be a public hearing, if not, there should be no comments.

Attorney Preston asked Mr. Knight to please sit down. We just want to keep the order.

Mr. Knight stated, "We were not told that this matter would be withdrawn. I have a court reporter here and have other people here who wants to speak on this manner."

Attorney Preston stated that an email was sent to Mr. Knight stating the petition had been withdrawn. If the Chairman want to entertain the public hearing, that is up to the Board. This is a text amendment, to be clear. This was a city-initiated text amendment. Per Mr. Knight's request, the city removed this item from the agenda to discuss it with him and other members of the public further. TMOD 18-0002 will be deferred, re-advertised as first read, and brought back for public hearing in June 2018. Attorney Preston called for a "Point of Order"

Attorney Preston asked Mr. Knight to sit down several times.

Attorney Preston called for a "Point of Order" again and asked Mr. Knight to please sit down unless he has been recognized by the Chair.

The Commissioners never recognized Mr. Knight.

Attorney Preston asked Mr. Knight to take his seat. The Chairman sound the gavel and Mr. Knight left the podium stating he was denied due process.

Attorney Preston stated that this is not an application. This a text amendment and all that is required is that you hold a public hearing before the City Council. We bring before the Planning Commission for course of recommendation. There are no requirements that you hold a public hearing. This is a deferral of the text amendment, we are holding a public hearing so, there was no advertising for this case, it was not required to be advertised.

The Chairman called for the new business and City Planner Mr. Wheeler presented Land Use Petition RZ-18-002 and Special Land Use Petition SLUP-18-002.

The Chairman asked if there were comments if so come forth.

Mr. Knight came forth and stated that this petition had not been posted to the web site. There was no staff analysis posted. Other changes should be brought to the public attention. We want to know why there were changes. Looking forward to a training session soon.

Mr. Charles Coleman and Mr. Dave Marcus came forth.

The Chairman asked for motion to close Petition TMOD-18-0005.

Ms. Wright motion to close Public Hearing TMOD-18-0005. Mr. Eady seconded the motion. The was motion approved. The vote was unanimously carried.

There being no further business, Ms. Wright moved to adjourn the meeting. The Chairman seconded the motion. The vote was carried unanimously to adjourn the meeting at 8:05 PM.

Approved:

Chairman

Date

Attest:

Secretary

Date

TEXT AMENDMENT:	TMOD 18-0005
PETITIONER:	City Staff
LOCATION:	City-Wide
PROPOSED AMENDMENT:	Chapter 14, in its entirety, relating to Land Development, subdivision, soil and erosion, and tree regulations.

Attorney Preston stated that this is the adoption of Chapter 14 Land Development Ordinance. The purpose of this chapter is to establish public policy for the protection of natural resources as well as policies, requirements, and standards for land development. This is like DeKalb County with a few minor changes. The city is starting the Comprehensive Plan Process and will modify this text as needed once the comprehensive plan process is complete. The Staff recommended adoption as a working document.

Attorney Preston gave a brief summation of Chapter 14, a very large ordinance, for the Commissioners. The City has already adopted the modelled ordinances and it has been approved. Some departments are in DeKalb County and now have changed to the city of Stonecrest. There are definitions, references to DeKalb County, and who can enforce the ordinances. Attorney Preston presented the following items:

Sub-division

The biggest change is on Page 28, Sub-division; some variances required.

Page 28, Sub-division, any times wants to split or divide a lot, the applicant would be handled administratively.

Page 34, Required information for splitting a plat. There will be stamp placed on the survey paperwork.

Page 36, the Design Changes, based on storm water design, roads, and fees. There is a red-lined document but, it is hard to read.

Page 69, Water and Sewer has been taken out, need approval from DeKalb County.

Flood Management Plan

Page 76, Flood Management Plan and building a house in the flood plain.

Page 100, Flood Hazards, Division VI, will be approved by DeKalb County.

Soil Erosion (no changes)

Page 104, Soil Erosion already adopted

Tree Protection, Article VI – DeKalb County

Page 136, Plant Species

Stream Buffer (no changes)

Page 145, Prevention of Erosion

Storm Water Management (no changes)

Article VIII

Page 162

Mrs. Dozier stated that the city is going under the Comprehensive Plan process and community meetings will be held in all the districts. There will be amendments and modifications made.

ATTACHMENT # 4

AN ORDINANCE OF THE CITY OF STONECREST, GEORGIA, TO AMEND
CHAPTER 27, ARTICLE VI, SECTION 6.1.3

WHEREAS, the City of Stonecrest, Georgia Mayor and City Council are authorized by the City Charter and the Georgia Constitution to regulate and adopt ordinances governing zoning and land use; and

WHEREAS, the Zoning Procedures Law, O.C.G.A. 36-66-1, *et seq.*, provides statutory requirements which must be met by a local government to enact zoning ordinances and make zoning decisions, including, requiring publication of notice and public hearing prior to the enactment of zoning ordinances;

WHEREAS, the City of Stonecrest has advertised and held public hearings on _____ and _____ on the amendment to Article III, Chapter 27;

WHEREAS, the City of Stonecrest has been vested with substantial powers, rights, and functions to generally regulate the use of real property for the purposes of maintaining health, morals, safety, security, peace, and the general welfare of the City; and

WHEREAS, the health, safety, welfare, aesthetics and morals of the citizens of the City of Stonecrest, Georgia shall be improved and protected by adoption and implementation of this Ordinance.

THEREFORE, the Mayor and City Council of the City of Stonecrest, Georgia, hereby ordain as follows:

Section 1: Section 6.1.3 of Article VI, Chapter 27 of the Code of the City of Stonecrest, Georgia is hereby amended to read as follows:

Sec. 6.1.3. - Parking regulations, off-street parking spaces.

Off-street parking spaces shall be provided in accordance with the following requirements:

A. Each application for a development permit or building permit, other than for a detached single-family residence, shall be accompanied by a parking plan showing all required off-street parking spaces, driveways, and the internal circulation system for each such parking lot.

B. All parking lots and spaces shall conform to the following requirements:

1. All vehicles shall be parked on a paved surface that is connected to and has continuous paved access to a public or private street, except as otherwise allowed in this section.

2. Each parking space, except those located on a single-family residential lot, shall comply with the minimum dimensions established in Table 6.1. Each parking lot shall have adequate space for each car to park and exit every parking space and space for internal circulation within said parking lot.

- 36 3. Each parking lot, except those parking spaces located on property used for single-
37 family residential purposes, shall comply with section 5.4.4, site and parking area
38 landscaping.
- 39 4. All parking lots and parking spaces, except those located on property used for single-
40 family residential purposes, shall conform to the geometric design standards of the
41 Institute of Traffic Engineers.
- 42 5. Parking and loading shall not be permitted within the front yard in any MR, HR, O-
43 I, or O-I-T zoning district, except for required handicapped parking. Notwithstanding
44 the previous sentence, parking and loading shall be permitted within the front yard
45 where provision of adequate parking spaces within the rear is impractical and upon
46 issuance of a variance pursuant to article 7.
- 47 6. Parking shall not be permitted within the front yard of any property used for single-
48 family residential purposes, except within a driveway, or in a roofed carport or
49 enclosed garage. Within any single-family residential district, not more than thirty-
50 five (35) percent of the total area between the street right-of-way line and the front
51 of the principal building shall be paved.
- 52 7. No parking space, driveway or parking lot shall be used for the sale, repair,
53 dismantling, servicing, or long-term storage of any vehicle or equipment, unless
54 located within a zoning district which otherwise permits such use.
- 55 8. The parking of business vehicles on private property located within residential
56 zoning districts is prohibited. This section shall not prohibit: (1) typical passenger
57 vehicles, with or without logos, including automobiles, pickup trucks, passenger
58 vans, and dually trucks, (2) vehicles engaged in active farming, construction
59 activities or contractor services on the private property, or the temporary parking
60 (twelve (12) hours or less) of vehicles for the purpose of loading/unloading within
61 residential zoning districts; nor (3) the parking of vehicles on property located in
62 residential zoning districts, where such property is used for an authorized non-
63 residential use such as a church. Vehicles used in law enforcement are exempt from
64 the restrictions of this subsection.
- 65 9. All parking lots shall conform to the requirements of section 6.1.7.
- 66 10. Parking lots and/or parking on unpaved surfaces for transportation equipment and
67 storage and maintenance (vehicle) storage, without services provided, Partially
68 paved parking lots shall be permitted as approved by the City Engineer or
69 Community Development Director through an administrative permit on parcels
70 zoned M or M-2, provided that:
 - 71 a. The parking area shall be screened from view of the public street with an
72 opaque fence or wall minimum of six (6) feet in height. The streetscape,
73 landscape, buffering and screening requirements in Article 5 of Chapter 27
74 are met;

b. The parking area should be at least fifty (50) feet from the street right of way.

c. A ten (10) foot wide evergreen landscape buffer around the perimeter of the fence along the public street with at least 75% evergreens and at least two rows of plants.

d. The soil erosion, sedimentation and pollution requirements of Chapter 14, Article V of the Code of the City of Stonecrest, Georgia are met

~~The soil erosion, sedimentation and pollution requirements of Chapter 14, Article V of the Code of the City of Stonecrest, Georgia are met;~~

c. Minimum standards of the Georgia Stormwater Management Manual are met in terms of stormwater runoff and water quality;

de. The parking lot has a minimum of one (1) acre; and

11. Unpaved parking areas within the M and M-2 zones shall comply with the following specifications:

ed. The parking lot shall be at least two hundred feet (200') from the boundaries of a residentially zoned parcel;

fe. The parking lot subgrade must meet a minimum compaction of ninety-five percent (95%) as certified by a registered professional engineer;

gf. The parking lot surface shall be composed of at least eight inches (8") of compacted Graded Aggregate Base;

hg. The Graded Aggregate Base shall be stabilized with a surface treatment such as ~~aseoating~~ of Calcium Chloride or other material approved by the City Engineer to control dust and provide stabilization of the stone; and;

i. ~~i.~~ Parking lots shall be inspected by the City of Stonecrest-Tucker every two (2) years to ensure continued compliance with the above specifications. Additional maintenance such as grading, Graded Aggregate Base, or surface treatment may be required. ~~All driveways aisles shall be paved;~~

ii. Parcels with existing unpaved areas shall have (2) two years to comply with these specifications with a 1 time extension up to 12 months.

Section 2:

1. It is hereby declared to be the intention of the Mayor and City Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are and were, upon their enactment, believed by the Mayor and City Council to be fully valid, enforceable and constitutional.
2. It is hereby declared to be the intention of the Mayor and City Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and City Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.
3. In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and City Council that such invalidity, unconstitutionality, or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.
4. All ordinances or resolutions and parts of ordinances or resolutions in conflict herewith are hereby expressly repealed.
5. The within ordinance shall become effective upon its adoption.
6. The provisions of this Ordinance shall become and be made part of The Code of the City of Stonecrest, Georgia, and the sections of this Ordinance may be renumbered to accomplish such intention.

SO ORDAINED AND EFFECTIVE this the ____ day of _____, 2018.

Approved:

Jason Lary, Sr., Mayor

STATE OF GEORGIA
COUNTY OF DEKALB
CITY OF STONECREST

ORDINANCE 2018-_____

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Attest:

Brenda James, City Clerk

As to form:

City Attorney

CITY OF STONECREST, GEORGIA

Planning Commission Meeting Minutes

Summary

June 5, 2018, 6:00 P.M.

Stonecrest City Hall's Chambers | 3120 Stonecrest Blvd., Suite 155 | Stonecrest, Georgia 30038 | (770) 224-0200 |
www.stonecrestga.gov

The Planning Commission met on Tuesday, June 5, 2018 at 6:04 p.m. in Stonecrest City Hall's Chamber in Stonecrest, Georgia.

I. The meeting was called to order by the Chairman.

II. **Roll Call - The Members**

Present:

Mr. J.W. Eady	District 1
Ms. Wanda McNeal	District 2
Mr. Eric Hubbard	District 3
Ms. Pearl Hollis	District 4
Ms. Lisa Wright	District 5

Staff Present:

Mrs. Nicole Dozier	Community Development Director
Mrs. Emily Macheski-Preston	City Attorney
Mr. Chris Wheeler	City Planner

III. The Chairman completed the roll call and read the Rules and Procedures for the Planning Commission Meetings and Public Hearings for the City of Stonecrest, Georgia. There was a quorum.

The Chairman asked for motion to accept the Planning Commission Meetings Minutes Summary dated May 1, 2018.

Ms. Wright motion to approve the Planning Commission Meetings Minutes Summary dated May 1, 2018. Mr. Eady seconded the motion. The motion was approved. The vote was unanimously carried.

IV. **Old Business:**
None

V. **New Business**

1. The Chairman call for a vote to adopt the 2018 Revised Planning Commission Meetings Calendar. The revisions were based on the change in the city of Stonecrest meeting dates for Mayor and City Council meetings.

Ms. Wright motion to adopt the 2018 Revised Planning Commission Meetings Calendar. Mr. Eady seconded the motion. The motion was approved. The vote was unanimously carried.

Attorney Preston interjected and advised the Chairman that the applicant is a former client of law group and is not representing them in this case but, we have done work with them in the past.

2. Public Hearing(s)

The following Petition(s) located within the city of Stonecrest are scheduled for Public Hearing.

LAND USE PETITION:	SLUP-18-003
PETITIONER:	Beverly J. Searles Foundation
LOCATION:	6721 Covington Hwy
CURRENT ZONING:	MR-2 (Medium Density Residential) District
PROPOSED ZONING:	MR-2 (Medium Density Residential) District Conditional
PROPOSED DEVELOPMENT:	Request Special Land Use Permit to construct senior living

Mr. Wheeler read the Staff Report out loud and stated that the applicant is requesting a Special Land Use Permit to develop a two hundred-fifty (250) unit senior housing development. For the age of 55 and up. Previously the applicant had the subject property rezoned from C-1 (Local Commercial) to MR-2 (Medium Density Residential) on May 2018 per zoning case RZ-18-002. The applicant intends to develop the property for senior housing and needed to rezone the property to a zoning, which would allow the applicant to apply for a Special Land Use Permit.

The project, 9.3 acres, will be developed within two (2) to three (3) phases. The first phase will be one hundred twenty-eight (128) units comprise of brick veneer, fiber cement siding, and fiber cement panels. The property has approximately six hundred (600') of frontage on Covington Highway and approximately four hundred (400') frontage on Hillvale Road. All access will be on Covington Highway. The Community Development department recommends approval of SLUP-18-003.

The Chairman asked the applicant to come forth.

Mr. Chaz Coleman(?), development manager of the Beverly J. Searles Foundation, stated that the company is 501c3 and will build affordable housing at market rate. Handouts were distributed to the Commissioners depicting existing communities the Searles Foundation have today. Stonecrest projection to break ground around mid-November 2018.

The Chairman asked those in support to come forth and state name and address.

Ms. Cassie Canady(?) said she lives off Covington Highway and was in support of SLUP-18-003. Ms. Canady is concerned about the traffic and how senior facility will look mainly? Ms. Canady wants this area to look good. Want to make sure this a senior facility and remain a senior facility forever. The traffic, what it the plan? They are redeveloping Covington Highway, have you spoken with GDOT? Covington Highway is like an Audubon? What about traffic lights? How will it look? Do we have pictures?

The Chairman interjected and advised Ms. Canady that the Planning Commission is to meet, put things in motion. The questions you are asking can be answered by Mr. Coleman. The Chairman suggested Ms. Canady to sit next to Mr. Coleman and talk. The Chairman was sure Mr. Coleman would not object to questions. The Chairman gave Ms. Canady the photos given to him by Mr. Coleman. Mr. Coleman had distributed earlier. The Chairman applauded Ms. Canady (?) for coming up.

Mr. Wheeler stated that questions of this nature, the staff can answer those type questions prior to meetings.

Ms. Wright reminded everyone that the Staff Reports are online and can read.

The Chairman asked those in opposition to come forth and state name and address. Ms. Beth Abbott lives at 3648 Klondike Road had two questions for the Commissioners. First, will there be interference with front frontage? Do not want them sitting on the road. Will there be adequate parking? Parking in back, is it sufficient? She wants it back from the road and pretty.

Mr. Wheeler answered that Staff does review regulations for parking. Mr. Coleman stated that the good news with senior is less driving. There is less parking and less driving by the seniors. Most of the parking spaces will be unutilized.

Mr. Eady motion to close the public hearing. Ms. Hollis seconded the motion. The motion was approved. The vote was unanimously carried.

The Commissioners went into discussion.

The Chairman asked for a motion.

Ms. Hollis motion to approve SLUP-18-003. Mr. Eady seconded the motion. The motion was approved. The vote was unanimously carried.

TEXT AMENDMENT:	TMOD 18-0002 (Deferred April 16, 2018 by City Council)
PETITIONER:	City Council
PROJECT LOCATION:	City-Wide
PROPOSED AMENDMENT:	Amendment to (Industrial) "Parking Regulations" Chapter 27 Article VI Sec. 6.1.3

Mrs. Dozier stated that the Mayor and City Council has requested that staff review and modify Chapter 27 Article VI Sec. 6.1.3 of the Parking Regulations to address industrial parking areas. The current city ordinance requires that all parking lots and spaces shall be paved and have continuous paved access to public and private streets (as adopted from DeKalb County). Review recommendations from the public. Met with some industrial partners in the city of Stonecrest and making sure there is balance. Modification has been made to the original document. The administrative permit requirement has been removed. The staff recommend approval of TMOD 18-0002, as drafted, with the following text amendment:

10. Parking lots on unpaved surfaces for transportation equipment and vehicle storage, without services provided, shall be permitted as approved by the City Engineer or Community Development Director through an administrative permit on parcels zoned M or M-2, provided that:

- a. The parking area shall be screened from view of the public street with an opaque fence wall minimum of six (6') feet in height.
- b. The parking area should be at least fifty (50') feet from the street right of way.
- c. A ten (10') foot wide evergreen landscape buffer around the perimeter of the fence along the public street.
- d. The soil erosion, sedimentation and pollution requirements of Chapter 14, Article V of the Code of the City of Stonecrest, Georgia are met.
- e. Minimum standards of the Georgia Stormwater Management Manual are met in terms of stormwater runoff and water quality.
- f. The parking lot has a minimum of one (1) acre.

11. Unpaved parking areas within the M and M-2 zones shall comply with the following specifications:

- a. The parking lot shall be at least two hundred feet (200') from the boundaries of a residentially zoned parcel.
- b. The parking lot subgrade must meet a minimum compaction of ninety-five percent (95%) as certified by a registered professional engineer.
- c. The parking lot surface shall be composed of at least eight inches (8") of compacted Graded Aggregate Base.
- d. The Graded Aggregate Base shall be stabilized with a surface treatment such as Calcium Chloride or other material approved by the City Engineer to control dust and provide stabilization of the stone.
- e. Parking lots shall be inspected by the City of Stonecrest every two (2) years to ensure continued compliance with the above specifications. Additional maintenance such as grading, Graded Aggregate Base (gravel), or surface treatment may be required.

The City will allow existing unpaved areas, in industrial parking, up to two (2) years extend to come into compliance. A one-time, up to twelve (12) months, extension to be bought in to compliance. The purpose of this modification is to allow the utilization of the current gravel unpaved lots which currently unpaved. Staff and the City Engineer are available to answer questions.

The Chairman asked those in favor to come forth and state name and address.

- 1) Ms. Gena Mangum(?) at 8979 Pleasant Hill Road said that she lives in the industrial park area and supports the ordinance and concept. It is a good start and headed in the right step. Making a major change. Support the ordinance and concept.

The Chairman asked those in opposition to come forth and state name and address.

- 1) Mr. Bernard Knight representing the Kelley's Land Company (since 1959) asked everybody whose is here in opposition to ordinance to please stand. Mr. Knight stated that the folks we see are business owners and operators. Mr. Knight stated that they are just a fraction of the opposition of this matter. I believe this commission has the discretion to allow more than 10

minutes on certain circumstance, as for discretion to allow everyone who want to speak to do so. Mr. Knight asked Mr. Chairman to formally accept for the records.

The Chairman acknowledged Mr. Knight's request to allow everyone to speak and extended the time for an additional ten (10) minutes.

- 2) Mr. Knight stated, "We disagree one hundred ten percent (110%) with the assertion that the DeKalb County ordinance prohibited parking on gravel in industrial areas. That is not true. Admittedly, the ordinance was technical. For decades, decades, and decades, that dumb planning department parking was approved for unpaved surfaces. Ask Mr. Jack Phillips, he pulled the permits. DeKalb County allowed it. As for parking, we were surprised and is trying to work with the City on this matter. We received no explanation of why Calcium Chloride should be the required surface. Our research shows it is not available. We were not told how much to put down. That is a receipt for failure and is expensive. We want no more surprises and do not drive us out of business."
- 3) Mr. Bill Wikle(?) stated that the surface gravel is very important and referred to the Georgia manual, Sec. 9.2, soil erosion.

With two (2) minutes remaining, the Chairman extended time to ten (10) additional minutes.

- 4) Mr. Jack Phillips stated that despite what the Community Development stated, we were surprised and is trying to work with the City of Stonecrest. Before, required some asphalt. Why fifty (50') feet as opposed to one hundred (100') feet? Why is Calcium Chloride required? It is expensive and think there should be exemption in this ordinance. Do not drive us out-of-business! Recommend deferral.
- 5) Mr. Jim O'Kelly(?) stated that no specification on Calcium Chloride, which is primarily used for snow. We do not know the cost. Need to see specifics and cost.
- 6) Mr. Jim Kelley stated that we have a bad parking problem issue with people parking on the property.
- 7) Mr. Emerson Grimes(?) stated that he was a former navy veteran and business owner in city of Atlanta, parking business. Mr. Grimes(?) wish to expand to Stonecrest to offer safe parking for truck drivers as needed.
- 8) Ms. Alisha Smith lives at 21__ (?) Rock Chapel Road, commercial zoned property, stated that she supports the gravel parking. Lives next door to these properties and a lot of African American businesses. Ms. Smith do not want to see a lot of change on what have been done over the years. Not affecting anybody. Many financially cannot afford to pay and is struggling in general.
- 9) Ms. Dee Crosswell(?) representing Ms. Derrick at 7215 Maddox Road, stated that gravel works well. Near the mall the grass is not mowed. The focus should be on the grass cutting and not gravel parking.

10) Ms. Marsha Hammond a trucking company, our yard maintains gravel parking. Support gravel parking.

11) Mr. ____ (?) lives at 6597 Margaret Road and been in the trucking business for ten (10) years. Support the use of gravel.

The Chairman extended time to ten (10) additional minutes to those in favor and Mrs. Dozier stated, "The purpose of this ordinance is to allow gravel parking. Want to bring back to your attention that the approval by the City Engineer specifically addresses instances where there may be changes to the buffer and residential setback. There could be modification, made by the City Engineer. Staff completed additional research, that the calcium chloride includes dust control, reduces maintenance cost, reduces gravel replacement cost, reduces construction cost, and reduces susceptibility. As it relates to availability, additional research was done found Augusta, GA base provides calcium chloride for sale. Language is already included in the information provided."

Commissioners went into the discussion.

The Chairman asked for a motion on TMOD 18-0002. Mr. Eady motion to defer TMOD 18-0002. Ms. McNeal seconded the motion. The motion to defer was approved. The vote was unanimously carried.

The staff recommend approval of TMOD 18-0002, as drafted, with the following text amendment:

10. Parking lots on unpaved surfaces for transportation equipment and vehicle storage, without services provided, shall be permitted as approved by the City Engineer or Community Development Director through an administrative permit on parcels zoned M or M-2, provided that:
 - a. The parking area shall be screened from view of the public street with an opaque fence wall minimum of six (6') feet in height.
 - b. The parking area should be at least fifty (50') feet from the street right of way.
 - c. A ten (10') feet wide evergreen landscape buffer around the perimeter of the fence along the public street.
 - d. The soil erosion, sedimentation and pollution requirements of Chapter 14, Article V of the Code of the City of Stonecrest, Georgia are met.
 - e. Minimum standards of the Georgia Stormwater Management Manual are met in terms of stormwater runoff and water quality.
 - f. The parking lot has a minimum of one (1) acre.
11. Unpaved parking areas within the M and M-2 zones shall comply with the following specifications:
 - a. The parking lot shall be at least two hundred feet (200') from the boundaries of a residentially zoned parcel.
 - b. The parking lot subgrade must meet a minimum compaction of ninety-five percent (95%) as certified by a registered professional engineer.
 - c. The parking lot surface shall be composed of at least eight inches (8") of compacted Graded Aggregate Base.

- d. The Graded Aggregate Base shall be stabilized with a surface treatment such as Calcium Chloride or other material approved by the City Engineer to control dust and provide stabilization of the stone.
- e. Parking lots shall be inspected by the City of Stonecrest every two (2) years to ensure continued compliance with the above specifications. Additional maintenance such as grading, Graded Aggregate Base, or surface treatment may be required.

There being no further business, Mr. Eady moved to adjourn the meeting. The Ms. Wright seconded the motion. The vote was carried unanimously to adjourn the meeting at 7:06 p.m.

Approved:

Chairman

Date

Attest:

Secretary

Date

ATTACHMENT # 5



PLANNING COMMISSION STAFF REPORT

MEETING DATE: June 5, 2018

GENERAL INFORMATION

Petition Number: TMOD 18-0002

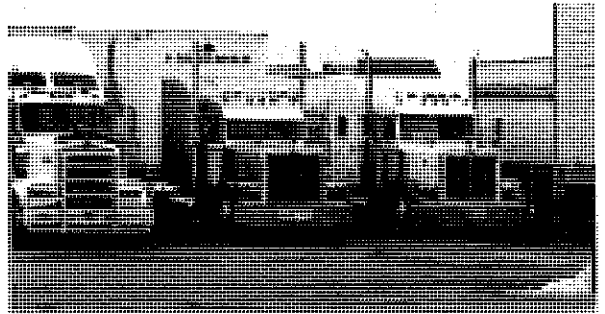
Applicant: Stonecrest Community Development Department

Project Location: City-Wide

Discussion: Mayor and City Council has requested that staff review and modify Chapter 27 Article VI Section 6.1.3 of the Parking Regulations to address industrial parking areas.

PROJECT OVERVIEW

Currently the city ordinance requires that **all parking lots and spaces shall be paved and have continuous paved access to public and private streets (as adopted from Dekalb County)**. This is done to ensure neat, uniform and well-maintained parking lots throughout the city. Based on staff research five (5) neighboring cities have the same requirement. It is typical that paved surfaces are required for parking areas including industrial sites. Some cities with the allowance of gravel on overflow parking areas.



There has been a concern regarding the paved parking lot regulation for industrial properties. After reviewing suggestions and meeting with interested parties staff recommend the follow text amendment:

10. Parking lots and/or parking on unpaved surfaces for transportation equipment and storage or maintenance (vehicle) storage, without services provided, shall be permitted as approved by the City Engineer or Community Development Director on parcels zoned M or M-2, provided that:



- a. The parking area shall be screened from view of the public street with an opaque fence or wall minimum of six (6) feet in height.



PLANNING COMMISSION STAFF REPORT

- b. The parking area should be at least fifty (50) feet from the street right of way.
- c. A ten (10) foot wide evergreen landscape buffer around the perimeter of the fence along the public street with at least 75% evergreens and at least two rows of plants.
- d. The soil erosion, sedimentation and pollution requirements of Chapter 14, Article V of the Code of the City of Stonecrest, Georgia are met;
- e. Minimum standards of the Georgia Stormwater Management Manual are met in terms of stormwater runoff and water quality;
- f. The parking lot has a minimum of one (1) acre;

11. Unpaved parking areas within the M and M-2 zones shall comply with the following specifications:

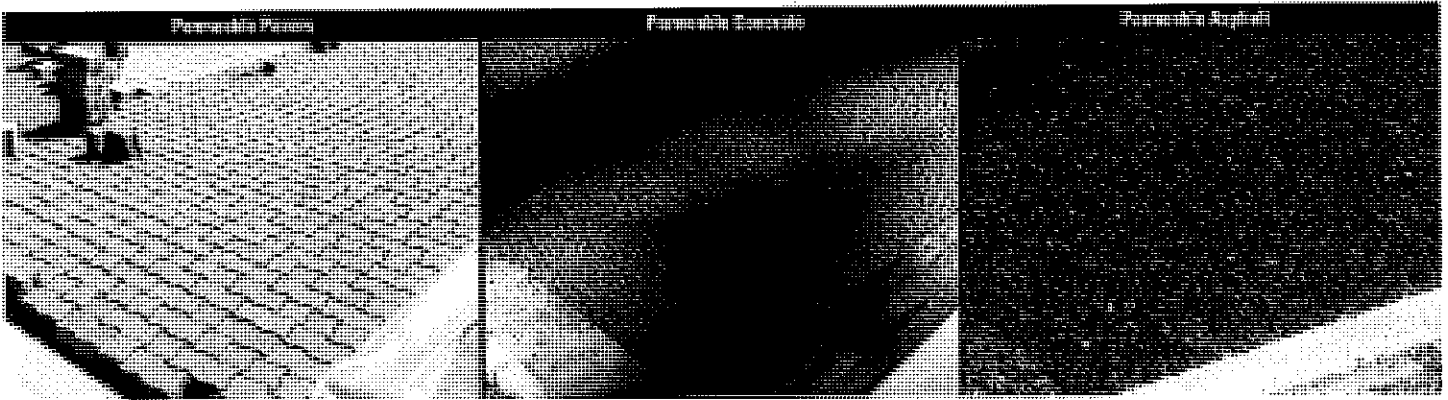
- a. The parking lot shall be at least two hundred feet (200') from the boundaries of a residentially zoned parcel;
- b. The parking lot subgrade must meet a minimum compaction of ninety-five percent (95%) as certified by a registered professional engineer;
- c. The parking lot surface shall be composed of at least eight inches (8") of compacted Graded Aggregate Base;
- d. The Graded Aggregate Base shall be stabilized with a surface treatment such as Calcium Chloride or other material approved by the City Engineer to control dust and provide stabilization of the stone; and
- e. Parking lots shall be inspected by the City of Stonecrest every two (2) years to ensure continued compliance with the above specifications. Additional maintenance such as grading, Graded Aggregate Base, or surface treatment may be required.
- f. Parcels with existing unpaved areas shall have (2) two years to comply with these specifications with a 1 time extension up to 12 months.



PLANNING COMMISSION STAFF REPORT

STAFF ANALYSIS

The purpose of this amendment is to allow gravel parking areas (as proposed) that are currently **not allowed** as per the Stonecrest code adopted from Dekalb County. Industrial parking lots and areas, deal with larger and heavier vehicles than general retail or residential lots. Stormwater run-off is a major concern. Permeable pavers, porous asphalt and pervious concrete all generate less stormwater run-off than paved lots.



The City Engineer has noted that use of these materials for parking areas would be preferred.

STAFF RECOMMENDATION

Staff recommends approval of the text amendment as drafted by staff.

ATTACHMENT # 6

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- [De-Icing](#)
 - [Corrosion?](#)
- [Concrete](#)
- [Uses & Markets](#)
 - [Road Stabilization](#)
- [Making CaCl₂](#)
- [About](#)

Road Dust Control

Calcium chloride is one of the most effective dust control and dust suppression agents in the industry. Read on below or [contact us](#) to see how calcium chloride can meet your needs.



HOW CALCIUM CHLORIDE SAVES ROADS AND MONEY

- **Improved dust control:** Calcium chloride retains moisture for prolonged periods. This unique property helps to hold down dust and stabilize unpaved road surfaces, creating smooth-riding roads that last.
- **Reduced routine maintenance costs:** Since calcium chloride treated roads need less maintenance than roads treated with other materials, you can save on labor, equipment and fuel costs. By maximizing compaction, calcium chloride also provides a longer lasting road.
- **Reduced gravel replacement costs:** Up to 80% of the cost of aggregate replacement can be saved when calcium chloride is properly applied.
- **Reduced construction costs:** Because calcium chloride speeds compaction, less rolling is required to achieve greater density-which translates into greater labor savings. When used with full depth reclamation, calcium chloride can help reduce road reconstruction costs by as much as 50%.

CONTROLLING DUST FOR LESS

Calcium chloride is a cost-effective-and highly effective-agent for dust control.

Calcium chloride:

- Can be reworked when the road surface is moist.
- reduces grading costs by as much as 50%
- reduces replacement cost of gravel and other materials by up to 80%
- reduces labor costs
- poses minimal threat to the environment, because it resists leaching. In fact, calcium chloride is used in food processing, fertilizers and as a nutrient in some applications.

APPLYING CALCIUM CHLORIDE FOR DUST CONTROL

1. Blade and shape the surface to allow water to drain off properly.
2. Apply liquid calcium chloride using a tank truck with a rear-mounted distribution bar that spreads the liquid evenly over the road.
3. For proper road maintenance, apply a second time later in summer.

CALCIUM CHLORIDE LEAVES OTHER AGENTS IN THE DUST

- **Water** can't resist evaporation like calcium chloride; that's why water can only lay dust instead of control it. Once the water evaporates, you will have to water the road again. And frequent road watering adds up to greater operating costs.
- **Oil** is messy, chokes roadside foliage, and causes a crusty, pot holed, crumbling road surface when it dries. Oil also costs at least three times as much as calcium chloride.
- **Oil emulsions** are less expensive than oil alone, but as the water evaporates, the problems of oil-messiness and a crumbling surface -remain.
- **Lignosulfonate**, a by-product of paper mills, is less expensive than calcium chloride, but it lasts a fraction of the time. Frequent reapplication is necessary due to wash-out caused by rain-which translates into extra costs and reapplication maintenance trips.

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South Eastern Road Treatment | (800) 447-3781 | Local: (706) 860-1893 | Fax: (706) 855-9868 | info@calciumchloride.com

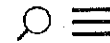
(845) 331-6500 info@reclamationllc.net



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Calcium Chloride Stabilization

A Road Reclaiming Stabilization Application

Liquid calcium chloride injection is the simplest and most cost-effective way to add stability and strength to your recycled low-volume roadbed. Once initial pulverization and rough grading are complete, calcium is sprayed on the reclaimed surface at a rate of about $\frac{3}{4}$ of a gallon per square yard. The calcium is then mixed into the top few inches of the road using the reclaimer. Once final grading and compaction are finished, another $\frac{1}{4}$ of a gallon per square yard is applied to the surface.

Benefits of Liquid Calcium Chloride Road Injection

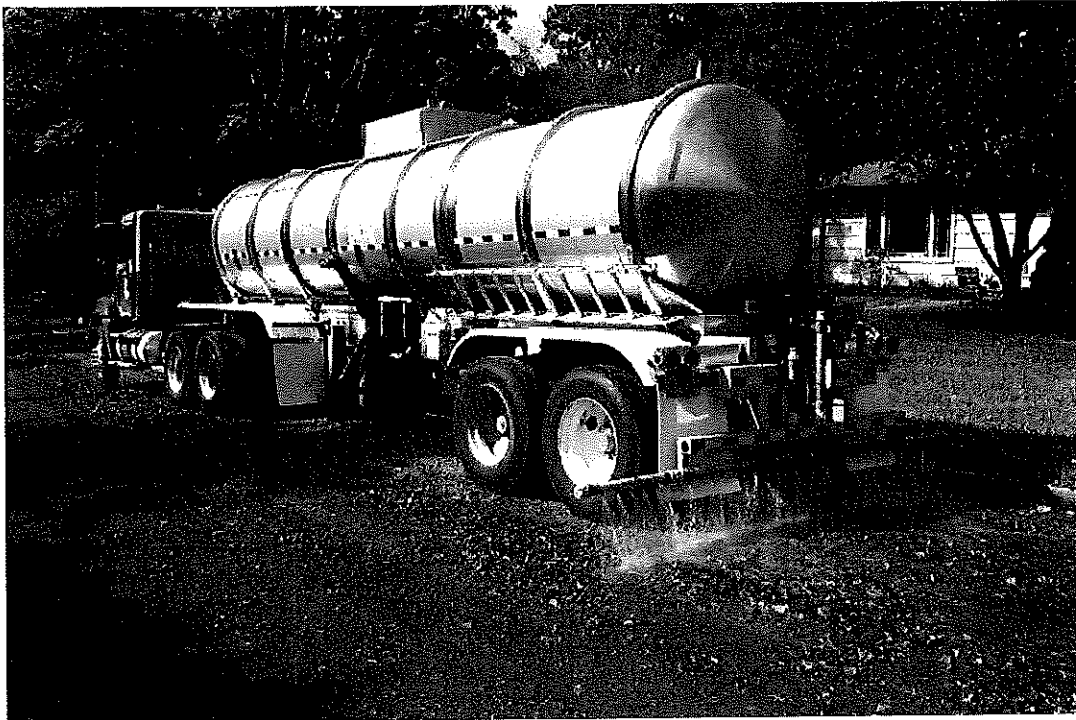
Benefits include:

- reduced susceptibility to freeze-thaw effects
- improved strength
- facilitated compaction
- dust control

How Liquid Calcium Chloride Adds Strength to Roads

Liquid calcium chloride (CaCl_2) is used as a base-stabilizing agent for full depth reclamation in areas where the freeze thaw cycle is excessive. Its effectiveness can be attributed to its affinity for water and its freeze resistant properties. Calcium draws water from the atmosphere and the treated base remains moist which enhances the compactability of the mixture and eliminates the need for added water during compaction. The calcium chloride and thus the freeze resistant properties remain in the base. This results in lower freeze points and reduced freeze-thaw cycles and a more stable and dense base. Ultimately, calcium chloride offers greater base density, increased load bearing strength and a better surface uniformity. In full-depth reclamation, the pulverized aggregate is coated with liquid calcium chloride to bind the particles into a solid base layer.





Reclamation, LLC is a leading road recycling company serving New York, New Jersey, Pennsylvania, and New England (Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut).

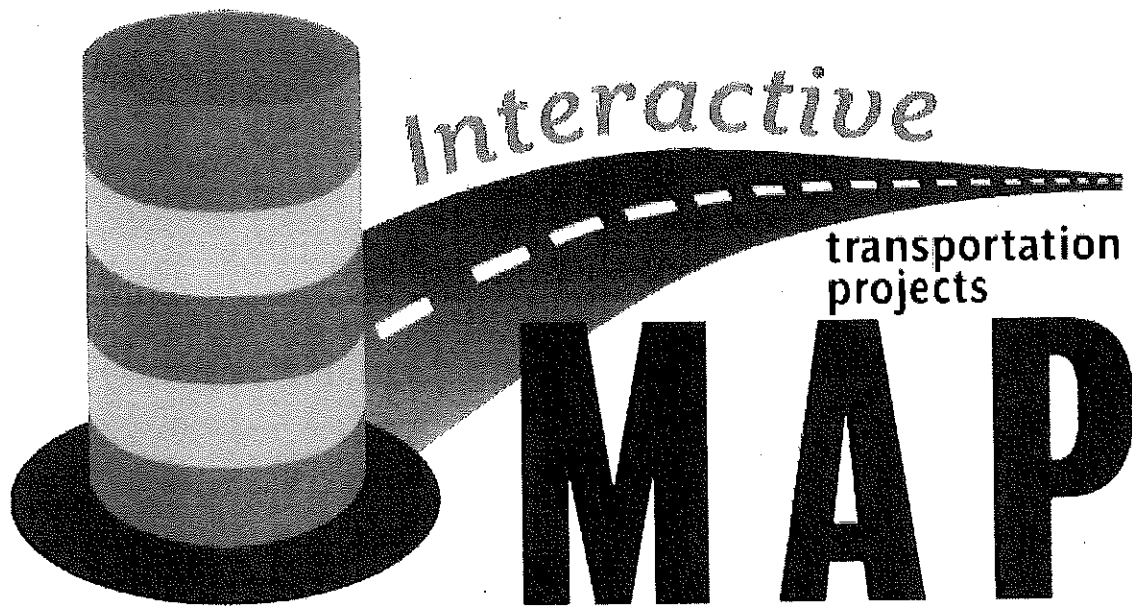


Reclamation, LLC, 763 Schoharie Turnpike, Athens, NY 12015 | Phone: (845) 331-6500 © 2018 Reclamation, LLC



Departments & Offices / Engineering / Roads and Bridges / Calcium Chloride Treatment

Calcium Chloride Treatment



Calcium Chloride Treatment

Homeowners Associations

Inclement Weather Procedures

Milling / Deep Patching Operation

Road Maintenance / Work Request

Roads & Bridges Crews

Parkway Mowing Map

Calcium Chloride

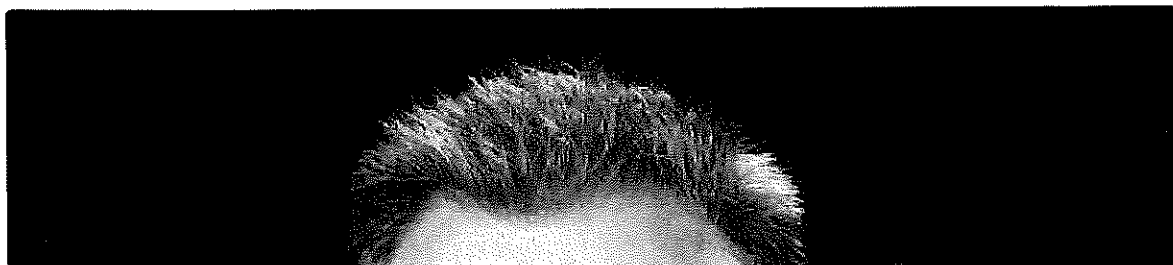
There are still more than 95 gravel roads in the county that the county maintains. When we have a very dry period in the summer months, these county maintained gravel roads might need a calcium chloride treatment applied in order to help control the dust on these roads. This application is done thru our construction operations and is usually done in late summer, early fall. The calcium chloride treatment is one of the most effective dust control agents in the industry that retains moisture for prolonged periods. It helps to hold down dust and stabilize unpaved road surfaces, creating smooth-riding roads. By maximizing compaction, calcium chloride also provides a longer lasting road saving on aggregate replacement.

Open the attachment below for a list of possible roads that will be treated for the current year.

Downloads

 2017 Website Calcium Chloride Treatment List.xlsx

Contact Us





📍 **Address:** 110 East Main Street
Suite 120
Cumming, GA 30040

📞 **Phone:** 770-781-2165

📠 **Fax:** 770-781-2104

✉ **Email:** Contact Us



Our Mission

The Department of Engineering represents a functional grouping of divisions meeting a common goal - to provide for the county's infrastructure needs through proper placement and maintenance of roadways, drainage structures, pedestrian walks, and traffic control devices. Our mission is to put citizens first as we promote the health, safety, and welfare of the residents of Forsyth County.

ATTACHMENT # 7

Brookhaven

Sec. 27-1441. - Parking regulations, off-street parking spaces.

Off-street parking spaces shall be provided in accordance with the following requirements:

- (1) Each application for a development permit or building permit other than for a detached single-family residence shall be accompanied by a parking plan showing all required off-street parking spaces, driveways, and the internal circulation system for each such parking lot.
- (2) All parking lots and spaces shall conform to the following requirements:
 - a. Each parking space and parking lot shall have access to a public street.
 - X All vehicles shall be parked on a paved surface that is connected to and has continuous paved access to a public or private street, except as otherwise allowed in this section.
 - b. Each parking space and parking lot, including all internal circulation driveways, shall comply with the requirements of chapter 14, except as otherwise allowed in section 27-1459(c).
 - c. Each parking space, except those located on a single-family residential lot, shall be not less than 153 square feet and not less than 8.5 feet wide and 18 feet deep. In any required parking lot consisting of 20 or more parking spaces, 40 percent of such spaces may be small car spaces each of which shall be not less than 120 square feet and not less than eight feet wide and 15 feet deep. Each parking lot shall have adequate space for each car to park and exit every parking space, and internal circulation within said parking lot.
 - d. Each parking lot and parking space, except those located on a single-family residential lot, shall be separated from the public street or public sidewalk by wheel bumpers and a planted strip at least ten feet in width, except that parking lots consisting of 20 or more spaces shall comply with the requirements of section 27-1429.
 - e. All parking lots and parking spaces, except those located on a single-family residential lot, shall conform to the geometric design standards of the Institute of Traffic Engineers.
 - f.

(*) (Master Plan)

Parking and loading shall not be permitted within required front yard setbacks in any RM or OI district, except in the O-I-T district. Parking and loading shall be permitted within the required front yard setbacks in the O-I-T district where provision of adequate parking spaces within the rear yard is impractical.

- g. Parking shall not be permitted within the front yard in any single-family residential lot, except within a driveway, or in a roofed carport or enclosed garage. Within any single-family residential (R) district not more than 35 percent of the total area between the street right-of-way line and the front of the principal building shall be paved. On any lot where adequate width exists so as meet the geometric design standards of the Institute of Traffic Engineers, a circular driveway shall be permitted, subject to the total driveway coverage authorized herein. However, no parking spaces or parking bays shall be established within any such front yard.
- h. No parking area or lot shall be used for the sale, repair, dismantling, servicing, or long-term storage of any vehicle or equipment unless located within a district which otherwise permits such use.
- i. The parking of business vehicles with an empty curb weight exceeding four tons (8,000 pounds) on private property located within single-family residential (R) or multifamily (RM) zoned districts is prohibited. This section shall not prohibit vehicles engaged in active farming, construction activities or contractor services on the private property, or the temporary parking (12 hours or less) of vehicles for the purpose of loading/unloading within residential (R) or multifamily (RM) districts; nor the parking of vehicles on property located in residential (R) or multifamily (RM) districts, where such property is used for an authorized nonresidential use such as a church. Vehicles used in law enforcement are exempt from the restrictions of this subsection. All parking lots within the RM-150, RM-100, RM-85, RM-75, RM-HD, OI, O-I-T, OD, NS, C-1, C-2, M, and M-2 districts which contain a total of 20 or more parking spaces shall conform to all of the requirements of section 27-1429.

TUCKER

Parking

Article 6. Parking

6.1.1 Introduction.

This chapter establishes the standards for the number, location, and development of motor vehicle parking facilities, standards for on-site loading areas, and standards for bicycle parking.

6.1.2 Interpretation.

- A. *Fractions.* Where a fractional space results during the calculation of required parking, the required number of parking spaces shall be the next lowest whole number.
- B. *Parking space requirement not specified.* Where the parking requirement for a particular use is not described in Table 6.2, and where no similar use is listed, the community development director shall determine the number of spaces to be provided based on requirements for similar uses, location of the proposed use, the number of employees on the largest shift, total square footage, potential customer use, or other expected demand and traffic generated by the proposed use. If the community development director reasonably determines that a parking generation study should be prepared by a qualified professional, the community development director may require submission of such a study to aid the community development director in making a determination with respect to the number of required parking spaces.
- C. *Computations for multiple floor uses within a building.* In cases where a building contains some combination of residential use, office space, retail or wholesale sales area, or bulk storage area, the community development director may determine on a proportional basis the parking and loading requirements based on separate computations for each use.

6.1.3 Parking regulations, off-street parking spaces.

Off-street parking spaces shall be provided in accordance with the following requirements:

- A. Each application for a development permit or building permit, other than for a detached single-family residence, shall be accompanied by a parking plan showing all required off-street parking spaces, driveways, and the internal circulation system for each such parking lot.
- B. All parking lots and spaces shall conform to the following requirements:
 - * 1. All vehicles shall be parked on a paved surface that is connected to and has continuous paved access to a public or private street, except as otherwise allowed in this section.
 - 2. Each parking space, except those located on a single-family residential lot, shall comply with the minimum dimensions established in Table 6.1. Each parking lot shall have adequate space for each car to park and exit every parking space and space for internal circulation within said parking lot.
 - 3. Each parking lot, except those parking spaces located on property used for single-family residential purposes, shall comply with section 5.4.4, Site and parking area landscaping.
 - 4. All parking lots and parking spaces, except those located on property used for single-family residential purposes, shall conform to the geometric design standards of the Institute of Traffic Engineers.
 - 5. Parking and loading shall not be permitted within the front yard in any MR, HR, O-I, or O-I-T zoning district, except for required handicapped parking. Notwithstanding the previous sentence, parking and loading shall be permitted within the front yard where provision of adequate parking spaces within the rear is impractical and upon issuance of a variance pursuant to Article 7.
 - 6. Parking shall not be permitted within the front yard of any property used for single-family residential purposes, except within a driveway, or in a roofed carport or enclosed garage. Within any single-

Covington

1. No parking lot shall be constructed prior to the issuance of a permit for such construction. Applications for such permits, along with two sets of the applicable construction drawings showing compliance with this section, shall be submitted to the engineering department of the city.

2. Paving Materials for Parking Lots.

- a. All parking areas shall be paved with asphalt, concrete, similar smooth material or pervious materials approved by the engineering department director.

For properties within the M-1 and M-2 zoning districts, customer and employee parking shall be paved with asphalt, concrete or similar smooth material or pervious materials approved by the engineering department director. A gravel surface may be used for commercial vehicle and heavy equipment parking. Impervious surface calculations shall apply to gravel surface parking unless designed, constructed and maintained to pervious surface standards.

- b. Pervious Paving. Recommended pervious paving materials include those described in Volume 2-Technical Handbook of the Georgia Stormwater Management Manual (First Edition, August 2001), a copy of which is maintained in the city's engineering department office at 2116 Stallings Street in Covington, as the porous concrete or modular porous paver systems under the limited application stormwater structural controls.
 - c. Paving areas shall be of sufficient size and strength to support the weight of service vehicles.
3. All spaces shall be provided adequate access by means of maneuvering lanes. Backing directly onto a street from an off-street parking space shall be prohibited.
 4. Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for all vehicles. Ingress and egress to a parking lot lying in an area zoned CR, TCR, NM, CM, TCM, M1 or M2 shall not be across land zoned NR1, NR2 or NR3.
 5. All maneuvering lane widths shall permit one-way traffic movement, except that the ninety (90) degree pattern may permit two-way movement.
 - 6.

H. H. H.

ORDINANCE NO. 14-05-01
(Re-adopted with amendments July 6, 2015)

minimum fine shall be five hundred dollars (\$500.00), which may be combined with any other authorized penalty within this Code of Ordinances.

(3) If the activity or condition constituting the violation has been the subject of three (3) or more enforcement actions against the violator in the immediately preceding twelve (12) months, the minimum fine shall be eight hundred dollars (\$800.00), which may be combined with any other authorized penalty within this Code of Ordinances.

(4) Violations of this section are continuous with respect to time; therefore, each day the violation continues is a separate offense.

(p) *Appeals.* Appeals of any special administrative permit decision made by the noise control administrator, his or her designee, or any officer authorized to enforce the provisions of this section shall be to the mayor and city council.

(q) *Inconsistent provisions.* Insofar as the provisions of this section are inconsistent with any other provision of any other title of the ordinance or any rule or regulation of any government agency of the city, then the provisions of this section shall control.

Sec. 27-763. Open space.

Open space areas required to be established by this chapter shall be permanently maintained as open space and appropriately landscaped with trees, shrubs, flowers, grass, stones, rocks or other landscaping materials. These areas may not be used for vehicular access, parking or similar uses except as otherwise permitted in this chapter.

Sec. 27-764. Outdoor storage of materials, supplies, equipment or vehicles.

The following regulations shall apply to outdoor storage of materials, supplies, equipment or vehicles:

(a) In the O-I, NS and C-1 districts there shall be no outdoor storage of materials, supplies, equipment or vehicles.

Sec. 27-765. Parking garage, commercial.

Commercial automobile parking garages may include gasoline pumps if located entirely within the parking garage structure.

Sec. 27-766. Parking regulations, off-street parking spaces.

Off-street parking spaces shall be provided in accordance with the following requirements:

(a) Each application for a development permit or building permit other than for a detached single-family residence shall be accompanied by a parking plan showing all required off-street parking spaces, driveways, and the internal circulation system for each such parking lot.

(b) All parking lots and spaces shall conform to the following requirements:

(1) Each parking space and parking lot shall have access to a public street.

(2) ~~All vehicles shall be parked only on a paved surface.~~

(3) Each parking space shall be not less than one hundred fifty-three (153) square feet and not less than eight and one-half (8 1/2) feet wide and eighteen (18) feet deep. In any required parking lot consisting of twenty (20) or more parking spaces, forty (40) percent of such spaces may be small car spaces each of which shall be not less than one hundred twenty (120) square feet and not less than eight (8) feet wide and fifteen (15) feet deep. Each parking

Concrete.



(1) In all zoning districts, parking areas shall be paved with asphalt, concrete or pervious materials approved by the City Manager, or his or her designee. Recommended pervious paving materials include those described in Volume 2, Technical Handbook of the Georgia Stormwater Management Manual (First Edition, August 2001) as the Porous Concrete or Modular Porous Paver Systems under the Limited Application Stormwater Structural Controls.

(2) Paving areas shall be of sufficient size and strength to support the weight of service vehicles.

(i) *Driveways.*

(1) All driveways shall be paved with asphalt, concrete, porous paving blocks, or other materials approved by the City Manager, or his or her designee.

(2) Parking areas shall provide an adequate ingress and egress with a minimum vertical clearance of 12 feet and a driveway grade no greater than five percent.

(3) Driveways entering public streets must be designed as follows:

- a. No driveway curb cut may be located closer than 75 feet from the extended curb line of an intersecting street.
- b. Except for driveways that are restricted to right-in/right-out access only, no driveway curb cut may be located opposite an exclusive left turn lane that serves an adjacent intersection.
- c. Except for driveways that are restricted to right-in/right-out access only, the minimum spacing between driveways along the same side of an arterial or major collector street shall be as follows:

Posted highway speed	Minimum driveway spacing ^a
25 mph	105 ft.
30 mph	125 ft.
35 mph	150 ft.
40 mph	180 ft.
45 mph	230 ft.
50 mph	275 ft.



CITY COUNCIL AGENDA ITEM

SUBJECT: Special Land Use Permit (SLUP 18-003)

☐ ORDINANCE ☐ POLICY ☐ STATUS REPORT
☐ DISCUSSION ONLY ☐ RESOLUTION ☒ OTHER

Date Submitted: 05/10/18 **Work Session:** **Council Meeting:** 06/18/2018

SUBMITTED BY: Nicole C.E. Dozier, Community Development Department Director

PURPOSE: Special Land Use Permit (SLUP 18-003)

HISTORY: This site is 9.3 acres located at 6757 Covington Hwy. This item was rezoned to MR-2 in May 2018. The applicant is now requesting a Special Land Use Permit to for a 250 unit Senior Housing development.

FACTS AND ISSUES: Since the site is adjacent to residential property the following conditions are applicable as per the rezoning: access to and from the site shall be limited to Covington Hwy with a deceleration lane as approved by Georgia Department of Transportation. The Applicant agreed to the conditions.

OPTIONS: Approve; Approve with Conditions or Deny

RECOMMENDED ACTION: This petition was heard at the June 5, 2018 Planning Commission hearing and recommended unanimously for approval with conditions.

ATTACHMENTS:

- #1 06/05/18 Planning Commission Staff Report
- #2 Planning Commission PowerPoint Presentation
- #3 Rezoning Application

ATTACHMENT #1



PLANNING COMMISSION STAFF REPORT

MEETING DATE: June 05, 2018

GENERAL INFORMATION

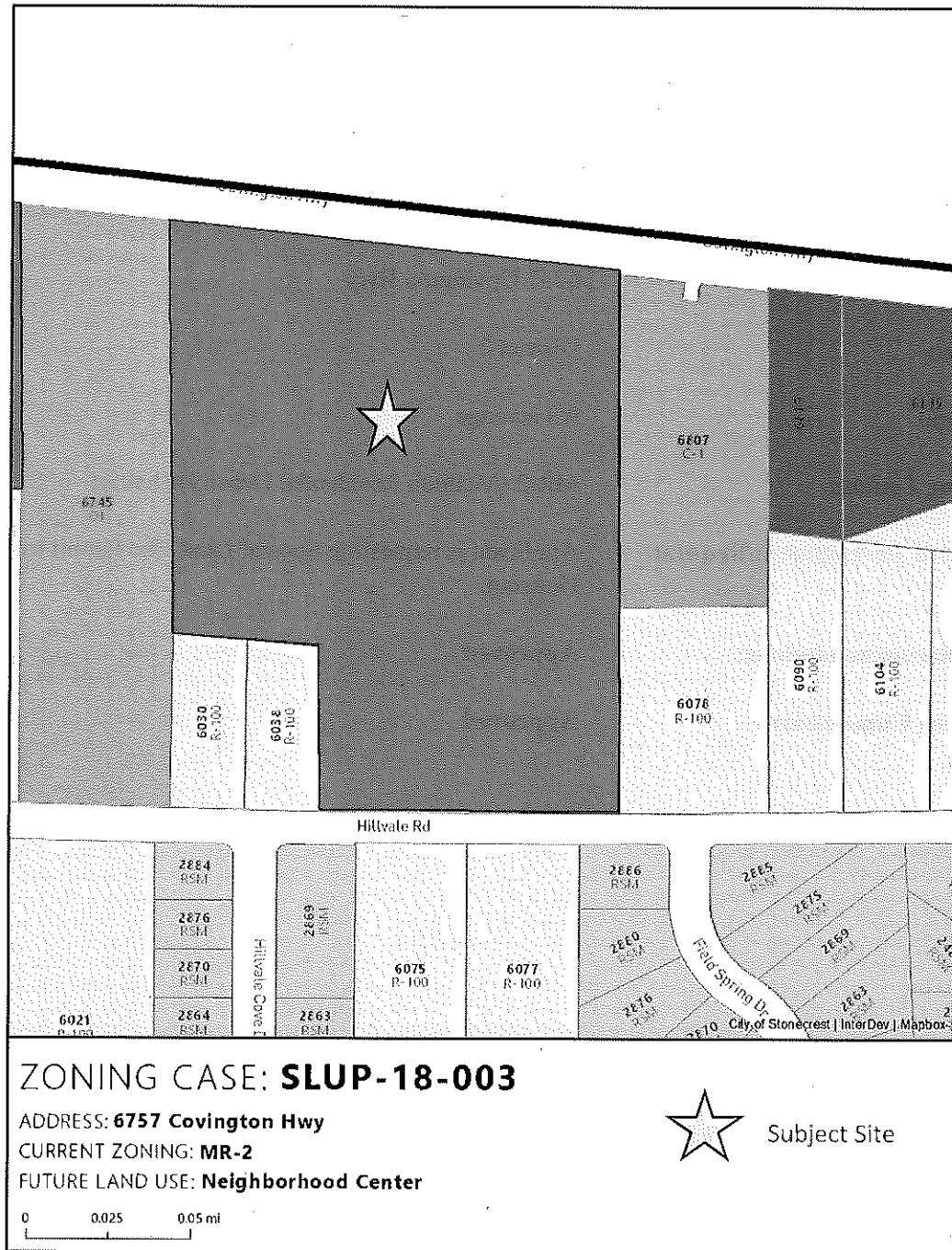
Petition Number:	SLUP-18-003
Applicant:	Beverly J Searles Foundation
Owner:	6757 Covington Hwy, LLC
Project Location:	6757 Covington Hwy
District:	District 2
Acreage:	9.3 acreage
Existing Zoning:	MR-2 (Medium Residential Density) District
Proposed Development/Request:	Applicant is requesting Special Land Use Permit to construct Senior Housing.
Staff Recommendations:	Approved
Planning Commissions	Approved

SLUP-18-003



PLANNING COMMISSION STAFF REPORT

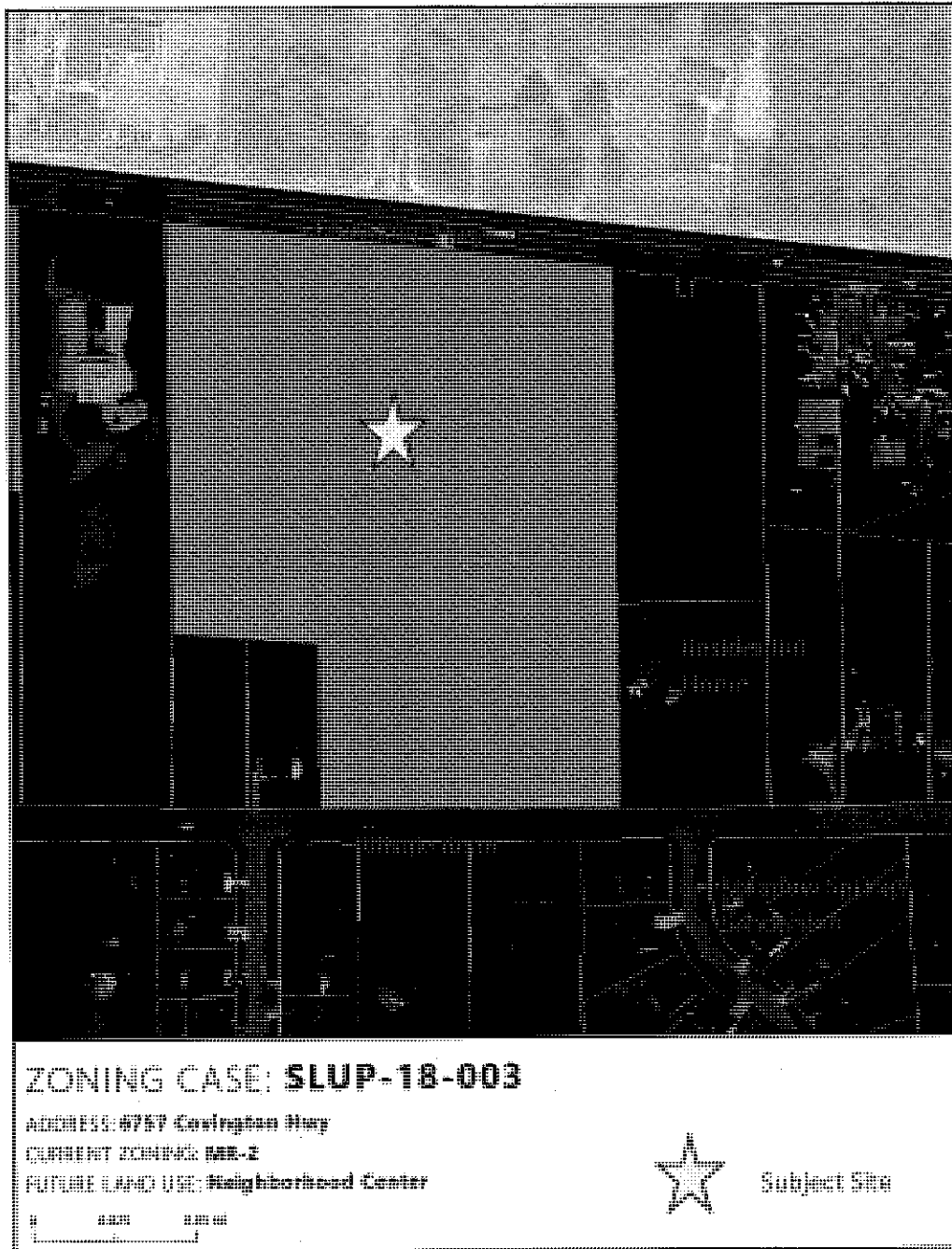
Zoning Map





PLANNING COMMISSION STAFF REPORT

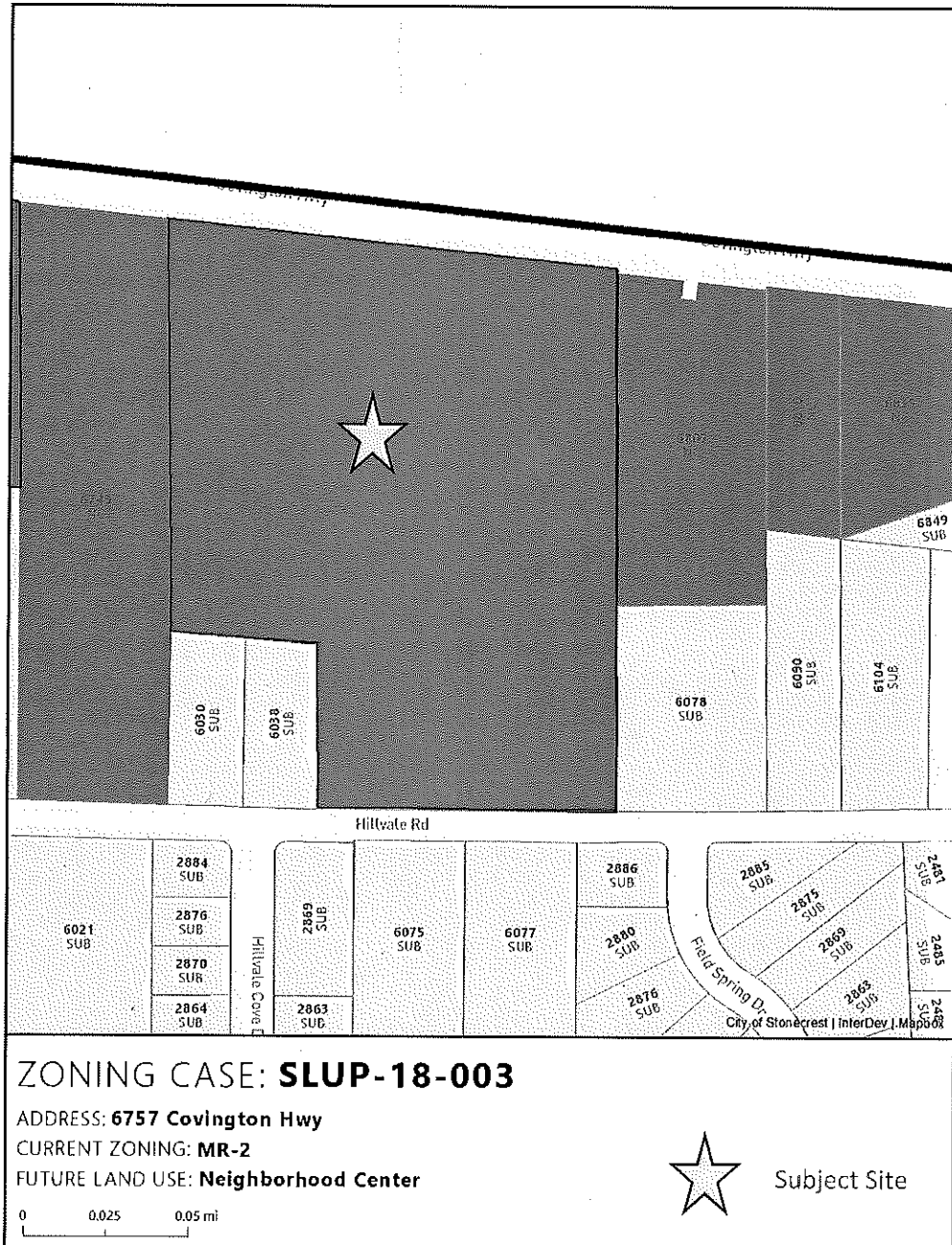
Aerial Map





PLANNING COMMISSION STAFF REPORT

Future Land Use Map

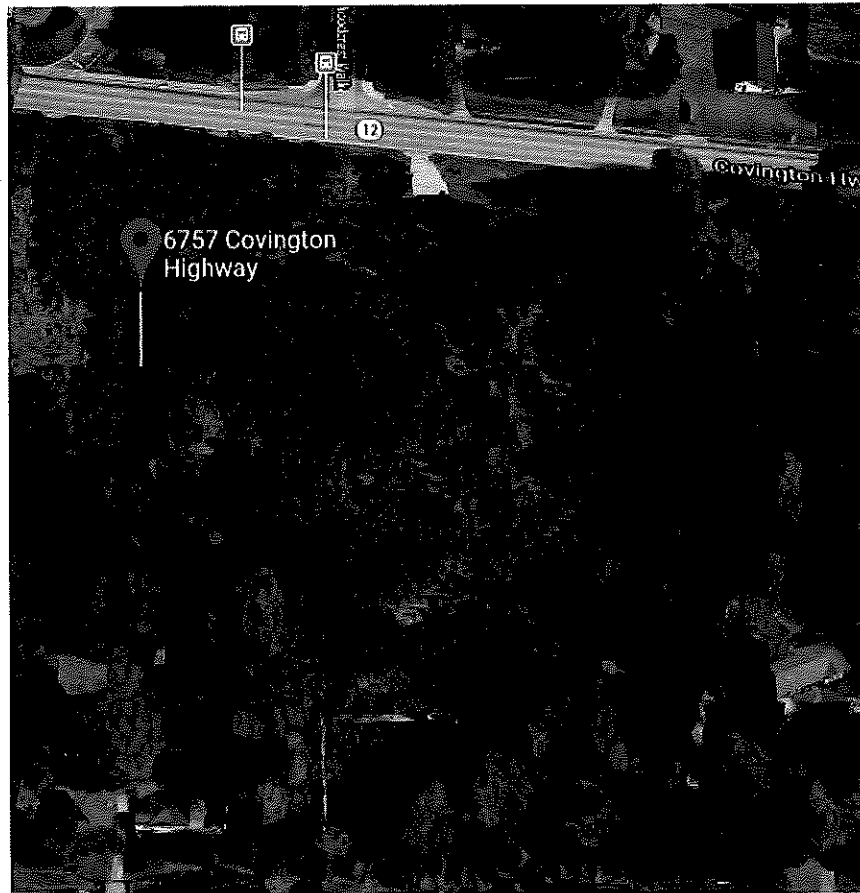




PLANNING COMMISSION STAFF REPORT

PROJECT OVERVIEW

The subject property is 9.2-acre parcel with street frontage off Covington Hwy, a four-lane arterial street. The subject property is approximately 1,100' East from the intersection of Covington Highway and DeKalb Medical Parkway. The site currently zoned MR-2 (Medium Residential Density) District and it is the Neighborhood Center Character area identified in the 2035 Comprehensive Plan.



The applicant is requesting a Special Land Use Permit to develop a 250-unit senior housing development. Previously the applicant had the subject property rezoned from C-1 (Local Commercial) to MR-2 on May 2018 per zoning case RZ-18-002. Since the applicant intends to develop the property for senior housing the applicant needed to rezone the property to a zoning, which would allow the applicant to apply for a Special Land Use Permit.

The applicant is seeking to develop the project within two or three phases. The first phase will be 128 units. The conceptual drawings submitted by the applicant show the proposed building will comprise of brick veneer, fiber cement siding, and fiber cement panels. The property has approximately 600' of frontage on Covington Hwy, while there is approximately 400' of frontage on Hillvale Road.



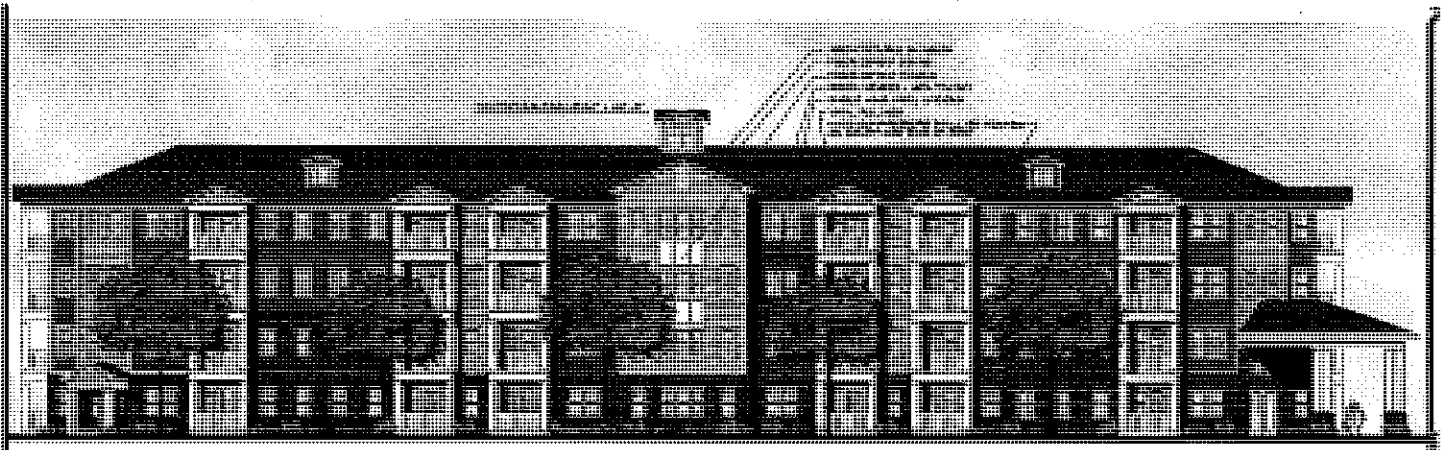
PLANNING COMMISSION STAFF REPORT

The site has extensive pine trees and undergrowth vegetation located on the property. The topography is characterized as being mainly flat, moving north and south of the subject property. The surrounding area is characterized as a mixture of commercial and residential. North of the subject property across Covington Hwy in unincorporated DeKalb County is Woodcrest Village apartment complex. Abutting the property to the East is a woman shelter zoned O-I and a single-family residence zoned R-100. Located to the West of the subject property a vacant piece of property zoned C-1 and a single-family residence zoned R-100.

View of subject property from Covington Hwy



Concept Drawing of the Senior Housing





PLANNING COMMISSION STAFF REPORT

STANDARDS OF REVIEW

- A. Adequacy of the size of the site for the use contemplated and whether or not the adequate land area is available for the proposed use including the provision of all required yards, open space, off-street parking, and all other applicable requirements of the zoning district in which the use is proposed to be located.**

The approximately 111,652 square feet development on 9.3 acres is adequate enough.

- B. Compatibility of the proposed use with adjacent properties and land uses and with other properties and land uses in the district.**

The proposed senior housing development is compatible with other residential development adjacent properties and land uses.

- C. Adequacy of public services, public facilities, and utilities to serve the proposed use.**

The subject property is located in an established single-family residential neighborhood, it appears that there are adequate public services, public facilities, and utilities to serve the proposed personal care home.

- D. Adequacy of the public street on which the use is proposed to be located and whether or not there is sufficient traffic-carrying capacity for the use proposed so as not to unduly increase traffic and create congestion in the area.**

Covington Hwy is a major arterial, the Planning Staff believes little or no impact on the public streets or traffic in the area. Staff note only Covington Hwy is the only point of access to the development.

- E. Whether existing land uses located along access routes to the site will be adversely affected by the character of the vehicles or the volume of traffic generated by the proposed use.**

Traffic of the vehicles generated by the proposed use will not adversely impact existing land uses along access routes to the sites.

- F. Adequacy of ingress and egress to the subject property and to all proposed buildings, structures, and uses thereon, with particular reference to pedestrian and automotive safety and convenience, traffic flow and control, and access in the event of a fire or another emergency.**

The proposed development will need to obtain permission from GDOT to construct ingress and egress to the subject property. The applicant intends to construct two points of access off Covington Hwy, with one access to be solely used for fire and emergency.

- G. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of noise, smoke, odor, dust, or vibration generated by the proposed use.**



PLANNING COMMISSION STAFF REPORT

The proposed use may not create an adverse impact upon any adjoining single-family land uses by reason of noise, smoke, odor, dust or vibration,

H. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of the hours of operation of the proposed use.

The proposed use will not create an adverse impact upon any adjoining land use by reason of the hours of operation. The proposed use is age retrieved independent living development.

I. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of the manner of operation of the proposed use.

The proposed use will not create adverse impacts upon any adjoining land use by reason of the manner of operation. The proposed use is i

J. Whether the proposed use is otherwise consistent with the requirements of the zoning district classification in which the use is proposed to be located.

The MR-1 (Medium Density Residential) zoning is consistent with the requirement of the zoning district

K. Whether the proposed use is consistent with the policies of the comprehensive plan.

The subject property is in the Neighborhood Center Character area designated by the 2035 Comprehensive Land Use Plan. The proposed use is listed as a primary land use and is consistent with the policies of the character area. The proposed use would not change the character of the area.

L. Whether the proposed use provides for all required buffer zones and transitional buffer zones where required by the regulations of the zoning district in which the use is proposed to be located.

The proposed use provides for all the required buffer and transitional buffer zones

M. Whether there is adequate provision of refuse and service areas.

The adequate refuse area will be provided.

N. Whether the length of time for which the special land use permit is granted should be limited in duration.

Staff believes there is no compelling reason for limiting the duration of the requested Special Land Use Permit.

O. Whether the size, scale, and massing of proposed buildings are appropriate in relation to the size of the subject property and in relation to the size, scale, and massing of adjacent and nearby lots and buildings.

The proposed building is appropriate in relation to the size of the subject property



PLANNING COMMISSION STAFF REPORT

P. Whether the proposed use will adversely affect historic buildings, sites, districts, or archaeological resources.

This use will not adversely affect any historic buildings, sites, districts, or archaeological resources.

Q. Whether the proposed use satisfies the requirements contained within the supplemental regulations for such special land use permit.

Proposed use satisfies the requirement contained within the supplemental regulations for such special land use permit.

R. Whether the proposed use will create a negative shadow impact on any adjoining lot or building as a result of the proposed building height.

The proposed use will not create a negative shadow impact on any adjoining lot or building as a result of the proposed building height. The proposed development will have 50' transitional buffer between the residential home located to the southeast.

S. Whether the proposed use would be consistent with the needs of the neighborhood or the community as a whole, be compatible with the neighborhood, and would not be in conflict with the overall objective of the comprehensive plan.

The proposed use would be consistent with the needs of the community as a whole, as it appears there are no immediate senior housing within the immediate area. The proposed is not in conflict with the overall objective of the comprehensive plan. Housing policy number six, states the need to increase senior housing options in the city.



PLANNING COMMISSION STAFF REPORT

ANALYSIS

Adjacent & Surrounding Properties	Zoning (Petition Number)	Land Use	Density Non-Residential (SF/Acre) Residential (Units/Acre)
Nearby: North	MR-1 (Medium Residential Density) Apartments	Residential	n/a
Adjacent: South	R-100 (Residential Med lot) Single-Family Home	Residential	n/a
Adjacent: East	C-1 (Local Commercial) Vacant Property	Commercial	n/a
Nearby: West	OI (Office-Institutional)	Office	n/a

The surrounding area is characterized as a mixture of commercial and residential zoning tracts with a small portion of residential homes and residential subdivisions located to the South, Southwest, and Southeast. Located to the Southwest are two residential parcels, with one parcel being vacant. Located to the Southeast is one residential home and across Hillvale Road is the Meadow Springs Subdivision. Across Covington Hwy to the North of the property are residential apartments in unincorporated DeKalb County. The adjacent properties located to the West and East are zoned C-1 and OI.

MR-2 (Medium Residential Density) zoning intends to encourage primary residential, planned developments that allow accessory retail, office, institutional and civic uses, as well provide for residential neighborhoods with a mix of single-family and multi-family housing types that maintain the harmony of scale, intensity, and design with surrounding development. Additionally, provide districts that allow appropriate development transition within the edges and transitional area of the Town Center and Regional Center character areas.

The City Stonecrest Future Development Map as shown on page 67 of DeKalb County Comprehensive Plan identifies the subject property as being within Character Area Neighborhood Center. The intent of the Neighborhood Center Character Area is to identify areas that can serve the local neighborhood's needs for goods and services. These areas shall complement the character of neighborhoods and the location of the commercial areas shall reduce automobile travel, promote walkability and increased transit usage Policies for this character area preserves and enhance the integrity and quality of existing residential neighborhoods, while promoting healthy living in neighborhoods by incorporating a pedestrian environment that encourages socialization, walking, biking, and connectivity. The intent of the character area is to consist of a neighborhood focal point with a concentration of activities such as general retail, neighborhood commercial, professional office, higher-density housing, and appropriate public and open space uses that are easily accessible by pedestrians.

The proposed Special Land Use Permit is consistent in use and scale with the surrounding uses. Staff believes SLUP is suitable in view of the use and development of adjacent and nearby properties. Therefore, the proposed SLUP would be in keeping with the policies and intent of the Comprehensive Plan and would be suitable in view of its impacts on the adjacent and nearby property, therefore, the Department of Community Development recommends **APPROVAL of SLUP-18-003**

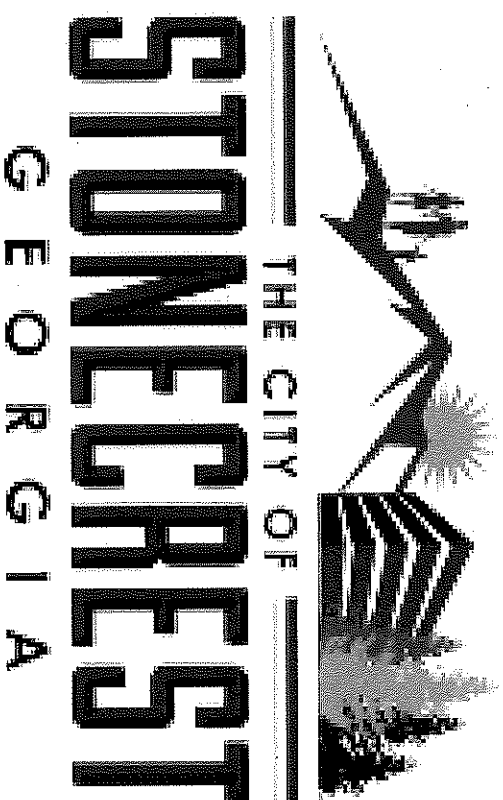


PLANNING COMMISSION STAFF REPORT

PLANNING COMMISSION

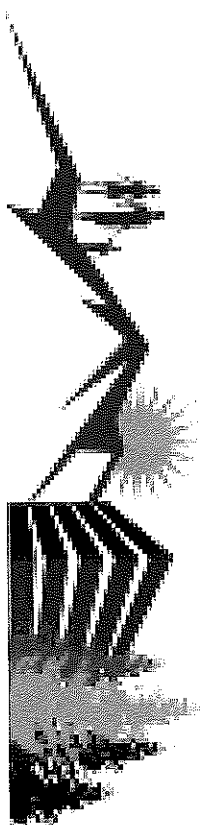
Planning Commission recommends approval for petition SLUP-18-003.

ATTACHMENT # 2



June 5th 2018

Planning Commission Public Hearing



THE CITY OF **STONECREST** G E O R G I A

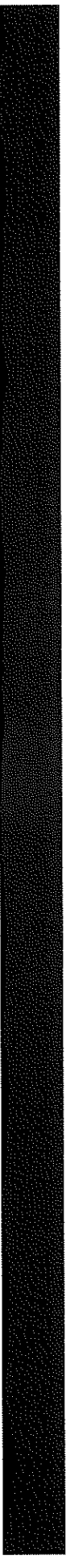
SLUP-18-003

**6757 Covington Hwy, Stonecrest
GA 30038**



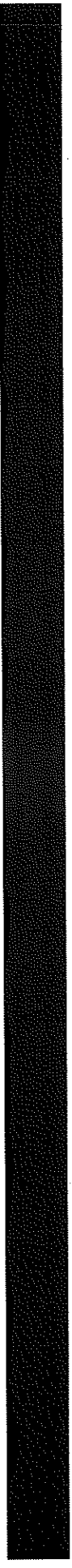
Petition Information

- **APPLICANT:** Beverly J Searles Foundation
- **LOCATION:** 6757 Covington Hwy
- **ACREAGE:** 9.3 acres
- **REQUEST:** The applicant is requesting a Special Land Use Permit to construct Senior Housing Development.

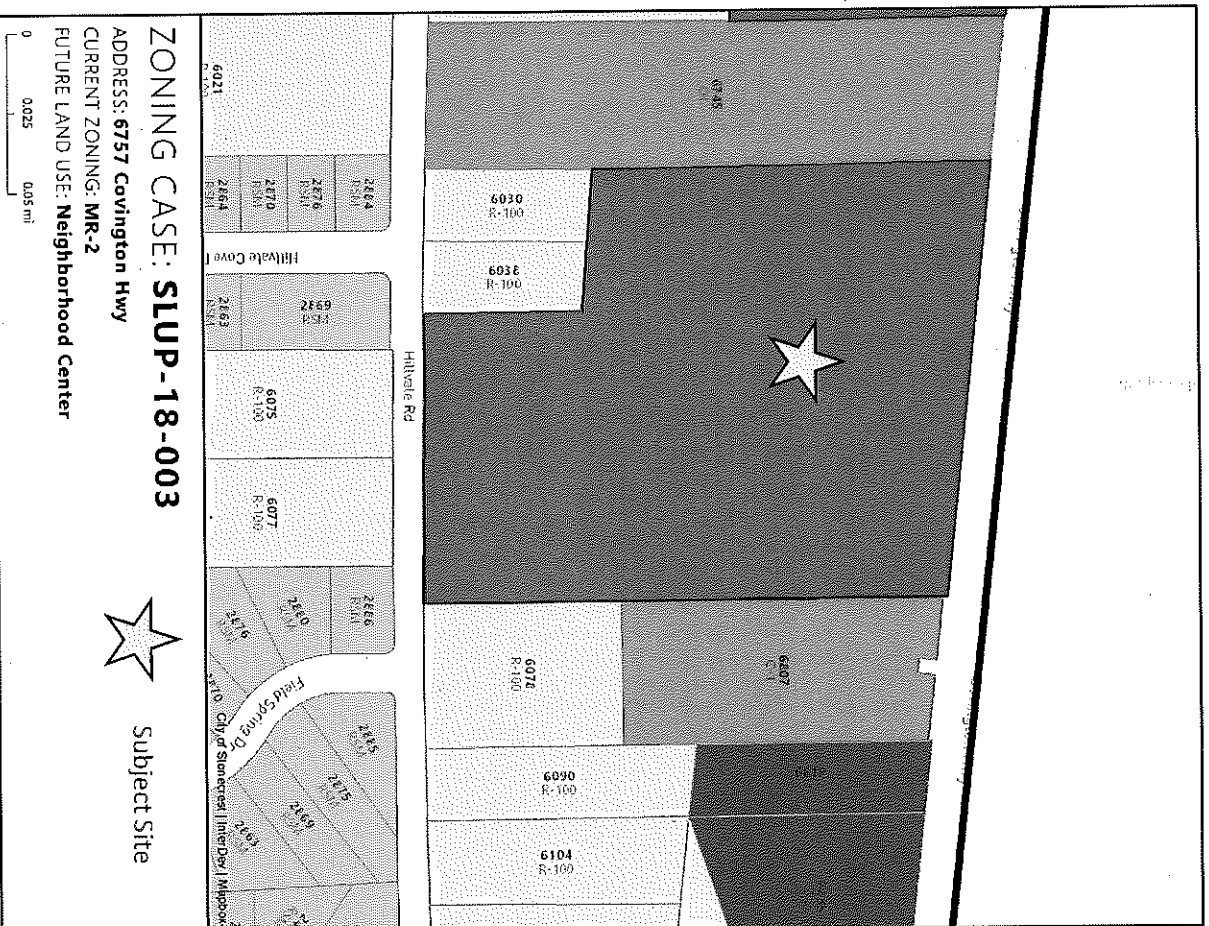


General Information

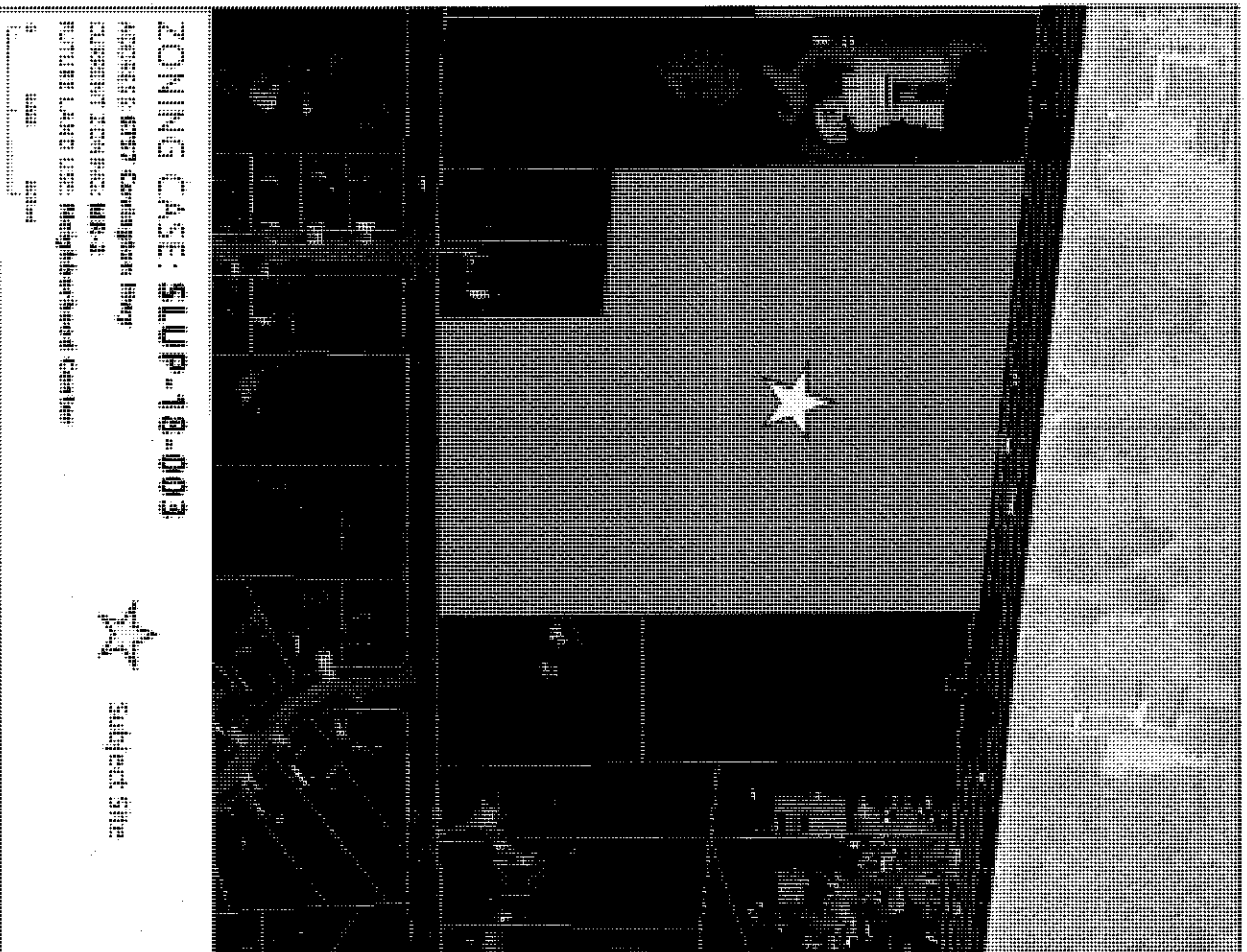
- Current zoning: MR-2 (Medium Residential Density) District
- Future Land Use Character Area: Neighborhood Center
- Policies for this area emphasize:
 - Each Neighborhood Center shall include a medium- high density mix of retail, office, services, and employment to serve neighborhoods.
 - Create compact mixed use districts and reduce automobile dependency and travel to obtain basic services
- Surrounding uses: Residential, Commercial and Office.
- Surrounding zoning: R-100 (Residential Medium Lot), Commercial and Office-institutional.



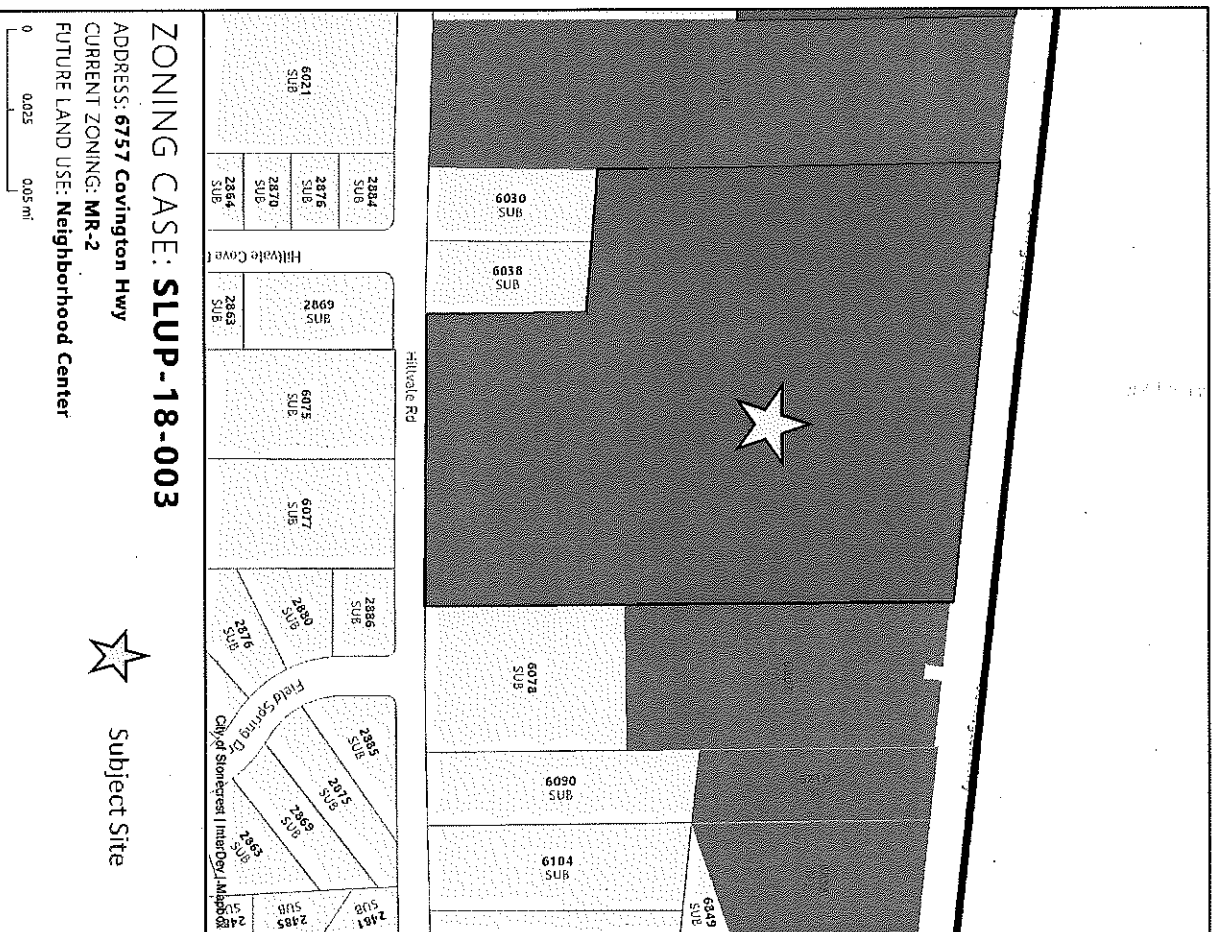
Zoning Map



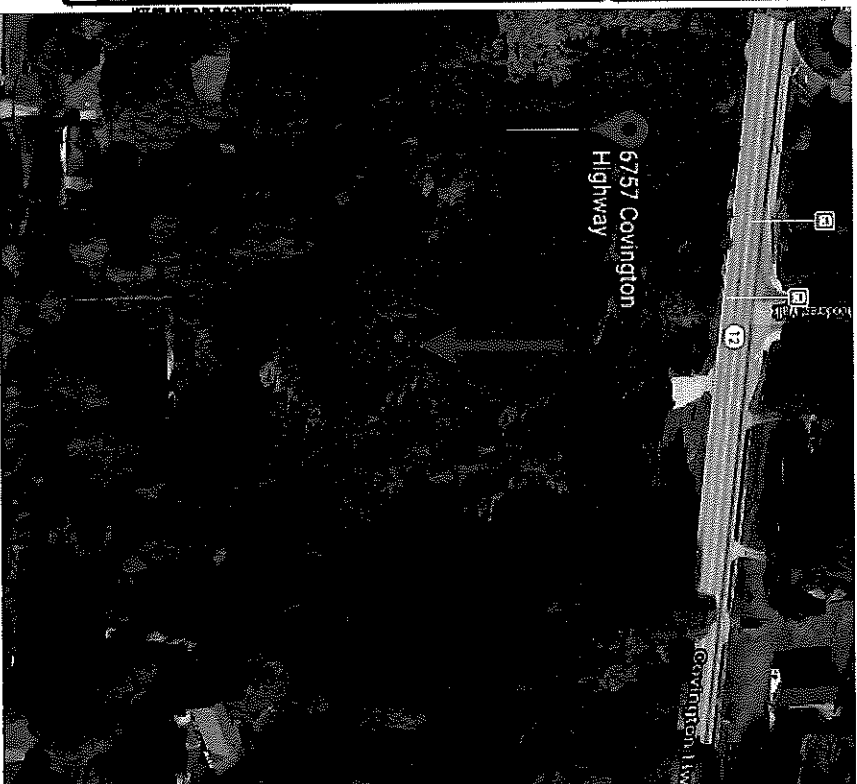
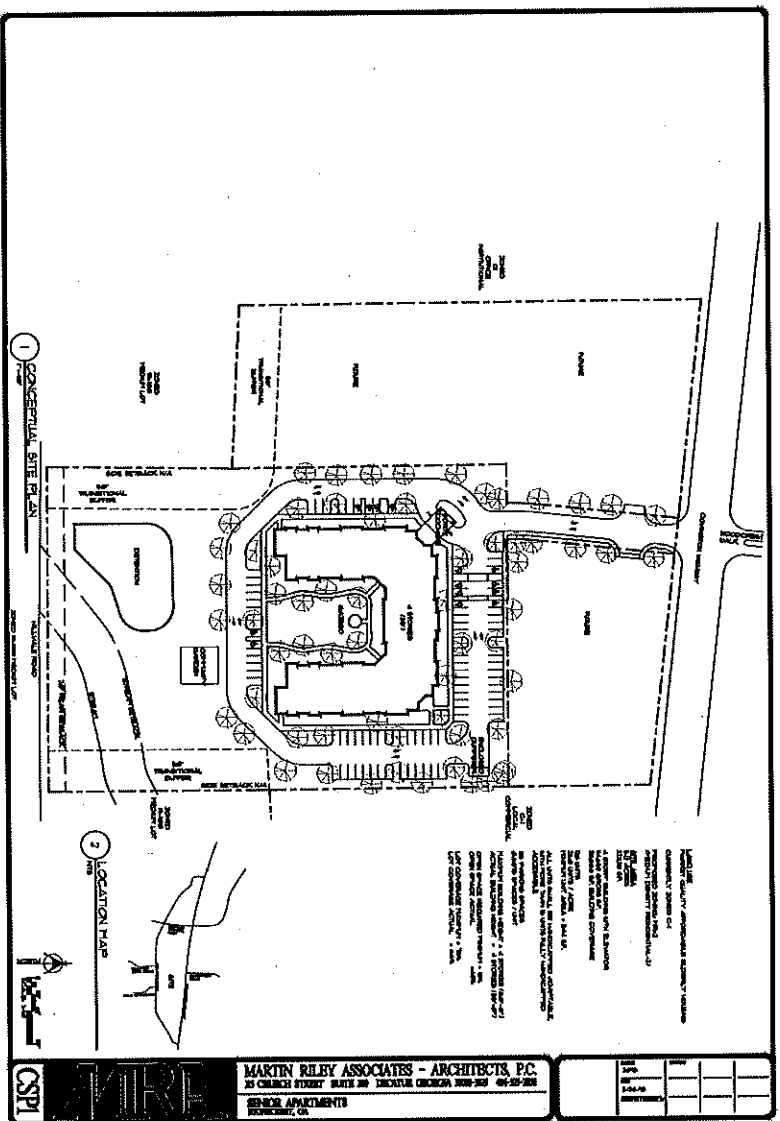
Aerial Map



Future Land Use Map



Site Plan of the Proposed Development.



[illegible]

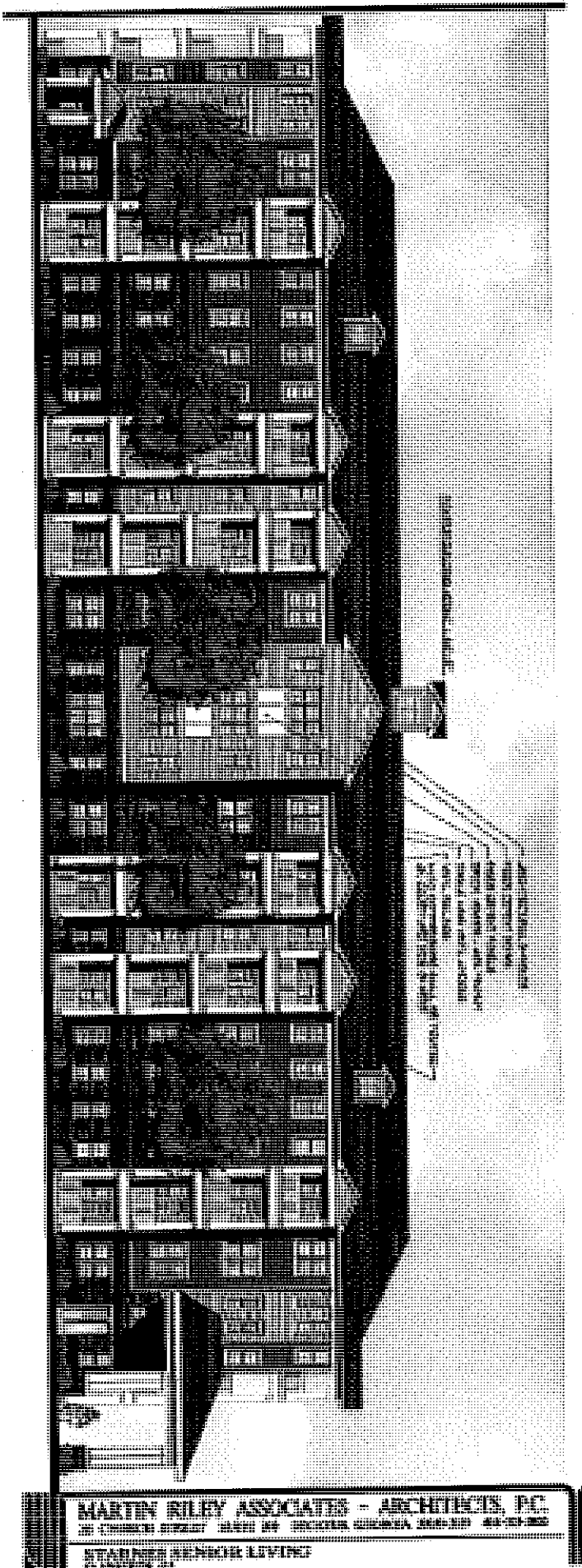
2 LOCATION MAP

MIRÈ

MARTIN RILEY ASSOCIATES - ARCHITECTS, P.C.
25 CHURCH STREET SUITE 200 DUBLIN, GEORGIA 30133 404-323-2000

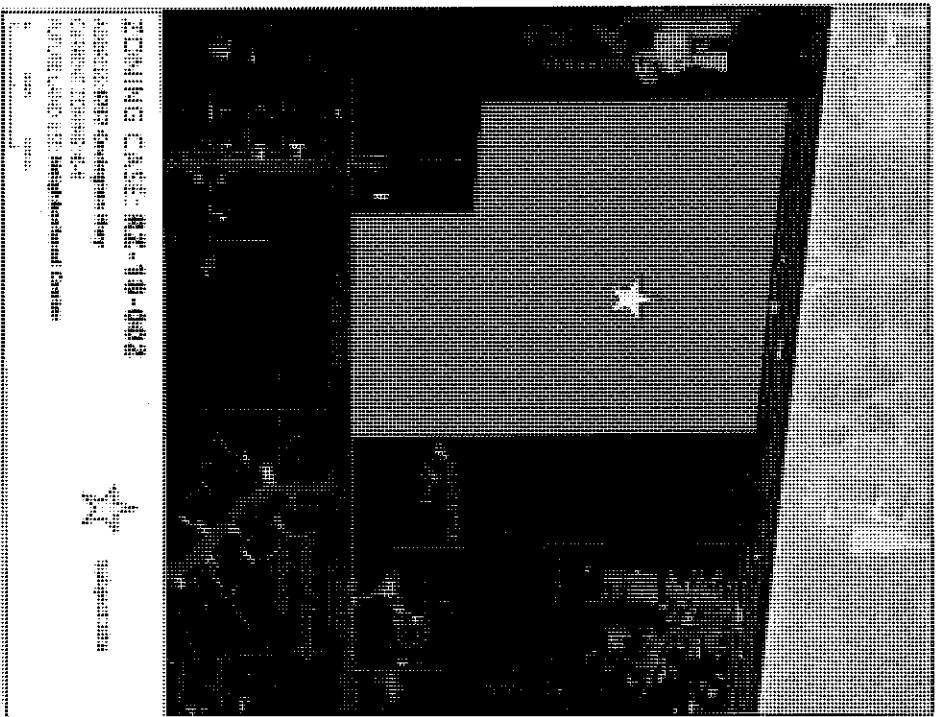
SENIOR APARTMENTS
KNOXBORO, GA

Front Elevation

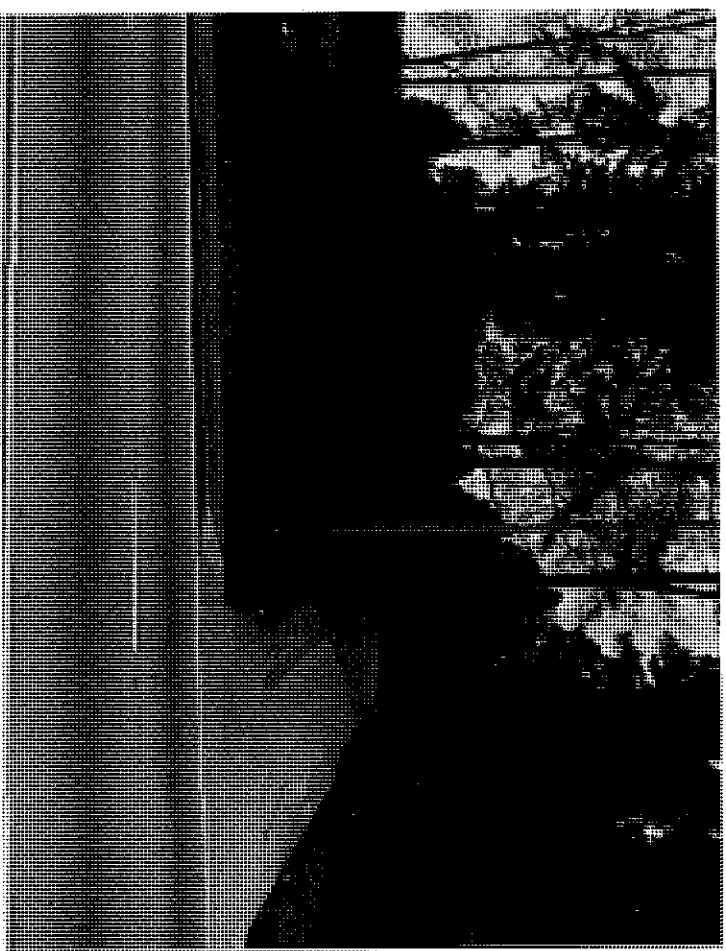
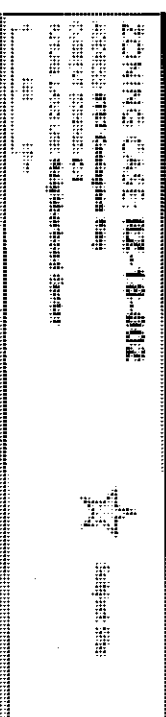


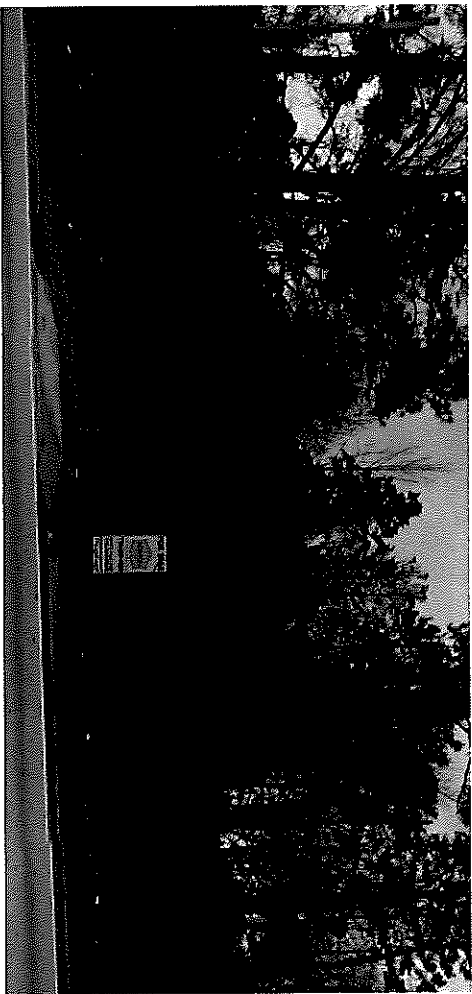


View of Subject Property from Hillvale Road



A solid black rectangular bar, likely a redacted section of text or a placeholder.





Staff Analysis

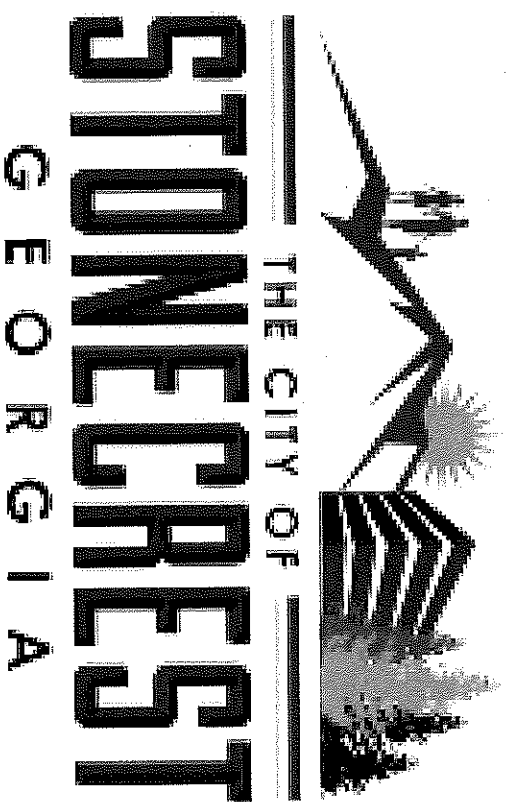
Staff finds this petition:

- Consistent in use and scale with adjacent and nearby properties.
- Staff believes the Special Land Use Permit is suitable in view of the use and development of adjacent and nearby properties. Therefore, the proposed use would be in keeping with the policies and intent of the Comprehensive Plan and would be suitable in view of its impacts on the adjacent and nearby property.

Staff Recommendation

Based upon the findings and conclusions herein, Staff recommends

APPROVAL of this request:



June 5th, 2018

**Planning Commission
Public Hearing**

ATTACHMENT # 3



RECEIVED APR 20 2018

Special Land Use Permit
Application

SLUP-18-003

Applicant Information	Name:	BEVERLY J. SEARLES FOUNDATION, INC.	
	Address:	5030 NESBITTERRY LN	ATLANTA GA 30350
	Phone:	678-570-1177	Fax: Email: DAVID SEARLES COURT-TRUST. COY
	Owner's Name:	4757 COVINGTON HWY, LLC	
	Owner's Address:	6622 EAST BROAD STREET, SUITE A, DOUGLASVILLE 30134	
	Phone:	770-920-2002	Fax: 770-920-9119 Email: WRONE@HFLLEGAL.COM
	Property Address:	6757 COVINGTON HIGHWAY	Acreage: 9.3
	Parcel ID:	16-089-02-005	
	Current Zoning Classification:	C-1	
	Proposed Use of Property:	MR-2	
Owner Information	Is this development and/or request seeking any incentives or tax abatement through the City of Stonecrest or any entity that can grant such waivers, incentives, and/or abatements? ☐ Yes ☐ No		
	Property Information:		
	220 UNITS OF AFFORDABLE AGE-RESTRICTED MULTI PLUS SENIOR ADULT DAY CARE, DEVELOPED IN MULTIPLE PHASES OVER SEVERAL YEARS		
Property Information	To the best of my knowledge, this variance application form is correct and complete. If additional materials are determined to be necessary, I understand that I am responsible for filing additional materials as specified by the City of Stonecrest Zoning Ordinance.		
	Applicant's Name: BEVERLY J. SEARLES FOUNDATION		
	Applicant's Signature: [Signature]		
	Sworn to and subscribed before me this 18 Day of April 2018		
	Notary Public: Victoria B. Curran		
	Signature: Victoria B. Curran		
	My Commission Expires: 02/14/2021		
	☒ Application Fee ☐ Sign Fee ☐ Legal Fee		
	Fee: \$ 350.00 Payment: ☐ Cash ☒ Check ☐ CC Date:		
	☐ Approved ☐ Approved with Conditions ☐ Denied Date:		
Affidavit			
Notary			

08-03-2017



Property Owner(s) Notarized Certification

The owner and petitioner acknowledge that this Land Use Petition application form is correct and complete. By completing this form, all owners of the subject property certify authorization of the filing of the application and authorization of an applicant or agent to act on their behalf in the filing of the application including all subsequent application amendments.

Property Owner (If Applicable)	Signature: _____		Date: _____
	Address: _____	City, State: _____	Zip: _____
	Phone: _____		
	Sworn to and subscribed before me this _____ day of _____, 20____		
Property Owner (If Applicable)	Notary Public: _____		
	Signature: _____		Date: _____
	Address: _____	City, State: _____	Zip: _____
	Phone: _____		
Property Owner (If Applicable)	Sworn to and subscribed before me this _____ day of _____, 20____		
	Notary Public: _____		
	Signature: _____		Date: _____
	Address: _____	City, State: _____	Zip: _____
Property Owner (If Applicable)	Phone: _____		
	Sworn to and subscribed before me this _____ day of _____, 20____		
	Notary Public: _____		



Applicant/Petitioner Notarized Certification

Petitioner states under oath that: (1) he/she is the executor or Attorney-In-Fact under a Power-of- Attorney for the owner (attach a copy of the Power-of-Attorney letter and type name above as "Owner"); (2) he/she has an option to purchase said property (attach a copy of the contract and type name of owner above as "Owner"); (3) he/she has an estate for years which permits the petitioner to apply (attach a copy of lease and type name of owner above as "Owner").

Applicant / Petitioner	Signature:	Date: 4/18/2018	
	Address: 5230 NESBIT FERRY LN	City, State: ATLANTA, GA	Zip: 30350
	Phone: 678-570-1177		
	Sworn to and subscribed before me this 18 day of MAY, 2018		
	Notary Public: Victoria B. Curran		
Attorney / Agent	Signature:		Date:
	Address:	City, State:	Zip:
	Phone:		
	Sworn to and subscribed before me this _____ day of _____, 20____		
	Notary Public:		



Campaign Disclosure Statement

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the City of Stonecrest City Council or a member of the City of Stonecrest Planning Commission?

☐ Yes ☐ No

Applicant / Owner	Signature:
	Address:
	Date:

If you answered yes above, please complete the following section:

Date	Government Official	Official Position	Description	Amount



Campaign Disclosure Statement

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the City of Stonecrest City Council or a member of the City of Stonecrest Planning Commission?

☐ Yes ☒ No

Applicant / Owner	Signature: 
	Address: 5030 Nesbit Ferry Lane, Atlanta GA 30350
	Date: April 19, 2018

If you answered yes above, please complete the following section:

Date	Government Official	Official Position	Description	Amount



Beverly J. Searles Foundation, Inc.

Letter of Intent – SLUP-18-003

Introduction to the Applicant

Beverly J. Searles Foundation, Inc. ("Searles Foundation" or "Applicant" below) seeks to develop and strengthen its communities by providing quality affordable housing, excellent resident, and development services to its residents through high standards, extraordinary experiences and concentrated holistic approach to health and wellness program offerings. We are focused on community revitalization and transformation by new construction and redevelopment of obsolete commercial spaces. Our vision statement is

A better way to develop communities, creating extraordinary experiences for seniors and veterans at affordable rents and a special focus on fostering healthy lifestyle choices.

Searles Foundation is a 501(c)(3) nonprofit organization founded in 2007 by Richard Searles and David Searles in honor of their late mother Beverly Jones Searles. David Searles began in 1971 developing commercial, office, multifamily and mixed use in Connecticut, Florida, Georgia and Tennessee. In 1976, Richard Searles starting single-family building homes in Georgia. The Searles Foundation team has been continuously focused on developing age-restricted and senior communities since 1995.

Existing Conditions of 6757 Covington Highway

The subject property was zoned for Neighborhood Commercial at least 10 years ago. The subject and the vacant parcel on the east boundary of the Subject have been vacant and for sale for years.

Intended Use of 6757 Covington Highway

Searles Foundation intends to utilize a variety of funding sources including Private Activity Bonds to develop a multiple-phase mixed income retirement community that will have a total of 220 to 250 units (an estimated 144 units in phase 1). Tentatively the community will be called "Legacy at Stonecrest". Applicant requests approval for building heights of 55 feet in four (4) story buildings for senior independent living. Exterior materials will be stone, brick and HardiPlank. Applicant commits to use the latest energy-conservation and "green energy" systems and equipment. Since Searles Foundation will own this community for at least 18 years, and we include utilities in the rents, we are vitally concerned about sustainability and efficiency. Decatur-based Martin Riley Associates (MRA) is project architect. MRA is one of the most experienced architects in the Southeast and has received dozens of awards for excellence in design. MRA will design Stonecrest Senior Village with input from the City staff and community leaders. It will be a unique plan that may use concepts from Searles Foundation communities shown below.

Special Land Use Criteria for 6757 Covington Highway

- a. Adequacy of the size of the site for the use contemplated and whether or not adequate land area is available for the proposed use including provision of all required yards, open space, off-street parking, and all other applicable requirements of the zoning district in which the use is proposed to be located;

The size of the site is adequate for our intended use as 220 – 240 age-restricted independent living / senior living units.

- b. Compatibility of the proposed use with adjacent properties and land uses and with other properties and land uses in the district;

Our intended use will complement and add to the other uses in the district, including banking, restaurant and grocery on the north side of Covington Highway (outside the City).

- c. Adequacy of public services, public facilities, and utilities to serve the use contemplated; Other than DeKalb Watershed Management for sanitary sewer, existing public service and facilities are adequate for our intended use as 220 – 240 age-restricted independent living / senior living units.

- d. Adequacy of the public street on which the use is proposed to be located and whether or not there is sufficient traffic-carrying capacity for the use proposed so as not to unduly increase traffic and create congestion in the area;

Covington Highway is adequate for our intended use as 220 – 240 age-restricted independent living / senior living units. Many of our residents will not drive.

- d. Whether or not existing land uses located along access routes to the site will be adversely affected by the character of the vehicles or the volume of traffic generated by the proposed use;

Covington Highway is the only point of access. No existing land uses will be adversely affected by our intended use as 220 – 240 age-restricted independent living.

- e. Ingress and egress to the subject property and to all proposed buildings, structures, and uses thereon, with particular reference to pedestrian and automotive safety and convenience, traffic flow and control, and access in the event of fire or other emergency;

Our main entrance will be on Covington Highway. We intend to also have a second point of emergency access (fire and EMT, probably a gravel drive with gate).

- f. Whether or not the proposed use will create adverse impacts upon any adjoining land use by reason of noise, smoke, odor, dust, or vibration generated by the proposed use;

No existing land uses will be adversely affected by our intended use as 220 – 240 age-restricted independent living.

- g. Whether or not the proposed use will create adverse impacts upon any adjoining land use by reason of the hours of operation of the proposed use;

No existing land uses will be adversely affected by our intended use as 220 – 240 age-restricted independent living.

- h. Whether or not the proposed use will create adverse impacts upon any adjoining land use by reason of the manner of operation of the proposed use;

No existing land uses will be adversely affected by our intended use as 220 – 240 age-restricted independent living.

- i. Whether or not the proposed plan is otherwise consistent with the requirements of the zoning district classification in which the use is proposed to be located;

Our intended use will complement and add to the other uses in the district, including banking, restaurant and grocery on the north side of Covington Highway (outside the City).

- j. Whether or not the proposed use is consistent with the policies of the comprehensive plan;

We believe that as the City of Stonecrest updates its comprehensive plan, our intended use will complement and be consistent with such plan.

- k. Whether or not the proposed plan provides for all required buffer zones and transitional buffer zones where required by the regulations of the district in which the use is proposed to be located;

We meet buffer zone requirements.

- l. Whether or not there is adequate provision of refuse and service areas;

Like Antioch Manor Estates, Antioch Villas, The View and others, this new community will adequately provide refuse and service areas.

- m. Whether the length of time for which the special land use permit is granted should be limited in duration;

We request no time limits.

- n. Whether or not the size, scale and massing of proposed buildings are appropriate in relation to the size of the subject property and in relation to the size, scale and massing of adjacent and nearby lots and buildings;

Martin Riley Associates is one of the most experienced and decorated architects for this product in the Southeast. All plans will be appropriate for the subject property.

- o. Whether the proposed plan will adversely affect historic buildings, sites, districts, or archaeological resources;

No existing land uses will be adversely affected by our intended use as 220 – 240 age-restricted independent living.

- p. Whether the proposed use satisfies the requirements contained within the supplemental regulations for such special land use permit;

Yes, as far as we know.

- q. Whether or not the proposed building as a result of its proposed height will create a negative shadow impact on any adjoining lot or building;

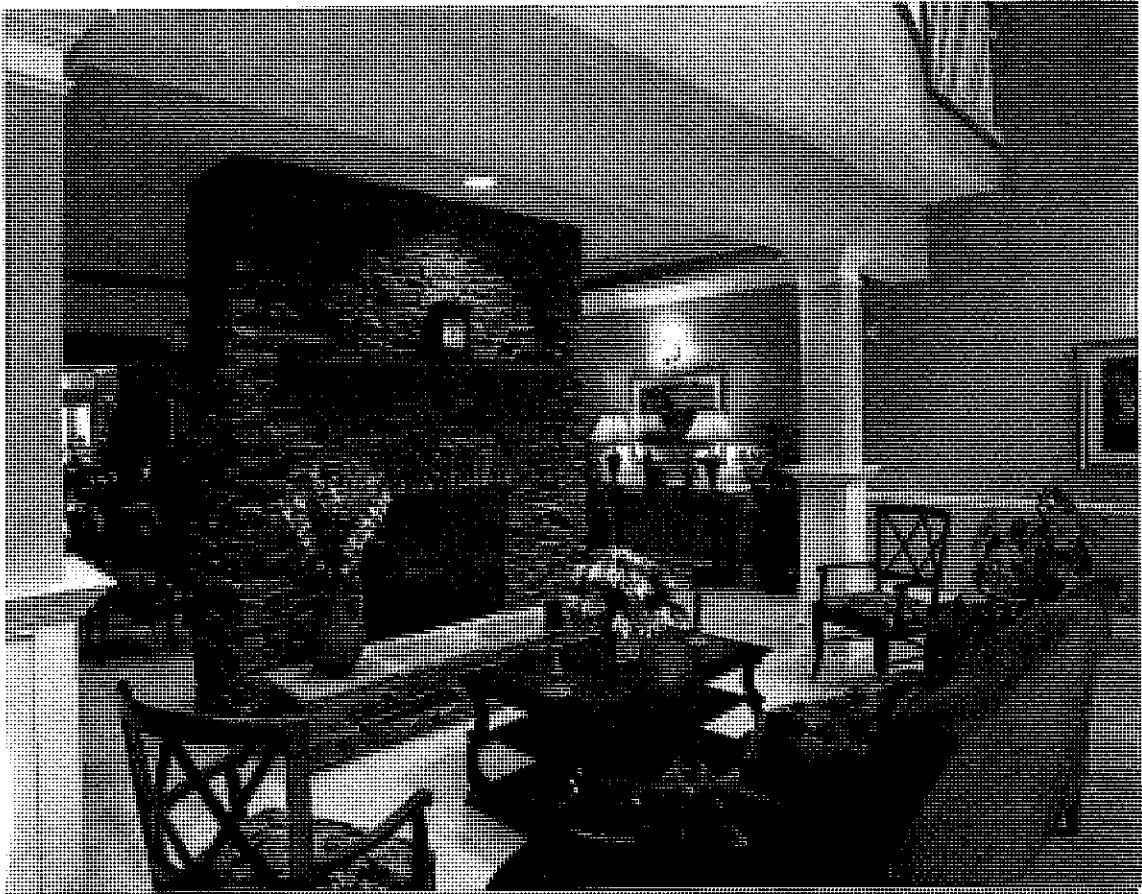
No existing land uses will be adversely affected by our intended use as 220 – 240 age-restricted independent living.

- r. Whether the proposed use would result in a disproportionate proliferation of that or similar uses in the subject character area; and

No existing land uses will be adversely affected by our intended use as 220 – 240 age-restricted independent living.

- t. Whether the proposed use would be consistent with the needs of the neighborhood or to the community as a whole, be compatible with the neighborhood.

Demand is virtually unlimited for high quality, energy-efficient affordable age-restricted senior living.





Above is Wistaria Gardens of Newton, affordable seniors housing opened in October 2017.



Above is Myrtle Terraces, Gainesville, GA affordable senior housing.

Housing Tax Credit Communities (existing)

Beverly J. Searles Foundation only develops with Housing Tax Credits.

Community	Open	Total Units / Affordable Units	Plan of Finance & Searles Roles
Live Oak Villas ¹ (Midway, Liberty County) DCA #2015-052)	Q4 2017	60 / 59	Equity partner is AEP. Sterling Bank Construction Loan, USDA Perm Loan. BJS Foundation owns the General Partner ("GP"). DCA 9% credits.
Wisteria Gardens Newnan ² (Newnan) DCA #2014-021	Q4 2017	120 / 97	Equity partner is AEP. Sterling Bank Construction Loan. BJS Foundation owns the GP. DCA 9% credits.
The View ³ (Stone Mountain) DCA #2013-011	Q4 2015	80 / 75	Equity partner is Hudson Capital, BJS Foundation partnership with Housing Authority of DeKalb County (HADC) and its affiliate Housing Development Corporation (HDC). DCA 9% credits.
Myrtle Terraces Phase 1 ⁴ (Gainesville, Hall County) DCA #2012-057	Q1 2014	84 / 76	Equity partner is AEP. Sterling Bank Construction Loan, Community Development Trust Perm Loan. BJS Foundation owns the GP. DCA 9% credits.
Antioch Villas + Gardens ⁵ (Stone Mountain) DCA #2009-042	Q2 2012	106 / 90	Equity partner is Red Stone Equity Partners. BJS Foundation was co-developer with Mercy Housing and Antioch A.M.E. Construction and perm debt from JP Morgan Chase. DCA 9% credits.
Sweetwater Terraces (Duluth) ⁶ DCA #2006-502	Q3 2008	165 / 149	Equity partner is PNC Real Estate. Washington Mutual Construction, Chase Bank Perm Loan. CRT was the Developer. BJS Foundation owns GP interest. DCA 4% credits.
Lillie R Campbell House (Atlanta) ⁷ DCA #2006-510	Q4 2008	96 / 86	Equity partner is AEGON USA Realty Advisors. Washington Mutual Construction, Chase Bank Perm Loan. CRT was the Developer. DCA 4% credits.
Antioch Manor Estates (Stone Mountain) DCA #2003-043	Q3 2005	120 / 96	Equity Partner is AIG SunAmerica. CRT developed with Antioch AME Community Development Corporation. Bank of America construction loan, Chase Bank Perm Loan. DCA 9% credits.

¹BJS Live Oak Villas, LP, a BJS Foundation affiliate, owns 60 Villas for veterans and families on 17.3 acres in Midway, Liberty County, GA. AEP is equity partner.

²BJS Wisteria One, L.P., a BJS Foundation affiliate, owns 120 units of mixed income senior housing including apartments and villas called Wisteria Gardens of Newnan on 13.329 acres in Newnan, Coweta County. AEP is our equity partner. The land sellers made a separate \$1,000,000 charitable contribution of 6.694 acres zoned commercial and senior housing.

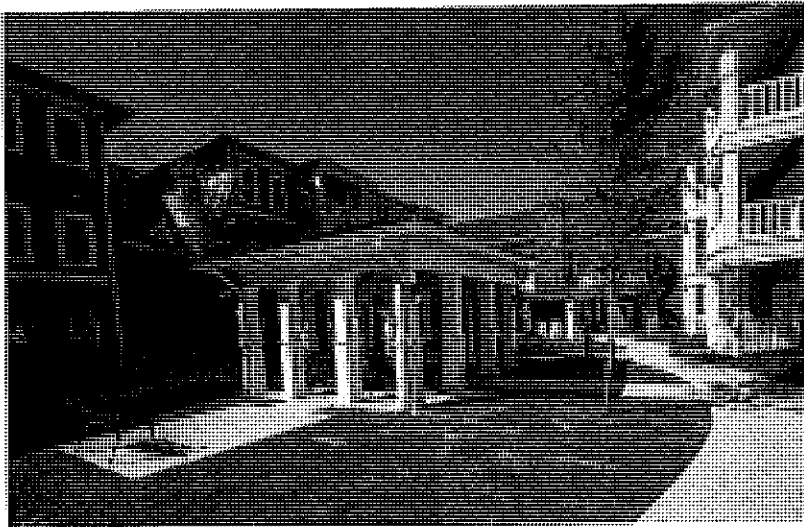
³Mountain View Senior Residences, LP, owns 80 units of affordable elderly units in Stone Mountain are called "The View". HADC and HDC own 80% of the GP, and a BJS Foundation subsidiary owns 20% of the GP. Financing partners are Bank of America Merrill Lynch, HUD RAD, HOME Loan, Hudson Capital, Direct Tax Credits and Community Development Trust.

⁴Myrtle Terraces, LP, a BJS Foundation affiliate, owns 84 mixed income senior apartments on 7.17 acres of land previously owned by Pacolet Milliken Enterprises, Inc. and its predecessors since the 1890's. Brenau University College of Health Sciences and BJS Foundation provide services to residents. BJS Foundation owns 8.39 acres for Myrtle Terraces Phase 2.

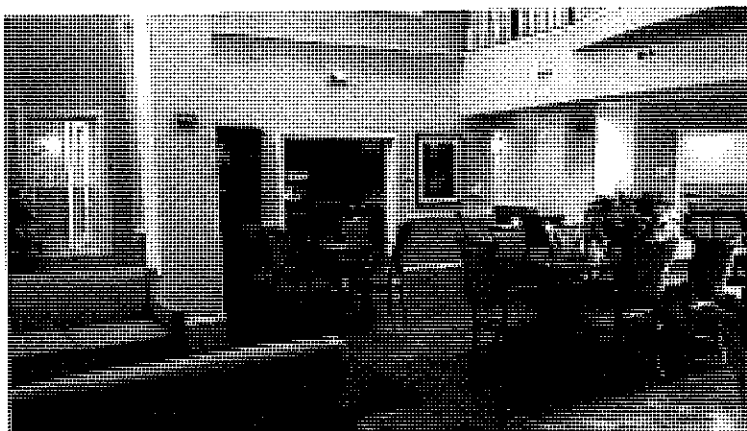
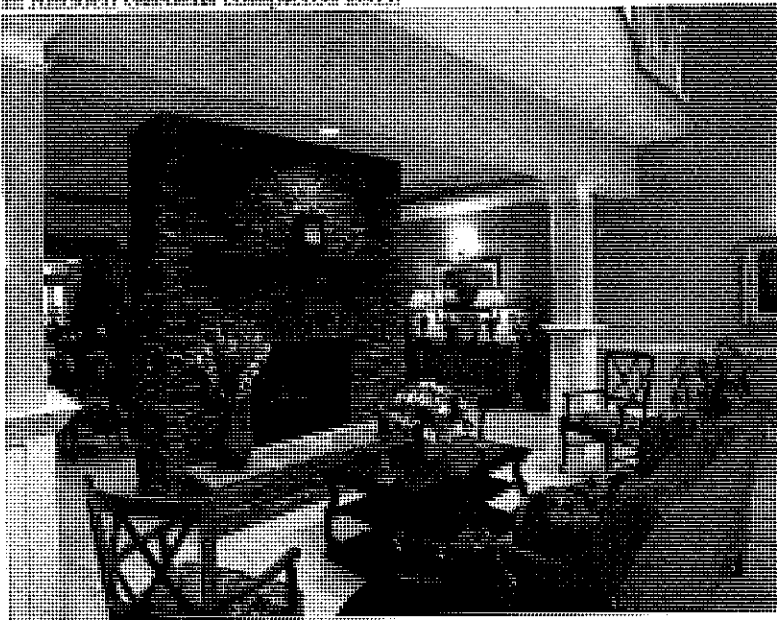
⁵The Searles Team has served Antioch A.M.E. Church since 2002. BJS Foundation has no ownership interest. Antioch Manor Estates, LP owns 120 units of mixed income senior apartments. Antioch Villas, LP owns 106 units of mixed income villas and apartments.

⁶Belmont Duluth, LP, a BJS Foundation affiliate, owns 165 units of mixed income senior housing on 4.65 acres in Gwinnett County, GA. PNC Real Estate is the equity partner.

⁷ The Searles Team has served Lillie R. Campbell House since 2005. BJS Foundation has no ownership interest. Lillie R. Campbell House, LP owns 96 units of mixed income senior apartments.



Above is Myrtle Terrace, Gainesville, GA, opened in January 2015. Below is one of the common areas in Antioch Gardens completed 2011.



Above is Myrtle Terrace, Gainesville, GA affordable senior housing.



Above is Wisteria Gardens of Newnan, affordable seniors housing opened in October 2017.

Below are pictures from affordable senior living communities completed 2006-2010.



Housing Tax Credit Communities (upcoming 2018-2019)

Community	Timing	Units	Plan of Finance, BJS Foundation Roles
Wisteria Place (Floyd Road, Mableton, Cobb County) DCA #2016-051	Construction started Q4 2017	104 / 83	2016 tax credit allocation from Georgia Department of Community Affairs. Equity partner is AEP; construction loan from Sterling Bank. BJS Foundation owns.
Higher Ground Oasis of Vine City, L.P. ⁸	2015-present	105 / 105	Bonds issued on March 1, 2018, by Urban Residential Finance Authority of Atlanta. Bonds purchased by PNC Bank. Housing Tax Credit equity from PNC Real Estate and Cabretta Capital.

⁸The site owned by Higher Ground Oasis of Vine City, LP is located across from the Church at 561 Spencer Street NW, Atlanta GA 30314. Oasis of Vine City will have 105 residential units. Total project development costs of \$19,423,307 will be funded with URFA-issued bonds, \$3,000,000 DCA HOME loan, \$1,000,000 Invest Atlanta (Vine City Trust Fund), PNC Real Estate bridge and construction loan, Federal Tax Credit equity, Cabretta Capital - Georgia Tax Credit equity and Community Development Trust long term bondholder. BJS Foundation and a local church own the GP. BJS Foundation is the developer. The church will receive part of the Development Fee and will eventually buy out BJS Foundation for \$10.

Starnes Senior Living (Clarkston, GA)	2016-present	128 / 128	4% LIHTC. Partnership with HADC and HDC. FHA 221(d)(4) proposed Construction-Perm BJS Foundation is Co-Developer and Co-General Partner with HDC and HADC.
McEachern Village (2236 Old Villa Rica Rd. Powder Springs, Cobb County)	2016-present	128 / 128	4% LIHTC. Development Authority of Cobb County Bond Inducement May 23, 2017. Partnership with Marietta Housing Authority and its subsidiary Lemon Street Development Corporation. BJS Foundation and Lemon Street Development Corporation are the Developers.

Oasis of Vine City under construction and part of the renewal and transformation of Vine City



Profiles of BJS Foundation Team Members

Philip E. Searles

A native of Atlanta, Philip is our leader for the next generation. After earning a degree in Accounting from the University of Alabama he began his career working at the Reznick Group as an auditor of affordable housing properties, routinely compiling financials from both construction and operating general ledgers. Answering the call to be with his family more, Philip joined the Beverly J. Searles Foundation, a nonprofit housing developer, in 2008. He has become an advocate for providing affordable housing choices for Georgia residents, while encouraging programming that enhances resident's health, wellness and spiritual growth through the Beverly J. Searles Foundation Resident Services. One of his most recent communities was awarded a Charles L. Edson Tax Credit Excellence Award in 2016.

David Russell

David Russell contracts with BJS as a project manager responsible for providing development services. Previously as development officer for Sunrise Senior Living and vice president of CRT Realty & Development, David has been instrumental in the development of 22 senior housing properties with development costs in excess of \$250 million as he continues to build his portfolio of experience with BJS Foundation. David's expertise entails the planning, site selection, design, entitlement and construction related processes unique to the senior housing arena. David earned a B.S. in Political Economy at Tulane University and a M.B.A. in Finance from Emory University.

Debbie A. Gallogly

Debbie joined the BJS team in charge of Operations in April 2009 and was awarded the title of Chief Operations Officer in 2011. She joined the BJS Foundation team in Spring 2004. Other work experience

includes work in the non-profit sector. Debbie began work for Wildlife Action, Inc., a nonprofit sportsman group, in 1983 as the head of Public Relations for the National Chapter headquartered in South Carolina, and served as the Environmental Chairperson for a chapter, working with state agencies, state legislature and other sportsmen/environmental groups on state and local issues. She joined the Lancaster County School District as the Volunteer Coordinator in 1997 for a school of 850 students and 60 faculty members in Fort Mill, SC. Debbie's education includes study as a voice major/English major at Francis Marion University, North Greenville College and USC Spartanburg.

Victoria B. Curran

Victoria joined the BJS Foundation team as controller in 2017. A native of Minnesota by way of Tuscaloosa, Alabama, she and her family lived in New York for many years before moving to Atlanta. She is a lover of British mysteries, Cavalier King Charles Spaniels and political intrigue. During her career she has worked for financial institutions, governmental agencies, CPA firms and volunteered with several nonprofits. She has joined the BJS Foundation because of her love of helping other people. A graduate of Miami University of Ohio with a B.S. in Accountancy, she has been a member of the New York Society of Certified Public Accountants and is a member of the Georgia Society of CPAs.

Richard D. Searles

Since August 1995, Rick has been active in the senior housing industry working with several of the country's leading providers of senior housing and assisted living. Rick began working with Sunrise Senior Living, Inc. in its Southeast expansion in 1995. Prior to his senior housing development activities, Rick Searles was the Project Manager for a massive national due diligence contract with Resolution Trust Corporation (RTC), an instrumentality of the United States of America. This assignment was to analyze value and prepare for sale over \$1.6 billion of hotels, golf courses, land and other assets. Rick Searles is versed in all senior housing aspects such as design, development consulting, specifics of operations, legislative actions to promote the industry, licensing and permitting issues. Also, he oversees preparation of market feasibility studies, competition analysis, caregiver criteria, projections and business plans.

David S. Searles, Jr.

After service, Harvard Business School and a short time on the Harvard Business School faculty, David Searles began his real estate career in 1971 developing an office in a Connecticut suburb of New York City. Beginning in 1973 he CFO for a large publicly-traded (SEC registered) land development company based in Miami, Florida. In mid-1975, David moved to Atlanta to oversee development and management of a 625-acre golf course planned community in Roswell for the 14 banks that had become land owners. Later as a general partner, developer and owner, David owned and developed apartments and land in Tennessee and Georgia starting in 1977. David and his now retired business partner were general partners for 10 years in a partnership with Federal Deposit Insurance Corporation. David was a Director of Tucker Federal Savings and Loan Association, a \$320 million thrift institution, and its parent holding company, Eagle Bancshares, Inc. (now part of PNC Bank). He currently is Manager of Searles Realty Associates, LLC. SRA is a joint venture partner in a \$40 million retirement community under construction in west metro Atlanta.

Malcolm Kilpatrick

Malcolm Kilpatrick is co-founder of Chase Properties Associates, LLC, CRT Trust Advisors, Inc. and affiliated companies. He received a B.S. in Business Administration from the University of North Carolina in 1963 and completed advanced training in real estate appraisal from the American Institute of Real Estate Appraisers. Since 1967, Malcolm initially as a commercial mortgage banker and ultimately as a real estate developer and owner has developed, financed, invested in and managed numerous real estate investments for partnerships in which he was a managing partner. Malcolm has personally negotiated and administered complex real estate contracts, acquisitions and closings exceeding \$125 million in value. He is particularly experienced in multi-family developments, commercial land and single-family developments.

Jared Young

Jared is currently working with the BJS Foundation to identify new development sites throughout Metro Atlanta and the State of Georgia. He also serves on consultative basis throughout the development process, from entitlement through completion of construction. With a diverse background that started in corporate transformation consulting and then transitioned to land and development services for single and multi-family development, Jared has over 11 years of experience in project execution across real estate, finance, technology, and operations organizations. Jared will assist BJS Foundation in project management services, giving BJS Foundation greater resource flexibility and focus throughout the life of the project.

Searles Team References

Cassius Coleman

CFO

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Bob Rice

Vice President, Community Development Trnst (CDT)

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E: brice@cdt.biz

www.cdt.biz

AEP (equity) and Sterling Bank (construction) are financing Wisteria Gardens Newnan, Live Oak Villas of Midway, Lovejoy Place and Wisteria Place Mableton. Sterling Bank, AEP and CDT financed **Myrtle Terraces**.

Jacob Engle

Twain Financial

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Heather Bohl, Asset Manager

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Jakub M. Rzepka

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Jordan Allen

Asset Manager, PNC Real Estate

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Jordan.allen@pnc.com

Guiding Principles

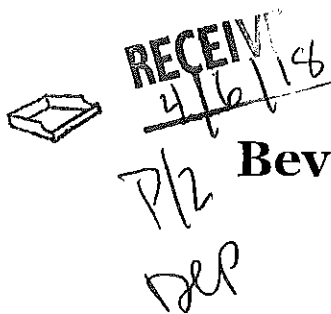
BJS Foundation accomplishes our Vision and Mission goal by providing housing and services to Senior Adults aged 55+ and veterans and families. BJS Foundation is a leader in public-private oriented development and offers best of class practices to create and operate mixed use, mixed income communities integrated within the community. We are Georgia Department of Community Affairs (DCA) approved Owners and Developers. Our guiding principles include the following:

- Develop and invest in affordable, program-enriched housing for seniors, veterans and people with special needs who may not otherwise have access to quality, energy-efficient and safe housing.
- Sponsor and support stable, vibrant, and healthy communities.
- Provide development services, strategic planning, financial and asset management, access to capital markets to the communities.
- Represent the present and future interests of the communities and their residents.
- Residents first in everything we do.
- The best interests of the total organization are prioritized over any single individual's or a group's interests, personalities, or political behaviors.

Service to God

For many Searles Team members, service to God is our highest goal and priority. In a small way we think we can help do God's work through our housing, programming and passion. BJS Foundation, and almost all our subsidiaries and affiliates, include in organizational documents, IRS filings and DCA applications the following underlying statements of our passion, determination and dedication:

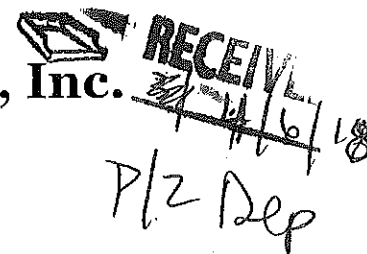
- They will still bear fruit in old age, they will stay fresh and green, proclaiming "The Lord is upright; he is my Rock, and there is no wickedness in him. *Psalm 92:14-15*
- You sent a gracious rain, O God, upon your inheritance; you refreshed the land when it was weary. Your people found their home in it; in your goodness, O God, you have made provision for the poor. *Psalm 68:9-10*
- Go and enjoy choice food and sweet drinks, and send some to those who have nothing prepared. This day is holy to our Lord. Do not grieve, for the joy of the Lord is your strength. *Nehemiah 8:10*
- Suppose a brother or sister is without clothes and daily food. If one of you says to them, 'Go in peace; keep warm and well fed,' but does nothing about their physical needs, what good is it? In the same way, faith by itself, if it is not accompanied by action, is dead. *James 2:15-17*
- And if I go and prepare a place for you, I will come back and take you with me that you also may be where I am. *John 14:3*
- I pray that out of his glorious riches he may strengthen you with power through his Spirit in your inner being, so that Christ may dwell in your hearts through faith. And I pray that you, being rooted and established in love, may have power, together with all of God's people, to grasp how wide and long and high and deep is the love of Christ, and to know this love that surpasses knowledge – that you may be filled to the measure of all the fullness of God. *Ephesians 3:16-19*
- Therefore, strengthen your feeble arms and weak knees. Make level paths for your feet, so that the lame may not be disabled, but rather healed. *Hebrews 12:12-13*



Beverly J. Searles Foundation, Inc.

5030 Nesbit Ferry Lane, Atlanta GA 30350

E: dsearles@mba1970.hbs.edu



Invitation to Public Participation Meeting

Thursday, March 29, 2018

7:00 PM

Fairfield Inn & Suites

7850 Stonecrest Square, Lithonia GA 30038

Beverly J. Searles Foundation has filed with the City of Stonecrest a Rezoning Application for a vacant 9.3 acre site with an address of **6757 Covington Highway, Lithonia GA 30058**. This vacant land is located on the south side of Covington Highway diagonally across from Wells Fargo Bank. We are on the same side of the road as Walgreen's, 0.3 miles east of Walgreen's and 0.2 miles east of Sonic Drive-In.

BJS Foundation applied to rezone to MR-2 from C-1. The subject parcel has been planned and zoned for neighborhood retail for at least the past 10 years.

BJS Foundation is a not-for-profit developer and owner of mixed income age-restricted housing in Georgia. Today almost 2,000 people woke up in bedrooms that the founders of BJS Foundation and the Foundation planned, developed and/or own. Most of our residents are aged 70+ plus, but we do have a few "youngsters" in their late 50's and 60's. The nearest communities that our officers helped develop is Antioch Manor. Antioch Gardens and Antioch Villas representing 226 units of age-restricted mixed income housing. As of today in various locations around Atlanta, BJS Foundation has another 439 units of affordable senior living in development and under construction.

Subject to City of Stonecrest approvals and available financing, Beverly J. Searles Foundation plans to create "Stonecrest Senior Living" to eventually offer 200+ units of energy efficient, safe, secure affordable housing restricted to folks aged 62 and up. My mother's name is on the Foundation and we only want the best possible communities.

We would be delighted to answer any questions at the Public Participation Meeting or those send by email or USPS.

God's best,

David S. Searles, Jr.



3740 Davinci Court, Suite 100
Peachtree Corners, Georgia 30092
o | 770.368.1399
f | 770.368.1944
w | www.fg-inc.net

Trip Generation Memo - March 6, 2018:

To: Robert Skrobot
1800 Parkway Place
Suite 700
Marietta, GA 30067

Re: Stonecrest Senior Trip Generation – Lithonia, GA



RECEIVED
3/6/18
P/2 Dep

A development consisting of a Senior Attached Housing with 128 units is proposed along the south side of Covington Hwy near the intersection with Woodcrest Walk. The project trips for the proposed development were calculated using equations contained in the Institute of Transportation Engineers' (ITE) latest *Trip Generation Manual*, 9th Ed, 2012. Table 1 summarizes the trip generation for the proposed development.

Table 1: Trip Generation

Project Land Use	Project Density	Project Trips			ITE Code	Variable	Equation Used ¹	In/Out Distribution
		Total	Inbound	Outbound				
Senior Adult Housing - Attached	128 DU				220	Dwelling Units		
Daily		402	201	201			$T = 2.98(X) + 21.05$	50% / 50%
AM Peak Hour		25	9	16			$T = 0.20(X) - 0.13$	34% / 66%
PM Peak Hour		32	17	15			$T = 0.24(X) + 1.64$	54% / 46%

Note: ¹ Where: T = Trips; X = Density by Variable

The proposed development is anticipated to generate 402 new daily trips (201 inbound and 201 outbound) with the PM peak being the highest with the 25 new trips (9 inbound and 16 outbound) and 25 new AM trips (17 inbound and 15 outbound).

Please contact me or Blake Bredbenner at 770-368-1399 if you have any questions or need additional information. Thank you for your time and consideration.

Sincerely,

FORESITE GROUP, INC.


Sameer S. Patharkar
Project Manager



ONE COMPANY,
INFINITE SOLUTIONS.



RECEIVED
3/6/18

P/2 Dep

March 6, 2018

City of Stonecrest
Community Development Department
3120 Stonecrest Blvd.
Stonecrest, Georgia 30038

RE: Rezoning Environmental Site Analysis Letter for 6757 Covington Hwy (Stonecrest Senior Living)

To Whom It May Concern:

On behalf of our client, DeKalb County Housing Authority (DCHA), this letter is submitted as part of a rezoning application package for the proposed development named "Stonecrest Senior Living." The property is proposed to be rezoned from C-1 to MR-2, in order to be used as medium-density residential for market-quality affordable senior housing. The following land use and environmental topics have been analyzed as part of the rezoning application.

Conformance to Comprehensive Plan

- a) The subject property, located on the south side of Covington Highway and north of Hillvale Road, is a currently vacant lot with an area of approximately 9.3 acres which slopes gently from west to east. The property is covered with shrubs, small trees and grass, with a stream identified on its southeast corner.
- b) The property is bordered to the south by single family residential zoned R-100, to the east by an auto sale business zoned C-1, to the west by an office building zoned O-1, and across the street to the north by a church and Kroger shopping center. A site plan for the proposed development is included in this submittal.
- c) The DeKalb County Comprehensive Land Use Plan 2035 identifies the vicinity in which the property is located as "Suburban" future land use, with "Neighborhood Center" in close proximity to the north and west. "Suburban" future land use includes the primary uses of townhomes and assisted living facilities, which are similar to the proposed property use of multifamily senior living. The proposed zoning of MR-2 and density of 25 units per acre does not fall within the recommended characteristics of the future land use; however, the proposed land use compliments the mixed-use nature of the surrounding area, which includes current land uses of single family residential, office, commercial, and a place of worship.
- d) The 2035 Comprehensive Future Land Use Map is included with this submittal, and the vicinity of the property is marked in red.
- e) The proposed rezoning and property development compliments the surrounding area of current land uses. While multifamily residential is not recommended for "Suburban" future land use, the property is in close proximity to "Neighborhood Center" future land use, which allows multifamily residential.

Environmental Impacts of Proposed Project

- f) Wetlands – No wetlands are identified on the US Fish and Wildlife Service National Wetlands Inventory website. No wetlands were identified in the field.
- g) Floodplain – No floodplains are located onsite according to FEMA map 13089C0159J, dated 5/16/2013. No floodplains were identified in the field.

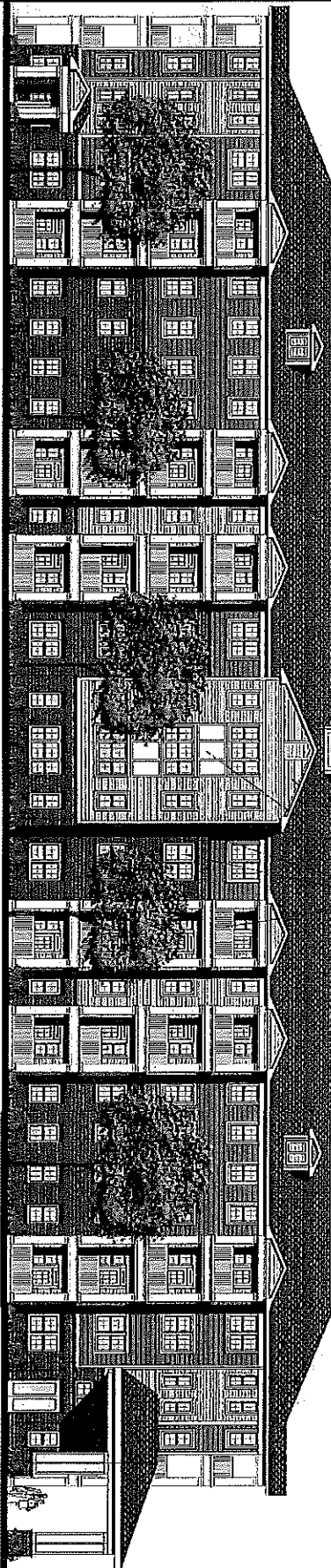


ONE COMPANY,
INFINITE SOLUTIONS.

- i) Proposed open space will preserve the existing stream and stream buffer. The US Fish & Wildlife service identifies the potential presence onsite of a number of aforementioned migrating birds. However, due to the absence of mature trees, it is probable that the proposed development will not have an adverse impact on wildlife.

Thank you for your consideration,

Robert Skrobot, P.E.
Project Manager



HEIGHT: BUILDING HEIGHT = 42'-0"

- ARCHITECTURAL SHINGLES
- FLYER CORNER SIDING
- FLYER CORNER PANELS
- SHICK VASER - 40% TINTED
- SINGLE AND VINT WINDOWS
- VINT BALCONIES
- LANDSCAPING SHALL BE LOCATED ON CORNER AND SIDE OF ROOF

1 CONCEPTUAL ELEVATION
1/8" = 1'-0"
CLARKSTON INDUSTRIAL BLVD



CEI

MRA

NOT RELEASED FOR CONSTRUCTION

MARTIN RILEY ASSOCIATES - ARCHITECTS, P.C.
25 CHURCH STREET SUITE 200 DECATUR GEORGIA 30030-3029 404-373-2800
STARNES SENIOR LIVING
CLARKSTON, GA

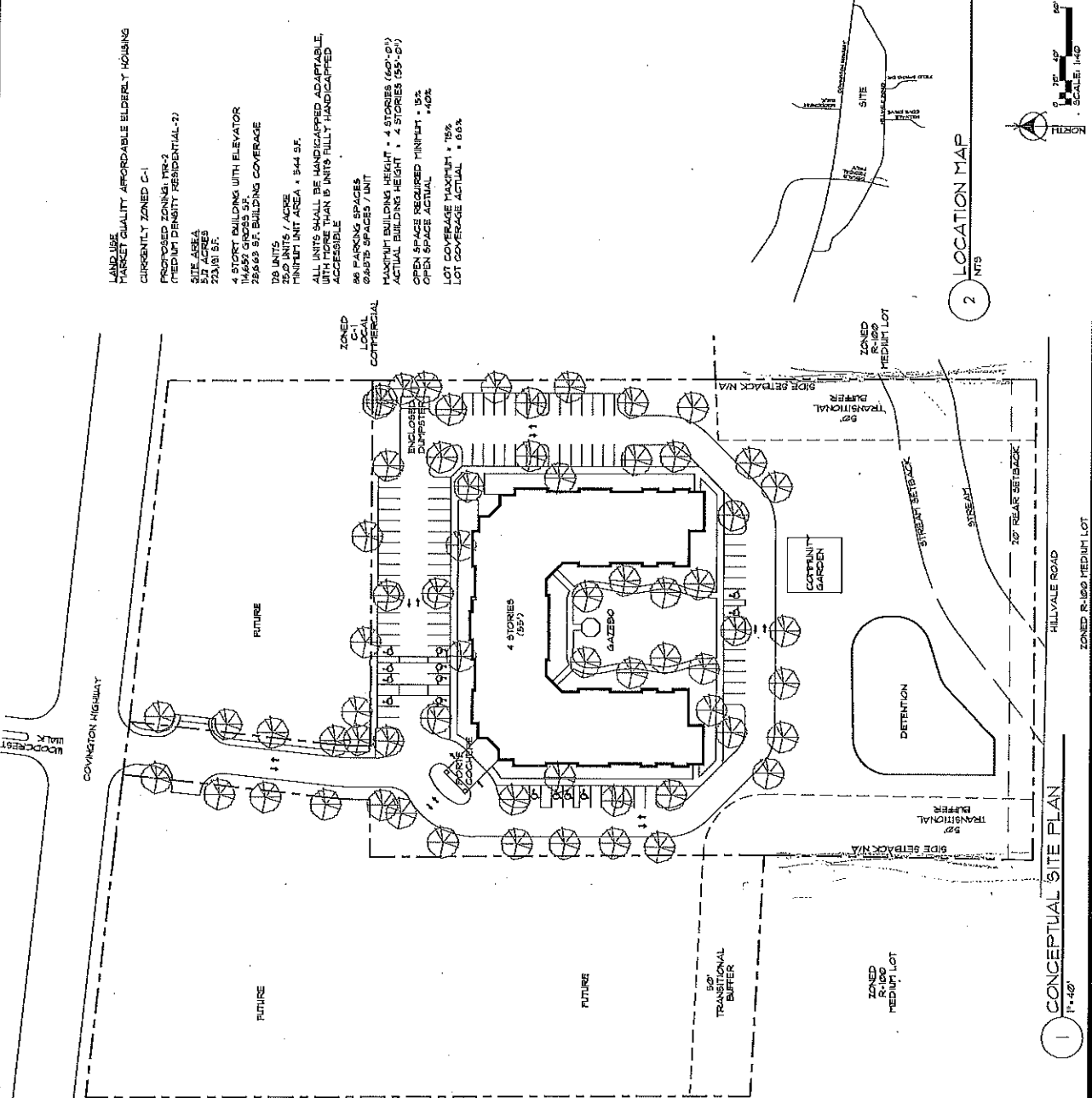
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3/6/18
P/Z Dep

DATE	2016-07-07	REVISION	
BY	11/15/16		
DATE REVIS (CHECKED BY)			
DET			

MARTIN RILEY ASSOCIATES - ARCHITECTS, P.C.
405 CHURCH STREET, SUITE 200 DECATUR, GEORGIA 30030-1329 404-373-2800



CSP1

[illegible]

ZONED
 OF
 OFFICE
 INTERNATIONAL

RECEIVED

2918

223

STONECREST, CITY OF
3120 STONECREST BLVD.
STONECREST, GA 30038-441

Page 1 of 1

Date: 05/11/2018

Receipt #: 001931

Received: BEVERLY J SEARLES FOUNDATION

Description: SPECIAL LAND USE PERMIT/ZONING

Received By: TTD

100-032-03220-32205

350.00 CR

100-110-11110-11110

350.00 DB

TOTAL RECEIPT AMOUNT: 350.00

Payment Method: CHECK

Check #: 4043

Drawer:

Batch: 04

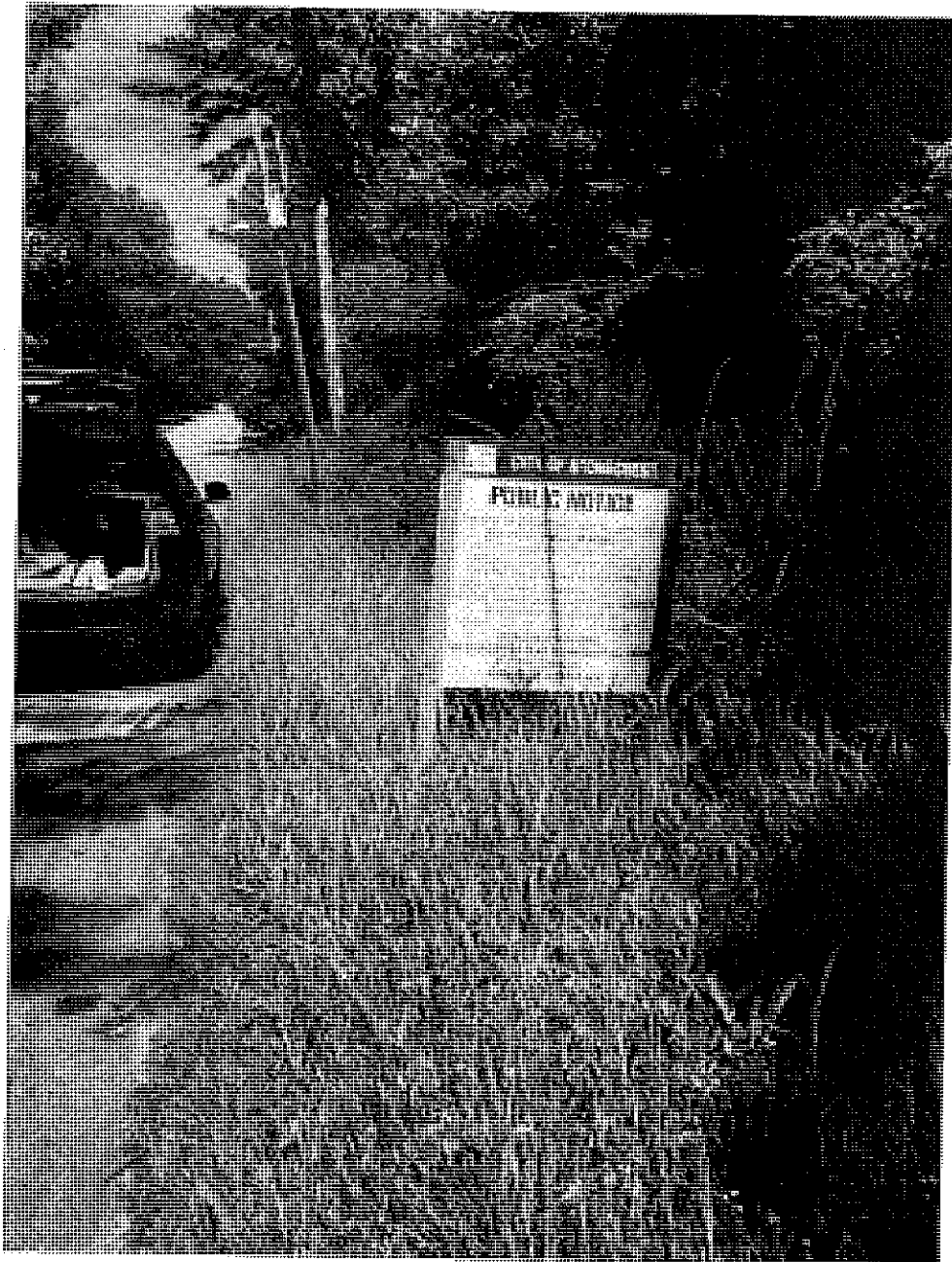
Sequence: 0000

Photos of Public Notices

Cassius <ccoleman@accountantsandcpasllc.com>

Mon 5/21/2018 6:48 PM

To: Chris Wheeler <cwheeler@stonecrestga.gov>;



**DeKalb County School District
Development Review Comments**

Analysis Date: 5/23/2018

Submitted to: City of Stonecrest

Case #:

Name of Development: 6757 Covington Hwy

Parcel #: 16 029 02 005

Location: Near Covington Hwy and DeKalb Medical

Description: Affordable, Age-Restricted Senior Housing with 220 units

Impact of Development: Because the housing would be age restricted, no impact on school capacity is expected.

	Panola Way	Miller Grove	Miller Grove	Other DCSD Schools	Private Schools	Total
Current Condition of Schools	ES	MS	HS			
Capacity	955	1,127	1,388			
Portables	0	0	0			
Enrollment (Fcst. Oct. 2018)	894	898	1,354			
Seats Available	61	229	34			
Utilization (%)	93.6%	79.7%	97.6%			
New students from development	0	0	0	0	0	0

New Enrollment	894	898	1,354
New Seats Available	61	229	34
New Utilization	93.6%	79.7%	97.6%

Yield Rates	Attend Home School	Attend other DCSD School	Private School	Total
Elementary	0.000000	0.000000	0.000000	0.000000
Middle	0.000000	0.000000	0.000000	0.000000
High	0.000000	0.000000	0.000000	0.000000
Total	0.0000	0.0000	0.0000	0.0000

Student Calculations				
Proposed Units	220			
Unit Type	MF			
Cluster	Miller Grove			

Units x Yield	Attend Home School	Attend other DCSD School	Private School	Total
Elementary	0.00	0.00	0.00	0.00
Middle	0.00	0.00	0.00	0.00
High	0.00	0.00	0.00	0.00
Total	0.00	0.00	0.00	0.00

Anticipated Students	Attend Home School	Attend other DCSD School	Private School	Total
Panola Way ES	0	0	0	0
Miller Grove MS	0	0	0	0
Miller Grove HS	0	0	0	0
Total	0	0	0	0

CITY OF STONECREST, GEORGIA

Honorable Mayor Jason Lary, Sr.

Council Member Jimmy Clanton, Jr. – District 1

Council Member Rob Turner- District 2

Council Member Jazzmin Cobble – District 3

Council Member George Turner- District 4

Council Member Diane Adoma – District 5

SPECIAL CALLED MINUTES

May 3, 2018

10:00 a.m.

Stonecrest City Hall

3120 Stonecrest Blvd.

Stonecrest, Georgia

I. CALL TO ORDER: Mayor Lary called the meeting to order.

Council Member Adoma asked if proper notice was given to the public for the meeting, the 24-hour notice and if so do we have proof.

The City Attorney, Selena Nowell said she was not aware if weather the notice was posted but she does know that notice of the Special Called Meeting was given yesterday at the meeting, but she would pull up the Sunshine Law regarding the verbal notice.

Council Member Adoma said let me save you some time. Under the Sunshine Law the notice has to be posted at least 24 hours in advance so that the public has the opportunity to attend the meeting. She said there is no documentation, no signed affidavit, no proof that the meeting notice was posted by 10:00am. She further said it does not matter who called the meeting, we must follow the law.

City Manager Michael Harris said he spoke with the City Clerk, Mrs. James on yesterday and she said the notice was posted prior to 10:00am Work Session on yesterday. Council Member Adoma asked if there was any proof of that. City Manager said he does not have a picture or anything and the Clerk did say she emailed it out around 9:35 to all including newspapers. He further read "for any meetings other than a regularly scheduled meeting of the agency for which notice has already been provided pursuant to this chapter, written or oral notice shall be given at least 24 hours in advance of the meeting to the legal organ in which notices of sheriff's sales are published in the county where regular meetings are held or at the option of the agency to a newspaper having a general circulation in such county at least equal to that of the legal organ; provided, however, that in counties where the legal organ is published less often than four times weekly sufficient notice shall be the posting of a written notice for at least

24 hours at the place of regular meetings and, upon written request from local broadcast or print media outlet whose place of business and physical facilities are located in the county, notice by telephone, facsimile, or email to that requesting media outlet at least 24 hours in advance of the called meeting.” He said his understanding is that all the provisions were met, but he will refer to legal.

The City Attorney said to Council Member Adoma that she does not know factually what happen in terms of the giving of notice. But there is also a provision following what the City Manager just read that allows for holding a meeting under special circumstances and to the extent that there is no case law that deals with weather failure to have a quorum at the previous meeting, constitutes those special circumstances, she said she feels she could make a straight faced argument that would be considered a special circumstance such that announcement in the meeting yesterday gives sufficient notice and also the provision regarding special circumstances does not require 24 hour notice, it says you can give notice less than 24 hours. Council Member Adoma asked what section says less than 24 hours. City Attorney Nowell said it is section 50-14-1 D-3 which reads “When special circumstances occur and are so declared by an agency that agency may hold a meeting with less than 24 hours’ notice upon giving such notice of the meeting and subjects expected to be considered at the meeting as is reasonable under the circumstances.”. She said again because there was a lack of a quorum, the giving of the notice at the meeting on yesterday that there will be a special meeting will be held today could be considered reasonable notice under circumstances. She further said she is not aware of any case law that states anything to the contrary. Council Member Adoma said she certainly is not a lawyer but she do understand the Sunshine Laws and everything she has read says 24 hours even under special circumstances. Council Member Adoma said she is not the lawyer and the lawyer can make the legal ruling, and we can move on, but she is of the opinion that the proper notice was not given to the public. She further said she knows for a fact that when it went to the legal organ the Clerk sent it at 1:52pm yesterday and that is printed in the newspaper. Council Member Cobble said the backup paperwork went at 1 something yesterday afternoon and the notice with the agenda was sent at 9:32am which is what the City Manager has said. She further said for point purposes we have never required the clerk to have someone take a photo of her posting the notice, so the proof you are asking for that she walked up to the notification case and posted the paper there has never been required for any other Called Meeting we have hosted. She said so she is a little confused why that kind of proof is being sought today when her posting has always been sufficient. Council Member Adoma said we can move on with the meeting, she is of the opinion even in those types of situations based on the Sunshine Law that the 24 hours apply, and the burden of proof is not on the public it is on us to prove that we posted it. She said for the record she is not quite sure this is a legal meeting and the Attorney can make the final call and we can move on. Council Member George Turner said let him go on record and say after the 9:00 meeting we did ask the clerk to post such notice of the meeting and she was back into the meeting by the next meeting after

the time it was supposed to be posted. He said did he witness the Clerk posting it no, but he would like to ask the Acting City Clerk if she witness it since she sits in the front. Ms. Rodriguez said yes, she did and the City Clerk during the time stated came to her desk, since the key is located at her desk got the key, posted the notice and returned the key to her.

City Attorney Serena Nowell said based on the circumstances stated by the Assistant Clerk and Council Woman Cobble she believes that sufficient notice was given, and, in any event, she still believes section 50-14-1-D3 would apply if sufficient notice was not given due to special circumstance.

II. ROLL CALL: Present was Mayor Lary and Council Members George Turner, Rob Turner, Cobble, Adoma and Clanton.

III. AGENDA ITEMS:

1. SPLOST Management

Council Member Adoma made a motion to move the SPLOST Management item to the Special Called Meeting on Monday, May 7, 2018 because she is waiting for some answers regarding this matter from the City Attorney. Council Member Clanton provided the second. Council Member Cobble questioned the motion.

Council Member Adoma amended her motion to defer the SPLOST Management item to the Special Called Meeting on Monday, May 7, 2018 until the City Attorney is present with Council Member Clanton provided the second.

Council Member Rob Turner asked Attorney Nowell if she felt qualified to answer the SPLOST questions and she said no.

A vote was taken on the motion and Council Member George Turner, Rob Turner and Cobble voted no. Council Member Adoma, Clanton and Mayor Lary voted yes. **The motion failed.**

Council Member Cobble made a motion to move forward with the execution of the SPLOST Management Contract as voted unanimously by the council on August 21, 2017 to work in good faith with Grice Consulting Group, LLC to complete contract negotiations for professional services for the Comprehensive Transportation Plan, Detailed Project List and Program Management to exclude Parks and Recreation and Capital Improvements. Further the City Manager and Mayor work to identify a plan to move forward with the Parks and Recreation as well as Capital Improvement portions of the SPLOST Program. A team made up of the Assistant City Manager, Planning and Development Manager, a licensed

professional engineer, future Parks and Recreation Director and future Police Chief/Public Safety Director shall represent the city during the SPLOST program.

Mayor Lary stated that the motion should be to reconsider what was voted on at the last meeting. There was discussion that these were two different motions. After much discussion Attorney Nowell said they were in fact two different motion because the substance was difference. So, Council Member Rob Turner seconded the motion made by Council Member Cobble.

Council Member Clanton said the Attorney has just said she did not feel qualified to answer all the questions here today and it would be unfair to the citizens of Stonecrest to vote on this motion. The City Attorney said she can give advice on the procedures, but not on the substance of the contract.

George Turner says he welcomes a fresh approach and any questions to be asked have already been covered because this item has been discussed many times and he is ready to proceed.

Mayor Lary said if you cannot paint the back porch don't expect to paint the house. We have had an opportunity to work with this vendor in Pre SPLOST and they have shown him everything he needs to know.

A vote was taken on the motion with Council Members Cobble, Rob Turner and Adoma voting Yes and Council Members Clanton, George Turner and Mayor Lary voting no. **The motion failed.**

2. Leverage of Bonds

Council Member Cobble said it is not clear about the leverage of bonds. She said she wanted to get some explanation.

Attorney Nowell said the first step is for referendum, then you proceed to validation of the bonds and we are in that process now. A petition has been filed with the courts to confirm and validate the bonds and then there is a Debt Service Plan. The only thing we have now is a not to exceed amount for the bonds.

Council Member Adoma stated for wanted the following questions and statements entered into the record. "The only reason you issue bonds is that you spend the money faster than it comes in. She further said we are due to collect \$47 million over 6 years, every year has 12 months, so that is 72 months and \$47 million divided by 72 equals \$650,000 per month. She said we aren't sure what all we are going to spend it on yet so what are we spending it on? How do I get a spreadsheet with the \$650K per month revenue projected with plotted expenses on projects in the categories? How do we know if we are running a cash deficit? What is the interest

rate and how much of the SPLOST is going to pay interest over 6 years? What are the total projected fees for Butler Snow? 10K vs 100K- why didn't we vet other lawyers such as Greg Worthy who I believe may live in the city"

Mayor Lary said he will take the responsibility and they need to move forward.

3. Dekalb County 2017 Road Rating Analysis Presentation

Council Members Cobble and Rob Turner inquired as to when or if the County will make a presentation on their road analysis. There was must discussion, but no decision made.

4. Second Monthly City Council Meeting

There was discussion, but no decision make.

Council Member Cobble made a motion to adjourn the meeting with Council Member Clanton providing the second. **The motion carried unanimously at 11:07a.m.**

CITY OF STONECREST, GEORGIA

Honorable Mayor Jason Lary, Sr.

Council Member Jimmy Clanton, Jr. – District 1

Council Member Rob Turner- District 2

Council Member Jazzmin Cobble – District 3

Council Member George Turner- District 4

Council Member Diane Adoma – District 5

CITY COUNCIL MEETING AGENDA

June 6, 2018

9:00 a.m.

3120 Stonecrest Blvd. Suite 190

Stonecrest, Georgia

- I. **CALL TO ORDER:** Mayor Lary, Council Members Clanton, Rob Turner and George Turner were present at roll call. Council Member Adoma arrived at 9:30am and Council Member Cobble was absent.
- II. **ROLL CALL:** Brenda James, Interim City Clerk
- III. **INVOCATION:** Council Member Rob Turner
- IV. **PLEDGE OF ALLEGIANCE:**
- V. **ADOPTION OF THE CITY COUNCIL AGENDA:**
- VI. **PRESENTATIONS:** Mayor Lary read the following Proclamation into the record.

Proclamation

Whereas, Helping Oppressed Mothers Endure Inc. (H.O.M.E.) was organized in 2015 as a 501(c)3 nonprofit organization established to help single mothers thrive while working and/or going to school and

Whereas Carolyn Watson established this H.O.M.E. to aid single mothers in rebuilding their lives after divorce, domestic violence, abuse, incarceration, and various forms of hardship—providing new and gently used furniture as means of starting over and

Whereas in 2016, H.O.M.E. was named 'Outstanding Charity' by the Trinity Awards and

Special

Whereas in 2017, H.O.M.E. received worldwide recognition by the Colin Kaepernick Foundation for its mission of fighting oppression and making a difference in the community and

Whereas H.O.M.E. Inc. will host its 4th Annual Run/Walk-a-Thon in Stonecrest at Arabia Mountain Park on Saturday, June 9th and

Therefore, be it proclaimed that the Mayor and City Council congratulate and support Carolyn Watson and the staff of H.O.M.E. Inc., and I hereby recognize Saturday, June 9, 2018, as

Helping Oppressed Mothers Endure Day in Stonecrest

In Witness Whereof, I have hereunto set my hand and caused the Seal of the City of Stonecrest, Georgia to be affixed this 5th day of June 2018

Jason Lary, Mayor

Dr. Barbara Lee introduced Ms. Harris and announced she is the Volunteer of the Year at Salem Middle School. Ms. Harris presented an award to Council Member George Turner for their appreciation and his commitment to Salem Middle School Band who performed at Carnegie Hall. Council Member George Turner said this is not about him it is about the children.

VII. PUBLIC COMMENTS:

Faye Coffield spoke on the noise on Chaparral Way, Rockdale's multi-use facility and the Sports Complex.

Brenda Ausberry spoke against the Short-Term Vacation Rentals item.

Brenda Herman, spoke against the Short-Term Vacation Rental item.

Ruth Floyd spoke and presented a petition against Short-Term Vacation Rentals and Bed and Breakfast.

VIII. MINUTES: Approval of Minutes of the Special Called Meeting of May 3, 2018 and City Council Meeting of May 21, 2018

Special Called Minutes of May 3, 2018

Council Member Adoma said under the City Attorney comments where she states the provisions she mentioned special circumstance because of the lack of a quorum and it is not in the minutes and she also stated the legal organ said she got the notice posted at 1:52pm. The City Clerk stated the special circumstances were in the minutes and the Attorney did not say anything about 1:52p.m. Council Member George Turner made a motion to defer the Special Called Minutes until the next meeting with Council Member Adoma providing the second. **The motion carried unanimously.**

City Council Minutes of May 21, 2018

Council Member Adoma made a motion to approve the minutes with Council Member Turner providing the second. **The motion carried unanimously.**

IX. AGENDA ITEMS:

1. An Ordinance Amending Chapter 27 Article IX Definitions to Define Short Term Vacation Rentals

City Attorney Emily M. Preston gave an overview.

Mayor Lary made a motion to defer the Ordinance amending Chapter 27 Article IX back to the Planning Commission with Council Member Adoma providing the second. **The motion carried unanimously.**

2. An Ordinance Amending Chapter 27, Article V Adding Supplemental Use Regulations for Short Term Vacation Rentals

City Attorney Emily M. Preston gave an overview.

Council Member Clanton made a motion to defer the Ordinance amending Chapter 27 Article V back to the Planning Commission with Council Member Rob Turner providing the second. **The motion carried unanimously.**

3. An Ordinance to Amend Chapter 27, Article IV Use Table to Add Provisions for Short Term Vacation Rentals

City Attorney Emily M. Preston gave an overview.

Council Member Clanton made a motion to defer the Ordinance amending Chapter 27 Article IV back to the Planning Commission with Council Member Rob Turner providing the second. **The motion carried unanimously.**

4. An Ordinance Adopting Chapter 18 Nuisances

City Attorney Emily M. Preston gave an overview.

Council Member Clanton made a motion to approve the Ordinance Adopting Chapter 18 – Nuisances with Council Member George Turner providing the second. **The motion carried unanimously.**

5. An Ordinance Amending Chapter 15 Business Licenses to add Articles VII, XI, XIII and XVII

City Attorney Emily M. Preston gave an overview and corrected the number of XVII to XVII.

Council Member Adoma made a motion to approve the Ordinance Amending Chapter 15 Business Licenses to add Articles VII, XI, XIII, and XVII with Council Member Georgia Turner providing the second. **The motion carried unanimously.**

6. Ordinance to Amend Section 2.15(a) of Article II of the City Charter

City Attorney Emily Preston explained this item was advertised for adoption at the June 18, 2018 meeting.

Council Member George Turner made a motion to defer this item until the next Council Meeting with Council Member Adoma providing the second. **The motion carried unanimously.**

7. Amendment to the Intergovernmental Agreement for the HOST /EHOST

Attorney To, Kurrie explained that when the original agreement was adopted it included the City of Dunwoody who has since decided not to participate.

Council Member George Turner made a motion to approve the amendment to the Intergovernmental Agreement for the HOST/EHOST with Council Member Clanton providing the second. **The motion carried unanimously.**

X. CITY MANAGER COMMENTS: None Comments

XI. CITY ATTORNEY COMMENTS:

City Attorney Tom Kurrie said regarding the negotiation with Grice Consulting he has reached out to the Attorney Bruce Brown but he has not received anything from him.

He also sent him a copy of the agreement for professional services. He said there will be a meeting on tomorrow at 2:00pm in City Hall and he has requested, and the Mayor has concurred that the City Manager, Assistant City Manager and Council Member George Turner participate as the group that will negotiate the contract to bring back to Council.

XII. MAYOR AND COUNCIL COMMENTS:

Council Member Adoma announced on June 16th there will be Coffee and Conversation at 9:00am at the Hilton Hotel and on June 28th at 6:00p.m. there will be a Comprehensive Planning Meeting at New Birth Missionary Baptist Church.

Council Member George Turner announced on June 9th he will be attending the Winchester Community Unity Event and on June 16th there will be a Comprehensive Planning Meeting at 10:00am at Big Miller Grove, 3800 Miles E. Fowler Way.

Council Member Clanton announced on June 9th District 1 will have their monthly Community Leadership meeting at 10:00 at Fair hill Baptist Church at Redan Road June 16th from 10:00 -12:00 at the Library there will be a discussion on the Airbnb's. and finally, on June 16th the NAACP will have their Juneteenth function at Porter Sanford.

Council Member Rob Turner announced on June 7th at the Lou Walker Senior Center on Panola Road there will be a Comprehensive Planning Meeting from 5:30 to 7:30p.m. and on June 9th annual Dekalb County Community Breakfast and the Greater Travelers Rest Baptist Church House of Hope.

City Manager, Michael Harris announced on June 16th there will be Recycling Cart Event at City Hall from 9:00am to 12:00p.m. Small carts are free and large ones are \$15.00. Also, June 16th will be Council Member Clanton's birthday.

Mayor Lary introduced the new employees Elliott Maddox, Communications Coordinator and Al Franklin. Community Affairs Manager and the City Attorney Interns. He spoke on the Sports Complex and said it is an independent opportunity where people are spending their own money and are not breaking the law, so they can work at their pace and we cannot demand anything from them. He further said we had a great State of the City and it will be on the website hopefully by tomorrow.

XIII. ADJOURNMENT:

Council Member Rob Turner made a motion to adjourn the City Council Meeting with Council Member George Turner providing the second. The motion carried unanimously.

XIV. EXECUTIVE SESSION:

WHEN AN EXECUTIVE SESSION IS REQUIRED, ONE WILL BE CALLED FOR THE FOLLOWING ISSUES: 1) PERSONNEL, 2) LITIGATION, 3) REAL ESTATE



CITY COUNCIL AGENDA ITEM

SUBJECT: Resolution Amending the 2018 Planning and Zoning Calendar

☐ ORDINANCE ☐ POLICY ☐ STATUS REPORT
☐ DISCUSSION ONLY ☒ RESOLUTION ☐ OTHER

Date Submitted: 06/13//2018

Council Meeting: 06/18/2018

SUBMITTED BY: City Attorney/ Planning & Zoning Director

PURPOSE: Due to the change in the Council Meeting dates the Planning and Zoning Meeting had to be changed. This resolution is to changes the calendar for the rest of 2018.

HISTORY:

FACTS AND ISSUES:

OPTIONS:

RECOMMENDED ACTION: Approve the Resolution

A RESOLUTION OF THE CITY OF STONECREST, GEORGIA,
AMENDING THE 2018 PLANNING AND ZONING CALENDAR

WHEREAS, the City of Stonecrest, Georgia Mayor and City Council are authorized by the City Charter to provide comprehensive city planning to ensure a safe, healthy and aesthetically pleasing community; and

WHEREAS, O.C.G.A. § 36-66-1 et seq. provides minimum procedures governing the exercise of a municipality's zoning powers and allows a municipality to enact additional procedures; and

WHEREAS, The City of Stonecrest has enacted Chapter 27 of the City of Stonecrest Code of Ordinances, which provides for the creation of the Zoning Board of Appeals and Planning Commission to assist in the processing of various applications for planning and zoning.

WHEREAS, Chapter 27 of the City of Stonecrest Code of Ordinances provides the Zoning Board of Appeals, Planning Commission, and City Council shall conduct regular meetings to evaluate certain zoning applications; and

WHEREAS, public participation and access to the governmental decision-making process is a key element of an open and transparent organization;

WHEREAS, the City Council and the Planning Commission recently amended their meeting schedule for the calendar year of 2018, resulting in a need to amend the zoning calendar; and

WHEREAS, publishing a meeting schedule, along with applicable deadlines for certain applications, provides the citizens of Stonecrest and other interested parties with important dates and keeps the City efficient in its application processing; and

WHEREAS, this Resolution seeks to amend for the 2018 calendar year by amending the calendar dates for the Planning Commission.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the City of Stonecrest, Georgia, that the zoning calendar is hereby amended by amending the dates for the public hearings in front of the Planning Commission, as attached to this Resolution.

This Resolution shall be effective immediately upon its adoption.

SO RESOLVED this the _____ day of _____, 2018.

Approved:

Jason Lary, Sr., Mayor

STATE OF GEORGIA
COUNTY OF DEKALB
CITY OF STONECREST

RESOLUTION 2018-_____

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Attest:

City Clerk



Planning Commission Meetings

Note: Meets the 1st Tuesday of each month unless otherwise stated.

Where: Stonecrest City Hall, 3120 Stonecrest Blvd., Suite 155, Stonecrest, GA 30038

Time: 6:00 P.M.

2018

Monday, July 10, 2018

Tuesday, August 7, 2018

Wednesday, September 11, 2018

Tuesday, October 9, 2018

Tuesday, November 6, 2018

Tuesday, December 11, 2018

*Holiday week



CITY COUNCIL AGENDA ITEM

**SUBJECT: ORDINANCE TO AMEND SECTION 2.15 (A) OF ARTICLE II TO
ALLOW THE PASSAGE OF AN ORDINANCE RELATED TO ZONING
AND LAND USE ON ITS FIRST READ**

☒ **ORDINANCE** ☐ **POLICY** ☐ **STATUS REPORT**
☐ **DISCUSSION ONLY** ☐ **RESOLUTION** ☐ **OTHER**

Date Submitted: 05/15/2018 First Read 05/21/2018 Council Meeting: 06/18/2018

SUBMITTED BY: City Attorney Emily M. Preston

PURPOSE: This ordinance is to establish by Home Rule the right to adopt a zoning and land use ordinance with one read. Currently the charter requires two readings. This item was advertised in the legal organ of the county, the Champion Newspaper on April 19th, April 26th and May 3rd. The first read was on May 21, 2018.

HISTORY:

FACTS AND ISSUES:

OPTIONS:

RECOMMENDED ACTION: Second Read and Adoption of Ordinance

**AN ORDINANCE OF THE CITY OF STONECREST, GEORGIA, TO AMEND
SECTION 2.15(a) OF ARTICLE II OF THE CITY CHARTER TO ALLOW THE
PASSAGE OF AN ORDINANCE RELATED TO ZONING AND LAND USE ON ITS
FIRST READ**

WHEREAS, the City of Stonecrest, Georgia Mayor and City Council are authorized by the City Charter to provide comprehensive planning and zoning for land usage inside the city boundaries; and

WHEREAS, pursuant to O.C.G.A. § 36-66-2, a local government may provide, by ordinance, procedures to supplement the requirements for zoning procedures, which are outlined in O.C.G.A. § 36-66-1 et seq.; and

WHEREAS, in facilitation of the process of zoning, the Mayor and City Council of the City of the City of Stonecrest wish to require a one-read policy for the passing of a zoning ordinance.

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 allows municipal charters to be amended by ordinances duly adopted at two regular consecutive meetings of the municipal governing authority, not less than seven nor more than 60 days apart; and

WHEREAS, pursuant to O.C.G.A. §36-35-3, the required notice has been published in The Champion, the legal organ of DeKalb County, once a week for three weeks prior to its final adoption, and a copy of the proposed amendment has been on file in the Office of the Clerk of Stonecrest and in the Office of the Clerk of the Superior Court of DeKalb County, Georgia, as required by law; and

WHEREAS, the required notice will have been published within the statutory period of 60 days immediately preceding the final adoption of this Ordinance amending the Charter; and

WHEREAS, the title of this Ordinance shall have been read and the Ordinance duly adopted at two consecutive City Council meetings not less than 7 nor more than 60 days apart as required by Georgia law; Stonecrest, Georgia, hereby ordain as follows.

THEREFORE, the Mayor and City Council of the City of Stonecrest, pursuant to their authority granted in O.C.G.A. 36-35-3, do hereby adopt this Ordinance so that the Charter of the City of Stonecrest is amended to allow passage of a zoning ordinance after one read.

Section 1: The Charter of the City of Stonecrest, Georgia, is hereby amended, in accordance with O.C.G.A. § 36-35-3, so that upon proper passage, Section 2.15(a) shall read as follows:

SECTION 2.15.

Ordinance form; procedures.

(a) Every proposed ordinance and resolution shall be introduced in writing and the city council shall have the authority to approve, disapprove, or amend the same. A resolution may be passed at the time it is offered, but an ordinance shall not be adopted until the title of such ordinance shall have been read at two city council meetings, provided that the beginning of such meetings shall be neither less than 24 hours nor more than 60 days apart. This requirement of two readings shall not apply to emergency ordinances, zoning decisions regulating land use and development, to ordinances passed during the first 90 days from the date on which the city begins operation, to ordinances adopted at the first business meeting of the city council in a calendar year, or to ordinances adopted at the first meeting of the initial city council as elected under subsection (b) of Section 2.02 of this charter.

Section 2:

1. It is hereby declared to be the intention of the Mayor and City Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are and were, upon their enactment, believed by the Mayor and City Council to be fully valid, enforceable and constitutional.
2. It is hereby declared to be the intention of the Mayor and City Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and City Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.
3. In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and City Council that such invalidity, unconstitutionality, or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

STATE OF GEORGIA
COUNTY OF DEKALB
CITY OF STONECREST

ORDINANCE 2018-_____

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

5. The within ordinance shall become effective upon its adoption.

SO ORDAINED AND EFFECTIVE this the ____ day of _____, 2018.

Approved:

Jason Lary, Sr., Mayor

As to form:

City Attorney

Attest:

Brenda James, City Clerk



CITY COUNCIL AGENDA ITEM

SUBJECT: Internal Auditor

☐ **ORDINANCE** ☐ **POLICY** ☐ **STATUS REPORT**
☐ **DISCUSSION ONLY** ☐ **RESOLUTION** ☒ **OTHER**

Date Submitted: 06/13/2018

Council Meeting: 06/18/2018

SUBMITTED BY: Mayor

PURPOSE:

HISTORY:

FACTS AND ISSUES:

OPTIONS:

RECOMMENDED ACTION: Recommendation of Mayor and Council



CITY COUNCIL AGENDA ITEM

SUBJECT: Ordinance to enter into a Financial Agreement with IBERIABANK for Letter of Credit Agreement for Stonecrest Center, LLC Ashley Capital

☐ ORDINANCE	☐ POLICY	☐ STATUS REPORT
☐ DISCUSSION ONLY	☐ RESOLUTION	☒ OTHER

Date Submitted: 06/13//2018

Council Meeting: 06/18/2018

SUBMITTED BY: City Manager

PURPOSE: This is to establish our Irrevocable Letter of Credit in the amount of \$300,000.00 available at IBERIBANK. The Letter of Credit is for the lease of City Hall at 3120 Stonecrest Blvd. With Ashley Capital.

HISTORY:

FACTS AND ISSUES:

OPTIONS:

RECOMMENDED ACTION: Approval of the Letter of Credit

**AN ORDINANCE OF THE CITY OF STONECREST, GEORGIA, TO AUTHORIZE
THE CITY OF STONECREST TO ENTER INTO A FINANCIAL ACCOMMODATION
AGREEMENT WITH IBERIABANK NOT TO EXCEED \$300,000 FOR THE
DELIVERY OF A LETTER OF CREDIT TO STONECREST CENTER, LLC
PURSUANT TO SECTION 3.C. OF THAT OFFICE LEASE DATED JULY 3, 2017 BY
AND BETWEEN STONECREST CENTER, LLC, AS LANDLORD AND THE CITY OF
STONECREST, AS TENANT; TO AUTHORIZE THE MAYOR TO EXECUTE AND
DELIVER THE DOCUMENTS ON BEHALF OF THE CITY OF STONECREST
EVIDENCING THE IBERIABANK FINANCIAL ACCOMMODATION IN SUCH
FORM APPROVED BY THE MAYOR AND CITY ATTORNEY**

WHEREAS, the City of Stonecrest, Georgia Mayor and City Council are authorized by the City Charter to appropriate and borrow money for the payment of debts of the City; and

WHEREAS, pursuant to Section 2.10(b)(6) of the City Charter, this action of authorizing the borrowing of money requires this Ordinance to have the force of law.

THEREFORE, the Mayor and City Council of the City of Stonecrest, Georgia, hereby ordain as follows:

Section 1: The Mayor and City Council of the City of Stonecrest, Georgia, hereby adopt an ordinance authorizing the City to enter into an agreement for a financial accommodation not to exceed \$300,000 with IberiaBank for the delivery of a Letter of Credit to Stonecrest Center, LLC pursuant to Section 3.C. of that Office Lease dated July 3, 2017 by and between Stonecrest Center, LLC, as landlord, and the City of Stonecrest, as tenant, substantially in the form attached to this Ordinance; and to further authorize the Mayor to execute and deliver on behalf of the City such documents evidencing the IberiaBank financial accommodation with such revisions approved by the Mayor and City Attorney, subject to the limitation on the amount of authorized indebtedness. The indebtedness of the City to Iberia Bank for issuing said Letter of Credit shall be subject to the full, faith and credit of the City only.

Section 2:

1. It is hereby declared to be the intention of the Mayor and City Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are and were, upon their enactment, believed by the Mayor and City Council to be fully valid, enforceable and constitutional.
2. It is hereby declared to be the intention of the Mayor and City Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and City Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

STATE OF GEORGIA
COUNTY OF DEKALB
CITY OF STONECREST

ORDINANCE 2018-_____

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

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

5. The within ordinance shall become effective upon its adoption.

SO ORDAINED AND EFFECTIVE this the ____ day of _____, 2018.

Approved:

Jason Lary, Sr., Mayor

As to form:

City Attorney

Attest:

Brenda James, City Clerk

IRREVOCABLE LETTER OF CREDIT NO. 6251

June 13, 2018

BENEFICIARY: Stonecrest Center, LLC/Ashley Capital
Attention: Sarah K Newman
9810 S Dorchester Avenue
Chicago, Illinois 60628
770.761.5852

APPLICANT: The City of Stonecrest, Georgia
3120 Stonecrest Boulevard
Lithonia, Georgia 30038

AMOUNT: \$300,000.00 USD **EXPIRATION DATE:** June 13, 2019

Ladies and Gentlemen:

We hereby establish our Irrevocable Letter of Credit No. 6251 in your favor for the account of The City of Stonecrest, Georgia in an amount of \$300,000.00, Three Hundred Thousand and 00/100 U.S. dollars available at IBERIABANK.

Your drafts will be accepted upon compliance of the following terms:

- (a) Each draft must bear on its face the clause "Drawn Under Letter of Credit No. 6251 dated June 13, 2018 of IBERIABANK.
- (b) The original of this Irrevocable Letter of Credit must accompany any draft.
- (c) Dated statement purportedly signed by an authorized representative of the Beneficiary, certifying that invoice(s) issued to Applicant is/are unpaid.
- (d) Dated copy(ies) of unpaid invoices.

This Letter of Credit shall be valid until June 13, 2019. It is automatically extended thereafter, without notification, for successive one year periods on the anniversary date of its expiration unless we notify you in writing by certified mail at least 60 days prior to any such expiration date that we elect not to extend it. If this occurs, you may draw hereunder within the validity of the credit solely by presentation of: 1) your draft at sight representing the amount due you is not exceeding the amount of the credit; and 2) your officially signed statement that you are in receipt of non-extension notice and that the amount drawn represents funds that are due to you.

We hereby agree with the Beneficiary, drawers, endorsers and bonafide holders of all drafts under and in accordance with the terms of this Irrevocable Letter of Credit that they shall be honored on presentation in accordance with the terms of this Irrevocable Letter of Credit. Requests for payments must be directed to IBERIABANK, 1120 Jefferson Terrace Boulevard, Attn: Loan Operations Manager, New Iberia, LA 70560 between the hours of 9:00 a.m. and 4:00 p.m. Central Standard Time on or before June 13, 2019. This Irrevocable Letter of Credit is not assignable or transferable.

This Letter of Credit sets forth in full the terms of our undertaking, and such undertaking shall not in any way be modified or amended by reference to any other document whatsoever.

Partial drawings are allowed hereunder.

Except so far as otherwise expressly stated, this credit is subject to the International Standby Practices, 1998, International Chamber of Commerce Publication No. 590.

Sincerely,

RM Name title.

DRAFT

APPLICATION FOR IRREVOCABLE LETTER OF CREDIT

#6251

June 13, 2018

**TO: IBERIABANK
1120 Jefferson Terrace Boulevard
New Iberia, Louisiana 70560**

The undersigned Applicant hereby requests you (as its Agent) to establish an Irrevocable Letter of Credit substantially as set forth below in such language as you may in your discretion deem appropriate, with variations not materially inconsistent with this application, and forward same directly to the Beneficiary.

In Favor of Beneficiary: Stonecrest Center, LLC/Ashley Capital
Attention: Sarah K Newman
9810 S Dorchester Avenue
Chicago, Illinois 60628
770.761.5852

For Account of: The City of Stonecrest, Georgia
3120 Stonecrest Boulevard
Lithonia, Georgia 30038

Up to the Aggregate Amount of: \$300,000.00

Expiring at the Close of Business on: June 13, 2019

Drafts will be accepted upon compliance with the following terms:

- (a) Each draft must bear on its face the clause "Drawn under Letter of Credit No. 6251 dated June 13, 2018 of IBERIABANK."
- (b) The original of this Irrevocable Letter of Credit.
- (c) Dated statement purportedly signed by an authorized representative of Stonecrest Center, LLC/Ashley Capital certifying that invoice(s) issued to The City of Stonecrest, Georgia is/are unpaid.
- (d) Dated copy(ies) of unpaid invoices.

In consideration of the issuance of the above described Letter of Credit, the undersigned Applicant(s), whether one or more, jointly and severally agree(s) to pay IBERIABANK upon demand, each and every amount, together with interest and costs, which IBERIABANK may disburse and/or for which it may become liable under the said Letter of Credit, and will indemnify and hold IBERIABANK harmless from and against any and all loss, costs, damages and expenses which IBERIABANK may incur or sustain by reason of the issuance of said Letter of Credit. The foregoing obligations of Applicant to IBERIABANK shall be secured by Assignment of Deposit Account.

Partial drawings are permitted.

This letter of credit shall be valid until June 13, 2019. It is automatically extended thereafter, **WITHOUT NOTIFICATION**, for successive one year periods on the anniversary date of its expiration unless we notify you in writing by certified mail at least 60 days prior to any such expiration date that we elect not to extend it. If this occurs, you may draw hereunder within the validity of the credit solely by presentation of: 1) your draft at sight representing the amount due you and not exceeding the amount of the credit; and 2) your officially signed statement that you are in receipt of our non-extension notice and that the amount drawn represents funds due to you.

Each undersigned Applicant ("Applicant") acknowledges and agrees that acceptance of this Application by IBERIABANK does not constitute a commitment or agreement by IBERIABANK to issue or open the letter of credit described in this Application and that the opening of the letter of credit is subject to approval by IBERIABANK. The Applicant further acknowledges and agrees that, if this Application is approved by IBERIABANK, the final form of the letter of credit issued hereunder may be subject to such revision and changes as are deemed necessary or appropriate by IBERIABANK, and Applicant consents to such revisions and changes.

By signing below, Applicant agrees that this Application, and if approved by IBERIABANK, the issuance of the letter of credit described in this Application, and Applicant's obligation to reimburse IBERIABANK for each and every amount, together with interest and costs, which IBERIABANK may disburse and/or for which it may become liable under the said letter of credit, will be governed by the terms and conditions set forth in the *Irrevocable Letter of Credit Terms and Conditions* attached hereto (the "Terms and Conditions"), which are incorporated herein in their entirety by this reference and which shall supersede the terms and conditions of this Application to the extent that the Terms and Conditions are inconsistent herewith. This Application, together with the Terms and Conditions, shall constitute the entire agreement between the parties hereto and shall not be subject to change or modification except by written agreement signed by the parties hereto. Execution and delivery of this Application by the Applicant is a condition precedent to any opening of the letter of credit described herein.

The City of Stonecrest, Georgia

By: _____
Jason Lary, Sr. - Mayor

DRAFT

TERMS AND CONDITIONS FOR
IRREVOCABLE LETTER OF CREDIT

By submitting an application for a letter of credit (an "Application"), the Applicant agrees with IBERIABANK ("Issuer") that in consideration of the issuance of each letter of credit at the request of Applicant (each a "Credit"), these Terms and Conditions will govern each such Credit.

1. **Reimbursement(s).** Applicant agrees to reimburse Issuer for any payment of funds Issuer makes (i) against a presentation that appears to comply with the terms and conditions of the Credit, or (ii) with the Applicant's authorization to pay or waiver of noncompliance. Reimbursement is due the banking day before Issuer's payment or honor is due, except that if the Credit provides for sight payment, the due date for reimbursement is the day on which Issuer pays. If a Credit provides for presentation of drafts in a currency other than U.S. dollars, Applicant shall, at the Issuer's sole option, make payments to Issuer with respect to such drafts either (a) in such other currency at such place as Issuer may direct, or (b) in U.S. dollars at the rate of exchange determined by the Issuer to be the rate in effect in Lafayette, Louisiana at the time of payment of the draft or, if the Issuer determines that there is no such rate of exchange, Applicant shall pay Issuer an amount sufficient, in the sole judgment of Issuer, to meet Issuer's obligations hereunder.

2. **Fees and Interest.** Applicant agrees to pay Issuer:

(a) On demand, Issuer's then customary commissions and fees and all costs and expenses, including reasonable attorneys' fees, paid or incurred by Issuer in connection with the administration or enforcement of these Terms and Conditions or any Credit, and any adviser, confirmer or other nominated person's fees and costs that are chargeable to or paid by Issuer;

(b) Interest on all sums advanced by Issuer until reimbursement by Applicant, at the Applicable Interest Rate. Unless otherwise defined in the relevant Application, the "Applicable Interest Rate" shall mean, as of the date of each advance, the lesser of the maximum lawful interest rate permitted by applicable law or a per annum rate of 12 percent (12%) fixed.

(c) In the event any change in any law or regulation, or in any interpretation by court or administrative or governmental authority charged with the administration thereof shall either: (i) impose, modify or make applicable any reserve, special deposit, or similar requirement against letters of credit issued by the Issuer; or (ii) impose on Issuer any other condition regarding these Terms and Conditions or any Credit; and as a result, increase the cost to Issuer of issuing or maintaining a Credit, then upon demand by the Issuer, Applicant shall immediately pay to Issuer, such additional amounts as shall, in the judgment of the Issuer, be sufficient to compensate Issuer for such increased cost, together with interest on each such amount from the date demanded until payment in full at the rate provided in subsection (b) above.

3. **Promise to Pay.** Applicant promises to pay to Issuer or on its order, in accordance with the time frames set forth herein or otherwise on demand, the principal amount of each payment of funds of any kind or character made by Issuer in respect to a Credit (each an "Advance" and collectively, "Advances") together with interest thereon from the date of the Advance until the date such amount is repaid in full, and any applicable fees, in accordance with the following:

(a) Payments due from Applicant hereunder shall be made without withholding, deduction or set-off and shall be made free and clear of any taxes other than taxes directly imposed on Issuer. If the due date is not a day on which Issuer is open for business, Applicant may effect payment on the next succeeding day on which Issuer is open for business with interest for the additional calendar day(s) elapsed.

(b) To effect any payment due hereunder, Applicant expressly and irrevocably authorizes Issuer to debit any account that Applicant may have with Issuer or any affiliate of Issuer. Without limiting the foregoing, Applicant expressly and irrevocably authorizes Issuer to effect any payment due hereunder by: (i) making an advance on Applicant's behalf under any line of credit or other credit facility extended to Applicant by Issuer, and Applicant expressly and irrevocably authorizes Issuer to advance funds under the line of credit or other credit facility without further notice or demand for the purpose of effecting any payment due hereunder; or (ii) by debiting any deposit account maintained by Applicant with Issuer, and Applicant hereby expressly and irrevocably authorizes Issuer to debit any such account without notice to or demand on Applicant for effecting any payment due hereunder. Applicant acknowledges and agrees that Issuer may effect any payment due hereunder according to the authorizations set forth in this subsection (b) without regard to whether effecting such a payment will cause any credit line or other credit facility to exceed any applicable limits or any deposit account to be overdrawn, and Applicant acknowledges and agrees that it is responsible for any fees or costs associated with such occurrence.

(c) Without limitation to subsection (b) hereof, in the event Applicant has executed a promissory note payable to the order of Issuer in connection with a Credit, Applicant expressly and irrevocably authorizes Issuer, at Issuer's discretion, to effect any payment due hereunder by making advances under such promissory note, and notwithstanding any provision of these Terms and Conditions to the contrary, such advances shall be repayable and bear interest in accordance with the terms of such promissory note.

(d) Rescission of any payment made to Issuer shall revive the obligation paid.

(e) Issuer's records as to the dates and amounts of payments due and made are presumed correct and complete.

4. **Conditions Precedent.** Issuer's obligation to issue Credits hereunder is subject to the full satisfaction of each and all of the following conditions:

(a) Applicant shall have submitted to Issuer an original Application containing the general terms and conditions of the requested letter of credit and executed by an authorized officer of Applicant, together with such other documents, instruments and agreements required by Issuer. Applicant acknowledges and agrees that the execution and delivery by

Applicant and the acceptance by Issuer of an Application shall not be construed as a commitment or obligation by Issuer to issue a Credit.

(b) Issuer shall have reviewed and approved the form and content, along with any special requirements by beneficiary, of the Credit, and Issuer, in its sole discretion and in accordance with the internal standards and procedures established by Issuer from time to time, shall have approved such Application.

(c) Applicant shall have paid to Issuer any applicable Letter of Credit fee(s) established by Issuer from time to time. Applicant acknowledges and agrees that any Letter of Credit fees received by Issuer shall be deemed fully earned by Issuer and Applicant shall not be entitled to a refund of all or any portion of such fees should Issuer's obligations under the related Credit terminate for any reason.

(d) All representations and warranties of Applicant shall be true and correct, and no Event of Default (as hereinafter defined) shall have occurred and remain uncured, and no event shall have occurred which with the giving of notice or the passage of time would constitute an Event of Default.

5. Representations and Warranties. In order to induce Issuer to issue each Credit, Applicant represents and warrants to Issuer that:

(a) Each financial statement of Applicant furnished to Issuer was correct and complete and truly presented the financial condition of Applicant as of the date thereof and, since the date of the last such financial statement, there has been no material adverse change in the financial condition of Applicant;

(b) Each statement and fact provided by Applicant in each and every Application is correct and complete;

(c) Applicant has the power and is duly authorized to agree to these Terms and Conditions and is and will be duly authorized to submit each Application for a Credit and each collateral document referred to herein or in any application for a Credit;

(d) These Terms and Conditions, each Application for a Credit and each document creating or granting a security interest in Collateral (as hereinafter defined), when submitted, will constitute the valid and binding obligations of Applicant, enforceable in accordance with their terms, except as limited by bankruptcy, insolvency or similar laws of general application affecting the enforcement of creditors' rights generally;

(e) There is no litigation or administrative proceeding pending or threatened against Applicant which might, if adversely determined, materially affect Applicant's ability to perform its obligations under these Terms and Conditions;

(f) No default exists, nor has any event, act or omission occurred which, with the giving of notice or the passage of time, would constitute a default under any instrument or agreement evidencing or securing any indebtedness or liability of Applicant to any person or entity;

(g) Applicant has good and marketable title to all of the Collateral (as hereinafter defined), subject to no lien, security interest, mortgage, encumbrance or charge of any kind except as provided herein; and

(h) No transactions underlying a Credit and no Credit itself are prohibited under or will violate the Foreign Assets Control Regulations of the United States Treasury Department, the U.S. Bank Secrecy Act as amended by the U.S. PATRIOT Act and its implementing regulations, or other applicable law, rule or regulation.

6. Covenants. Applicant agrees that so long as drawing is available under any Credit, and until Issuer has been reimbursed for all Advances under any Credit and all interest, fees, and other Obligations (as defined hereafter) are completely and fully satisfied, Applicant will:

(a) Timely comply with its duties and responsibilities hereunder and under all security agreements, mortgages or assignments securing the Obligations (as defined hereafter);

(b) Furnish to Issuer such financial information regarding Applicant as Issuer may from time to time reasonably request and shall permit representatives of Issuer to visit and inspect the properties and books and records of Applicant at any reasonable time and as often as may reasonably be desired;

(c) Pay all lawful taxes, assessments and governmental charges upon it or against its properties prior to the date of which penalties attach, unless and to the extent only that the same shall be contested in good faith and by appropriate proceedings;

(d) Not sell, lease, transfer or otherwise dispose of all or a substantial part of its assets (other than sales made in the ordinary course of business);

(e) If Applicant is a corporation or limited liability company, Applicant shall maintain such existence and not merge or consolidate with or into any other entity, unless Applicant is the surviving corporation or limited liability company, as applicable; and

(f) If Applicant is a partnership, Applicant shall not liquidate, terminate or dissolve.

7. Responsibility of Issuer.

(a) Delivery to Issuer or any adviser or confirmer of any documents purporting to comply with the requirements of a Credit shall be sufficient evidence of the validity, genuineness and sufficiency thereof and of the good faith and proper performance of drawers and users of the Credit, their agents and assignees, and Issuer and any adviser or confirmer may

rely thereon without liability or responsibility with respect thereto, even if such documents should in fact prove to be in any or all respects invalid, insufficient, fraudulent or forged.

(b) Issuer is expressly authorized and directed to honor any request for payment made under and in compliance with the terms of a Credit without regard to, and without any duty on the Issuer's part to inquire into, the existence of any disputes or controversies between Applicant, any beneficiary of any Credit or any other person, firm or corporation or the rights, duties or liabilities of any of them.

(c) Issuer is expressly authorized and directed to honor any electronic presentation it receives that conforms to the requirements of the Credit and to treat as valid, genuine and sufficient any properly authenticated electronic record or electronic signature.

(d) Any action taken or omitted by Issuer or any adviser or confirmer in connection with any Credit, any instructions of Applicant or any drafts, documents or merchandise relative thereto shall, if in good faith, be conclusively deemed authorized by Applicant, whether expressly so or not.

(e) If any Credit shall have been requested by Applicant for the accommodation of a third party, any instruction, consent, approval and other action or inaction of such third party with respect to the Credit or transactions thereunder shall be deemed to be the act or omission of Applicant for all purposes hereof, and Issuer shall be entitled to rely thereon.

(f) Issuer and any adviser or confirmer are authorized to accept and receive as documents of insurance under a Credit or instructions of Applicant either insurance policies or certificates of insurance.

8. Limitation of Liability.

(a) Without limitation, Issuer shall not be liable to Applicant or any third party for: (i) the use made of any Credit or for any act or omission of any beneficiary thereof; (ii) any delay in giving or failing to give any notice; (iii) any error, neglect or default of any of advisor or confirmer; (iv) the validity, sufficiency or genuineness of any document assigning or purporting to assign a Credit or any benefits thereunder or any act in reliance thereon; (v) the existence of any claim, setoff, defense or other rights which Applicant may have at any time against the Issuer, beneficiary or any other person, whether in connection with a Credit, these Terms and Conditions or any other document or agreement between beneficiary and Applicant executed in connection with a Credit; (vi) any demand, statement or any other document presented under the Credit proving to be forged, fraudulent, invalid, or insufficient in any respect or any statement therein proving to be untrue or inaccurate in any respect whatsoever; (vii) any claim by Applicant or a third party that the presentation by a beneficiary is deficient; (viii) the solvency of any party issuing any documents that may be presented in connection with a draw under a Credit; (ix) the failure of any draft presented under a Credit to bear any reference or adequate reference to the related Credit, or the failure to note the amount of any draft on the reverse side of a Credit; (x) errors in the interpretation of any of the terms of a Credit; (xi) errors, delays, misdeliveries or losses in the transmission of notices and communications by means of S.W.I.F.T., electronic mail, telex, twx, telecopy, telefax or computer generated telecommunications or other documents or items forwarded in connection with a Credit or any relevant draft; or (xii) any loss, damage, cost or expense suffered or incurred due to occurrences or events beyond Issuer's reasonable control.

(b) Without limitation, Issuer shall not be liable to Applicant or any third party for any action or inaction required or permitted under: (i) the Uniform Commercial Code ("UCC") in effect where and when the credit is issued or the International Standby Practices 98 ("ISP") or, if the ISP is not applicable to a Credit, the Uniform Customs and Practice for Documentary Credits ("UCP") in effect when the Credit is issued; (ii) the law or published practice rules to which the Credit is subject; (iii) an applicable standard practice of banks that regularly issue letters of credit; (iv) an applicable order, ruling or regulation of any court, arbitrator, or government agency; (v) a published statement or interpretation on a matter of applicable standard bank practice; or (vi) an opinion received from Issuer's legal counsel on a matter of law or from an expert engaged by Issuer on a matter of practice.

(c) Applicant hereby knowingly and voluntarily waives any defense to enforcement of Applicant's obligations hereunder that may arise or be created by reason of any of the occurrences or events described in subsections (a) and (b) of this Section 8, and Applicant agrees to pay all monies due hereunder notwithstanding any such occurrence or event.

9. Issuer Discretion. Issuer may assume that any beneficiary or other presenter acts in good faith and that any presentation or other demand is nonfraudulent. Issuer need not check the authenticity or authority of any purported beneficiary signature, even if in other transactions the beneficiary is a customer or its signature is otherwise known to Issuer.

10. Letter of Credit Text. Applicant is responsible for preparing or approving the text of the Credit as issued and as received by the beneficiary. Issuer's recommendation or drafting of text or use or non-use or refusal to use text submitted by Applicant shall not affect Applicant's ultimate responsibility for the final text and its receipt by the beneficiary. Applicant is responsible for making certain that the Credit is consistent with the underlying obligation, suitable for Applicant's purposes, and received by the beneficiary in time to permit the beneficiary and Applicant to review it and to request any desired amendments. Applicant accepts all risks that the text of the Credit will be interpreted other than as Applicant intended.

11. Applicant Notification of Objections/Ratification. Applicant agrees to notify Issuer of any objection Applicant may have to Issuer's issuance or amendment of the Credit, Issuer's acceptance or rejection of a presentation under the Credit, or any other action or inaction taken or proposed to be taken by Issuer under or in connection with these Terms and Conditions or the Credit. Applicant must give Issuer notice of objection by expeditious means within three banking days after Applicant receives notice of the action or inaction Issuer has taken or proposed to take. Applicant's failure to give timely and specific notice of objection shall waive Applicant's objection, authorize Issuer's action or inaction, and absolutely preclude Applicant from raising the objection as a defense or claim against Issuer.

12. Collateral Security. As security for the prompt and unconditional payment of all obligations and liabilities of Applicant to Issuer and all of Issuer's claims against Applicant, whether arising or incurred under these Terms and

Conditions or otherwise, whether now existing or hereafter incurred, and whether now or hereafter owing to or acquired in any manner by Issuer ("Obligations"). Applicant hereby grants to issuer a first-priority security interest in Applicant's present and future rights in all of the following property (all of which, together with additions, accessions or substitutions, is hereafter collectively called the "Collateral"):

- (a) Applicant's property in Issuer's actual or constructive possession or in transit to Issuer or any adviser or confirmer from or for Applicant, whether for collection or otherwise;
- (b) Deposits (general and special) and credits of Applicant with Issuer, and any claims by Applicant against Issuer at any time existing;
- (c) Additional property in which Applicant has conveyed a security interest to Issuer or which Applicant agrees to convey upon demand of Issuer; and
- (d) Proceeds of any of the foregoing until such time as all the Obligations have been fully discharged.

Applicant agrees to sign and/or deliver to Issuer, upon Issuer's request, such security agreements, mortgages, deeds of trust, assignments, documents, instruments or financing statements as Issuer may require to perfect, register or record a security interest in any item of Collateral or to foreclose upon any such item and to reimburse Issuer for all costs relating thereto.

13. Events of Default and Remedies.

(a) Each of the following is an Event of Default under these Terms and Conditions: (i) nonpayment when due of any of the Obligations; (ii) Applicant's failure to comply with or perform any provision of these Terms and Conditions or any security document referred to in Section 12; (iii) Applicant's repudiation of these Terms and Conditions; (iv) Applicant's death, incompetence, dissolution, insolvency, bankruptcy, or other similar condition or proceeding; (v) Any representation made by Applicant, whether in these Terms and Conditions or otherwise, to induce Issuer to issue any Credit, is untrue or incorrect in any material respect.

(b) Upon the occurrence of any Event of Default, all of the Obligations shall, at the Issuer's option and without notice or demand, mature and become immediately due and payable, and Issuer may pursue any remedy available at law or in equity to secure, collect, enforce, or satisfy the Obligations.

(c) To the fullest extent permitted by law, Issuer may set off and apply all deposits (general or special, time or demand, provisional or final) and other credits as to which Issuer is a debtor and Applicant is creditor against all of the Obligations, without notice and without regard to the contingent, absolute, or matured status of such Credits or of the Obligations.

(d) To the extent that Issuer honors a presentation which remains unpaid by Applicant, Issuer may assert its rights of subrogation under applicable law, whether the honor satisfies all or only part of the underlying obligation. Applicant must, on reasonable notice, cooperate with Issuer in its assertion of Applicant's rights against the beneficiary, the beneficiary's rights against Applicant, and any other rights that Issuer may have by subrogation or assignment.

(e) As to the Collateral, Issuer may exercise all remedies available under the Credit, security documents referred to in Section 12, or other applicable law. Issuer may retain possession of the Collateral, or take possession, in which case Applicant must make the Collateral available to the Issuer at any reasonably convenient time and place which Issuer designates. With regard to Collateral governed by UCC Article 9 or equivalent secured transactions law, any sale or other disposition or realization by Issuer shall be deemed commercially reasonable, valid, and final if made or conducted after five (5) days prior written notification and in accordance with the usual practices of commercial bankers liquidating similar collateral at the place the Credit was issued or at the place where the Collateral is located. Applicant shall remain liable to Issuer for any deficiency of the net proceeds in meeting the Obligations. Applicant further agrees to reimburse Issuer for all expenses (including attorney fees) incurred by Issuer in selling or otherwise realizing upon or attempting to sell or realize upon any item of Collateral.

14. Power of Attorney. Applicant irrevocably appoints Issuer its attorney in fact to execute, in the name of Applicant, assignments, endorsements or other instruments or documents of any kind or description coming into the possession of Issuer under a Credit or Instructions of Applicant, to execute, file, register or record any document or instrument and to do such other acts as Applicant may be required to do hereunder, upon failure of Applicant to so act.

15. Indemnity. Applicant agrees to indemnify Issuer, its directors, officers, employees, attorneys, and agents against claims and liabilities (and related costs, including reasonable attorney's fees, expert witness fees, and other dispute resolution expenses) that arise out of or in connection with these Terms and Conditions or the Credit.

16. Arbitration. Issuer and Applicant agree that upon demand of either party, whether made before or after the institution of any legal proceeding, but prior to the rendering of any judgment in that proceeding, all disputes, claims and controversies between them, arising out of or related to these Terms and Conditions or the Credit, (including without limitation contract disputes and tort claims) shall be arbitrated pursuant to the Commercial Rules of the American Arbitration Association. Any arbitration proceeding held pursuant to this arbitration provision shall be conducted in New Orleans, Louisiana, or at any other place selected by mutual agreement of the parties. Judgment upon any award rendered by any arbitrator may be entered in any court having jurisdiction. This arbitration provision shall not limit the right of any party during the dispute, claim or controversy to seek, sue, and employ ancillary, provisional or preliminary rights and/or remedies, judicial or otherwise, for the purposes of realizing upon, preserving, protecting, or foreclosing upon the Collateral. Any disputes, claims, or exercise of any right or remedy concerning any Collateral, including any claim to rescind, reform, or otherwise modify any agreement relating to the Collateral, shall also be arbitrated, provided, however, that no arbitrator shall have the power to enjoin or restrain any act of any party.

17. Waiver of Jury. TO THE EXTENT THE PREVIOUS SECTION DOES NOT RESTRICT A PARTY'S ABILITY TO EMPLOY JUDICIAL REMEDIES, ISSUER, APPLICANT, CORRESPONDENT AND EACH GUARANTOR

VOLUNTARILY, IRREVOCABLY AND UNCONDITIONALLY WAIVE ANY RIGHT TO HAVE A JURY PARTICIPATE IN RESOLVING ANY DISPUTE, WHETHER SOUNDING IN CONTRACT, TORT OR OTHERWISE, BETWEEN THE PARTIES ARISING OUT OF, IN CONNECTION WITH, RELATED TO, OR INCIDENTAL TO A CREDIT, THIS APPLICATION AND/OR ANY DOCUMENT EVIDENCING AND/OR SECURING A CREDIT OR THIS AGREEMENT. THIS PROVISION IS A MATERIAL INDUCEMENT TO ISSUER'S AGREEMENT TO APPROVE THE ACCOMPANYING APPLICATION, AGREE TO THESE TERMS AND CONDITIONS AND ISSUE CREDITS HEREUNDER.

18. Limitation of Interest and Other Charges. Applicant and Issuer intend to conform strictly to the applicable usury laws now or hereafter in force with respect to these Terms and Conditions. To such end: (i) the aggregate of all interest and other charges constituting interest under such applicable usury laws and contracted for, chargeable or receivable under these Terms and Conditions shall never exceed the maximum amount of interest, nor produce a rate in excess of the maximum contract rate of interest that Issuer is authorized to charge Applicant under applicable usury laws; (ii) if any excess interest is provided for, it shall be deemed a mistake, and the excess shall, at the option of Issuer, either be refunded to Applicant or credited on the unpaid principal balance of Issuer's reimbursement obligation, and these Terms and Conditions shall be automatically reformed to permit only the collection of the maximum legal amount of interest; and (iii) in determining the maximum amount of interest that Issuer may charge to Applicant, all interest shall be amortized, prorated, allocated and spread over the entire term of Applicant's reimbursement obligation (as extended, if applicable) to the full extent permitted by applicable usury laws. Reference herein to usury laws shall include any applicable federal or state usury statutes or laws from time to time in effect.

19. Guarantors. If the Application and/or these Terms and Conditions are signed by any guarantors ("Guarantors") below, each Guarantor agrees as follows:

(a) Each Guarantor, jointly and severally, guarantees payments of all of Applicant's Obligations hereunder in accordance with the terms and conditions hereof.

(b) Each Guarantor agrees that such Guarantor's guarantee of the Applicant's Obligations hereunder is absolute, unconditional and continuing, and no notice of the issuance of any Credit need be given to such Guarantor. Such obligations shall be unconditional irrespective of the genuineness, validity or enforceability of the Obligations of Applicant under these Terms and Conditions or, to the fullest extent permitted by applicable law, any other circumstance that might otherwise constitute a legal or equitable discharge of a surety or guarantor.

(c) Each Guarantor waives any rights such Guarantor may have under, or any requirement imposed by any statute or regulation that would otherwise require Issuer to proceed first against Applicant or Applicant's assets. Should Issuer seek to enforce the obligations of any Guarantor hereunder, each Guarantor hereby waives any requirement that Issuer first enforce any rights and remedies against Applicant, against any other Guarantor or against any Collateral which may have been given to secure the Applicant's Obligations hereunder.

(d) Each Guarantor's obligations hereunder shall continue to be effective or be reinstated if at any time any payment or deposit by or for the account of Applicant is rescinded or must otherwise be returned by Issuer, including, without limitation, upon the insolvency, bankruptcy or reorganization of Applicant, as if such payment or deposit had not been made.

(e) Each Guarantor authorizes Issuer and any Correspondent, or either of them, without notice to such Guarantor and without affecting such Guarantor's liability hereunder, to rearrange, extend, amend, waive defaults in, compromise or release the Obligations of Applicant, any other Guarantor or any other person (other than such Guarantor), including extensions, amendments, increases or reductions in any Credit; provided, however, without the written consent of such Guarantor, no action referred to above shall have the effect of increasing the amount of Guarantor's obligations hereunder.

20. General Provisions.

(a) **Notice of Acceptance.** Applicant hereby waives any notice of acceptance by Issuer of this Agreement.

(b) **Notice, Presentation, Demand and Protest.** Applicant hereby waives any right to notice, presentation, demand of payment or protest.

(c) **Document Delivery.** Any documents required under this Agreement may be transmitted by digital, electronic or other telecommunications.

(d) **Time of the Essence.** Time is hereby declared to be of the essence of the Agreement and of every part hereof.

(e) **Transferable Credit.** If a Credit is transferable, Applicant acknowledges that Issuer may take such actions as Issuer deems necessary or desirable to assure itself that neither the Credit nor any portion thereof is transferred in violation of applicable laws, rules or regulations and, in connection therewith (but not by way of limitation), Applicant authorizes Issuer to include as a condition of the Credit a requirement that the identity of any proposed transferee (whether of all or any portion of the Credit) be disclosed to Issuer, and that Issuer's consent to such transfer to such transferee be obtained before the Credit or any portion thereof is transferred. Issuer's consent to any such transfer shall not, however, constitute a representation or warranty by Issuer to Applicant or any other person that such transfer is, in fact, legally permissible.

(f) **Notices.** Except as otherwise provided herein, any notice or other communication required or permitted to be given in writing under these Terms and Conditions shall be personally served by messenger, or sent by a certified mail, return receipt requested, to the last address of the receiving party furnished by such party, and shall be deemed given on the date actually received if served by messenger, or on the next business day after deposit with an overnight delivery service, or on the date of receipt as shown on the return receipt if sent by certified mail. Applicant or Issuer may change its address for giving notices or demands hereunder by written notice of such change to the other party in accordance with the provisions hereof.

(g) Entire Agreement; Amendment. These Terms and Conditions together with any Application(s) and any agreements, instruments or documents referred to herein constitute the entire agreement between Issuer and Applicant regarding the subject matter hereof, and all prior and/or contemporaneous communications, verbal or written, between Issuer and Applicant regarding the subject matter hereof shall be of no further effect or evidentiary value. No course of prior dealing between the parties hereto, no usage of trade, and no parole or extrinsic evidence shall be used to supplement or modify any term or condition of these Terms and Conditions. These Terms and Conditions can be amended only by a written agreement executed by duly authorized representative of Issuer and Applicant.

(h) Severability. The invalidity or unenforceability of any provision or portion of these Terms and Conditions or any instrument, document, or agreement executed or made pursuant to or by virtue of these Terms and Conditions, shall not affect the validity or enforceability of any other provision and each provision of these Terms and Conditions shall be severable from every other provision of this Agreement for the purpose of determining the legal enforceability of any specific provision.

(i) Headings. All section headings and section numbers have been set forth herein for convenience of reference only, and shall not limit or affect the meaning or interpretation of any section hereof.

(j) Applicant. If these Terms and Conditions are executed by more than one party, "Applicant" shall be deemed to refer to all of the Applicants, and all Obligations of Applicant hereunder shall be joint and several and the liabilities of each shall be absolute and unconditional, regardless of the liability of any other party hereto.

(k) Extensions, Modifications or Amendments to Credits. Applicant agrees that in the event of any extension of the maturity or time for presentation of drafts, acceptances or documents, or any other modification of the terms of a Credit, or in the event of any increase in the amount of a Credit, these Terms and Conditions shall be binding upon Applicant with regard to the Credit so increased or otherwise modified, to drafts, documents and property covered thereby, and to any action taken by Issuer or any adviser or confirmer in accordance with such extension, increase or other modification.

(l) No Waiver. Issuer shall not be deemed to have waived any of its rights hereunder unless Issuer shall have signed a writing evidencing such waiver.

(m) Governing Law. THESE TERMS AND CONDITIONS SHALL BE GOVERNED BY, AND CONSTRUED IN ACCORDANCE WITH, THE LAWS OF THE STATE OF LOUISIANA. Notwithstanding the foregoing to the contrary, the provisions, definitions, interpretations, and practices of the ISP or UCP, as applicable, are incorporated by reference into these Terms and Conditions. To the extent permitted by applicable law, these Terms and Conditions shall prevail in case of conflict with the ISP, UCP or the UCC, as applicable, and the UCP shall prevail in case of conflict between the ISP or UCP and the UCC.

21. Duration and Effect of Agreement. These Terms and Conditions shall remain in full force and effect and shall apply with respect to every Credit issued by Issuer at the request of Applicant prior to receipt by either party of notice of termination from the other party. Such notice of termination may be served by either party and shall be effective upon actual receipt except that the provisions of these Terms and Conditions shall continue to apply with respect to any Credit outstanding on the date of such notice of termination. These Terms and Conditions shall be binding upon Applicant, its personal representatives, successors and assigns and shall inure to the benefit of Issuer, its successors and assigns. Issuer may grant participations in these Terms and Conditions and any Credit issued by it to one or more financial institutions.

Applicant:

The City of Stonecrest, Georgia

By: _____
Jason Lary, Sr.

GOVERNMENTAL CERTIFICATE

Principal	Loan Date	Maturity	Loan No	Call / Coll	Account	Officer	Initials
\$300,000.00	06-13-2018		6251	4A / 200	CCC0436	10743	
References in the boxes above are for Lender's use only and do not limit the applicability of this document to any particular loan or item. Any item above containing "*****" has been omitted due to text length limitations.							

Entity: THE CITY OF STONECREST, GEORGIA
3120 STONECREST BOULEVARD
LITHONIA, GA 30038

Lender: IBERIABANK
Buckhead Branch
2970 Peachtree Rd. NW, Suite 100
Atlanta, GA 30305

I, THE UNDERSIGNED, DO HEREBY CERTIFY THAT:

THE ENTITY'S EXISTENCE. The complete and correct name of the governmental entity is THE CITY OF STONECREST, GEORGIA ("Entity"). The Entity is a governmental entity which is, and at all times shall be, duly organized, validly existing, and in good standing under and by virtue of the laws and regulations of the State of Georgia. The Entity has the full power and authority to own its properties and to transact the business and activities in which it is presently engaged or presently proposes to engage. The Entity maintains an office at 3120 STONECREST BOULEVARD, LITHONIA, GA 30038. The Entity shall do all things necessary to preserve and to keep in full force and effect its existence, rights and privileges, and shall comply with all regulations, rules, ordinances, statutes, orders and decrees of the Entity and any other governmental or quasi-governmental authority or court applicable to the Entity and the Entity's business activities.

CERTIFICATES ADOPTED. At a meeting of the appropriate governing body of the Entity, duly called and held on June 13, 2018, at which a quorum was present and voting, or by other duly authorized action in lieu of a meeting, the resolutions set forth in this Certificate were adopted.

OFFICIAL. The following named person is an Official of THE CITY OF STONECREST, GEORGIA:

NAMES	TITLES	AUTHORIZED	ACTUAL SIGNATURES
JASON LARY, SR.	Mayor	Y	X (Seal)

ACTIONS AUTHORIZED. The authorized person listed above may enter into any agreements of any nature with Lender, and those agreements will bind the Entity. Specifically, but without limitation, the authorized person is authorized, empowered, and directed to do the following for and on behalf of the Entity:

Borrow Money. To borrow, as a cosigner or otherwise, from time to time from Lender, on such terms as may be agreed upon between the Entity and Lender, such sum or sums of money as in his or her judgment should be borrowed, without limitation.

Execute Notes. To execute and deliver to Lender the promissory note or notes, or other evidence of the Entity's credit accommodations, on Lender's forms, at such rates of interest and on such terms as may be agreed upon, evidencing the sums of money so borrowed or any of the Entity's indebtedness to Lender, and also to execute and deliver to Lender one or more renewals, extensions, modifications, refinancings, consolidations, or substitutions for one or more of the notes, any portion of the notes, or any other evidence of credit accommodations.

Grant Security. To mortgage, pledge, transfer, endorse, hypothecate, or otherwise encumber and deliver to Lender any property now or hereafter belonging to the Entity or in which the Entity now or hereafter may have an interest, including without limitation all of the Entity's real property and all of the Entity's personal property (tangible or intangible), as security for the payment of any loans or credit accommodations so obtained, any promissory notes so executed (including any amendments to or modifications, renewals, and extensions of such promissory notes), or any other or further indebtedness of the Entity to Lender at any time owing, however the same may be evidenced. Such property may be mortgaged, pledged, transferred, endorsed, hypothecated or encumbered at the time such loans are obtained or such indebtedness is incurred, or at any other time or times, and may be either in addition to or in lieu of any property theretofore mortgaged, pledged, transferred, endorsed, hypothecated or encumbered.

Execute Security Documents. To execute and deliver to Lender the forms of mortgage, deed of trust, pledge agreement, hypothecation agreement, and other security agreements and financing statements which Lender may require and which shall evidence the terms and conditions under and pursuant to which such liens and encumbrances, or any of them, are given; and also to execute and deliver to Lender any other written instruments, any chattel paper, or any other collateral, of any kind or nature, which Lender may deem necessary or proper in connection with or pertaining to the giving of the liens and encumbrances.

Negotiate Items. To draw, endorse, and discount with Lender all drafts, trade acceptances, promissory notes, or other evidences of indebtedness payable to or belonging to the Entity or in which the Entity may have an interest, and either to receive cash for the same or to cause such proceeds to be credited to the Entity's account with Lender, or to cause such other disposition of the proceeds derived therefrom as he or she may deem advisable.

Further Acts. In the case of lines of credit, to designate additional or alternate individuals as being authorized to request advances under such lines, and in all cases, to do and perform such other acts and things, to pay any and all fees and costs, and to execute and deliver such other documents and agreements, including agreements requiring disputes with Lender to be submitted to binding arbitration for final resolution and waiving the right to a trial by jury, as the Official may in his or her discretion deem reasonably necessary or proper in order to carry into effect the provisions of this Certificate.

ASSUMED BUSINESS NAMES. The Entity has filed or recorded all documents or filings required by law relating to all assumed business names used by the Entity. Excluding the name of the Entity, the following is a complete list of all assumed business names under which the Entity does business: None.

NOTICES TO LENDER. The Entity will promptly notify Lender in writing at Lender's address shown above (or such other addresses as Lender may designate from time to time) prior to any (A) change in the Entity's name; (B) change in the Entity's assumed business name(s); (C) change in the structure of the Entity; (D) change in the authorized signer(s); (E) change in the Entity's principal office address; (F) change in the Entity's principal residence; or (G) change in any other aspect of the Entity that directly or indirectly relates to any agreements between the Entity and Lender.

CERTIFICATION CONCERNING OFFICIALS AND CERTIFICATES. The Official named above is duly elected, appointed, or employed by or for the Entity, as the case may be, and occupies the position set opposite his or her respective name. This Certificate now stands of record on the books of the Entity, is in full force and effect, and has not been modified or revoked in any manner whatsoever.

CONTINUING VALIDITY. Any and all acts authorized pursuant to this Certificate and performed prior to the passage of this Certificate are hereby ratified and approved. This Certificate shall be continuing, shall remain in full force and effect and Lender may rely on it until written notice of its revocation shall have been delivered to and received by Lender at Lender's address shown above (or such addresses as Lender may

**GOVERNMENTAL CERTIFICATE
(Continued)**

designate from time to time). Any such notice shall not affect any of the Entity's agreements or commitments in effect at the time notice is given.

IN TESTIMONY WHEREOF, I have hereunto set my hand and attest that the signature set opposite the name listed above is his or her genuine signature.

I have read all the provisions of this Certificate, and I personally and on behalf of the Entity certify that all statements and representations made in this Certificate are true and correct. This Governmental Certificate is dated June 13, 2018.

THIS CERTIFICATE IS GIVEN UNDER SEAL AND IT IS INTENDED THAT THIS CERTIFICATE IS AND SHALL CONSTITUTE AND HAVE THE EFFECT OF A SEALED INSTRUMENT ACCORDING TO LAW.

CERTIFIED TO AND ATTESTED BY:

X _____ (Seal)
Secretary of THE CITY OF STONECREST, GA

NOTE: If the Official signing this Certificate is designated by the foregoing document as one of the officials authorized to act on the Entity's behalf, it is advisable to have this Certificate signed by at least one non-authorized official of the Entity.

ASSIGNMENT OF DEPOSIT ACCOUNT

Principal	Loan Date	Maturity	Loan No	Call / Coll	Account	Officer	Initials
\$300,000.00	06-13-2018		6251	4A / 200	CCC0436	10743	
References in the boxes above are for Lender's use only and do not limit the applicability of this document to any particular loan or item. Any item above containing "*****" has been omitted due to text length limitations.							

Grantor: THE CITY OF STONECREST, GEORGIA
3120 STONECREST BOULEVARD
LITHONIA, GA 30038

Lender: IBERIABANK
Buckhead Branch
2870 Peachtree Rd. NW, Suite 100
Atlanta, GA 30305

THIS ASSIGNMENT OF DEPOSIT ACCOUNT dated June 13, 2018, is made and executed between THE CITY OF STONECREST, GEORGIA ("Grantor") and IBERIABANK ("Lender").

ASSIGNMENT. For valuable consideration, Grantor assigns and grants to Lender a security interest in the Collateral, including without limitation the deposit account(s) described below, to secure the indebtedness and agrees that Lender shall have the rights stated in this Agreement with respect to the Collateral, in addition to all other rights which Lender may have by law.

COLLATERAL DESCRIPTION. The word "Collateral" means the following described deposit account(s) ("Account"):

Checking Account Number 20001828168 with Lender with an approximate balance of \$662,398.13

together with (A) all interest, whether now accrued or hereafter accruing; (B) all additional deposits hereafter made to the Account; (C) any and all proceeds from the Account; and (D) all renewals, replacements and substitutions for any of the foregoing.

CROSS-COLLATERALIZATION. In addition to the Note, this Agreement secures all obligations, debts and liabilities, plus interest thereon, of Grantor to Lender, or any one or more of them, as well as all claims by Lender against Grantor or any one or more of them, whether now existing or hereafter arising, whether related or unrelated to the purpose of the Note, whether voluntary or otherwise, whether due or not due, direct or indirect, determined or undetermined, absolute or contingent, liquidated or unliquidated, whether Grantor may be liable individually or jointly with others, whether obligated as guarantor, surety, accommodation party or otherwise, and whether recovery upon such amounts may be or hereafter may become barred by any statute of limitations, and whether the obligation to repay such amounts may be or hereafter may become otherwise unenforceable.

RIGHT OF SETOFF. To the extent permitted by applicable law, Lender reserves a right of setoff in all Grantor's accounts with Lender (whether checking, savings, or some other account). This includes all accounts Grantor holds jointly with someone else and all accounts Grantor may open in the future. However, this does not include any IRA or Keogh accounts, or any trust accounts for which setoff would be prohibited by law. Grantor authorizes Lender, to the extent permitted by applicable law, to charge or setoff all sums owing on the indebtedness against any and all such accounts, and, at Lender's option, to administratively freeze all such accounts to allow Lender to protect Lender's charge and setoff rights provided in this paragraph.

GRANTOR'S REPRESENTATIONS AND WARRANTIES WITH RESPECT TO THE COLLATERAL. With respect to the Collateral, Grantor represents and promises to Lender that:

Ownership. Grantor is the lawful owner of the Collateral free and clear of all loans, liens, encumbrances, and claims except as disclosed to and accepted by Lender in writing.

Right to Grant Security Interest. Grantor has the full right, power, and authority to enter into this Agreement and to assign the Collateral to Lender.

No Prior Assignment. Grantor has not previously granted a security interest in the Collateral to any other creditor.

No Further Transfer. Grantor shall not sell, assign, encumber, or otherwise dispose of any of Grantor's rights in the Collateral except as provided in this Agreement.

No Defaults. There are no defaults relating to the Collateral, and there are no effects or counterclaims to the same. Grantor will strictly and promptly do everything required of Grantor under the terms, conditions, promises, and agreements contained in or relating to the Collateral.

Proceeds. Any and all replacement or renewal certificates, instruments, or other benefits or proceeds related to the Collateral that are received by Grantor shall be held by Grantor in trust for Lender and immediately shall be delivered by Grantor to Lender to be held as part of the Collateral.

Validity; Binding Effect. This Agreement is binding upon Grantor and Grantor's successors and assigns and is legally enforceable in accordance with its terms.

Financing Statements. Grantor authorizes Lender to file a UCC financing statement, or alternatively, a copy of this Agreement to perfect Lender's security interest. At Lender's request, Grantor additionally agrees to sign all other documents that are necessary to perfect, protect, and continue Lender's security interest in the Property. Grantor will pay all filing fees, title transfer fees, and other fees and costs involved unless prohibited by law or unless Lender is required by law to pay such fees and costs. Grantor irrevocably appoints Lender to execute documents necessary to transfer title if there is a default. Lender may file a copy of this Agreement as a financing statement.

LENDER'S RIGHTS AND OBLIGATIONS WITH RESPECT TO THE COLLATERAL. While this Agreement is in effect, Lender may retain the rights to possession of the Collateral, together with any and all evidence of the Collateral, such as certificates or passbooks. This Agreement will remain in effect until (a) there no longer is any indebtedness owing to Lender; (b) all other obligations secured by this Agreement have been fulfilled; and (c) Grantor, in writing, has requested from Lender a release of this Agreement.

LENDER'S EXPENDITURES. If any action or proceeding is commenced that would materially affect Lender's interest in the Collateral or if Grantor fails to comply with any provision of this Agreement or any Related Documents, including but not limited to Grantor's failure to discharge or pay when due any amounts Grantor is required to discharge or pay under this Agreement or any Related Documents, Lender on Grantor's behalf may (but shall not be obligated to) take any action that Lender deems appropriate, including but not limited to discharging or paying all taxes, liens, security interests, encumbrances and other claims, at any time levied or placed on the Collateral and paying all costs for insuring, maintaining and preserving the Collateral. All such expenditures incurred or paid by Lender for such purposes will then bear interest at the rate charged under the Note from the date incurred or paid by Lender to the date of repayment by Grantor. All such expenses will become a part of the indebtedness and, at Lender's option, will (A) be payable on demand; (B) be added to the balance of the Note and be apportioned among and be payable with any installment payments to become due during either (1) the term of any applicable insurance policy; or (2) the remaining term of the Note; or (C) be treated as a balloon payment which will be due and payable at the Note's maturity. The Agreement also will secure payment of these amounts. Such right shall be in addition to all other rights and remedies to which Lender may be entitled upon Default.

LIMITATIONS ON OBLIGATIONS OF LENDER. Lender shall use ordinary reasonable care in the physical preservation and custody of any certificate or passbook for the Collateral but shall have no other obligation to protect the Collateral or its value. In particular, but without limitation, Lender shall have no responsibility (A) for the collection or protection of any income on the Collateral; (B) for the preservation of rights against issuers of the Collateral or against third persons; (C) for ascertaining any maturities, conversions, exchanges, offers, tenders, or similar matters relating to the Collateral; nor (D) for informing the Grantor about any of the above, whether or not Lender has or is deemed to have knowledge of such matters.

DEFAULT. Default will occur if payment of the indebtedness in full is not made immediately when due.

RIGHTS AND REMEDIES ON DEFAULT. Upon Default, or at any time thereafter, Lender may exercise any one or more of the following rights and remedies, in addition to any rights or remedies that may be available at law, in equity, or otherwise:

Accelerate Indebtedness. Lender may declare all indebtedness of Grantor to Lender immediately due and payable, without notice of any kind to Grantor.

Application of Account Proceeds. Lender may take directly all funds in the Account and apply them to the Indebtedness. If the Account is subject to an early withdrawal penalty, that penalty shall be deducted from the Account before its application to the Indebtedness, whether the Account is with Lender or some other institution. Any excess funds remaining after application of the Account proceeds to the Indebtedness will be paid to Grantor as the interests of Grantor may appear. Grantor agrees, to the extent permitted by law, to pay any deficiency after application of the proceeds of the Account to the Indebtedness. Lender also shall have all the rights of a secured party under the Georgia Uniform Commercial Code, even if the Account is not otherwise subject to such Code concerning security interests, and the parties to this Agreement agree that the provisions of the Code giving rights to a secured party shall nonetheless be a part of this Agreement.

**ASSIGNMENT OF DEPOSIT ACCOUNT
(Continued)**

Loan No: 6251

Page 2

Transfer Title. Lender may effect transfer of title upon sale of all or part of the Collateral. For this purpose, Grantor irrevocably appoints Lender as Grantor's attorney-in-fact to execute endorsements, assignments and instruments in the name of Grantor and each of them (if more than one) as shall be necessary or reasonable.

Other Rights and Remedies. Lender shall have and may exercise any or all of the rights and remedies of a secured creditor under the provisions of the Georgia Uniform Commercial Code, at law, in equity, or otherwise.

Deficiency Judgment. If permitted by applicable law, Lender may obtain a judgment for any deficiency remaining in the indebtedness due to Lender after application of all amounts received from the exercise of the rights provided in this section.

Election of Remedies. Except as may be prohibited by applicable law, all of Lender's rights and remedies, whether evidenced by this Agreement or by any other writing, shall be cumulative and may be exercised singularly or concurrently. Election by Lender to pursue any remedy shall not exclude pursuit of any other remedy, and an election to make expenditures or to take action to perform an obligation of Grantor under this Agreement, after Grantor's failure to perform, shall not affect Lender's right to declare a default and exercise its remedies.

Cumulative Remedies. All of Lender's rights and remedies, whether evidenced by this Agreement or by any other writing, shall be cumulative and may be exercised singularly or concurrently. Election by Lender to pursue any remedy shall not exclude pursuit of any other remedy, and an election to make expenditures or to take action to perform an obligation of Grantor under this Agreement, after Grantor's failure to perform, shall not affect Lender's right to declare a default and to exercise its remedies.

MISCELLANEOUS PROVISIONS. The following miscellaneous provisions are a part of this Agreement:

Amendments. This Agreement, together with any Related Documents, constitutes the entire understanding and agreement of the parties as to the matters set forth in this Agreement. No alteration of or amendment to this Agreement shall be effective unless given in writing and signed by the party or parties sought to be charged or bound by the alteration or amendment.

Attorneys' Fees; Expenses. Grantor agrees to pay upon demand all of Lender's costs and expenses, including Lender's attorneys' fees and Lender's legal expenses, incurred in connection with the enforcement of this Agreement. Lender may hire or pay someone else to help enforce this Agreement, and Grantor shall pay the costs and expenses of such enforcement. Subject to any limits under applicable law, costs and expenses include fifteen percent (15%) of the principal plus accrued interest collected, less Lender's attorneys' fees and Lender's legal expenses whether or not there is a lawsuit, including legal expenses for bankruptcy proceedings including efforts to modify or vacate any automatic stay or injunction, appeals, and any anticipated post-judgment collection services. Grantor also shall pay all court costs and such additional fees as may be directed by the court.

Caption Headings. Caption headings in this Agreement are for convenience purposes only and are not to be used to interpret or define the provisions of this Agreement.

Governing Law. This Agreement will be governed by federal law applicable to Lender and, to the extent not preempted by federal law, the laws of the State of Georgia without regard to its conflicts of law provisions. This Agreement has been accepted by Lender in the State of Georgia.

Choice of Venue. If there is a lawsuit, Grantor agrees upon Lender's request to submit to the jurisdiction of the courts of DEKALB County, State of Georgia.

No Waiver by Lender. Lender shall not be deemed to have waived any rights under this Agreement unless such waiver is given in writing and signed by Lender. No delay or omission on the part of Lender in exercising any right shall operate as a waiver of such right or any other right. A waiver by Lender of a provision of this Agreement shall not prejudice or constitute a waiver of Lender's right otherwise to demand strict compliance with that provision or any other provision of this Agreement. No prior waiver by Lender, nor any course of dealing between Lender and Grantor, shall constitute a waiver of any of Lender's rights or of any of Grantor's obligations as to any future transactions. Whenever the consent of Lender is required under this Agreement, the granting of such consent by Lender in any instance shall not constitute continuing consent to subsequent instances where such consent is required and in all cases such consent may be granted or withheld in the sole discretion of Lender.

Notices. Any notice required to be given under this Agreement shall be given in writing, and shall be effective when actually delivered, when actually received by telefacsimile (unless otherwise required by law), when deposited with a nationally recognized overnight courier, or, if mailed, when deposited in the United States mail, as first class, certified or registered mail postage prepaid, directed to the addressee shown near the beginning of this Agreement. Any party may change its address for notices under this Agreement by giving formal written notice to the other parties, specifying that the purpose of the notice is to change the party's address. For notice purposes, Grantor agrees to keep Lender informed at all times of Grantor's current address. Unless otherwise provided or required by law, if there is more than one Grantor, any notice given by Lender to any Grantor is deemed to be notice given to all Grantors.

Power of Attorney. Grantor hereby appoints Lender as its true and lawful attorney-in-fact, irrevocably, with full power of substitution to do the following: (1) to demand, collect, receive, receipt for, sue and recover all sums of money or other property which may now or hereafter become due, owing or payable from the Collateral; (2) to execute, sign and endorse any and all claims, instruments, receipts, checks, drafts or warrants issued in payment for the Collateral; (3) to settle or compromise any and all claims arising under the Collateral, and in the place and stead of Grantor, to execute and deliver its release and settlement for the claim; and (4) to file any claim or claims or to take any action or institute or take part in any proceedings, either in its own name or in the name of Grantor, or otherwise, which in the discretion of Lender may seem to be necessary or advisable. This power is given as security for the indebtedness, and the authority hereby conferred is and shall be irrevocable and shall remain in full force and effect until renounced by Lender.

Severability. If a court of competent jurisdiction finds any provision of this Agreement to be illegal, invalid, or unenforceable as to any circumstance, that finding shall not make the offending provision illegal, invalid, or unenforceable as to any other circumstance. If feasible, the offending provision shall be considered modified so that it becomes legal, valid and enforceable. If the offending provision cannot be so modified, it shall be considered deleted from this Agreement. Unless otherwise required by law, the illegality, invalidity, or unenforceability of any provision of this Agreement shall not affect the legality, validity or enforceability of any other provision of this Agreement.

Successors and Assigns. Subject to any limitations stated in this Agreement on transfer of Grantor's interest, this Agreement shall be binding upon and inure to the benefit of the parties, their successors and assigns. If ownership of the Collateral becomes vested in a person other than Grantor, Lender, without notice to Grantor, may deal with Grantor's successors with reference to this Agreement and the indebtedness by way of forbearance or extension without releasing Grantor from the obligations of this Agreement or liability under the indebtedness.

Survival of Representations and Warranties. All representations, warranties, and agreements made by Grantor in this Agreement shall survive the execution and delivery of this Agreement, shall be continuing in nature, and shall remain in full force and effect until such time as Grantor's indebtedness shall be paid in full.

Time is of the Essence. Time is of the essence in the performance of this Agreement.

DEFINITIONS. The following capitalized words and terms shall have the following meanings when used in this Agreement. Unless specifically stated to the contrary, all references to dollar amounts shall mean amounts in lawful money of the United States of America. Words and terms used in the singular shall include the plural, and the plural shall include the singular, as the context may require. Words and terms not otherwise defined in this Agreement shall have the meanings attributed to such terms in the Uniform Commercial Code:

Account. The word "Account" means the deposit account(s) described in the "Collateral Description" section.

Agreement. The word "Agreement" means this Assignment of Deposit Account, as this Assignment of Deposit Account may be amended or modified from time to time, together with all exhibits and schedules attached to this Assignment of Deposit Account from time to time.

Borrower. The word "Borrower" means THE CITY OF STONECREST, GEORGIA and includes all co-signers and co-makers signing the Note and all their successors and assigns.

Collateral. The word "Collateral" means all of Grantor's right, title and interest in and to all the Collateral as described in the Collateral Description section of this Agreement.

Default. The word "Default" means the Default set forth in this Agreement in the section titled "Default".

Grantor. The word "Grantor" means THE CITY OF STONECREST, GEORGIA.

Indebtedness. The word "Indebtedness" means the indebtedness evidenced by the Note or Related Documents, including all principal and interest together with all other indebtedness and costs and expenses for which Grantor is responsible under this Agreement or under any of the Related Documents. Specifically, without limitation, indebtedness includes all amounts that may be indirectly secured by the Cross-Collateralization provision of this Agreement.

Lender. The word "Lender" means IBERIABANK, its successors and assigns.

ASSIGNMENT OF DEPOSIT ACCOUNT
(Continued)

Note. The word "Note" means the Note dated June 13, 2018 and executed by THE CITY OF STONECREST, GEORGIA in the principal amount of \$300,000.00, together with all renewals of, extensions of, modifications of, refinancings of, consolidations of, and substitutions for the note or credit agreement.

Property. The word "Property" means all of Grantor's right, title and interest in and to all the Property as described in the "Collateral Description" section of this Agreement.

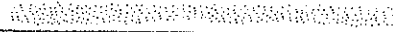
Related Documents. The words "Related Documents" mean all promissory notes, credit agreements, loan agreements, environmental agreements, guarantees, security agreements, mortgages, deeds of trust, security deeds, collateral mortgages, and all other instruments, agreements and documents, whether now or hereafter existing, executed in connection with the Indebtedness.

GRANTOR HAS READ AND UNDERSTOOD ALL THE PROVISIONS OF THIS ASSIGNMENT OF DEPOSIT ACCOUNT AND AGREES TO ITS TERMS. THIS AGREEMENT IS DATED JUNE 13, 2018.

THIS AGREEMENT IS GIVEN UNDER SEAL AND IT IS INTENDED THAT THIS AGREEMENT IS AND SHALL CONSTITUTE AND HAVE THE EFFECT OF A SEALED INSTRUMENT ACCORDING TO LAW.

GRANTOR:

THE CITY OF STONECREST, GEORGIA

By:  (Seal)
JASON LARY, SR., Mayor of THE CITY OF
STONECREST, GEORGIA

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DRAFT

DISBURSEMENT REQUEST AND AUTHORIZATION

Principal \$300,000.00	Loan Date 06-13-2018	Maturity	Loan No 5261	Call / Coll 4A / 200	Account CCC0436	Officer 10743	Initials
References in the boxes above are for Lender's use only and do not limit the applicability of this document to any particular loan or item. Any item above containing "****" has been omitted due to text length limitations.							

Borrower: THE CITY OF STONECREST, GEORGIA
3120 STONECREST BOULEVARD
LITHONIA, GA 30038

Lender: IBERIABANK
Buckhead Branch
2970 Peachtree Rd. NW, Suite 100
Atlanta, GA 30306

LOAN TYPE. This is a Fixed Rate (12.000%) Nondisclosable Revolving Line of Credit Loan to a Government Entity for \$300,000.00 due on demand.

PRIMARY PURPOSE OF LOAN. The primary purpose of this loan is for:

- ☐ Personal, Family, or Household Purposes or Personal Investment.
☒ Business (including Real Estate Investment).

SPECIFIC PURPOSE. The specific purpose of this loan is: LETTER OF CREDIT.

DISBURSEMENT INSTRUCTIONS. Borrower understands that no loan proceeds will be disbursed until all of Lender's conditions for making the loan have been satisfied. Please disburse the loan proceeds of \$300,000.00 as follows:

Undisbursed Funds: \$300,000.00

Note Principal:	\$300,000.00
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FINANCIAL CONDITION. BY SIGNING THIS AUTHORIZATION, BORROWER REPRESENTS AND WARRANTS TO LENDER THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND CORRECT AND THAT THERE HAS BEEN NO MATERIAL ADVERSE CHANGE IN BORROWER'S FINANCIAL CONDITION AS DISCLOSED IN BORROWER'S MOST RECENT FINANCIAL STATEMENT TO LENDER. THIS AUTHORIZATION IS DATED JUNE 13, 2018.

THIS AGREEMENT IS GIVEN UNDER SEAL AND IT IS INTENDED THAT THIS AGREEMENT IS AND SHALL CONSTITUTE AND HAVE THE EFFECT OF A SEALED INSTRUMENT ACCORDING TO LAW.

BORROWER:

THE CITY OF STONECREST, GEORGIA

By: JASON LARY, SR., Mayor of THE CITY OF (Seal)
STONECREST, GEORGIA

EXHIBIT G

EARLY TERMINATION COST REIMBURSEMENT AMOUNT

If Tenant exercises its right to terminate this Lease pursuant to Section 3.C. of the Lease, Tenant shall pay to Landlord, simultaneously with its delivery of the termination notice required in Section 3.C., as liquidated damages for Landlord's unamortized costs for brokerage commissions, tenant improvements, and abated Base Rent, the following sums (the "Early Termination Cost Reimbursement Amount") for termination of the Lease during the Calendar Year of Termination:

Calendar Year of Termination	Early Termination Cost Reimbursement Amount
2017	\$ -0-
2018	\$299,471.38 *
2019	\$233,012.45 *
2020	\$161,236.80 *
2021	\$83,719.11 *
2022	\$ -0-

Should Tenant fail to pay Landlord the required Early Termination Cost Reimbursement Amount when due, Landlord may use the proceeds of the Letter of Credit for payment of the required Early Termination Cost Reimbursement Amount.

* Tenant agrees that these amounts will be adjusted by Landlord to reflect Landlord's actual costs to perform Landlord's Work pursuant to Exhibit "D" attached to this Lease.



CITY COUNCIL AGENDA ITEM

SUBJECT: Ordinance Adopting the City of Stonecrest Travel Policy and Procedures

☒ **ORDINANCE** ☐ **POLICY** ☐ **STATUS REPORT**
☐ **DISCUSSION ONLY** ☐ **RESOLUTION** ☐ **OTHER**

Date Submitted: 05/16/2018 Work Session 05/02/2018 Council Meeting: 06/18/2018

SUBMITTED BY: City clerk/City Attorney

PURPOSE: This item is to set the policy and procedures for travel and training in the City of Stonecrest.

HISTORY:

FACTS AND ISSUES:

OPTIONS:

RECOMMENDED ACTION: First Read

**AN ORDINANCE OF THE CITY OF STONECREST, GEORGIA, ADOPTING THE
CITY OF STONECREST, GEORGIA, TRAVEL POLICY AND PROCEDURES**

WHEREAS, the City of Stonecrest, Georgia, Mayor, and City Council are authorized by the City Charter to authorize the expenditure of money for any purpose for which a municipality is authorized by the laws of the State of Georgia and O.C.G.A. § 36-35-4 authorizes the governing authority of each municipal corporation to fix the expenses of its municipal employees; and

WHEREAS, this Ordinance seeks to provide guidelines for the payment of necessary travel expenses in an efficient, cost effective manner, and require travelers execute their travel obligations at the lowest reasonable costs, resulting in the best value for the citizens of Stonecrest, Georgia.

THEREFORE, the Mayor and City Council of the City of Stonecrest, Georgia, hereby ordain as follows:

Section 1: The Mayor and City Council of the City of Stonecrest, Georgia, hereby adopt the City of Stonecrest, Georgia, Travel Policy and Procedures as contained in Exhibit "A" attached hereto and incorporated herein by this reference.

Section 2:

1. It is hereby declared to be the intention of the Mayor and City Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are and were, upon their enactment, believed by the Mayor and City Council to be fully valid, enforceable and constitutional.
2. It is hereby declared to be the intention of the Mayor and City Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and City Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.
3. In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and City Council that such invalidity, unconstitutionality, or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed

STATE OF GEORGIA
COUNTY OF DEKALB
CITY OF STONECREST

ORDINANCE 2018-_____

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

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

5. The within ordinance shall become effective upon its adoption.

6. The provisions of this Ordinance shall become and be made part of The Code of the City of Stonecrest, Georgia, and the sections of this Ordinance may be renumbered to accomplish such intention

SO ORDAINED AND EFFECTIVE this the ____ day of _____, 2018.

Approved:

Jason Lary, Sr., Mayor

As to form:

City Attorney

Attest:

Brenda James, City Clerk

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EXHIBIT A

CITY TRAVEL REGULATIONS

INTRODUCTION:

PURPOSE

The purpose of this Policy is to provide guidelines for payment of travel expenses in an efficient, cost effective manner, and to enable travelers to successfully execute their travel requirements at the lowest reasonable costs, resulting in the best value for the City. Teleconferencing instead of travel should be considered when possible. Each department is charged with the responsibility for determining the necessity, available resources and justification for the need and the method of travel.

It is important for Elected Officials and employees to understand the intent of the Policy and work with their management on managing work related travel, accordingly.

AUTHORITY

The Mayor and Council are authorized to adopt rules and regulations governing in- state and out-of-state travel and travel reimbursement that promote economy and efficiency in city government and which treat elected officials and employees fairly and equitably. Appeals from a decision under this travel policy shall be taken to the Mayor and City Council. In the event that an Elected Official appeals a decision, the Elected Official shall be recused from voting on the appeal.

COMPLIANCE AND ACCOUNTABILITY

Throughout this document words like “must” and “should” are used. When the term “must” is used, no department or individual has the authority to deviate from the specific policy/procedure. The term “should” is used to convey that departments and individuals are expected to follow the policy/procedure as written and are required to justify any departures from such policy/procedure when the specifics of the situation indicate an alternate procedure is a reasonable departure from the recommended policy/procedure.

All departments and governing body are required to follow the guidelines outlined in the City of Stonecrest Travel Regulations. For disabilities, the City has authority to provide reasonable accommodations during travel on official city business.

All requests for reimbursements under this policy must be made within thirty (30) days of incurring the expense. The City will not reimburse travelers for expense requests made more than thirty (30) days after incurring the expense.

CITY OF STONECREST TRAVEL POLICY AND PROCEDURES

GENERAL PROVISIONS

The City of Stonecrest reimburses travelers for reasonable and necessary expenses actually incurred in connection with approved travel on its behalf pursuant to the traveler's official duties. All reimbursements for Elected Officials must be in accordance with the City's Charter and Georgia law. The City encourages travelers to take advantage of arranged travel discounts whenever possible.

A necessary expense is one for which there exists a clear business purpose and is within the City's expense policy limitations. A clear business purpose contains all information appropriate to and the purpose for attending and how the expenditure benefited the City.

Establishing policies and procedures for travel expenses enable the City to effectively comply with federal and state regulations.

These policies are intended to be guidelines for the planning and reimbursement of all City approved travel expenses. There are several key points to remember when incurring expenses on behalf of the City:

- Under no circumstances should an individual approve his/her own expense report. In most cases he/she should not approve the expense report of a person to whom he/she functionally or administratively reports.
- All expense reports must be submitted by the individual who incurred the expense.
- A large number of exceptions or Policy violations will increase the likelihood of expense report audits.
- The City will not reimburse employees or Elected Officials for personal expenses.
- The Elected Official is required to return any unused portion of a reimbursement.
- All travelers must return any amounts paid in excess of expenses within a reasonable time.
- All expense reports and receipts are subject to the Open Records Act.
- When submitting an expense report, the traveler is subject to O.C.G.A. § 16-10-20, which lists the punishment for making false statements and writings, concealing facts, and presenting fraudulent documents in matters within the jurisdiction of state or political subdivisions.

AUTHORIZATION FOR TRAVEL:

Elected Officials and employees may be reimbursed for reasonable travel-related expenses incurred while on official business for the City. Subject to the provisions outlined in these travel regulations, reimbursements are authorized for the following expenses:

CITY OF STONECREST TRAVEL POLICY AND PROCEDURES

- Meals associated with overnight travel and in certain circumstances where there is no overnight lodging;
- Lodging expenses;
- Mileage for use of a personal motor vehicle;
- Transportation expenses; and
- Certain miscellaneous expenses associated with travel, such as parking and toll fees.

AUTHORIZATION FOR EMPLOYEE TRAVEL

Elected Officials and employees who are required to travel for their job and are eligible for travel reimbursement should receive authorization from their department head or other designated official prior to performing the travel. For Elected Officials, the designated official is the City Manager. Except in the case of emergencies, requests for travel authorization should be made at least seven (7) days prior to date of travel.

Departments must utilize the travel request form for in-state and out-of-state travel. However, department heads or their designees should specifically authorize out-of-state travel prior for each trip. Signature of the approving official on the travel expense form constitutes authorization of employee travel. Each department should provide the City Manager with a list of all persons/positions authorized to approve travel expense statements.

TRAVEL TO CONFERENCES FOR CERTIFICATION PURPOSES

Department heads, Elected Officials and employees traveling to or for certification purposes should limit their travel to these conferences and prohibit “discretionary” travel. If travel for certification is necessary, then efforts should be made to seek a location within the State of Georgia or closer to Georgia.

REIMBURSEMENT PROCEDURES

Elected Officials and employees requesting reimbursement for travel expenses are required to submit their claim to authorized personnel on the employee travel expense statement.

Requests for reimbursement should include the following information:

- Itemized expenses for authorized lodging, mileage, transportation, and miscellaneous expenses. The types of expenses which are authorized and the allowable limits are discussed in subsequent sections;

CITY OF STONECREST TRAVEL POLICY AND PROCEDURES

- Explanation of any expenses which exceed the established limits and of any unusual expenses;
- Explanation of the purpose for the trip; and
- Description of the type(s) of transportation used.

Elected Officials and employees are required to sign their travel expense statement, attesting that the information presented on the form is accurate.

Elected Officials and employees are required to submit receipts for expenses, including:

- Meals purchased,
- Lodging,
- Airline or Railroad fares,
- Rental of motor vehicles,
- Registration Fees,
- Gasoline purchased for rental vehicles,
- Parking,
- Tollway,
- Mass transit,
- Taxi, and
- Airport vans.

If a receipt is not available, Elected Officials and employees are required to include an explanation of the expense on the travel expense statement. Credit card receipts are valid provided they contain complete details of the purchase.

BAGGAGE AND LUGGAGE FEES – Baggage and luggage fees are a reimbursable expense. All travelers should consider the extra fees charged by the airlines prior to making their travel arrangements and plan accordingly. When combining personal travel and City business travel, baggage and luggage fees should be allocated accordingly and reasonable under the circumstances.

MEALS AND INCIDENTAL TRAVEL EXPENSES:

Generally, meals are reimbursable on an actual expense basis, subject to the maximum amount below. These maximum rates for meal expense reimbursement are:

Eligible Meals	In State	Per Diem	High Cost Cities	Per Diem
Breakfast		\$6.00	Breakfast	\$7.00
Lunch		\$7.00	Lunch	\$9.00
Dinner		\$15.00	Dinner	\$20.00

CITY OF STONECREST TRAVEL POLICY AND PROCEDURES

In the event the IRS has established a per diem rate for the particular location of travel, the IRS per diem rate shall be the maximum rate. However, the traveler may only receive reimbursement for the actual expense of the meal.

It should be noted that the City of Stonecrest Travel Regulations **does not** authorize Elected Officials and employees to receive a reimbursement for a “lunch meeting” in which the meal and meeting are the same, or when meals are otherwise provided at the meeting.

Reimbursement for meals shall be based on the actual time of departure on the departure date and the actual time of return arrival for out-of-town travel.

LODGING EXPENSES:

Elected Officials and employees who travel more than 50 miles from their office and/or residence, may be reimbursed for lodging expenses associated with approved overnight travel.

Elected Officials and employees will be reimbursed for the actual lodging expenses, providing the expenses are reasonable in accordance with the IRS’s governmental per diem rates for lodging.

Elected Officials and employees traveling overnight are responsible for ensuring the most reasonable lodging rates are obtained. To accomplish this, the employee should:

- Provide human resources with information about hotel accommodations,
- Utilize minimum rate accommodations,
- Avoid the “deluxe” hotels and motels, and
- Obtain city/government rates, whenever possible.

Elected Officials and employees who stay at a hotel/motel that is holding a scheduled meeting or seminar may incur lodging expenses that exceed the IRS governmental per diem rates, or if when no alternative hotels or lodging are available. The higher cost may be justified in order to avoid excessive transportation costs between a lower cost hotel/motel and the location of the meeting.

Elected Officials and employees should review hotel/motel receipts to ensure that taxes have not been applied to their lodging expenses in accordance with the state tax laws and regulations.

Elected Officials and employees should attempt to resolve any problems with the billing prior to checkout.

- ❖ Lodging paid directly by employee (personal credit card, personal check, or cash).
- ❖ Lodging paid directly by the City (direct bill, city credit card, or government check).
The hotel/motel should not collect any taxes associated with the lodging expenses.

Local government officials and Elected Officials and employees traveling within the state for official business are exempt from paying the *county or municipal excise tax* on lodging (“hotel/motel” or “occupancy” tax). [OCGA 48- 13-51 (H) (3)], regardless of the payment method being used. Elected Officials and employees are required to submit a copy of the hotel/motel tax-exemption form when they register at a hotel/motel. This exemption does not apply to Elected Officials and employees staying at an out of state hotel/motel. Elected Officials

CITY OF STONECREST TRAVEL POLICY AND PROCEDURES

and employees should be able to provide proper identification to document their employment as a City/local government employee or official.

A traveler may use a privately-owned vehicle when it is in the best interest of the City. The approving official shall be responsible for substantiating that use of a privately owned vehicle is in the City's best interest. Mileage rates are based on the federal per diem rate in effect and the most advantageous form of travel. The traveler shall receive a mileage reimbursement equal to the established rates. If the use of a personal vehicle is the most advantageous, the following conditions have to be met:

- No suitable City vehicle is available.
- Traveling outside the city, but within 300-mile radius of the city.
- In Georgia, state statute specifies that Automobile Insurance follows the vehicle. If a personal auto is being used, the personal auto policy covering that vehicle would be responsible for any loss.

PROHIBITED MILEAGE REIMBURSEMENT – Elected Officials and employees are not entitled to mileage reimbursement for travel between their place of residence and their official headquarters, or personal mileage incurred while on travel status.

PARKING FEES AND TOLLS – the City may reimburse elected officials and employees who incur parking and toll expenses while on official business for the City. Elected Officials and employees that attend offsite meetings or training sessions may also be reimbursed for parking expenses. These expenses are reimbursable for travel in both city-owned and personal vehicles. Elected Officials and employees are expected to obtain receipts for these expenses. If it is not possible to obtain a receipt, then a written explanation should be included on the expense statement.

TRAVEL EXPENSES & REQUIRED RECEIPTS/DOCUMENTATION – All requests for reimbursement of mileage, parking, and toll charges must be documented on the travel expense statement and a receipt must accompany the documentation. Employee should claim mileage based on the most direct route from the point of departure to the destination.

TRAVEL BY COMMERCIAL or PUBLIC TRANSPORTATION

When commercial transportation is necessary, elected officials and employees may be reimbursed for the expenses incurred. Elected Officials and employees will be reimbursed for actual expenses incurred, provided the appropriate steps were taken to obtain the lowest possible fare or cost.

Authorized department personnel must approve travel by commercial or public transportation prior to the date of travel. When considering such a request, designated personnel should consider the distance to be traveled, the travel time and the cost.

COMMERCIAL AIR TRANSPORTATION

Elected Officials and employees should utilize commercial air transportation when it is more cost effective and efficient to travel by air than by vehicle. Elected Officials and employees who choose to travel by personal vehicle when air travel is more cost effective should only be reimbursed for the cost of the lowest available airfare to the specified destination. In some instances, a higher airfare may be appropriate to reduce or eliminate for multiple stops and extended travel time.

Under such circumstances, the City of Stonecrest may reimburse elected officials and employees for expenses incurred for air travel, provided these expenses were approved prior to the date of travel. Additionally, the City may reimburse elected officials and employees for reasonable expenses associated with selecting seats or checking bags. These expenses should be included in the total cost of the airline ticket.

Elected Officials and employees who require air travel should obtain the lowest available airfare to the specified destination by comparing rates as follows:

- Utilize the Internet (i.e. Priceline.com, Expedia.com, Travelocity.com)
- Contact carriers directly

Tickets may be purchased using a city issued city charge card, personal credit card (on an as-needed basis with prior approval of the City Manager).

In general, it will be the City's policy that the Mayor and Council Members or Elected Officials and employees traveling by commercial air carrier travel in the most cost-effective manner and utilize the lowest possible coach fares. City Officials or Elected Officials and employees traveling by commercial air carrier will not be reimbursed for the portion of non-coach (first class, business class, etc.) airfare that exceeds the cost of the lowest, available fare on the same flight.

TRAVEL BY MASS TRANSPORTATION, TAXI OR AIRPORT VANS

Elected Officials and employees officially on travel status may be reimbursed for necessary costs of transportation by bus, taxi, or airport vans for the following situations:

- Between the individual's departure point and the common carrier's departure point;
- Between the common carrier's arrival point and the individual's lodging or meeting place; and
- Between the lodging and meeting places if at different locations.
- Elected Officials and employees will be reimbursed for economy parking only.

It is expected that airport vans will be utilized when available and practical, and when they are the lowest cost alternative.

CITY OF STONECREST TRAVEL POLICY AND PROCEDURES

UNALLOWABLE EXPENSES

The following expenses are not reimbursable unless specific legal authority has been established:

- Laundry (allowable when overnight travel exceeds seven (7) consecutive days)
- Valet services for parking, when self-parking options are available
- Tipping for maid services
- Theatre
- Entertainment
- Alcoholic beverages
- Bank charges for ATM withdrawals
- Clothing or toiletry items
- Commuting between Residence and Primary Work Station
- Country Club dues
- Expenses related to vacation or personal days taken before, during or after a business trip
- Haircuts and personal grooming
- Laundry, cleaning, pressing costs for trips of less than seven days
- Loss or theft of cash advance, money or airline tickets
- Loss or theft of personal funds or property
- Lost baggage
- Luggage or briefcases
- Medical expenses while traveling (*Exceptions may be made to accommodate ADA compliance*)
- Mini-bar charges
- Movies
- No-show/Cancellation fees or fees related to hotel late check-out (unless business or weather related)
- Personal reading materials (magazines, newspapers, etc.)
- Personal vehicle maintenance
- Personal entertainment
- Personal Pet care
- Recreational expenses
- Saunas, massages
- Shoe Shines
- Souvenirs or personal gifts
- Traffic citations (moving violations), parking tickets, court fees and other fines
- Travel accident insurance premiums
- Valet services for parking, when self-parking options are available, unless there are valid security reasons

CITY CHARGE CARDS

The City Manager or his/her designee may issue city charge cards to eligible Elected Officials and employees upon approval. City charge cards are beneficial because they:

- Reduce the employee's and the city's cash flow by minimizing the need for cash advances;
- Reduce the frequency of reimbursements for travel expenses;
- Require no annual membership fee or finance charges if paid within the terms of the agreement;
- Provide emergency cash to the employee;
- Eliminate the need for the City to directly pay airline tickets and car rental agencies;
- Provide guarantee for hotel rooms and other services requiring a deposit; and
- Provide the city with various financial reports regarding employee travel expenses.

Elected Officials and employees who are issued city charge cards are authorized to use the charge cards for business purposes only.



CITY COUNCIL AGENDA ITEM

SUBJECT: An Ordinance Adopting Chapter 14 – Land Development

☒ **ORDINANCE** ☐ **POLICY** ☐ **STATUS REPORT**
☐ **DISCUSSION ONLY** ☐ **RESOLUTION** ☐ **OTHER**

Date Submitted: 04/26/2018 **Work Session:** 05/02/2018 **Council Meeting:** 06/18/2018

SUBMITTED BY: City Attorney

PURPOSE: This ordinance is to adopt Chapter 14 Land Development in its Entirety.

HISTORY: First Reading was on May 21, 2018

FACTS AND ISSUES:

OPTIONS:

RECOMMENDED ACTION: Adoption of the Ordinance

**AN ORDINANCE OF THE CITY OF STONECREST, GEORGIA, ADOPTING
CHAPTER 14 – LAND DEVELOPMENT, IN ITS ENTIRETY**

WHEREAS, the City of Stonecrest, Georgia Mayor and City Council are authorized by the City Charter to regulate land development; and

WHEREAS, the City of Stonecrest has advertised and held public hearings in front of the Planning Commission and in front of the Mayor and City Council; and

WHEREAS, the City of Stonecrest has been vested with substantial powers, rights, and functions to generally regulate the use of real property for the purposes of maintaining health, morals, safety, security, peace, and the general welfare of the City; and

WHEREAS, the health, safety, welfare, aesthetics and morals of the citizens of the City of Stonecrest, Georgia shall be improved and protected by adoption and implementation of this Ordinance.

THEREFORE, the Mayor and City Council of the City of Stonecrest, Georgia, hereby ordain as follows:

Section 1: The Mayor and City Council of the City of Stonecrest, Georgia, hereby adopt an ordinance designated as “Chapter 14, Land Development” to read and to be codified as follows:

ARTICLE I. - IN GENERAL

Sec. 14-1. - Definitions.

For the purposes of this Chapter, certain terms and words are hereby defined. Where words are not herein defined, but are defined in Chapter 1, those words shall have the meaning as defined therein. The following words, terms and phrases, when used in this chapter, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

Addition (to an existing building) means any walled and roofed expansion to the perimeter of a building in which the addition is connected to a common load-bearing wall other than a firewall. Any walled and roofed addition, which is connected by a firewall or is separated by independent perimeter load-bearing walls is new construction.

Aggrieved person(s) means a person(s) whose property is the subject of the action appealed from or a person's who has a substantial interest in the action appealed from that is in danger of suffering special damage or injury not common to all property owners similarly situated.

Agricultural operations means those practices involving the establishment, cultivation, or harvesting of products of the field or orchard, the preparation and planting of pasture land, farm ponds, dairy operations, livestock and poultry management practices and the construction of farm buildings.

39 *Alley* means a minor way, which is used primarily for vehicular service access to the back or
40 side of properties otherwise fronting on a street.

41 *Appeal* means a review authorized by this chapter of any final order, requirement, or
42 decision of the planning director or the City staff based on or made in the enforcement of this
43 chapter.

44 *Applicant* means any person who acts in the person's own behalf or as the agent of an owner
45 of property and engages in alteration of land or vegetation in preparation for construction
46 activity.

47 *As-built drawings* means amended site plans specifying the location, dimensions, elevations,
48 capacities and operational capabilities of public improvements, including water, sewer, road and
49 drainage structures and stormwater management facilities as they have been constructed.

50 *Bank (stream bank)* means the sloping land that contains the stream channel and the normal
51 flows of the stream.

52 *Basement* means a space having one-half ($\frac{1}{2}$) or more of its floor-to-ceiling height below the
53 average level of adjoining ground and with a floor-to-ceiling height of not less than six and one-
54 half ($6\frac{1}{2}$) feet.

55 *Best management practices (BMP's)* includes sound conservation and engineering practices
56 to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no
57 less stringent than, those practices contained in the Manual for Erosion and Sediment Control in
58 Georgia, published by the Commission as of January 1 of the year in which the land-disturbing
59 activity was permitted.

60 *Bicycle lane* means that part of a street or highway adjacent to the roadway, designated by
61 official signs or markings for use by persons riding bicycles.

62 *Block* means a piece or parcel of land entirely surrounded by public highways or streets,
63 other than alleys. In cases where the platting is incomplete or disconnected, the planning director
64 may delineate the outline of the block.

65 *Buffer area* means that portion of a lot set aside for open space and/or visual screening
66 purposes, pursuant to the applicable provisions of the City of Stonecrest Code and all conditions
67 of zoning, to separate different use districts, or to separate uses on one (1) property from uses on
68 another property of the same use district or a different use district.

69 *Buffer, stream* means the portion of a lot and/or area of land immediately adjacent to the
70 banks of streams as regulated by land development regulations of this Chapter.

71 *Buffer zone, state* means an area of land immediately adjacent to the banks of state waters in
72 its natural state of vegetation, which facilitates the protection of water quality and aquatic
73 habitat.

74 *Buildable area* means the area of a lot remaining after all setback requirements, including
75 buffer areas, have been met.

76 *Builder* as used in sections 14-135 and 14-136 means a person who constructs a structure or
77 dwelling for residential occupancy by humans.

78 *Building* means any structure having a roof supported by columns or walls and intended for
79 the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or
80 materials of any kind.

81 *Building permit* means required written permission issued by the development director for
82 the construction, repair, alteration, or addition to a structure.

83 *Building setback line.* Building setback line means the minimum horizontal distance
84 required between the public right-of-way or the utility easement abutting a private street and the
85 principal building or structure on a lot or any projection thereof except projections that are
86 authorized exceptions to building set back line requirements in chapter 27 of the Code of the City
87 of Stonecrest and any zoning conditions approved thereto. The size of the utility easement(s) for
88 a private street shall be equal to the required size of the public right of way and shall not be any
89 smaller in width or length than what would be required for a public right of way.

90 *CPESC* means a certified professional in erosion and sediment control with current
91 certification by Certified Profession in Erosion and Sediment Control Inc., a corporation
92 registered in North Carolina, which is also referred to as CPESC or CPESC, Inc.

93 *Caliper* means the diameter of a tree trunk, applied only to new or replacement plantings,
94 that is taken six (6) inches above the ground for up to and including four-inch caliper size, and
95 twelve (12) inches above the ground for larger sizes.

96 *Certified personnel* means a person who has successfully completed the appropriate
97 certification course approved by the Georgia Soil and Water Conservation Commission.

98 *Channel* means a natural or artificial watercourse with a definite bed and banks that conduct
99 continuously or periodically flowing water.

100 *Channel protection* means the protection of stream channels, in accord with the Georgia
101 Stormwater Management Manual, from bank and bed erosion and degradation by preserving or
102 restoring the applicable stream buffer, by providing extended detention, and by integrating
103 erosion prevention measures such as energy dissipation and velocity control.

104 *City* means the City of Stonecrest, Georgia, a political subdivision of the State of Georgia.
105 When appropriate to the context, the term "city" also includes authorized officers, employees and
106 agents thereof.

107 *Director of Community Development* means the city official having the primary
108 responsibilities of administration and enforcement of the tree protection ordinance. *Director of*
109 *Community Development* may also be referred to as the development director, planning director,
110 or the director.

111 *City Manager* means the City Manager of City of Stonecrest or designee.

112 *City zoning ordinance* or *zoning ordinance* means the zoning ordinance of the City of
113 Stonecrest, Georgia.

114 *Clean concrete* means concrete that is free of added paints, insulators, reinforcing materials,
115 sealers, asphalt, clay balls, soils, epoxy expansion material, or any other deleterious material that
116 could potentially contaminate groundwater.

Coastal Marshlands shall have the same meaning as in O.C.G.A. §12-5-282.

Collector street means a street or road designated as a collector street in the thoroughfare plan.

Combination plat means the combination or redivision of two or more lots, tracts or parcels, regardless of their existing and future use, into one lot, tract, or parcel.

Commission means the Georgia Soil and Water Conservation Commission (GSWCC).

Comprehensive plan means the City of Stonecrest Comprehensive Plan adopted by the city council, as it may be amended from time to time, which divides the incorporated areas of the city into land use categories and which constitutes the official policy of the city regarding long term planning and use of land.

Conservation easement means a restriction or limitation on the use of real property which is expressly recited in any deed or other instrument of grant or conveyance executed by or on behalf of the owner of the land described therein and whose purpose is to preserve land or water areas predominantly in their natural scenic landscape or open condition or in an agricultural farming, forest or open space use and includes conservation easements authorized by state law.

Construction means any alteration of land for the purpose of achieving its development or changed use, including particularly any preparation for, building of or erection of a structure.

Construction waste means waste building materials and rubble resulting from construction, remodeling, repair and demolition operations on pavements, houses, commercial buildings and other structures. Such waste includes, but is not limited to: asbestos-containing waste, wood, tree stumps, tree tops, bricks, metal, concrete, wall board, paper, cardboard, glass, wire, plastics, and other typical construction waste products and refuse.

CPESC means the Certified Professional in Erosion and Sediment Control with current certification by EnviroCert, Inc., which is also referred to as CPESC or CPESC, Inc.

Critical root zone means an area of root space that is within a circle circumscribed around the trunk of a healthy tree using a radius of one (1) foot per inch DBH.

Crosswalk means a right-of-way within a block dedicated to public use, ten (10) feet or more in width, intended primarily for pedestrians and from which motor-propelled vehicles are excluded, and which is designed to improve or provide access to adjacent roads or lots.

Cut means a portion of land surface or area from which earth has been removed or will be removed by excavation; the depth below original ground surface to excavated surface. Also known as "excavation."

DBH (Diameter at breast height) means the diameter of a tree trunk measured in inches at a height of four and one-half (4½) feet above the ground. If a tree splits into multiple trunks below four and one-half (4½) feet, then the trunk is measured at its most narrow point beneath the split.

DNR means the Department of Natural Resources of the State of Georgia.

Deck, elevated means an open, unenclosed structure elevated above pervious natural grade that is attached to the primary structure.

155 *Density factor* means a unit of measurement used to prescribe the calculated required tree
156 coverage on a site.

157 *Department* means the community development department or its designee.

158 *Design professional* means a professional licensed by the State of Georgia in the field of:
159 engineering, architecture, landscape architecture, forestry, geology, or land surveying; or a
160 person that is a certified professional in erosion and sediment control (CPESC) with a current
161 certification by EnviroCert, Inc. Design Professionals shall practice in a manner that complies
162 with applicable Georgia law governing professional licensure.

163 *Detention* means the temporary storage of stormwater runoff in a stormwater management
164 facility for the purpose of controlling the peak discharge of the stormwater, as that term is
165 defined by state law or this Chapter.

166 *Detention facility* means a facility that provides for storage of stormwater runoff and
167 controlled release of this runoff during and after a flood or storm.

168 *Developer* means any person who acts in the person's own behalf or as the agent of an owner
169 of property and engages in alteration of land or vegetation in preparation for construction
170 activity.

171 *Development* means all activities associated with the conversion of land or the expansion of
172 replacement of an existing use to any new use intended for human operation, occupancy, or
173 habitation, other than for agricultural purposes devoted strictly to the cultivation of land, dairying
174 or animal husbandry. Such activities include, but are not limited to, land disturbance (clearing
175 and grubbing the land of vegetation and stumps, and grading) and the construction of
176 improvements such as, but not limited to, streets, driveways or parking area, water sewer mains,
177 storm water drainage facilities, sidewalks or other structures permanently placed in or on the
178 property. Where appropriate to the context, development also may be used to denote a specific
179 subdivision or project which is a single entity or intended to be constructed as in interrelated
180 whole, whether simultaneously or in phases.

181 *Development director, Planning Director, or Director*, means the director of the community
182 development department of the City of Stonecrest or designee.

183 *Development permit* means any permit that authorizes land disturbance for the use,
184 construction thereon or alteration of any real property within the incorporated limits of the city.

185 *Director, EPD* means the director of the Environmental Protection Division of the
186 Department of Natural Resources.

187 *District* means the DeKalb County Soil and Water Conservation District.

188 *Division* means the Environmental Protection Division of the Department of Natural
189 Resources.

190 *Drainage* means the removal of surface or subsurface water from a given area, either by
191 gravity or by pumping, commonly applied herein to surface water.

Drainage easement means an easement appurtenant or attached to a tract or parcel of land allowing the owners of adjacent tracts or other persons to discharge stormwater runoff onto the tract or parcel of land subject to the drainage easement.

Drainage plan means a plan prepared using appropriate and commonly accepted engineering standards, which specifies the means for alteration or development of a drainage system.

Drainage structure means a device composed of a virtually nonerodible material such as concrete, steel, plastic or other such material that conveys water from one (1) place to another by intercepting the flow and carrying it to a release point for stormwater management, drainage control, or flood control purposes.

Drainage system means the surface and subsurface system for the removal of water from the land, including, but not limited to, both the natural elements of streams, marshes, swales and ponds, whether of an intermittent or continuous nature, and the manmade element which includes culverts, ditches, channels, detention facilities that comprise the storm drainage system.

EPD means the environmental protection division of the department of natural resources.

Elevated building means a nonbasement building built to have the lowest floor elevated above ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), and/or shear walls.

Erosion means the process by which land surface is worn away by the action of wind, water, ice or gravity.

Exceptional and historical trees means those trees or stands of trees which are exceptional representatives of their species in terms of size, age or unusual botanical quality, or are associated with historically notable events.

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) was completed before June 6, 1974.

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).

Extended detention means the detention of stormwater runoff for an extended period, typically twenty-four (24) hours or greater.

Extreme flood protection means measures taken to prevent adverse impacts from large low-frequency storm events with a return frequency of one hundred (100) years.

Fill means a portion of land surface to which properly compacted soils have been added: the depth above the original ground surface or an excavation.

230 *Final stabilization* means that all soil-disturbing activities at the site have been completed,
231 and that for unpaved areas and areas not covered by permanent structures and areas located
232 outside the waste disposal limits of a landfill cell that has been certified by EPD for waste
233 disposal, one hundred (100%) percent of the soil surface is uniformly covered in permanent
234 vegetation with a density of seventy (70%) percent or greater, or landscaped according to the
235 Plan (uniformly covered with landscaping materials in planned landscape areas), or equivalent
236 permanent stabilization measures as defined in the Manual (excluding a crop of annual
237 vegetation and seeding of target crop perennials appropriate for the region). Final stabilization
238 applies to each phase of construction.

239 *Finished grade* means the final elevation and contour of the ground after cutting or filling
240 and conforming to the proposed design.

241 *Flood* or *flooding* means a general and temporary condition of partial or complete
242 inundation of normally dry land areas from the usual and rapid accumulation or runoff of surface
243 waters from any source.

244 *Flood hazard boundary map (FHBM)* means an official map of a community, issued by the
245 Federal Emergency Management Agency, where the boundaries of the areas of special flood
246 hazard have been defined as zone A.

247 *Flood hazard map* means the current Federal Emergency Management Agency hazard map
248 designating the elevation and boundaries of flooding and associated floodways under base flood
249 conditions, any subsequent official flood hazard map adopted by the City, the United States
250 Corps of Engineers or other reputable reports accepted by the Director, and based upon
251 competent engineering studies prepared by a currently state-registered professional engineer, or
252 the city.

253 *Flood insurance rate map (FIRM)* means an official map of a community, on which the
254 Federal Emergency Management Agency has delineated both the areas of special flood hazard
255 and the risk premium zones applicable to the community.

256 *Flood insurance study* is the official report provided by the Federal Emergency Management
257 Agency. The report contains flood profiles, as well as the flood boundary floodway map and the
258 water surface elevation of the base flood.

259 *Floodplain* means any land area susceptible to flooding, which would have at least a one (1)
260 percent probability of a flooding occurrence in any calendar year based on the basin being fully
261 developed as shown on the current land use plan; i.e., the regulatory flood.

262 *Floodway* means the channel of a river or other watercourse and the adjacent land areas that
263 must be reserved in order to discharge the base flood without cumulatively increasing the water
264 surface elevation more than one (1) foot.

265 *Floor* means the top surface of an enclosed area in a building (including basement), i.e., the
266 top of slab in concrete slab construction or top of wood flooring in wood frame construction. The
267 term does not include the floor of a garage used solely for parking vehicles.

268 *Footpath* means any unpaved, narrow and pervious trail in a stream buffer allowing for
269 pedestrian travel.

270 *Frontage, lot* means the distance for which the front boundary line of the lot and the street
271 line are coincident.

272 *Functionally dependent facility* means a facility which cannot be used for its intended
273 purpose unless it is located or carried out in close proximity to water, such as a docking or port
274 facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair,
275 or seafood processing facilities. The term does not include long-term storage, manufacture, sales,
276 or service facilities.

277 *Georgia Stormwater Management Manual* is the manual adopted by the mayor and council
278 that provides the criteria, technical design specifications and standards for the proper
279 implementation of the requirements of this chapter.

280 *Governing authority of the City of Stonecrest* means the city's mayor and council.

281 *Grading* means altering the shape of ground surfaces to a predetermined condition; this
282 includes stripping, cutting, filling, stockpiling and shaping or any combination thereof and shall
283 include the land in its cut or filled condition.

284 *Ground elevation* means the original elevation of the ground surface prior to cutting or
285 filling.

286 *Highest adjacent grade* means the highest natural elevation of the ground surface, prior to
287 construction, next to the proposed walls of a building.

288 *Historic structure.* See Chapter 13.5.

289 *Impervious surface* means any surface that is highly resistant to infiltration by water,
290 including but not limited to surfaces such as concrete or asphalt as well as most conventionally
291 surfaced streets, roofs, sidewalks, driveways, parking lots, and other similar structures.

292 *Infiltration* means the process of percolating stormwater runoff into the soil.

293 *Inspection and maintenance agreement* means a written agreement executed by an owner in
294 a form approved by the director that will provide the long-term inspection and maintenance of
295 stormwater management facilities and practices on a site or with respect to a land development
296 project, which when properly recorded in the deed records constitutes a restriction on the title to
297 a site or other land involved in a land development project.

298 *Intermediate regional flood (IRF)* means a one-hundred-year frequency flood as defined on
299 the flood hazard map which has a probability of occurring once every one hundred (100) years or
300 having a one (1) percent chance of being equaled or exceeded in any given year. Also known as
301 the base flood, or one hundred-year flood.

302 *Intermediate regional floodplain* means the land area within the floodplain within a
303 community subject to a one (1) percent or greater chance of flooding in any given year as
304 defined on the flood hazard map. Also known as area of special flood hazard, or one hundred-
305 year floodplain.

306 *Land-disturbing activity* means any activity which may result in soil erosion from water or
307 wind and the movement of sediments into state waters or onto lands within the state, including,

but not limited to, clearing, dredging, grading, excavating, transporting, and filling of land, but not including agricultural practices.

Larger common plan of development or sale means a contiguous area where multiple separate and distinct construction activities are occurring under one (1) plan of development or sale. For the purposes of this paragraph, "plan" means an announcement, piece of documentation such as a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, or computer design, or physical demarcation such as boundary signs, lot stakes, or surveyor markings indicating that construction activities may occur on a specific plot.

Live detention means that quantity of water capable of being effectively contained by a designated facility for stormwater storage for a specified period of time.

Local issuing authority (LIA) means the governing authority of the City of Stonecrest.

Local street means a street used primarily for access to abutting properties in residential, industrial or other developments.

Lot means a designated parcel, tract, or area of land legally established by plat, subdivision, or as otherwise permitted by law, to be separately owned, used, developed, or built upon.

Lot, corner means a lot abutting upon two (2) or more streets at their intersection or upon two (2) parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees.

Lot, double-frontage means a lot that abuts two (2) parallel streets or that abuts two (2) streets that do not intersect at the boundaries of the lot. A double-frontage lot may also be referred to as a through lot.

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 the applicable nonelevation design requirements of 44 CFR 60.3.

Maintenance of detention facility means preserving the enclosed walls or impounding embankments of the detention facility in good condition; ensuring structural soundness, functional adequacy and freedom from excessive sediment; removing obstructions affecting operation of outlet device(s) and rectifying any unforeseen erosion problems.

Major thoroughfare/major arterial means a street, road or highway shown as a major thoroughfare in the thoroughfare plan.

Manufactured home means a new or used structure, transportable in one (1) or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length or, when erected on site, is three hundred twenty (320) or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; except that such term shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required

by the secretary of housing and urban development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. section 5401 et seq.

Mean sea level means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this chapter, the term is synonymous with national geodetic vertical datum (NGVD).

Metropolitan River Protection Act (MRPA) means a state law found at O.C.G.A. § 12-5-440 et seq., which addresses environmental and developmental matters in certain metropolitan river corridors and their drainage basins.

Minor thoroughfare/minor arterial means a street, road or highway shown as a minor thoroughfare in the thoroughfare plan.

Multi-phase residential development means any development undertaken by a single developer or a group of developers acting in concert, to develop lots for sale in a residential subdivision where such land is developed pursuant to multiple preliminary or final plats and such land is contiguous or is known, designated, or advertised as a common unit or by a common name.

NOI means a notice of intent form provided by EPD for coverage under the State General Permit.

NOT means a notice of termination form provided by EPD to terminate coverage under the State General Permit.

National geodetic vertical datum (NGVD), as corrected in 1929, is a vertical control used as a reference for establishing varying elevations within the floodplain.

Natural ground surface means the ground surface in its original state before any grading excavation or filling.

Nephelometric turbidity units (NTU's) means numerical units of measure based upon photometric analytical techniques for measuring the light scattered by finely divided particles of a substance in suspension. This technique is used to estimate the extent of turbidity in water in which colloiddally dispersed or suspended particles are present.

New construction means any structure for which the permitted date of construction commenced after adoption of this chapter.

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 June 6, 1974.

Nonpoint source pollution means a form of water pollution that does not originate from a discrete point such as a sewage treatment plant or industrial discharge, but involves the transport of pollutants such as sediment, fertilizers, pesticides, heavy metals, oil, grease, bacteria, organic materials and other contaminants from land to surface water and groundwater via mechanisms such as precipitation, stormwater runoff, and leaching. Nonpoint source pollution is a by-product

of land use practices such as agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.

Nonstructural stormwater management practice or *nonstructural practice* means any natural or planted vegetation or other nonstructural component and practice 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, vegetated channels and natural depressions.

Off-site facility means a stormwater management facility located outside the boundaries of the site.

One hundred-year floodplain means land in the floodplain subject to a one (1) percent or greater statistical occurrence probability of flooding in any given year.

On-site facility means a stormwater management facility located within the boundaries of the site.

Open space means that portion of a lot, including yards, established pursuant to the requirements of this chapter as open space, which is open and unobstructed from ground level to the sky, with the exception of natural foliage or accessory recreational facilities or walkways, which is accessible to all persons occupying a building on the lot and is not a part of the roof of any portion of any building.

Operator means the party or parties that have: (a) operational control of construction project plans and specifications, including the ability to make modifications to those plans and specifications; or (b) day-to-day operational control of those activities that are necessary to ensure compliance with an erosion, sedimentation and pollution control plan for the site or other permit conditions, such as a person authorized to direct workers at a site to carry out activities required by the erosion, sedimentation and pollution control plan or to comply with other permit conditions.

Outfall means the location where stormwater in a discernible, confined and discrete conveyance, leaves a facility or site or, if there is receiving water on site, becomes a point source discharging into that receiving water.

Overbank flood protection means measures taken to prevent an increase in the frequency and magnitude of out-of-bank flooding (i.e. flow events that exceed the capacity of the channel and enter the floodplain), and that are intended to protect downstream properties from flooding for the two-year through twenty-five-year frequency storm events.

Owner means the person in whom is vested the fee ownership, dominion or title of property, the proprietor; this term may also include a tenant, if chargeable under the lease for maintenance of the property, and any agent of the owner or tenant including a developer.

Parcel means any plot, lot or acreage shown as a unit on the latest county tax assessment records.

Permit means the authorization necessary to conduct a land-disturbing activity under the provisions of this ordinance.

Person means any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, state agency, municipality or other political subdivision of the State of Georgia, any interstate body or any other legal entity.

Phase or *phased* means subparts or segments of construction projects where the subpart or segment is constructed and stabilized prior to completing construction activities on the entire construction site.

Planning commission means the planning commission of the City of Stonecrest.

Post-development refers to the time period, or the conditions that may reasonably be expected or anticipated to exist, after completion of land development activity on a site as the context may require.

Potential purchaser as used in sections 14-135 and 14-136 means a person purchasing property in a residential subdivision or a multi-phase residential development from a developer and/or builder for occupancy as a residence or as a residence to be rented or leased to others.

Predevelopment refers to the wooded conditions of a site.

Project means the entire proposed development project regardless of the size of the area of land to be disturbed.

Properly designed means designed in accordance with the design requirements and specifications contained in the "Manual for Erosion and Sediment Control in Georgia" (Manual) published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted and amendments to the Manual as approved by the Commission up until the date of NOI submittal.

Protected zone means all areas of a parcel required to remain in open space, including all areas required as yard areas, buffer areas, stream buffers, state buffer zones or landscaped areas according to provisions of the Zoning Ordinance or by conditions of zoning or variance approval.

Public facilities shall mean the roads, water, sewer, schools, traffic control devices, and electrical service.

Qualified personnel means any person who meets or exceeds the education and training requirements of O.C.G.A. § 12-7-19.

Reach means a longitudinal segment of a stream or river measured along specified points on the stream or river.

Reasonable access means a fifteen-foot access easement from the public right-of-way to the stormwater management facility and a ten-foot drainage and maintenance easement on all four (4) sides of the stormwater management facility.

Recreation areas means those portions of open space designed and intended for active recreational use, such as sports fields and other play areas.

Recreational vehicle means a vehicle that is:

- (1) Built on a single chassis;

(2) Four hundred (400) square feet or less when measured at the largest horizontal projection;

(3) Designed to be self-propelled or permanently towable by a light duty truck; and

(4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Recycled concrete aggregate means clean concrete made up of previously used concrete construction material that has been cleaned and crushed for use in future construction projects.

Redevelopment means a land development project on a previously developed site, but excludes ordinary maintenance activities, remodeling of existing buildings, resurfacing of paved areas, and exterior changes or improvements which do not materially increase or concentrate stormwater runoff, or cause additional nonpoint source pollution.

Regional stormwater management facility or *regional facility* means stormwater management facilities designed to control stormwater runoff from multiple properties, where the owners or developers of the individual properties may assist in the financing of the facility, and the requirement for on-site controls is either eliminated or reduced.

Residential shall have the same meaning as given in Chapter 27 except that it shall not include apartments.

Riparian means belonging or related to the bank of a river, stream, lake, pond or impoundment.

Roadway drainage structure means a device such as a bridge, culvert, or ditch, composed of a virtually nonerodible material such as concrete, steel, plastic or other such material that conveys water under a roadway by intercepting the flow on one (1) side of a traveled roadway consisting of one (1) or more defined lanes, with or without shoulder areas, and carrying water to a release point on the other side.

Rock outcropping means a single, contiguous piece of exposed rock that has a horizontal surface area equal to or greater than two hundred (200) square feet.

Runoff means the portion of precipitation on the land that reaches the drainage system.

Runoff coefficient means the ratio of runoff to rainfall.

Sediment means solid material, both organic and inorganic, that is in suspension, is being transported, or has been moved from its site of origin by wind, water, ice or gravity as a product of erosion.

Sedimentation means the process by which eroded material is transported and deposited by the action of water, wind, ice or gravity.

Sedimentation facility means a detention facility specifically developed for the purpose of allowing the deposit of sediment resulting from the land development process which may be constructed as part of or separately from a detention facility.

Sediment basin means a detention facility specifically developed for the purpose of allowing the deposit of sediment resulting from the land development process that may be constructed as part of or separately from a detention facility.

505 *Seller* as used in sections 14-135 and 14-136 means a builder or developer.

506 *Significant tree* means any existing, healthy, living tree eight (8) inches DBH or greater in
507 size.

508 *Site plan* means that plan required to acquire a development, construction or building permit
509 which shows the means by which the applicant will conform with applicable provisions of this
510 chapter and other applicable ordinances.

511 *Soil and Water Conservation District Approved Plan* means an erosion, sedimentation, and
512 pollution control plan approved in writing by the DeKalb County Soil and Water Conservation
513 District.

514 *Soil stabilizer* means construction material placed on the soil surface to add stability for
515 future construction projects.

516 *SS&WCC* means the state soil and water conservation commission.

517 *Stabilization* means the process of establishing an enduring soil cover of vegetation by the
518 installation of temporary or permanent structures for the purpose of reducing to a minimum the
519 erosion process and the resultant transport of sediment by wind, water, ice or gravity.

520 *Start of construction* includes substantial improvements, and means the date the building
521 permit was issued, provided the actual start of construction, repair, reconstruction, placement or
522 other improvement was within one hundred eighty (180) days of the permit date. The actual start
523 means either the first placement of permanent construction of a structure on a site, such as the
524 pouring of slab or footings, the installation of piles, the construction of columns, or any work
525 beyond the stage of excavation; or the placement of a manufactured home on a foundation.
526 Permanent construction does not include land preparation, such as clearing, grading and filling;
527 nor does it include the installation of streets and/or walkways; nor does it include excavation for
528 a basement, footings, piers or foundations or the erection of temporary forms; nor does it include
529 the installation on the property of accessory buildings, such as garages or sheds not occupied as
530 dwelling units or not part of the main structure.

531 *State* means the State of Georgia.

532 *State General Permit* means the National Pollution Discharge Elimination System (NPDES)
533 general permit or permits for storm-water runoff from construction activities as is now in effect
534 or as may be amended or reissued in the future pursuant to the state's authority to implement the
535 same through federal delegation under the Federal Water Pollution Control Act, as amended, 33
536 U.S.C. § 1251 et seq. and O.C.G.A. § 12-5-30(f).

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

542 *Stormwater better site design* means nonstructural site design approach and technique that
543 can reduce a site's impact on the watershed and can provide for nonstructural stormwater

544 inagement. Stormwater better site design includes conserving and protecting natural areas and
545 greenspace, reducing impervious cover and using natural features for stormwater management.

546 *Stormwater hotspot* means an area where the use of the land has the potential to generate
547 highly contaminated runoff, with concentrations of pollutants in excess of those typically found
548 in stormwater. Examples of stormwater hotspots include, but are not limited to the following:
549 gas/fueling stations, vehicle maintenance areas, vehicle washing/steam cleaning facilities, auto
550 recycling facilities, outdoor material storage areas, loading and transfer areas, landfills,
551 construction sites, industrial sites, and industrial rooftops.

552 *Stormwater management facility* means those structures and facilities that are designed for
553 the collection, conveyance, storage, treatment and disposal of stormwater runoff into and through
554 the drainage system.

555 *Stormwater management manual* means the Georgia Stormwater Management Manual.

556 *Stormwater management measure* means any stormwater management facility or
557 nonstructural stormwater practice.

558 *Stormwater quality site development review tool* is an Excel spreadsheet tool available from
559 the Georgia Stormwater Management Manual or website for use by both local government
560 review staff and the development community to quickly evaluate the water quality performance
561 of stormwater management plans for development sites. All new development and
562 redevelopments in the City of Stonecrest use the stormwater quality site development review
563 tool to facilitate the evaluation of the project in accordance with recommendations of this chapter
564 and the Georgia Stormwater Management Manual.

565 *Stormwater retrofit* means a stormwater management practice designed for a currently
566 developed site that previously had either no stormwater management practice in place or a
567 practice inadequate to meet the stormwater management requirements of the site.

568 *Streambank* means as measured horizontally from that point where vegetation has been
569 wrested by normal stream flow or wave action.

570 *Street, private* means an access way similar to and having the same function as a public
571 street, providing access to more than one (1) property but held in private ownership. Private
572 streets, when authorized, shall be developed in accordance with the specifications for public
573 streets established in Division 3, Part B of this chapter.

574 *Street, public* means any right-of-way set aside for public travel deeded to the city and any
575 right-of-way that has been accepted for maintenance as a street by the city. Public streets shall
576 also include any right-of-way deed to DeKalb County that are part of the municipal street system
577 and were located within the incorporated limits of the City prior to the incorporation of the City
578 of Stonecrest.

579 *Street right-of-way line* means the dividing line between a lot, tract or parcel of land and a
580 street right-of-way.

581 *Structure* means anything constructed or erected with a fixed location on the ground, or
582 attached to something having a fixed location on or in the ground. This does not include
583 telephone poles and utility boxes.

Structural Erosion, Sedimentation and Pollution Control Practices means practices for the stabilization of erodible or sediment-producing areas by utilizing the mechanical properties of matter for the purpose of either changing the surface of the land or storing, regulating or disposing of runoff to prevent excessive sediment loss. Examples of structural erosion and sediment control practices are rip rap, sediment basins, dikes, level spreaders, waterways or outlets, diversions, grade stabilization structures and sediment traps, etc. Such practices can be found in the publication "Manual for Erosion and Sediment Control in Georgia."

Structural fill material means construction material used to support structures or build up a piece of land or embankment.

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 of such runoff.

Subdivision means any division or redivision of a lot, tract or parcel, regardless of its existing and future use, into two (2) or more lots, tracts or parcels. Where appropriate to context, subdivision may also be used to reference the aggregate of all lots held in common ownership at the time of division.

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 fifty (50) percent of the market value of the structure before the damage occurred.

Substantial improvement means any combination of repairs, reconstruction, alteration or improvements to a structure taking place during the life of a structure, the cumulative cost of which equals or exceeds fifty (50) percent of the market value of the structure. The market value of the structure should be the appraised value of the structure prior to the start of the initial repair or improvement or, in the case of damage, the value of the structure prior to the damage occurring. This term includes structures that have incurred substantial damage regardless of the actual repair work performed. For the purposes of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the structure commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any project for improvement of a building required to comply with existing state or local health, sanitary, or safety code specifications which have been identified by a code enforcement official and which are solely necessary to assure safe living conditions, or any alteration to a structure listed on the National Register of Historic Places or a state inventory of historic places.

Substantially improved existing manufactured home parks or subdivision is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds fifty (50) percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

SWCD means the Soil and Water Conservation District of DeKalb County.

Thoroughfare plan means a comprehensive street plan of the city indicating proposed location and right-of-way widths for major thoroughfares, minor thoroughfares, collector streets and other streets. *Thoroughfare plan* shall mean the DeKalb County Thoroughfare Plan in effect on the date of adoption of the Chapter, including the 2014 Transportation Plan adopted by

626 DeKalb County and the Map 1 DeKalb County Recommended Functional Classification, or any
627 subsequent thoroughfare plan adopted by the City

628 *Tree* means any living, self-supporting, woody perennial plant which has a trunk caliper of
629 two (2) inches or more measured at a point six (6) inches above the ground and which normally
630 attains a height of at least ten (10) feet at maturity usually with one (1) main stem or trunk and
631 many branches.

632 *Tree harvesting* means the felling, loading, and transporting of timber products done
633 pursuant to a special exception issued by the zoning board of appeals.

634 *Tree save area* means the boundaries of the area or areas surrounding trees wherein it is
635 essential that they remain undisturbed in order to prevent damage and loss of trees that are to be
636 retained on site during the development and building process.

637 *Tree replacement* means the replacement of trees and landscape plant materials into the
638 minimum required landscape areas, as determined by the zoning regulations or the tree
639 protection ordinance.

640 *Trout streams* means all streams or portions of streams within the watershed as designated
641 by the Wildlife Resources Division of the Georgia Department of Natural Resources under the
642 provisions of the Georgia Water Quality Control Act, O.C.G.A. § 12-5-20 et seq., in the rules
643 and regulations for Water Quality Control, Chapter 391-3-6 at www.epd.georgia.gov.

644 *Trout waters, first order* means streams into which no other streams flow except springs.

645 *Trout waters, primary* means streams or waters supporting a self-sustaining population of
646 rainbow, brown or brook trout.

647 *Trout waters, secondary* means streams or waters in which there is no evidence of natural
648 trout reproduction, but are capable of supporting trout throughout the year.

649 *Used for* includes the phrases "arranged for," "designed for," "intended for," "maintained
650 for" and "occupied for."

651 *Vegetation* means all plant growth, especially trees, shrubs, vines, ferns, mosses and grasses.

652 *Vegetative Erosion and Sedimentation Control Measures* means measures for the
653 stabilization of erodible or sediment-producing areas by covering the soil with: permanent
654 seeding, sprigging or planting, producing long-term vegetative cover; temporary seeding,
655 producing short-term vegetative cover; or sodding, covering areas with a turf of perennial sod-
656 forming grass. Such measures can be found in the publication "Manual for Erosion and Sediment
657 Control in Georgia."

658 *Watercourse* means any natural or artificial watercourse, stream, river, creek, channel, ditch,
659 canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows either
660 continuously or intermittently and which has a definite channel, bed and banks, and including
661 any area adjacent thereto subject to inundation by reason of overflow or floodwater.

662 *Water quality protection* means the requirement that all developments must improve the
663 quality of storm runoff from the development site.

664 *Watershed* means the land area that drains into a particular stream.

Wetlands means those 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.

Sec. 14-2. Conflicting provisions and private covenants.

This Chapter is not intended to abrogate, annul or otherwise interfere with any easement, covenant or other private agreement or legal relationship provided that when the regulations of this Chapter are more restrictive or impose higher standards or requirements than such easements, covenants, or other private agreements or legal relationships, the regulations of this Chapter shall govern. Further, where there is a conflict between any standard or requirement within this Chapter, or between this Chapter's standards and any other provision of the Code, the more restrictive standard or requirement shall apply.

Sec. 14-3. Transition

In the event that Chapter 14 references a code, section, plan, or ordinance of DeKalb County that has not been adopted, amended, or developed by the City of Stonecrest, DeKalb County's version of the code, section, plan or ordinance in effect on the date of adoption of this Chapter shall apply. Furthermore, nothing in this ordinance shall be deemed to impact any services being provided by DeKalb County during the transition period until such service is transferred to and accepted by the City. In the event that Chapter 14 refers to a department or an official not yet created in the City of Stonecrest, the reference shall refer to the Director of his or her designee.

Secs. 14-4.—14-27. - Reserved.

ARTICLE II. – IN GENERAL.

Sec. 14-28. - Purposes.

(a) It is the purpose of this Chapter to establish public policies for the protection of the natural environment and to establish requirements, standards and procedures for land development. The public policy objective of protecting the natural environment is to be achieved by:

- (1) Regulating the alteration of land and topography.
- (2) Regulating the removal and requiring the replacement of certain vegetation.
- (3) Requiring erosion control and sedimentation control.
- (4) Protecting streams and floodplains from substantial alteration of their natural functions and from sediment and debris accumulation.
- (5) Specifying standards for drainage system design.

(6) Assuring the continuous and efficient operation of the drainage system.

(7) Protecting the water quality within intermittent and perennial streams throughout the City.

(b) It is the Mayor and Council's intent that land development be accomplished in conformity with the public policy statements. To that end, the plans required under applicable provisions of this Chapter shall be reviewed by the City to enable a full exchange of information between the City and the applicant as to the City's public policies for land development. However, these policies shall not be used as a control or regulatory mechanism nor be construed as land development standards enforceable under applicable provisions of this Chapter.

(c) The Mayor and Council further declares its intent that these public policies be evaluated periodically so as to reflect the community's interests in protection of the natural environment and to give direction to city actions in matters affecting the natural environment and land development.

Sec. 14-29. - Scope and applicability.

(a) The provisions of this Chapter shall apply to applicable development activity within the City.

(b) Before filing a land development application on a project for review and approval, the applicant shall meet with the Department to discuss the procedure for approval of a land development permit and the requirements as to the general layout of streets, parking, open space/lot coverage, street improvements, drainage, sewage, fire protection and similar matters, as well as the availability of existing services, including schools. The Department and the applicant shall review the applicant's stormwater management plans, inspection and maintenance requirements and water quality control requirements. The Department may advise the applicant, when appropriate, to discuss the proposed project with those officials who must eventually approve those aspects of the project coming within their jurisdiction. This meeting will also allow City officials to discuss with the applicant the necessary regulations that will properly accomplish the project.

Sec. 14-30. -Reserved.

Sec. 14-31. - Administration and enforcement generally.

The City shall administer and enforce the provisions of this Chapter as follows:

(a) The Director is designated to administer and enforce the grading, vegetation, erosion control, sedimentation control, drainage and water quality provisions of this article for all development and construction projects with the following duties and responsibilities:

(1) Review all development permits to assure that the permit requirements of this Chapter have been satisfied;

(2) Advise permittee when additional federal or state permits may be required, and if specific federal or state permits are known to be required, that copies of such permits be provided and maintained on file with the development permit; and

(3) Notify adjacent communities and the state Department of Natural Resources prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

(b) The Director shall administer and enforce those provisions of this Chapter that apply to developed and occupied areas and to property in an undeveloped state affecting city responsibility for maintenance of the storm drainage system. The Director shall assure that maintenance is provided within any altered or relocated portion of any watercourse so that the flood-carrying capacity is not diminished.

Sec. 14-32. - Inspection; right of entry.

(a) Upon presentation of city identification to the applicant, contractor, owner, owner's agent, operator or occupants, city employees may enter during all reasonable hours any property under proposed or existing development or construction. These employees may make inspections of the facilities for the purpose of determining plan requirements or compliance with all ordinance provisions.

(b) Reserved.

(c) The Department, in addition to other procedures provided, may obtain an inspection warrant under the conditions specified in this section. The warrant shall authorize the Director to conduct a search or inspection of property without the consent of the person whose property is to be searched or inspected, under the conditions set out in this section.

(1) Inspection warrants may be issued by the Municipal Court when all of the following conditions are met:

(A) The person seeking the warrant must establish under oath or affirmation that the property to be inspected is to be inspected as a part of a legally authorized program of inspection which includes that property or that there is probable cause for believing that there is a condition, object, activity, or circumstance which legally justifies such an inspection of that property; and

(B) The issuing judge determines that the issuance of the warrant is authorized by law.

(2) The inspection warrant shall be validly issued only if it meets all of the following requirements:

(A) The warrant is attached to the affidavit required to be made in order to obtain the warrant;

(B) The warrant describes, either directly or by reference to the affidavit, the property upon which the inspection is to occur and is sufficiently accurate that the executor of the warrant and the owner or possessor of the property can reasonably determine from it the property for which the warrant authorizes an inspection;

(C) The warrant indicates the conditions, objects, activities, or circumstances which the inspection is intended to check or reveal; and

(D) The warrant refers, in general terms, to the ordinance provisions sought to be enforced.

Sec. 14-33. - Emergency maintenance operations.

(a) The Director or designee may conduct emergency maintenance operations on private land where emergency conditions exist. Emergency maintenance shall constitute the removal of trees and other debris, which in the judgment of Director create a condition potentially injurious to life, property and the public road system.

(b) The provisions of Article VI of this Chapter shall not apply in the case of tree trimming, removal or cutting necessitated by emergencies such as floods, windstorms, ice storms or other disasters.

(c) Emergency maintenance conducted on any drainage system shall not be construed as constituting a continuing maintenance obligation on the part of the City.

Sec. 14-34. - Issuance of notice of violation; specification of time period for correction.

(a) *Notice of violation.* Whenever the Director determines that development activity or inactivity on a property does not comply with the approved development and construction plans, that approved and required erosion, sedimentation and pollution control facilities or devices have been altered, damaged or destroyed, or that any other activities violate the provisions of this Chapter, the Director shall issue a notice of violation. Whenever the Director determines that the drainage system has been unlawfully altered, causing inadequate drainage, the Director shall issue a notice of violation. The provisions of this section 14-34(a) shall be in addition to any other penalty or notice provisions applicable to this Chapter and shall not prevent the City from exercising any other notice or penalty provision. The Director may issue a court summons in lieu of a notice of violation. The notice of violation of the provisions of this Chapter or of any rule or regulation adopted pursuant hereto shall be addressed to the owner of the property or the owner's agent and to the person, tenant, firm, corporation, property owner or property owner's agent found to be violating the provisions of this Chapter and shall:

(1) Be in writing;

(2) Include a description of the property sufficient for identification of where the violation has occurred;

(3) List the specific provisions of this Chapter which have been violated;

(4) State that, if these repairs, construction or alterations are not completed within a reasonable time period specified by the inspector, summons shall be issued for the person, firm, corporation, owner, or owner's agent to appear in Municipal Court. However, the Director may issue a court summons in lieu of a notice of violation.

(b) *Penalty.* It shall be unlawful for any person, firm or corporation to do anything prohibited or fail to do anything required by the provisions of this Chapter, as they now exist or as they

may hereafter be amended. Any person, firm or corporation that shall do anything prohibited or fail to do anything required by the provisions of this Chapter, as they now exist or as they may hereafter be amended, upon conviction of a violation in Municipal Court shall be subject to a fine and/or imprisonment in accordance with the Code. Where any offense or violation continues from day-to-day, each day's continuance thereof shall be deemed a separate offense. The owner of any buildings or premises or parts thereof, where anything in violation of this Chapter exists, and any architect, builder, engineer, contractor, or any other agent of the owner, or any tenant, who commits, or assists in the commission of any violation, shall be guilty of a separate offense.

Sec. 14-35. Variances

- (a) Except as further limited herein, an applicant may request a variance from the terms of the requirements of section 14-38, Articles V-VIII of this Chapter, and otherwise as permitted in this Chapter. The Zoning Board of Appeals shall have the power to hear all variance requests. The Zoning Board of Appeals shall have no power to consider or to grant variances which are the responsibility of the Director of the EPD pursuant to O.C.G.A. § 12-2-8 and other relevant state statutes and regulations. Where variances involving the same project are requested from both the Director of the EPD and the Zoning Board of Appeals, the Zoning Board of Appeals shall take no action on any such request for variance until the Director of the EPD grants the variance or otherwise approves the request pending before the EPD. Receiving a variance from the Director of the EPD and/or the Zoning Board of Appeals does not obligate the Director to permit the project to proceed if the project does not also meet all the other requirements of this Chapter. No variance from the provisions of this Chapter shall be authorized except as specifically authorized in this section or specifically authorized in another section of this Chapter.
- (b) Applications for variances authorized in subsection (a) above shall be made in writing to the Director and shall contain all of those materials and documents required by the Director that are necessary to demonstrate that said request meets the criteria for granting variances. The Director must review the variance request and make a recommendation of approval or denial to the Zoning Board of Appeals. The applications shall be processed in accordance with the calendar adopted for variance decisions under Chapter 27.
- (c) In considering a request for a variance to the terms of this Article, Article V, VI, VII, or VIII, authorized in subsection (a) above, the Zoning Board of Appeals shall use all of the following criteria:
 - (1) The request, while not strictly meeting the requirements of this Chapter, will in the judgment of the Zoning Board of Appeals be at least as protective of natural resources and the environment as would a plan which met the strict application of these requirements. In making such a judgment, the Zoning Board of Appeals shall examine whether the request will be at least as protective of the natural resources and the environment with regard to the following factors:
 - (i) Stream bank or soil stabilization;

- 858 (ii) Trapping of sediment in surface runoff;
859 (iii) Removal of nutrients, heavy metals, pesticides and other pollutants from
860 surface runoff;
861 (iv) Terrestrial habitat, food chain, and migration corridor;
862 (v) Buffering of flood flows;
863 (vi) Infiltration of surface runoff;
864 (vii) Noise and visual buffers;
865 (viii) Downstream water quality; and
866 (ix) Impact on threatened and endangered species, as those species are designated
867 by law or federal or state regulation.
- 868 (2) By reason of exceptional topographic or other relevant physical conditions of the
869 subject property that were not created by the owner or applicant, there is no
870 opportunity for any development under any design configuration unless a variance
871 is granted.
- 872 (3) The request does not go beyond the minimum necessary to afford relief and does not
873 constitute a grant of special privileges inconsistent with the limitations upon other
874 properties that are similarly situated.
- 875 (4) The grant of the variance will not be materially detrimental to the public welfare or
876 injurious to the property or improvements in the area in which the property is
877 located.
- 878 (5) The literal interpretation and strict application of the applicable provisions or
879 requirements of this Chapter would cause an extreme hardship, provided the
880 hardship was not created by the owner.
- 881 (d) *Time and notice of hearing.* The Zoning Board of Appeals shall conduct a hearing in
882 accordance with the procedures in Article 7 of Chapter 27.
- 883 (e) All appeals of final decisions of the Zoning Board of Appeals on variances shall be as
884 follows:
- 885 (1) Any party aggrieved by a final decision of the Zoning Board of Appeals may seek
886 review of such decision by petitioning the Superior Court of DeKalb County for a
887 writ of certiorari, in accordance with State law.
- 888 (2) In any such petition filed, the Zoning Board of Appeals shall be designated the
889 respondent in certiorari and the City of Stonecrest shall be designated the defendant
890 in certiorari. Service upon the City as defendant shall be as otherwise provided by
891 law.

892
893 **Sec. 14-36. Appeals from Administrative Officials**
894

- (a) *Basis for appeal.* Whenever it is alleged by the applicant that there is error in any final order, requirement, or final decision made by an administrative official based on or made in the interpretation or enforcement of this Chapter 14, the applicant, or any person or entity aggrieved by said administrative decision, shall have the right to appeal said final order, requirement or decision to the Zoning Board of Appeals.
- (b) *Initiation of appeal.* Appeals shall be made by filing with the Director an application for appeal specifying the grounds thereof, within fifteen (15) days after the action, determination, decision or order appealed from was taken.
- (c) *Appeal stays all legal proceedings.* An appeal shall stay all legal proceedings in furtherance of the action appealed from unless the official from whom the appeal is taken certifies to the Zoning Board of Appeals, after notice of appeal has been filed, that by reasons of facts stated in the certificate, a stay would, in that official's opinion, cause imminent peril to life and property.
- (d) *Time and notice of hearing.* The Zoning Board of Appeals shall conduct a hearing in accordance with the procedures in Article 7 of Chapter 27.
- (e) All appeals of final decisions of the Zoning Board of Appeals under the provisions of this article shall be as follows:
- (1) Any party aggrieved by a final decision of the Zoning Board of Appeals may seek review of such decision by petitioning the Superior Court of DeKalb County for a writ of certiorari, in accordance with State law.
 - (2) In any such petition filed, the Zoning Board of Appeals shall be designated the respondent in certiorari and the City of Stonecrest shall be designated the defendant in certiorari. Service upon the City as defendant shall be as otherwise provided by law.

Sec. 14-37. Plan submission requirements.

- (a) All site plans submitted in accordance with applicable provisions of this Chapter shall meet the requirements for their preparation and shall also provide information to enable a determination to be made by the Director as to plan conformance with the public policy statements of this Chapter.
- (b) All persons proposing developments, redevelopments or construction shall submit site plans to the Director illustrating the means by which conformance with policy provisions may be achieved and illustrating compliance with applicable development standards before issuance of a development or building permit.
- (c) Individual single-family lots within approved subdivisions shall be exempt from these requirements for new residential construction with the exception that individual single-family lots where site plans for each are required by special designation on the recorded plat or such lots are located within the special flood hazard areas shall be submitted for review and approval in accordance with this Chapter and other applicable provisions of the Code. Owners and developers of individual single-family lots shall be required to use best management practices to prevent sedimentation from leaving the site.

- (d) Grading, erosion control, sedimentation control, water quality control and drainage plans shall be prepared under the supervision of a currently state-registered professional engineer, forester or landscape architect, or combination as may be appropriate for project planning and design. Tree protection plans may be prepared by and implemented under the supervision of a currently state-registered professional architect, forester, landscape architect or engineer as may be appropriate for project planning and design. When the hydrologic engineering analysis includes applications of the principles for flood routing, super critical flow, high energy dissipation or conversion, backwater curves, floodplain studies or other advanced hydrologic engineering techniques, the analysis shall be made by a currently state-registered professional engineer proficient in hydrology.
- (e) Site plans and supporting documentation to show conformance with this Chapter shall be submitted in accordance with the applicable provisions of Chapter 27 and all conditions of zoning and shall include the following:
- (1) Evidence of conformance with the requirements of this Chapter for grading, vegetation alteration, erosion control, sedimentation control, water quality control and drainage system alteration or development. Grading plans shall illustrate existing and proposed contours to the two-foot interval at a minimum; golf courses and other open space areas shall be exempt from this requirement but general grading plans for golf courses and other open space areas shall be submitted. Water quality plans shall include the identification of existing wetland areas within the development site and shall demonstrate use of the stormwater quality site development review tool. Related plans shall show locations of structures, roads, surface drainage, existing and proposed drainage conduits, buffer areas, stream buffers, state buffer zones, and proposed alterations to the existing site;
 - (2) A hydrologic engineering analysis of stormwater runoff under pre-developed and post-developed site conditions and a detailed evaluation of the projected effects on upstream and downstream properties within the affected drainage basin. In determining downstream effects from stormwater management structures, BMPs, and the development, hydrologic-hydraulic engineering studies shall extend downstream to a point where the proposed development represents less than ten (10) percent of the total watershed. This analysis shall include a determination of the culvert, floodplain and channel cross-section area required to carry the affected runoff. The requirement for a complete hydrologic study may be waived in writing by the Director for any development where the site plan submitted illustrates predeveloped or proposed improvements sufficient to ensure compliance with applicable provisions of this Chapter;
 - (3) Delineation of the boundaries, contour elevations and floodways of the special flood hazard areas for streams draining in excess of one hundred (100) acres. Unless shown on the flood hazard map, the special flood hazard areas shall be established by engineering field control surveys and then be added to the flood hazard map upon approval of the Director and be clearly designated on each site plan, subdivision plat and construction plan. The actual building site in relation to special flood hazard area boundaries shall be shown; the same information shall be indicated by the seller to the

purchaser of each property so affected. The elevation contours representing the special flood hazard area conditions shall be shown when they are located outside established ditch banks. A benchmark suitable for determining special flood hazard area elevations shall be established;

(4) The projected sequence of work represented by the grading, vegetation, erosion control, sedimentation control, water quality control and drainage plans as related to other major items of construction;

(5) Upon development project completion, location, size and invert elevations of piped segments of the storm drainage system, of control weirs, BMPs and water surface elevations and volumes in detention ponds shall be shown on the final plat for a subdivision, and on a final plan for other developments which shall be submitted to the Director prior to approval. The currently state-registered professional engineer, architect or landscape architect reviewing the construction shall provide a certificate that the development is in substantial compliance with approved plans. As-built elevation certifications prepared by currently state-registered land surveyors or currently state-registered professional engineers for all developments, including fill, allowed within a flood-prone area, shall be submitted to the Director; and

(6) A separate tree protection plan in conformance with the requirements of this Chapter.

Sec. 14-38. - Grading.

(a) *Policies.* It is hereby declared to be public policy to:

(1) Encourage the design of residential grading plans to provide natural appearance of land contours and to provide ease of use in public areas.

(2) Minimize the adverse effects of land clearance and grading upon existing vegetation.

(3) Minimize the adverse effects of land clearance and grading upon the drainage system by strict erosion control and sedimentation control measures.

(4) Minimize erosion and shear failure potential by encouraging limited cutting and filling.

(b) *Standards.*

(1) All grading operations shall be conducted in compliance with the approved site plans.

(2) Before beginning construction activity, the floodplain elevation contours shall be identified on the property by staking or other identifying mechanisms no less than every one hundred (100) feet, and shall be identifiable throughout project development.

(3) Finish grade slopes on residential projects and lots shall not be steeper than three-to-one (3:1), unless absolutely impractical due to vegetation, topography, or soil conditions. Three-to-one (3:1) finish grade slopes shall transition to two-to-one (2:1) slopes at all perpendicular stream crossings.

(4) Large-scale general grading shall include installation of approved soil and erosion control measures and be limited to phases approved by the Director and completed prior to commencing building construction.

(5) Prohibit grading and filling in floodplains, except for the construction and maintenance of perpendicular crossings of public utilities, drainage conveyances, roadways, sidewalks, and multi-purpose trails constructed in accordance with City of Stonecrest design standards and specifications. Any variance from the requirements of this section shall be in accordance with the requirements of section 14-35 and with the following requirements:

a. If the required hydrologic studies reveal that a request for filling or grading within the intermediate regional floodplain would overload the capacity of the channel downstream or increase flood stages upstream, the development permit shall be denied unless equivalent flow and storage capacity is replaced and maintained by the owner within the special flood hazard area. Altered sections of the special flood hazard area shall have a positive slope so as to provide positive drainage back to the stream flow line and this section must be maintained by the owners in perpetuity so as to prevent or remove silt buildup.

b. Excavation within floodplain areas shall not be permitted unless the excavation can be accomplished in such a manner that the existing low level drainage pattern through the floodplain shall be maintained. The area of compensation within the floodplain shall be considered as ineffective flow area for the purpose of calculating floodplain elevations to meet no-rise certification requirements. The amount of compensation shall be limited to three hundred (300) cubic yards per acre of floodplain area.

(6) The burying, piling, or concealing in any way of construction waste is prohibited, except where permitted within an M-2 (Industrial) District, as defined in Chapter 27 of this Code, and by a permit issued by the Georgia Department of Natural Resources, Environmental Protection Division. No certificate of occupancy shall be issued by the City under Chapter 7 of this Code until the applicant provides a written certification to the Director, accompanied by a landfill receipt, that proves that all construction waste has been removed from the property.

(7) Grading must be performed to avoid the restrictions of drainage through drainageways and drainage easements. Grading must be performed to provide positive drainage to storm drainage inlets, swales, channels, ditches or gutters.

(8) Fills must be placed in uniform layers not to exceed a compacted thickness of six inches per layer. In all areas where structures, parking lots and drives, streets, dams and utilities are to be places, fills must be compacted to a density of at least 95 percent of the maximum laboratory dry weight per cubic foot, as determined by ASTM D 698. All other fills must be compacted to at least 85 percent, except for the upper one foot of roadways, which must be compacted to 98 percent.

(9) Fill dirt, permitted through the issuance of a separate land disturbance permit on any residentially-zoned property shall be limited to:

a. A cumulative maximum of 1000 cubic yards per property; and

b. No more than 20 trips per day, including trips to and from the permitted property..

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- c. Separate land disturbance permits issued under this subsection must be used only in accordance with the provisions of the zoning district on which the property is situated and its intent and not for any commercial purposes.

Sec. 14-39. – Reserved.

Sec. 14-40. - Groundwater recharge area.

Development within groundwater recharge areas, as delineated by the Georgia Department of Natural Resources' (DNR) Significant Recharge Areas, Hydrological Atlas 18 (1989 Edition) and the DNR's Pollution Susceptibility Map, shall meet the criteria for the protection of groundwater recharge areas established in Chapter 391-3-16-.02 of the DNR's Rules for Environmental Planning Criteria.

Secs. 14-41—14-54. - Reserved.

ARTICLE III. - SUBDIVISIONS

DIVISION 1. - GENERALLY

Sec. 14-55. - Title.

This article shall be known, cited, and referred to as the subdivision regulations of City of Stonecrest.

Sec. 14-56. - Effective date.

These subdivision regulations shall become effective on adoption.

Sec. 14-57. - Policies and purposes.

(a) Policies.

(1) It is declared to be the policy of City of Stonecrest to consider the subdivision of land and the subsequent development of the subdivided land as subject to the control of the city pursuant to the city's official comprehensive plan in order to promote the orderly, planned, efficient, and economical development of the city.

(2) Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace.

(3) The existing and proposed public improvements shall conform to and be properly related to the proposals shown in the comprehensive plan and official map(s) and it is intended that these regulations shall supplement and facilitate the enforcement of the

1089 provisions and standards contained in building and housing codes, zoning ordinances,
1090 the comprehensive plan, and official map and land use plan.

1091 (b) These regulations are adopted for the following purposes:

1092 (1) To protect and provide for the public health, safety, and general welfare of City of
1093 Stonecrest.

1094 (2) To guide the future growth and development of the city in accordance with the
1095 comprehensive plan.

1096 (3) To protect and conserve the value of land and the economic stability of all communities
1097 in the city and to encourage the orderly and beneficial development of the city through
1098 appropriate growth management techniques, including consideration of the timing and
1099 sequencing of development, consideration of infill development in existing
1100 neighborhoods and nonresidential areas with adequate public facilities.

1101 (4) To guide public policy and both public and private actions in order to provide adequate
1102 and efficient transportation, water, sewerage, schools, parks, playgrounds, recreation,
1103 and public services and support facilities.

1104 (5) To provide for the safe and efficient circulation of traffic throughout the city, having
1105 particular regard to avoidance of congestion in the streets and highways and the
1106 pedestrians and bicycle traffic movements appropriate to the various uses of lands and
1107 buildings, and to provide for the proper location and width of streets and building lines.

1108 (6) To assure the adequate provision of safe and convenient traffic access and circulation,
1109 both vehicular and pedestrian, in new land developments.

1110 (7) To establish reasonable standards of design and procedures for subdivisions and
1111 resubdivisions to further the orderly layout and use of land, and to ensure proper legal
1112 descriptions and monumenting of subdivided land.

1113 (8) To ensure to the extent legally possible that public facilities and services are available
1114 concurrent with development and will have a sufficient capacity to serve the proposed
1115 subdivision.

1116 (9) To protect and restore the highest quality of the city's air and water resources; to assure
1117 the adequacy of drainage facilities; to safeguard the water table, and to encourage the
1118 wise use and management of natural resources throughout the city in order to preserve
1119 the integrity, stability, and beauty of the city and the value of the land.

1120 (10) To preserve the natural beauty, environment, and topography of the city and to ensure
1121 appropriate development with regard to these natural features.

1122 **Sec. 14-58. - Public purpose.**

1123 Regulation of the subdivision of land and the attachment of reasonable regulations to land
1124 subdivision is an exercise of valid police power delegated by the state to this city. A developer of
1125 land has the duty of compliance with the regulations set forth herein for design, dedication,
1126 improvement, and restrictive use of the land to conform to the physical and economic

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1127 development of the city and to the health, safety, and general welfare of the future lot owners in
1128 the subdivision and of the community at large.

1129

1130 **Sec. 14-59. - Interpretation.**

1131 In their interpretation and application, these regulations shall be held to be the minimum
1132 requirements for the promotion of the public health, safety, and general welfare. These
1133 regulations shall be construed broadly to promote the purposes for which they are adopted. Any
1134 conflict between provisions should be resolved in the way that best serves the purposes of the
1135 regulations.

1136

1137 **Sec. 14-60. - Scope and applicability.**

1138 These regulations shall apply to all subdivision and combination of land located within the
1139 City of Stonecrest as may be provided by law.

1140

1141 **Sec. 14-61. - Exemptions.**

1142 This article does not apply to a lot or parcel of land established by deed or plat recorded
1143 among the land records of the city prior to the effective date of these subdivision regulations or
1144 the division or sale of land by judicial decree.

1145

1146 **Sec. 14-62. - Plats not to be recorded until accepted; lots not to be sold in unaccepted**
1147 **subdivision.**

1148 No person shall record any subdivision plat until it has been approved as a final plat and
1149 accepted by the mayor, as the governing authority's designee, nor shall any lot be sold by
1150 reference to any subdivision plat whether recorded or not, if the plat is made after the effective
1151 date of this chapter, unless it shall have been approved and accepted by the mayor as a final plat.
1152 The recording of a plat shall be based on an approved plat and shall not be recorded solely on the
1153 basis of a metes and bounds description.

1154

1155 **Sec. 14-63. - Issuance of building permits and certificates of occupancy; extension of**
1156 **services.**

1157 No development permit, building permit, or certificate of occupancy shall be issued for a lot
1158 or plat subdivided or sold in violation of the provisions of these regulations, nor shall the city
1159 have any obligation to extend services to any parcel created in violation of these regulations.

1160

1161 **Sec. 14-64. - Criteria to be used in deciding variances, and appeals.**

(a) The Board of Zoning Appeals shall hear and decide applications for variances from the strict application of this Article where strict application of any regulation enacted in Division 3 of Article III would result in exceptional and undue hardship to the owner of such property. These regulations provide the minimum necessary requirements for subdivisions in City of Stonecrest; thus, variances from the requirements of Division 3 of Article III shall be authorized only upon consideration of all of the following findings:

(1) By reason of the shape or topographical conditions of a parcel of property which were not created by the owner or applicant, the strict application of Division 3 of Article III would deprive the property owner of rights and privileges enjoyed by other similarly situated property owners in the same zoning district;

(2) By reason of the shape or topographical conditions of a parcel of property which were not created by the owner or applicant, there is no opportunity for development under any design configuration allowed by these subdivision regulations unless a variance is granted;

(3) The requested variance does not go beyond the minimum necessary to afford relief, and does not constitute the grant of a special privilege inconsistent with the limitations upon other property owners in the zoning district in which the subject property is located;

(4) The requested variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zoning district in which the subject property is located; and

(5) The requested variance will not in any manner vary the provisions of Chapter 27, the City of Stonecrest Comprehensive Plan or the zoning map of City of Stonecrest.

(b) No variance shall be granted to:

(1) Allow any variance which conflicts with or changes any requirement enacted as a condition of zoning or of a special land use permit by the mayor and city council;

(2) Increase the density allowed on the property; or

(3) Vary the requirements set forth in sections 14-256 through 14-260.

Sec. 14-65. - Enforcement, violations, and penalties.

(a) *General.* It shall be the duty of the Director to enforce this chapter.

(b) *Violations and penalties.* Any person, firm or corporation violating any of the provisions of these regulations shall be deemed guilty of an offense and upon conviction in Municipal Court shall be punished as is provided in Chapter 1 of the Code of City of Stonecrest. Each violation of these regulations shall be considered a separate offense. The owner of any structures, buildings, lots or parcels or parts thereof, where anything in violation of these regulations exists, and any architect, builder, contractor or any other agent of the owner, or any tenant, who commits or assists in the commission of any violation, shall be guilty of a separate offense.

1200 (c) *Enforcement.* Appropriate actions and proceedings, including the issuance of stop work
1201 orders and actions in a court of law, may be taken by City of Stonecrest in law or in equity
1202 to prevent any violation of these regulations, to prevent unlawful construction, to recover
1203 damages, to restrain, correct, or abate a violation and to prevent illegal occupancy of a
1204 building structure or premises. These remedies shall be in addition to the penalties described
1205 above.

1206 **Secs. 14-66.—14-83. - Reserved.**

1207

1208 **DIVISION 2. - PLAT APPROVAL PROCEDURE**

1209 **Part A. – Minor Plat**

1210 **Sec. 14-84. – Minor Plats**

1211 (1). A minor plat shall consist of the combination or division of two (2) lots.

1212 (2). A minor plat may be either a minor combination plat (combining two lots into one), or a
1213 minor subdivision plat (dividing one lot into two).

1214

1215 **Sec. 14-85- Minor Plat Approval Procedures**

1216 (1). The Director may approve a minor plat that meets the requirements of this Chapter
1217 administratively.

1218 (2). An applicant for a minor plat may submit an application and a preliminary plat for
1219 review to the Director. The minor plat must meet the requirements for a preliminary plat as
1220 defined in Part C below and must be designed in accordance with the design standards and
1221 requirements of this Chapter. After the receipt of a completed application and preliminary plat,
1222 the Director shall either approve or deny the minor plat within sixty (60) days. A preliminary plat
1223 must be approved prior to the issuance of a building permit or land disturbance permit. Appeals
1224 from Director's certification or refusal to certify the preliminary plat shall be to the Board of
1225 Zoning Appeals pursuant to appeals for administrative officials.

1226 (3). After approval of a preliminary plat, the applicant must prepare and submit a final plat
1227 for final approval and certification prior to recording. The final plat must meet the requirements
1228 for a final plat as defined in Part D below.

1229 (4). The Director shall approve or deny the final plat within thirty (30) days of receiving a
1230 final plat. After approval, the Director shall forward the final plat to the mayor for certification.
1231 Appeals from Director's certification or refusal to certify the final plat shall be to the Board of
1232 Zoning Appeals pursuant to appeals for administrative officials.

1233 (5). Notwithstanding, a proposed minor subdivision plat which includes or abuts any part of
1234 the state highway system or requires access to the state highway system must be submitted and
1235 approved by the Planning Commission using the same procedures as a major plat. The planning

1236 commission shall then submit said plats pursuant to O.C.G.A. § 32-6-151 and other applicable
1237 state law.

1238

1239 **Part B. – Major Plats**

1240 **Sec. 14-86.- Major Plats**

1241 (1). A major plat shall consist of the combination or division of three (3) or more lots.

1242 (2). A major plat may be either a major combination plat (combining three or more lots into
1243 one), or a major subdivision plat (dividing one lot into three or more lots).

1244

1245 **Sec. 14-87.- Major Plat Approval General Procedures**

1246 (1). Applicants for a major plat must submit an application and a preliminary plat for
1247 approval prior to the issuance of a building permit or a land disturbance permit. The minor plat
1248 must meet the requirements for a preliminary plat as defined in Part C below and must be
1249 designed in accordance with the design standards and requirements of this Chapter.

1250 (2). The Director shall review the preliminary plat within ninety (90) days of a complete
1251 application and preliminary plat. The preliminary plat shall not be forwarded to the mayor and
1252 council until such time that the Director of Community Development certifies that preliminary
1253 plat complies with all city zoning, environmental, and subdivision ordinances and regulations
1254 and all applicable state and federal laws. Appeals from Director's certification or refusal to
1255 certify the preliminary plat shall be to the Board of Zoning Appeals pursuant to appeals for
1256 administrative officials. The City Council shall vote to approve, deny, or defer the preliminary
1257 plat based on its compliance with this Chapter.

1258 (3). After approval of a preliminary plat, the applicant must prepare and submit a final plat
1259 for final approval and certification prior to recording. The final plat must meet the requirements
1260 for a final plat as defined in Part D below and must be designed in accordance with the design
1261 standards and requirements of this Chapter. The final plat shall not be forwarded to the mayor
1262 and council until such time that the Director of Community Development certifies that the final
1263 plat conforms to the approved preliminary plat and complies with all city zoning, environmental,
1264 and subdivision ordinances and regulations and all applicable state and federal laws. The
1265 Director shall review the final plat within ninety (90) days of a complete application and final
1266 plat. Appeals from Director's certification or refusal to certify the final plat shall be to the Board
1267 of Zoning Appeals pursuant to appeals for administrative officials.

1268 (4). The City Council shall vote to approve, deny, or defer the final plat based on its
1269 compliance with this Chapter.

1270 (5). A major subdivision plat which includes or abuts any part of the state highway system
1271 or requires access to the state highway system shall be submitted pursuant to O.C.G.A. § 32-6-
1272 151 and other applicable state law after approval by the Planning Commission.

1273 **Part C.- Preliminary Plat**

1274 **Sec. 14-88. - Application and preliminary plat required for all Minor Plats and Major Plats**

1275 The owner of the land where the proposed development is to occur, or his authorized agent,
1276 shall file a preliminary plat with the Director along with an application for approval. The
1277 application shall:

- 1278 (1) Be submitted with the plan set for a Land Disturbance Permit;
- 1279 (2) Be accompanied by minimum of six (6) copies of the plans, which must be prepared by
1280 a registered civil engineer, surveyor, or landscape architect, as described in these
1281 regulations and complying in all respects with these regulations and conforming with
1282 the zoning of the property
- 1283 (3) Be accompanied by an application fee in the amount set by the mayor and city council;
- 1284 (4) Be accompanied by a tree survey;
- 1285 (5) Include the name, address and telephone number of an agent who is authorized to
1286 receive all notices required by these regulations;
- 1287 (6) Be signed by the owner of the property, or if the application is not signed by the owner,
1288 a completed indemnification agreement signed by the owner of the property;
- 1289 (7) Be accompanied with a consent affidavit from the property owner;
- 1290 (8) Be accompanied by a small map of the City of Stonecrest depicted the subdivision
1291 location within the City;
- 1292 (9) Be accompanied by a vicinity map at a scale of four hundred (400) feet to one (1) inch
1293 showing the location of the tract with reference to surrounding properties, streets,
1294 municipal boundaries, and streams within five hundred (500) feet of the tract show
1295 zoning districts of adjoining property;
- 1296 (10) Include the names of adjoining property owners and the zoning classifications of
1297 adjacent properties;
- 1298 (11) Include the name, address and phone of developer and engineer;
- 1299 (12) Be accompanied by a certification by the applicant that no lots platted are non-
1300 conforming or will result in any non-conforming lots;
- 1301 (13) The applicant shall obtain the approval of the DeKalb County Health Department and
1302 the DeKalb County Department for Watershed Management; and
- 1303 (14) Payment of the appropriate development review application fee.

1304

1305 **Sec. 14-89. - Required Information.**

1306 (a) The following existing conditions shall be shown on a preliminary plat:

- 1307 (1) *Boundary lines.* Perimeter boundary of the overall tract, bearings and distances, referred
1308 the legal point of beginning;

- 1309 (2) *Streets on or adjacent to tract.* Name, right-of-way width, and location of streets on and
1310 adjacent to the tract, and any existing railroad, sidewalk, trail, or bike lane;
- 1311 (3) *Contour data.* Topographic contour data at no more than two-foot elevation intervals.
1312 The source of this data shall be written on the plat;
- 1313 (4) *Tree survey.* A tree survey in compliance with this Chapter or tree sample calculations
1314 where allowed by the Director which may be submitted as a separate plan;
- 1315 (5) *Historic resources.* Any building, structure, site or district identified as historic by the
1316 Historic Preservation Commission, the DeKalb County Historic Resources Survey, the
1317 comprehensive plan, by listing on the Georgia or National Register of Historic Places,
1318 or by listing as a National Historic Landmark.
- 1319 (6) *Natural features on tract.* Other conditions on the tract such as stream buffers, state
1320 waters, cemeteries, wetlands, existing structures, intermediate regional floodplain
1321 boundary (where available), rock outcroppings, and archeological resources;
- 1322 (7) *Soils.* Location of soils as shown on the National Resources Conservation Service Soil
1323 Map, by the United States Department of Agriculture's soil map, or any map designated
1324 by the Director;
- 1325 (8) *Geographical data.* Numerical and graphic scales, north arrow, land lot and district
1326 numbers and lines, city and city names and limit lines;
- 1327 (9) *Prior subdivisions.* Name and reference of any formerly recorded subdivision crossing
1328 any of the land shown on the plat;
- 1329 (10) *Zoning district.* Show zoning district, case number and conditions of zoning;
- 1330 (11) *Permits.* Show any special administrative permit number, special land use permit
1331 number, or board of appeals case number and conditions;
- 1332 (12) *Variances.* Show any variance approvals;
- 1333 (13) *Septic tanks.* Show existing septic tank and drain field location or note absence;
- 1334 (14) *Sewers.* Show size and location of sanitary sewer main(s) available;
- 1335 (15) *Sewer easements.* Show a sanitary sewer easement with a minimum width of fifteen
1336 (15) feet of for all county maintained lines not within county or city right-of-way, or as
1337 required by DeKalb County;
- 1338 (16) *Water mains.* Show size and location of water main(s) and fire hydrants;
- 1339 (17) *Water main easements.* Show a water main easement with a minimum width of fifteen
1340 (15) feet for all county maintained lines not within right-of-way, or as required by
1341 DeKalb County;
- 1342 (18) *IRF.* Show on plan whether FEMA or city benchmark used to establish IRF also
1343 identify location of Benchmark;
- 1344 (19) *Wetlands.* Provide wetlands determination from U.S. Army corps of engineers;
- 1345 (20) *Receiving waters.* Provide distance to and name of receiving waters;

- 1346 (21) *Bury pits.* Show location of any existing inert waste bury pits.
- 1347 (b) The following proposed features shall be shown on the preliminary plat:
- 1348 (1) *Title.* The title under which the proposed subdivision is to be recorded, if known, with
1349 the name of the property owner(s) and designers and the date of the plat;
- 1350 (2) *Street names.* The name of all proposed streets.
- 1351 (3) *Rights-of-way.* Street rights-of-way and widths indicated, including any necessary right-
1352 of-way required for improvements;
- 1353 (4) *Sidewalks.* All proposed sidewalk and bike lane locations;
- 1354 (5) *Lots.* Lot lines, lot numbers, block letters, and the total number of proposed lots within
1355 the development;
- 1356 (6) *Dedications.* Sites, if any, to be dedicated or reserved for common areas, public parks,
1357 open space, schools, playgrounds, multi-use trails, or other public uses, together with
1358 the purpose and the conditions or limitations of these dedications, if any;
- 1359 (7) *Yards.* Minimum building setback lines as required under the yard requirements of
1360 zoning ordinance;
- 1361 (8) *Zoning conditions.* All conditions of zoning and existing and proposed deed restrictions
1362 shall be recited on the preliminary plat;
- 1363 (9) *Corner lots.* Show that corner lots shall have an extra width of not less than fifteen (15)
1364 feet more than required for interior lots for the zoning district within which they are
1365 located;
- 1366 (10) *Transitional buffers.* Show transitional buffers, if any and any required screening
1367 fencing;
- 1368 (11) *BMPs.* Show conceptual location of storm water management and water quality BMP
1369 facilities on preliminary plat;
- 1370 (12) *IRF.* Show proposed IRF contour, spot elevation (if available) and source;
- 1371 (13) *Covenants.* Indicate whether the proposed subdivision will be subject to private
1372 covenants and whether a homeowner's association will be established;
- 1373 (14) *Sewer easements.* Show a sanitary sewer easement with a minimum width of fifteen
1374 (15) feet for all county maintained lines not within county or city right-of-way, or as
1375 required by DeKalb County;
- 1376 (15) *Water main easements.* Show a water main easement with a minimum width of fifteen
1377 (15) feet for all county maintained lines not within right-of-way, or as required by
1378 DeKalb County;
- 1379 (16) *Fire hydrants.* Show new fire hydrant(s) and eight-inch fireline(s); and
- 1380 (17) *Fencing.* Show any required fencing around detention ponds, if required.
- 1381 (18) *Electrical service.* Show whether electrical service will be above ground or
1382 underground.

1383 (c) The following additional information shall be shown on the preliminary plat:

1384 (1) *Seal*. All sheets of plats must be sealed by a professional engineer, surveyor, or
1385 landscape architect currently registered in the state of Georgia;

1386 (2) Space for Comments and Certification in accordance with this article; and

1387 (3) Surveyor's Acknowledgement and Owner's Acknowledgement in accordance with this
1388 article.

1389 **Sec. 14-90. - Space for Comments, Certifications.**

1390 A blank space of fifty (50) square inches shall be provided on the plat to allow room for any
1391 stamps, notes, approval or denials as required to be placed thereon by county and city agencies
1392 and for certification.

1393

1394 **Sec. 14-91. - Scale.**

1395 Preliminary plats shall be prepared at an appropriate scale of not more than one hundred
1396 (100) feet to one (1) inch. Maximum sheet size shall be twenty-four (24) inches by thirty-six (36)
1397 inches.

1398 **Secs. 14-92.—14-120. - Reserved.**

1399 **Part D. - Final Plat**

1400 **Sec. 14-121. - Preparation.**

1401 The applicant shall have a registered surveyor prepare the final plat of the subdivision,
1402 including the space required under Sec. 14-90. An application for final plat approval may be
1403 made when a preliminary plat of the proposed subdivision has been approved and construction of
1404 all required infrastructure is complete, or a surety is provided as approved by the Director of
1405 Community Development, to ascertain its location as built.

1406

1407 **Sec. 14-121.1 - Surveyor's and Owner's Acknowledgments.**

1408 The following wording for the engineer's [surveyor's] and owner's acknowledgments shall
1409 be shown and certified on the plat:

1410 (1) *Surveyor's Acknowledgment.*

1411 In my opinion, this plat, drawn by me or under my supervision, was made from an
1412 actual survey, and is a correct representation of the land platted and has been prepared
1413 in conformity with the minimum standards and requirements of law.

1414 _____ R.L.S. No. _____

1415 (2) *Owner's Acknowledgment.*

I, _____, the owner of the land shown on this plat and whose name is subscribed hereto, acknowledges that this plat was made from an actual survey, and for value received the sufficiency of which is hereby acknowledged, do hereby convey all rights-of-way abutting the roads to the City of Stonecrest, and further dedicate to the use of the public forever all streets and rights-of-way, alleys, parks, easements and public places hereon shown for the purposes and considerations herein expressed. In consideration of the approval of this development plan and other valuable considerations, the owner further releases and holds harmless City of Stonecrest from any and all claims, damages or demands arising on account of the design, construction and maintenance of the property shown hereon; on account of the roads, fills, embankments, ditches, cross-drains, culverts, water mains, sewer lines, and bridges within the proposed rights-of-way and easements shown; and on account of backwater, the collection and discharge of surface water, or the changing of courses of streams.

And further the owner warrants that he owns fee simple title to the property shown hereon and agrees that City of Stonecrest shall not be liable to him/her, his/her heirs, successors or assigns for any claims or damages resulting from the construction or maintenance of cross-drain extensions, drives, structures, streets, culverts, curbs or sidewalks, the changing of courses of streams and rivers, flooding from natural creeks and rivers, surface waters and any other matter whatsoever. I further warrant that I have the right to sell and convey the land according to this plat and do hereby bind myself and owners subsequent in title to defend by virtue of these present.

All roads have been properly designed and dedicated to accommodate any required parking in the right-of-way.

In witness whereof, I have hereunto set my hand this _____ day of _____, _____/_____/_____,
_____/_____/_____.

(SEAL)

(Owner)_____

Witness:_____

Notary Public.

Sec. 14-122. - Filing; Digital Submission of Final Plat; fee.

The final plat and a fee in the amount established by the mayor and city council shall be filed with the city. The final plat and as-built drawings shall also be submitted in a digital format acceptable to the city. The final plat must be in recordable form and comply with O.C.G.A. § 15-6-67, including the required data listed in O.C.G.A. § 15-6-67(c)(2) and (3).

1453 **Sec. 14-123. - Review, Certification by City Departments.**

- 1454 (a) Upon receipt of the final plat, the Director of Community Development shall forward copies
1455 of the final plat to any department or entity the Director of Community Development deems
1456 appropriate for certification that the improvements are complete and in conformity with the
1457 preliminary plat.
- 1458 (b) The applicant shall obtain the approval of the DeKalb County Health Department and the
1459 DeKalb County Department for Watershed Management.
- 1460 (c) Any department to which the final plat is submitted shall note on the plat whether the
1461 development meets or fails to meet the requirements of this Code and of that department,
1462 specifically, whether all improvements were properly completed and whether the
1463 improvements are in conformity with the preliminary plat. If the improvements are
1464 incomplete or if the improvements are not in conformity with the preliminary plat, the
1465 department shall note on the plat the manner in which the plat fails to meet these
1466 requirements. Minor changes shall be permitted as defined in Section 14-146. (c).
- 1467 (d) Upon receipt of the annotated copies from all of the departments which received the final
1468 plat for notation, the Director of Community Development shall independently review the
1469 final plat and determine whether it complies with all city zoning, environmental, and
1470 subdivision ordinances and regulations and all applicable state and federal laws. The
1471 Director of Community Development shall certify in writing on the final plat their finding of
1472 whether the final plat complies with all city zoning, environmental, and subdivision
1473 ordinances and regulations and all applicable state and federal laws and forward it to the
1474 City Council for review.
- 1475 (e) The final plat shall conform to the approved preliminary plat on file with the city and shall
1476 comply with the city zoning ordinance including conditions of zoning. Minor changes from
1477 the preliminary plat shall be permitted as defined in Section 14-146. (c).
- 1478 (f) The final plat shall not be forwarded to the mayor and council until such time that the
1479 Director of Community Development certifies that the final plat conforms to the approved
1480 preliminary plat and complies with all city zoning, environmental, and subdivision
1481 ordinances and regulations and all applicable state and federal laws.

1482

1483 **Sec. 14-124. - Referral to the Mayor and Council.**

- 1484 (b) The mayor and council as the designee for the governing authority of the city shall approve
1485 or disapprove the final plat. If the final plat is approved, the mayor and council shall place
1486 the following wording on the original as follows:
- 1487 This plat has been submitted to and accepted by the mayor and council of City of Stonecrest,
1488 Georgia, and has been approved as required by state law and city codes as meeting all
1489 conditions precedent to recording in the superior court of this circuit.

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1490 Dated this _____ day of _____ / _____ / _____,
1491 _____ / _____ / _____.

1492 By: _____
1493 [Mayor as designee of the governing authority]

1494 (c) Final plat acknowledgement and approval by the mayor and council shall constitute that
1495 approval, if any, required in order to file subdivision plats with the clerk of the superior
1496 court of DeKalb County pursuant to O.C.G.A. § 15-6-67(d).

1497

1498 **Sec. 14-125. - Appeal of final Plat Decision.**

1499 The decision of the mayor to approve or disapprove the final plat may be appealed only by a
1500 petition for writ of certiorari to the Superior Court of DeKalb County.

1501

1502 **Sec. 14-126. - Recording.**

1503 The approved final plat shall be recorded with the clerk of the superior court of DeKalb
1504 County by the applicant and returned to the Director of Community Development.

1505

1506 **Sec. 14-127. - Dedication Offers.**

1507 The filing and recording of the final plat by the Director of Community Development shall,
1508 upon completion of the improvements by the applicant and compliance with all procedures of
1509 this chapter, be deemed an acceptance of the dedication of the streets and other public land as
1510 shown upon said plat as dedicated to the City of Stonecrest, Georgia on behalf of the public.

1511 **Sec. 14-128. -Reserved.**

1512 **Sec. 14-129. - Seale.**

1513 Final plats shall be prepared at a scale of not more than one hundred (100) feet to one (1)
1514 inch and shall have a maximum sheet size of not more than twenty-four (24) inches in width and
1515 thirty-six (36) inches in length, and a minimum sheet size of not less than seventeen (17) inches
1516 in width and twenty-one (21) inches in length.

1517 **Sec. 14-130. - Compliance with Zoning Ordinance.**

1518 The final plat shall comply with the requirements of Chapter 27 and all conditions of zoning
1519 for the subject property to be shown in the upper right corner of the final plat with text height at a
1520 minimum of .18 inches for 24" × 36" sheet size and .09 inches for 17" × 21" sheet size.

1521 **Sec. 14-131. - Required Information.**

1522 The final plat shall show the following:

- 1523 (1) Sufficient data to determine readily and reproduce on the ground the location, bearings
1524 and lengths of every right-of-way, street line, lot line, boundary line and building line,
1525 whether curved or straight;
- 1526 (2) Tract boundary lines, land lot and district lines, city and county limit lines, right-of-way
1527 lines of streets, easements and other rights-of-way and property lines of residential lots
1528 and other sites;
- 1529 (3) All dimensions shall be accurate to the nearest one hundredth of a foot and all angles
1530 accurate to the nearest second;
- 1531 (4) Name and right-of-way width of each street including necessary right-of-way required
1532 for present or future widening of major, minor, collector, residential or other streets as
1533 shown on the thoroughfare plan;
- 1534 (5) Sidewalk and bike path locations and width;
- 1535 (6) House numbers: numbers will be assigned by the geographic information system
1536 department and placed on the final plat by the community development department;
- 1537 (7) Title, north arrow, date, scale, land lot numbers and district numbers;
- 1538 (8) Location, dimensions and purpose of easements and areas to be dedicated to public use,
1539 common areas or sites for other than residential use with notices stating their purpose
1540 and limitations;
- 1541 (9) Intermediate regional floodplain contour line and setback line required by this chapter,
1542 state waters/state streams, wetlands, and required stream buffers;
- 1543 (10) Water and sewer utility locations, and the location and type of permanent stormwater
1544 management facilities and water quality facilities;
- 1545 (11) Lots numbered in numerical order and blocks lettered alphabetically; all lot and block
1546 numerals shall be kept in a uniform sequence on all plats and units of the subdivision;
- 1547 (12) Accurate location, material and description of monuments and markers; within each
1548 subdivision set one (1) monument on two (2) front corners of the property adjacent to
1549 existing rights-of-way on interior streets, or as otherwise approved by the development
1550 director; each monument shall be a minimum four-inch diameter disk by twenty-four-
1551 inch high concrete monument with brass caps set flush with finished grade;
- 1552 (13) Lots which shall not be built upon until detailed plans for grading and drainage have
1553 been approved by the development director; and
- 1554 (14) All required data and certifications under O.C.G.A. § 15-6-67.

1555

1556 **Sec. 14-134. - Protective Covenants to Meet Minimum Zoning Requirements.**

1557 The final plat shall not contain protective covenants stipulating lower standards than the
1558 minimum restrictions required by the city zoning ordinance.

1559

Sec. 14-135. - Disclosure Statement Required for Residential Subdivisions and Multi-Phase Residential Developments.

- (a) Before any final plat for any residential subdivision and any multi-phase residential development, may be submitted for review by the city, a disclosure statement, sworn to by the applicant under penalty of perjury before a notary public or other officer authorized to administer oaths, must be filed with the Director of Community Development. The disclosure statement shall be in a form promulgated by the Director of Community Development and approved by the city attorney.
- (b) Any applicant for the final plat, intending to make written or oral representations to potential purchasers of homes in any residential subdivision and any multi-phase residential development must submit the information specified herein on the disclosure statement which shall be made available to members of the public by the Director of Community Development:
- (1) An estimated date of completion of the entire residential subdivision;
 - (2) A statement of the average size of homes to be constructed in the subdivision, any specified style of architecture, landscaping, the type of construction materials to be used (i.e. brick, stone, stucco, pressboard, etc.), and the average size of lots;
 - (3) A statement of the applicant's commitment to build any community amenities within the subdivision, including but not limited to a clubhouse, tennis courts or swimming pool;
 - (4) A statement of the general terms and conditions at which the applicant proposes to dispose of the lots and/or homes in the residential subdivision;
 - (5) Copies of all forms of conveyance to be used in selling lots to potential purchasers;
 - (6) A statement of all deed restrictions, easements and covenants applicable to the residential subdivision;
 - (7) Copies of instruments creating any deed restrictions, easements and covenants applicable to the residential subdivision;
 - (8) A statement regarding whether there will be a mandatory membership in any homeowner's association and if so, a copy of the budget for the association for its first year of operation including the estimated amount of the first year's assessments and the estimated amount of revenue to be subsidized by the developer; and
 - (9) An explanation of the timing and method of transfer of control of the association to the homeowners where there is a mandatory membership in the homeowner's association governing the residential subdivision.
- (c) With respect to the first phase and subsequent phases of a multi-phase residential development, the applicant must also submit the following information:
- (1) An estimated date of completion of each phase of a multi-phase residential development and estimated date of completion of all phases of the development;

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- 1597 (2) A statement of the average size of homes to be constructed in the future phases of the
1598 development, any specified type of architecture, landscaping, the type of construction
1599 materials to be used (i.e. brick, stone, stucco, pressboard, etc), and the average size of
1600 lots;
- 1601 (3) A statement of any community amenities to be built within the development currently
1602 or in the future, including but not limited to a clubhouse, tennis courts or swimming
1603 pools the applicant is committed to constructing in future phases; and
- 1604 (4) A statement of the general terms and conditions at which the applicant proposes to
1605 dispose of the lots and/or homes in the future phases of the development.
- 1606 (d) If the applicant intends to make no representations or commitments to potential purchasers
1607 concerning each of the representations set forth in subsection (b) and (c), the applicant shall
1608 note the same in the disclosure statement filed with the Director of Community
1609 Development which statement shall be made available by the Director of Community
1610 Development to the public.
- 1611 (e) After the required disclosure statement has been submitted, the Director of Community
1612 Development shall examine the information provided and determine whether the
1613 information submitted is consistent with the final plat and if the information is consistent,
1614 the Director of Community Development shall approve the disclosure statement in writing
1615 within thirty-five (35) days of submission of the statement.
- 1616 (f) If it appears to the Director of Community Development that a disclosure statement is
1617 incomplete or fraudulent, the Director of Community Development shall disapprove the
1618 disclosure statement and notify the applicant for the final plat in writing within fourteen (14)
1619 days after the initial submission of the statement. Such notification shall serve to suspend the
1620 review of the final plat by any city employee or official until the applicant files such
1621 additional information, as the Director of Community Development shall require. No final
1622 plat may be certified by the Director of Community Development until such time as the
1623 Director of Community Development approves the applicant's disclosure statement.
- 1624 (g) If at any time after approval of the disclosure statement the Director of Community
1625 Development becomes aware that the disclosure statement contains false or misleading
1626 information, or that the applicant is developing in a manner inconsistent with the approved
1627 disclosure statement, the Director of Community Development shall disapprove the
1628 disclosure statement and notify the applicant in writing that the disclosure statement has
1629 been disapproved.
- 1630 (h) Subsequent to the recording of the final plat for a residential subdivision and for each phase
1631 of a multi-phase residential development, the approved disclosure statement on file with the
1632 city shall be provided by any seller to potential purchasers at the execution of the purchase
1633 and sales contract or if no such contract is executed, ten (10) days prior to the real estate
1634 closing on any property governed by this section.

1635 **Sec. 14-136. - Violations.**

1636 It shall be unlawful for any person to sell property in a residential subdivision or a multi-
1637 phase residential development without providing a potential purchaser with a copy of an

approved disclosure statement as required by section 14-135. It shall be unlawful for any person to provide the Director of Community Development with false or misleading information in an approved disclosure statement as required by section 14-135. It shall be unlawful for any person to develop in a manner inconsistent with the approved disclosure statement. Any person, firm or corporation convicted of violating this section shall be subject to fine and/or imprisonment in accordance with Chapter 1 of this Code.

Secs. 14-137—14-145. - Reserved.

Part D. - Revised Final Plat

Sec. 14-146. - Procedure.

- (a) The original recorded plat shall be used for all revisions.
- (b) When it becomes necessary to revise an original recorded final plat due to some error, required adjustment or desired adjustment, the applicant shall confer with the Director of Community Development to determine if the revision is a minor or major revision. The applicant's surveyor shall make the necessary corrections on the original final plat or prepare a new tracing of that portion of the subdivision involved. The subdivision name, date and book and page number of the original recording shall be noted on the new plat. If the original final plat is not available, then any proposed revision to the final plat shall be considered a major change.
- (c) A minor change is one that corrects a drafting or scrivener's error, changes or moves a lot line while not changing the number of lots or site density or is otherwise administrative in nature and does not affect how the subdivision will be developed or built. A major change is any other change, including changes that alter how the subdivision will be developed or built, such as, but not limited to, increasing or decreasing the number of lots, changing the location of any public facilities or utilities, and revising protective covenants applying to the property.
- (d) If the Director of Community Development determines the change is minor, then the Director of Community Development will approve and accept the revised final plat; the applicant shall record the revised final plat with the clerk of superior court.
- (e) If the Director of Community Development determines the change is major, the revised plat must proceed through the approval process for final plats described in this Code.
- (f) The basis for the Director of Community Development's characterization of the change as either major or minor shall be recorded in black ink on the revised plat.

Sec. 14-147. - When New Tracing Required.

If the original final plat is not available, the applicant shall prepare a new Mylar or other durable, stable, and reproducible drafting medium approved by the community development department, in accordance with section 14-146(b) above.

Sec. 14-148. - Revisions and Explanation to Be in Black Ink.

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1675 Revisions and a notation explaining the revisions shall be shown in black ink on the revised
1676 plat.

1677 **Sec. 14-149. - Space for Certifications.**

1678 A blank space consisting of not less than fifty (50) square inches shall be provided on the
1679 revised plat to accommodate required certifications.

1680 **Sec. 14-150. - Scale.**

1681 Revised plats shall be prepared at a scale of not less than fifty (50) feet to one (1) inch.

1682 **Sec. 14-151. - Compliance with Zoning Ordinance.**

1683 The revised plat shall comply with the regulations of the city zoning ordinance, including all
1684 conditions of zoning, which are to be shown in the upper right hand corner of the revised plat.

1685

1686 **Sec. 14-152. - Inclusion of Required Wording.**

1687 The revised plat shall show the following wording in black ink:

1688 This revised plat has been submitted to the mayor and council of City of Stonecrest,
1689 Georgia, and has been approved as required by state law and city codes as meeting all
1690 conditions precedent to recording in the superior court of this circuit. This plat is hereby
1691 approved subject to any protective covenants shown hereon.

1692 Dated this _____ day of _____ / _____ / _____

1693

1694 _____
1695 Mayor
1696 City of Stonecrest, Georgia

1697 **Sec. 14-153. - Original Protective Covenants not to be Changed.**

1698 All revisions to original plats shall be bound by the protective covenants on the original final
1699 plat and a statement to that effect shall be noted in black ink on the revised plat unless noted
1700 otherwise.

1701 **Sec. 14-154. - City May Require Additional Data.**

1702 Other data which may be required in support of a revised final plat are: a final engineering
1703 design report on proposed revisions and such other certificates, affidavits, endorsements, or
1704 dedications as may be required by city officials in the enforcement of this chapter.

1705

1706 **Secs. 14-155—14-165. - Reserved.**

1707

1708 **DIVISION 3. - DESIGN STANDARDS**

1709 **Part A. - General Provisions**

1710 **Sec. 14-166. - Adequate Public Facilities.**

1711 The applicant shall submit sufficient information and data with the application on the
1712 proposed subdivision to demonstrate compliance with the following:

1713 (1) *Comprehensive plan consistency required.* Proposed public improvements shall
1714 conform to and be properly related to the City of Stonecrest Comprehensive Plan and all
1715 applicable capital improvement plans.

1716 (2) *Water.* All habitable buildings and buildable lots shall be connected to a public water
1717 system capable of providing water for health and emergency purposes, including
1718 adequate fire protection.

1719 (3) *Wastewater.* All habitable buildings and buildable lots shall be served by an approved
1720 means of wastewater collection and treatment.

1721 (4) *Stormwater management.* Drainage improvements shall accommodate potential runoff
1722 from the entire upstream drainage area and shall be designed to prevent increases in
1723 downstream flooding as required under this Chapter. Stormwater quality management
1724 facilities shall be adequate as required under this Chapter. The City of Stonecrest or the
1725 reviewing government entity or designee may require the use of control methods such
1726 as retention or detention, and or the construction of offsite drainage improvements to
1727 mitigate the impacts of the proposed developments.

1728 (5) *Roads.* Proposed roads shall provide a safe, convenient, and functional system for
1729 vehicular, pedestrian, and bicycle circulation, shall be properly related to the
1730 comprehensive plan, and shall be appropriate for the particular traffic characteristics of
1731 each proposed development.

1732 (6) *Extension policies.* All public improvements and required easements shall be extended
1733 through the parcel on which new development is proposed. Streets, water lines,
1734 wastewater systems, drainage facilities, electric lines, and telecommunications lines
1735 shall be constructed through new development to promote the logical extension of
1736 public infrastructure.

1737 **Sec. 14-167. - Conservation of Natural Resources.**

1738 (a) To better implement the policies and purposes of this chapter, to protect the health, safety,
1739 and welfare of the citizens of City of Stonecrest and to minimize the negative environmental
1740 effects of development, subdivisions shall be designed and developed to avoid areas of
1741 environmental sensitivity. The following land areas shall be preserved in their natural state
1742 or not subject to any development or land disturbance activity, and shall not be part of the
1743 buildable area:

- 1744 (1) Wetlands; and
1745 (2) The intermediate regional floodplain;
1746 (b) Subdivisions shall be also laid out to:
1747 (1) Avoid adversely affecting watercourses, ground water, and aquifer recharge;
1748 (2) Minimize cut and fill;
1749 (3) Minimize impervious cover and the environmental impacts of roads and access points;
1750 (4) Minimize flooding; and
1751 (5) Minimize adverse effects of noise, odor, traffic, drainage, and utilities on neighboring
1752 properties.
1753 (c) The Director of Community Development shall not recommend approval for a preliminary
1754 plat or parts thereof if the director determines that:
1755 (1) The areas listed in subsection (a) above have not been set aside and protected from
1756 development;
1757 (2) The proposed subdivision does not comply with the requirements of subsection (b)
1758 above; or
1759 (3) If the proposed subdivision is not in the best interest of the public health, safety, and
1760 general welfare of the city.

1761 **Secs. 14-168—14-180. - Reserved.**

1762 **Part B. - Streets**

1763 **Sec. 14-181. - Generally.**

- 1764 (a) The provisions of this part apply to streets in subdivisions and in other projects requiring a
1765 development or land disturbance permit from City of Stonecrest.
1766 (b) The arrangement, character, extent, width, grade and location of all subdivision streets shall
1767 conform to the provisions of this chapter and to the thoroughfare plan. New streets shall be
1768 designed and located with consideration of their relation to existing and planned streets, to
1769 topographical conditions, to public convenience and safety in their appropriate relation to
1770 the proposed uses of the land to be served by the streets.

1771 **Sec. 14-182. - Arrangement where not shown on thoroughfare plan.**

1772 Where not shown in a thoroughfare plan adopted by the City, the arrangement of streets in a
1773 subdivision shall either:

- 1774 (1) Provide for the continuation or appropriate projection of existing streets in surrounding
1775 areas; or
1776 (2) Conform to a plan for a neighborhood approved or adopted by the mayor and city
1777 council to meet a particular situation where topographical or other conditions make
1778 continuance or conformance to existing streets impracticable.

1779 **Sec. 14-183. - Minor streets/minor arterials.**

1780 (a) Local residential streets shall be so designed to discourage speeding and encourage safe
1781 environment for pedestrians and bicyclists. They shall be designed to discourage high speed
1782 through traffic.

1783 (b) Within historic districts, the platting of lots and streets shall be compatible with the historic
1784 patterns that exist within the historic district except for numbered state or federal routes.

1785 **Sec. 14-184. - Thoroughfare plan.**

1786 The Director of Community Development shall review changes in the patterns of traffic,
1787 land development, and subdivisions, and prepare a report to the mayor and city council with
1788 recommendations concerning appropriate revisions to the thoroughfare plan. Such review shall:

- 1789 (1) Ensure safe and efficient access between neighborhoods and local services;
1790 (2) Ensure the continuity and adequacy of local streets, collector streets and arterial streets
1791 to form a coherent and continuous system of routes;
1792 (3) Identify applications of appropriate traffic calming and traffic management strategies to
1793 discourage unnecessary traffic and travel speeds in neighborhoods; and
1794 (4) Ensure a coherent and continuous system for pedestrian and bicycle travel.

1795 **Sec. 14-185. - Subdivisions bordering on or containing arterial streets, railroad right-of-**
1796 **way or limited-access highway right-of-way.**

1797 Where a subdivision borders on or contains an arterial street (major thoroughfares, and
1798 minor thoroughfares), a railroad right-of-way or limited-access highway right-of-way, the
1799 Director of Community Development may require the following:

- 1800 (1) Rear service alleys to facilitate traffic flow, safety and public services;
1801 (2) Provision of one (1) or a pair of smaller marginal access streets approximately parallel
1802 to and on each side of this right-of-way at a distance suitable for the appropriate use of
1803 the intervening land as park or open space and to provide for multipurpose trails. These
1804 distances shall also be determined with due regard for the requirements of approach
1805 grades and future grade separations; or
1806 (3) In the case of limited-access highways only, reverse frontage lots may be created with
1807 landscape buffers and a non-access reserve strip along the rear property line.

1808 **Sec. 14-186. - Reserve strips.**

1809 Reserve strips that separate developed or developable land from necessary access to streets
1810 shall be prohibited except when such access is controlled by City of Stonecrest.

1811 **Sec. 14-187. - Street intersection spacing.**

1812 Street intersections with centerline offsets of less than one hundred twenty-five (125) feet
1813 shall be prohibited in subdivisions.

1814 **Sec. 14-188. - Intersections—Right angles.**

1815 Street intersections in subdivisions shall be as nearly at right angles as practicable. No
1816 interior angle shall be less than seventy-five (75) degrees. Intersections or more than two (2)
1817 streets shall be designed according to the specific types illustrated in the Standards for
1818 Construction and Design.

1819 **Sec. 14-189. - Same—Property line to be mitered.**

1820 At each street intersection in a subdivision the property line at each block corner shall either
1821 be mitered. A mitered property line shall be located on the interior chord of a convex curve or
1822 located fifteen (15) feet inside the tangent of a concave curve.

1823

1824

1825 **Sec. 14-189.1. - Traffic improvements, street improvements, curb cuts, visibility**
1826 **requirements, and private street construction standards.**

1827 (a) Each building shall be located on a lot or parcel that abuts a public street or private street.
1828 Private streets shall only be allowed if the development seeking to have a private street(s) is
1829 ten (10) acres or larger in size. The Director shall have the authority to waive this minimum
1830 acreage requirement if all real property owners that abut the proposed private street agree to
1831 such waiver.

1832 (b) Where this chapter measures minimum building setback lines and frontages, or imposes
1833 development standards in connection with, or with reference to public streets, such
1834 measurements or standards set forth in the district regulations and supplemental regulations
1835 of chapter 27, in this chapter or elsewhere in the Code of City of Stonecrest shall apply
1836 similarly for property abutting a private street where such private street has been approved
1837 by the planning commission. Nothing in this article is intended to authorize any kind of
1838 development on a private street that would not be authorized where there was public right of
1839 way.

1840 (c) Private streets within any zoning district shall not be used to satisfy the off-street parking
1841 requirements of the Code. Private streets within any district shall be assigned names and
1842 locations. The names of these streets shall be shown on plans required for the issuance of
1843 building and development permits as provided in this chapter and chapters 7 and 27 of the
1844 Code of City of Stonecrest.

1845 (d) Lots may front on a public street or private street constructed to the standards found in this
1846 chapter.

1847 (e) Where sewer lines are constructed underneath a private street, the developer is required to
1848 grant an easement to the county for installation, maintenance and repair of such sewer lines
1849 if required by DeKalb County.

1850 (f) Private streets shall not be eligible for participation in the city's traffic calming program as
1851 provided for in chapter 17 of this Code.

- 1852 (g) Private streets shall not be eligible for participation in the city's residential sidewalk district
1853 program as provided for in chapter 23 of this Code.
- 1854 (h) Developers and property owners' associations shall ensure access to all private streets by
1855 emergency and law enforcement vehicles and shall ensure that private streets are constructed
1856 to allow access by all emergency vehicles and law enforcement vehicles.
- 1857 (i) The use of private streets may not result in an increase in permitted density above that which
1858 would otherwise be permitted by the applicable district regulations. Density calculations
1859 shall be made based on a public street system and the preliminary plat that provides for a
1860 private street shall be density neutral. Additionally, a utility easement(s) is not to be included
1861 in any plat as a part of an individual lot and thus such land that comprises the utility
1862 easement(s) cannot be used to calculate the required minimum lot size, or minimum front
1863 yard size.
- 1864 (j) Private streets shall comply with requirements for public streets found in this chapter and all
1865 other applicable sections of the Code of City of Stonecrest. Private streets shall be surfaced
1866 with the same type of materials that are used for the surfacing and resurfacing of public
1867 streets or with materials that are as protective as those used by the city to surface and
1868 resurface streets so long as such alternative materials are approved by the Director.

1869 **Sec. 14-189.2. - Approval to create a private street.**

- 1870 (a) The Director of Community Development, or his/her designee, shall authorize a private
1871 street where the Community Development Department has certified that the applicant has
1872 submitted all required documentation as set forth herein and where the Director of
1873 Community Development finds that:
- 1874 (1) The location of the proposed private street(s) will not adversely impact use of any
1875 existing surrounding public street(s); and
- 1876 (2) The location of the proposed private street will not adversely impact adjacent existing
1877 communities or neighborhoods; and
- 1878 (3) The applicant has shown that there is the requisite legal mechanism for the maintenance
1879 of the proposed private street(s); and
- 1880 (4) The applicant has provided written evidence that the proposed private street system is
1881 acceptable to the city departments or divisions responsible for law enforcement,
1882 sanitation, transportation and fire and rescue; and
- 1883 (b) If the private street is to be located in a historic district as that term is defined in chapter 13.5
1884 of this Code, then the applicant must provide the Director of Community Development a
1885 certificate of appropriateness authorizing the private street from the historic preservation
1886 commission. If no such certificate of appropriateness is provided to the Director of
1887 Community Development, then the Director of Community Development shall deny the
1888 application for a private street.
- 1889 (c) Street rights-of-way shall be owned by the mandatory homeowners' association as required
1890 by section 14-189.3. Street rights-of-way shall comply with all the requirements set forth in
1891 this Code, including but not limited to the requirements set forth in this chapter and in

chapter 27 of this Code. An access easement and a utility easement shall entirely overlay the rights-of-way and shall be dedicated to City of Stonecrest for public use. All applicable setbacks, lot widths and lot areas shall be measured from the homeowner's association right of way.

Sec. 14-189.3 - Legal mechanism for maintenance of private streets, resurfacing fund.

(a) Maintenance of private streets.

(1) Each developer that chooses to include private streets within a condominium, as that term is defined by state law, or any other residential, commercial, institutional, industrial or office development shall organize and establish a property owners' association prior to recording of the final plat. Membership in the property owners' association shall be mandatory for each original and successive purchaser of a lot, building or unit within the development. The property owners' association shall be organized so that it has clear legal authority to maintain and exercise control over the private street(s) and required improvements associated with private streets, including, but not limited to, sidewalks, bikeways, curbs and gutters, traffic signs and markings, associated landscaping and lighting, entry signs, monuments, perimeter walls and fences, entry gates and gatehouses. The declaration of covenants creating the property owners' association shall be recorded with the clerk of the Superior Court of DeKalb County and the recorded declaration of covenants and articles of incorporation creating the property owners' association shall provide that all private streets and associated improvements are owned by the property owners' association or are held in common by the property owners within the development. Said streets shall be properly maintained and insured with no liability or maintenance responsibilities accruing to the city. The recorded declaration of covenants and articles of association shall specifically require the property owners' association to repair and maintain each private street in the same manner as similar public streets are maintained by the city and such maintenance and repair shall be performed in compliance with all city standards and all applicable provisions of law.

(2) Prior to any final plat approval, the developer shall submit articles of incorporation, declaration of covenants and bylaws for the property owners' association to the community development department. Those documents must thereafter be reviewed and approved by the city attorney.

(b) Maintenance fund. The declaration of covenants and articles of association shall provide for a street maintenance fund the proceeds of which shall be used solely for the purpose of regular maintenance of the street(s), whether for resurfacing or a similar purpose. For the purposes of further providing further assurance that city funds shall not be used for maintenance of private streets, the developer shall submit proof of deposit of fifty (50) percent of the current estimate of resurfacing costs, as determined by the community development and development director or designee, in an interest bearing account on behalf of the property owners' association.

(c) Maintenance bond A developer must provide a maintenance bond renewable annually to cover the cost of maintenance and repair for any private streets within a subdivision. The

1934 bond shall be for an amount equal to fifty (50) percent of the current estimate of resurfacing
1935 costs, as determined by the Director of Community Development or designee. The
1936 developer may avoid securing the maintenance bond set forth in this subsection if the
1937 developer submits proof to the community development department that one hundred (100)
1938 percent of the then-current estimate of resurfacing costs, as determined by the community
1939 development and development director or designee, has been deposited in an interest-
1940 bearing account on behalf of the property owners' association. If the developer chooses this
1941 alternative, the declarations of covenants and articles of association shall specifically require
1942 the property owners' association to continuously maintain one hundred (100) percent of the
1943 then-current estimate of resurfacing costs of the private streets in this maintenance fund.

1944 (d) *Assessment and liens.* The property owners' association must be empowered to levy
1945 assessments against owners within the development for the payment of expenditures made
1946 by the association for maintenance of the private streets and other items set forth in
1947 subsection (a) herein. At least fifteen (15) percent of all fees or assessments paid shall be set
1948 aside in the maintenance fund. Any unpaid assessments shall constitute a lien in favor of the
1949 property owners' association on the lot, building or unit of the owner.

1950

1951

1952 **Sec. 14-189.4 - Inspection of private streets within nine months of approval of the final plat;**
1953 **failure to correct deficiencies.**

1954 (a) Within nine (9) months following approval of the final plat, the Director of Community
1955 Development or designee shall inspect the private street(s) to ensure compliance with all city
1956 standards and all applicable provisions of this Code including, but not limited to, the
1957 requirements set forth in law for public streets, curbs, sidewalks, signage and street lighting.
1958 The developer shall be notified of any deficiencies in writing and such deficiencies shall be
1959 corrected within sixty (60) days of the written notice of deficiencies unless the city agrees to
1960 extension of that period in writing.

1961 (b) Failure to correct the complete list of deficiencies shall be a violation of this section and
1962 shall subject the developer to prosecution for a code violation in the Municipal Court of City
1963 of Stonecrest. Any person found to have violated this section shall be subject to a fine of not
1964 less than five hundred dollars (\$500.00) for each violation. A separate and distinct offense
1965 shall be regarded as committed each day on which such person shall continue any such
1966 violation.

1967 (c) The Director of Community Development or designee shall deny the issuance of certificates
1968 of occupancy until all deficiencies have been corrected.

1969 **Sec. 14-189.5. - Abandonment of existing public streets.**

1970 (a) Any abandonment of a public street by the City pursuant to this section must comply with
1971 the applicable requirements set forth in state law and this code, including but not limited to
1972 the requirements set forth in O.C.G.A. §§ 32-7-2(c) and 32-7-4 and as may hereinafter be
1973 amended.

- 1974 (b) A property owner(s) may petition the governing authority to abandon an existing public
1975 street that abuts the owner(s)' property. The petition must include documents that comply
1976 with all of the following requirements set forth in this section.
- 1977 (c) The petition shall contain evidence that each abutting landowner to the public street seeks to
1978 have the street abandoned.
- 1979 (d) The petition shall contain evidence that once abandoned pursuant to the requirements of
1980 state law, all property owners that abut the street agree that ownership of the street shall be
1981 placed in a property owners' association. The petition shall include evidence that one
1982 hundred (100) percent of all property owners in the property owners' association have agreed
1983 that the street at issue may become private and have agreed to maintain and exercise control
1984 over the private street as required by this ordinance.
- 1985 (e) The petition shall contain evidence that the property owners' association has the financial
1986 ability to maintain the street and associated improvements in perpetuity.
- 1987 (f) The petition shall include evidence that the declaration of covenants and articles of
1988 association or other legal instrument(s) creating the property owners' association provide or
1989 have been amended to provide that membership in the property owners' association shall be
1990 mandatory for each original and successive purchaser of a lot, building or unit on the street.
- 1991 (g) The petition shall include evidence that the property owners' association shall be organized
1992 so that it has absolute legal authority to maintain and exercise control over the private
1993 street(s) and required improvements associated with private streets, including, but not
1994 limited to, sidewalks, bikeways, curbs and gutters, traffic signs and markings, associated
1995 landscaping and lighting, entry signs, monuments, perimeter walls and fences, entry gates
1996 and gatehouses.
- 1997 (h) The petition shall include evidence that the declaration of covenants creating the property
1998 owners' association shall be recorded with the clerk of the Superior Court of DeKalb County
1999 and the recorded declaration of covenants and articles of incorporation creating the property
2000 owners' association shall provide that all private streets and associated improvements are
2001 owned by the property owners' association or are held in common by the property owners
2002 within the development. Said streets shall be properly maintained and insured with no
2003 liability or maintenance responsibilities accruing to the city.
- 2004 (i) The petition shall include evidence that the declaration of covenants and articles of
2005 association shall provide for a maintenance fund, the proceeds of which shall be used solely
2006 for the purpose of regular maintenance of the street(s), whether for resurfacing or similar
2007 purpose. For the purposes of further providing further assurances that city funds shall not be
2008 used for maintenance of private streets, the property owners' association shall submit proof
2009 of a maintenance fund equal to fifty (50) percent of the current estimate of resurfacing costs,
2010 as determined by the Director of Community Development or designee, in an interest
2011 bearing account on behalf of the property owners' association.
- 2012 (j) The petition shall include evidence that the property owners have a maintenance bond
2013 renewable annually in an amount equal to fifty (50) percent of the current estimate of
2014 resurfacing costs, as determined by the Director of Community Development or designee.

(k) The petition shall include evidence that the property owners' association is empowered to levy assessments against owners on the street(s) for the payment of expenditures made by the association for maintenance of the private streets and improvements associated with private streets, including, but not limited to, sidewalks, bikeways, curbs and gutters, traffic signs and markings, associated landscaping and lighting, entry signs, monuments, perimeter walls and fences, entry gates and gatehouses and evidence that any unpaid assessments shall constitute a lien in favor of the property owners' association on the lot, building, or unit of the owner. At least fifteen (15) percent of all fees or assessments paid shall be set aside in the maintenance fund.

(l) The governing authority shall not consider a petition for abandonment unless it:

(1) Contains all of the evidence and documents required by this ordinance; and

(2) The street is no longer used by the public to the extent that it serves no substantial public purpose and that the public at large will benefit from its closure since the public will no longer be responsible for any costs to maintain and repair the street; and

(3) Is supported by an analysis by the community development department that shows that the abandonment of the street shall not negatively impact adjacent neighboring communities and the public at large.

Sec. 14-190. - Street classification and right-of-way width.

All streets shall be classified according to the table in this section. Street construction standards shall be no less than as follows:

Minimum Right-of-Way
Per Street Classification

Street Classification	Minimum Right-of-Way (Ft)	As Measured from Centerline (Ft)
Principal arterial	150	75
Minor arterial	80	40
Collector	60	30
Nonresidential local	60	30
Local (Residential subdivision)	50	25
Alley	20	10
Cul-de-sac	60	N/A

Sec. 14-190.1 – Sidewalk Required

- 2040 (a) Sidewalk is required along the frontage of any property abutting a public or private street
2041 in which a City of Stonecrest land disturbance permit is required pursuant to the
2042 requirements of Chapter 27.
2043 (b) Where a property or development abuts both sides of an existing or future street,
2044 sidewalk will be required on both sides of the street.
2045

2046 **Sec. 14-191. - Improvements, right-of-way dedication.**

- 2047 (a) All proposed new streets shall be designed and built according to one of the standards listed
2048 in section 14-190 and as shown in the Standards for Construction and Design adopted by the
2049 Director.
- 2050 (b) Where a proposed subdivision or project requiring a land development permit has frontage
2051 on an existing public street, right-of-way shall be dedicated along that frontage so as to meet
2052 the standards of that street's classification in the city thoroughfare plan. The right-of-way
2053 shall be improved wherever required as further provided in this section. For existing streets
2054 on which a proposed subdivision or project requiring a land development permit has
2055 frontage, the applicant shall:
- 2056 (1) Dedicate a minimum of fifty (50) percent of the required right-of-way width as
2057 measured from the centerline of the existing street right-of-way;
- 2058 (2) Install all required sidewalks, street trees, streetlights, and place utilities according to
2059 the standards in section 14-190; and
- 2060 (3) Provide a minimum of fifty (50) percent of the roadway pavement required in section
2061 14-190 and install it to the right-of-way centerline.
- 2062 (c) Land reserved for any road purposes may not be counted in satisfying yard or area
2063 requirements on the City of Stonecrest Zoning Ordinance where the land is to be dedicated
2064 to the public in fee simple or an easement associated with the road is granted to City of
2065 Stonecrest.
- 2066 (d) Right-of-way dedication and road widening shall extend for the full length of road frontage
2067 of the property under development and shall conform the standards in these regulations.
2068 Flares at pavement ends may be required to extend beyond property under development.
- 2069 (e) The Director of Community Development, or his/her designee, after considering all related
2070 factors, may authorize deviations from this section as follows:
- 2071 (1) Right-of-way dedication may be waived or modified if:
- 2072 a. Existing use of property is not to be substantially changed as a result of proposed
2073 development or construction;
- 2074 b. Existing government construction plans for the roadway indicate lesser right-of-
2075 way would be required for dedication; or
- 2076 c. The adjoining frontage is developed and the predominate existing right-of-way
2077 meets city standards.

- 2078 (2) Road improvements may be waived or modified if:
- 2079 a. Existing use of property not to be substantially changed (i.e., traffic generation and
- 2080 ingress/egress would remain the same);
- 2081 b. Governmental construction plans for the road indicate a pavement width less than
- 2082 city standards (only the planned pavement width shall be required);
- 2083 c. No more than five (5) percent of average daily traffic generation would occur
- 2084 between 7:00 a.m. and 9:00 a.m. and 4:00 p.m. and 6:00 p.m., on weekdays;
- 2085 d. The existing road meets current city standards; or
- 2086 e. Widening would create a hazard to traffic, pedestrians, or bicyclists along the
- 2087 thoroughfare.
- 2088 (3) The applicant may, with written concurrence of the development director and the city
- 2089 attorney, provide payment to the city in lieu of road improvements when:
- 2090 a. Road improvements by state or local action are scheduled within twenty-four (24)
- 2091 months;
- 2092 b. Existing utility companies' improvements are situated so as to require their removal
- 2093 or relocation before road improvements should be accomplished;
- 2094 c. Improvements would be economically unfeasible or would cause unreasonable land
- 2095 development hardships because of topography, soils, bridges, grades, etc., and
- 2096 delay of improvements would not adversely impact the city's road system; and
- 2097 d. Payment for road improvements shall be in accordance with a schedule adopted by
- 2098 the mayor and city council based on current street construction costs for the
- 2099 required section.

2100 **Sec. 14-192. - Half streets.**

2101 Half streets are prohibited. The applicant shall be required to pave the full standard width of

2102 any existing unpaved public right-of-way or any proposed public street on which the proposed

2103 subdivision has frontage and access.

2104 **Sec. 14-193. - Temporary dead-end streets.**

2105 Temporary dead-end streets may be platted, if recommended by the planning director and

2106 approved by the mayor and council, where the proposed subdivision adjoins property not yet

2107 subdivided or property that may be redevelopment. A temporary dead end street shall end in a

2108 temporary turn-around. The right-of-way of any temporary dead end street shall be carried to the

2109 boundary of the properties being subdivided. Street signs shall be posted stating: "No Exit —

2110 temporary dead-end street."

2111 **Sec. 14-194. - Permanent dead-end streets; cul-de-sac required.**

- 2112 (a) Dead-end streets designed to be so permanently shall be provided with a cul-de-sac at the
- 2113 closed end and shall not exceed one thousand two hundred (1200) feet.

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2114 (b) The minimum outside radius of a cul-de-sac on a public street shall be forty (40) feet,
2115 measured to the inside face of the outside curb. Each cul-de-sac shall provide a landscaped
2116 island at the center, and the clear width of the paved roadway measured from the outside of
2117 the landscaped island to the inside face of the outside curb shall not be less than twenty-four
2118 (24) feet. The radius of the right of way for the cul-de-sac shall not be less than fifty (50)
2119 feet.

2120 **Sec. 14-195. - Alleys.**

2121 (a) Alleys shall be required wherever topography or the presence of arterial roads or other
2122 features makes vehicular access from the front of the lot impractical or unsafe. Where the
2123 alley serves as the primary means of vehicular access to the lot, it shall be dedicated as a
2124 public right-of-way and built to the standards required in these regulations/this chapter.

2125 (b) Alleys may be permitted as private streets providing secondary or service access and where
2126 the principal buildings have adequate access for emergency vehicles from a public street on
2127 their frontage. Private alleys may end in a turn-around. All alleys dedicated to the public
2128 shall provide a continuous connection between one (1) or more public streets. Alleys shall
2129 be paved and constructed to the same standards as the connecting public streets except that:

- 2130 (1) The paved width of an alley shall be not less than twelve (12) feet;
2131 (2) Alleys shall be constructed with flush curbs;
2132 (3) Buildings shall be set back at least ten (10) feet from the back of curb of an alley.

2133 **Sec. 14-196. - Street grades.**

2134 (a) Subdivision street grades shall not exceed the following, with due allowance for reasonable
2135 vertical curves:

Type	Percent Grade
Major arterial	8
Minor arterial	10
Residential arterial and alley	12
Collector street	12
Local residential	12
Alleys	12

2136

2137 (b) A fourteen (14) percent grade on local residential streets may be approved by the Director of
2138 Community Development where a sight distance in feet of ten (10) times the speed limit is
2139 maintained. An as-built street profile may be required.

2140 (c) No street grade shall be less than one (1) percent and no one (1) percent grade shall be
2141 longer than three hundred (300) feet.

2142 (d) Up to a twelve (12) percent grade on alleys may be allowed, provided the Director of
2143 Community Development approves any required drainage plan.

2144 **Sec. 14-197. - Minimum horizontal curve radius.**

2145 Subdivision streets with design speeds of twenty (20) miles per hour may not have a
2146 minimum centerline horizontal curve radius less than ninety (90) feet. No other subdivision street
2147 shall have a horizontal curve radius less than one hundred fifty (150) feet. Radius shall be
2148 measured from the centerline of the right-of-way.

2149 **Sec. 14-198. - Minimum sight distance.**

2150 All subdivision streets shall have minimum sight distance according to the table below.

2151

Design Speed (MPH)	Sight Distance (Ft) ⁽¹⁾				
	2-Lane	3 and 4 Lanes		5 and 6 Lanes	
	SDL=SDR	SDL	SDR	SDL	SDR
25	280	n/a	n/a	n/a	n/a
30	335	350	375	400	420
35	390	410	440	465	490
40	445	470	500	530	560
45	500	530	560	595	630
50	555	590	625	660	700
55	610	650	685	730	770

2152 Notes:

2153 1. SDL refers to "sight distance to the left" and SDR refers to "sight distance to the right."

2154 2. Minimum intersection sight distance for stopped passenger vehicles turning onto a
2155 roadway with no median and grades of three percent or less. Distances shall be adjusted for
2156 entering roadways with different design characteristics.

If, due to other restrictions, this minimum sight distance cannot be maintained, the applicant shall, at the applicant's expense, provide adequate traffic-control devices or other physical improvements subject to the approval and installation by the city.

Sec. 14-200. - Access management.

The following standards shall apply to all subdivisions and all projects requiring a land development permit where the primary access is from a state or federal highway or an arterial classified as a major, minor or residential arterial or collector street in thoroughfare plan. These standards shall apply unless a more restrictive standard is required by the Georgia Department of Transportation:

- (1) Commercial or office properties may be required, based on site conditions as determined by the development director, to provide a cross access drive and pedestrian access to allow circulation between sites. Cross access is not required between non-residential uses and single-family uses.
- (2) Joint driveways, cross access easements and pedestrian access shall be established wherever feasible along a major or minor arterial or collector street. The building site shall incorporate the following:
 - a. Continuous service drive or cross access corridor extending the entire length of each block served to provide for driveway separation of at least 1,000 feet of linear frontage along the thoroughfare.
 - b. A design speed of ten (10) mph and a two-way travel aisle width of twenty-four (24) feet to accommodate automobiles, service vehicles, and loading vehicles.
 - c. Stub-outs and other design features to indicate that abutting properties may be connected to provide cross access via a service drive.
- (3) *Reserved.*
- (4) The Director of Community Development may reduce the required separation distance of access points where they prove impractical, provided all of the following requirements are met:
 - a. Joint access driveways and cross access easements are provided in accordance with this section.
 - b. The site plan incorporates a unified vehicular and pedestrian access and circulation system in accordance with this section.
 - c. The property owner shall enter a written agreement with City of Stonecrest, recorded with the deed, that pre-existing connections on the site that do not meet the requirements of section 14-200 will be closed and eliminated after construction of each side of the joint use driveway.
- (5) All developments shall have access to a public right-of-way. The number of access points shall be as follows:

2195 Minimum Number of Access Points

Type of Development	Minimum No. of Access Points	Type of Primary Access
Residential, under 75 units	1	Residential arterial or collector street
Residential, 76—150 units	2	Residential arterial or collector street
Residential, 151—300	3	Collector street
Residential over 300 units	4	Collector street
Nonresidential, less than 300 required parking spaces	1	Collector street
Nonresidential, 300—999 required parking spaces	2	Major or minor arterial or collector street
Nonresidential, 1,000 or more required parking spaces	2 or more as determined by the department	Major or minor arterial or collector street

2196

- 2197 (6) The separation of access points on a major or minor arterial or collector street shall be
2198 determined by the speed limit of the road with the following minimum spacing
2199 requirements:

Posted Speed Limit of Road	Minimum Driveway Spacing
Less than or equal to 35 MPH	125 feet
36 to 45 MPH	245 feet
Greater than 45 MPH	440 feet

2200

- 2201 a. The distance between access points shall be measured from the centerline of the
2202 proposed driveway or public street to the centerline of the nearest existing adjacent
2203 driveway or public street.
- 2204 b. Driveway spacing at intersections and corners shall provide adequate sight
2205 distance, response time, and permit adequate queuing space.
- 2206 c. No driveway, except residential access, shall be allowed within one hundred (100)
2207 feet of the centerline of an intersecting arterial or collector street.
- 2208 d. No non-residential access except right in/right out channelized access shall be
2209 allowed within one hundred (100) feet of the centerline of any other major or minor
2210 arterial.
- 2211 e. The requirements of this section are not intended to eliminate all access to a parcel
2212 of land that was legally subdivided prior to the enactment of this section.
- 2213 (7) Where major or minor arterials or collector streets include medians, directional median
2214 openings shall be separated by a minimum of three hundred thirty (330) feet and full
2215 median openings shall be separated by a minimum of six hundred sixty (660) feet.
- 2216 (8) All street design and other development activities, including landscaping, shall be
2217 arranged on site so as to provide safe and convenient access for emergency vehicles.
- 2218 (9) Along major or minor arterials, residential arterials, or collector streets, a deceleration
2219 lane, a turn lane, larger or reduced turning radius, traffic islands or other devices or
2220 designs, including traffic calming devices and designs, may be required to avoid
2221 specific traffic hazards which would otherwise be created by the proposed driveway
2222 location.
- 2223 a. Deceleration lane. A deceleration lane shall be required at each project driveway or
2224 subdivision street entrance, as applicable, that meets either the average daily traffic
2225 (ADT) or right turning volumes shown in the following table.

2226

	2 Lanes on Main Road		>2 Lanes on Main Road	
	35-40 MPH	>40 MPH	35-40 MPH	>40 MPH
Main roadway ADT	8,000	4,000	12,000	10,000
Daily right turning volume	150	75	150	75
Peak hour right turning volume	15	7	15	7

2227

2228

Operating Speed	Deceleration Lanes
Subdivision Streets	Not Required
35 mph	150'+50' taper
40 mph	150'+50' taper
45 mph	150'+50' taper
55 mph	200'+150' taper

2229

2230 Deceleration lanes located within 75' of an intersection radius may be extended to the
2231 intersection.

2232 b. Left turn lanes.

2233 Left turn lanes must be constructed at no cost to the city if either the ADT or left turning
2234 volumes shown in the following table are met. The Director of Community Development may
2235 also require the addition of a left turn lane, even when the conditions in the following table are
2236 not met, if roadway geometry or field conditions indicate that the safety of the traveling public
2237 would be improved.

2238 Table 11.4-5
2239 Minimum Volumes Requiring
2240 Left Turn Lanes

	2 Lanes on Main Road		>2 Lanes on Main Road	
	35-40 MPH	>40 MPH	35-40 MPH	>40 MPH
Main roadway ADT	6,000	4,000	10,000	8,000
Daily left	300	200	300	200

turning volume				
Peak hour left turning volume	30	20	30	20

2241

2242 **Sec. 14-201. - Planting strips.**

2243 The Director of Community Development shall maintain a list of trees that are appropriate
2244 for the planting strips, and no trees other than those on the list shall be placed in the planting
2245 strips. The Director of Community Development shall also maintain specifications regarding
2246 spacing trees, and the appropriate time for planting. The trees may not count toward the
2247 fulfillment of the requirement to plant front yard trees but may fulfill any remaining density tree
2248 requirements under the tree protection ordinance, provided the requirements for tree type for
2249 planting strips are met.

2250 **Sec. 14-202. - Access management areas; purpose and intent.**

2251 The purpose and intent in enacting these regulations is as follows:

- 2252 (a) To promote policies for the uniform improvement of safe and efficient movement of
2253 traffic, both vehicular and pedestrian, throughout City of Stonecrest;
- 2254 (b) To maximize the benefit of transportation investments by maintaining a high level of
2255 functionality along major roadways;
- 2256 (c) To encourage efficient development plans that enable individuals to fulfill their daily
2257 activities through minimal use of single-occupancy vehicles, and through increased use
2258 of alternative transportation modes such as public transit, walking, and bicycling;
- 2259 (d) To provide for uniform control of the location, spacing, design, and operation of
2260 driveways, median openings, interchanges, and street connections to a roadway
2261 throughout City of Stonecrest;
- 2262 (e) To support the goals stated in the transportation plan, including improved multimodal
2263 transportation, increased accessibility, and improved travel safety and efficiency; and
- 2264 (f) To provide a transportation system that results in less congestion and increased use of
2265 alternative modes of travel.

2266 **Sec. 14-202.1. - Scope and applicability of regulations.**

2267 These regulations apply to each application for the development, use, alteration, parking,
2268 open space, building or modification of any structure where the subject property is, in whole or
2269 in part, contained within the boundaries of an access management area. The procedures,
2270 standards, and criteria herein apply only to that portion of the subject property within the
2271 boundaries of the access management area. Access management area regulations are
2272 supplemental to the underlying zoning district regulations. No development or building permit
2273 shall be issued to any applicant for permits for property or portions of property within an access
2274 management area until such time as the application complies with all applicable access

2275 management area regulations and underlying zoning district regulations. Where there is a
2276 conflict between an access management area regulation and another regulation contained in the
2277 Code, the access management area regulation shall govern. Where an access management area
2278 regulation is equally restrictive with other regulations in the Code, the access management area
2279 regulation shall govern.

2280 **Sec. 14-202.2. - Definitions.**

2281 *Continuous service drive* means a privately owned and maintained continuous drive
2282 providing for ingress and egress to a public road.

2283 *Lower functional classification* means those areas the Georgia Department of Transportation
2284 designates as lower functional classification on the current Functional Classification Map for the
2285 incorporated areas of the City of Stonecrest.

2286 *Throat length* means the distance between the edge of the street and the end of the driveway
2287 within a development. The fifty-foot throat length will allow three (3) cars to stack up waiting to
2288 leave without interfering with the internal circulation of the parking lot.

2289 **Sec. 14-202.3. - Driveways.**

2290 The following standards for driveway access and spacing shall apply to all properties
2291 included in an access management area. These standards shall apply unless a more restrictive
2292 standard is required by the Georgia Department of Transportation:

2293 (a) Where roadways include medians, median openings shall be separated by a minimum of
2294 six hundred sixty (660) feet;

2295 (b) Right-turn lanes shall be required at all driveways where the right-turning volume
2296 exceeds three hundred (300) vehicles per day;

2297 (c) The following driveway spacing shall be required for all driveways along the corridor
2298 between median openings or intersections with public roadways (measured center line
2299 to center line):

2300 (1) The minimum distance of an upstream driveway from a median opening or
2301 intersection with a public roadway shall be three hundred (300) feet in addition to
2302 the storage length required for the driveway.

2303 (2) The minimum distance of a downstream driveway from a median opening or
2304 intersection with a public roadway shall be three hundred (300) feet;

2305 (d) All developments shall have access to a public right-of-way. Access to a public right-of-
2306 way may be obtained via an adjacent public roadway with a lower functional
2307 classification. The maximum number of driveways per parcel depends upon the length
2308 of frontage along the corridor:

2309 (1) For parcels with less than six hundred (600) feet of frontage, there shall be a
2310 maximum of one (1) driveway allowed per parcel.

2311 (2) For parcels with at least six hundred (600) feet of frontage, there shall be a
2312 maximum of two (2) driveways per parcel.

2313 (3) For parcels which have frontage along an adjacent public roadway with a lower
2314 functional classification, the maximum number of driveways will be unchanged,
2315 but the first driveway shall be located on the adjacent public roadway.

2316 (e) All driveways serving a single parcel must be at least one hundred (100) feet (measured
2317 from the centerline) from the property line that is perpendicular to the property frontage,
2318 and all deceleration lanes must be contained entirely within the property frontage. For
2319 parcels with insufficient frontage to accommodate these requirements, exceptions will
2320 be allowed, but driveway locations must be approved by the mayor or his or her
2321 designee. Access to a public right-of-way may be obtained through a shared driveway,
2322 which provides access to more than one (1) parcel. Shared driveways are exempt from
2323 the requirement regarding distance of the driveway from the property line.

2324 (f) There shall be a minimum driveway throat length of fifty (50) feet. Throat length is the
2325 distance needed into a site to transition vehicles to the internal circulation system of the
2326 site.

2327 (g) Driveway Width Dimensions

2328 Nonresidential Driveway Width

Entrance Configuration	Minimum Width (Ft)	Maximum Width (Ft)
One way	15 ⁽¹⁾	18 ⁽¹⁾
Two way	24	36 ⁽²⁾

2329

2330 Notes:

2331 (1) Where no other access is provided a minimum width of 20 feet shall be required.

2332 (2) Additional width may be approved by the Director of Community Development based on
2333 an approved engineering design.

2334

2335 (h) Driveway Radii

2336 The minimum driveway radii for the intersection of local and non-residential driveways and
2337 local streets is 25 feet. For all other roadway classifications the minimum driveway radii is 50
2338 feet.

2339

2340 **Sec. 14-202.4. - Interparcel access.**

2341 To the maximum extent possible, sidewalks and parking lots serving adjacent lots shall be
2342 interconnected to provide continuous driveway connections and pedestrian connections between

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2343 adjoining lots and streets, except that this requirement shall not apply to lots zoned for single
2344 family or duplex residential units. Where necessary, the mayor or his or her designee may
2345 require access easements be provided to ensure continuous access and egress routes connecting
2346 commercial, office, and multifamily lots. Stub-outs shall be provided to indicate that abutting
2347 properties may be connected to provide cross-access via a continuous service drive.

2348 **Sec. 14-202.5. - Pedestrian and bicycle access.**

2349 Connections to available transportation modes, such as driveways, sidewalks, and bike paths
2350 shall be constructed along adjacent streets and those entering adjoining properties. Safe,
2351 convenient, and handicap-accessible pedestrian ways shall be provided from sidewalks along
2352 streets to each building entrance, including pedestrian access routes across parking lots and
2353 between adjacent buildings within the same development.

2354 **Sec. 14-202.6 – Reserved.**

2355 **Secs. 14-203—14-215. - Reserved.**

2356 **Part C. - Easements**

2357 **Sec. 14-216. - Scope.**

2358 The provisions of this division apply to easements for or in subdivisions.

2359 **Sec. 14-217. - Permission for dedication required.**

2360 The applicant must obtain permission from the Director of Community Development for the
2361 dedication of utility easements prior to the submission of the dedication.

2362 **Sec. 14-218. - Reserved.**

2363 **Sec. 14-219. - Drainage easements—Off-site.**

2364 Where drainage system improvements are required on private land outside the subdivision,
2365 appropriate drainage rights must be secured by the applicant and indicated on the plat.

2366 **Sec. 14-220. - Pedestrian and bicycle easements and paths.**

2367 Pedestrian and bicycle easements and paths shall be required in subdivision or projects
2368 requiring a land development permit to provide circulation or access to schools, parks, libraries,
2369 shopping centers, transportation centers and other community facilities. Such easements shall
2370 have a paving width of five (5) feet. Such paths shall be constructed according to the
2371 specifications set forth in the Standards for Construction and Design Drawings.

2372 **Secs. 14-221—14-235. - Reserved.**

2373 **Part D. - Blocks**

2374 **Sec. 14-236. - Generally.**

2375 The lengths, widths and shapes of blocks in subdivisions shall be determined with due
2376 regard to:

2377 (1) Provision of building sites suitable to the special needs of the type of use contemplated
2378 or for the conservation of open space or existing historic features;

2379 (2) Zoning requirements as to lot sizes and dimensions;

2380 (3) Needs for convenient access by pedestrians and bicyclists to public transit, nearby
2381 schools, or commercial districts, vehicular circulation at safe speeds and adequate
2382 access for emergency vehicles; and

2383 (4) Limitations and opportunities of topography to minimize land disturbance and erosion.

2384 **Sec. 14-237. - Desirable maximum and minimum lengths.**

2385 The dimensions of blocks shall be designed to accommodate and promote vehicular
2386 circulation at safe speeds. The desirable maximum block length in a subdivision is one thousand
2387 two hundred (1,200) feet and the desirable minimum length is three hundred (300) feet.

2388 **Sec. 14-238. - Mid-block easements and pedestrian paths.**

2389 In blocks of eight hundred (800) feet or more, the Director of Community Development may
2390 require the reservation of a ten-foot (10') easement and the paving of a five-foot (5') wide path
2391 through the block to accommodate utilities, drainage-facilities, or pedestrian traffic. Such paths
2392 shall be constructed according to the specifications set forth in the Standards of Construction and
2393 Design Drawings.

2394 **Secs. 14-239—14-255. - Reserved.**

2395 **Part E. - Lots**

2396 **Sec. 14-256. - Generally.**

2397 The lot size, width, depth, shape and orientation and the minimum building, setback, side
2398 yard, and rear yard lines in subdivisions shall be in accordance with requirements of the city
2399 zoning ordinance.

2400 **Sec. 14-257. - Corner lots.**

2401 Corner lots for residential use in a subdivision shall have an extra width of not less than
2402 fifteen (15) feet more than required for interior lots by the zoning ordinance for the zoning
2403 district within which they are located in order to provide appropriate front building setback from
2404 and orientation to both streets.

2405 **Sec. 14-258. - Frontage.**

2406 Each subdivision lot shall front upon a publicly maintained street, unless otherwise approved
2407 under this Chapter.

2408 **Sec. 14-259. - Through lots and reverse frontage lots prohibited.**

Through lots and reverse frontage lots shall be prohibited in subdivisions except along limited access highways, such as interstate highways. Where it is necessary to provide separation of residential development from major arterials or to overcome-specific disadvantages of topography and orientation, the lots fronting such features may be platted in greater depth so that dwellings may be set back an appropriate distance from the major arterial or other feature. Such lots may obtain vehicular access from a rear alley. Lots having access from a public alley shall not constitute a prohibited through lot. A landscape reservation of at least ten (10) feet in width, and across which there shall be no right of vehicular access, may be required-along the lot lines of lots abutting any disadvantageous feature or land use where access should be restricted in the public interest.

Sec. 14-260. - Side lot lines.

Side lot lines in subdivisions shall be substantially at right angles or radial to street lines as they extend from the front lot line to the front building line.

Secs. 14-261—14-274. - Reserved.

Part F. - Reservation of Open Spaces

Sec. 14-275. - Open space required; purposes.

(a) All residential subdivisions under five (5) acres or consisting of thirty-six (36) or less dwelling units may, and all residential subdivisions greater than five (5) acres or consisting of more than thirty-six (36) dwelling units shall be required to provide open space, in order to achieve the following public purposes:

- (1) Conserve open land, including those areas containing historic or cultural resources, or sensitive natural features and wildlife habitats;
- (2) Reduce erosion and sedimentation by minimizing land disturbance; and
- (3) Preserve and develop an adequate-tree cover.

(b) Open space shall be a minimum of twenty (20) percent of the land in all new subdivision developments.

(c) Open space required by this section may be used in a variety of ways, including natural areas for wildlife and ecological functions, parks, gardens, landscaped medians, squares, village greens, courtyards, recreational space, or recreational facilities, provided the use is consistent with the requirements of this part.

Sec. 14-276. - Restrictions on open space.

No more than twenty (20) percent of the open space area may be covered with an impervious surface. Impervious surfaces may include paved trails, bike paths or multi-use paths, buildings, plazas, swimming pools, or athletic courts. Impervious surfaces in open space may not include sidewalks along public rights of way or parking lots, streets, or other areas for motorized vehicular use.

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2445 **Sec. 14-277. - Dedication of parks, open space, recreation areas and conservation**
2446 **easements.**

2447 Parks, open space, multi-use trails, recreation areas and conservation easements may be
2448 offered for dedication to the city by the property owner.

2449 **Secs. 14-278—14-285. - Reserved.**

2450 **Part G. - Sites for Civic Uses**

2451 **Sec. 14-286. - Reservation of sites for civic uses.**

2452 A developer may reserve and offer property within a subdivision as a site for a civic use,
2453 including but not limited to public schools, fire stations, police stations, or recreation centers.
2454 The developer shall allow a minimum period of one (1) year from the date of submittal of
2455 submittal of the preliminary plat during which time the proper authorities may authorize
2456 acquisition of the property for its intended civic purposes. If the reserved site has not been
2457 authorized for acquisition by the proper authorities within one (1) year, the reservation shall
2458 terminate unless extended by the developer. If not extended, development of the formerly
2459 reserved site must follow the standard plat approval process. An amended final plat for the entire
2460 subdivision shall then be processed in the required manner when submitted by the developer.

2461 **Secs. 14-287—14-295. - Reserved.**

2462 **DIVISION 4. - REQUIRED IMPROVEMENTS**

2463 **Part A. - General Provisions**

2464 **Sec. 14-296. - Scope.**

2465 This division applies to required improvements for or in subdivisions.

2466 **Sec. 14-297. - Location of required utilities in public rights of way.**

2467 All required utilities within county or city rights of way shall be located as shown in the
2468 Standards of Drawings and Specifications maintained by the development department and as
2469 otherwise provided herein.

2470 **Secs. 14-298—14-311. - Reserved.**

2471 **Part B. - Water**

2472 **Sec. 14-312. -Reserved.**

2473 **Sec. 14-313. - Design, Construction and Acceptance.**

2474 The design and construction of all water main and appurtenances shall conform to the
2475 specifications and requirements of the DeKalb County Department of Watershed Management
2476 prior to the approval of a development permit by the community development department.

2477 **Sec. 14-314. - Pavement replacement.**

2478 Cuts in existing street pavement and driveways will be patched by the applicant/owner. The
2479 applicant/owner shall maintain the cuts in good condition until a permanent patch is made. When
2480 necessary to abate dust, mud or potholing, the contractor shall furnish and install crushed rock or
2481 cold patch asphaltic concrete to the surface of the trench. Appropriate utility permits must be
2482 obtained prior to work being initiated.

2483 **Secs. 14-334—14-350. - Reserved.**

2484 **Part C. - Sewers**

2485 **Sec.14-351. – Reserved.**

2486 **Sec. 14-352. – Design, Construction and Acceptance.**

2487 The design and construction of all sewer lines and appurtenances shall conform to the
2488 specifications and requirements of the DeKalb County Department of Watershed Management
2489 prior to the approval of a development permit by the community development department.

2490 **Sec. 14-353. Pavement replacement.**

2491 Cuts in existing street placement and driveways will be patched by the applicant/owner. The
2492 applicant/owner shall maintain the cuts in good condition until a permanent patch is made. When
2493 necessary to abate dust, mud or potholing, the contractor shall furnish and install crushed rock or
2494 cold patch asphaltic concrete to the surface of the trench. Appropriate utility permits must be
2495 obtained prior to work being initiated.

2496 **Secs. 14-354—14-375. - Reserved.**

2497 **Part D. - Streets**

2498 **Sec. 14-376. - Standards.**

2499 (a) *Generally.* Street improvements shall be provided in each subdivision in accordance with the
2500 specifications in this part and the standard plans and specifications available from the city.
2501 The term "state transportation department specifications" shall refer to the state department
2502 of transportation specifications in effect at the time the work is placed under contract. The
2503 references made to these specifications shall control the materials and equipment as well as
2504 the construction method of every class of work so applicable unless otherwise noted.

2505 (b) *Grading.* The construction limits shall be cleared of all trees, stumps, brush and rubbish
2506 before grading operations are begun. No trees, stumps, brush or rubbish shall be placed in
2507 fill sections within the construction limits. Such debris shall be disposed of in a manner
2508 satisfactory to the development director. Fill sections shall be placed in six-inch layers with
2509 each layer thoroughly compacted with a sheep foot roller or by other approved methods
2510 before the next layer is placed, compaction to be not less than ninety-five (95) percent as

2511 determined by AASHO, section T-99. Where unsatisfactory material is encountered (namely
2512 any material that will not compact properly, including solid rock) an additional twelve (12)
2513 inches shall be excavated below the subgrade elevation and backfilled with a select material.
2514 Where unstable material is used in fills, the fill shall be left twelve (12) inches below the
2515 subgrade elevation. This twelve-inch fill section shall be filled with select material. Streets
2516 shall be graded to width of not less than forty-two (42) feet in the center of the right-of-way
2517 to provide eight-foot shoulders in accordance with city's standard plan.

2518 (c) *Curbing*. Header curbing shall be required on all streets and shall be furnished and installed
2519 by the applicant unless grassed swales are used for water quality control and approved by
2520 the development director. The minimum classes and types of curbing permitted will be as
2521 follows:

2522 (1) Granite curbing, class D or better.

2523 (2) Other than approved by the Director of Community Development, all curbing shall be
2524 placed in firm well-compacted subgrade, and curbing displaced prior to acceptance for
2525 maintenance by the city shall be reset or replaced. Specifications for the granite curbing
2526 are available from the City of Stonecrest Community Development Department.

2527 (3) The use of rollback curb as approved by the Director of Community Development.

2528 (d) *Base and paving*. All roadways shall be paved according to the table below.

2529 Minimum Construction Standards

Street Classification	Base	Binder	Topping 9.5 mm-Type II or 12.5 mm
Principal and minor arterials	12" GAB	6" (2)	1½"
Collectors	12" GAB	6" (2)	1½"
Nonresidential local	8" GAB	3" 19mm	1½"
Residential local and alleys	8" GAB	2" 19 mm	1"

2530 Notes:

2531 1. Unless otherwise specified by the community development department or GDOT.

2532 2. Binder course shall consist of four inches 25 mm Superpave base and two inches of 19 mm
2533 Superpave binder.

2534 (e) As-built drawings for all new streets shall be submitted to the community development
2535 department depicting a street profile based on the centerline and fifty (50) foot stations.

2536 **Sec. 14-377. - Street signs.**

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- 2537 (a) The city's standard steel post with horizontal reflectorized street nameplates with four-inch
2538 letters shall be furnished by the applicant and set by the applicant at all subdivision street
2539 intersections.
- 2540 (b) Street name signs shall have four-inch black letters on reflectorized silver background with
2541 black border. Nameplates shall be mounted parallel or nearly parallel to the street. The
2542 names shall be marked and visible from both sides. Signposts shall be ten-foot poles with at
2543 least three (3) feet well-embedded in the ground.
- 2544 (c) The applicant shall pay to the city for each street name sign.
- 2545 (d) To ensure that all street markers are paid for by the applicant and installed at the proper
2546 time, the required street markers will be paid for by the applicant at the time of recording.
- 2547 (1) For subdivisions recorded under a performance bond, the street marker will not be
2548 installed until the paving has been completed.
- 2549 (2) For subdivisions recorded under a maintenance bond, the street markers may be
2550 installed at the time of recording.

2551 **Sec. 14-378. - Road hazards prohibited.**

2552 Subdivision signs, planter boxes, and other similar permanent structures shall not be located
2553 on street rights-of-way and shall not be constructed in a manner which, in the opinion of the city,
2554 obstructs driveway sight distance or creates a traffic hazard; detailed plans for these structures
2555 shall be submitted to development director.

2556 **Sec. 14-379. - Surface drainage specifications.**

- 2557 (a) The size, length and location of all surface drainage pipe or structures shall be shown on the
2558 final subdivision plats and shall be subject to the approval of the department and/or DeKalb
2559 County. All storm drain pipes or culverts carrying stormwater from the street and adjacent
2560 property between or through lots shall be extended to at least thirty (30) feet behind the rear
2561 of the house, or otherwise as required by DeKalb County. Stormwater must be released into
2562 a channel without causing scouring, erosion or resulting sedimentation to the receiving
2563 channel. When necessary, the outlet channel shall include structural and vegetative measures
2564 to assure nonerosion velocities. This requirement for pipe extension shall only apply to the
2565 discharge ends of piped systems.
- 2566 (1) An exception to extending pipes thirty (30) feet behind the rear of the house may be
2567 made for pipes fifty-four (54) inches and larger where the house site is proposed to be
2568 more than thirty (30) feet from the center of the drainage way.
- 2569 (2) An exception to extending pipes thirty (30) feet behind the rear of the house may be
2570 granted by the city when soil conditions prohibit erosion.
- 2571 (3) An exception to extending pipes thirty (30) feet behind the rear of the house may be
2572 granted by the city where lots are at least one (1) acre in size, open channels are
2573 provided, and neither ponding nor erosion control will result.

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2574 (b) Installation, backfilling and compaction shall be in accordance with state transportation
2575 department specifications, sections 106 and 520. All pipes shall have a minimum cover of
2576 one (1) foot and headwalls or inlet basins constructed at the end of each pipe.

2577 (c) The design of drainage structures shall be based on recognized hydrological formulas as
2578 outlined in the Georgia Stormwater Management Manual.

2579 (d) A contour map with an interval of two (2) feet shall be submitted as part of preliminary
2580 plats; where available, the city two-foot topographic map shall be used. As determined by
2581 the Director of Community Development, any lots within the subdivision which are
2582 undesirable for building due to bad drainage conditions shall be excluded, and no building
2583 shall be permitted thereon until these conditions have been corrected as specified by the
2584 department.

2585 **Sec. 14-380. - Reserved.**

2586 **Sec. 14-381. - Bonds or escrow required.**

2587 (a) If, at the time the final plat is submitted for approval, the construction of the street
2588 improvements has not been accomplished, then the final plat shall be disapproved. No
2589 performance bonds shall be allowed or authorized except the mayor shall require a
2590 performance bond to be filed with the city to ensure that all final road improvements
2591 required by this Code are made by the owner or applicant. The city shall accept no road until
2592 such time as all road improvements required by the city are made. Any acceptance of a road
2593 or approval of a final plat where the road improvements were not made prior to acceptance
2594 or approval shall be considered ultra vires and void.

2595 (b) After the work has been completed according to the city specifications and duly inspected
2596 by the city, then a maintenance bond shall be required equal to ten (10) percent of the
2597 estimated construction cost. The proposed maintenance bond shall be reviewed and
2598 approved as to form by the city attorney prior to acceptance by the city. The maintenance
2599 bond shall cover the street improvements, drainage system, water system and sewer system.
2600 Funds may be placed in escrow with the city in lieu of maintenance bonds.

2601 (c) The applicant shall be required to sign a maintenance agreement with the city, by which the
2602 applicant shall agree to maintain the streets, drainage, water quality BMPs, water and sewer
2603 systems, and rights-of-way.

2604 (d) In case of emergency repairs, which must be made immediately, or required corrections,
2605 which are not made within thirty (30) days of notice, the city shall have the authority to
2606 make these corrections and recover costs from the applicant. In cases where funds are being
2607 held in escrow by the city, the cost of making these corrections shall be deducted from these
2608 funds, and the applicant charged with any costs above the amount of escrow funds.

2609

2610 **Sec. 14-382. - Standard plans and specifications available.**

2611 Standard city plans and specifications referred to in this part are on file and may be obtained
2612 from the development department. The plans are cross sections and construction drawings for a

2613 graded street, paved street, driveway section for curbed streets, brick catch basin, barricade for
2614 dead-end streets, twenty-four-inch concrete curb and gutter section and standard street marker.

2615 **Sec. 14-383. - Sidewalks and bicycle lanes.**

2616 (a) Sidewalks shall be required on all sides of street frontage on all new and improved local
2617 residential streets in all subdivisions and along the street frontage of all new and improved
2618 non-residential developments and as set forth in section 14-190 of this article, unless
2619 determined by the Director of Community Development to be infeasible only due to severe
2620 cross-slopes, shallow rock, soil or topographic conditions. At a minimum, however,
2621 continuous sidewalks shall be required on at least one (1) side of all new and improved local
2622 residential streets in all new and improved. Refer to section 14-191 for sidewalk exemptions.

2623 (b) The Director of Community Development may require that sidewalks required pursuant to
2624 14-383(a) be continued to the nearest major or minor arterial or collector street.

2625 (c) A grassed, planted or landscaped strip, as set forth in section 14-190 of this article, shall
2626 separate all sidewalks from adjacent curbs, bridges excepted. The Director of Community
2627 Development may approve a variable sidewalk location and landscape strip width based on
2628 site conditions and future road expansions. Where sidewalks currently exist, new sidewalk
2629 construction or re-construction shall be continuous with existing sidewalks.

2630 (d) Sidewalks shall be concrete, with the width based on the zoning ordinance, and four (4)
2631 inches thick. Concrete shall be Class "B", as defined by the Georgia Department of
2632 Transportation, and have strength of two thousand five hundred (2,500) psi at twenty-eight
2633 (28) days. Disturbed areas along sidewalks shall be backfilled, stabilized, and grassed. The
2634 required width of a sidewalk may be increased, as determined by the Director of Community
2635 Development, based on site conditions to ensure pedestrian safety. See also, section 14-190.

2636 (e) Sidewalks shall be installed at the same time as the building construction, unless an
2637 alternative method is approved by the Director of Community Development. Sidewalks shall
2638 be completed prior to the issuance of certificate of occupancy for property on which the
2639 sidewalk fronts. The sidewalk plan shall be recorded on the final plat and all sidewalks
2640 completely installed prior to approval of the final plat.

2641 (f) Sidewalks shall not be cut, removed or closed temporarily without a permit from the
2642 Community Development Department. Such permit shall not be issued unless safe,
2643 adequate, and convenient provision is made for pedestrian travel through the area that is
2644 disrupted. Damage to sidewalks caused during construction or development activity shall be
2645 repaired at no cost to the city within thirty (30) days or prior to issuance of a certificate of
2646 occupancy, whichever is earlier.

2647 (g) In any "landmark district" or "historic district", as defined by the city, where replacement or
2648 reconstruction of the sidewalk is deemed necessary, the sidewalk shall be replaced or
2649 reconstructed using materials, widths, and designs that are compatible with the historic
2650 materials and designs, if any, that exist within the historic district. Design compatibility shall
2651 be determined by the City of Stonecrest Historic Preservation Commission.

- 2652 (h) All sidewalk construction and repairs shall provide for wheelchair ramps to and from
2653 sidewalks at the intersection of each street corner and crosswalk. Access ramps shall be
2654 constructed pursuant to standards approved by the department.
- 2655 (i) No person shall construct a sidewalk on any street in the city without first having obtained a
2656 permit to do so from the department. Any person constructing a sidewalk on a street, without
2657 first obtaining a permit, shall be in violation of this Code, and the department shall be
2658 authorized to condemn the sidewalk and have it removed and replaced at no cost to the city.
- 2659 (j) Bicycle lanes shall be required on new or substantially improved major or minor arterials,
2660 parkways, or collector streets where the posted speed limit is thirty-five (35) miles per hour
2661 or greater. Bicycle lanes may also be required by the Director of Community Development
2662 where necessary to provide connections to bikeways in concert with the city bikeway master
2663 plan. Bicycle lanes shall be constructed as follows:
- 2664 (1) Bicycle lanes, where required, shall be at least four (4) feet wide and placed in the
2665 outside lane of a roadway, adjacent to the curb or shoulder. When on-street parking is
2666 permitted, the bicycle lane shall be at least five (5) feet wide and located between the
2667 parking lane and the outer lane of moving vehicles. Bicycle pavement widths shall be in
2668 addition to the minimum pavement width required for the road. See also section 14-190.
- 2669 (2) Bicycle lanes shall be delineated with signs and striping consistent with the latest
2670 edition of the manual for uniform traffic control devices, and approved by the
2671 development director.
- 2672 (3) Bikeways and bicycle lanes shall be constructed according to the most recent
2673 specifications set forth in American Association of State Highway and Transportation
2674 Officials (AASHTO) guidelines.
- 2675 (4) The design, striping and sign system for bicycle lanes shall be coordinated with that of
2676 the vehicular road system to provide a safe and continuous route for bicycles.
2677 Deceleration lanes shall be striped so that bicycles can safely remain in a lane marked
2678 between the deceleration lane and the through traffic lane.
- 2679 (k) No wall, fence, sign or other structure shall obstruct passage along a sidewalk or bicycle
2680 lane.

2681 **Sec. 14-384. - Reserved.**

2682

2683 **Sec. 14-385. - Underground utilities.**

2684 All utilities are required to be placed underground in all new subdivisions of two (2) or more
2685 lots except where no utility improvements are required by this chapter, or where the development
2686 director determines underground utilities are infeasible due to shallow rock, high water table, or
2687 other similar geologic or hydrologic conditions.

2688 **Sec. 14-386. - Streetlights.**

2689 Streetlights consistent with Georgia Power specifications, are required in all new
2690 subdivisions of two (2) or more lots except where no utility improvements are required by this
2691 chapter. Streetlights shall be provided on the same side of the street as sidewalks.

2692

2693 Secs. 14-387—14-395. - Reserved.

2694 **Part E. - Private Sewage Disposal**

2695 Private sewage disposal including septic tanks shall be approved by the health department.

2696

2697 Sec. 14-396 – 14.406. - Reserved

2698 **ARTICLE IV. - FLOODPLAIN MANAGEMENT**

2699 **DIVISION 1. - FINDINGS OF FACT AND STATEMENT OF PURPOSE**

2700 **Sec. 14-407. Findings of fact.**

2701 (a) The flood hazard areas of the City are subject to periodic inundation which results in loss of
2702 property, health and safety hazards, disruption of commerce and governmental services,
2703 extraordinary public expenditures for flood protection and relief, and impairment of the tax
2704 base, all of which adversely affect the public health, safety, and general welfare.

2705 (b) These flood losses are caused by uses that are inadequately elevated, floodproofed, or
2706 protected from flood damage. The cumulative effects of obstructions in areas of special
2707 flood hazards which increase flood heights and velocities also contribute to the flood loss.

2708

2709 **Sec. 14-408. Purpose and intent.**

2710 It is the purpose of this Article to promote the public health, safety, and general welfare, and
2711 to minimize public and private losses due to flood conditions in specific areas by provisions
2712 designed to:

2713 (a) Protect, maintain and enhance human life and health;

2714 (b) Minimize the expenditure of public money for costly flood control projects;

2715 (c) Minimize the need for rescue and relief efforts associated with flooding and generally
2716 undertaken at the expense of the general public;

2717 (d) Minimize prolonged business interruptions;

2718 (e) Minimize damage to public facilities and utilities such as water and gas mains; electric,
2719 telephone and sewer lines; and streets and bridges located in areas of special flood
2720 hazard;

- 2721 (f) Help maintain a stable tax base by providing for the sound use and development of
2722 areas of special flood hazard so as to minimize future blighted areas caused by flood
2723 damage;
- 2724 (g) Ensure that potential buyers are notified that property is in an area of special flood
2725 hazard;
- 2726 (h) Ensure that those who occupy the areas of special flood hazard assume responsibility
2727 for their actions; and
- 2728 (i) Improve the stormwater management, water quality, stream bank protection, stream
2729 corridor protection, wetland preservation and ecological functions of natural floodplain
2730 areas.

2731 **Sec. 14-409. - Methods of reducing flood losses.**

2732 In order to accomplish its purposes, this Article includes methods and provisions that:

- 2733 (a) Restrict or prohibit uses which are dangerous to health, safety, and property due to
2734 water or erosion hazards, or result in damaging increases in erosion or flood heights or
2735 velocities;
- 2736 (b) Require that uses vulnerable to floods, including facilities which serve such uses, be
2737 protected against flood damage at the time of initial construction;
- 2738 (c) Control the alteration of natural floodplains, stream channels, and natural protective
2739 barriers, which help accommodate or channel flood waters;
- 2740 (d) Control filling, grading, dredging, and other development which may increase flood
2741 damage;
- 2742 (e) Prevent or regulate the construction of flood barriers, which will unnaturally divert
2743 flood waters or which may increase flood hazards in other areas; and
- 2744 (f) Limit the alteration of natural floodplains, stream channels and natural protective
2745 barriers which are involved in the accommodation of flood waters.

2746

2747 **DIVISION 2. - DEFINITIONS**

2748 **Sec. 14-410. - Specific definitions.**

2749 Unless specifically defined below, words or phrases used in this Article shall be interpreted
2750 so as to give them the meaning they have in common usage and to give this Article its most
2751 reasonable application.

2752 *Accessory use* means a use which is incidental and subordinate to the principal use of the
2753 parcel of land on which it is located.

2754 *Addition (to an existing building)* means any walled and roofed expansion to the perimeter
2755 of a building in which the addition is connected by a common load-bearing wall other than a

2756 firewall. Any walled and roofed addition which is connected by a firewall or is separated by an
2757 independent perimeter load-bearing wall shall be considered new construction.

2758 *Adversely affects* means that the cumulative effect of the proposed development when
2759 combined with all other existing and anticipated development will increase the water surface
2760 elevation of the base flood more than one foot at any point.

2761 *Apex* means the point of highest elevation on an alluvial fan, which on undisturbed fans is
2762 generally the point where the major stream that formed the fan emerges from the mountain front.

2763 *Appeal* means a request for a review of the Director's interpretation of any provision of this
2764 Article.

2765 *Area of shallow flooding* means a designated AO or AH zone on the flood insurance rate
2766 map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does
2767 not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be
2768 evident. Such flooding is characterized by ponding or sheet flow.

2769 *Area of special flood hazard.* See "Special flood hazard area."

2770 *Base flood* means a flood which has a one percent chance of being equaled or exceeded in
2771 any given year (also called the "100-year flood").

2772 *Base flood elevation* means the highest water surface elevation anticipated at any given point
2773 during the base flood.

2774 *Basement* means any area of the building having its floor subgrade i.e., below ground level
2775 on all sides.

2776 *Basin* means a region or land area drained by a single river system.

2777 *Building* means any structure built for support, shelter or enclosure for any occupancy or
2778 storage.

2779 *Development* means any man-made change to improved or unimproved real estate, including
2780 but not limited to buildings or other structures, mining, dredging, filling, grading, paving,
2781 excavating or drilling operations or storage of equipment or materials.

2782 *Director* means the director of community development or designee.

2783 *Elevated building* means a nonbasement building built to have the lowest floor of the lowest
2784 enclosed area elevated above the ground level by means of fill, solid foundation perimeter walls,
2785 pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural
2786 integrity of the building during a base flood event.

2787 *Encroachment* means the advance or infringement of uses, plant growth, fill, excavation,
2788 buildings, permanent structures or development into a floodplain which may impede or alter the
2789 flow capacity of a floodplain.

2790 *Existing construction* means any structure for which the "start of construction" commenced
2791 before the effective date of the first floodplain management regulations adopted by a community
2792 as a basis for that community's participation in the National Flood Insurance Program.

2793 *Existing manufactured home park or subdivision* means a manufactured home park or
2794 subdivision for which the construction of facilities for servicing the lots on which the
2795 manufactured homes are to be affixed (including, at a minimum, the instillation of utilities, the
2796 construction of streets, and either final site grading or the pouring of concrete pads) is completed
2797 before June 6, 1974.

2798 *Expansion to an existing manufactured home park or subdivision* means the preparation of
2799 additional sites by the construction of facilities for servicing the lots on which the manufactured
2800 homes are to be affixed (including the installation of utilities, the construction of streets, and
2801 either final site grading or the pouring of concrete pads).

2802 *FEMA* means the Federal Emergency Management Agency.

2803 *Flood, flooding, or flood water* means:

- 2804 (1) A general and temporary condition of partial or complete inundation of normally dry
2805 land areas from the overflow of inland waters; the unusual and rapid accumulation or
2806 runoff of surface waters from any source; and/or mudslides (i.e., mudflows); and
2807 (2) The condition resulting from flood-related erosion.

2808 *Flood hazard boundary map (FHBM)* means the official map on which the Federal
2809 Emergency Management Agency or the Federal Insurance Administration has delineated the
2810 special flood hazard areas as Zone A.

2811 *Flood insurance rate map (FIRM)* means the official map on which the Federal Emergency
2812 Management Agency or Federal Insurance Administration has delineated both the areas of
2813 special flood hazards and the risk premium zones applicable to the community.

2814 *Flood insurance study (FIS)* means the official report provided by the Federal Emergency
2815 Management Agency that includes flood profiles, the flood insurance rate map, the flood
2816 boundary and floodway map and the water surface elevation of the base flood.

2817 *Floodplain or flood-prone area* means any land area susceptible to being inundated by water
2818 from any source. See "Flooding."

2819 *Floodplain coordinator* is the individual appointed to administer and enforce the floodplain
2820 management regulations, and shall mean the Director of Community Development or his or her
2821 designee.

2822 *Floodplain management* means the operation of an overall program of corrective and
2823 preventive measures for reducing flood damage and preserving and enhancing, where possible,
2824 natural resources in the floodplain, including but not limited to emergency preparedness plans,
2825 flood control works, floodplain management regulations, and open space plans.

2826 *Floodproofing* means any combination of structural and nonstructural additions, changes, or
2827 adjustments to structures which reduce or eliminate flood damage to real estate or improved real
2828 property, water and sanitary facilities, structures, and their contents.

2829 *Floodway* means the channel of river or other watercourse and the adjacent land areas of the
2830 floodplain that is necessary to contain and discharge the based flood flow without cumulatively

2831 increasing the water surface elevation more than one (1) foot, also referred to as "regulatory
2832 floodway."

2833 *Floodway fringe* is the area of the floodplain on either side of the regulatory floodway where
2834 encroachment may be permitted.

2835 *Fraud and victimization* as related to Division 6, Variances, of this Article, means that the
2836 variance granted must not cause fraud on or victimization of the public. In examining this
2837 requirement, the Zoning Board of Appeals will consider the fact that every newly constructed
2838 building adds to government responsibilities and remains a part of the community for fifty (50)
2839 to one hundred (100) years. Buildings that are permitted to be constructed below the base flood
2840 elevation are subject during all those years to increased risk of damage from floods, while future
2841 owners of the property and the community as a whole are subject to all the costs, inconvenience,
2842 danger, and suffering that those increased flood damages bring. In addition, future owners may
2843 purchase the property, unaware that it is subject to potential flood damage, and can be insured
2844 only at very high flood insurance rates.

2845 *Functionally dependent use* means a use which cannot perform its intended purposes unless
2846 it is located or carried out in close proximity to water. The terms include only docking facilities,
2847 port facilities that are necessary for the loading and unloading of cargo or passengers, and ship
2848 building and ship repair facilities, and do not include long-term storage or related manufacturing
2849 facilities.

2850 *Future-conditions flood* means the flood having a one (1) percent chance of being equaled or
2851 exceeded in any given year based on future-conditions hydrology. Also known as the one-
2852 hundred-year future-conditions flood.

2853 *Future-conditions floodplain* means any land area susceptible to flooding by the future-
2854 conditions flood.

2855 *Future-conditions flood elevation* means the flood standard equal to or higher than the base
2856 flood elevation. The future-conditions flood elevation is defined as the highest water surface
2857 anticipated at any given point during the future-conditions flood.

2858 *Future-conditions hydrology* means the flood discharges associated with projected land-use
2859 conditions based on a community's zoning map, comprehensive land-use plans, and/or watershed
2860 study projections, and without consideration of projected future construction of flood detention
2861 structures or projected future hydraulic modifications, within a stream or other waterway, such as
2862 a bridge or culvert construction, fill and excavation.

2863 *Governing body* is the Mayor and City Council for the City of Stonecrest..

2864 *Hardship* as related to Division 6, Variances, of this Article means the exceptional hardship
2865 that could result from a failure to grant the requested variance. The Zoning Board of Appeals
2866 requires that the variance be exceptional, unusual, and peculiar to the property involved. Mere
2867 economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations,
2868 physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot,
2869 as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other
2870 means without granting a variance, even if the alternative is more expensive, or requires the
2871 property owner to build elsewhere or put the parcel to a different use than originally intended.

2872 *Highest adjacent grade* means the highest natural elevation of the ground surface prior to
2873 construction next to the proposed foundation of a building.

2874 *Historic structure* means any structure that is:

- 2875 (1) Listed individually in the National Register of Historic Places (a listing maintained by
2876 the Department of Interior) or preliminarily determined by the Secretary of the Interior
2877 as meeting the requirements for individual listing on the National Register;
- 2878 (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to
2879 the historical significance of a registered historic district or a district preliminarily
2880 determined by the Secretary to qualify as a registered historic district;
- 2881 (3) Individually listed on a state inventory of historic places in states with historic
2882 preservation programs which have been approved by the Secretary of Interior; or
- 2883 (4) Individually listed on a local inventory of historic places in communities with historic
2884 preservation programs that have been certified either by an approved state program as
2885 determined by the Secretary of the Interior or directly by the Secretary of the Interior in
2886 states without approved programs.

2887 *Increased costs of compliance coverage* means the National Flood Insurance Program
2888 coverage used to mitigate repetitive flood loss properties, where the cumulative flood damage
2889 over a ten-year period is such that the cost of repairing the damage is more than half of the
2890 building's fair market value.

2891 *Land development* means any land change, including but not limited to, clearing, digging,
2892 grubbing, stripping, removal of vegetation, dredging, grading, excavating, transporting and
2893 filling of land, construction, paving, and any other installation of impervious cover.

2894 *Land Development Activities* means those actions or activities that comprise or facilitate a
2895 result in land development.

2896 *Land development project* means a specific land development undertaking.

2897 *Levee* means a man-made structure, usually an earthen embankment, designed and
2898 constructed in accordance with sound engineering practices to contain, control or divert the flow
2899 of water so as to provide protection from temporary flooding.

2900 *Levee system* means a flood protection system which consists of a levee, or levees, and
2901 associated structures, such a closure and drainage devices, which are constructed and operated in
2902 accord with sound engineering practices.

2903 *Lowest floor* means the lowest floor of the lowest enclosed area, including basement (see
2904 "Basement"), which includes the following:

- 2905 (a) An unfinished or flood-resistant enclosure below the lowest floor that is usable solely
2906 for parking or vehicles, building access or storage in an area other than a basement area,
2907 is not considered a building's lowest floor provided that such enclosure is not built so as
2908 to render the structure in violation of other provisions of this Chapter.
- 2909 (b) For residential structures, all subgrade-enclosed areas are considered to be basements,
2910 including below-grade garages and storage areas.

2911 *Manufactured home* means a structure, transportable in one (1) or more sections, which is
2912 built on a permanent chassis and is designed for use with or without a permanent foundation
2913 when attached to the required utilities. The term includes any structure commonly referred to as a
2914 "mobile home" regardless of the date of manufacture. The term also includes parked trailers,
2915 travel trailers and similar transportable structures placed on a site for one hundred eighty (180)
2916 consecutive days or longer and intended to be improved property. The term "manufactured
2917 home" does not include a "recreational vehicle."

2918 *Manufactured home park or subdivision* means a parcel (or contiguous parcels) of land
2919 divided into two (2) or more manufactured home lots for rent or sale.

2920 *Mean sea level* means the average height of the sea for all stages of the tide. It is used as a
2921 reference for establishing various elevations within the floodplain. For purposes of this Article,
2922 the term is synonymous with National Geodetic Vertical Datum (NGVD) and/or the North
2923 American Vertical Datum (NAVD) of 1988.

2924 *Minimum necessary* means to afford relief with a minimum of deviation from the
2925 requirements of this Article.

2926 *National Geodetic Vertical Datum (NGVD)* as corrected in 1929, means the vertical control
2927 used as a reference for establishing varying elevations within a floodplain.

2928 *New construction*, for floodplain management purposes, means structures for which the
2929 "start of construction" commenced after adoption of this Chapter, and includes any subsequent
2930 improvements to such structures.

2931 *New manufactured home park or subdivision* means a manufactured home park or
2932 subdivision for which the construction of facilities for servicing the lots on which the
2933 manufactured homes are to be affixed (including, at a minimum, the instillation of utilities, the
2934 construction of streets, and either final site grading or the pouring of concrete pads) is completed
2935 on or after June 6, 1974.

2936 *Owner* means the legal or beneficial owner of a site, including but not limited to, a
2937 mortgagee or vendee in possession, receiver, executor, trustee, lessee or other person, firm or
2938 corporation in control of the site.

2939 *One-hundred-year flood or 100-year flood.* See "Base flood."

2940 *Permit* means the authorization issued by the Director necessary to conduct a land-
2941 disturbing activity under the provisions of this Chapter.

2942 *Public safety and nuisance*, as the term is used in division 6, Variances, of this Article
2943 means that the granting of a variance must not result in anything which is injurious to safety or
2944 health of an entire community or neighborhood, or any considerable number of persons, or
2945 unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or
2946 river, bay, stream, canal, or basin.

2947 *Recreational vehicle* means a vehicle which is:

2948 (1) Built on a single chassis;

2949 (2) Four hundred (400) square feet or less when measured at the largest horizontal
2950 projection;

2951 (3) Designed to be self-propelled or permanently towable by a light-duty truck; and

2952 (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters
2953 for recreational, camping, travel, or seasonal use.

2954 *Remedy a violation* means to bring the structure or other development into compliance with
2955 state or local floodplain management regulations, or, if this is not possible, to reduce the impacts
2956 of its noncompliance. Ways that impacts may be reduced include protecting the structure or other
2957 affected development from flood damages, implementing the enforcement provisions of the
2958 ordinance or otherwise deterring future similar violations, or reducing state or federal financial
2959 exposure with regard to the structure or other development.

2960 *Repetitive loss structure* means a building covered by a contract for flood insurance that has
2961 incurred flood-related damages on two (2) occasions during a ten-year period ending on the date
2962 of the event for which a second claim is made, in which the cost of repairing the flood damage,
2963 on the average, equaled or exceeded twenty-five (25) percent of the market value of the building
2964 at the time of each such flood event.

2965 *Riverine* means relating to, formed by, or resembling a river (including tributaries), streams,
2966 brooks, etc.

2967 *Sheet flow area*. See "Area of shallow flooding."

2968 *Site* means the parcel of land being developed, or the portion thereof on which the land
2969 development project is located.

2970 *Special flood hazard area (SFHA)* means an area in the floodplain subject to a 1 percent or
2971 greater chance of flooding in any given year. It is shown on an FHBM or FIRM as zone A, AO,
2972 A1-A30, AE, A99, AR or AH; all floodplain and floodprone areas at or below the future-
2973 conditions flood elevation; and all other floodprone areas. All streams with a drainage area of
2974 100 acres or greater must have the special flood hazard area delineated.

2975 *Start of construction* includes substantial improvement and other proposed new development
2976 and means the date the building permit was issued, provided the actual start of construction,
2977 repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one
2978 hundred eighty (180) days from the date of the permit. The actual start means either the first
2979 placement of permanent construction of a structure on a site, such as the pouring of slab for
2980 footings, the installation of piles, the construction of columns, or any work beyond the stage of
2981 excavation; or the placement of a manufacture home on a foundation. Permanent construction
2982 does not include land preparation, such as clearing, grading, and filling; nor does it include the
2983 installation of streets and/or walkways; nor does it include excavation for a basement, footings,
2984 piers, or foundations or the erection of temporary forms; nor does it include the installation on
2985 the property of accessory buildings or structures appurtenant to the principal structure, such as
2986 garages or sheds not occupied as dwelling units or not part of the main structure. For a
2987 substantial improvement, the actual start of construction means the first alteration of any wall,
2988 ceiling, floor, or other structural part of a building, whether or not that alteration affects the
2989 external dimensions of the building.

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2990 *Structure* means a walled and roofed building that is principally above ground; this includes
2991 a gas or liquid storage tank or a manufactured home.

2992 *Subdivision* means the division or re-division of a lot, tract or parcel of land, regardless of its
2993 existing and future use, into two or more lots, tracts or parcels, and includes divisions of land
2994 resulting from or made in connection with the layout or development of a new street or roadway
2995 or a change in an existing street or roadway.

2996 *Substantial damage* means damage of any origin sustained by a structure whereby the cost
2997 of restoring the structure to its before damaged condition would equal or exceed fifty (50)
2998 percent of the market value of the structure before the damage occurred.

2999 *Substantial improvement* means any combination of repairs, reconstruction, alteration, or
3000 improvements to a building, taking place during a ten-year period, in which the cumulative cost
3001 equals or exceeds fifty percent of the market value of the structure before the start of
3002 construction of the improvement. The market value of the building means:

3003 (1) The appraised value of the structure prior to the start of the initial repair or
3004 improvement, or

3005 (2) In the case of damage, the value of the structure prior to the damage occurring.

3006 This term includes structures that have incurred "substantial damage" regardless of the
3007 actual amount of repair work performed. For the purposes of this definition, "substantial
3008 improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other
3009 structural part of the building commences, whether or not that alteration affects the external
3010 dimensions of the building.

3011 *Substantially improved existing manufactured home park or subdivision* means the repair,
3012 reconstruction, rehabilitation or improvement of the streets, utilities and pads when the cost of
3013 such repair, reconstruction, rehabilitation or improvement equals or exceeds 50 percent of the
3014 value of the streets, utilities and pads before the repair, reconstruction or improvement
3015 commenced.

3016 *Variance* means a grant of relief from the requirements of this Article which permits
3017 construction in a manner that would otherwise be prohibited by this Article.

3018 *Violation* means the failure of a structure or other development to be fully compliant with
3019 this Article. A structure or other development without the elevation certificate, other
3020 certifications, or other evidence of compliance required in this Article is presumed to be in
3021 violation until such time as that documentation is provided.

3022

3023 **DIVISION 3. - GENERAL PROVISIONS**

3024 **Sec. 14-411. - Lands and structures to which this article applies.**

3025 This Article shall apply to all areas of special flood hazards within the jurisdiction of the
3026 City, and all new or substantially improved residential units, all subdivisions, nonresidential
3027 structures, manufactured homes, recreational vehicles, and utilities. This Article will be enforced

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3028 in areas outside the floodplain where runoff poses a risk similar to the special flood hazard areas.
3029 In addition, all streams with a drainage area of one hundred (100) acres or more are assumed to
3030 have an area of special flood hazard.

3031

3032 **Sec. 14-412. - Basis for establishing the areas of special flood hazard.**

3033 (a) The areas of special flood hazard currently identified by the Federal Insurance
3034 Administration of FEMA in the flood insurance study and accompanying flood insurance
3035 rate maps and flood boundary and floodway maps, currently dated May 7, 2001, and all
3036 subsequent amendments and/or revisions, are hereby adopted by reference and declared to
3037 be a part of this Article.

3038 (b) The flood insurance study and attendant mapping is the minimum area of applicability of
3039 this Article and may be supplemented by studies for other areas which allow implementation
3040 of this Article and which are recommended to the governing authority by the floodplain
3041 coordinator. The Flood Insurance Study, Federal Insurance Rate Maps and Flood Boundary
3042 and Floodway Maps are on file with the City of Stonecrest.

3043 (c) For those land areas acquired by city annexation, the flood insurance study and data in effect
3044 at the time of approval of this are hereby adopted by reference.

3045 (d) The areas of special flood hazard may also include those areas known to have flooded
3046 historically or defined through standard engineering analysis by governmental agencies or
3047 private parties but not yet incorporated in a flood insurance study.

3048 (e) Studies which may be relied upon for the establishment of the base flood elevation or
3049 delineation of the one-hundred-year floodplain include, but are not limited to, the following:

3050 (1) Any flood or flood-related study conducted by the United States [Army] Corps of
3051 Engineers or the United States Geological Survey or any other local, state or federal
3052 agency applicable to the City of Stonecrest; or

3053 (2) Any flood study authored by a registered professional engineer in the state which has
3054 been approved by the City of Stonecrest.

3055 (f) Other studies, which may be relied upon for the establishment of the future-conditions flood
3056 elevation or delineation of the future-conditions floodplain, include, but are not limited to,
3057 the following:

3058 (1) Any flood or flood-related study conducted by the United States [Army] Corps of
3059 Engineers or the United States Geological Survey or any other local state or federal
3060 agency applicable to the City of Stonecrest; or

3061 (2) Any regulatory flood study authored by a registered professional engineer in the state
3062 which has been approved by the City of Stonecrest.

3063 **Sec. 14-413. - Compliance.**

3064 No structure or land shall hereafter be constructed, located, extended, converted, or altered
3065 without full compliance with the term of this Article and other applicable regulations. Violation

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of the requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this Article or fails to comply with any of its requirements shall, upon conviction thereof, be subject to a fine and/or imprisonment in accordance with Chapter 1 of the City of Stonecrest Code. Each day such violation continues shall be considered a separate offense, and nothing herein shall prevent the City from taking such lawful action as is necessary to prevent or remedy any violation.

Sec. 14-414. - Repetitive loss structure and cumulative substantial damage.

A building must be brought into compliance with requirements for new construction if it has incurred flood-related damages on two (2) occasions during a ten-year period in which the cost of repairing the flood damage, on the average, equaled or exceeded twenty-five (25) percent of the market value of the building at the time of each such flood event, or damage of any origin is sustained whereby the cost of restoring the building to its before damage condition would equal or exceed fifty (50) percent of the market value of the building before the damage occurred.

Sec. 14-415. - Mandatory purchase of flood insurance.

In the event that a property owner chooses not to purchase flood insurance on property at risk, or does not comply with a notice to bring a building into compliance, reducing the community efforts for flood protection, the insurance premium discount for the community's property owners as a community rating participant may not apply.

Sec. 14-416. - Abrogation and greater restrictions.

This Article is not intended to repeal, abrogate, or impair any existing easements, covenant, or deed restrictions. However, where this Article and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

Sec. 14-417. - Interpretation.

In the interpretation and application of this Article, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

Sec. 14-418. - Warning and disclaimer of liability.

The degree of flood protection required by this Article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Article does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This Article shall not create liability on the part of City, any officer or employee thereof, the State of Georgia, or the Federal Insurance Administration, Federal Emergency Management Agency, for any flood

3102 damages that result from reliance on this Article or any administrative decision lawfully made
3103 hereunder.

3104 **Sec. 14-419. - Severability.**

3105 This Article and the various parts thereof are hereby declared to be severable. Should any
3106 section of this Article be declared by the courts to be unconstitutional or invalid, such decision
3107 shall not affect the validity of the Article as a whole, or any portion thereof other than the section
3108 so declared to be unconstitutional or invalid.

3109 **DIVISION 4. - ADMINISTRATION**

3110 **Sec. 14-420. - Establishment of development permit.**

3111 A development permit shall be obtained before any construction of other development
3112 begins within any area of special flood hazard. Application for a development permit shall be
3113 made on forms promulgated by the Director and may include, but not be limited to, floodplain
3114 management/flood damage prevention plan; plans in duplicate drawn to scale showing the
3115 nature, location, dimensions, and elevation of the area in question; existing or proposed
3116 structures, fill, storage of materials drainage facilities; and location of the foregoing. Specifically,
3117 all of the following information is required before the Director will consider the application for a
3118 development permit:

3119 (a) *Application stage:*

3120 (1) Site plan, including but not limited to:

- 3121 a. For all proposed structures, spot ground elevations at building corners and
3122 twenty-foot or smaller intervals along the foundation footprints, or one-
3123 foot contour elevations throughout the building site; and
- 3124 b. Proposed locations of water supply, sanitary sewer, and utilities; and
- 3125 c. If available, the base flood elevation from the flood insurance study and/or
3126 flood insurance rate map; and
- 3127 d. If applicable, the location of the regulatory floodway; and
- 3128 e. Existing and proposed elevation of the area in question and the nature,
3129 location and dimensions of existing and/or proposed structures, earthen fill
3130 placement, amount and location of excavation material and storage of
3131 materials or equipment; and
- 3132 f. Proposed locations of drainage and stormwater management facilities; and
- 3133 g. Proposed grading plan; and
- 3134 h. Base flood elevations and future-conditions flood elevations; and
- 3135 i. Boundaries of the base flood floodplain and future-conditions floodplain;
3136 and

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- 3137 j. Certification of the site plan by a registered professional engineer in the
3138 state.
- 3139 (2) Building and foundation design detail, including but not limited to:
- 3140 a. Proposed elevation in relation to mean sea level, or highest adjacent grade, of the
3141 lowest floor, including the basement, of all structures; and
- 3142 b. For a crawl space foundation, location and total net area of foundation openings as
3143 required in subsection 14-429(b)(3) and FEMA Technical Bulletins 1-93 and 7-93;
3144 and
- 3145 c. For foundations placed on fill, the location and height of fill, and compaction
3146 requirements (compacted to ninety-five (95) percent using the Standard Proctor
3147 Test Method); and
- 3148 d. Certification that any proposed nonresidential floodproofed structure meets the
3149 criteria in 14-429; and
- 3150 e. For enclosures below the base flood elevation, location and total net area of
3151 foundation openings as required in 14-429c(i).
- 3152 f. Certification that the foundation design detail is by a registered professional
3153 engineer in the state.
- 3154 (3) Proposed elevation in relation to mean sea level to which any nonresidential structure
3155 will be floodproofed, as required in subsection 14-429(b)(3)b. and FEMA Technical
3156 Bulletin TB 3-93; and
- 3157 (4) All appropriate certifications listed in subsection 14-429(b)(3); and
- 3158 (5) Description of the extent to which any watercourse will be altered or relocated as a
3159 result of proposed development; and
- 3160 (6) Hard copies and digital files of computer models, if any, copies of work maps,
3161 comparison of pre- and post-development conditions base flood elevations, future
3162 conditions flood elevations, flood protection elevations, special flood hazard areas and
3163 regulatory floodway widths, flood profiles and all other computations and other
3164 information similar to that presented in the FIS; and
- 3165 (7) Copies of all applicable state and federal permits and certifications necessary for
3166 proposed development.
- 3167 (b) *Construction stage:*
- 3168 (1) For all new construction and substantial improvements on sites with a floodplain
3169 management/flood damage prevention plan, the permit holder shall provide to the
3170 floodplain coordinator a certified as-built elevation certificate or floodproofing
3171 certificate for nonresidential construction, including the lowest floor elevation,
3172 immediately after the lowest floor or floodproofing is completed. Any lowest floor
3173 certification made relative to mean sea level shall be prepared by or under the direct
3174 supervision of a currently state-registered land surveyor or currently state-registered
3175 professional engineer and certified by same. When floodproofing is utilized for

3176 nonresidential structures, said certification shall be prepared by or under the direct
3177 supervision of a currently state-registered professional engineer or architect and
3178 certified by the same.

3179 (2) Any work undertaken prior to submission of the certifications identified in subsection
3180 14-420(b)(1) shall be at the permit holder's risk. The floodplain coordinator shall review
3181 the above-referenced certification data submitted. Deficiencies detected by such review
3182 shall be corrected by the permit holder immediately and prior to further progressive
3183 work being allowed to proceed. Failure to submit certification or, failure to make said
3184 corrections required herein, shall be cause to issue a stop-work order for the project.

3185 (3) Copies of permits issued for construction in the floodplain shall be forwarded to the
3186 floodplain coordinator.

3187 (c) The approved floodplain management/flood damage prevention plan shall contain
3188 certification by the applicant that all development activities will be done according to the
3189 plan or previously approved regions. Any and all development permits and/or use and
3190 occupancy certificates or permits may be revoked at any time if the construction and
3191 development activities are not in strict accordance with approved plans.

3192 (d) A development permit will not be approved for any construction or other development
3193 activities that do not meet the requirements, restrictions and criteria of this Article.

3194 **Sec. 14-421. - Designation of the floodplain coordinator.**

3195 The Director is hereby appointed as the floodplain coordinator and is authorized to
3196 administer, implement, and enforce this Article by granting or denying permits in accord with its
3197 provisions.

3198 **Sec. 14-422. - Duties and responsibilities of the floodplain coordinator.**

3199 The duties and responsibilities of the floodplain coordinator shall include, but not be limited
3200 to, the following:

3201 (a) Review all development permits to determine that:

3202 (1) The permit requirements of this Article have been satisfied;

3203 (2) Copies for all necessary permits from any governmental agencies from which
3204 approval is required are on file;

3205 (3) All other required state and federal permits have been obtained;

3206 (4) The site is reasonably safe from flooding; and

3207 (5) The proposed development does not adversely affect the carrying capacity of areas
3208 where base flood elevations have been determined but a floodway has not been
3209 designated.

3210 (b) Review, use and develop base flood data:

3211 (1) When base flood elevation data has not been provided in accordance with section
3212 14-412, the floodplain coordinator shall obtain, review, and reasonably utilize any

- 3213 base flood elevation, future conditions flood elevation, floodway or future
3214 conditions floodway data available from a federal or state agency, or other source,
3215 in order to administer the provisions of this Article. Any such information shall be
3216 submitted to the Mayor and City Council for adoption; or
- 3217 (2) Review and record the actual elevation in relation to the mean sea level, or highest
3218 adjacent grade, of the lowest floor, including basement, of all new or substantially
3219 improved structures.
- 3220 (c) Notify other government agencies of an alteration or relocation of a watercourse:
- 3221 (1) Notify adjacent communities and the Georgia Department of Water Resources prior
3222 to any alteration or relocation of a watercourse; and
- 3223 (2) Submit evidence of such notification to the Federal Insurance Administration and
3224 FEMA; and
- 3225 (3) Assure that the flood carrying capacity within the altered or relocated portion of
3226 said watercourse is maintained.
- 3227 (d) Obtain and maintain for public inspection and make available, as needed, the following:
- 3228 (1) Certification required by subsection 14-429(b)(3) and section 14-432 (lowest floor
3229 elevations);
- 3230 (2) Certification required by subsection 14-429(b)(3)b. (elevation or floodproofing of
3231 nonresidential structures);
- 3232 (3) Certification required by subsection 14-429(b)(3)b. (wet floodproofing standard);
- 3233 (4) Certification of elevation required by section 14-432 (subdivision standards); and
- 3234 (5) Certification required by section 14-439 (floodway encroachments).
- 3235 (e) Make map determinations and interpretations where needed, as to the exact location of
3236 the boundaries of the areas of special flood hazard. Where there appears to be a conflict
3237 between a mapped boundary and actual field conditions, grade and base flood
3238 elevations shall be used to determine the boundaries of the special flood hazard area.
3239 The person contesting the location of the boundary shall be given a reasonable
3240 opportunity to appeal the interpretation of the floodplain coordinator.
- 3241 (f) Review and record the actual elevation, in relation to mean sea level to which any
3242 substantially improved structures have been flood-proofed.
- 3243 (g) Take action to remedy violations of this Article as specified in section 14-413.
- 3244 (h) Respond to requests for listings of properties in the floodplain. The adopted method for
3245 disclosure at the time of sale or rental of a property is accomplished by providing to the
3246 interested parties, general public, realtor, insurance, mortgage and engineering
3247 consulting firms with an electronic database listing all properties in the floodplain,
3248 annually updated, and free of charge.
- 3249 (i) Duties for variances.

3250 (1) Maintain a record of all variance actions, including justification for their issuance,
3251 and report such variances issued in its biennial report submitted to the Federal
3252 Insurance Administration and Federal Emergency Management Agency.

3253 (2) Maintain the records of all appeal actions and report any variances to FEMA upon
3254 request.

3255 **Sec. 14-423. - Appeals.**

3256 The Zoning Board of Appeals shall hear and decide appeals when an applicant alleges there
3257 is an error in any requirement, decision, or determination made by the floodplain coordinator
3258 within one thousand (1,000) feet of the property in the enforcement or administration of this
3259 Article.

3260

3261 **DIVISION 5. - PROVISIONS FOR FLOOD HAZARD REDUCTION**

3262 **Sec. 14-424. - Floodplain management planning and public information.**

3263 (a) To comply with requirements of the community rating system, the City adopts the
3264 following:

3265 (1) A floodplain management plan and progress that will be reported in the annual re-
3266 certification process. This plan will be updated for each subsequent two-year period.

3267 (2) Public information shall include, but it is not limited to elevation certificate repository,
3268 map information, outreach projects, hazard disclosure, flood protection, and flood
3269 protection assistance.

3270 **Sec. 14-425. - Stream dumping penalties.**

3271 Any natural growth or human-made debris that reduces the carrying and storage capacity of
3272 the City drainage system may be a violation of this Article. Any person who dumps log, trash,
3273 trees, and similar debris, shall, upon conviction, be subject to a fine and/or imprisonment
3274 according to Chapter 1 of the City of Stonecrest Code.

3275

3276 **Sec. 14-426. - Definitions of floodplain boundaries.**

3277 (a) Studied "A" zones, as identified in the flood insurance study, shall be used to establish base
3278 flood elevations whenever available.

3279 (b) For all streams with a drainage area of one hundred (100) acres or greater, the future-
3280 conditions flood elevations shall be provided by the floodplain coordinator. If future-
3281 conditions elevation data is not available from the floodplain coordinator, then it shall be
3282 determined by a registered professional engineer using a method approved by FEMA and
3283 the floodplain coordinator.

3284

3285 **Sec. 14-427. - Engineering study requirements for floodplain encroachments.**

3286 An engineering study is required, as appropriate to the proposed development activities on a
3287 site, whenever a development proposes to disturb the regulatory floodplain, except for a
3288 residential single-lot development on streams without established base flood elevations and/or
3289 floodways for which the provisions of section 14-439 shall apply. This study shall be prepared
3290 by a currently state-registered professional engineer and made a part of the application for a
3291 development permit pursuant to section 14-420. This information shall be submitted to and
3292 approved by the floodplain coordinator prior to the approval of any permit that would authorize
3293 the disturbance of land located within the future-conditions floodplain. Such study shall include:

- 3294 (a) Description of the extent to which any watercourse or floodplain will be altered or
3295 relocated as a result of the proposed development;
- 3296 (b) Step-backwater analysis, using a FEMA-approved methodology. Cross-sections (which
3297 may be supplemented by the applicant) and flow information will be obtained whenever
3298 available. Computations will be shown duplicating the flood insurance study results and
3299 will then be rerun with the proposed modifications to determine the new base flood and
3300 future conditions flood profiles;
- 3301 (c) Floodplain storage calculations based on cross-sections (at least one (1) every one
3302 hundred (100) feet) showing existing and proposed floodplain conditions to show that
3303 base floodplain and future conditions floodplain storage capacity would not be
3304 diminished by the development;
- 3305 (d) The study shall include a preliminary plat, grading plan, or site plan, as appropriate,
3306 which shall clearly define all floodplain encroachments.

3307 **Sec. 14-428. - General standards.**

- 3308 (a) No development shall be allowed within the future-conditions floodplain that could result in
3309 the following:
- 3310 (1) Raising the base flood elevation or future-conditions flood elevation equal to or more
3311 than 0.01 foot;
- 3312 (2) Reducing the base flood or future-conditions flood storage capacity;
- 3313 (3) Changing the flow characteristics as to the depth and velocity of the waters of the base
3314 flood or future-conditions flood as they pass both the upstream and the downstream
3315 boundaries of the development area; or,
- 3316 (4) Creating hazardous or erosion-producing velocities, or resulting in excessive
3317 sedimentation.
- 3318 (b) Any development within the future-conditions floodplain allowed under (a) above shall also
3319 meet the following conditions:
- 3320 (1) Compensation for storage capacity shall occur between the average groundwater table
3321 elevation and the base flood elevation for the base flood, and between the average
3322 groundwater table elevation and the future-condition flood elevation for the future-
3323 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 top of the natural (predevelopment) stream channel unless such excavation results from the widening or relocation of the stream channel;

- (2) Cut areas shall be stabilized and graded to a slope of no less than 2.0 percent;
- (3) Effective transitions shall be provided such that flow velocities occurring on both upstream and downstream properties are not increased or decreased;
- (4) 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 14-430;
- (5) 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
- (6) 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 Director using the community consent forms before forwarding the submittal package to FEMA for final approval. 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 construction, the applicant shall submit as-built surveys for a final letter of map revision (LOMR).

Sec. 14-429. - Standards of construction within a floodplain.

- (a) New construction of principal buildings (residential or nonresidential), including manufactured homes, shall not be allowed within the limits of the future-conditions floodplain, unless all of the pertinent requirements of this Article have been met.
- (b) No structure or land shall hereafter be located, extended, converted or altered without full compliance with the terms of this Article and other applicable provisions of this Code, state or federal law. In all areas of flood hazards the following standards are required:
 - (1) *Anchoring.* All new construction and substantial improvements shall be adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
 - (2) *Construction materials and methods.* All new construction and substantial improvements shall be constructed:
 - (i) With flood resistant materials as specified in FEMA Technical Bulletin TB 2-93, and utility equipment resistant to flood damage;
 - (ii) Using methods and practices that minimize flood damage;

(iii) 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; and

(iv) Within zones AH or AO, so that there are adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

(3) *Elevation and floodproofing.*

(i) *Residential buildings.*

a. *New construction.* New construction of principal buildings, including manufactured homes, shall not be allowed within the limits of the future-conditions floodplain unless all requirements of sections 14-427, 14-428 and 14-422 have been met. If all of the requirements of the said sections 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 equalize the hydrologic flood forces on exterior walls and facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of subsection (iii).

b. *Substantial improvements.* Substantial improvement of any principal structure or manufactured home 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 equalize the hydrologic flood forces on exterior walls and to facilitate the unimpeded movements of flood waters shall be provided in accordance with the standards of subsection (iii).

(ii) *Nonresidential buildings.*

a. *New construction.* New construction of principal buildings, including manufactured homes, shall not be allowed within the limits of the future-conditions floodplain unless all requirements of sections 14-427, 14-428 and 14-422 have been met. New construction that has met all of the requirements of said sections may be flood proofed 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 registered professional engineer or architect shall certify

- 3405 that the design and methods of construction are in accordance with accepted
3406 standards of practice for meeting the provisions above, and shall provide such
3407 certification to the floodplain coordinator.
- 3408 b. *Substantial improvements.* Substantial improvement of any principal non-
3409 residential structure located in A1-30, AE or AH zones, may be authorized by
3410 the floodplain coordinator to be flood-proofed in lieu of elevation. The
3411 structure, together with attendant utility and sanitary facilities, must be
3412 designed to be water tight to one (1) foot above the base flood elevation, or at
3413 least as high as the future-conditions flood elevation, whichever is higher, with
3414 walls substantially impermeable to the passage of water, and structural
3415 components having the capability of resisting hydrostatic and hydrodynamic
3416 loads and the effect of buoyancy. A registered professional engineer or
3417 architect shall certify that the design and methods of construction are in
3418 accordance with accepted standards of practice for meeting the provisions
3419 above, and shall provide such certification to the floodplain coordinator.
- 3420 (iii) *[Parking.]* All new construction and substantial improvements with fully enclosed
3421 areas below the lowest floor (excluding basements) that are usable solely for
3422 parking of vehicles, building access or storage, and which are subject to flooding,
3423 shall be designed to automatically equalize hydrostatic flood forces on exterior
3424 walls by allowing for the entry and exit of floodwater. Designs for meeting these
3425 requirements shall follow the guidelines in FEMA Technical Bulletins TB 1-93 and
3426 TB-7-93, and must exceed the following minimum criteria:
- 3427 a. Have a minimum of two (2) openings having a total net area of not less than
3428 one (1) square inch for every square foot of enclosed area subject to flooding.
3429 The bottom of all openings shall be no higher than one (1) foot above grade.
3430 Openings may be equipped with screens, louvers, valves or other coverings or
3431 devices provided that they permit the automatic entry and exit of floodwater;
3432 and
- 3433 b. The interior portion of such enclosed area shall not be partitioned or finished
3434 into separate rooms; and
- 3435 c. Be certified by a currently state-registered professional engineer or currently
3436 state-registered architect.
- 3437 (iv) Any alteration, repair, reconstruction or improvement to a structure, which is not
3438 compliant with the provisions of this Article, shall be undertaken only if the
3439 nonconformity will not be furthered, extended or replaced.
- 3440 (v) On-site waste disposal system shall be located and constructed to avoid impairment
3441 to them, or contamination from them, during flooding;
- 3442 (vi) If the proposed development is located in multiple flood zones or multiple base
3443 flood elevation cross the proposed site, the higher or more restrictive future
3444 condition elevation and development standards shall take precedence.

3445 **Sec. 14-430. - Standards for utilities.**

- (a) All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate:

(1) Infiltration of floodwaters into the systems, and

(2) Discharge from the systems into floodwaters.

- (b) On-site waste disposal systems shall be located to avoid impairment to them, or contamination from them during flooding.

- (c) All above-ground utilities shall be elevated three (3) feet above the base flood elevation or one (1) foot above the future-conditions flood elevation, whichever is higher.

Sec. 14-431. - Standards for subdivisions.

- (a) All subdivision proposals shall identify the special flood hazard area and provide base flood elevation data and future-conditions flood elevation data.

- (b) 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.

- (c) All applications for land-disturbance permits will provide the elevation of proposed structure(s) and pad(s). If the site is filled above the base flood elevation, the lowest floor and pad elevations shall be certified by a currently state-registered professional engineer or currently state-registered land surveyor and provided to the floodplain coordinator.

- (d) All applications for land-disturbance permits shall be consistent with the need to minimize flood damage.

- (e) All applications for land-disturbance permits shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage or discharge from the system into flood waters.

- (f) All applications for land-disturbance permits shall provide adequate drainage and stormwater management facilities to reduce exposure to flood hazards.

- (g) All subdivision proposals shall provide the elevations of proposed structures in accordance with section 14-420.

Sec. 14-432. - Standards for manufactured homes.

- (a) All manufactured homes that are substantially improved within zones A1-30, AH, and AE on the community's flood insurance rate map shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated three (3) feet above the base flood elevation, or one (1) foot above the future-conditions flood elevation, whichever is higher, and be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement, if the manufactured home is on a site located:

(1) Outside of a manufactured home park or subdivision;

(2) In a new manufactured home park or subdivision;

(3) In an expansion to an existing manufactured home park or subdivision, or

3483 (4) In an existing manufactured home park or subdivision on a site upon which a
3484 manufactured home has incurred "substantial damage" as the result of a flood.

3485 (b) All manufactured homes to be substantially improved on sites in an existing manufactured
3486 home park or subdivision within zones A1-30, AH and AE on the community's flood
3487 insurance rate map that are not subject to the provisions of subsection (a) will be securely
3488 fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral
3489 movement, and be elevated so that either the:

3490 (1) Lowest floor of the manufactured home is three (3) feet above the base flood elevation,
3491 or one (1) foot above the future-conditions flood elevation, whichever is higher, or

3492 (2) Manufactured home chassis is supported by reinforced piers or other foundation
3493 elements of at least equivalent strength that are no less than thirty-six (36) inches in
3494 height above grade.

3495 (c) Upon the completion of the structure, the elevation of the lowest floor, including basement,
3496 shall be certified by a currently state-registered professional engineer or currently state-
3497 registered land surveyor, and verified by the community building inspector to be properly
3498 elevated. Such certification and verification shall be provided to the floodplain coordinator.

3499 (d) New manufactured homes shall not be allowed to be placed within the limits of the future-
3500 conditions floodplain unless all requirements of section 14-431, 14-432, 14-442 have been
3501 met.

3502 **Sec. 14-433. - Standards for recreational vehicles.**

3503 All recreational vehicles placed on sites within zones A1-30, AH, and AE on the
3504 community's flood insurance rate map will either:

3505 (a) Be on the site for fewer than one hundred eighty (180) consecutive days, and be fully
3506 licensed and ready for highway use. A recreational vehicle is ready for highway use if it
3507 is on its wheels or jacking system, is attached to the site only by quick-disconnect-type
3508 utilities and security devices, and has no permanently attached additions, or

3509 (b) Meet the permit requirements of Division 4 of this Article and the elevation and
3510 anchoring requirements for manufactured homes section.

3511 **Sec. 14-434. - Standards for accessory structures and facilities.**

3512 Accessory structures and facilities (i.e., barns, sheds, gazebos, detached garages, parking
3513 lots, recreational facilities and other similar structures and facilities) that are permitted to be
3514 located within the limits of the floodplain shall be constructed of flood-resistant materials and
3515 designed to pass all floodwater in accordance with subsection 14-429(c) and be anchored to
3516 prevent flotation, collapse or lateral movement of the structure.

3517 **Sec. 14-435. - Building standards for structures and buildings authorized adjacent to the**
3518 **floodplain.**

3519 (a) *Residential buildings.* For new construction or substantial improvement of any principal
3520 residential building or manufactured home, the elevation of the lowest floor, including

3521 basement and access to the building, shall be at least three (3) feet above the base flood
3522 elevation, or one (1) foot above the future-conditions flood elevation, whichever is higher.

3523 (b) *Nonresidential buildings.* For new construction or substantial improvement of any principal
3524 nonresidential building, the elevation of the lowest floor, including basement and access to
3525 the building, shall be at least one (1) foot above the base flood elevation or at least as high as
3526 the future-conditions flood elevation, whichever is higher.

3527 **Sec. 14-434. - Building standards for residential single-lot developments on streams without**
3528 **established base flood elevations and/or floodway (A-zones).**

3529 (a) For residential single-lot development not part of a subdivision that has areas of special
3530 flood hazard, where streams exist but no base flood data has been provided (A-zones), the
3531 floodplain coordinator shall review and reasonably utilize any available scientific or historic
3532 flood elevation, base flood elevation and floodway data, or future-conditions flood elevation
3533 data available from a federal, state, local or other source, in order to administer the
3534 provisions and standards of this Article.

3535 (b) If no data is available from any of these sources, the following provisions will apply:

3536 (1) No encroachments including structures or fill material, shall be located within an area
3537 equal to twice the width of the stream or fifty (50) feet from the top of the bank of the
3538 stream, whichever is greater.

3539 (2) In special flood hazard areas without base flood or future-conditions flood elevation
3540 data, new construction and substantial improvements of existing structures shall have
3541 the lowest floor of the lowest enclosed area (including basement) elevated no less than
3542 three (3) feet above the highest adjacent grade at the building site. Opening sufficient to
3543 facilitate the unimpeded movements of floodwaters shall be provided in accordance
3544 with section 14-428.

3545 **Sec. 14-437. - Building standards for areas of shallow flooding (AO-zones).**

3546 (a) Areas of special flood hazard may include designated "AO" shallow-flooding areas. These
3547 areas have base flood depths of one (1) to three (3) feet above ground, with no clearly
3548 defined channel. In these areas the following provisions apply:

3549 (1) All substantial improvements of residential and nonresidential structures shall have the
3550 lowest floor, including basement, elevated to no lower than one (1) foot above the flood
3551 depth number specified on the flood insurance rate map, above the highest adjacent
3552 grade. If no flood depth number is specified, the lowest floor, including basement, shall
3553 be elevated at least three (3) feet above the highest adjacent grade. Openings sufficient
3554 to facilitate the unimpeded movements of floodwaters shall be provided in accordance
3555 with the standards for "elevated buildings" set forth in this Code or promulgated by the
3556 Director or the State. The applicant's or owner's engineer shall certify to the floodplain
3557 coordinator that the lowest floor elevation level and the record shall become a
3558 permanent part of the permit file.

3559 (2) Substantial improvement of a nonresidential structure may be floodproofed in lieu of
3560 elevation. The structure, together with attendant utility and sanitary facilities, must be

3561 designed to be water tight to the specified flood insurance rate map flood level plus one
3562 (1) foot above the highest adjacent grade, with walls substantially impermeable to the
3563 passage of water, and structural components having the capability of resisting
3564 hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered
3565 professional engineer or architect shall certify that the design and methods of
3566 construction are in accordance with accepted standards of practice; and,

3567 (b) Drainage paths shall be provided to guide floodwater around and away from any proposed
3568 structure.

3569 **Sec. 14-438. - Definition of floodway boundaries.**

3570 (a) The width of a floodway shall be determined from the flood insurance study or FEMA-
3571 approved flood study. For all streams with a drainage area of one hundred (100) acres or
3572 greater, the regulatory floodway shall be provided by the floodplain coordinator. If floodway
3573 data is not available from the floodplain coordinator, then it shall be determined by a
3574 registered professional engineer using a method approved by FEMA and the floodplain
3575 coordinator.

3576 (b) Following a pre-design conference with the floodplain coordinator, the boundaries or limits
3577 of the floodway shall be shown on the development or stormwater site plan containing
3578 existing topographic information.

3579 **Sec. 14-439. - Floodway encroachments.**

3580 Located within areas of special flood hazard established in section 14-412 are areas
3581 designated as floodways. Since the floodway is an extremely hazardous area due to the velocity
3582 of floodwaters, which carry debris, potential projectiles, and erosion potential, the following
3583 provisions apply:

3584 (a) All encroachments are prohibited, including earthen fill, new construction, substantial
3585 improvement, and any other new development within the regulatory floodway, except
3586 for activities specifically allowed in [subsection] (b).

3587 (b) Encroachments for bridges, culverts, roadways and utilities within the regulatory
3588 floodway may be permitted provided it is demonstrated through hydrologic and
3589 hydraulic analyses performed in accordance with standard engineering practice that the
3590 encroachment shall not result in any increase to the pre-project base flood elevations,
3591 floodway elevations or floodway widths during the base flood discharge. A registered
3592 professional engineer must provide supporting technical data and certification thereof.

3593 (c) If an applicant proposes to revise the floodway boundaries, no permit authorizing the
3594 encroachment into or an alteration of the floodways shall be issued by the floodplain
3595 coordinator until an affirmative conditional letter of map revision is issued by FEMA
3596 and a no-rise certification is approved by the floodplain coordinator.

3597 **Sec. 14-440. - Maintenance requirements.**

3598 The owner shall be responsible for continuing maintenance as may be needed within an
3599 altered or relocated portion of a floodplain on his property so that the flood-carrying or flood

3600 storage capacity is not diminished. The floodplain coordinator may direct the owner (at no cost
3601 to the City) to restore the flood-carrying or flood storage capacity of the floodplain if the owner
3602 has not performed maintenance as required by the approved floodplain management plan on file
3603 with the floodplain coordinator.

3604

3605 **DIVISION 6. - VARIANCE PROCEDURE**

3606 **Sec. 14-441. - Nature of variance.**

3607 (a) The variance criteria set forth in this Division are based on the general principle of law that
3608 variances pertain to a piece of property and are not personal in nature. A variance may be
3609 granted for a parcel of property with physical characteristics so unusual that complying with
3610 the requirements of this Article would create an exceptional hardship to the owner or the
3611 surrounding property owners. The characteristics must be unique to the property and not be
3612 shared by adjacent parcels. The unique characteristics must pertain to the land itself, not to
3613 the structure, its inhabitants, or the property owners.

3614 (b) It is the duty of the Mayor and City Council to help protect its citizens from flooding. This
3615 need is so compelling and the implications of the cost of insuring a structure built below
3616 flood level is so serious that variances from the flood elevation or from other requirements
3617 in the flood ordinance are quite rare. The long-term goal of preventing and reducing flood
3618 loss and damage can only be met if variances are strictly limited. Therefore, the variance
3619 guidelines provided in this Article are more detailed and contain multiple provisions that
3620 must be met before a variance can be properly granted. The criteria are designed to screen
3621 out those situations in which alternatives other than a variance are more appropriate.

3622 **Sec. 14-442. - Appeal board.**

3623 (a) In passing upon requests for variances, the Zoning Board of Appeals shall consider all
3624 technical evaluations, all relevant factors, standards specified in other sections of this Article
3625 including all of the following:

- 3626 (1) Danger that materials may be swept onto other lands to the injury of others;
3627 (2) Danger of life and property due to flooding or erosion damage;
3628 (3) Susceptibility of the proposed facility and its contents to flood damage and the effects
3629 of such damage on the existing individual owner and future owners of the property;
3630 (4) Importance of the services provided by the proposed facility to the community;
3631 (5) Necessity of the facility to a waterfront location, where applicable;
3632 (6) Availability of alternative locations for the proposed use that are not subject to flooding
3633 or erosion damage;
3634 (7) Compatibility of the proposed use with existing and anticipated development;
3635 (8) Relationship of the proposed use to the comprehensive plan and floodplain management
3636 program for that area;

- 3637 (9) Safety of access to the property in time of flood for ordinary and emergency vehicles;
3638 (10) Expected heights, velocity, duration, rate of rise, and sediment transport of the
3639 flood waters expected at the site; and
3640 (11) Costs of providing governmental services during and after flood conditions,
3641 including maintenance and repair of public utilities and facilities such as sewer, gas,
3642 electrical, and water systems, and streets and bridges.
- 3643 (b) Any owner to whom a variance is granted shall be given written notice from the Zoning
3644 Board of Appeals that:
- 3645 (1) The issuance of a variance to construct a structure below the base flood level may result
3646 in increased premium rates for flood insurance; and
- 3647 (2) Such construction below the base flood level increases risks to life and property. A copy
3648 of the notice shall be recorded by the floodplain coordinator in the office of the clerk of
3649 Superior Court of DeKalb County in a manner so that it appears in the chain of title of
3650 the affected parcel of land.

3651 **Sec. 14-443. - Conditions for variances.**

- 3652 (a) Variances may be issued for the repair or rehabilitation of historic structures upon a
3653 determination that the proposed repair or rehabilitation will not preclude the structure's
3654 continued designation as an historic structure and the variance is the minimum necessary to
3655 preserve the historic character and design of the structure.
- 3656 (b) Variances may be issued for development necessary for the conduct of a functionally
3657 dependent use, provided the criteria of this Article are met, no reasonable alternative exists,
3658 and the development is protected by methods that minimize flood damage during the base
3659 flood and create no additional threats to public safety.
- 3660 (c) Variances shall not be issued within any designated or mapped regulatory floodway if any
3661 increase in flood levels during the base flood discharge would result.
- 3662 (d) Variances shall only be issued upon a determination that the variance is the minimum
3663 necessary considering the flood hazard, to afford relief.

3664 **Sec. 14-444. - Variance procedure.**

- 3665 (a) The Zoning Board of Appeals, as established by the City, shall hear and decide requests for
3666 appeals or requests for variances from the requirements of this Article.
- 3667 (b) The Zoning Board of Appeals shall hear and decide appeals when it is alleged an error in
3668 any requirement, decision, or determination is made by the floodplain coordinator in the
3669 enforcement or administration of this Article. No action will be taken under the terms of this
3670 Division unless such relief can be granted without substantial detriment to the public good
3671 and without substantial impairment of the intent and purpose of this Chapter.
- 3672 (c) In reviewing such requests, the Zoning Board of Appeals shall consider all technical
3673 evaluations, relevant factors, and all standards specified in this and other sections of this
3674 Article.

- 3675 (d) Applications for variances must be submitted in writing to the Director in accordance with
3676 Chapter 27.
- 3677 (e) Applications for variance shall be heard at a public hearing by the Zoning Board of Appeals
3678 pursuant to Chapter 27.
- 3679 (f) A variance shall only be issued when all of the following conditions are present:
- 3680 (1) A finding of good and sufficient cause;
- 3681 (2) A determination that failure to grant the variance would result in undue and exceptional
3682 hardship;
- 3683 (3) A determination that the granting of a variance will not result in increased flood heights,
3684 additional threats to public safety, extraordinary public expense, create nuisance, or
3685 cause fraud or victimize the public;
- 3686 (4) The requested variance does not go beyond the minimum necessary to afford relief, and
3687 does not constitute limitations upon other properties;
- 3688 (5) The grant of the variance will not be materially detrimental to the public welfare or
3689 injurious to the property or improvements; and
- 3690 (6) The strict application of the requirements of this chapter would deprive the property
3691 owner of rights and privileges enjoyed by other property owners.
- 3692 (g) Upon consideration of the factors of subsection 14-442(a) and the purposes of this Article,
3693 the Zoning Board of Appeals may attach such conditions to the granting of variances as it
3694 deems necessary to further the purposes of this Article.
- 3695 (h) Any person aggrieved by the decision of the Zoning Board of Appeals may appeal such
3696 decision by writ of certiorari to the Superior Court of DeKalb County in accordance with
3697 state law. A person shall be considered aggrieved for the purpose of this subsection only if:
3698 said person or said person's property was the subject of the action appealed from; or said
3699 person has a substantial interest in the action appealed from that is in danger of suffering
3700 special damage or injury not common to all property owners similarly situated.

3701 **Sec. 14-445. - Violations, enforcement and penalties.**

3702 Any action or inaction which violates the provisions of this Article or the requirements of an
3703 approved stormwater management plan or permit may be subject to the enforcement actions
3704 outlined in this section. Any such action or inaction which is continuous with respect to time is
3705 deemed to be a public nuisance and may be abated by injunctive or other equitable relief. The
3706 imposition of any of the penalties described in this Article shall not prevent such equitable relief.
3707 The imposition of any of the penalties described below shall not prevent such equitable relief.

3708 **Sec. 14-446. - Notice of violation.**

3709 If the floodplain coordinator determines that a property owner or other responsible person
3710 has failed to comply with the applicable provisions of this Code, an approved stormwater
3711 management plan or the provisions of this Chapter, he shall issue a written notice of violation to
3712 such owner or other responsible person. Where a person is engaged in activity covered by this

3713 Chapter without having first secured a permit thereof, the notice of violation shall be served on
3714 the owner or the responsible person in charge of the activity being conducted on the site.

3715 The notice of violation shall contain:

- 3716 (1) The name and address of the owner or the responsible person;
3717 (2) The address or other description of the site upon which the violation is occurring;
3718 (3) A statement specifying the nature of the violation;
3719 (4) A description of the remedial measures necessary to bring the action or inaction into
3720 compliance with the permit, the stormwater management plan or this ordinance and the
3721 date for the completion of such remedial action;
3722 (5) A statement of the penalty or penalties that may be assessed against the person to whom
3723 the notice of violation is directed; and,
3724 (6) A statement that the determination of violation may be appealed to the Director by
3725 filing a written notice of appeal within thirty (30) days after the notice of violation.

3726 **Sec. 14-447. - Penalties.**

3727 In the event the remedial measures described in the notice of violation have not been
3728 completed by the date set forth for such completion in the notice of violation, any one (1) or
3729 more of the following actions or penalties may be taken or assessed against the person to whom
3730 the notice of violation was directed. Before taking any of the following actions or imposing any
3731 of the following penalties, the Director shall first notify the owner or other responsible person in
3732 writing of its intended action, and shall provide a reasonable opportunity of not less than ten (10)
3733 days (except, that in the event the violation constitutes an immediate danger to public health or
3734 public safety, twenty-four (24) hours' notice shall be sufficient) to cure such violation. In the
3735 event the owner or other responsible person fails to cure such violation after such notice and cure
3736 period, the Director may take any one or more of the following actions or impose any one or
3737 more of the following penalties:

- 3738 (a) *Stop-work order.* The Director may issue a stop-work order that shall be served on the
3739 owner or other responsible person. The stop-work order shall remain in effect until the
3740 owner or other responsible person has taken the remedial measures set forth in the
3741 notice of violation or has otherwise cured the violation or violations described therein,
3742 provided the stop-work order may be withdrawn or modified to enable the owner or
3743 other responsible person to take the necessary remedial measures to cure such violation
3744 or violations.
- 3745 (b) *Withhold certificate of occupancy.* The Director may refuse to issue a certificate of
3746 occupancy for the building or other improvements constructed or being constructed on
3747 the site until the owner or other responsible person has taken the remedial measures set
3748 forth in the notice of violation or has otherwise cured the violations described therein.
- 3749 (c) *Suspension, revocation or modification of permit.* The Director may suspend, revoke or
3750 modify the permit authorizing the land development project. A suspended, revoked or
3751 modified permit may be reinstated after the owner 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 director may deem necessary) to enable the owner or other responsible person to take the necessary remedial measures to cure such violations.

- (d) *Penalties.* For violations of this Chapter, the Director may issue a citation to the owner or other responsible person, requiring such person to appear in the Municipal Court to answer charges for such violation. Upon conviction, such person shall be punished by a fine as set forth in Chapter 1. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

Sec. 14-448.-14-499. Reserved .

ARTICLE V- SOIL EROSION, SEDIMENTATION AND POLLUTION CONTROL

Sec. 14-500

This ordinance will be known as "Soil Erosion, Sedimentation and Pollution Control Ordinance."

Sec. 14-501 Definitions

The following definitions shall apply in the interpretation and enforcement of this article, unless otherwise specifically stated:

1. **Best Management Practices (BMPs):**

These include sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the 'Manual for Erosion and Sediment Control in Georgia' published by the Commission as of January 1 of the year in which the land-disturbing activity was permitted.

2. **Board:** The Board of Natural Resources.

3. **Buffer:** The area of land immediately adjacent to the banks of state waters in its natural state of vegetation, which facilitates the protection of water quality and aquatic habitat.

4. **Certified Personnel:** A person who has successfully completed the appropriate certification course approved by the Georgia Soil and Water Conservation Commission.

5. **Coastal Marshlands:** Shall have the same meaning as in O.C.G.A. 12-5-282.

6. **Commission:** The Georgia Soil and Water Conservation Commission (GSWCC).

7. **CPESC:** Certified Professional in Erosion and Sediment Control with current certification by EnviroCert, Inc., which is also referred to as CPESC or CPESC, Inc.

8. **Cut:** A portion of land surface or area from which earth has been removed or will be removed by excavation; the depth below original ground surface to the excavated surface. Also known as excavation.

9. **Department:** The Georgia Department of Natural Resources (DNR).

- 3796 10. **Design Professional:** A professional licensed by the State of Georgia in the field of:
3797 engineering, architecture, landscape architecture, forestry, geology, or land surveying; or a
3798 person that is a Certified Professional in Erosion and Sediment Control (CPESC) with a
3799 current certification by EnviroCert, Inc. Design Professionals shall practice in a manner
3800 that complies with applicable Georgia law governing professional licensure.
- 3801 11. **Director:** The Director of the Environmental Protection Division or an authorized
3802 representative.
- 3803 12. **District:** The DeKalb County Soil and Water Conservation District.
- 3804 13. **Division:** The Environmental Protection Division (EPD) of the Department of Natural
3805 Resources.
- 3806 14. **Drainage Structure:** A device composed of a virtually nonerodible material such as
3807 concrete, steel, plastic or other such material that conveys water from one place to another
3808 by intercepting the flow and carrying it to a release point for storm water management,
3809 drainage control, or flood control purposes.
- 3810 15. **Erosion:** The process by which land surface is worn away by the action of wind, water,
3811 ice or gravity.
- 3812 16. **Erosion, Sedimentation and Pollution Control Plan:** A plan required by the Erosion
3813 and Sedimentation Act, O.C.G.A. Chapter 12-7, that includes, as a minimum protections
3814 at least as stringent as the State General Permit, best management practices, and
3815 requirements in Section 14-503 C. of this ordinance.
- 3816 17. **Fill:** A portion of land surface to which soil or other solid material has been added; the
3817 depth above the original ground surface or an excavation.
- 3818 18. **Final Stabilization:** All soil disturbing activities at the site have been completed, and that
3819 for unpaved areas and areas not covered by permanent structures and areas located outside
3820 the waste disposal limits of a landfill cell that has been certified by EPD for waste
3821 disposal; 100% of the soil surface is uniformly covered in permanent vegetation with a
3822 density of 70% or greater, or landscaped according to the Plan (uniformly covered with
3823 landscaping materials in planned landscape areas), or equivalent permanent stabilization
3824 measures as defined in the Manual (excluding a crop of annual vegetation and seeding of
3825 target crop perennials appropriate for the region). Final stabilization applies to each phase
3826 of construction.
- 3827 19. **Finished Grade:** The final elevation and contour of the ground after cutting or filling and
3828 conforming to the proposed design.
- 3829 20. **Grading:** Altering the shape of ground surfaces to a predetermined condition; this
3830 includes stripping, cutting, filling, stockpiling and shaping or any combination thereof and
3831 shall include the land in its cut or filled condition.
- 3832 21. **Ground Elevation:** The original elevation of the ground surface prior to cutting or filling.
- 3833 22. **Land-Disturbing Activity:** Any activity which may result in soil erosion from water or
3834 wind and the movement of sediments into state waters or onto lands within the state,
3835 including, but not limited to, clearing, dredging, grading, excavating, transporting, and
3836 filling of land but not including agricultural practices as described in Section 14-502,
3837 Paragraph 5.
- 3838 23. **Larger Common Plan of Development or Sale:** A contiguous area where multiple
3839 separate and distinct construction activities are occurring under one plan of development
3840 or sale. For the purposes of this paragraph, "plan" means an announcement; piece of

- documentation such as a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, or computer design; or physical demarcation such as boundary signs, lot stakes, or surveyor markings, indicating that construction activities may occur on a specific plot.
24. **Local Issuing Authority("LIA"):** The governing authority of any county or municipality which is certified pursuant to subsection (a) O.C.G.A. 12-7-8.
25. **Metropolitan River Protection Act (MRPA):** A state law referenced as O.C.G.A. 12-5-440 et.seq. which addresses environmental and developmental matters in certain metropolitan river corridors and their drainage basins.
26. **Natural Ground Surface:** The ground surface in its original state before any grading, excavation or filling.
27. **Nephelometric Turbidity Units (NTU):** Numerical units of measure based upon photometric analytical techniques for measuring the light scattered by finely divided particles of a substance in suspension. This technique is used to estimate the extent of turbidity in water in which colloiddally dispersed or suspended particles are present.
28. **NOI:** A Notice of Intent form provided by EPD for coverage under the State General Permit.
29. **NOT:** A Notice of Termination form provided by EPD to terminate coverage under the State General Permit.
30. **Operator:** The party or parties that have: (A) operational control of construction project plans and specifications, including the ability to make modifications to those plans and specifications; or (B) day-to-day operational control of those activities that are necessary to ensure compliance with an erosion, sedimentation and pollution control plan for the site or other permit conditions, such as a person authorized to direct workers at a site to carry out activities required by the erosion, sedimentation and pollution control plan or to comply with other permit conditions.
31. **Outfall:** The location where storm water in a discernible, confined and discrete conveyance, leaves a facility or site or, if there is a receiving water on site, becomes a point source discharging into that receiving water.
32. **Permit:** The authorization necessary to conduct a land-disturbing activity under the provisions of this ordinance.
33. **Person:** Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, state agency, municipality or other political subdivision of the State of Georgia, any interstate body or any other legal entity.
34. **Phase or Phased:** Sub-parts or segments of construction projects where the sub-part or segment is constructed and stabilized prior to completing construction activities on the entire construction site.
35. **Project:** The entire proposed development project regardless of the size of the area of land to be disturbed.
36. **Properly Designed:** Designed in accordance with the design requirements and specifications contained in the "Manual for Erosion and Sediment Control in Georgia" (Manual) published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted and amendments to the Manual as approved by the Commission up until the date of NOI submittal.

- 3886 37. **Roadway Drainage Structure:** A device such as a bridge, culvert, or ditch, composed of
3887 a virtually nonerrodible material such as concrete, steel, plastic, or other such material that
3888 conveys water under a roadway by intercepting the flow on one side of a traveled roadway.
3889 consisting of one or more defined lanes, with or without shoulder areas, and carrying
3890 water to a release point on the other side.
- 3891 38. **Sediment:** Solid material, both organic and inorganic, that is in suspension, is being
3892 transported, or has been moved from its site of origin by wind, water, ice, or gravity as a
3893 product of erosion.
- 3894 39. **Sedimentation:** The process by which eroded material is transported and deposited by the
3895 action of water, wind, ice or gravity.
- 3896 40. **Soil and Water Conservation District Approved Plan:** An erosion, sedimentation and
3897 pollution control plan approved in writing by the DeKalb County Soil and Water
3898 Conservation District.
- 3899 41. **Stabilization:** The process of establishing an enduring soil cover of vegetation by the
3900 installation of temporary or permanent structures for the purpose of reducing to a
3901 minimum the erosion process and the resultant transport of sediment by wind, water, ice
3902 or gravity.
- 3903 42. **State General Permit:** The National Pollution Discharge Elimination System (NPDES)
3904 general permit or permits for storm water runoff from construction activities as is now in
3905 effect or as may be amended or reissued in the future pursuant to the state's authority to
3906 implement the same through federal delegation under the Federal Water Pollution Control
3907 Act, as amended, 33 U.S.C. Section 1251, et seq., and subsection (f) of Code Section 12-
3908 5-30.
- 3909 43. **State Waters:** Any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds,
3910 drainage systems, springs, wells, and other bodies of surface or subsurface water, natural
3911 or artificial, lying within or forming a part of the boundaries of Georgia which are not
3912 entirely confined and retained completely upon the property of a single individual,
3913 partnership, or corporation.
- 3914 44. **Structural Erosion, Sedimentation and Pollution Control Practices:** Practices for the
3915 stabilization of erodible or sediment-producing areas by utilizing the mechanical
3916 properties of matter for the purpose of either changing the surface of the land or storing,
3917 regulating or disposing of runoff to prevent excessive sediment loss. Examples of
3918 structural erosion and sediment control practices are riprap, sediment basins, dikes, level
3919 spreaders, waterways or outlets, diversions, grade stabilization structures and sediment
3920 traps, etc. Such practices can be found in the publication *Manual for Erosion and*
3921 *Sediment Control in Georgia*.
- 3922 45. **Trout Streams:** All streams or portions of streams within the watershed as designated by
3923 the Wildlife Resources Division of the Georgia Department of Natural Resources under
3924 the provisions of the Georgia Water Quality Control Act, O.C.G.A. 12-5-20, in the rules
3925 and regulations for Water Quality Control, Chapter 391-3-6 at www.epd.georgia.gov.
3926 Streams designated as primary trout waters are defined as water supporting a self-
3927 sustaining population of rainbow, brown or brook trout. Streams designated as secondary
3928 trout waters are those in which there is no evidence of natural trout reproduction, but are
3929 capable of supporting trout throughout the year. First order trout waters are streams into
3930 which no other streams flow except springs.

- 3931 46. **Vegetative Erosion and Sedimentation Control Measures:** Measures for the
3932 stabilization of erodible or sediment-producing areas by covering the soil with:
3933 a. Permanent seeding, sprigging or planting, producing long-term vegetative cover,
3934 or
3935 b. Temporary seeding, producing short-term vegetative cover; or
3936 c. Sodding, covering areas with a turf of perennial sod-forming grass.
3937 Such measures can be found in the publication *Manual for Erosion and Sediment Control*
3938 *in Georgia*.
3939 47. **Watercourse:** Any natural or artificial watercourse, stream, river, creek, channel, ditch,
3940 canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows either
3941 continuously or intermittently and which has a definite channel, bed and banks, and
3942 including any area adjacent thereto subject to inundation by reason of overflow or
3943 floodwater.
3944 48. **Wetlands:** Those areas that are inundated or saturated by surface or ground water at a
3945 frequency and duration sufficient to support, and that under normal circumstances do
3946 support a prevalence of vegetation typically adapted for life in saturated soil conditions.
3947 Wetlands generally include swamps, marshes, bogs, and similar areas.
3948

3949 **Sec. 14-502- Exemptions**

3950
3951 This article shall apply to any land-disturbing activity undertaken by any person on any
3952 land except for the following:
3953

- 3954 1. Surface mining, as the same is defined in O.C.G.A. 12-4-72, "The Georgia Surface Mining
3955 Act of 1968".
3956 2. Granite quarrying and land clearing for such quarrying;
3957 3. Such minor land-disturbing activities as home gardens and individual home landscaping,
3958 repairs, maintenance work, fences, and other related activities which result in minor soil
3959 erosion;
3960 4. The construction of single-family residences, when such construction disturbs less than
3961 one (1) acre and is not a part of a larger common plan of development or sale with a
3962 planned disturbance of equal to or greater than one (1) acre and not otherwise exempted
3963 under this paragraph; provided, however, that construction of any such residence shall
3964 conform to the minimum requirements as set forth in O.C.G.A. 12-7-6 and this paragraph.
3965 For single-family residence construction covered by the provisions of this paragraph, there
3966 shall be a buffer zone between the residence and any state waters classified as trout
3967 streams pursuant to Article 2 of Chapter 5 of the Georgia Water Quality Control Act. In
3968 any such buffer zone, no land-disturbing activity shall be constructed between the
3969 residence and the point where vegetation has been wrested by normal stream flow or wave
3970 action from the banks of the trout waters. For primary trout waters, the buffer zone shall
3971 be at least 50 horizontal feet, and no variance to a smaller buffer shall be granted. For
3972 secondary trout waters, the buffer zone shall be at least 50 horizontal feet, but the Director
3973 may grant variances to no less than 25 feet. Regardless of whether a trout stream is
3974 primary or secondary, for first order trout waters, which are streams into which no other
3975 streams flow except for springs, the buffer shall be at least 25 horizontal feet, and no

variance to a smaller buffer shall be granted. The minimum requirements of subsection (b) of O.C.G.A. 12-7-6 and the buffer zones provided by this paragraph shall be enforced by the Local Issuing Authority;

5. Agricultural operations as defined in O.C.G.A. 1-3-3, "definitions", to include raising, harvesting or storing of products of the field or orchard; feeding, breeding or managing livestock or poultry; producing or storing feed for use in the production of livestock, including but not limited to cattle, calves, swine, hogs, goats, sheep, and rabbits or for use in the production of poultry, including but not limited to chickens, hens and turkeys; producing plants, trees, fowl, or animals; the production of aqua culture, horticultural, dairy, livestock, poultry, eggs and apiarian products; farm buildings and farm ponds;
6. Forestry land management practices, including harvesting; provided, however, that when such exempt forestry practices cause or result in land-disturbing or other activities otherwise prohibited in a buffer, as established in paragraphs (15) and (16) of Section 14-503 C. of this ordinance, no other land-disturbing activities, except for normal forest management practices, shall be allowed on the entire property upon which the forestry practices were conducted for a period of three (3) years after completion of such forestry practices;
7. Any project carried out under the technical supervision of the Natural Resources Conservation Service (NRCS) of the United States Department of Agriculture;
8. Any project involving less than one (1) acre of disturbed area; provided, however, that this exemption shall not apply to any land-disturbing activity within a larger common plan of development or sale with a planned disturbance of equal to or greater than one (1) acre or within 200 feet of the bank of any state waters, and for purposes of this paragraph, "State Waters" excludes channels and drainage ways which have water in them only during and immediately after rainfall events and intermittent streams which do not have water in them year-round; provided, however, that any person responsible for a project which involves less than one (1) acre, which involves land-disturbing activity, and which is within 200 feet of any such excluded channel or drainage way, must prevent sediment from moving beyond the boundaries of the property on which such project is located and provided, further, that nothing contained herein shall prevent the Local Issuing Authority from regulating any such project which is not specifically exempted by paragraphs 1, 2, 3, 4, 5, 6, 7, 9 or 10 of this section;
9. Construction or maintenance projects, or both, undertaken or financed in whole or in part, or both, by the Department of Transportation, the Georgia Highway Authority, or the State Road and Tollway Authority; or any road construction or maintenance project, or both, undertaken by any county or municipality; provided, however, that construction or maintenance projects of the Department of Transportation or the State Road and Tollway Authority which disturb one or more contiguous acres of land shall be subject to provisions of O.C.G.A. 12-7-7.1; except where the Department of Transportation, the Georgia Highway Authority, or the State Road and Tollway Authority is a secondary permittee for a project located within a larger common plan of development or sale under the state general permit, in which case a copy of a notice of intent under the state general permit shall be submitted to the Local Issuing Authority, the Local Issuing Authority shall enforce compliance with the minimum requirements set forth in O.C.G.A. 12-7-6 as if a

permit had been issued, and violations shall be subject to the same penalties as violations by permit holders;

10. Any land-disturbing activities conducted by any electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the Public Service Commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system as defined in O.C.G.A. 36-18-1, or any agency or instrumentality of the United States engaged in the generation, transmission, or distribution of power; except where an electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the Public Service Commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system as defined in O.C.G.A. 36-18-1, or any agency or instrumentality of the United States engaged in the generation, transmission, or distribution of power is a secondary permittee for a project located within a larger common plan of development or sale under the state general permit, in which case the Local Issuing Authority shall enforce compliance with the minimum requirements set forth in O.C.G.A. 12-7-6 as if a permit had been issued, and violations shall be subject to the same penalties as violations by permit holders; and
11. Any public water system reservoir.

Sec. 14-503 MINIMUM REQUIREMENTS FOR EROSION, SEDIMENTATION AND POLLUTION CONTROL USING BEST MANAGEMENT PRACTICES

A. GENERAL PROVISIONS

Excessive soil erosion and resulting sedimentation can take place during land-disturbing activities if requirements of the ordinance and the NPDES General Permit are not met. Therefore, plans for those land-disturbing activities which are not exempted by this ordinance shall contain provisions for application of soil erosion, sedimentation and pollution control measures and practices. The provisions shall be incorporated into the erosion, sedimentation and pollution control plans. Soil erosion, sedimentation and pollution control measures and practices shall conform to the minimum requirements of Section 14-503 B. & C. of this ordinance. The application of measures and practices shall apply to all features of the site, including street and utility installations, drainage facilities and other temporary and permanent improvements. Measures shall be installed to prevent or control erosion, sedimentation and pollution during all stages of any land-disturbing activity in accordance with requirements of this ordinance and the NPDES General Permit.

B. MINIMUM REQUIREMENTS/ BMPs

1. Best management practices as set forth in Section 14-503 B. & C. of this ordinance shall be required for all land-disturbing activities. Proper design, installation, and maintenance of best management practices shall constitute a complete defense to any action by the Director or to any other allegation of noncompliance with paragraph (2) of this subsection or any substantially similar terms contained in a permit for the discharge of storm water issued pursuant to subsection (f) of O.C.G.A. 12-5-30, the "Georgia Water Quality Control Act". As used in this subsection the terms "proper design" and "properly

- designed” mean designed in accordance with the hydraulic design specifications contained in the “Manual for Erosion and Sediment Control in Georgia” specified in O.C.G.A. 12-7-6 subsection (b).
2. A discharge of storm water runoff from disturbed areas where best management practices have not been properly designed, installed, and maintained shall constitute a separate violation of any land-disturbing permit issued by a local Issuing Authority or of any state general permit issued by the Division pursuant to subsection (f) of O.C.G.A. 12-5-30, the "Georgia Water Quality Control Act", for each day on which such discharge results in the turbidity of receiving waters being increased by more than twenty-five (25) nephelometric turbidity units for waters supporting warm water fisheries or by more than ten (10) nephelometric turbidity units for waters classified as trout waters. The turbidity of the receiving waters shall be measured in accordance with guidelines to be issued by the Director. This paragraph shall not apply to any land disturbance associated with the construction of single family homes which are not part of a larger common plan of development or sale unless the planned disturbance for such construction is equal to or greater than five (5) acres.
 3. Failure to properly design, install, or maintain best management practices shall constitute a violation of any land-disturbing permit issued by a Local Issuing Authority or of any state general permit issued by the Division pursuant to subsection (f) of Code Section 12-5-30, the "Georgia Water Quality Control Act", for each day on which such failure occurs.
 4. The Director may require, in accordance with regulations adopted by the Board, reasonable and prudent monitoring of the turbidity level of receiving waters into which discharges from land disturbing activities occur.
 5. The LIA may set more stringent buffer requirements than stated in C.15,16 and 17, in light of O.C.G.A. § 12-7-6 (c).
- C. The rules and regulations, ordinances, or resolutions adopted pursuant to O.C.G.A. 12-7-1 et. seq. for the purpose of governing land-disturbing activities shall require, as a minimum, protections at least as stringent as the state general permit; and best management practices, including sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the *Manual for Erosion and Sediment Control in Georgia* published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted, as well as the following:
1. Stripping of vegetation, regrading and other development activities shall be conducted in a manner so as to minimize erosion;
 2. Cut-fill operations must be kept to a minimum;
 3. Development plans must conform to topography and soil type so as to create the lowest practicable erosion potential;
 4. Whenever feasible, natural vegetation shall be retained, protected and supplemented;
 5. The disturbed area and the duration of exposure to erosive elements shall be kept to a practicable minimum;
 6. Disturbed soil shall be stabilized as quickly as practicable;
 7. Temporary vegetation or mulching shall be employed to protect exposed critical areas during development;

8. Permanent vegetation and structural erosion control practices shall be installed as soon as practicable;
9. To the extent necessary, sediment in run-off water must be trapped by the use of debris basins, sediment basins, silt traps, or similar measures until the disturbed area is stabilized. As used in this paragraph, a disturbed area is stabilized when it is brought to a condition of continuous compliance with the requirements of O.C.G.A. 12-7-1 et. seq.;
10. Adequate provisions must be provided to minimize damage from surface water to the cut face of excavations or the sloping of fills;
11. Cuts and fills may not endanger adjoining property;
12. Fills may not encroach upon natural watercourses or constructed channels in a manner so as to adversely affect other property owners;
13. Grading equipment must cross flowing streams by means of bridges or culverts except when such methods are not feasible, provided, in any case, that such crossings are kept to a minimum;
14. Land-disturbing activity plans for erosion, sedimentation and pollution control shall include provisions for treatment or control of any source of sediments and adequate sedimentation control facilities to retain sediments on-site or preclude sedimentation of adjacent waters beyond the levels specified in Section 14-503 B. 2. of this ordinance;
15. Except as provided in paragraph (16) and (17) of this subsection, there is established a 25 foot buffer along the banks of all state waters, as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, except where the Director determines to allow a variance that is at least as protective of natural resources and the environment, where otherwise allowed by the Director pursuant to O.C.G.A. 12-2-8, where a drainage structure or a roadway drainage structure must be constructed, provided that adequate erosion control measures are incorporated in the project plans and specifications, and are implemented; or where bulkheads and sea walls are installed to prevent shoreline erosion on Lake Oconee and Lake Sinclair; or along any ephemeral stream. As used in this provision, the term 'ephemeral stream' means a stream: that under normal circumstances has water flowing only during and for a short duration after precipitation events; that has the channel located above the ground-water table year round; for which ground water is not a source of water; and for which runoff from precipitation is the primary source of water flow, Unless exempted as along an ephemeral stream, the buffers of at least 25 feet established pursuant to part 6 of Article 5, Chapter 5 of Title 12, the "Georgia Water Quality Control Act", shall remain in force unless a variance is granted by the Director as provided in this paragraph. The following requirements shall apply to any such buffer:
 - a. No land-disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as protective

- 4155 vegetative cover remains to protect water quality and aquatic habitat and a natural
4156 canopy is left in sufficient quantity to keep shade on the stream bed; and
- 4157 b. The buffer shall not apply to the following land-disturbing activities, provided that
4158 they occur at an angle, as measured from the point of crossing, within 25 degrees of
4159 perpendicular to the stream; cause a width of disturbance of not more than 50 feet
4160 within the buffer; and adequate erosion control measures are incorporated into the
4161 project plans and specifications and are implemented: (i) Stream crossings for water
4162 lines; or (ii) Stream crossings for sewer lines; and
- 4163 16. There is established a 50 foot buffer as measured horizontally from the point where
4164 vegetation has been wrested by normal stream flow or wave action, along the banks of
4165 any state waters classified as "trout streams" pursuant to Article 2 of Chapter 5 of Title
4166 12, the "Georgia Water Quality Control Act", except where a roadway drainage structure
4167 must be constructed ; provided, however, that small springs and streams classified as
4168 trout streams which discharge an average annual flow of 25 gallons per minute or less
4169 shall have a 25 foot buffer or they may be piped, at the discretion of the landowner,
4170 pursuant to the terms of a rule providing for a general variance promulgated by the
4171 Board, so long as any such pipe stops short of the downstream landowner's property and
4172 the landowner complies with the buffer requirement for any adjacent trout streams. The
4173 Director may grant a variance from such buffer to allow land-disturbing activity,
4174 provided that adequate erosion control measures are incorporated in the project plans and
4175 specifications and are implemented. The following requirements shall apply to such
4176 buffer:
- 4177 a. No land-disturbing activities shall be conducted within a buffer and a buffer shall
4178 remain in its natural, undisturbed, state of vegetation until all land-disturbing
4179 activities on the construction site are completed. Once the final stabilization of the
4180 site is achieved, a buffer may be thinned or trimmed of vegetation as long as a
4181 protective vegetative cover remains to protect water quality and aquatic habitat and a
4182 natural canopy is left in sufficient quantity to keep shade on the stream bed:
4183 provided, however, that any person constructing a single-family residence, when
4184 such residence is constructed by or under contract with the owner for his or her own
4185 occupancy, may thin or trim vegetation in a buffer at any time as long as protective
4186 vegetative cover remains to protect water quality and aquatic habitat and a natural
4187 canopy is left in sufficient quantity to keep shade on the stream bed; and
- 4188 b. The buffer shall not apply to the following land-disturbing activities, provided that
4189 they occur at an angle, as measured from the point of crossing, within 25 degrees of
4190 perpendicular to the stream; cause a width of disturbance of not more than 50 feet
4191 within the buffer; and adequate erosion control measures are incorporated into the
4192 project plans and specifications and are implemented: (i) Stream crossings for water
4193 lines; or (ii) Stream crossings for sewer lines; and
- 4194 17. There is established a 25 foot buffer along coastal marshlands, as measured
4195 horizontally from the coastal marshland-upland interface, as determined in
4196 accordance with Chapter 5 of Title 12 of this title, the "Coastal Marshlands
4197 Protection Act of 1970." And the rules and regulations promulgated thereunder,
4198 except where the director determines to allow a variance that is at least as protective
4199 of natural resources and the environment, where otherwise allowed by the director

pursuant to Code Section 12-2-8, where an alteration within the buffer area has been authorized pursuant to Code Section 12-5-286, for maintenance of any currently serviceable structure, landscaping, or hardscaping, including bridges, roads, parking lots, golf courses, golf cart paths, retaining walls, bulkheads, and patios; provided, however, that if such maintenance requires any land-disturbing activity, adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented, where a drainage structure or roadway drainage structure is constructed or maintained; provided, however, that if such maintenance requires any land-disturbing activity, adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented, on the landward side of any currently serviceable shoreline stabilization structure, or for the maintenance of any manmade storm-water detention basin, golf course pond, or impoundment that is located entirely within the property of a single individual, partnership, or corporation; provided, however, that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented. For the purposes of this paragraph maintenance shall be defined as actions necessary or appropriate for retaining or restoring a currently serviceable improvement to the specified operable condition to achieve its maximum useful life. Maintenance includes emergency reconstruction of recently damaged parts of a currently serviceable structure so long as it occurs within a reasonable period of time after damage occurs. Maintenance does not include any modification that changes the character, scope or size of the original design and serviceable shall be defined as usable in its current state or with minor maintenance but not so degraded as to essentially require reconstruction.

- a. No land-disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed, state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat; provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat; and
- b. The buffer shall not apply to crossings for utility lines that cause a width of disturbance of not more than 50 feet within the buffer, provided, however, that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented.
- c. The buffer shall not apply to any land-disturbing activity conducted pursuant to and in compliance with a valid and effective land-disturbing permit issued subsequent to April 22, 2014, and prior to December 31, 2015; provided, however, that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented or any lot for which the preliminary plat has been approved prior to December 31, 2015 if roadways, bridges, or water and sewer lines have been extended to such lot prior to the effective date of this Act and if the requirement to maintain a 25 foot buffer would consume at least 18 percent of

- the high ground of the platted lot otherwise available for development; provided, however, that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented.
- d. Activities where the area within the buffer is not more than 500 square feet or that have a "Minor Buffer Impact" as defined in 391-3-7-.01(r), provided that the total area of buffer impacts is less than 5,000 square feet are deemed to have an approved buffer variance by rule. Bank stabilization structures are not eligible for coverage under the variance by rule and notification shall be made to the Division at least 14 days prior to the commencement of land disturbing activities.
- D. Nothing contained in O.C.G.A. 12-7-1 et. seq. shall prevent any Local Issuing Authority from adopting rules and regulations, ordinances, or resolutions which contain stream buffer requirements that exceed the minimum requirements in Section 14-503 B. & C. of this ordinance.
- E. The fact that land-disturbing activity for which a permit has been issued results in injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided for in this ordinance or the terms of the permit.

Sec. 14-504 APPLICATION / PERMIT PROCESS

- A. GENERAL The property owner, developer and designated planners and engineers shall design and review before submittal the general development plans. The Local Issuing Authority shall review the tract to be developed and the area surrounding it. They shall consult the zoning ordinance, storm water management ordinance, subdivision ordinance, flood damage prevention ordinance, this ordinance, and any other ordinances, rules, regulations or permits, which regulate the development of land within the jurisdictional boundaries of the Local Issuing Authority. However, the owner and/or operator are the only parties who may obtain a permit.
- B. APPLICATION REQUIREMENTS
1. No person shall conduct any land-disturbing activity within the jurisdictional boundaries of the City of Stonecrest without first obtaining a permit from the Community Development Department to perform such activity and providing a copy of Notice of Intent submitted to EPD if applicable.
 2. The application for a permit shall be submitted to the Community Development Director, or his or her designee, and must include the applicant's erosion, sedimentation and pollution control plan with supporting data, as necessary. Said plans shall include, as a minimum, the data specified in Section 14-504 C. of this ordinance. Erosion, sedimentation and pollution control plans, together with supporting data, must demonstrate affirmatively that the land disturbing activity proposed will be carried out in such a manner that the provisions of Section 14-503 B. & C. of this ordinance will be met. Applications for a permit will not be accepted unless accompanied by four (4) copies of the applicant's erosion, sedimentation and pollution control plans. All applications shall contain a certification stating that the plan preparer or the designee

thereof visited the site prior to creation of the plan in accordance with EPD Rule 391-3-7-10.

3. In addition to the local permitting fees, fees will also be assessed pursuant to paragraph (5) subsection (a) of O.C.G.A. 12-5-23, provided that such fees shall not exceed \$80.00 per acre of land-disturbing activity, and these fees shall be calculated and paid by the primary permittee as defined in the state general permit for each acre of land-disturbing activity included in the planned development or each phase of development. All applicable fees shall be paid prior to issuance of the land disturbance permit. In a jurisdiction that is certified pursuant to subsection (a) of O.C.G.A. 12-7-8 half of such fees levied shall be submitted to the Division; except that any and all fees due from an entity which is required to give notice pursuant to paragraph (9) or (10) of O.C.G.A. 12-7-17 shall be submitted in full to the Division, regardless of the existence of a Local Issuing Authority in the jurisdiction.
4. Immediately upon receipt of an application and plan for a permit, the Local Issuing Authority shall refer the application and plan to the District for its review and approval or disapproval concerning the adequacy of the erosion, sedimentation and pollution control plan. The District shall approve or disapprove a plan within 35 days of receipt. Failure of the District to act within 35 days shall be considered an approval of the pending plan. The results of the District review shall be forwarded to the Local Issuing Authority. No permit will be issued unless the plan has been approved by the District, and any variances required by Section 14-503 C. 15, 16 and 17 have been obtained, all fees have been paid, and bonding, if required as per Section 14-504 B.6., have been obtained. Such review will not be required if the Local Issuing Authority and the District have entered into an agreement which allows the Local Issuing Authority to conduct such review and approval of the plan without referring the application and plan to the District. The Local Issuing Authority with plan review authority shall approve or disapprove a revised Plan submittal within 35 days of receipt. Failure of the Local Issuing Authority with plan review authority to act within 35 days shall be considered an approval of the revised Plan submittal.
5. If a permit applicant has had two or more violations of previous permits, this ordinance section, or the Erosion and Sedimentation Act, as amended, within three years prior to the date of filing the application under consideration, the Local Issuing Authority may deny the permit application.
6. The Local Issuing Authority may require the permit applicant to post a bond in the form of government security, cash, irrevocable letter of credit, or any combination thereof up to, but not exceeding, \$3,000.00 per acre or fraction thereof of the proposed land-disturbing activity, prior to issuing the permit. If the applicant does not comply with this section or with the conditions of the permit after issuance, the Local Issuing Authority may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance. These provisions shall not apply unless there is in effect an ordinance or statute specifically providing for hearing and judicial review of any determination or order of the Local Issuing Authority with respect to alleged permit violations.

C. PLAN REQUIREMENTS

1. Plans must be prepared to meet the minimum requirements as contained in Section 14-503 B. & C. of this ordinance, or through the use of more stringent, alternate design criteria which conform to sound conservation and engineering practices. The *Manual for Erosion and Sediment Control in Georgia* is hereby incorporated by reference into this ordinance. The plan for the land-disturbing activity shall consider the interrelationship of the soil types, geological and hydrological characteristics, topography, watershed, vegetation, proposed permanent structures including roadways, constructed waterways, sediment control and storm water management facilities, local ordinances and State laws. Maps, drawings and supportive computations shall bear the signature and seal of the certified design professional. Persons involved in land development design, review, permitting, construction, monitoring, or inspections or any land disturbing activity shall meet the education and training certification requirements, dependent on his or her level of involvement with the process, as developed by the Commission and in consultation with the Division and the Stakeholder Advisory Board created pursuant to O.C.G.A. 12-7-20.
2. Data Required for Site Plan shall include all the information required from the appropriate Erosion, Sedimentation and Pollution Control Plan Review Checklist established by the Commission as of January 1 of the year in which the land-disturbing activity was permitted.

D. PERMITS

1. Permits shall be issued or denied as soon as practicable but in any event not later than forty-five (45) days after receipt by the Local Issuing Authority of a completed application, providing variances and bonding are obtained, where necessary and all applicable fees have been paid prior to permit issuance. The permit shall include conditions under which the activity may be undertaken.
2. No permit shall be issued by the Local Issuing Authority unless the erosion, sedimentation and pollution control plan has been approved by the District and the Local Issuing Authority has affirmatively determined that the plan is in compliance with this ordinance, any variances required by Section 14-503 C. 15, 16 and 17 are obtained, bonding requirements, if necessary, as per Section 14-504 B. 6. are met and all ordinances and rules and regulations in effect within the jurisdictional boundaries of the Local Issuing Authority are met. If the permit is denied, the reason for denial shall be furnished to the applicant.
3. Any land-disturbing activities by a local issuing authority shall be subject to the same requirements of this ordinance, and any other ordinances relating to land development, as are applied to private persons and the division shall enforce such requirements upon the local issuing authority.
4. If the tract is to be developed in phases, then a separate permit shall be required for each phase.
5. The permit may be suspended, revoked, or modified by the Local Issuing Authority, as to all or any portion of the land affected by the plan, upon finding that the holder or his successor in the title is not in compliance with the approved erosion and sedimentation control plan or that the holder or his successor in title is in violation of this ordinance. A

holder of a permit shall notify any successor in title to him as to all or any portion of the land affected by the approved plan of the conditions contained in the permit.

6. The LIA may reject a permit application if the applicant has had two or more violations of previous permits or the Erosion and Sedimentation Act permit requirements within three years prior to the date of the application, in light of O.C.G.A. 12-7-7 (f) (1).

Sec. 14-505 INSPECTION AND ENFORCEMENT

- A. The Community Development Director, or his or her designee, will periodically inspect the sites of land-disturbing activities for which permits have been issued to determine if the activities are being conducted in accordance with the plan and if the measures required in the plan are effective in controlling erosion and sedimentation. Also, the Local Issuing Authority shall regulate primary, secondary and tertiary permittees as such terms are defined in the state general permit. Primary permittees shall be responsible for installation and maintenance of best management practices where the primary permittee is conducting land-disturbing activities. Secondary permittees shall be responsible for installation and maintenance of best management practices where the secondary permittee is conducting land-disturbing activities. Tertiary permittees shall be responsible for installation and maintenance where the tertiary permittee is conducting land-disturbing activities. If, through inspection, it is deemed that a person engaged in land-disturbing activities as defined herein has failed to comply with the approved plan, with permit conditions, or with the provisions of this ordinance, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this ordinance.
- B. The Local Issuing Authority must amend its ordinances to the extent appropriate within twelve (12) months of any amendments to the Erosion and Sedimentation Act of 1975.
- C. The Community Development Director, or his or her designee, shall have the power to conduct such investigations as it may reasonably deem necessary to carry out duties as prescribed in this ordinance, and for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigation and inspecting the sites of land-disturbing activities.
- D. No person shall refuse entry or access to any authorized representative or agent of the Local Issuing Authority, the Commission, the District, or Division who requests entry for the 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 his official duties.
- E. The District or the Commission or both shall semi-annually review the actions of counties and municipalities which have been certified as Local Issuing Authorities pursuant to O.C.G.A. 12-7-8 (a). The District or the Commission or both may provide technical assistance to any county or municipality for the purpose of improving the effectiveness of the county's or municipality's erosion, sedimentation and pollution control program. The District

4422 or the Commission shall notify the Division and request investigation by the Division if any
4423 deficient or ineffective local program is found.

- 4424 F. The Division may periodically review the actions of counties and municipalities which have
4425 been certified as Local Issuing Authorities pursuant to Code Section 12-7-8 (a). Such review
4426 may include, but shall not be limited to, review of the administration and enforcement of a
4427 governing authority's ordinance and review of conformance with an agreement, if any,
4428 between the district and the governing authority. If such review indicates that the governing
4429 authority of any county or municipality certified pursuant to O.C.G.A. 12-7-8 (a) has not
4430 administered or enforced its ordinances or has not conducted the program in accordance with
4431 any agreement entered into pursuant to O.C.G.A. 12-7-7 (e), the Division shall notify the
4432 governing authority of the county or municipality in writing. The governing authority of any
4433 county or municipality so notified shall have 90 days within which to take the necessary
4434 corrective action to retain certification as a Local Issuing Authority. If the county or
4435 municipality does not take necessary corrective action within 90 days after notification by the
4436 division, the division shall revoke the certification of the county or municipality as a Local
4437 Issuing Authority.

4438
4439 **Sec. 14-506 PENALTIES AND INCENTIVES**
4440

4441 **A. FAILURE TO OBTAIN A PERMIT FOR LAND-DISTURBING ACTIVITY**

4442 If any person commences any land-disturbing activity requiring a land-disturbing permit as
4443 prescribed in this ordinance without first obtaining said permit, the person shall be subject to
4444 revocation of his business license, work permit or other authorization for the conduct of a
4445 business and associated work activities within the jurisdictional boundaries of the Local
4446 Issuing Authority.

4447 **B. STOP-WORK ORDERS**

- 4448 1. For the first and second violations of the provisions of this ordinance, the Director or the
4449 Local Issuing Authority shall issue a written warning to the violator. The violator shall
4450 have five days to correct the violation. If the violation is not corrected within five days,
4451 the Director or the Local Issuing Authority shall issue a stop-work order requiring that
4452 land-disturbing activities be stopped until necessary corrective action or mitigation has
4453 occurred; provided, however, that, if the violation presents an imminent threat to public
4454 health or waters of the state or if the land-disturbing activities are conducted without
4455 obtaining the necessary permit, the Director or the Local Issuing Authority shall issue an
4456 immediate stop-work order in lieu of a warning;
- 4457 2. For a third and each subsequent violation, the Director or the Local Issuing Authority
4458 shall issue an immediate stop-work order; and;
- 4459 3. All stop-work orders shall be effective immediately upon issuance and shall be in effect
4460 until the necessary corrective action or mitigation has occurred.
- 4461 4. When a violation in the form of taking action without a permit, failure to maintain a
4462 stream buffer, or significant amounts of sediment, as determined by the Local Issuing
4463 Authority or by the Director or his or her Designee, have been or are being discharged
4464 into state waters and where best management practices have not been properly designed,
4465 installed, and maintained, a stop work order shall be issued by the Local Issuing
4466 Authority or by the Director or his or her Designee. All such stop work orders shall be

effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred. Such stop work orders shall apply to all land-disturbing activity on the site with the exception of the installation and maintenance of temporary or permanent erosion and sediment controls.

C. **BOND FORFEITURE** If, through inspection, it is determined that a person engaged in land-disturbing activities has failed to comply with the approved plan, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance with the plan and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this ordinance and, in addition to other penalties, shall be deemed to have forfeited his performance bond, if required to post one under the provisions of Section 14-504 B. 6. The Local Issuing Authority may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance.

D. **MONETARY PENALTIES**

1. Any person who violates any provisions of this ordinance, or any permit condition or limitation established pursuant to this ordinance, or who negligently or intentionally fails or refuses to comply with any final or emergency order of the Director issued as provided in this ordinance shall be liable for a civil penalty not to exceed \$2,500.00 per day. For the purpose of enforcing the provisions of this ordinance, notwithstanding any provisions in any City charter to the contrary, municipal courts shall be authorized to impose penalty not to exceed \$2,500.00 for each violation. Notwithstanding any limitation of law as to penalties which can be assessed for violations of county ordinances, any magistrate court or any other court of competent jurisdiction trying cases brought as violations of this ordinance under county ordinances approved under this ordinance shall be authorized to impose penalties for such violations not to exceed \$2,500.00 for each violation. Each day during which violation or failure or refusal to comply continues shall be a separate violation.

Sec. 14-507 EDUCATION AND CERTIFICATION

- A. Persons involved in land development design, review, permitting, construction, monitoring, or inspection or any land-disturbing activity shall meet the education and training certification requirements, dependent on their level of involvement with the process, as developed by the commission in consultation with the division and the stakeholder advisory board created pursuant to O.C.G.A. 12-7-20.
- B. For each site on which land-disturbing activity occurs, each entity or person acting as either a primary, secondary, or tertiary permittee, as defined in the state general permit, shall have as a minimum one person who is in responsible charge of erosion and sedimentation control activities on behalf of said entity or person and meets the applicable education or training certification requirements developed by the Commission present on site whenever land-disturbing activities are conducted on that site. A project site shall herein be defined as any land-disturbance site or multiple sites within a larger common plan of development or sale permitted by an owner or operator for compliance with the state general permit.

- C. Persons or entities involved in projects not requiring a state general permit but otherwise requiring certified personnel on site may contract with certified persons to meet the requirements of this ordinance.
- D. If a state general permittee who has operational control of land-disturbing activities for a site has met the certification requirements of paragraph (1) of subsection (b) of O.C.G.A. 12-7-19, then any person or entity involved in land-disturbing activity at that site and operating in a subcontractor capacity for such permittee shall meet those educational requirements specified in paragraph (4) of subsection (b) of O.C.G.A 12-7-19 and shall not be required to meet any educational requirements that exceed those specified in said paragraph.

Sec. 14-508 ADMINISTRATIVE APPEAL, JUDICIAL REVIEW

A. ADMINISTRATIVE REMEDIES

The suspension, revocation, modification or grant with condition of a permit by the Local Issuing Authority upon finding that the holder is not in compliance with the approved erosion, sediment and pollution control plan; or that the holder is in violation of permit conditions; or that the holder is in violation of any ordinance; shall entitle the person submitting the plan or holding the permit to a hearing before the City Council within fifteen (15) days after receipt by the Local Issuing Authority of written notice of appeal.

B. JUDICIAL REVIEW

Any person, aggrieved by a decision or order of the Local Issuing Authority, after exhausting his administrative remedies, shall have the right to appeal de novo to the Superior Court of DeKalb County.

Sec. 14-509 EFFECTIVITY, VALIDITY AND LIABILITY

A. EFFECTIVITY

This ordinance shall become effective on the 16th day of October, 2017.

B. VALIDITY

If any section, paragraph, clause, phrase, or provision of this ordinance shall be adjudged invalid or held unconstitutional, such decisions shall not affect the remaining portions of this ordinance.

C. LIABILITY

1. Neither the approval of a plan under the provisions of this ordinance, nor the compliance with provisions of this ordinance shall relieve any person from the responsibility for damage to any person or property otherwise imposed by law nor impose any liability upon the Local Issuing Authority or District for damage to any person or property.
2. The fact that a land-disturbing activity for which a permit has been issued results in injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided for in this ordinance or the terms of the permit.
3. No provision of this ordinance shall permit any persons to violate the Georgia Erosion and Sedimentation Act of 1975, the Georgia Water Quality Control Act or the rules and

regulations promulgated and approved thereunder or pollute any Waters of the State as defined thereby.

ARTICLE VI. TREE PROTECTION

Sec. 14-516. Purpose and Applicability.

(a) *Statement of purpose.*

- (1) The purpose of these standards is to facilitate the preservation and/or replacement of trees as a part of land development in the city.
- (2) The City of Stonecrest mayor and council hereby finds that the preservation of existing trees is a public purpose that protects the public health, safety, general welfare and aesthetics of the City of Stonecrest and all its citizens.
- (3) The citizens of the city and their many communities enjoy many benefits that can be directly attributed to our trees.
 - a. Trees produce oxygen, which is essential to the well being of all animal life, including humans.
 - b. Trees help to reduce the amounts of airborne pollutants. For example, trees remove carbon dioxide, that is a major environmental concern due to its current high levels.
 - c. Trees and their foliage intercept dust and particulate matter, thereby helping to purify our air and limiting health risks.
 - d. Trees and their root systems reduce soil erosion and storm water runoff. This decreases sedimentation problems and improves water quality.
 - e. Trees provide food and shelter for desirable urban wildlife.
 - f. Trees provide screening, which in turns aids in the reduction of noise and glare.
 - g. Trees help moderate our air temperature to provide us with a comfortable environment.
 - h. Trees provide scenic amenities to soften the harshness of city buildings and streets. They are aesthetically pleasing to all that view them.
 - i. Trees may affect property values and can have a positive impact upon the economy of an area.
 - j. Trees can enhance the natural functions of streams and related buffers.
- (4) Protect specimen and historical trees in a manner consistent with the City of Stonecrest Tree Protection Ordinance.
- (5) Provide standards for the preservation of trees as part of the land development process.
- (6) Prevent clear-cutting and mass grading of land that results in the loss of mature trees, and to ensure appropriate replanting when tree loss does occur.

4593 (7) Protect trees during construction to enhance the quality of life in the City of
4594 Stonecrest.

4595 (8) Protect trees in construction of public facilities and utilities.

4596 (b) *General applicability.*

4597 (1) The terms and provisions of the tree protection ordinance shall apply to all real
4598 property in the City of Stonecrest except as otherwise provided in this Article.

4599 (2) The terms and provisions of the tree protection ordinance shall further apply to any
4600 residential or non-residential development which requires the issuance of a land
4601 disturbance permit, development permit, or building permit, except as otherwise
4602 provided in this Article.

4603 (3) The terms and provisions of the tree protection ordinance shall also apply to
4604 development on any city-owned property, including property owned by city agencies,
4605 boards, and authorities, except as otherwise provided in this Article.

4606 **Sec. 14-517. Exemptions.**

4607 (a) The following are exempt from this Article:

4608 (1) The removal of five (5) or fewer trees, other than specimen trees, on any single-
4609 family residential property, within a single calendar year.

4611 (2) The removal of more than five (5) trees, other than specimen trees, from an owner-
4612 occupied, single-family lot may be approved by the Director of Community
4613 Development if the owner must remove trees in order to build a newly permitted
4614 structure, or to build an addition to or make improvements to an existing structure,
4615 or to improve the health of other trees in the landscape.

4617 (3) Zonings conditioned by DeKalb County to a specific site plan prior to adoption of
4618 the tree protection ordinance on February 9, 1999 by DeKalb County, provided that said
4619 zoning contains specific conditions for both tree preservation and tree replacement.

4621 (4) The removal of trees found to be diseased or insect infested by the county extension
4622 service, the state forestry commission, a certified arborist, the Director of Community
4623 Development or urban forester.

4625 (5) The removal of trees from horticultural properties, such as farms, nurseries or orchards.
4626 This exemption shall not include tree harvesting.

4628 (6) The removal of any tree which has become, or threatens to become, a danger to human
4629 life or property.

4631 (7) Agricultural activities on land zoned RE.

4633 (8) Approved utility construction within permanent utility easements.

4634

(9) Construction, expansion, and operation of county landfills.

(10) Building permits that do not require or authorize land disturbance.

Sec. 14-518 Procedures.

(a) Application requirements.

(1) *Pre-application conference.* Prior to submission of an application for development, the applicant is encouraged to meet with the Director of Community Development to discuss the tree protection ordinance as it relates to the applicant's property. The purpose of the pre-application conference is to clarify the provisions and procedures of the tree protection ordinance and review applicable standards and guidelines for the submittal of documents and required tree protection, replacement, and maintenance measures.

(2) *Tree survey.* Except as provided elsewhere in this Article, a tree survey shall be required as part of any application for a land disturbance permit, development permit, building permit or preliminary subdivision plat. Except as provided elsewhere in this section, all trees eighteen (18) inches (DBH) and larger shall be identified. Specimen trees shall be identified by size, species and location. Trees larger than two (2) inches (DBH) may be identified and counted for unit credit on the tree protection plan. Single residential lots on which the applicant intends to reside may be exempted from the tree survey requirements at the discretion of the director. With the prior approval of the Director of Community Development sampling methods may be used to determine tree densities for forested areas.

(b) Tree protection plan. A tree protection plan shall be submitted with other permit drawings as part of the development permits process. This plan may either be a separate drawing, or part of a landscape plan, and shall include the following information:

(1) Definition of spatial limits:

- (i) Limits of land disturbance, clearing, grading, and trenching;
- (ii) Tree save areas;
- (iii) Specimen trees; and
- (iv) Areas of revegetation.

(2) Detailed drawings of tree protection measures and their location:

- (i) Location, species and size (DBH) of existing significant trees and an indication of which significant trees would remain on the site.
- (ii) Tree fences;
- (iii) Erosion control fences;
- (iv) Tree protection signs;
- (v) Tree wells;

- 4673 (vi) Aeration systems;
4674 (vii) Transplanting specifications;
4675 (viii) Staking specifications; and
4676 (ix) Other applicable drawings as determined by the Director.
- 4677 (3) The tree protection plan shall show all utility lines existing and proposed,
4678 including irrigation and electric lighting lines. The applicant shall coordinate the
4679 location of these utility lines with the utility companies in order to prevent root
4680 damage within the critical root zones of protected trees, and to minimize damage to
4681 trees located in protected zones.
- 4682 (4) Procedures and schedules for the implementation, installation, and maintenance of
4683 tree protection measures.
- 4684 (5) Calculations of tree density proposed on site per Section 14-520, tree preservation
4685 and replacement requirements.
- 4686 (6) Tree protection inspection. Following the receipt of a complete application, the
4687 Director of Community Development shall schedule and conduct an inspection of
4688 the proposed development site. The applicant or applicant's designee shall be
4689 advised as to the date and time of the inspection and given an opportunity to
4690 participate.
- 4691 (7) Following inspection said plans shall be reviewed by the Director for conformance
4692 with applicable zoning conditions, the tree protection ordinance, and any applicable
4693 administrative guidelines, and will either be approved or denied. Reasons for denial
4694 shall be noted on the tree protection plan or otherwise stated in writing.
- 4695 (8) No development or building permit shall be issued until the tree protection plan
4696 has been approved by the Director of Community Development.
- 4697 (9) All tree protection measures shall be installed prior to land disturbance.
- 4698 (10) Single lots in platted residential subdivisions on which the applicant intends to
4699 reside may be exempted from the tree protection plan requirements at the discretion
4700 of the Director.
- 4701 (c) Final inspection. No certificate of occupancy shall be issued by the Director with
4702 respect to any permit subject to this Article unless and until the Director of Community
4703 Development shall have inspected the site and confirmed that all existing trees to
4704 remain are in healthy condition and all replacement trees have been planted in
4705 accordance with this Article.
- 4706 (d) Issuance of a building or land development permit shall be conditioned on the approved
4707 tree protection plan and conformance to the provisions of these regulations. Any permit
4708 may be voided if its terms are violated.

4709 **Sec. 14-519. Fees (Reserved).**

4710 **Sec. 14-520. Tree preservation and replacement requirements.**

The following tree preservation and replacement requirements are hereby established:

- (1) If significant trees exist on a tract of land for which a permit subject to this Article is sought, either one hundred twenty (120) inches (DBH) per acre or twenty-five (25) percent of existing significant trees per acre of such significant trees, whichever is less, shall be preserved on the site. Except for zoned C-1, C-2, M, or M-2 sites, trees and tree save areas counting toward this requirement shall not be located in required buffer zones. Trees and tree save areas counting toward this requirement on sites zoned C-1, C-2, M or M-2 may be located in stream buffers and state buffer zones, transitional buffer zones and designated floodplains.

If the Director of Community Development determines that special constraints of a site result in an inability to build or develop without removing significant trees on a site, where there are only one hundred twenty (120) inches (DBH) per acre or less of existing significant trees, the arborist may permit the removal of one or more significant trees. Trees removed pursuant to this section must be replaced with trees one (1.0) times the diameter inches of those removed.

- (2) There shall be at least two (2) two-inch (DBH) over story trees in every front yard of properties zoned RE, RLG, R-100, R-85, and R-75. There shall be at least one (1) two-inch (DBH) over story tree in every front yard of properties zoned RSM and R-60.

- (3) The applicant shall landscape the areas with trees and other plant materials in accordance with the following standards:

- (i) Residential developments: All residential subdivisions shall have an average density of fifteen (15) density units per acre. Required trees may be located on individual lots or in subdivisions in which there is commonly owned property may be located on such commonly owned property.

- (ii) Non-residential and multifamily developments: The quantity of total existing/replacement trees on site must be sufficient so as to produce a total site density factor of no less than thirty (30) density units per acre.

- (iii) With the exception of C-1, C-2, M, or M-2 zoned property, the total tree density units required for a parcel or lot shall be computed based on the area of the parcel or lot, excluding all area within the 100-year floodplain. Total tree density units required for C-1, C-2, M, or M-2 zoned property shall be computed based on the area of the parcel or lot, including all area within the one hundred-year floodplain.

- (4) Procedures for calculating the required tree density are provided in Charts 1, 2 and 3 of this Article. Tree unit values are assigned as follows:

CHART 1.

Conversion From Diameter To Density Factor Units For Existing Deciduous Trees To Remain
On Site

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DBH	Units	DBH	Units	DBH	Units
2 to 3	.8	25	6.8	38	15.8
4 to 6	1.6	26	7.4	39	16.6
7 to 9	2.4	27	8.0	40	17.4
10 to 12	3.2	28	8.6	41	18.4
13 to 15	4.0	29	9.2	42	19.2
16 to 18	4.8	30	9.8	43	20.2
19 to 21	5.4	31	10.4	44	21.2
22 to 24	6.0	32	11.2	45	22.0
		33	11.8	46	23.0
		34	12.6	47	24.0
		35	13.4	48	25.2
		36	14.2	49	26.2
		37	15.0	50	27.2

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4750

4751

CHART 2.

Conversion From Diameter To Density Factor Units For Evergreens And Conifers

DBH	
2 to 9	.2 less unit than deciduous trees
10 to 15	.1 less unit than deciduous trees

All others	Same as deciduous trees
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4752

4753

4754

CHART 3.

Conversion From Caliper Diameter To Density Factor Units For Deciduous Replacement Trees.

Caliper inches	Units
0.0 to 0.9	Not allowed
1.0 to 1.9 no replants under 2 caliper inches	Not allowed
2.0 to 2.9	.4
3.0 to 3.9	.5
4.0 to 4.9	.7
5.0 to 5.9	.8
6.0 to 6.9	1.0
7.0 to 7.9	1.1
8.0 to 8.9	1.2
9.0 to 9.9	1.3
10.0 to 10.9	1.5
11.0 to 11.9	1.6
12 inches or greater	2.0

4755

4756

Container-grown pine trees are given replacement value as follows:

Size	Units
7-gallon	.05

4757

4758 The use of one- and three-gallon pines will be permitted only with prior approval. There
4759 will be no replacement value given for such trees.

4760 (5) Nothing in these regulations shall be construed to allow the removal of any tree or
4761 vegetation in a required stream buffer, transitional buffer zone or state buffer zone
4762 except buffer improvements as authorized by the Director.

4763 (6) Tree relocation and credit for existing trees replacement units will be granted to trees
4764 relocated on site. Tree relocation is subject to approval of the Director of Community
4765 Development. Existing trees between two (2) caliper inches and seven and nine-tenths
4766 (7.9) caliper inches may be used for credit on the tree replacement plan.

4767 (7) Understory vegetation. Tree preservation areas shall leave intact the naturally occurring
4768 groundcover and understory vegetation except where directed otherwise by the Director
4769 of Community Development in order to allow the removal of undesirable groundcover
4770 or understory vegetation.

4771 (8) Specimen trees.

4772 (i) Specimen trees shall be identified by the City Arborist, and shall be located on the
4773 tree protection plan.

4774 (ii) Standards for the identification, preservation, and protection of specimen trees
4775 shall be as follows: Any tree in fair or better condition which equals or exceeds the
4776 following diameter sizes:

4777 a. Large hardwoods, i.e. oaks, hickories, yellow poplars, and similar species:
4778 Thirty (30) inches DBH.

4779 b. Large softwoods, e.g. pines, evergreens, and similar species: Thirty (30) inches
4780 DBH.

4781 c. Small trees, e.g. dogwoods, redbuds, sourwoods, and similar species: Ten (10)
4782 inches DBH.

4783 (iii) A tree in fair or better condition should meet the following minimum standards:

4784 a. A life expectancy of greater than fifteen (15) years.

4785 b. A relatively sound and solid trunk with no extensive decay or hollow, and less
4786 than twenty (20) percent radial trunk dieback.

4787 c. No major insect or pathological problem.

4788 (iv) A lesser-sized tree can be considered a specimen if:

- 4789 a. It is a rare or unusual species or of historical significance.
- 4790 b. It is specifically used by a builder, developer, or design professional as a focal
- 4791 point in a project or landscape.
- 4792 c. It is a tree with exceptional aesthetic quality.
- 4793 (v) The Director of Community Development may identify and require the
- 4794 preservation of a tree stand if it contains one (1) or more specimen trees and the
- 4795 specimen trees are interlocked with other members of the stand in such a way as to
- 4796 imperil the specimen tree if other members of the stand were to be removed.
- 4797 (vi) It shall be prohibited to cut specimen trees existing on a tract of land that is the
- 4798 subject of a land disturbance permit, development permit or building permit
- 4799 without a special exception granted by the Zoning Board of Appeals if removal of
- 4800 the specimen tree has not been approved by the Director of Community
- 4801 Development.
- 4802 (vii) Any specimen tree removed from a parcel shall be replaced by one and five-tenths
- 4803 (1.5) times the equivalent inches (DBH) of replacement trees or existing trees in
- 4804 excess of the requirements of this section, tree preservation and replacement
- 4805 requirements, using species with potentials for comparable size and quality at
- 4806 maturity.
- 4807 (9) Protection of trees during construction. Methods and standards for tree protection shall
- 4808 be established in administrative guidelines to this Article.
- 4809 (i) Trees identified to be preserved and counted as credit for meeting required unit
- 4810 density shall have four-foot orange tree protection fencing installed at the critical
- 4811 root zones.
- 4812 (ii) No person engaged in the construction of any structure(s) or improvement (s) or
- 4813 any activity shall encroach or place solvents, material, construction machinery or
- 4814 temporary soil deposits within six (6) feet of the area outside the critical root zone
- 4815 as defined herein, or any existing significant tree within a tree save area,
- 4816 transitional buffer zone, stream buffer, or state buffer zone.
- 4817 (iii) All tree protection devices must remain in functioning condition until completion
- 4818 of the project or until the certificate of occupancy is issued.
- 4819 (iv) Any tree, designated in the plan to be saved, which is negligently damaged during
- 4820 construction or as a result of negligent construction, as determined by the Director
- 4821 of Community Development, shall be treated according to accepted National
- 4822 Arborists Association standards. If fatally damaged, trees shall be replaced with
- 4823 four-inch caliper trees equal to the unit value of the tree removed. However, any
- 4824 specimen tree negligently damaged as described above shall be replaced with four-
- 4825 inch caliper trees equal to one and five-tenths (1.5) times the equivalent inches
- 4826 (DBH) of the tree removed or damaged.
- 4827 (10) Removal of trees from floodplain not permitted. Trees shall not be cut or removed from
- 4828 the floodplain, except as follows:

(i) Those trees found to be diseased or insect infested by the county extension service, the Georgia Forestry Commission, a certified arborist, or a certified forester.

(ii) As necessary for construction, repair or maintenance of public roads, utilities or stormwater management facilities.

(iii) As part of an approved wetland mitigation plan.

(iv) Trees in the one hundred-year floodplain or required stream buffer may not be cut nor shall they be counted, except as otherwise provided in this section, tree preservation and replacement requirements, for C-1, C-2, M, and M-2 zoned property, to accomplish requirements of the tree protection ordinance.

(11) The Director of Community Development shall be responsible for distribution of appropriate public educational materials concerning the procedures of the tree protection ordinance, the value of maintaining existing trees, and proper methods of tree planting, preservation, and care.

Sec. 14-521. Tree replacement standards.

(a) The tree protection plan shall include planting schedules with proposed tree names (botanical and common), quantity, size spacing, and any special planting notes. Trees used for credit on the tree replacement plan must be chosen from the preferred list attached hereto as Appendix A to this Article. At least fifty (50) percent of replacement trees must be overstory trees; no more than twenty-five (25) percent may be of any single species, and no more than twenty-five (25) percent may be of evergreen species.

(b) Unless otherwise approved by the Director of Community Development, trees selected for replanting must meet the minimum standards as provided in the American Standard for Nursery Stock (ANSI Z60.1, 1980) and must be on the tree species selection list found in Appendix A to this Article. Trees selected must be free of injury, pests, disease, nutritional disorders or root defects, and must be in good vigor to assure a reasonable expectation of survival. Standards for transplanting shall be in keeping with those established in the International Society of Arboriculture publication Tree and Shrub Planting Manual or a similar publication.

(c) It is desirable that replanted trees be ecologically compatible with the site and neighboring sites. When practical, the replanted trees shall be of the same or similar species as those removed.

(d) Replacement trees shall be planted in manner that provides adequate space for nourishment, light, and maturation as recommended by the Director of Community Development.

(e) Planting and staking details are addressed in the administrative guidelines and shall be specified in the required tree protection plan.

Sec. 14-522. Buffers.

(a) *Stream buffers.* Stream buffers shall be consistent with the requirements of Article VII.

- (b) *Land use transition buffers.* Buffers shall be provided between dissimilar districts or uses in accordance with the provisions of the zoning ordinance or as a condition of zoning, special land use permit or variance approval.
- (1) Buffer planting shall meet the minimum width requirements contained in Chapter 27 of the City of Stonecrest Code of Ordinances, except as authorized to be reduced by a condition of zoning, special land use permit or variance approval.
- (2) Disturbance or encroachments.
- (i) Ditches, swales, stormwater conveyance facilities, stormwater detention ponds, sanitary sewer conveyance facilities, and any associated easements, shall not encroach into a buffer except that necessary access and utility crossings (e.g. stormwater or sanitary sewer pipes) may encroach into the buffer as near to perpendicular as practical.
- (ii) Supplemental plantings or replantings of vegetation or authorized non-vegetative screening devices shall be authorized to encroach into a buffer provided there is minimal disturbance of any existing vegetation.
- (iii) Dying, diseased or dead vegetation may be removed from a buffer provided minimal disturbance occurs. Vegetation thus removed shall be replaced where necessary to meet the screening requirements contained herein.
- (3) Protection during land disturbing activities.
- (i) During authorized land disturbing activities, transitional buffer zones, stream buffers, and state buffer zones shall be clearly demarcated and protected prior to commencement of, and during, construction.
- (ii) The method of demarcation and protection utilized shall be in accordance with best management practices or as required by the arborist.

Sec. 14-523. Parking lot landscaping.

- (a) Off-street parking lots which contain more than twenty (20) off-street parking spaces on any single lot shall contain landscaping and plantings as provided in Chapter 27 of the City of Stonecrest Code of Ordinances.
- (b) Variances to reduce required parking spaces may be granted by the Zoning Board of Appeals when necessary to preserve a significant tree(s) that otherwise would be lost if the parking requirements were strictly applied. Such variance may only be granted if the arborist certifies to the Zoning Board of Appeals that such tree(s) will be lost either by necessary removal for construction of the parking lot or as a consequence of construction having an adverse impact on the survivability of the tree by virtue of damage to the root system of the tree(s).
- (c) Any variance granted under the provisions of this Article shall include a condition that should the subject tree(s) die as a consequence, direct or indirect, of construction, despite granting of the variance, the tree or trees shall be replaced at the property owner's or applicant's expense, in accordance with a tree replacement plan approved by the arborist.

4908 (d) The maximum variance allowed under this provision shall be four (4) parking spaces,
4909 or ten (10) percent of the total number of parking spaces required by the zoning
4910 ordinance, whichever is greater.

4911 **Sec. 14-524. Street trees.**

4912 Street trees and continuous landscape strips shall be provided, in conformance with the
4913 design requirements specified in Chapter 27 of the City of Stonecrest Code of Ordinances,
4914 along newly constructed streets, and along existing streets which are widened or realigned
4915 subsequent to the adoption of this Chapter, in all office, commercial, and industrial
4916 developments and along newly constructed streets of residential developments with a net
4917 residential density exceeding three (3) dwelling units per acre or as otherwise directed by
4918 conditions of zoning or special land use permits.

4919 **Sec. 14-525. Maintenance.**

4920 Trees which are used to meet the density requirements for this Article, except on single
4921 family residential lots, shall be maintained for two (2) growing seasons after the date of final
4922 inspection. The property owner shall maintain required tree density. The applicant or builder
4923 will be responsible for identifying newly planted trees to the homeowner and to inform the
4924 homeowner as to their proper maintenance.

4925 **Sec. 14-526. Alternative compliance.**

4926 The Director of Community Development must review and approve all requests for
4927 alternative compliance. In no instance shall one hundred (100) percent of the required site
4928 density be met through alternative compliance. Where the Director of Community
4929 Development has determined that special constraints of a site result in an inability to provide
4930 the required tree density, the number of trees will be determined by the Director of
4931 Community Development based on site review. Such site review shall require the developer
4932 to re-landscape each parcel using a density calculated as the maximum number of trees that
4933 can be sustained on the parcel less the impervious area of that parcel. The balance of trees
4934 shall be provided in common areas. If common areas are not sufficient, any remaining
4935 balance of trees may be provided for plantings on public grounds. Tree bank arrangements
4936 can be made through the Director. The minimum size of trees replanted through the tree
4937 bank shall be two (2) caliper inches and shall be planted in accordance with the species list
4938 attached as appendix a hereto and in accordance with the requirements in Section 14-521,
4939 tree replacement standards.

4940 (1) *Common area planting.* If trees are to be planted at another location, the following note
4941 must appear on the approved tree protection plan: "A tree protection plan addendum for
4942 this project shall be submitted to the Director of Community Development at least thirty
4943 (30) days prior to requesting a final inspection. This plan shall include the species, size
4944 and location of trees to be planted off-site to meet the tree density deficit shown.
4945 Issuance of a certificate of occupancy is subject to approval of this plan, as well as
4946 verification of the installation of the trees."

4947 (2) *Tree banking.* If trees cannot be planted on site and there is insufficient common area
4948 for replanting, the balance of trees will be accepted by the director for tree banking

4949 within the City of Stonecrest. Participants in the tree banking program administered by
4950 the Director, including the signing of an off-site reforestation agreement.

4951 **Sec. 14-527. Tree harvesting.**

4952 Selective tree harvesting may be permitted upon authorization by the Zoning Board of
4953 Appeals in consultation with the arborist. Permits authorizing tree harvesting shall be in
4954 accordance with the following standards:

4955 (1) A seventy-five-foot undisturbed buffer shall be provided and maintained along the entire
4956 perimeter of the property, including road frontages, during the land disturbing activity,
4957 except for authorized access crossings.

4958 (2) Notwithstanding the other provisions of this Article, no property owner shall be required
4959 to preserve an undisturbed buffer that covers more than twenty-five (25) percent of the
4960 total land area of the property, excluding area inside the one hundred-year floodplain. In
4961 any such case, an alternative buffer width shall be provided, as determined by the
4962 Zoning Board of Appeals pursuant to its review of the application for a tree harvesting
4963 permit.

4964 (3) The property shall be required to meet a tree density standard of thirty (30) units per
4965 acre, not including the seventy-five-foot buffer, upon completion of authorized land
4966 disturbing activities.

4967 (4) The owner/applicant shall utilize the recommended best management practices as
4968 established by the Georgia Forestry Commission.

4969 (5) No tree harvesting shall be allowed within the city except after approval of a special
4970 exception by the Zoning Board of Appeals as is provided in Article V, Division 4 of
4971 Chapter 27 of the City of Stonecrest Code of Ordinances. Further, subsequent to such
4972 approval of a special exception, no such tree harvesting shall be undertaken on any
4973 nonresidential parcel of land unless the transitional buffer zones required by the zoning
4974 regulations of the district in which located, are preserved in a natural and undisturbed
4975 state.

4976 (6) Once tree harvesting takes place in conformity with the above regulations, no
4977 development of the property shall be permitted that would require the cutting of trees
4978 preserved under subsection (3) and (5) of this section for a period of five (5) years
4979 following authorization of tree harvesting.

4980 **Sec. 14-528. Utility company guidelines.**

4981 (a) All utility companies shall be required to obtain an annual permit issued by the Director.
4982 All applications for an annual permit shall include a list of subcontractors with names,
4983 addresses, and City business license numbers.

4984 (b) Periodic work schedules are to be submitted to the arborist showing the proposed
4985 location and extent of tree work to be performed.

4986 (1) All tree trimming and pruning to be performed by public utilities, public agencies,
4987 and their subcontractors on trees growing on private or public rights-of-way shall

4988 be done according to the National Arborist Association Standards for Pruning of
4989 Shade Trees.

4990 (2) The routing of public and private utility easements shall be subject to review and
4991 comment by the Director of Community Development.

4992 **Sec. 14-529. Enforcement.**

4993 It shall be the duty of the Director to enforce this tree protection ordinance. The Director
4994 shall have the authority to, and the Director of Community Development may recommend
4995 that, the Director revoke, suspend or void any land disturbance permit, development permit
4996 or building permit or suspend all work on a site or portion thereof in order to effect
4997 compliance with this Article.

4998 (1) Violation and penalty. Any person, firm or corporation violating any of the provisions of
4999 this Article, after having been first issued a warning, shall be deemed guilty of an
5000 offense and upon conviction in Municipal Court shall be punished as is provided in
5001 Chapter 1 of the City of Stonecrest Code of Ordinances. Each tree removed or killed in
5002 violation of this Article shall be considered a separate offense. The owner of any
5003 buildings or premises or parts thereof, where anything in violation of this section exists,
5004 and any architect, builder, contractor or any other agent of the owner, or any tenant,
5005 who commits or assists in the commission of any violation, shall be guilty of a separate
5006 offense.

5007 (2) Any trees eight (8) inches (DBH) and over which have been removed in violation of
5008 this Article shall be replaced by the violator with four-inch caliper replacement trees
5009 equal to the unit value of the trees removed. However, any specimen tree removed from
5010 a parcel shall be replaced with four-inch caliper trees one and five-tenths (1.5) times the
5011 equivalent inches (DBH) of replacement trees or existing trees in excess of the
5012 requirements of Section 14-520, tree preservation and replacement requirements, using
5013 species with potentials for comparable size and quality at maturity.

5014 (3) Additional legal remedies. In addition to all other actions and penalties authorized in
5015 this section, the City Attorney is hereby authorized to institute injunctive, abatement or
5016 any other appropriate judicial or administrative actions or proceedings to prevent,
5017 enjoin, abate, or remove any violations of this Article.

5018 (4) Appeals; power and duty of the board to hear appeals of decisions of administrative
5019 officials.

5020 The Zoning Board of Appeals shall have the power and duty to hear and decide appeals
5021 where it is alleged by an aggrieved party that there is error in any final order,
5022 requirement, or decision made by the Director based on or made in the enforcement of
5023 the tree protection ordinance. All such appeals shall be heard and decided following the
5024 notice requirements, criteria and procedural requirements in Chapter 27 of the City of
5025 Stonecrest Code of Ordinances.

5026 (5) Administrative variances. Front, side and rear yard setbacks and parking requirements
5027 may be reduced by an amount not to exceed fifty (50) percent where it is determined by
5028 the Director of Community Development to be necessary in order to preserve existing

5029 specimen or significant trees. Appropriate conditions to said administrative variances
5030 shall be imposed so as to ensure the continued health of said trees following the
5031 granting of such variances, including mandatory replacement requirements. Such
5032 administrative variances shall be considered and decided consistent with the procedures
5033 and criteria contained in Chapter 27 of the City of Stonecrest of Ordinances. Appeals of
5034 final decisions regarding administrative variances may be taken as provided in
5035 subsection (4) above.

5036 (6) Special exception. The Zoning Board of Appeals is authorized to consider requests for
5037 special exception for the removal of an unauthorized specimen tree. All such requests
5038 shall be filed, notice given, and all procedures shall be as is required in the zoning
5039 ordinance. No such special exception for the unauthorized removal of a specimen tree
5040 shall be granted by the Zoning Board of Appeals unless the applicant has demonstrated
5041 and the Board has found that the property is not capable of earning a reasonable
5042 economic return absent the grant of the special exception. In making this determination
5043 the Board shall consider the following factors:

- 5044 (i) Value of the trees in question, considering their age, size, health, and significance;
5045 (ii) The current level of economic return on the property;
5046 (iii) The marketability of the property; and the unfeasibility of alternate design or uses.
5047 Appeals from final decisions of the Board shall be as provided for in Chapter 27 of
5048 the City of Stonecrest Code of Ordinances.

5049 _____

5050 APPENDIX A

5051 City of Stonecrest Overstory Trees Acceptable for Replanting Credits

Scientific Name	Common Name	Recommended	Leaf Habit
Acer rubrum	Red Maple	October Glory, Red Sunset	Deciduous
Betula nigra	Riverbirch	Duraheat	Deciduous
Carpinus betuals	European Hornbeam		Deciduous
Carya aquatica	Water Hickory	Availability	Deciduous
Carya cordiformis	Bitternut Hickory	Availability	Deciduous

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<i>Carya glabra</i>	Pignut Hickory	Availability	Deciduous
<i>Carya illinoensis</i>	Pecan		Deciduous
<i>Carya tomentosa</i>	Mockernut Hickory	Availability	Deciduous
<i>Cedrus atlantica</i>	Atlas Cedar		Evergreen
<i>Cedrus libani</i>	Cedar of Lebanon		Evergreen
<i>Cedrus deodara</i>	Deodar Cedar		Evergreen
<i>Cryptomeria japonica</i>	Japanese Cryptomeria		Evergreen
<i>Fagus grandifolia</i>	American Beech		Deciduous
<i>Fraxinus tomentosa</i>	Pumpkin Ash		Deciduous
<i>Ginkgo biloba</i>	Ginkgo	Plant male only. Autumn Bold, Fairmont	Deciduous
<i>Ilex opaca</i>	American Holly		Evergreen
<i>Juniperus virginiana</i>	Red Cedar	Brodie	Evergreen
<i>Liquidambar styraciflua</i>	Sweetgum	Limited Use-Rotundiloba (Avail.)	Deciduous
<i>Liriodendron tulipifera</i>	Tulip Poplar	Limited Use	Deciduous
<i>Magnolia acuminata</i>	Cucumbertree		Deciduous
<i>Magnolia grandiflora</i>	Southern Magnolia	Bracken's Brown Beauty, Greenback	Evergreen
<i>Magnolia virginiana</i>	Sweetbay Magnolia		Deciduous
<i>Metasequoia</i>	Dawn Redwood	Limited Use	Deciduous

glyptostroboides			
Nyssa sylvatica	Black Gum		Deciduous
Pinus echinata	Shortleaf Pine		Evergreen
Pinus taeda	Loblolly Pine		Evergreen
Platanus occidentalis	Sycamore		Deciduous
Quercus acutissima	Sawtooth Oak		Deciduous
Quercus alba	White Oak		Deciduous
Quercus bicolor	Swamp White Oak		
Quercus coccinea	Scarlet Oak		Deciduous
Quercus falcata	Southern Red Oak		Deciduous
Quercus georgiana	Georgia Oak		Deciduous
Quercus imbricaria	Shingle Oak		Deciduous
Quercus lyrata	Overcup Oak		Deciduous
Quercus laurifolia	Laurel Oak		Deciduous
Quercus michauxii	Swamp Chestnut Oak		Deciduous
Quercus macrocarpa	Bur Oak		Deciduous
Quercus nigra	Water Oak		Deciduous
Quercus nuttalli	Nuttall Oak		Deciduous
Quercus phellos	Willow Oak		Deciduous

Quercus prinus	Chestnut Oak	Availability	Deciduous
Quercus rubra	Northern Red Oak		Deciduous
Quercus shumardii	Shumard Red Oak		Deciduous
Quercus stellata	Post Oak		Deciduous
Quercus velutina	Black Oak		Deciduous
Taxodium distichum	Bald Cypress	Shawnee Brave	Deciduous
Tilia spp.	Linden		Deciduous
Thuja × 'Green Giant'	Arborvitae	'Green Giant'	Evergreen
Thuja plicata	Giant (Western) Arborvitae		Evergreen
Ulmus americana	American Elm	Princeton and other resistant varieties	Deciduous
Ulmus parviflora	Lacebark Elm	Allee, Athena, Bosque	Deciduous
Zelkova serrata	Japanese Zelkova	Green Vase	Deciduous

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5053 City of Stonecrest Understory and Other Small Trees Acceptable for Replanting Credits

Scientific Name	Common Name	Recommended	Leaf Habit
Acer barbatum	Florida Maple		Deciduous
Acer buergerianum	Trident Maple	Street Wise	Deciduous

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<i>Acer campestre</i>	Hedge Maple		Deciduous
<i>Acer leucoderme</i>	Chalk Maple		Deciduous
<i>Acer palmatum</i>	Japanese Maple		Deciduous
<i>Acer saccharum</i>	Sugar Maple		Deciduous
<i>Aesculus pavia</i>	Red Buckeye		Deciduous
<i>Alnus serrulata</i>	Alder		Deciduous
<i>Amelanchier × grandiflora</i>	Serviceberry	Princess Diana, Autumn Brilliance	Deciduous
<i>Aralia spinosa</i>	Devils Walking Stick		Deciduous
<i>Betula nigra</i>	River Birch	Little King	Deciduous
<i>Carpinus caroliniana</i>	American Hornbeam		Deciduous
<i>Castanea pumila</i>	Chinkapin		Deciduous
<i>Celtis tenulfolia</i>	Georgia Hackberry		Deciduous
<i>Celtis laevigata</i>	Sugarberry		Deciduous
<i>Cercidiphyllum japonicum</i>	Katsura Tree		Deciduous
<i>Cercis canadensis</i>	Eastern Redbud		Deciduous
<i>Cercis reniformis</i>	Redbud	Oklahoma	
<i>Chioanthus retusus</i>	Chinese Fringetree		Deciduous
<i>Chioanthus virginicus</i>	White Fringetree		Deciduous

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Cladrastis kentukea	Yellowwood		Deciduous
Cornus spp.	Dogwood	Florida and Kousa crosses	Deciduous
Cornus florida	Flowering Dogwood	Aurora	Deciduous
Cornus kousa	Kousa Dogwood		Deciduous
Crataegus spp.	Hawthorn	Thornless cultivars	Deciduous
Crataegus phaenopyrum	Washington Hawthorn		Deciduous
Diospyros virginiana	Persimmon		Deciduous
Halesia carolina	Silverbell		Deciduous
Halesia diptera	Two Winged Silverbell		Deciduous
Hamamelis virginiana	Witch-hazel		Deciduous
Ilex spp.	Holly	Burford, Carolina #2, Foster, Neillie R. Stevens, Savannah, Yaupon	Evergreen
Ilex decidua	Possumhaw		Deciduous
Juniperus virginiana	Red Cedar		
Koelreuteria paniculata	Golden Raintree		Deciduous
Lagerstromia indica × faurieri	Crape Myrtle	Tree form cultivars disease resistant and hardy, eg. Choctaw, Natchez	Deciduous
Magnolia grandiflora	Southern Magnolia	Alta, Bracken's Brown Beauty, Greenback, Claudia Wannamaker	Evergreen

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Magnolia × loebneri	Loebner Magnolia	Merrill	Deciduous
Magnolia macrophylla	Bigleaf Magnolia		Deciduous
Magnolia soulangiana	Saucer Magnolia		Deciduous
Magnolia stellata	Star Magnolia	Star Man	
Magnolia tripetala	Umbrella Magnolia		Deciduous
Magnolia virginiana	Sweetbay Magnolia		Evergreen
Malnus floribunda	Japanese Flowering Crabapple		Deciduous
Myrica cerifera	Waxmyrtle		Evergreen
Osmanthus americanus	Devilwood		Evergreen
Ostrya virginiana	Eastern Hophombeam		Deciduous
Oxydendrum arboreurn.	Sourwood		Deciduous
Pinus Virginiana	Virginia Pine	Slopes, Screen	Evergreen
Pistacia chinensis	Chinese Pistache		Deciduous
Prunus spp.		Okame, Autumnalis	Deciduous
Sassafras albidurn	Sassafras		Deciduous
Styrax americana	Snowbell		Deciduous

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Ulmus alata	Winged Elm		Deciduous
Vaccinium arboreum	Sparkleberry		Evergreen

5054

5055 City of Stonecrest Recommended Trees for Under Powerlines

Scientific Name	Common Name	Recommended
Acer buergerianum	Trident Maple	
Acer palmatum	Japanese Maple	
Cercis canadensis	Redbud	
Chionanthus retusus	Chinese Fringetree	
Chionanthus virginicus	White Fringetree	
Cornus spp.	Dogwood	Florida and Kousa crosses
Cornus florida	Flowering Dogwood	Disease resistant varieties, Aurora
Cornus kousa	Kousa Dogwood	
Crataegus phaenopyrum	Washington Hawthorn	
Ilex spp.	Holly	Nellie R. Stevens, tree form Burford, Yaupon
Koelreuteria paniculata	Golden Raintree	
Magnolia x loebneri	Loebner Magnolia	Merrill
Magnolia soulangiana	Saucer Magnolia	
Magnolia stellata	Star Magnolia	Star Man

Oxydendrum arboreum	Sourwood	
Prunus spp.		Okame, Autumnalis

5056

5057 Recommended Trees for Parking Lots

Scientific Name	Common Name	Recommended
Acer buergeranum	Trident Maple	Street Wise
Acer rubrum	Red Maple	October Glory, Red Sunset
Betula nigra	River Birch	Duraheat
Chionanthus virginicus	Fringetree	
Cladrastis kentukea	Yellowwood	
Crataegus phaenopyrum	Washington Hawthorn	
Juniperus virginiana	Red Cedar	Brodie
Ilex spp.		Tree form Yaupon, Burford, Carolina #2
Lagerstromia indica × faurier	Crape Myrtle	Tree form cultivars, disease resistant and hardy, eg. Natchez, Choctaw
Nyssa sylvatica	Black Gum	
Pistacia chinensis	Chinese Pistache	
Quercus michauxii	Swamp Chestnut Oak	

Quercus nigra	Water Oak	
Quercus nuttalli	Nuttall Oak	
Quercus palustris	Pin Oak	
Quercus phellos	Willow Oak	
Quercus rubra	Northern Red Oak	
Taxodium distichum	Bald Cypress	Shawnee Brave
Ulmus parvifolia	Lacebark Elm	Athena
Zelkova serrata	Japanese Zelkova	Green Vase

Sec. 14-530 – Sec. 14-540. Reserved.

ARTICLE VII. - STREAM BUFFER

Sec. 14-541. - Applicability.

The stream buffer regulations of this Article apply along all perennial and intermittent streams throughout the city except as expressly exempted or permitted in accordance with section 14-544, in addition to the requirements of Article V.

Sec. 14-542. Purpose.

The purpose of the City's stream buffer regulations is to preserve existing mature riparian vegetation that can provide shade, leaf litter, woody debris and erosion protection for streams.

Sec. 14-543. Minimum stream buffer requirements.

- (a) Stream buffers are established along all perennial and intermittent streams in the City. These required stream buffers begin at the stream bank and extend 75 feet away from the stream. The buffers must remain undisturbed except as otherwise provided in section 14-544.
- (b) Any new stormwater discharge crossing a stream buffer or state buffer zone must be designed to ensure that sheet flow is established through the stream buffer and to prevent channelized flow through the stream buffer.

5079 (c) Piping of streams is not allowed in required stream buffers unless a variance is granted.

5080 **Sec. 14-544. Exemptions and special administrative permits.**

5081 (a) *Exemptions.* The stream buffer regulations of this Article do not apply to any of the
5082 following activities, provided that any activity within a state-mandated stream buffer must
5083 meet state requirements. Exemption of these activities does not constitute an exemption
5084 from any other activity proposed on a property or a requirement to obtain a building/land
5085 development permit.

5086 (1) Work consisting of the usual and customary repair or maintenance of any lawful use of
5087 land that is zoned and approved for such use on or before the effective date of this
5088 section. Such usual and customary repair and maintenance activities cannot create any
5089 land disturbance, and must occur within the preexisting disturbed area;

5090 (2) Maintenance, including the full replacement, of existing decks, porches or similar
5091 improvements attached to a dwelling that encroach into a city stream buffer so long as
5092 the work does not increase the degree of encroachment or any nonconformity. The
5093 complete replacement of these improvements is provided for, including the replacement
5094 of stairs and all supporting beams, posts and footings subject to compliance with
5095 applicable city codes. The necessary construction of new or improved footings as
5096 required to comply with current building codes is allowable up to a maximum of 100
5097 square feet of land disturbance;

5098 (3) Construction of new decks, porches or other similar additions no more than 200 square
5099 feet in area, to existing structures without a deck, porch or similar structure, provided
5100 that such construction does not require more than 100 square feet of land disturbance
5101 and does not further encroach more than ten feet into the city stream buffer;

5102 (4) Existing development and on-going land-disturbance activities including existing
5103 agriculture, silviculture, landscaping, gardening and lawn maintenance, except that new
5104 development or land-disturbance activities on such properties is subject to all applicable
5105 buffer requirements;

5106 (5) Public sewer line installation in easements running parallel with the stream where
5107 necessary, except that all easements (permanent and construction) and land disturbance
5108 within a state waters' buffer must meet state requirements. This includes such
5109 impervious cover as is necessary for the operation and maintenance of the utility,
5110 including but not limited to manholes, vents and valve structures. This exemption may
5111 not be construed as allowing the construction of roads, bike paths or other transportation
5112 routes in such easements, regardless of paving material, except for access for the uses
5113 expressly identified in this paragraph;

5114 (6) Removal of unwanted ground cover (e.g., poison ivy) using hand tools as long as
5115 protective vegetative cover remains to protect water quality and aquatic habitat and a
5116 natural canopy is left in sufficient quantity to keep shade on the stream bed;

5117 (7) Land development activities within a dedicated transportation right-of-way existing at
5118 the time this section takes effect or approved under the terms of this section;

- 5119 (8) Within an easement of any utility existing at the time this section takes effect or
5120 approved under the terms of this section, land-disturbance activities and such
5121 impervious cover as is necessary for the operation and maintenance of the utility,
5122 including but not limited to manholes, vents and valve structures;
- 5123 (9) Emergency work necessary to preserve life or property. However, when emergency
5124 work is performed, the person performing it must report such work to the Community
5125 Development Department on the next business day after commencement of the work.
5126 Within ten (10) business days thereafter, the person must apply for a permit and
5127 perform such work within such time period as may be determined by the Director or
5128 designee to be reasonably necessary to correct any impairment such emergency work
5129 may have caused to the water conveyance capacity, stability or water quality of the
5130 protection area;
- 5131 (10) Forestry and silviculture activities on land that is zoned for forestry, silvicultural
5132 or agricultural uses and are not incidental to other land development activity. If such
5133 activity results in land-disturbance in the buffer that would otherwise be prohibited,
5134 then no other land-disturbing activity other than normal forest management practices
5135 will be allowed on the entire property for three years after the end of the activities that
5136 intruded on the buffer;
- 5137 (11) Activities to restore or enhance stream bank stability, riparian vegetation, water
5138 quality or aquatic habitat, so long as native vegetation and bioengineering techniques
5139 are used;
- 5140 (12) The removal of dead, diseased, insect-infested, or hazardous trees (without any
5141 associated land disturbance), provided the property owner provides sufficient
5142 documentation of the condition of the trees before removal, including photographs and
5143 a report by a certified arborist; and
- 5144 (13) Multi-use trails and related improvements that are part of a City Council-
5145 approved plan. Unless otherwise approved by the State, such encroachments must be
5146 located at least 25 feet from the banks of state waters when, after study of alternative
5147 trail alignments, the Director determines that the alignment is the most desirable
5148 alternative and that they are designed to minimize impervious surfaces and incorporate
5149 BMPs and other mitigation practices that minimize the impact of encroachments on
5150 water quality. Trail improvements that are part of a City Council-approved plan are not
5151 counted as part of a site's impervious surface area for purposes of site development-
5152 related calculations and regulations.
- 5153 (b) *Special administrative permits.* The following activities may be approved within the stream
5154 buffers required by section 14-543 by special administrative permit, pursuant to the process
5155 outlined in the Zoning Ordinance:
- 5156 (1) Stream crossings by utility lines, roads, driveways or similar transportation routes,
5157 including trails for nonmotorized transportation;
- 5158 (2) Public water supply intake or public wastewater outfall structures;
- 5159 (3) Land development necessary to provide access to a property;

- 5160 (4) Public access facilities that must be on the water including boat ramps, docks, foot trails
5161 leading directly to the stream, fishing platforms and overlooks;
- 5162 (5) Stormwater outfalls to the stream, by pipe or channel, necessary to protect the buffer
5163 from erosion caused by high-flow velocities due to steep slopes;
- 5164 (6) Exclusive of the exemptions in [subsections] (a)(2) and (a)(3) above, minor land-
5165 disturbing activities totaling no more than 200 square feet in area and located more than
5166 25 feet from the stream, for the construction of decks, porches, or other additions to
5167 existing structures, and accessory structures where riparian vegetation is restored or
5168 replaced in any disturbed areas; and
- 5169 (7) Construction and land disturbance that results in the reduction or removal of impervious
5170 surfaces.

5171 **Sec. 14-545. State-mandated stream buffers.**

5172 See section 14-503.

5173 **Sec. 14-546 – Sec. 14-550. Reserved.**

5174

5175 **ARTICLE VIII. STORMWATER MANAGEMENT.**

5176 **Sec. 14-551. Policy.**

5177 The Mayor and City Council find the City's stream systems are a valuable natural resource
5178 that requires joint and cooperative action by the City, the County, and the development industry
5179 to resolve existing stormwater management and flooding problems, prevention of their
5180 worsening or recurrence while utilizing this resource for the good of the entire city. The
5181 development industry and the City shall cooperate to control water quality and maintain the
5182 City's drainage and stream systems from stormwater runoff resulting from development
5183 activities.

5184 **Sec. 14-552. General.**

5185 (a) *Purpose.* The regulations of this Article are adopted to protect, maintain and enhance the
5186 public health, safety, environment and general welfare by establishing minimum
5187 requirements and procedures to control the adverse effects of increased post-development
5188 stormwater runoff and nonpoint source pollution associated with new development and
5189 redevelopment. It has been determined that proper management of post-development
5190 stormwater runoff will minimize damage to public and private property and infrastructure,
5191 safeguard the public health, safety, environment and general welfare of the public, and
5192 protect water and aquatic resources. These regulations seek to meet that purpose through the
5193 following objectives:

- 5194 (1) Establish decision-making processes surrounded land development activities that
5195 protect the integrity of the watershed and preserve the health of water resources;

- 5196 (2) Require that new development and redevelopment maintain the predevelopment
5197 hydrologic response in their post-development state as nearly as practicable in order
5198 to reduce flooding, streambank erosion, nonpoint source pollution and increases in
5199 stream temperature, and maintain the integrity of stream channels and aquatic
5200 habitats;
- 5201 (3) Establish minimum post-development stormwater management standards and design
5202 criteria for the regulation and control of stormwater runoff quantity and quality;
- 5203 (4) Establish design and application criteria for the construction and use of structural
5204 stormwater control facilities that can be used to meet the minimum post-development
5205 stormwater standards;
- 5206 (5) Encourage the use of nonstructural stormwater management and stormwater better
5207 site design practices, such as the preservation of greenspace and other conservation
5208 areas, to the maximum extent practicable;
- 5209 (6) Establish provisions for the long-term responsibility for and maintenance of
5210 structural stormwater control facilities and nonstructural stormwater management
5211 practices to ensure that they continue to function as designed, are maintained, and
5212 pose no threat to public safety; and
- 5213 (7) Establish administrative procedures for the submission, review, approval and
5214 disapproval of stormwater management plans, and for the inspection of approved
5215 active projects, and long-term follow up.
- 5216 (b) Standards.
- 5217 (1) The City of Stonecrest shall require all land development to comply with the criteria,
5218 technical specifications, and standards of the Georgia Stormwater Management Manual,
5219 as may be hereafter amended. The rainfall intensities used in hydrologic and hydraulic
5220 computations shall be those published in the Georgia Stormwater Management Manual.
- 5221 (2) *Applicability*. A combination of storage and controlled release of stormwater runoff
5222 shall be required for all development and construction for the entire site which meets
5223 one (1) or more of the following criteria:
- 5224 (A) Increases the peak rate of runoff from the site by more than one (1) cubic foot per
5225 second for a ten-year frequency storm;
- 5226 (B) Involves the creation, addition or replacement in redevelopment of five thousand
5227 (5,000) square feet or more of impervious cover, or that involves other land
5228 development activity of one (1) acre or more;
- 5229 (C) Any new development or redevelopment, regardless of size, that meets the
5230 definition of a stormwater hotspot as determined by the Director; or
- 5231 (D) Land development activities that are smaller than the minimum applicability
5232 criteria set forth in items (A), (B) and (C) above if such activities are part of a
5233 larger common plan of development, even though multiple, separate and distinct
5234 land development activities may take place at different times on different
5235 schedules.

- 5236 (3) *Exemptions and waivers.* The provisions of this Article shall not apply to the following
5237 activities:
- 5238 (A) Individual single-family or duplex residential lots that are not part of a subdivision
5239 or phased development project unless they meet one (1) of the criteria listed above
5240 in (b)(2);
- 5241 (B) Additions or modifications to existing single-family or duplex residential structures
5242 unless it meets one (1) of the criteria listed above in (b)(2);
- 5243 (C) Agricultural or silvicultural land management activities within areas zoned for
5244 these activities; and,
- 5245 (D) Repairs to any stormwater management facility or practice deemed necessary by
5246 the Director.
- 5247 (F) If the installation of a stormwater management facility would increase downstream
5248 flood peaks by less than one (1) percent.
- 5249 (G) The requirements, or portions thereof, of subsections (2) and (3) above shall not be
5250 waived if the Director determines that such waiver would increase known flooding
5251 problems, or exceed the capacity of the downstream drainage system.
- 5252 (H) A waiver of these minimum runoff quantity control requirements may be granted
5253 only after a written request is submitted by the applicant containing descriptions,
5254 drawings, and any other information that is necessary to evaluate the proposed land
5255 disturbing activity. A separate written waiver request shall be required if there are
5256 subsequent additions, extensions, or modifications, to the development which
5257 would alter the approved stormwater runoff characteristics of a land disturbing
5258 activity receiving a waiver.
- 5259 (I) Appeals from said waiver decisions may be taken to the zoning board of appeals.
- 5260 (c) *Information Required with land development permit applications.* Except as otherwise
5261 expressly exempted, land development permit applications must be accompanied by the
5262 following information:
- 5263 (1) Stormwater Management Plan in accordance with Section 14-553;
- 5264 (2) Performance bond, if applicable; and
- 5265 (3) Applicable permit application and plan review fees.

5266 **Sec. 14-553. Stormwater Management Plans.**

- 5267 (a) *General.* Stormwater Management Plans must identify how post-development stormwater
5268 runoff will be controlled or managed and how the proposed project will meet all applicable
5269 requirements of this Article. Plans must be submitted with the stamp and signature of a
5270 Professional Engineer (PE) licensed in the State of Georgia, who must verify that the design
5271 of all stormwater management facilities and practices meet the submittal requirements
5272 outlined in the stormwater design manual.
- 5273 (b) *Information Required.* The Stormwater Management Plan must ensure compliance with the
5274 requirements and criteria in this Article and that opportunities are being taken to minimize

adverse post-development stormwater runoff impacts from the development. The plan must consist of maps, narrative and supporting design calculations (hydrologic and hydraulic) for the proposed stormwater management system. The plan must include all information required by the stormwater management site plan checklist of the stormwater design manual, including all of the following:

- (1) Common address and legal description of site;
- (2) Vicinity map;
- (3) Existing Conditions Hydrologic Analysis;
- (4) Post-Development Hydrologic Analysis;
- (5) Stormwater management system design;
- (6) Post-development downstream analysis;
- (7) Construction phase erosion, sedimentation and pollution control plan;
- (8) Landscaping and open space plan;
- (9) Operations and maintenance plan;
- (10) Maintenance access easements;
- (11) Inspection and maintenance agreements;
- (12) Evidence of acquisition of applicable local and non-local permits;
- (13) Any proposed off-site facilities.

(c) *Existing Conditions Hydrologic Analysis.*

- (1) The existing conditions hydrologic analysis for stormwater runoff rates, volumes and velocities must include all of the following:

- (i) A topographic map of existing site conditions with the drainage basin boundaries indicated;
- (ii) Acreage, soil types and land cover of areas for each sub-basin affected by the project;
- (iii) All perennial and intermittent streams and other surface water features;
- (iv) All existing stormwater conveyances and structural control facilities;
- (v) Direction of flow and exists from the site;
- (vi) Analysis of runoff provided by off-site areas upstream of the project site; and
- (vii) Methodologies, assumptions, site parameters and supporting design calculations used in analyzing the existing conditions site hydrology.

- (2) For redevelopment sites, predevelopment conditions must be modeled using the established guidelines for the portion of the site undergoing land development activities.

(d) *Post-Development Hydrologic Analysis.* The post-development hydrologic analysis for stormwater runoff rates, volumes and velocities must include all of the following:

- 5310 (1) A topographic map of developed site conditions with the post-development drainage
5311 basin boundaries indicated;
- 5312 (2) Total area of post-development impervious surfaces and other land cover areas for each
5313 sub-basin affected by the project;
- 5314 (3) Calculation for determining the runoff values that needs to be addressed for each sub-
5315 basin for the development project to meet the post-development stormwater
5316 management performance criteria in section 14-555;
- 5317 (4) Location and boundaries of proposed natural feature protection and conservation areas;
- 5318 (5) Documentation and calculations for any applicable site design credits that are being
5319 utilized;
- 5320 (6) Methodologies, assumptions, site parameters and supporting design calculations used in
5321 analyzing the existing conditions site hydrology.
- 5322 (e) *Stormwater Managemet System*. The description, scaled drawings and design calculations
5323 for the proposed post-development stromwater management system must include all of the
5324 following:
- 5325 (1) A map and/or drawing or sketch of the stormwater management facilities, including the
5326 location of non-structural site design features and the placement of existing and
5327 proposed structural stormwater controls, including design water surface elevations,
5328 storage volumes available from zero to maximum head, location of inlet and outlets,
5329 location of bypass and discharge systems, and all orifice/restrictor sizes;
- 5330 (2) A narrative describing how the selected structural stormwater controls will be
5331 appropriate and effective;
- 5332 (3) Cross-section and profile drawings and design details for each of the structural
5333 stormwater controls in the system, including supporting calculations to show that the
5334 facility is designed according to the applicable design criteria;
- 5335 (4) A hydrologic and hydraulic analysis of the stormwater management system for all
5336 applicable design storms (including stage-storage or outlet rating curves, and inflow and
5337 outflow hydrographs);
- 5338 (5) Documentation and supporting calculations to show that the stormwater management
5339 system adequately meets the post-development stormwater management performance
5340 criteria in section 14-555;
- 5341 (6) Drawings, design calculations, elevations and hydraulic grade lines for all existing and
5342 proposed stormwater conveyance elements, including stormwater drains, pipes,
5343 culverts, catch basins, channels, swails and areas of overland flow; and
- 5344 (7) Where applicable, a narrative describing how the stormwater management system
5345 corresponds with any watershed protection plans and/or local greenspace protection
5346 plan.
- 5347 (f) *Post-Development Downstream Analysis*. A downstream peak flow analysis must include
5348 the assumptions, results and supporting calculations to show safe passage of post-

development design flows downstream. The analysis of downstream conditions in the report shall address each and every point or area along the project site's boundaries at which runoff will exit the property. The analysis shall focus on the portion of the drainage channel or watercourse immediately downstream from the project. This area shall extend downstream from the project to a point in the drainage basin where the project area is ten (10) percent of the total basin area. In calculating runoff volumes and discharge rates, consideration may need to be given to any planned future upstream land use changes. The analysis shall be in accordance with the Georgia Stormwater Management Manual. The capacity of the drainage systems must be analyzed to the ten percent point.

(g) *Construction-phase erosion, sedimentation and pollution control plan.* An erosion, sedimentation and pollution control plan in accordance with the Georgia Erosion and Sedimentation Control Act or NPDES permit for construction activities. The plan must also including information on the sequence/phasing of construction and temporary stabilization measures and temporary structures that will be converted into permanent stormwater controls.

(h) *Landscaping and open space plan.* A detailed landscaping and vegetation plan describing the woody and herbaceous vegetation that will be used within and adjacent to stormwater management facilities and practices. The landscaping plan must also include:

- (1) The arrangement of planted areas, natural and greenspace areas and other landscaped features on the site plan;
- (2) Information necessary to construct the landscaping elements shown on the plan drawings;
- (3) Descriptions and standards for the methods, materials and vegetation that are to be used in the construction;
- (4) Density of plantings;
- (5) Descriptions of the stabilization and management techniques used to establish vegetation; and
- (6) A description of who will be responsible for ongoing maintenance of vegetation for the stormwater management facility and what practices will be employed to ensure that adequate vegetative cover is preserved.

(i) *Operations and Maintenance Plan.* This plan must include the detailed description of ongoing operations and maintenance procedures for stormwater management facilities and practices to ensure their continued function as designed and constructed or preserved. They must identify the parts or components of a stormwater management facility or practice that need to be regularly or periodically inspected and maintained, and the equipment and skills or training necessary. The plan must include an inspection and maintenance schedule, maintenance tasks, responsible parties for maintenance, funding, access and safety issues. Provisions for periodic review and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures must be included in the plan.

(j) *Maintenance access easements.*

(1) In both residential and non-residential projects, an easement at least 20 feet in width shall be required so as to provide access to all stormwater detention facilities requiring regular maintenance at the site from a public or private street for the purpose of inspection or repair by securing all the maintenance access easements needed on a permanent basis. Upon final inspection and approval, a plat or document indicating that such easements exist must be recorded and must remain in effect even with the transfer of title to the property. The access easement shall conform to the following requirements:

(i) The access easement shall be cleared, grubbed and graded so that it can be utilized by rubber-tired construction vehicles;

(ii) The minimum drive surface width shall be 15 feet;

(iii) The drive shall be grassed or paved;

(iv) The maximum slope shall be 30 percent;

(v) Access easements may be combined with drainage easements containing an open channel; however, the combined easement shall be a minimum of 30 feet in width and shall be wide enough for the drainage channel and the drive;

(vi) A drive to the bottom of the pond shall be provided when the facility is over ten feet deep from the bench elevation or the facility is wider than 50 feet as measured from bench to bench; and

(vii) Where the facility is completely enclosed by walls, an access ramp, ladder or stairs shall be provided into the facility to allow for inspection and maintenance activities.

(2) The access easement to the facility shall not have a profile slope steeper than thirty-three (33) percent and a cross slope of no more than ten (10) percent. The elevation of the maintenance easement around the facility shall be established at the top of the dam or wall elevation and be constructed with a cross slope of no more than ten (10) percent to the drainage facility. Fencing that complies with the requirement of section 14-554 shall be constructed on the outside edge of the maintenance easement. Gates that comply with the requirements of section 14-554 shall be constructed on each maintenance easement.

(3) Every normally-dry stormwater basin, lake, or parking lot detention facility shall be completely enclosed within a drainage/access easement. The drainage/access easement shall extend at least ten feet beyond the 100-year flooding limits of the stormwater facility and shall encompass any dam, outlet structure and energy dissipation devices. A 20-foot wide landscape strip planted to buffer standards shall be provided around the exterior of the detention area outside of the access easement or as may be approved by the Director of Community Development.

(k) *Inspection and Maintenance Agreements.*

(1) Unless an onsite stormwater maintenance facility or practice is dedicated to and accepted by the City, the applicant must execute an inspection and maintenance

agreement, and/or a conservation easement, if applicable, that is binding on all subsequent owners of the site. The inspection and maintenance agreement, if applicable, must be approved by the City prior to plan approval, and recorded in the deed records upon final plat approval. Approval of a preliminary plat or final plat shall be acceptance of any stormwater maintenance facility or practice by the City.

- (2) The inspection and maintenance agreement must identify by name or official title the persons responsible for carrying out the inspection and maintenance. Responsibility for the operation and maintenance of the stormwater management facility or practice, unless assumed by a government agency, will remain with the property owner and will pass to any successor owner. If portions of the land are sold or otherwise transferred, legally binding arrangements must be made to pass the inspection and maintenance responsibility to the appropriate successor in title. These arrangements must designate for each portion of the site, the person to be permanently responsible for its inspection and maintenance.

- (3) As part of the inspection and maintenance agreement, a schedule must be developed for when and how often routing inspection and maintenance will occur to ensure the proper function of the stormwater management facility or practice. The agreement must also include plans for annual inspections to ensure proper performance of the facility between scheduled maintenance and include remedies for the default thereof.

- (4) The City, in lieu of an inspection and maintenance agreement, may accept dedication of any existing or future stormwater management facility for maintenance, provided such facility meets all the requirements of this Article and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.

- (l) *Evidence of acquisition of applicable local and non-local permits.* The applicant must certify and provide documentation to the City that all other applicable environmental permits have been acquired for the site prior to approval of the stormwater management plan.

- (m) *Off-site facilities.*

- (1) The stormwater management plan for each land development project must 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 the 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 must be implemented, where necessary, to protect upstream and downstream properties and drainage channels from the site to the off-site facility.

- (2) A stormwater management plan showing the adequacy of the off-site or regional facility must be submitted to the Director.

(3) To be eligible for a modification, the applicant must demonstrate to the satisfaction of the City that the use of an off-site or regional facility will not result in any of the following impacts to upstream or downstream areas:

- (i) Increased threat of flood damage to public health, life and property;
- (ii) Deterioration of existing culverts, bridges, dams and other structures;
- (iii) Accelerated streambank or streambed erosion or siltation;
- (iv) Degradation of in-stream biological functions or habitat; or
- (v) Water quality impairment in violation of State water quality standards, and/or violation of any state or federal regulations.

Sec. 14-544. Design.

- (a) *Detention designs.* Detention designs may be rejected by the Director if they incorporate structures and facilities that will demand considerable maintenance or will be difficult to maintain or will utilize numerous small structures if other alternatives are physically possible.
- (b) *Discharge velocities.* Discharge velocities from detention facilities shall be reduced to provide a non-erosive velocity flow from a structure, channel, or other control measure as set forth in the approved Georgia Stormwater Management Manual.
- (c) *Design storm.* The drainage system being developed shall have adequate capacity to accommodate the flow from all upstream areas for a one hundred-year storm event.
- (d) *Drainage outfalls.* The drainage system from a proposed development must discharge into an outfall that has adequate capacity to accommodate the runoff from the development. If the connecting downstream system is not able to accommodate the allowable design flows from the site, then the design engineer must design on-site drainage facilities that result in no exacerbation of existing downstream conditions. If downstream easements are needed to extend the drainage system to an adequate outfall, the developer shall obtain these easements.
- (e) *Detention Storage.*
 - (1) The live detention storage to be provided shall be calculated on the basis of the one hundred-year frequency rainfall as published in the Georgia Stormwater Management Manual. The detention system required shall be necessary to handle the runoff of a one hundred-year rainfall, for any and all durations from the post-development, with a release rate that does not exceed the pre-development release rate during the same duration storm. Detention control structures and other drainage improvements shall be located and designed to prevent erosion damage to adjacent property owners.
 - (2) Detention and sedimentation control facilities shall not be placed in any of the following:
 - (i) Transitional buffer zones as defined by Chapter 27.
 - (ii) Floodplains.

- 5509 (iii) Wetlands.
- 5510 (iv) Stream buffer zones.
- 5511 (v) State buffer zones.
- 5512 (3) Perforated standpipes or a French drain, in accordance with published design standards
5513 available from the Director, or other methods which will achieve equal performance to
5514 prevent standing water and inadequate drainage shall be installed within all the
5515 detention and sedimentation control facilities.
- 5516 (f) *Combined detention.* When the applicant requests and the Director determines that
5517 development and construction projects are too small, or that engineering and economic
5518 factors make combined detention or other stormwater management facilities more practical,
5519 the City may authorize the joint construction of these facilities to serve two (2) or more
5520 properties by two (2) or more applicants. This authorization shall be granted by the Zoning
5521 Board of Appeals upon application for approval being submitted through the Director.
5522 Where joint detention facilities serving two (2) or more properties are approved for
5523 construction, no use of land or occupancy of buildings within the properties served by these
5524 facilities shall be permitted until completion of the detention facility, except upon approval
5525 of the Zoning Board of Appeals.
- 5526 (g) *Fencing.*
- 5527 (1) Permanent fencing at least six (6) feet in height shall be required around all stormwater
5528 and sedimentation control facilities designed for temporary water storage depth of
5529 greater than four (4) feet or those designated by the DeKalb County Board of Health as
5530 constituting a public health hazard.
- 5531 (2) This fencing shall be designed, installed and maintained to allow the free flow of runoff
5532 and sediment into the facility. Fencing shall be established on the outside edge of a
5533 facility. The fence shall include a gate of sufficient size to permit entrance of equipment
5534 necessary to allow periodic maintenance activities. The gate shall be placed in a manner
5535 such that the gate does not obstruct reasonable access or become obstructive. The
5536 Director may waive fencing in nonresidential areas where a pond is more than five
5537 hundred (500) feet from a residential district and in residential districts when detention
5538 is provided in natural areas such as stream channels and fencing in the opinion of the
5539 Director would damage the environment or affect stream flow.
- 5540 (h) *Special flood hazard area elevation contours.* In residential districts, not less than seventy
5541 (70) percent of the minimum lot area, as established by applicable zoning district
5542 development standards, shall be above the special flood hazard area elevation contours with
5543 the exception that lots in the RE district shall conform to requirements of the R-100 district.
- 5544 (i) *Street centerline elevations.* The profile elevation of the centerline of all public streets shall
5545 be constructed a minimum of one (1) foot above the special hazard flood area elevation
5546 contours. The Director may grant exceptions to this provision in cases where construction of
5547 the street elevation is a special flood hazard area and elevation contours would improve
5548 drainage or reduce the effects of flooding.

5549 **Sec. 14-555. Performance Criteria.**

5550 The performance criteria of this section apply to all stormwater management plans, unless
5551 otherwise expressly stated.

5552 (1) *Water quality.* All stormwater runoff generated from a site must be adequately treated
5553 before discharge. It will be presumed that a stormwater management system complies
5554 with this requirements if:

5555 (i) It is sized to treat the prescribed water quality treatment volume from the site, as
5556 defined in the Georgia Stormwater Management Manual.

5557 (ii) Appropriate structural stormwater controls or non-structural practices are selected,
5558 designed, constructed or preserved, and maintained according to the specific
5559 criteria in the Georgia Stormwater Management Manual; and

5560 (iii) Runoff from hotspot land uses and activities identified by the Director are
5561 adequately treated and addressed through the use of appropriate structural
5562 stormwater controls, non-structural practices and pollution prevention practices.

5563 (2) *Stream Channel Protection.*

5564 (i) Protection from stream channels of bank and bed erosion and degradation must be
5565 providing by using all of the following three approaches:

5566 a. Preservation, restoration and/or reforestation (with native vegetation) of the
5567 applicable stream buffer;

5568 b. Twenty-four-hour extended detention storage of the one-year, 24-hour return
5569 frequency storm event; and

5570 c. Erosion prevention measures such as energy dissipation and velocity control.

5571 (ii) The Director is authorized to waive the detention storage requirements of
5572 subsection (2)(i)b. for sites that discharge directly into piped stormwater drainage
5573 systems, larger streams, rivers, wetlands, lakes, estuaries, tidal water or other
5574 situations where flows will not have a negative impact on stream bank stability or
5575 channel integrity.

5576 (3) *Overbank Flooding Protection.* Downstream overbank and property protection must be
5577 provided by controlling (attenuating) the post-development peak discharge rate to the
5578 predevelopment rate for the 25-year, 24-hour return frequency storm event. If control
5579 of the one-year, 24-hour storm is exempted, then peak discharge rate attenuation of the
5580 two-year through the 25 year return frequency storm event must be provided.

5581 (4) *Extreme Flooding Protection.* Extreme flood and public safety protection must be
5582 provided by controlling and safely conveying the 100-year, 24-hour return frequency
5583 storm event such that flooding is not exacerbated.

5584 (5) *Structural stormwater controls.* All structural stormwater management facilities must
5585 be selected and designed using the appropriate criteria from the Georgia Stormwater
5586 Management Manual. All structural stormwater controls must be designed
5587 appropriately to meet their intended function. For other structural stormwater controls
5588 not included in the Georgia Stormwater Management Manual, or for which pollutant

removal rates have not been provided, the effectiveness and pollutant removal of the structural control must be documented through prior studies, literature reviews or other means and receive approval from the Director 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 Director 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 must consult the Georgia Stormwater Management Manual for guidance on the factors that determine site design feasibility when selecting and locating a structural stormwater control.

(6) *Stormwater credits for nonstructural measures.* The use of one or more site design measures by the applicant may allow for a reduction in the water quality treatment volume required under subsection (1). The applicant may, if approved by the Director, 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 identified in the Georgia Stormwater Management Manual.

(7) *Drainage System Guidelines.* Stormwater conveyance facilities, which may include culverts, stormwater drainage pipes, catch basins, drop inlets, junction boxes, headwalls, gutter, swales, channels, ditches and energy dissipaters must 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, must meet the following requirements:

(i) Methods to calculate stormwater flows must be in accordance with the stormwater design manual;

(ii) All culverts, pipe systems, and open channel flow systems must be sized in accordance with the stormwater management plan using the methods included in the stormwater design manual; and

(iii) Design and construction of stormwater conveyance facilities must be in accordance with the criteria and specifications found in the stormwater design manual.

(8) *Damn design guidelines.* Any land disturbing activity that involves a site that proposes a dam must comply with the Georgia Safe Dams Act and Rules for Dam Safety, as applicable.

Sec. 14-556. Inspection and Maintenance

(a) *Inspections during construction.*

- 5629 (1) Periodic inspection of the stormwater management system construction must be
5630 conducted by the Director or conducted and certified by a professional engineer
5631 approved by the Director. Construction inspections must utilized the approved
5632 stormwater management plan for establishing compliance. All inspections must be
5633 documented with written reports that contain the following information:
- 5634 (i) The date and location of the inspection;
- 5635 (ii) Whether construction is in compliance with the approved stormwater
5636 management plan;
- 5637 (iii) Variations from the approved construction specifications; and
- 5638 (iv) Any other variations or violations of the conditions of the approved stormwater
5639 management plan.
- 5640 (2) If any violations are found, the applicant must be notified in writing of the nature of the
5641 violation and the required corrective actions.
- 5642 (b) *Final inspections and as-built plans.* Upon completion of a project, and before a certificate
5643 of occupancy may be granted, the applicant is responsible for certifying that the completed
5644 project is in accordance with the approved stormwater management plan. All applicants are
5645 required to submit actual "as-built" plans for any stormwater management facilities or
5646 practices after final construction is completed. The plan must show the final design
5647 specifications for all stormwater management facilities and practices and must be certified
5648 by a professional engineer. A final inspection by the City is required before the release of
5649 any performance bonds or financial guarantees.
- 5650 (c) *Long-term maintenance and inspections.*
- 5651 (1) Stormwater maintenance facilities and practices included in a stormwater management
5652 plan which are subject to an inspection and maintenance agreement must undergo
5653 ongoing inspections to document maintenance and repair needs and ensure compliance
5654 with the requirements of the agreement, the plan and this Article.
- 5655 (2) A stormwater management facility or practice must be inspected on a periodic basis by
5656 the responsible person in accordance with the approved inspection and maintenance
5657 agreement. In the event that the stormwater management facility has not been
5658 maintained and/or becomes a danger to public safety or public health, the director must
5659 notify the person responsible for carrying out the maintenance plan to the person
5660 specified in the inspection and maintenance agreement. The notice must specify the
5661 measures needed to comply with the agreement and the plan and must specify the time
5662 within which such measures must be completed. If the responsible person fails or
5663 refuses to meet the requirements of the inspection and maintenance agreement, the City
5664 may pursue all available enforcement actions and penalties.
- 5665 (3) Inspection programs by the City may be established on any reasonable basis, including
5666 but not limited to: routine inspections; random inspections; inspections based upon
5667 complaints or other notice of possible violations; and join inspections with other
5668 agencies inspecting under environmental or safety laws. Inspections may include, but
5669 are not limited to: reviewing maintenance and repair records; sampling discharges,

- 5670 surface water, groundwater, and material or water in stormwater management facilities;
5671 and evaluating the condition of stormwater management facilities and practices.
- 5672 (d) *Right of entry for inspections.* The terms of the inspection and maintenance agreement must
5673 provide authority for authorized city or city-contracted officials to enter the property at
5674 reasonable times and in a reasonable manner for the purpose of inspection. This includes
5675 the right to enter a property when the City has a reasonable basis to believe that a violation
5676 is occurring or has occurred and to enter when necessary for abatement of a public nuisance
5677 or correction of a violation.
- 5678 (e) *Maintenance responsibilities.*
- 5679 (1) Except as otherwise provided in this section, the commercial and/or multifamily
5680 residential property owner shall be responsible for the maintenance of the stormwater
5681 management facilities during grading, construction, and following final approval of the
5682 completed project. This maintenance and certification obligation shall be binding on all
5683 future owners, successors and assigns of the property.
- 5684 (2) Stormwater management facilities in single-family residential subdivisions constructed
5685 under permits issued prior to the adoption of the City ordinance assigning maintenance
5686 responsibility will not be accepted for city maintenance unless individually approved by
5687 and at the discretion of the Zoning Board of Appeals and suitable access easements are
5688 provided.
- 5689 (f) *Records.* Parties responsible for the operation and maintenance of a stormwater
5690 management facility must provide records of all maintenance and repair to the Director.
- 5691 (g) *Failure to maintain.* If a responsible person fails or refuses to meet the requirements of the
5692 inspection and maintenance agreement, the Director, after thirty (30) days' written notice
5693 (except that in the event the violation constitutes and immediate danger to public health or
5694 public safety, 24-hour notice is deemed sufficient), may correct a violation of the design
5695 standards or maintenance requirements by performing the necessary work to place the
5696 facility or practice in proper working condition. The City may assess the owners of the
5697 facility for the cost of repair work, which will be a lien on the property, and may be placed
5698 on the ad valorem tax bill for such property and collected in the ordinary manner for such
5699 taxes.
- 5700 (h) *Special drainage system maintenance requirements.*
- 5701 (1) Pursuant to Chapter 22.5 of the City of Stonecrest Code of Ordinances, as amended,
5702 trash, garbage, construction materials, construction by-products or other debris shall not
5703 be deposited in any part of the drainage system.
- 5704 (2) No restriction or barriers, including fences, may be placed in the drainage system or
5705 special flood hazard areas without first obtaining a development permit. When on-site
5706 or off-site debris has accumulated within a special flood hazard area in such a manner
5707 as to interfere with the free flow of water so as to increase the risk of hazardous
5708 inundation of upstream properties adjacent to the special flood hazard areas, the
5709 Director shall require the owner of the property where this debris was generated, if its

5710 source can be identified, to clear and remove the debris so as to permit the free flow of
5711 water.

5712 (3) No impoundment of water which retains in excess of five-tenths (0.5) acre (in feet) of
5713 runoff may be removed without first obtaining a development permit, which shall only
5714 be issued after competent engineering studies provided by the applicant show that this
5715 removal will not adversely affect downstream properties.

5716
5717 **Section 2:**

5718 1. It is hereby declared to be the intention of the Mayor and City Council that all sections,
5719 paragraphs, sentences, clauses and phrases of this Ordinance are and were, upon their
5720 enactment, believed by the Mayor and City Council to be fully valid, enforceable and
5721 constitutional.

5722
5723 2. It is hereby declared to be the intention of the Mayor and City Council that, to the
5724 greatest extent allowed by law, each and every section, paragraph, sentence, clause or
5725 phrase of this Ordinance is severable from every other section, paragraph, sentence,
5726 clause or phrase of this Ordinance. It is hereby further declared to be the intention of the
5727 Mayor and City Council that, to the greatest extent allowed by law, no section, paragraph,
5728 sentence, clause or phrase of this Ordinance is mutually dependent upon any other
5729 section, paragraph, sentence, clause or phrase of this Ordinance.

5730
5731 3. In the event that any phrase, clause, sentence, paragraph or section of this Ordinance
5732 shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise
5733 unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is
5734 the express intent of the Mayor and City Council that such invalidity, unconstitutionality,
5735 or unenforceability shall, to the greatest extent allowed by law, not render invalid,
5736 unconstitutional or otherwise unenforceable any of the remaining phrases, clauses,
5737 sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed
5738 by law, all remaining phrases, clauses, sentences, paragraphs and sections of the
5739 Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

5740
5741 4. All ordinances or resolutions and parts of ordinances or resolutions in conflict herewith
5742 are hereby expressly repealed.

5743
5744 5. The within ordinance shall become effective upon its adoption.

5745
5746 6. The provisions of this Ordinance shall become and be made part of The Code of the City
5747 of Stonecrest, Georgia, and the sections of this Ordinance may be renumbered to
5748 accomplish such intention.

5749 **SO ORDAINED AND EFFECTIVE** this the ____ day of _____, 2018.

STATE OF GEORGIA
COUNTY OF DEKALB
CITY OF STONECREST

ORDINANCE 2018-_____

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Approved:

Jason Lary, Sr., Mayor

As to form:

City Attorney

Attest:

Brenda James, City Clerk



CITY COUNCIL AGENDA ITEM

SUBJECT: Intergovernmental Agreement with DeKalb County Tax Commissioner for Ad Valorem Tax Billing and Collections

☐ **ORDINANCE** ☐ **POLICY** ☐ **STATUS REPORT**
☐ **DISCUSSION ONLY** ☐ **RESOLUTION** ☒ **OTHER**

Date Submitted: 06/15/2018

Council Meeting: 06/18/2018

SUBMITTED BY: City Attorney

PURPOSE: This is an Intergovernmental Agreement with DeKalb County Tax Commissioner for the service delivery of Ad Valorem Tax Billing and Collections for the City of Stonecrest.

HISTORY:

FACTS AND ISSUES:

OPTIONS:

RECOMMENDED ACTION: Approval of the Intergovernmental Agreement

INTERGOVERNMENTAL AGREEMENT
FOR AD VALOREM TAX BILLING AND COLLECTION

This document shall hereinafter be known as the INTERGOVERNMENTAL AGREEMENT for the service delivery of ad valorem tax billing and collection by the DEKALB COUNTY TAX COMMISSIONER (the "Agreement"), made by and between the CITY OF STONECREST (hereinafter the "City"), a municipal corporation chartered by the State of Georgia and DEKALB COUNTY, GEORGIA, a political subdivision of the State of Georgia (hereinafter "County") on behalf of the DEKALB COUNTY TAX COMMISSIONER (hereinafter "Tax Commissioner") (hereinafter, collectively, the "parties"), each of whom has been duly authorized to enter into the Agreement.

WITNESSETH

WHEREAS, the Georgia Constitution of 1983, Article IX, Section 2, Para. 3(b)(1) prohibits, except as otherwise provided by law, cities or counties from exercising governmental authority within each other's boundaries except by contract; and

WHEREAS, pursuant to Article IX, Section 3, Para. 1 of the Constitution of Georgia of 1983, the City and County are authorized to contract with one another for joint services, for the provision of services, or for the joint and separate use of facilities and equipment, for periods not exceeding fifty (50) years and as authorized by law; and

WHEREAS, the City is authorized to collect taxes and has the authority to contract with the County for the collection of taxes within the City's jurisdictional boundaries; and

WHEREAS, the duly elected Tax Commissioner of DeKalb County, Georgia is empowered by the Constitution and Laws of the State of Georgia to collect state, county, and municipal ad valorem property taxes, sanitation assessments, and applicable fees, including but not limited to stormwater, water, sewer, and utility charges.

WHEREAS, by virtue of the office, the Tax Commissioner has all the requisite statutory powers to bill and collect ad valorem property taxes, issue executions, and to act as Ex-Officio Sheriff in the levy and sale of delinquent properties; and

WHEREAS, all parties hereto are interested in serving the needs of the citizens of the City and County by providing for the consolidation of ad valorem tax billings and collection procedures; and

WHEREAS, pursuant to O.C.G.A. § 48-5-359.1, the Tax Commissioner of DeKalb County is authorized to contract for and to accept, receive, and retain compensation from the City and County for the billing and collection of municipal taxes and applicable fees in addition to that compensation provided by law to be paid to the Tax Commissioner by the County; and

WHEREAS, the City, County, and Tax Commissioner desire to replace in their entirety all prior agreements related to the billing and collection of ad valorem taxes by the Tax Commissioner, and hereby set forth the terms and conditions upon which the duly elected Tax Commissioner of DeKalb County, Georgia will provide ad valorem tax billing and collection services from the date of this Agreement forward; and

WHEREAS, the City, County, and Tax Commissioner have duly authorized the execution of this Agreement; and

WHEREAS, this Agreement only becomes effective on the date that the City will begin paying for the services as set forth in this Agreement; and

NOW THEREFORE, in consideration of the mutual obligations recited below and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, and in consideration of the mutual promises contained herein, the County and City do agree and consent to the following:

I. PURPOSE AND INTENT

The purpose of this Agreement is to provide tax billing and collection services within the City by the Tax Commissioner

II. DEFINITIONS

All definitions shall be defined as reflected in the DeKalb County, Georgia Code of Ordinances.

III. TERM OF AGREEMENT

This Agreement shall commence on the date of execution set forth herein for a term of 12 months. If not terminated pursuant to the termination provisions provided herein, this Agreement shall automatically renew without further action by the City or County on an annual basis for one (1) year, for a total lifetime Agreement of fifty (50) years, unless previously terminated in accordance with the termination provisions of this Agreement. This Agreement shall replace, in their entirety, all prior agreements entered into by the City, County and/or Tax Commissioner regarding the billing or collection of ad valorem taxes. At the conclusion of this term, the City will be solely responsible for providing all tax billing and collection services within its boundaries, unless extended by mutual Agreement of both governing bodies.

IV. SERVICES

4.1 The Tax Commissioner will perform the computation, annual billing, collection, depositing, accounting, reporting, and distribution (paying over) of municipal ad valorem property

taxes for the City as the Tax Commissioner is permitted by law, including the assessment of penalties and interest in the same manner as other taxes, as well as any and all remedies permitted for the collection of municipal and County taxes, including issuing executions, levying upon properties, conducting tax sales, and pursuing collections through bankruptcy proceedings. Nothing in this Agreement shall preclude the County's and Tax Commissioner's right to continue to collect and increase or decrease such additional taxes and fees belonging to the County, County Departments, or Tax Commissioner.

4.2 The Tax Commissioner will determine the methods, details, and means of performing the services herein above described with the general understanding that the City desires that the municipal taxes be managed and itemized separately upon the annual County tax statement.

4.3 Effective for the 2018 tax year, the DeKalb County Tax Commissioner shall bill all ad valorem taxes, fees, and charges relating to real property, personal property, public utilities, mobile homes, and heavy equipment within the City for and on behalf of the City.

4.4 Billings issued by the Tax Commissioner on behalf of the City shall consist of line items identified as City taxes, City sanitation fees, City storm water fees, street light district fees, and related taxes, fees, and such other legally taxable or assessable charges as applicable as provided and requested by the City.

4.5 The City agrees to provide the Tax Commissioner all values, assessments, and exemptions, if applicable, by June 1 of each year. The City is required to provide millage rates necessary for computation of such taxes by the later of the date the County sets its millage rate and June 1 of each year. County agrees to furnish City with any change in date.

4.6 The Tax Commissioner shall have the right to determine the method, details and means of providing the services herein, including, but not limited to, whether City taxes are included as part of or separate from the County tax bills and statements.

4.7 The Tax Commissioner shall be responsible for collection of the City's taxes, fees and other charges in such manner as the Tax Commissioner is permitted by law to collect. The Tax Commissioner will have available any and all remedies permitted by law for the collection of municipal taxes, including but not limited to, issuing executions, levying upon properties, conducting tax sales, and pursuing collection through the bankruptcy proceedings. For the purposes of this Agreement, the Tax Commissioner shall be authorized as the agent of the City for the limited purpose of the services outlined herein, including the billing and collecting of ad valorem taxes, including tax sale and levy proceedings.

4.8 Within sixty (60) days of receipt of collected funds, the Tax Commissioner shall pay to the City any amounts collected on behalf of the City. The obligation to transfer funds belonging to the City shall be the sole responsibility of the Tax Commissioner of DeKalb County and shall survive the termination of this Agreement.

4.9 The Tax Commissioner shall maintain an electronic record and accounting of all amounts, including taxes, fees and penalties, that are billed, collected and distributed on behalf of the City, and will provide the City and County with a copy of such accounting within thirty (30) days of any written request for the same.

4.10 The City shall be solely responsible for the collection of all past-due or delinquent fees and charges that cannot be collected in the same manner as taxes under Georgia law (e.g. stormwater fees).

V. RELEASE AND INDEMNIFICATION

It is the intent of the parties to be covered under the auspices of any applicable immunity granted by law. To the extent permitted by law, the City hereby agrees to defend, indemnify, and hold harmless the County and its officers, employees, or agents from any and all claims, liability, losses or damages, including attorneys' fees and costs of defense which the County or its officers, employees, or agents may incur as a result of any claim, demand, suit, or cause of action or proceeding of any kind or nature arising out of, relating to, or resulting from the County or Tax Commissioner's actions or inactions in performing under this Agreement. The County and City shall promptly notify each other of all such claims, shall cooperate with the defense and resolution of each claim, and shall not settle or otherwise dispose of the claim without first consulting with all parties hereto. The indemnification under this Agreement shall survive termination of this Agreement for any claims that may be filed after the termination date of this Agreement, provided that such claims are based upon actions or alleged actions that occurred during the term of this Agreement.

VI. COMPENSATION AND CONSIDERATION

In exchange for good and valuable consideration, the recital of which all parties acknowledge receipt thereof, and in consideration for the terms and services outlined in this Agreement, the City will pay to the County the actual costs associated with the collection of taxes by the Tax Commissioner on behalf of the City subject and pursuant to the following payment terms:

6.1 For the initial 2018 tax year, the City shall pay the County, by check or electronic fund transfer, the later of June 1st of the tax year, or within 30 days of the mailing of an invoice by the County, a fee of two dollars per parcel, not to exceed \$25,000.00 plus \$25,000.00 of which \$25,000.00 shall be retained by the County for reimbursement of the cost to the County for providing service to the City. The remaining amount shall be distributed annually as an annual salary supplement to the Tax Commissioner by the County pursuant to O.C.G.A. 48-5-359.1 for such services, duties and responsibilities necessary to collect City taxes.

6.2 For all subsequent tax years, the City shall pay the County, by check or electronic

fund transfer, no later than June 1st of the tax year, or within 30 days of the mailing of an invoice by the County, a fee of two dollars per parcel, not to exceed \$25,000.00, plus \$1,000.00 of which \$1,000.00 shall be retained by the County for reimbursement of the cost to the County for providing service to the City. The remaining amount shall be distributed annually as an annual salary supplement to the Tax Commissioner by the County pursuant to O.C.G.A. 48-5-359.1 for such services, duties and responsibilities necessary to collect City taxes.

6.3 The City shall notify the Tax Commissioner when payment has been rendered to the County within 2 business days of such payment.

6.4 The County shall distribute said salary supplement to Tax Commissioner on the first payroll check following the receipt of payment from the City.

6.5 The amounts for subsequent years may be modified based on changes to City boundaries, the annexation of additional parcels, or by adjustment of the number of parcels from year to year within the City.

VII. TERMINATION

7.1 The City may terminate this Agreement with or without cause by giving one hundred and eighty (180) days prior written notice to the County. If the City intends to terminate this Agreement for cause, the City must notify the County in writing, specifying the cause, extent and effective date of the termination. The County shall have thirty three (33) days after the date of the written notice from the City to cure the stated cause for termination.

7.2 The County may terminate this Agreement with or without cause by giving one hundred and eighty (180) days prior written notice to the City. If the County intends to terminate this Agreement for cause, the County must notify the City in writing, specifying the cause, extent and effective date of termination. The City shall have thirty three (33) days after the date of the written notice from the County to cure the stated cause for termination.

7.3 The Tax Commissioner may terminate this Agreement with or without cause by giving one hundred and eighty (180) days prior written notice to the City. If the Tax Commissioner intends to terminate this Agreement for cause, the Tax Commissioner must notify the City in writing, specifying the cause, extent and effective date of termination. The City shall have thirty three (33) days after the date of the written notice from the Tax Commissioner to cure the stated cause for termination.

7.4 The parties reserve all available remedies afforded by law to enforce any term or condition of this Agreement.

7.5 In the event that the City fails to pay the County or Tax Commissioner in accordance with the terms as set forth herein, the County and Tax Commissioner shall not be obligated in any manner whatsoever to bill and collect ad valorem taxes for City, or to provide any of the billing or collection-related services outlined herein.

7.6 Subject to the terms herein, this Agreement may be extended at any time during the term by mutual written consent of all parties so long as such consent is approved by official action of the City Council and approved by official action of the County governing authority.

VIII. NOTICES

All required notices shall be given by first class mail and addressed as follows, except that any notice of termination shall be mailed certified via U.S. Mail, return receipt requested.

If to the County: Executive Assistant
Manual Maloof Building
1300 Commerce Drive, 6th Floor
Decatur, Georgia 30030

With a copy to: County Attorney
1300 Commerce Drive, 5th Floor
Decatur, Georgia 30030

If to the Tax Commissioner: Tax Commissioner
4380 Memorial Drive, Suite 100
Decatur, Georgia 30032

With a copy to: County Attorney
1300 Commerce Drive, 5th Floor
Decatur, Georgia 30030

If to the City: Michael C. Harris, Interim City Manager
3120 Stonecrest Blvd.
Stonecrest, Georgia 30038

With a copy to: Thompson Kurrie, Jr., City Attorney
Coleman Talley LLP
3475 Lenox Road, NE, Suite 400
Atlanta, Georgia 30326

IX. GENERAL PROVISIONS

A. Counterparts. This Agreement may be executed in several counterparts, each of which

shall be an original, and all of which shall constitute but one and the same instrument.

- B. Applicable law. This Agreement shall be governed by and construed and enforced in accordance with the laws of the State of Georgia.
- C. Venue. This Agreement shall be deemed to have been made and performed in DeKalb County, Georgia. For the purposes of venue, all suits or causes of actions arising out of this Agreement shall be brought in the courts of DeKalb County, Georgia.
- D. Third parties. This Agreement is for the benefit of the parties hereto, only, and is not intended to benefit any third party or to give rise to any duties to or causes of action for any third party.
- E. Entire Agreement. This Agreement constitutes the entire Agreement between the parties hereto as to all matters contained herein. All subsequent changes in the Agreement must be in writing and signed by all parties. This Agreement is for the benefit of the parties hereto only and is not intended to benefit any third party or to give rise to any duties to or causes of action for any third party.
- F. Successors and Assigns. Neither party will assign, sublet or transfer its interest in this Agreement without the written consent of the other. Nothing herein will be construed as creating any personal liability on the part of any officers, agents or officials of either party.
- G. Merger. The parties acknowledge that the terms of this Agreement constitute the entire understanding and agreement between the City, County and Tax Commissioner of DeKalb County for ad valorem tax billing and collection services and as to all other provisions, rights and remedies under this Agreement.
- H. Severability. In the event any section of this Agreement is declared and adjudged to be invalidated or unconstitutional, such declaration or adjudication will not affect the remaining portions of this Agreement.

IN WITNESS WHEREOF, the parties hereto acting through their duly authorized agents have caused this Agreement to be signed, sealed and delivered for final execution on the date indicated herein:

[SIGNATURE PAGES FOLLOW]

This _____ day of _____, 2018.

DEKALB COUNTY, GEORGIA

ATTEST:

MICHAEL L. THURMOND
Chief Executive Officer
DeKalb County, Georgia

BARBARA H. SANDERS, CCC, CMC
Clerk of the Chief Executive Officer
and Board of Commissioners of
DeKalb County, Georgia

APPROVED AS TO SUBSTANCE:

APPROVED AS TO FORM:

IRVIN J. JOHNSON
Tax Commissioner
DeKalb County, Georgia

County Attorney

CITY OF STONECREST, GEORGIA

Mayor Jason Lary (SEAL)

Brenda James, Interim City Clerk

APPROVED AS TO SUBSTANCE:

APPROVED AS TO FORM:

Michael C. Harris, Interim City Manager

Thompson Kurrie, Jr., City Attorney

ATTEST:

Brenda James, Interim City Clerk