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## COUNCIL MEETING AGENDA

Mike Mason, Mayor

Phil Sadd – Post 1, Council Member  
Eric Christ – Post 2, Council Member  
Alex Wright – Post 3, Council Member

Jeanne Aulbach – Post 4, Council Member  
Lorri Christopher – Post 5, Council Member  
Weare Gratwick – Post 6, Council Member

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May 16, 2017

### COUNCIL AGENDA

7:00 PM

PEACHTREE CORNERS CITY HALL

147 TECHNOLOGY PARKWAY, PEACHTREE CORNERS, GA 30092

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#### A) CALL TO ORDER

#### B) ROLL CALL

#### C) PLEDGE OF ALLEGIANCE

#### D) MAYOR'S OPENING REMARKS

#### E) CONSIDERATION OF MINUTES – April 18, 2017, April 28, 2017 & April 29, 2017

#### F) CONSIDERATION OF MEETING AGENDA

#### G) PUBLIC COMMENTS

#### H) PRESENTATIONS AND REPORTS

1. Mayor City Clerk Proclamation
2. Mayor Public Works Proclamation

#### I) PUBLIC HEARING

1. **O2017-04-88** Second Read and Consideration of PH2017-004. Chuy's at Town Center Building Elevations. Request to approve building elevations for restaurant building located at the Town Center in the 5400 Block of Peachtree Parkway, Dist. 6, Land Lot 301. Peachtree Corners, GA

#### J) ITEMS FOR CONSIDERATION

1. **O2017-05-94** First Read and Consideration of an Ordinance of the City of Peachtree Corners, Georgia, adopting the amended fiscal year 2017 operating budget for each fund of the City of Peachtree Corners, Georgia (Public Hearing June 20, 2017)

2. **O2017-05-95** First Read and Consideration of an Ordinance of the City of Peachtree Corners, Georgia, adopting the fiscal year 2018 operating budget and capital improvement budget for each fund of the City of Peachtree Corners, Georgia. (Public Hearing June 20, 2017)
3. **O2017-05-93** Second Read and Consideration of an Ordinance of the Mayor and Council of the City of Peachtree Corners, Georgia to amend chapter 14 (businesses) and chapter 46 (pawnshops) of the code of the City of Peachtree Corners, Georgia; to require the display of an occupational tax certificate at a place of business; to provide for an effective date; and for other purposes.
4. **O2017-04-89** Second Read and Consideration of an ordinance amending the Stream Buffer Protection Ordinance (chapter 18 – Environment, article III) for the City of Peachtree Corners, Georgia.
5. **O2017-04-90** Second Read and Consideration of an ordinance amending the Floodplain Management/Flood Damage Prevention Ordinance (chapter 26 – Floods) for the City of Peachtree Corners, Georgia.
6. **O2017-04-91** Second Read and Consideration of an ordinance amending the Soil Erosion, Sedimentation and Pollution Control ordinance (chapter 18 – Environment, article II) for the City of Peachtree Corners, Georgia.
7. **O2017-04-92** Second Read and Consideration of an ordinance to permit a Special Events application.
8. **ACTION ITEM** Construction Change Order for PTC 15.03 - intersection improvements at Holcomb Bridge Road & Jimmy Carter Boulevard.
9. **R2017-05-79** Resolution of the Mayor and Council of the City of Peachtree Corners authorizing the Mayor and City Manager to execute all documents related to the payoff of the \$11.5 Million Dollar Town Center Bond.

**K) CITY MANAGER UPDATES**

**L) EXECUTIVE SESSION**

**M) ADJOURNMENT**

# **Council Minutes**



**CITY OF PEACHTREE CORNERS**  
**COUNCIL MEETING MINUTES**  
**APRIL 18, 2017 @ 7:00PM**

The Mayor and Council of the City of Peachtree Corners held a Council Meeting at City Hall, 147 Technology Parkway, Suite 200, Peachtree Corners, GA, 30092. An audible copy of the meeting is available from the City Clerk's office. The following were in attendance:

Mayor	Mike Mason
Council Member	Phil Sadd – Post 1
Council Member	Eric Christ – Post 2
Council Member	Alex Wright – Post 3
Council Member	Jeanne Aulbach – Post 4
Council Member	Lorri Christopher – Post 5
Council Member	Weare Gratwick – Post 6
City Manager	Brian Johnson
City Clerk	Kym Chereck
City Attorney	Bill Riley
City Attorney	Joe Leonard
Com. Dev. Director	Diana Wheeler
Finance Director	Brandon Branham
Public Works Director	Greg Ramsey

**PLEDGE OF ALLEGIANCE:** Mayor Mason led the Pledge of Allegiance.

**MAYOR'S OPENING REMARKS:** Mayor Mason offered condolences to Council Member Wright on the loss of his father.

**MINUTES:**

**MOTION TO APPROVE THE MINUTES FROM THE MARCH 21, 2017 COUNCIL MEETING.**

# DRAFT COPY

**By: Council Member Sadd**

**Seconded by: Council Member Christopher**

**Vote: (7-0) (Sadd, Christopher, Mason, Christ, Wright, Aulbach, Gratwick)**

**MOTION TO APPROVE THE MINUTES FROM THE APRIL 10, 2017 WORK SESSION.**

**By: Council Member Gratwick**

**Seconded by: Council Member Aulbach**

**Vote: (7-0) (Gratwick, Aulbach, Mason, Sadd, Christ, Wright, Christopher)**

**CONSIDERATION OF MEETING AGENDA:** There were no changes.

**PUBLIC COMMENT:** Mr. Bob Golisek expressed concern with speeding on Meadow Rue Drive. It was determined that Greg Ramsey, Public Works Director, would contact Mr. Golisek to determine a solution to the issue.

## **CONSENT AGENDA:**

### **APH 2017-04-54**

Approval of Alcoholic Beverage License Application for Gino's NY Pizza, 5975 Peachtree Parkway, Suite 2.

**MOTION TO APPROVE APH 2017-04-54.**

**By: Council Member Aulbach**

**Seconded: Council Member Sadd**

**Vote: (7-0) (Aulbach, Sadd, Mason, Christ, Wright, Christopher, Gratwick)**

### **ACTION ITEM**

Approval of the Financial Management Policy.

**MOTION TO APPROVE THE FINANCIAL MANAGEMENT POLICY.**

**By: Council Member Aulbach**

**Seconded: Council Member Sadd**

**Vote: (7-0) (Aulbach, Sadd, Mason, Christ, Wright, Christopher, Gratwick)**

# DRAFT COPY

## **ACTION ITEM**

Consideration of an Intergovernmental Agreement between the City of Peachtree Corners and the Gwinnett County Board of Voter Registrations and Elections for City Elections Borrowing Election Equipment.

### **MOTION TO APPROVE THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF PEACHTREE CORNERS AND THE GWINNETT COUNTY BOARD OF VOTER REGISTRATIONS AND ELECTIONS FOR CITY ELECTIONS BORROWING ELECTION EQUIPMENT.**

**By: Council Member Aulbach**

**Seconded: Council Member Sadd**

**Vote: (7-0) (Aulbach, Sadd, Mason, Christ, Wright, Christopher, Gratwick)**

## **R2017-04-74**

Consideration of a Resolution of the City of Peachtree Corners recognizing Georgia Cities Week, April 23-29, 2017 and encouraging all citizens to support the celebration and corresponding activities.

### **MOTION TO APPROVE R2017-04-74.**

**By: Council Member Aulbach**

**Seconded: Council Member Sadd**

**Vote: (7-0) (Aulbach, Sadd, Mason, Christ, Wright, Christopher, Gratwick)**

## **R2017-04-75**

Consideration of a Resolution to ratify the sales contract and associated agreements approved by the Downtown Development Authority for the sale of the Town Center Property.

### **MOTION TO APPROVE R2017-04-75.**

**By: Council Member Aulbach**

**Seconded: Council Member Sadd**

**Vote: (7-0) (Aulbach, Sadd, Mason, Christ, Wright, Christopher, Gratwick)**

## **R2017-04-76**

Consideration of a Resolution of the City of Peachtree Corners supporting a Georgia Department of Transportation proposed project to improve intersection safety and operations at SR 140 and Spalding Drive.

### **MOTION TO APPROVE R2017-04-76**

**By: Council Member Aulbach**

**Seconded: Council Member Sadd**

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**Vote: (7-0) (Aulbach, Sadd, Mason, Christ, Wright, Christopher, Gratwick)**

## **ITEMS UNDER CONSIDERATION:**

### **O2017-04-88**

First Read and Consideration of PH2017-004. Chuys at Town Center Building Elevations. Request to approve building elevations for restaurant building located at the Town Center in the 5400 Block of Peachtree Parkway, Dist. 6, Land Lot 301, Peachtree Corners, GA (2nd Read and Public Hearing May 16, 2017)

### **O2017-04-89**

First Read and Consideration of an Ordinance amending the Stream Buffer Protection Ordinance (chapter 18 – Environment, article III) for the City of Peachtree Corners, Georgia. (2nd Read and Public Hearing May 16, 2017)

### **O2017-04-90**

First Read and Consideration of an Ordinance amending the Floodplain Management/Flood Damage Prevention Ordinance (chapter 26 – Floods) for the City of Peachtree Corners, Georgia. (2nd Read and Public Hearing May 16, 2017)

### **O2017-04-91**

First Read and Consideration of an Ordinance amending the Soil Erosion, Sedimentation and Pollution Control ordinance (chapter 18 – Environment, article II) for the City of Peachtree Corners, Georgia. (2nd Read and Public Hearing May 16, 2017)

### **O2017-04-92**

First Read and Consideration of an Ordinance of the Mayor and Council of the City of Peachtree Corners, Georgia to delete article II (temporary outdoor activity) of chapter 14 (businesses) of the code of the City of Peachtree Corners, Georgia in its entirety; to provide for article II (special events) of chapter 14 (businesses) regulating special events within the city; to provide for an effective date; and for other purposes. (2nd Read and Public Hearing May 16, 2017)

### **O2017-04-93**

# DRAFT COPY

First Read and Consideration of an Ordinance of the Mayor and Council of the City of Peachtree Corners, Georgia to amend chapter 14 (businesses) and chapter 46 (pawnshops) of the code of the City of Peachtree Corners, Georgia; to require the display of an occupational tax certificate at a place of business; to provide for an effective date; and for other purposes. (2nd Read and Public Hearing May 16, 2017)

**CITY MANAGER UPDATE:** Brian Johnson, City Manager, inquired if the Mayor and Council would like to review the existing permitted times for Fireworks. It was decided that this would come before the Mayor and Council at a work session.

**EXECUTIVE SESSION:** There was no executive session.

## **ADJOURNMENT:**

**MOTION TO ADJOURN AT 7:15 PM.**

**By: Council Member Sadd**

**Seconded by: Council Member Aulbach**

**Vote: (7-0) (Sadd, Aulbach, Mason, Christ, Wright, Christopher, Gratwick)**

Approved,

Attest:

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Mike Mason, Mayor

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Kymberly Chereck, City Clerk  
(Seal)



**CITY OF PEACHTREE CORNERS**  
**SPECIAL CALLED COUNCIL MEETING MINUTES**  
**APRIL 28, 2017 @ 4:18 PM**

The Mayor and Council of the City of Peachtree Corners held a Council Meeting at City Hall, 147 Technology Parkway, Suite 200, Peachtree Corners, GA, 30092. An audible copy of the meeting is available from the City Clerk's office. The following were in attendance:

Mayor	Mike Mason
Council Member	Phil Sadd – Post 1
Council Member	Eric Christ – Post 2
Council Member	Alex Wright – Post 3
Council Member	Jeanne Aulbach – Post 4
Council Member	Lorri Christopher – Post 5
Council Member	Weare Gratwick – Post 6
City Clerk	Kym Chereck
City Attorney	Bill Riley
City Attorney	Joe Leonard
Com. Dev. Director	Diana Wheeler
Finance Director	Brandon Branham

**ITEMS FOR CONSIDERATION:**

**R2017-04-77**

Consideration of a Resolution of the Mayor and Council of the City of Peachtree Corners authorizing, among other things, the execution of documents relating to the acquisition, construction and installation of a new City Hall.

**MOTION TO APPROVE R2017-04-77.**

**By: Council Member Sadd**

**Seconded: Council Member Aulbach**

**Vote: (7-0) (Sadd, Aulbach, Mason, Christ, Wright, Christopher, Gratwick)**

# DRAFT COPY

## **R2017-04-78**

Consideration of a Resolution of the Mayor and Council of the City of Peachtree Corners authorizing the Mayor to Execute a Joint Escrow Agreement for the Town Center Project.

### **MOTION TO APPROVE R2017-04-78.**

**By: Council Member Gratwick**

**Seconded: Council Member Christopher**

**Vote: (7-0) (Gratwick, Christopher, Mason, Sadd, Christ, Wright, Aulbach)**

### **ADJOURNMENT:**

#### **MOTION TO ADJOURN AT 4:52 PM.**

**By: Council Member Sadd**

**Seconded by: Council Member Wright**

**Vote: (7-0) (Sadd, Wright, Mason, Christ, Aulbach, Christopher, Gratwick)**

Approved,

Attest:

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Mike Mason, Mayor

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Kymberly Chereck, City Clerk  
(Seal)



**CITY OF PEACHTREE CORNERS**  
**COUNCIL RETREAT MINUTES**  
**April 29, 2017, @ 9:00 AM**

The Mayor and Council of the City of Peachtree Corners held a Planning Retreat at Lake Lanier Islands Resort, located at 7000 Lanier Islands Parkway, Buford, GA. The following were in attendance:

Mayor	Mike Mason
Council Member	Phil Sadd – Post 1
Council Member	Eric Christ – Post 2
Council Member	Alex Wright – Post 3
Council Member	Jeanne Aulbach – Post 4
Council Member	Lorri Christopher – Post 5
Council Member	Weare Gratwick – Post 6
City Manager	Brian Johnson
City Clerk	Kym Chereck
Com. Dev. Director	Diana Wheeler
City Attorney	Bill Riley
Public Works Director	Greg Ramsey
Comm. Director	Judy Putnam
Finance Director	Brandon Branham

**WELCOME, OVERVIEW AND INTRODUCTIONS:** The retreat commenced at 9:00 AM. The agenda overview and introductions were led by Brian Johnson.

**FY 2018 BUDGET:** Brandon Branham, Finance Director, gave a brief update on the FY 2018 Budget. Accolades were given to Mr. Branham on the design and in-depth features on the FY 2018 Budget.

**CAPITAL IMPROVEMENTS PLAN (CIP):** Greg Ramsey, Public Works Director, gave a review and timeline on the CIP.

**SMART CITIES INITIATIVES:** Brian Johnson, City Manager, and Brandon Branham, Finance Director, gave a brief overview of Smart Cities Initiatives.

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**CITY MANAGER UPDATES:** Brian Johnson, City Manager, discussed the Fireworks Ordinance. It was decided that the Ordinance would come before the Council at the next work session.

**ADJOURNMENT:** Retreat adjourned at 4:17 PM

Approved,

Attest:

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Mike Mason, Mayor

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Kymberly Chereck, City Clerk  
(Seal)

**02017-04-88**

**AN ORDINANCE TO AMEND THE CITY OF PEACHTREE CORNERS ZONING MAP PURSUANT TO PH2017-004, CHUY'S AT TOWN CENTER BUILDING ELEVATIONS, REQUEST TO APPROVE BUILDING ELEVATIONS FOR A RESTAURANT BUILDING LOCATED AT THE TOWN CENTER IN THE 5400 BLOCK OF PEACHTREE PARKWAY, DIST. 6, LAND LOT 301, PEACHTREE CORNERS, GA**

**WHEREAS:** Notice to the public regarding said public hearing has been duly published in The Gwinnett Daily Post, the Official News Organ of Peachtree Corners; and

**WHEREAS:** Public Hearings were held by the Mayor and City Council of Peachtree Corners on April 18, 2017 and May 16, 2017;

**NOW THEREFORE,** The Mayor and City Council of the City of Peachtree Corners while in Regular Session on May 16, 2017 do hereby ordain and approve Public Hearing Case PH2017-003, Town Center Building Elevations, for the above referenced property.

Effective this 16th day of May, 2017.

So Signed and Witnessed

Approved:

this \_\_\_\_\_ day of \_\_\_\_\_, 2017

Attest:

\_\_\_\_\_  
Kymerly Chereck, City Clerk

\_\_\_\_\_  
Mike Mason, Mayor

**02017-05-94**

# 2017

AMENDED BUDGET



Fiscal Year 2017  
July 1, 2016 – June 30, 2017

**FY2017 GENERAL FUND BUDGET SUMMARY**

	<b>FY2015 Actual</b>	<b>FY2016 Actual</b>	<b>FY2017 Budget</b>	<b>FY2017 Amended Budget</b>
Fees & Taxes	8,676,721.19	8,907,758.35	8,129,000	8,434,923
Licenses & Permits	984,168.96	1,045,889.12	875,000	980,000
Intergovernmental	0.00	0.00	0	0
Fines & Forfeitures	6,909.51	8,507.36	10,000	4,200
Interest Earned	3,807.35	2,397.27	2,000	800
Miscellaneous Revenue	26,108.00	330,612.48	330,000	5,230,433
<b>Total General Fund Revenues</b>	<b>9,697,715.01</b>	<b>10,295,164.58</b>	<b>9,346,000</b>	<b>14,650,356</b>
City Council	94,010.41	83,057.15	112,216	112,759
City Manager	245,186.41	272,838.89	294,933	525,928
City Clerk	158,658.42	272,034.72	299,360	263,101
Finance/Administration	336,816.29	266,566.83	275,000	274,000
Legal	161,606.83	139,916.35	225,000	235,000
Public Information	235,192.81	283,475.96	386,153	386,153
General Operations	1,430,155.84	1,401,341.46	1,429,300	1,179,500
Facilities and Buildings	172,631.86	751,782.15	1,983,000	7,507,000
Contingency	76,948.81	1,462,050.74	481	0
Community Development	400,860.48	655,594.24	1,268,157	942,601
Building Department	393,056.29	415,236.55	340,000	350,200
Code Enforcement	420,743.40	588,441.24	622,700	622,700
Planning & Zoning	233,746.32	217,467.36	220,000	220,000
Public Works	1,182,955.86	1,647,176.40	1,889,700	2,031,414
Debt Service	0.00	0.00	0	0
<b>Total Expenditures</b>	<b>5,542,570.03</b>	<b>8,456,980.04</b>	<b>9,346,000</b>	<b>14,650,356</b>

	FY2015 Actual	FY2016 Actual	FY2017 Budget	FY2017 Amended Budget
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**FY2017 SOLID WASTE FUND BUDGET SUMMARY**

Sanitation	1,275,143.72	1,115,000.00	1,115,000	1,317,000
<b>Total Revenues</b>	<b>1,275,143.72</b>	<b>1,115,000.00</b>	<b>1,115,000</b>	<b>1,317,000</b>

Operating Supplies/Sanitation	12,310.59	15,000.00	15,000	1,000
Contractual Svcs/Waste Pro	1,144,808.22	1,100,000.00	1,100,000	1,230,000
Contingency	0.00	0.00	0.00	86,000.00
<b>Total Expenditures</b>	<b>1,157,118.81</b>	<b>1,115,000.00</b>	<b>1,115,000</b>	<b>1,317,000</b>

**FY2017 SPLOST FUND BUDGET SUMMARY**

Capital Improvement	6,065,265.48	5,946,215.91	5,700,000	10,821,270
<b>Total Revenues</b>	<b>6,065,265.48</b>	<b>5,946,215.91</b>	<b>5,700,000</b>	<b>10,821,270</b>

Roadways and Walkways	1,590,993.53	2,107,414.00	5,700,000	10,821,270
<b>Total Expenditures</b>	<b>1,590,993.53</b>	<b>2,107,414.00</b>	<b>5,700,000</b>	<b>10,821,270</b>

<b>TOTAL REVENUES ALL FUNDS</b>	<b>17,038,124.21</b>	<b>17,356,380.49</b>	<b>16,161,000</b>	<b>26,788,626</b>
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<b>TOTAL EXPENDITURES ALL FUNDS</b>	<b>8,290,682.37</b>	<b>11,679,394.04</b>	<b>16,161,000</b>	<b>26,788,626</b>
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FY2015 Actual

FY2016 Actual

FY2017 Budget

FY2017 Amended Budget

**100- General Fund Revenue Detail****General Property Tax**

100-310-31100-31100 Ad Valorem Tax-Current Year	0.00	0.00	0	0
100-310-31100-31110 Public Utility Tax	0.00	0.00	0	0
100-310-31100-31200 Ad Valorem Tax-Prior Year	3,451.45	488.22	0	0
100-310-31100-31310 Motor Vehicle Tax	154.07	32.06	0	0
100-310-31100-31315 Title Ad Valorem Tax	752,918.18	608,791.44	570,000	258,000
100-310-31100-31320 Mobile Home Tax	0.00	0.00	0	0
100-310-31100-31325 Heavy Equipment Tax	0.00	0.00	0	0
100-310-31100-31340 Intangible Tax Revenue	0.00	0.00	0	0
100-310-31100-31350 Railroad Equipment Tax	0.00	0.00	0	0
100-310-31100-31360 Real Estate Transfer Tax	0.00	0.00	0	0
100-310-31100-31370 Franchise Fees	3,028,562.59	3,053,323.95	2,700,000	2,900,000
<b>Subtotal</b>	<b>3,785,086.29</b>	<b>3,662,635.67</b>	<b>3,270,000</b>	<b>3,158,000</b>

**Selective Sales and Use Tax**

100-310-31400-34200 Alcoholic Beverage Excise Tax	269,863.95	253,258.99	225,000	238,000
100-310-31400-34300 Local Option Mixed Drink	101,444.09	112,044.23	84,000	100,000
100-310-31400-34900 Other Selective Tax	11,194.61	15,836.34	0	12,500
<b>Subtotal</b>	<b>382,502.65</b>	<b>381,139.56</b>	<b>309,000</b>	<b>350,500</b>

**Business Taxes**

100-310-31600-31610 Business & Occupation Tax	2,396,689.41	2,567,228.49	2,300,000	2,435,000
100-310-31600-31620 Insurance Premium Tax	2,050,114.78	2,190,210.64	2,150,000	2,372,423
100-310-31600-31630 Financial Institutions Taxes	62,328.06	106,543.99	100,000	119,000
<b>Subtotal</b>	<b>4,509,132.25</b>	<b>4,863,983.12</b>	<b>4,550,000</b>	<b>4,926,423</b>

**Pen & Int on Delinq Tax**

100-310-31900-39100 Pen & Int on Delinq Tax	163.85	953.95	0	0
<b>Subtotal</b>	<b>163.85</b>	<b>953.95</b>	<b>0</b>	<b>0</b>

	FY2015 Actual	FY2016 Actual	FY2017 Budget	FY2017 Amended Budget
<b>Business License</b>				
100-320-32100-32110 Alcoholic Beverages	351,510.00	367,765.00	330,000	401,000
100-320-32100-32120 General Business License	0.00	0.00	0	0
100-320-32100-32190 Other Licenses/Permits	0.00	1,050.00	0	1,500
100-320-32100-32210 Insurance License	14,500.00	21,470.00	20,000	20,500
<b>Subtotal</b>	<b>366,010.00</b>	<b>390,285.00</b>	<b>350,000</b>	<b>423,000</b>
<b>Licenses &amp; Permits</b>				
100-320-32200-32200 Building Permits	578,073.96	610,939.92	500,000	515,000
100-320-32200-32202 Development Permits	40,085.00	44,664.20	25,000	42,000
<b>Subtotal</b>	<b>618,158.96</b>	<b>655,604.12</b>	<b>525,000</b>	<b>557,000</b>
<b>Regulatory Fees</b>				
100-320-32300-32300 Regulatory Fees	0.00	0.00	0	0
100-320-32300-32310 Inspection Fees	0.00	0.00	0	0
<b>Subtotal</b>	<b>0.00</b>	<b>0.00</b>	<b>0</b>	<b>0</b>
<b>Federal Government Grants</b>				
100-330-33100-32310 Federal Grants	79,747.81	0.00	0	0
<b>Subtotal</b>	<b>79,747.81</b>	<b>0.00</b>	<b>0</b>	<b>0</b>
<b>State Government Grants</b>				
100-330-34300-33401 State Grants Received	8,189.45	50,000.00	0	9,160
<b>Subtotal</b>	<b>8,189.45</b>	<b>50,000.00</b>	<b>0</b>	<b>9,160</b>
<b>General Government</b>				
100-340-34000-34119 Other Fees	-1,917.87	3,938.12	0	75,000
100-340-34000-34190 Election Qualifying Fees	0.00	1,710.00	0	0
100-340-34000-34430 Electricity	516.80	324,284.36	330,000	324,000
<b>Subtotal</b>	<b>-1,401.07</b>	<b>329,932.48</b>	<b>330,000</b>	<b>399,000</b>
<b>Fine and Foreitures</b>				
100-350-35100-35100 Municipal Court	6,909.51	8,507.36	10,000	4,200
<b>Subtotal</b>	<b>6,909.51</b>	<b>8,507.36</b>	<b>10,000</b>	<b>4,200</b>

	FY2015 Actual	FY2016 Actual	FY2017 Budget	FY2017 Amended Budget
<b>Interest Revenues</b>				
100-360-36100-36100 Interest Revenues	3,807.35	2,397.27	2,000	800
<b>Subtotal</b>	<b>3,807.35</b>	<b>2,397.27</b>	<b>2,000</b>	<b>800</b>
<b>Contribution/Donations</b>				
100-370-37100-37100 General City	26,000.00	500.00	0	0
<b>Subtotal</b>	<b>26,000.00</b>	<b>500.00</b>	<b>0</b>	<b>0</b>
<b>Other Charges for Svcs</b>				
100-340-39000-34930 Bad Check Fees	108.00	180.00	0	180
<b>Subtotal</b>	<b>108.00</b>	<b>180.00</b>	<b>0</b>	<b>180</b>
<b>Other</b>				
100-380-38900-38910 Prior Year Reserves	0.00	0.00	0	4,831,253
<b>Subtotal</b>	<b>0.00</b>	<b>0.00</b>	<b>0</b>	<b>4,831,253</b>
<b>Pen &amp; Int on Delinq Tax</b>				
100-390-39100-39105 Loan Proceeds	0.00	0.00	0	0
<b>Subtotal</b>	<b>0.00</b>	<b>0.00</b>	<b>0</b>	<b>0</b>
<b>Proceeds of Gen Long Term Liab</b>				
100-390-39300-39350 Capital Leases	0.00	0.00	0	0
<b>Subtotal</b>	<b>0.00</b>	<b>0.00</b>	<b>0</b>	<b>0</b>
<b>Total Department Revenues</b>	<b>9,758,415.05</b>	<b>10,346,118.53</b>	<b>9,346,000</b>	<b>14,659,516</b>

FY2015 Actual

FY2016 Actual

FY2017 Budget

FY2017 Amended Budget

## 100 - General Fund Expenditures Detail

### Administrative Services Department

#### City Council

100-010-51100-51110 Regular Salaries	57,000.24	55,666.90	57,000	57,000
100-010-51100-51200 FICA/Medicare	4,360.56	4,258.56	4,361	4,361
100-010-51100-51260 Unemployment Expense	0.00	0.00	1,750	1,750
100-010-51100-51270 Workers Comp	0.00	0.00	605	1,148
100-010-51100-52370 Education & Training	27,814.22	17,832.46	35,000	35,000
100-010-51100-53101 Postage	0.00	0.00	500	500
100-010-51100-53170 Other Supplies	1,763.71	1,569.95	5,000	5,000
100-010-51100-53175 Hospitality Supplies	3,071.68	3,729.28	8,000	8,000
<b>Subtotals</b>	<b>94,010.41</b>	<b>83,057.15</b>	<b>112,216</b>	<b>112,759</b>

#### City Manager

100-010-51300-51110 Regular Salaries	174,099.96	185,100.00	185,100	371,000
100-010-51300-51200 FICA/Medicare	10,123.34	10,371.92	13,541	22,000
100-010-51300-51210 Group Insurance	21,801.40	22,903.00	22,930	27,000
100-010-51300-51240 Retirement	28,220.04	29,934.17	30,090	40,000
100-010-51300-51260 Unemployment Expense	0.00	0.00	773	0
100-010-51300-51270 Workers Comp	1,769.00	1,527.00	3,000	928
100-010-51300-51290 Other Emp Benefits	773.50	1,856.40	2,000	30,000
100-010-51300-51280 Relocation Expense	0.00	14,350.00	18,000	17,500
100-010-51300-52350 Travel Expense	4,311.45	1,920.33	3,500	3,500
100-010-51300-52360 Dues & Fees	130.00	2,680.00	3,500	3,000
100-010-51300-52370 Education & Training	3,210.00	1,606.10	3,000	3,000
100-010-51300-53100 Operating Supplies	63.38	0.00	7,500	6,000
100-010-51300-53175 Hospitality Supplies	684.34	589.97	2,000	2,000
<b>Subtotals</b>	<b>245,186.41</b>	<b>272,838.89</b>	<b>294,933</b>	<b>525,928</b>

	FY2015 Actual	FY2016 Actual	FY2017 Budget	FY2017 Amended Budget
<b>City Clerk</b>				
100-010-51130-51110 Regular Salaries	85,000.08	90,639.96	93,359	93,359
100-010-51130-51200 FICA/Medicare	6,676.52	6,933.96	7,142	7,142
100-010-51130-51210 Group Insurance	19,661.40	20,763.00	20,790	20,790
100-010-51130-51240 Retirement	14,450.04	15,328.94	15,871	15,871
100-010-51130-51260 Unemployment Expense	0.00	0.00	258	258
100-010-51130-51270 Workers Comp	629.00	391.00	685	226
100-010-51130-51290 Other Emp Benefits	529.50	1,270.80	1,300	1,300
100-010-51130-52112 Election Services	23,660.57	23,736.29	40,000	5,000
100-010-51130-52121 Contractual Svcs/CH2M	0.00	102,337.56	106,290	106,290
100-010-51130-52330 Advertising	660.00	1,290.00	3,500	2,700
100-010-51130-52350 Travel Expense	1,608.15	992.90	4,500	4,500
100-010-51130-52360 Dues & Fees	290.00	0.00	1,030	1,030
100-010-51130-52370 Education & Training	1,123.00	648.31	2,575	2,575
100-010-51130-53100 Operating Supplies	540.46	2,061.75	2,060	2,060
100-010-51130-53101 Postage	3,829.70	5,640.25	0	0
<b>Subtotals</b>	<b>158,658.42</b>	<b>272,034.72</b>	<b>299,360</b>	<b>263,101</b>

**Finance Administration**

100-010-51510-51110 Regular Salaries	0.00	0.00	0	0
100-010-51510-51200 FICA/Medicare	0.00	0.00	0	0
100-010-51510-51210 Group Insurance	0.00	0.00	0	0
100-010-51510-51240 Retirement	0.00	0.00	0	0
100-010-51510-51260 Unemployment Expense	0.00	0.00	0	0
100-010-51510-51270 Workers Comp	0.00	0.00	0	0
100-010-51510-51290 Other Emp Benefits	0.00	0.00	0	0
100-010-51510-52110 Audit Services	19,800.00	23,515.00	25,000	24,000
100-010-51510-52120 Professional Services	0.00	0.00	0	0
100-010-51510-52121 Contractual Svcs/CH2M	317,016.29	243,051.83	250,000	250,000
100-010-51510-52350 Travel Expense	0.00	0.00	0	0
100-010-51510-52360 Dues & Fees	0.00	0.00	0	0
100-010-51510-52370 Education & Training	0.00	0.00	0	0
<b>Subtotals</b>	<b>336,816.29</b>	<b>266,566.83</b>	<b>275,000</b>	<b>274,000</b>

	FY2015 Actual	FY2016 Actual	FY2017 Budget	FY2017 Amended Budget
<b>Legal Services Department</b>				
100-010-51530-52122 Attorney Fees/Riley & McL	99,548.98	88,725.69	125,000	85,000
100-010-51530-52130 Attorney Fees/Other	62,057.85	51,190.66	100,000	150,000
<b>Subtotals</b>	<b>161,606.83</b>	<b>139,916.35</b>	<b>225,000</b>	<b>235,000</b>
<b>Facilities &amp; Buildings Dept</b>				
100-010-51565-51300 Technical Services	24,893.97	26,221.96	28,000	35,000
100-010-51565-52200 Repairs & Maintenance	0.00	0.00	0	0
100-010-51565-52301 Real Estate Rents/Leases	107,029.96	109,119.63	125,000	205,000
100-010-51565-52302 Economic Dev	0.00	600,000.00	460,000	460,000
100-010-51565-53103 Office Supplies	565.28	0.00	10,000	5,000
100-010-51565-54230 Furniture And Fixtures	40,142.65	16,440.56	10,000	2,000
100-010-51565-55530 Community Services	0.00	0.00	100,000	0
100-010-51565-56220 Transfer to DDA	0.00	0.00	1,250,000	6,800,000
<b>Subtotals</b>	<b>172,631.86</b>	<b>751,782.15</b>	<b>1,983,000</b>	<b>7,507,000</b>
<b>Public Information</b>				
100-010-51570-52120 Professional Services	102,272.82	145,753.95	160,000	160,000
100-010-51570-52121 Contractual Svcs/CH2M	132,919.99	137,722.01	226,153	226,153
<b>Subtotals</b>	<b>235,192.81</b>	<b>283,475.96</b>	<b>386,153</b>	<b>386,153</b>
<b>General Operations</b>				
100-010-51590-52101 Official/Admin Start Up				
100-010-51590-52103 Technical Services	97,613.64	95,583.95	110,000	75,000
100-010-51590-52111 Official/Admin Svcs	17,521.02	1,471.68	70,000	70,000
100-010-51590-52120 Professional Services	607,958.91	600,353.06	550,000	550,000
100-010-51590-52128 Commissions	13,191.09	9,525.68	0	4,500
100-010-51590-52310 General Liability Insurance	17,337.17	21,749.33	35,000	35,000
100-010-51590-53100 Operating Supplies	31,430.33	33,231.38	40,000	30,000
100-010-51590-53101 Postage	0.00	0.00	10,000	9,000
100-010-51590-53103 Office Supplies	10,112.45	9,997.50	10,000	9,000
100-010-51590-53104 Service Fees	13,825.83	7,881.03	15,000	12,000
100-010-51590-53123 Electricity	172,750.39	347,468.81	350,000	350,000
100-010-51590-53131Tan Principal	0.00	0.00	0	0
100-010-51590-53132 Interest	403,181.63	216,381.93	209,300	0
100-010-51590-54240 Computer/Software	39,450.94	52,396.54	30,000	35,000

	<b>FY2015 Actual</b>	<b>FY2016 Actual</b>	<b>FY2017 Budget</b>	<b>FY2017 Amended Budget</b>
100-010-51590-58132 Other Debt Principal	4,824.38	4,982.96	0	0
100-010-51590-58232 Other Debt Interest	958.06	317.61	0	0
<b>Subtotals</b>	<b>1,430,155.84</b>	<b>1,401,341.46</b>	<b>1,429,300</b>	<b>1,179,500</b>

## Public Works Department

### Public Works

100-040-54100-51110 Regular Salaries	0.00	0.00	0	17,500
100-040-54100-51200 Fica/Medicare	0.00	0.00	0	1,339
100-040-54100-51210 Group Insurance	0.00	0.00	0	3,600
100-040-54100-51240 Retirement	0.00	0.00	0	2,975
100-040-54100-51260 Unemployment Expense	0.00	0.00	0	0
100-040-54100-51270 Workers Comp	0.00	0.00	0	0
100-040-54100-51290 Other Emp Benefits	0.00	0.00	0	1,800
100-040-54100-52120 Professional Services	195,428.45	287,566.10	175,000	575,000
100-040-54100-52121 Contractual Svcs/CH2M	479,977.01	615,494.32	649,700	629,700
100-040-54100-52124 Contractual Svcs/Optech	458,686.96	650,507.64	640,000	647,000
100-040-54100-52126 Road Maint Supplies	10,918.20	51,335.45	150,000	75,000
100-040-54100-53100 Operating Supplies	5,032.24	16,900.19	15,000	15,000
100-040-54100-54231 Signs/Beautification	31,656.24	25,155.10	150,000	60,000
100-040-54100-54250 Other Equipment	1,256.76	217.60	10,000	2,500
100-040-54100-54260 Street Lighting	0.00	0.00	100,000	0
<b>Subtotals</b>	<b>1,182,955.86</b>	<b>1,647,176.40</b>	<b>1,889,700</b>	<b>2,031,414</b>

## Community Development Department

### Community Development

100-070-57200-51110 Regular Salaries	151,750.56	146,489.18	150,884	159,218
100-070-57200-51200 Fica/Medicare	9,726.84	9,767.72	11,543	12,180
100-070-57200-51210 Group Insurance	0.00	0.00	0	0
100-070-57200-51240 Retirement	24,177.92	24,842.68	25,650	27,067
100-070-57200-51260 Unemployment Expense	0.00	0.00	773	0
100-070-57200-51270 Workers Comp	145.00	1,006.00	1,100	928
100-070-57200-51290 Other Emp Benefits	773.50	11,960.40	12,408	12,408

	<b>FY2015 Actual</b>	<b>FY2016 Actual</b>	<b>FY2017 Budget</b>	<b>FY2017 Amended Budget</b>
100-070-57200-52120 Professional Services	211,032.60	375,386.68	300,000	265,000
100-070-57200-52121 Contractual Svcs/CH2M	0.00	82,499.83	110,000	110,000
100-070-57200-52370 Education & Training	3,254.06	3,641.75	4,000	4,000
100-070-57200-53175 Hospitality Supplies	0.00	0.00	1,800	1,800
100-070-57200-56230 Multi-Use Trail	0.00	0.00	650,000	350,000
<b>Subtotals</b>	<b>400,860.48</b>	<b>655,594.24</b>	<b>1,268,157</b>	<b>942,601</b>

**Building Department**

100-070-57220-52120 Professional Services	0.00	0.00	0	0
100-070-57220-52123 Contractual Svcs/CAA	393,056.29	415,236.55	340,000	350,200
<b>Subtotals</b>	<b>393,056.29</b>	<b>415,236.55</b>	<b>340,000</b>	<b>350,200</b>

**Planning & Zoning**

100-070-57410-52120 Professional Services	0.00	0.00	0	0
100-070-57410-52121 Contractual Svcs/CH2M	233,746.32	217,467.36	220,000	220,000
<b>Subtotals</b>	<b>233,746.32</b>	<b>217,467.36</b>	<b>220,000</b>	<b>220,000</b>

**Code Enforcement**

100-070-57450-52120 Professional Services	0.00	0.00	0	0
100-070-57450-52121 Contractual Svcs/CH2M	420,743.40	588,441.24	622,700	622,700
<b>Subtotals</b>	<b>420,743.40</b>	<b>588,441.24</b>	<b>622,700</b>	<b>622,700</b>

**Designated Reserve**

100-010-59000-57902 Reserve Contingency	76,948.81	1,462,050.74	481	0
<b>Subtotals</b>	<b>76,948.81</b>	<b>1,462,050.74</b>	<b>481</b>	<b>0</b>

<b>Total Expenditures</b>	<b>5,542,570.03</b>	<b>8,456,980.04</b>	<b>9,346,000</b>	<b>14,650,356</b>
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	FY2015 Actual	FY2016 Actual	FY2017 Budget	FY2017 Amended Budget
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**Fund 320 SPLOST**

**320 - SPLOST Revenues**

320-340-34300-34321 Capital Improvement	5,823,241.63	5,946,215.91	5,700,000	5,700,000
320-330-34300-33431 State Government Grants	242,023.85			316,692
320-380-38900-38910 Prior Year Reserves	0.00	0.00	0	4,804,578
<b>Total Department Revenues</b>	<b>6,065,265.48</b>	<b>5,946,215.91</b>	<b>5,700,000</b>	<b>10,821,270</b>

**320 - SPLOST Expenditures**

320-540-54200-54220 Roadways and Walkways	1,590,993.53	2,107,414.00	5,700,000	2,500,000
320-540-54100-54130 Buildings	0.00	0.00	0	8,319,696
320-530-51590-53104 Service Fees	0.00	0.00	0	1,574
<b>Total Department Expenditures</b>	<b>1,590,993.53</b>	<b>2,107,414.00</b>	<b>5,700,000</b>	<b>10,821,270</b>

**Fund 540 Solid Waste**

**540 - Solid Waste Revenues**

**General Government**

540-340-34000-34411 Sanitation	1,275,143.72	1,115,000.00	1,115,000	1,317,000
540-360-36100-36100 Interest	2,239.97	0.00	0	0
540-340-39000-34930 Bad Check Fees	36.00	0.00	0	0
<b>Total Department Revenues</b>	<b>1,275,143.72</b>	<b>1,115,000.00</b>	<b>1,115,000</b>	<b>1,317,000</b>

**540 - Solid Waste Expenditures**

**Solid Waste and Recycling**

540-540-51590-54510 Solid Waste and Recycling A	0.00	0.00	0	0
540-530-51590-53105 Operating Supplies/Sanitatio	12,310.59	15,000.00	15,000	1,000
540-520-51590-52127 Contractual Svcs/Waste Pro	1,144,808.22	1,100,000.00	1,100,000	1,230,000
540-570-59000-57902 Reserve Contingency	0.00	0.00	0	86,000
<b>Total Department Expenditures</b>	<b>1,157,118.81</b>	<b>1,115,000.00</b>	<b>1,115,000</b>	<b>1,317,000</b>

**02017-05-95**

# 2018

PROPOSED BUDGET



Fiscal Year 2018  
July 1, 2017 – June 30, 2018

## FY2018 GENERAL FUND BUDGET SUMMARY

	FY2015 Actuals	FY2016 Actuals	FY2017 Budget	FY2018 Budget
Fees & Taxes	8,676,721.19	8,908,712.30	8,129,000	8,615,000
Licenses & Permits	984,168.96	1,045,889.12	875,000	2,018,000
Intergovernmental	0.00	0.00	0	0
Fines & Forfeitures	6,909.51	8,507.36	10,000	8,000
Interest Earned	3,807.35	2,397.27	2,000	1,000
Miscellaneous Revenue	26,108.00	380,612.48	330,000	612,523
<b>Total General Fund Revenues</b>	<b>9,697,715.01</b>	<b>10,346,118.53</b>	<b>9,346,000</b>	<b>11,254,523</b>
City Council	94,010.41	83,057.15	112,216	111,061
City Manager	245,186.41	272,838.89	294,933	539,266
City Clerk	158,658.42	272,034.72	299,360	324,663
Finance/Administration	336,816.29	266,566.83	275,000	326,242
Legal	161,606.83	139,916.35	225,000	225,000
Public Information	235,192.81	283,475.96	386,153	390,676
General Operations	1,430,155.84	1,401,341.46	1,429,300	1,743,000
Facilities and Buildings	172,631.86	751,782.15	1,983,000	3,571,712
Contingency	76,948.81	0.00	482	0
Community Development	400,860.48	655,594.24	1,268,156	764,765
Building Department	393,056.29	415,236.55	340,000	443,055
Code Enforcement	420,743.40	588,441.24	622,700	635,154
Planning & Zoning	233,746.32	217,467.36	220,000	224,400
Public Works	1,182,955.86	1,647,176.40	1,889,700	1,955,529
Debt Service	0.00	0.00	0	0
<b>Total Expenditures</b>	<b>5,542,570.03</b>	<b>6,994,929.30</b>	<b>9,346,000</b>	<b>11,254,523</b>

	FY2015 Actuals	FY2016 Actuals	FY2017 Budget	FY2018 Budget
<b>FY2018 SOLID WASTE FUND BUDGET SUMMARY</b>				
Sanitation	1,275,143.72	1,299,879.00	1,115,000	1,300,000
<b>Total Revenues</b>	<b>1,275,143.72</b>	<b>1,299,879.00</b>	<b>1,115,000</b>	<b>1,300,000</b>
Operating Supplies/Sanitation	12,310.59	5,263.30	15,000	30,000
Contractual Svcs/Waste Pro	1,144,808.22	1,232,060.70	1,100,000	1,270,000
<b>Total Expenditures</b>	<b>1,157,118.81</b>	<b>1,237,324.00</b>	<b>1,115,000</b>	<b>1,300,000</b>
<b>FY2018 SPLOST FUND BUDGET SUMMARY</b>				
Capital Improvement 2014	6,065,265.48	6,196,928.00	5,700,000	0
Capital Improvement 2017	0.00	0.00	800,000	5,700,000
<b>Total Revenues</b>	<b>6,065,265.48</b>	<b>6,196,928.00</b>	<b>6,500,000</b>	<b>5,700,000</b>
Roadways and Walkways	1,590,993.53	2,107,414.00	5,700,000	5,700,000
<b>Total Expenditures</b>	<b>1,590,993.53</b>	<b>2,107,414.00</b>	<b>5,700,000</b>	<b>5,700,000</b>
<b>TOTAL REVENUES ALL FUNDS</b>	<b>17,038,124.21</b>	<b>17,842,925.53</b>	<b>16,961,000</b>	<b>18,254,523</b>
<b>TOTAL EXPENDITURES ALL FUNDS</b>	<b>8,290,682.37</b>	<b>10,339,667.30</b>	<b>16,161,000</b>	<b>18,254,523</b>

FY2015 Actuals

FY2016 Actuals

FY2017 Budget

FY2018 Budget

## 100- General Fund Revenue Detail

### General Property Tax

100-310-31100-31100 Ad Valorem Tax-Current Year	0.00	0.00	0	0
100-310-31100-31110 Public Utility Tax	0.00	0.00	0	0
100-310-31100-31200 Ad Valorem Tax-Prior Year	3,451.45	488.22	0	0
100-310-31100-31310 Motor Vehicle Tax	154.07	32.06	0	0
100-310-31100-31315 Title Ad Valorem Tax	752,918.18	608,791.44	570,000	275,000
100-310-31100-31320 Mobile Home Tax	0.00	0.00	0	0
100-310-31100-31325 Heavy Equipment Tax	0.00	0.00	0	0
100-310-31100-31340 Intangible Tax Revenue	0.00	0.00	0	0
100-310-31100-31350 Railroad Equipment Tax	0.00	0.00	0	0
100-310-31100-31360 Real Estate Transfer Tax	0.00	0.00	0	0
100-310-31100-31370 Franchise Fees	3,028,562.59	3,053,323.95	2,700,000	3,300,000
<b>Subtotal</b>	<b>3,785,086.29</b>	<b>3,662,635.67</b>	<b>3,270,000</b>	<b>3,575,000</b>

### Selective Sales and Use Tax

100-310-31400-34200 Alcoholic Beverage Excise Tax	269,863.95	253,258.99	225,000	240,000
100-310-31400-34300 Local Option Mixed Drink	101,444.09	112,044.23	84,000	100,000
100-310-31400-34900 Other Selective Tax	11,194.61	15,836.34	0	0
<b>Subtotal</b>	<b>382,502.65</b>	<b>381,139.56</b>	<b>309,000</b>	<b>340,000</b>

### Business Taxes

100-310-31600-31610 Business & Occupation Taxes	2,396,689.41	2,567,228.49	2,300,000	2,450,000
100-310-31600-31620 Insurance Premium Tax	2,050,114.78	2,190,210.64	2,150,000	2,150,000
100-310-31600-31630 Financial Institutions Taxes	62,328.06	106,543.99	100,000	100,000
<b>Subtotal</b>	<b>4,509,132.25</b>	<b>4,863,983.12</b>	<b>4,550,000</b>	<b>4,700,000</b>

### Pen & Int on Delinq Tax

100-310-31900-39100 Pen & Int on Delinq Tax	163.85	953.95	0	0
<b>Subtotal</b>	<b>163.85</b>	<b>953.95</b>	<b>0</b>	<b>0</b>

	FY2015 Actuals	FY2016 Actuals	FY2017 Budget	FY2018 Budget
<b>Business License</b>				
100-320-32100-32110 Alcoholic Beverages	351,510.00	367,765.00	330,000	375,000
100-320-32100-32120 General Business License	0.00	0.00	0	0
100-320-32100-32190 Other Licenses/Permits	0.00	1,050.00	0	0
100-320-32100-32210 Insurance License	14,500.00	21,470.00	20,000	18,000
<b>Subtotal</b>	<b>366,010.00</b>	<b>390,285.00</b>	<b>350,000</b>	<b>393,000</b>
<b>Licenses &amp; Permits</b>				
100-320-32200-32200 Building Permits	578,073.96	610,939.92	500,000	1,500,000
100-320-32200-32202 Development Permits	40,085.00	44,664.20	25,000	125,000
<b>Subtotal</b>	<b>618,158.96</b>	<b>655,604.12</b>	<b>525,000</b>	<b>1,625,000</b>
<b>Regulatory Fees</b>				
100-320-32300-32300 Regulatory Fees	0.00	0.00	0	0
100-320-32300-32310 Inspection Fees	0.00	0.00	0	0
<b>Subtotal</b>	<b>0.00</b>	<b>0.00</b>	<b>0</b>	<b>0</b>
<b>Federal Government Grants</b>				
100-330-33100-32310 Federal Grants	79,747.81	0.00	0	0
<b>Subtotal</b>	<b>79,747.81</b>	<b>0.00</b>	<b>0</b>	<b>0</b>
<b>State Government Grants</b>				
100-330-34300-33401 State Grants Received	8,189.45	50,000.00	0	0
<b>Subtotal</b>	<b>8,189.45</b>	<b>50,000.00</b>	<b>0</b>	<b>0</b>
<b>General Government</b>				
100-340-34000-34119 Other Fees	-1,917.87	3,938.12	0	0
100-340-34000-34190 Election Qualifying Fees	0.00	1,710.00	0	0
100-340-34000-34430 Electricity	516.80	324,284.36	330,000	324,000
<b>Subtotal</b>	<b>-1,401.07</b>	<b>329,932.48</b>	<b>330,000</b>	<b>324,000</b>

	FY2015 Actuals	FY2016 Actuals	FY2017 Budget	FY2018 Budget
<b>Fine and Foreitures</b>				
100-350-35100-35100 Municipal Court	6,909.51	8,507.36	10,000	8,000
<b>Subtotal</b>	<b>6,909.51</b>	<b>8,507.36</b>	<b>10,000</b>	<b>8,000</b>
<b>Interest Revenues</b>				
100-360-36100-36100 Interest Revenues	3,807.35	2,397.27	2,000	1,000
<b>Subtotal</b>	<b>3,807.35</b>	<b>2,397.27</b>	<b>2,000</b>	<b>1,000</b>
<b>Contribution/Donations</b>				
100-370-37100-37100 General City	26,000.00	500.00	0	0
<b>Subtotal</b>	<b>26,000.00</b>	<b>500.00</b>	<b>0</b>	<b>0</b>
<b>Other Charges for Svcs</b>				
100-340-39000-34930 Bad Check Fees	108.00	180.00	0	0
<b>Subtotal</b>	<b>108.00</b>	<b>180.00</b>	<b>0</b>	<b>0</b>
<b>Other</b>				
100-380-38900-38910 Prior Year Reserves	0.00	0.00	0	288,523
<b>Subtotal</b>	<b>0.00</b>	<b>0.00</b>	<b>0</b>	<b>288,523</b>
<b>Pen &amp; Int on Delinq Tax</b>				
100-390-39100-39105 Loan Proceeds	0.00	0.00	0	0
<b>Subtotal</b>	<b>0.00</b>	<b>0.00</b>	<b>0</b>	<b>0</b>
<b>Proceeds of Gen Long Term Liab</b>				
100-390-39300-39350 Capital Leases	0.00	0.00	0	0
<b>Subtotal</b>	<b>0.00</b>	<b>0.00</b>	<b>0</b>	<b>0</b>
<b>Total Department Revenues</b>	<b>9,758,415.05</b>	<b>10,346,118.53</b>	<b>9,346,000</b>	<b>11,254,523</b>

FY2015 Actuals

FY2016 Actuals

FY2017 Budget

FY2018 Budget

## 100 - General Fund Expenditures Detail

### Administrative Services Department

#### City Council

100-010-51100-51110 Regular Salaries	57,000.24	55,666.90	57,000	57,000
100-010-51100-51200 FICA/Medicare	4,360.56	4,258.56	4,361	4,361
100-010-51100-51260 Unemployment Expense	0.00	0.00	1,750	0
100-010-51100-51270 Workers Comp	0.00	0.00	605	1,200
100-010-51100-52370 Education & Training	27,814.22	17,832.46	35,000	35,000
100-010-51100-53101 Postage	0.00	0.00	500	500
100-010-51100-53170 Other Supplies	1,763.71	1,569.95	5,000	5,000
100-010-51100-53175 Hospitality Supplies	3,071.68	3,729.28	8,000	8,000
<b>Subtotals</b>	<b>94,010.41</b>	<b>83,057.15</b>	<b>112,216</b>	<b>111,061</b>

#### City Manager

100-010-51300-51110 Regular Salaries	174,099.96	185,100.00	185,100	184,600
100-010-51300-51200 FICA/Medicare	10,123.34	10,371.92	13,541	14,122
100-010-51300-51210 Group Insurance	21,801.40	22,903.00	22,930	23,200
100-010-51300-51240 Retirement	28,220.04	29,934.17	30,090	25,844
100-010-51300-51260 Unemployment Expense	0.00	0.00	773	0
100-010-51300-51270 Workers Comp	1,769.00	1,527.00	3,000	1,000
100-010-51300-51290 Other Emp Benefits	773.50	1,856.40	2,000	21,000
100-010-51300-51280 Relocation Expense	0.00	14,350.00	18,000	0
100-010-51300-52120 Professional Services	0.00	0.00	0	250,000
100-010-51300-52350 Travel Expense	4,311.45	1,920.33	3,500	3,500
100-010-51300-52360 Dues & Fees	130.00	2,680.00	3,500	3,500
100-010-51300-52370 Education & Training	3,210.00	1,606.10	3,000	3,000
100-010-51300-53100 Operating Supplies	63.38	0.00	7,500	7,500
100-010-51300-53175 Hospitality Supplies	684.34	589.97	2,000	2,000
<b>Subtotals</b>	<b>245,186.41</b>	<b>272,838.89</b>	<b>294,933</b>	<b>539,266</b>

	FY2015 Actuals	FY2016 Actuals	FY2017 Budget	FY2018 Budget
<b>City Clerk</b>				
100-010-51130-51110 Regular Salaries	85,000.08	90,639.96	93,359	96,160
100-010-51130-51200 FICA/Medicare	6,676.52	6,933.96	7,142	7,356
100-010-51130-51210 Group Insurance	19,661.40	20,763.00	20,790	23,200
100-010-51130-51240 Retirement	14,450.04	15,328.94	15,871	16,347
100-010-51130-51260 Unemployment Expense	0.00	0.00	258	0
100-010-51130-51270 Workers Comp	629.00	391.00	685	685
100-010-51130-51290 Other Emp Benefits	529.50	1,270.80	1,300	6,500
100-010-51130-52112 Election Services	23,660.57	23,736.29	40,000	55,000
100-010-51130-52121 Contractual Svcs/CH2M	0.00	102,337.56	106,290	108,415
100-010-51130-52330 Advertising	660.00	1,290.00	3,500	3,500
100-010-51130-52350 Travel Expense	1,608.15	992.90	4,500	2,500
100-010-51130-52360 Dues & Fees	290.00	0.00	1,030	1,000
100-010-51130-52370 Education & Training	1,123.00	648.31	2,575	2,000
100-010-51130-53100 Operating Supplies	540.46	2,061.75	2,060	2,000
100-010-51130-53101 Postage	3,829.70	5,640.25	0	0
<b>Subtotals</b>	<b>158,658.42</b>	<b>272,034.72</b>	<b>299,360</b>	<b>324,663</b>

**Finance & Administration**

100-010-51510-51110 Regular Salaries	0.00	0.00	0	141,000
100-010-51510-51200 FICA/Medicare	0.00	0.00	0	10,787
100-010-51510-51210 Group Insurance	0.00	0.00	0	23,200
100-010-51510-51240 Retirement	0.00	0.00	0	23,970
100-010-51510-51260 Unemployment Expense	0.00	0.00	0	0
100-010-51510-51270 Workers Comp	0.00	0.00	0	685
100-010-51510-51290 Other Emp Benefits	0.00	0.00	0	5,100
100-010-51510-52110 Audit Services	19,800.00	23,515.00	25,000	28,000
100-010-51510-52120 Professional Services	0.00	0.00	0	10,000
100-010-51510-52121 Contractual Svcs/CH2M	317,016.29	243,051.83	250,000	75,000

	<b>FY2015 Actuals</b>	<b>FY2016 Actuals</b>	<b>FY2017 Budget</b>	<b>FY2018 Budget</b>
100-010-51510-52350 Travel Expense	0.00	0.00	0	3,500
100-010-51510-52360 Dues & Fees	0.00	0.00	0	1,500
100-010-51510-52370 Education & Training	0.00	0.00	0	3,500
<b>Subtotals</b>	<b>336,816.29</b>	<b>266,566.83</b>	<b>275,000</b>	<b>326,242</b>

#### **Legal Services Department**

100-010-51530-52122 Attorney Fees/Riley & McL	99,548.98	88,725.69	125,000	125,000
100-010-51530-52130 Attorney Fees/Other	62,057.85	51,190.66	100,000	100,000
<b>Subtotals</b>	<b>161,606.83</b>	<b>139,916.35</b>	<b>225,000</b>	<b>225,000</b>

#### **Facilities & Buildings Dept**

100-010-51565-51300 Technical Services	24,893.97	26,221.96	28,000	36,000
100-010-51565-52200 Repairs & Maintenance	0.00	0.00	0	200,000
100-010-51565-52301 Real Estate Rents/Leases	107,029.96	109,119.63	125,000	62,500
100-010-51565-52302 Economic Dev	0.00	600,000.00	460,000	500,000
100-010-51565-53103 Office Supplies	565.28	0.00	10,000	10,000
100-010-51565-53121 Water/Sewage	0.00	0.00	0	60,000
100-010-51565-53122 Electricity	0.00	0.00	0	60,000
100-010-51565-53122 Natural Gas	0.00	0.00	0	60,000
100-010-51565-54130 Buildings	0.00	0.00	0	733,212
100-010-51565-54230 Furniture And Fixtures	40,142.65	16,440.56	10,000	500,000
100-010-51565-55530 Community Services	0.00	0.00	100,000	100,000
100-010-51565-56220 Transfer to DDA	0.00	0.00	1,250,000	1,250,000
<b>Subtotals</b>	<b>172,631.86</b>	<b>751,782.15</b>	<b>1,983,000</b>	<b>3,571,712</b>

#### **Public Information**

100-010-51570-52120 Professional Services	102,272.82	145,753.95	160,000	160,000
100-010-51570-52121 Contractual Svcs/CH2M	132,919.99	137,722.01	226,153	230,676
<b>Subtotals</b>	<b>235,192.81</b>	<b>283,475.96</b>	<b>386,153</b>	<b>390,676</b>

	FY2015 Actuals	FY2016 Actuals	FY2017 Budget	FY2018 Budget
<b>General Operations</b>				
100-010-51590-52101 Official/Admin Start Up				
100-010-51590-52103 Technical Services	97,613.64	95,583.95	110,000	175,000
100-010-51590-52111 Official/Admin Svcs	17,521.02	1,471.68	70,000	70,000
100-010-51590-52120 Professional Services	607,958.91	600,353.06	550,000	975,000
100-010-51590-52128 Commissions	13,191.09	9,525.68	0	0
100-010-51590-52310 General Liability Insurance	17,337.17	21,749.33	35,000	35,000
100-010-51590-53100 Operating Supplies	31,430.33	33,231.38	40,000	40,000
100-010-51590-53101 Postage	0.00	0.00	10,000	10,000
100-010-51590-53103 Office Supplies	10,112.45	9,997.50	10,000	10,000
100-010-51590-53104 Service Fees	13,825.83	7,881.03	15,000	15,000
100-010-51590-53123 Electricity	172,750.39	347,468.81	350,000	375,000
100-010-51590-53131Tan Principal	0.00	0.00	0	0
100-010-51590-53132 Interest	403,181.63	216,381.93	209,300	0
100-010-51590-54240 Computer/Software	39,450.94	52,396.54	30,000	38,000
100-010-51590-58132 Other Debt Principal	4,824.38	4,982.96	0	0
100-010-51590-58232 Other Debt Interest	958.06	317.61	0	0
<b>Subtotals</b>	<b>1,430,155.84</b>	<b>1,401,341.46</b>	<b>1,429,300</b>	<b>1,743,000</b>

## Public Works Department

### Public Works

100-040-54100-51110 Regular Salaries	0.00	0.00	0	144,921
100-040-54100-51200 Fica/Medicare	0.00	0.00	0	11,086
100-040-54100-51210 Group Insurance	0.00	0.00	0	23,200
100-040-54100-51240 Retirement	0.00	0.00	0	24,637
100-040-54100-51260 Unemployment Expense	0.00	0.00	0	0
100-040-54100-51270 Workers Comp	0.00	0.00	0	685
100-040-54100-51290 Other Emp Benefits	0.00	0.00	0	9,000
100-040-54100-52120 Professional Services	195,428.45	287,566.10	175,000	200,000
100-040-54100-52121 Contractual Svcs/CH2M	479,977.01	615,494.32	649,700	550,000
100-040-54100-52124 Contractual Svcs/Optech	458,686.96	650,507.64	640,000	658,000
100-040-54100-52126 Road Maint Supplies	10,918.20	51,335.45	150,000	100,000

	<b>FY2015 Actuals</b>	<b>FY2016 Actuals</b>	<b>FY2017 Budget</b>	<b>FY2018 Budget</b>
100-010-54100-52350 Travel Expense	0.00	0.00	0	3,000
100-010-54100-52360 Dues & Fees	0.00	0.00	0	3,000
100-010-54100-52370 Education & Training	0.00	0.00	0	3,000
100-040-54100-53100 Operating Supplies	5,032.24	16,900.19	15,000	15,000
100-040-54100-54231 Signs/Beautification	31,656.24	25,155.10	150,000	125,000
100-040-54100-54250 Other Equipment	1,256.76	217.60	10,000	10,000
100-040-54100-54260 Street Lighting	0.00	0.00	100,000	75,000
<b>Subtotals</b>	<b>1,182,955.86</b>	<b>1,647,176.40</b>	<b>1,889,700</b>	<b>1,955,529</b>

## Community Development Department

### Community Development

100-070-57200-51110 Regular Salaries	151,750.56	146,489.18	150,883	165,709
100-070-57200-51200 Fica/Medicare	9,726.84	9,767.72	11,543	12,677
100-070-57200-51210 Group Insurance	0.00	0.00	0	0
100-070-57200-51240 Retirement	24,177.92	24,842.68	25,650	28,171
100-070-57200-51260 Unemployment Expense	0.00	0.00	773	0
100-070-57200-51270 Workers Comp	145.00	1,006.00	1,100	1,000
100-070-57200-51290 Other Emp Benefits	773.50	11,960.40	12,408	12,408
100-070-57200-52120 Professional Services	211,032.60	375,386.68	300,000	300,000
100-070-57200-52121 Contractual Svcs/CH2M	0.00	82,499.83	110,000	133,300
100-0070-57200-52350 Travel Expense	0.00	0.00	0	3,500
100-0070-57200-52360 Dues & Fees	0.00	0.00	0	1,500
100-070-57200-52370 Education & Training	3,254.06	3,641.75	4,000	3,500
100-070-57200-53175 Hospitality Supplies	0.00	0.00	1,800	3,000
100-070-57200-56230 Multi-Use Trail	0.00	0.00	650,000	100,000
<b>Subtotals</b>	<b>400,860.48</b>	<b>655,594.24</b>	<b>1,268,156</b>	<b>764,765</b>

	FY2015 Actuals	FY2016 Actuals	FY2017 Budget	FY2018 Budget
<b>Building Department</b>				
100-070-57220-52120 Professional Services	0.00	0.00	0	0
100-070-57220-52121 Contractual Svcs/CH2M	0.00	0.00	0	443,055
100-070-57220-52123 Contractual Svcs/CAA	393,056.29	415,236.55	340,000	0
<b>Subtotals</b>	<b>393,056.29</b>	<b>415,236.55</b>	<b>340,000</b>	<b>443,055</b>
<b>Planning &amp; Zoning</b>				
100-070-57410-52120 Professional Services	0.00	0.00	0	0
100-070-57410-52121 Contractual Svcs/CH2M	233,746.32	217,467.36	220,000	224,400
<b>Subtotals</b>	<b>233,746.32</b>	<b>217,467.36</b>	<b>220,000</b>	<b>224,400</b>
<b>Code Enforcement</b>				
100-070-57450-52120 Professional Services	0.00	0.00	0	0
100-070-57450-52121 Contractual Svcs/CH2M	420,743.40	588,441.24	622,700	635,154
<b>Subtotals</b>	<b>420,743.40</b>	<b>588,441.24</b>	<b>622,700</b>	<b>635,154</b>
<b>Designated Reserve</b>				
100-010-59000-57902 Reserve Contingency	76,948.81	1,462,050.74	482	0
<b>Subtotals</b>	<b>76,948.81</b>	<b>1,462,050.74</b>	<b>482</b>	<b>0</b>
<b>Total Expenditures</b>	<b>5,542,570.03</b>	<b>8,456,980.04</b>	<b>9,346,000</b>	<b>11,254,523</b>

	FY2015 Actuals	FY2016 Actuals	FY2017 Budget	FY2018 Budget
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**Fund 320 SPLOST**

**320 - SPLOST Revenues**

320-340-34300-34321 Capital Improvement 2014	5,823,241.63	6,196,928.00	5,700,000	5,700,000
320-340-34300-34322 Capital Improvement 2016	0.00	0.00	0	5,700,000
320-330-34300-33431 State Government Grants	242,023.85	0.00	0	0
<b>Total Department Revenues</b>	<b>6,065,265.48</b>	<b>6,196,928.00</b>	<b>5,700,000</b>	<b>5,700,000</b>

**320 - SPLOST Expenditures**

320-540-54200-54220 Roadways and Walkways	1,590,993.53	2,107,414.00	5,700,000	5,700,000
<b>Total Department Expenditures</b>	<b>1,590,993.53</b>	<b>2,107,414.00</b>	<b>5,700,000</b>	<b>5,700,000</b>

**Fund 540 Solid Waste**

**540 - Solid Waste Revenues**

**General Government**

540-340-34000-34411 Sanitation	1,275,143.72	1,299,879.00	1,115,000	1,300,000
540-360-36100-36100 Interest	2,239.97	0.00	0	0
540-340-39000-34930 Bad Check Fees	36.00	0.00	0	0
<b>Total Department Revenues</b>	<b>1,275,143.72</b>	<b>1,299,879.00</b>	<b>1,115,000</b>	<b>1,300,000</b>

**540 - Solid Waste Expenditures**

**Solid Waste and Recycling**

540-540-51590-54510 Solid Waste and Recycling Adn	0.00	0.00	0	0
540-530-51590-53105 Operating Supplies/Sanitation	12,310.59	5,263.30	15,000	30,000
540-520-51590-52127 Contractual Svcs/Waste Pro	1,144,808.22	1,232,060.70	1,100,000	1,270,000
<b>Total Department Expenditures</b>	<b>1,157,118.81</b>	<b>1,237,324.00</b>	<b>1,115,000</b>	<b>1,300,000</b>

**5 Year Capital Improvement Plan**

<i>Projects</i>	<b>Total</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
<b>SPLOST</b>						
<b>Holcomb Bridge Rd at Jimmy Cart Blvd CTP_44</b> Operations and safety improvements to the intersection, Joint 2014 SPLOST Project	325,000	325,000	-	-	-	-
<b>Winters Chapel Corridor Improvements WCR_09</b> Corridor study project, pedestrian improvements	50,000	-	50,000	-	-	-
<b>Repaving</b>	7,500,000	1,500,000	1,500,000	1,500,000	1,500,000	1,500,000
<b>Spalding Drive Widening Construction CTP_04</b> Potential 2017 Joint SPLOST project with Gwinnett, also to be paired with planned GDOT improvements to the intersection of Spalding & SR 140	900,000			400,000	500,000	-
<b>Jimmy Carter Blvd at Buford Hwy Joint Project PTC.14.01</b> 2014 Joint SPLOST Project, intersection improvements	1,000,000	-	-		-	1,000,000
<b>Joint County/State Projects</b> To be determined via 2017 SPLOST IGA (summer 2017)	3,750,000	750,000	750,000	750,000	750,000	750,000
<b>Roundabout at Peachtree Corners Circle and Medlock Bridge Rd MBR_01</b> Operational intersection improvement	1,500,000	1,500,000				
<b>Pedestrian Connectivity Improvements CTP Tab</b>	8,000,000	-	3,000,000	5,000,000	-	-
<b>Botanical Gardens/Trails-</b> Trail system with beautification on Town Center Project	2,500,000	-			2,500,000	-
<b>Sidewalk Improvements-</b> Locations to be Determined	2,325,000	465,000	465,000	465,000	465,000	465,000
<b>Phase 1 Trail LCI_14</b> Construction of Trail System from HWY141 to Technology Park Lake	1,700,000	800,000	900,000			
<b>Phase 2 Trail LCI_14</b> Construction of Trail System from Technology Park Lake to Medlock Bridge Road	1,700,000	-	900,000	800,000		
<b>Other Streets, Sidewalks &amp; Road Projects</b>	9,100,000	1,100,000	2,000,000	2,000,000	2,000,000	2,000,000
<b>GENERAL FUND</b>						
<b>Trails LCI_14</b> Locations to be selected	7,700,000	-	-	1,700,000	3,000,000	3,000,000
<b>Street Light Improvements-</b> Locations to be determined	375,000	75,000	75,000	75,000	75,000	75,000
<b>Grand Total</b>	<b>\$ 48,425,000</b>	<b>\$ 6,515,000</b>	<b>\$ 9,640,000</b>	<b>\$ 12,690,000</b>	<b>\$ 10,790,000</b>	<b>\$ 8,790,000</b>

**02017-05-93**

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEACHTREE CORNERS, GEORGIA TO AMEND CHAPTER 14 (BUSINESSES) AND CHAPTER 46 (PAWNSHOPS) OF THE CODE OF THE CITY OF PEACHTREE CORNERS, GEORGIA; TO REQUIRE THE DISPLAY OF AN OCCUPATIONAL TAX CERTIFICATE AT A PLACE OF BUSINESS; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES**

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

**WHEREAS**, the City Council has determined that it is appropriate from time to time to modify the Code of Ordinances of the City of Peachtree Corners (the “Code”) to further protect the public health, safety, and welfare of the citizens of Peachtree Corners; and

**BE IT ORDAINED** by the Mayor and City Council of the City of Peachtree Corners, Georgia that the City’s Code of Ordinances is amended as follows:

**SECTION I:** Article I of Chapter 14 relating to businesses is hereby amended by adding Sec. 14-48 requiring the display of an occupational tax certificate at a place of business, and will read as follows:

**Sec. 14-48. – Display of certificate at place of business.**

Any occupational tax certificate issued under this chapter shall be displayed in a conspicuous place of the business of the licensee and within public view. Such occupational tax certificate shall be shown to any appointee of the city upon request.

**Secs. 14-49—14-67. - Reserved.**

**SECTION II:** Chapter 46 relating to Pawnshops is hereby amended by adding Sec. 46-17 requiring the display of an occupational tax certificate at a pawnshop, and will read as follows:

**Sec. 46-17. – Display of certificate at place of business.**

Any occupational tax certificate issued under this chapter shall be displayed in a conspicuous place of the business of the licensee and within public view. Such occupational tax certificate shall be shown to any appointee of the city upon request.

**SECTION III:** It is the intention of the City Council and it is hereby ordained by the authority of the City Council that the provisions of this Ordinance shall become and be made a part of The Code of the City of Peachtree Corners, Georgia, and the codifier is authorized to make the

specified deletions, insertions, additions, and to insert headings, article numbers and section numbers as and where appropriate.

**SECTION IV:** All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.

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

**SECTION VI:** This Ordinance shall become effective immediately upon adoption.

**SO ORDAINED** this 18<sup>th</sup> day of April, 2017.

CITY OF PEACHTREE CORNERS, GEORGIA

By: \_\_\_\_\_

Mike Mason, Mayor

Attest:

\_\_\_\_\_

Kym Chereck, City Clerk

(SEAL)

**02017-04-89**

**AN ORDINANCE AMENDING THE STREAM BUFFER PROTECTION ORDINANCE  
(CHAPTER 18 – ENVIRONMENT, ARTICLE III) FOR THE CITY OF PEACHTREE  
CORNERS, GEORGIA**

**WHEREAS**, the City of Peachtree Corners is charged with providing for the health, safety and welfare of the citizens of the City; and

**WHEREAS**, the Environmental Protection Division of the State of Georgia has promulgated a suggested model Ordinance for stream buffer protection which the Council finds is the best way to preserve the natural stream buffers in the City and protect the environment; and

**WHEREAS**, the Mayor and City Council find that the health, safety and welfare of the citizens of the City will be better preserved and protected by the adoption of the suggested model stream buffer protection ordinance.

**NOW THEREFORE**, Mayor and City Council of the City of Peachtree Corners hereby adopt the Stream Buffer Protection Ordinance to read in its entirety as follows:

**SECTION 1. FINDINGS AND PURPOSES**

**1.1. Findings**

Whereas, the Mayor and City Council of the City of Peachtree Corners finds that buffers adjacent to streams provide numerous benefits including:

- (1) Protecting, restoring and maintaining the chemical, physical and biological integrity of streams and their water resources
- (2) Removing pollutants delivered in urban stormwater
- (3) Reducing erosion and controlling sedimentation
- (4) Protecting and stabilizing stream banks
- (5) Providing for infiltration of stormwater runoff
- (6) Maintaining base flow of streams
- (7) Contributing organic matter that is a source of food and energy for the aquatic ecosystem
- (8) Providing tree canopy to shade streams and promote desirable aquatic habitat
- (9) Providing riparian wildlife habitat
- (10) Furnishing scenic value and recreational opportunity
- (11) Providing opportunities for the protection and restoration of greenspace

## 1.2. Purposes

It is the purpose of this Ordinance is to protect the public health, safety, environment and general welfare; to minimize public and private losses due to erosion, siltation and water pollution; and to maintain stream water quality by provisions designed to:

- (1) Create buffer zones and impervious setbacks along the streams of City of Peachtree Corners for the protection of water resources; and,
- (2) Minimize land development within such buffers and development within such impervious setbacks by establishing buffer and setback zone requirements and by requiring authorization for any such activities.

## SECTION 2. DEFINITIONS

“**Buffer**” means a natural or enhanced vegetated area (established by Section 4.1 below)

“**City**” means the City of Peachtree Corners

“**Community Development Director**” means the Community Development Director of the city or his/her designee.

“**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 groundwater table year-round; for which groundwater is not a source of water; and for which temporary runoff from precipitation is the primary source of water flow.

“**Impervious Cover**” means those areas, which prevent or impede the infiltration of stormwater into the soil as it entered in natural conditions prior to land development. Impervious cover includes, but is not limited to, rooftops, buildings, parking lots, driveways, streets, roads, decks (other than elevated slatted decks), swimming pools, patio areas, paved storage areas, compacted gravel areas, awnings and any concrete or asphalt areas.

“**Impervious Setback**” means the setback area defined in Sec. 5 below.

“**Floodplain**” means any land area susceptible to flooding, which would have at least a one percent probability of flooding occurrence in any calendar year based on the basin being fully developed as shown on the current land use plan; i.e., the regulatory flood.

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

“**Land Development Activity**” means those actions or activities which comprise, facilitate or result in land development.

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

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

**“Parcel”** means any plot, lot or acreage shown as a unit on the latest county tax assessment records.

**“Permit”** means the permit issued by the city required for undertaking any land development or land disturbance activity

**“Person”** means any individual, partnership, firm, association, joint venture, public or private corporation, limited liability company, trust, estate, commission, board, public or private institution, utility, cooperative, city, county or other political subdivision of the State of Georgia, any interstate body or any other legal entity.

**“Protection Area” or “Stream Protection Area”** means, with respect to a stream, the combined areas of all required buffers and setbacks applicable to such stream.

**“Riparian”** means belonging or related to the bank of a river, stream, lake, pond or impoundment.

**“Setback”** means, with respect to a stream, the area established by Section 4.1.2 extending beyond any buffer applicable to the stream.

**“State waters”** means, any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the state, which are not entirely confined and retained completely upon a parcel.

**“Stream”** means any natural, running water flowing continuously or intermittently in a channel on or below the surface of the ground,

**“Stream Channel”** means the confining cut of ground surface that contains the base flow of a stream and is identified at a point where the water flow has wrested the vegetation.

**“Unusual Circumstances”** means (i) the shape, topography or other physical conditions of the parcel prevents land development in a manner consistent with similar situated properties within the proximity of the parcel; (ii) circumstances constituting force majeure; or (iii) any rehabilitation or reconstruction by a parcel owner of an impervious cover existing within the buffer described in Section 4.2.2.6 below.

**“Watershed”** means the land area that drains into a stream.

**“Wrested Vegetation”** means the point adjacent to the edge of the base flow of a stream or the water surface of a lake where vegetation has been moved or wrested as a result of normal stream flow or wave action.

### **SECTION 3. APPLICABILITY**

This ordinance shall apply to all land development and land disturbance activity on any parcel containing a stream protection area. These requirements are in addition to, and do not replace or supersede, any other applicable buffer requirements established under state law and approval or exemption from these requirements do not constitute approval or exemption from buffer

requirements established under state law or from other applicable local, state or federal regulations.

### 3.1. Grandfather Provisions

This ordinance shall not apply to the following activities:

- (1) Work consisting of the repair or maintenance of any lawful use of land that is zoned and approved for such use on or before the effective date of this ordinance.
- (2) Existing development and on-going land disturbance activities including but not limited to existing agriculture, silviculture, landscaping, gardening and lawn maintenance, and other land disturbance activities not requiring permits under this ordinance or any other provision of the code; provided, however, any new land development or land disturbance activities on such properties shall be subject to this ordinance.
- (3) Any land development activity that is under construction, fully approved for development, scheduled for permit approval or has been submitted for approval as of the effective date of this ordinance.
- (4) Land development activity that has not been submitted for approval, but that is part of a larger master development plan, such as for an office park or other phased development that has been previously approved within two years of the effective date of this ordinance.

### 3.2. Exemptions

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

- (1) Activities for the purpose of building one of the following:
  - (a) a stream crossing by a driveway, transportation route or utility line;
  - (b) public water supply intake or public wastewater outfall structures;
  - (c) intrusions necessary to provide access to a parcel;
  - (d) public access facilities that must be on the water including boat ramps, docks, foot trails leading directly to the river, fishing platforms and overlooks;
  - (e) unpaved foot trails and paths;
  - (f) activities to restore and enhance stream channel and bank stability, vegetation, water quality and/or aquatic habitat, so long as native vegetation and bioengineering techniques are used; or
  - (g) the removal of dead, dying, diseased, or hazardous trees, provided, however, no grading or stump removal shall be conducted.
- (2) Public sewer line easements paralleling the creek, except that all easements (permanent and construction) and land disturbance should be at least 25 feet from the top of the bank. This includes such impervious cover as is necessary for the operation and maintenance of the utility, including but not limited to manholes, vents and valve structures. This exemption shall not be construed as allowing the construction of roads, bike paths or

other transportation routes in such easements, regardless of paving material, except for access for the uses specifically cited in Item 3.2.1., above.

- (3) Land development activities within a right-of-way existing at the time this ordinance takes effect or approved under the terms of this ordinance.
- (4) Within an easement of any utility existing at the time this ordinance takes effect or approved under the terms of this ordinance, land disturbance activities and such impervious cover as is necessary for the operation and maintenance of the utility, including but not limited to manholes, vents and valve structures.
- (5) Emergency work necessary to preserve life or property. However, when emergency work is performed under this section, the person performing it shall report such work to the Peachtree Corners Community Development Department on the next business day after commencement of the work. Within 10 days thereafter, the person shall apply for a permit and perform such work within such time-period as may be determined by the Peachtree Corners Community Development Department to be reasonably necessary to correct any impairment such emergency work may have caused to the water conveyance capacity, stability or water quality of the protection area.
- (6) Forestry and silviculture activities on land that is zoned for forestry, silvicultural or agricultural uses and are not incidental to other land development activity. If such activity results in land disturbance in the buffer that would otherwise be prohibited, then no other land disturbing activity other than normal forest management practices will be allowed on the entire property for three years after the end of the activities that intruded on the buffer.
- (7) Projects defined in O.C.G.A. 12-7-17(3) that would be considered minor land-disturbing activities that are exempt from the Georgia Soil and Sedimentation Act:  
"Such minor land-disturbing activities as home gardens and individual home landscaping, repairs, maintenance work, fences, and other related activities which result in minor soil erosion."

After the effective date of this ordinance, the buffer requirements and the setback requirements stipulated herein shall apply to new subdivisions and site plans or any other construction, land development or land disturbances in the proximity of a stream, whether or not the stream is located within the parcel where the activity is proposed.

Any land development activity within a buffer established hereunder or any impervious cover within a setback established hereunder is prohibited unless a variance is granted pursuant to Section 4.2 below.

## **SECTION 4. LAND DEVELOPMENT REQUIREMENTS**

### **4.1 Buffer and Setback Requirements**

All land development and land disturbance activity subject to this ordinance shall meet the following requirements:

- (1) An undisturbed natural vegetative buffer shall be maintained for 50 feet, measured horizontally, on both banks (as applicable) of the stream as measured from the top of the stream bank.
- (2) An additional setback shall be maintained for 25 feet, measured horizontally, beyond the undisturbed natural vegetative buffer, in which all impervious cover shall be prohibited. Grading, filling and earthmoving shall be minimized within the setback.
- (3) No septic tanks or septic tank drain fields shall be permitted within the buffer or the setback.

#### **4.2 Variance Procedures**

Variances from the above buffer and setback requirements may be granted in accordance with the following provisions:

- (1) Where a parcel was platted prior to the effective date of this ordinance, and its shape, topography or other existing physical condition prevents land development consistent with this ordinance, and the Peachtree Corners Community Development Department finds and determines that the requirements of this ordinance prohibit the otherwise lawful use of the property by the owner, the Zoning Board of Appeals of the City of Peachtree Corners may grant a variance from the buffer and setback requirements hereunder, provided such variance require mitigation measures to offset the effects of any proposed land development on the parcel.
- (2) Except as provided above, the Zoning Board of Appeals of the City of Peachtree Corners shall grant no variance from any provision of this ordinance without first conducting a public hearing on the application for variance and authorizing the granting of the variance by an affirmative vote of the Zoning Board of Appeals. The City of Peachtree Corners shall give public notice of each such public hearing in the city's Legal Organ. The City shall require that the applicant post a sign giving notice of the proposed variance and the public hearing. The sign shall be of a size and posted in such a location on the property as to be clearly visible from the primary adjacent road right-of-way. Variances will be considered only in the following cases:
  - (a) When a property's shape, topography or other physical conditions existing at the time of the adoption of this ordinance prevents land development unless a buffer variance is granted.
  - (b) Unusual circumstances when strict adherence to the minimal buffer requirements in the ordinance would create an extreme hardship.

Variances will not be considered when, following adoption of this ordinance, actions of any property owner of a given property have created conditions of a hardship on that property.

- (3) At a minimum, a variance request shall include the following information:
  - (a) A site map that includes locations of all streams, wetlands, floodplain boundaries and other natural features, as determined by field survey;

- (b) A description of the shape, size, topography, slope, soils, vegetation and other physical characteristics of the property;
  - (c) A detailed site plan that shows the locations of all existing and proposed structures and other impervious cover, the limits of all existing and proposed land disturbance, both inside and outside the buffer and setback. The exact area of the buffer to be affected shall be accurately and clearly indicated;
  - (d) Documentation of unusual hardship should the buffer be maintained;
  - (e) At least one alternative plan, which does not include a buffer or setback intrusion, or an explanation of why such a site plan is not possible;
  - (f) A calculation of the total area and length of the proposed intrusion;
  - (g) A stormwater management site plan, if applicable; and,
  - (h) Proposed mitigation, if any, for the intrusion. If no mitigation is proposed, the request must include an explanation of why none is being proposed.
- (4) The following factors will be considered in determining whether to issue a variance:
- (a) The shape, size, topography, slope, soils, vegetation and other physical characteristics of the property;
  - (b) The locations of all streams on the property, including along property boundaries;
  - (c) The location and extent of the proposed buffer or setback intrusion; and,
  - (d) Whether alternative designs are possible which require less intrusion or no intrusion;
  - (e) The long-term and construction water-quality impacts of the proposed variance;
  - (f) Whether issuance of the variance is at least as protective of natural resources and the environment.

## **SECTION 5. COMPATIBILITY WITH OTHER BUFFER REGULATIONS AND REQUIREMENTS**

This ordinance is not intended to interfere with, abrogate or annul any other ordinance, rule or regulation, statute or other provision of law. The requirements of this ordinance should be considered minimum requirements, and where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule, regulation or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall be considered to take precedence, which includes but is not limited to the following:

### **Metropolitan River Protection Act and Chattahoochee Corridor Plan**

Requires a 50-foot undisturbed vegetative buffer and 150-foot impervious surface setback on the Chattahoochee River and its impoundments and a 35-foot undisturbed vegetative buffer (all measured from the edge of the water) on perennial tributary streams in a Corridor extending

2000 feet from either bank of the river and its impoundments. The Corridor extends from Buford Dam to the downstream limits of the Atlanta region (Douglas and Fulton Counties).

**DNR Part 5 Criteria for Small (under 100 square miles) Water Supply Watersheds**

Authorized under Part V of the Georgia Planning Act of 1989, these criteria require 100-foot undisturbed buffers and 150-foot setbacks on all perennial streams within 7 miles upstream of a public water supply reservoir or public water supply intake. Beyond 7 miles, the required buffer is 50 feet and the required setback is 75 feet.

**DNR Part 5 Criteria for River Protection**

Authorized under the 1991 Mountains and River Corridors Protection Act of 1991, these criteria require a 100-foot buffer along rivers with average annual flows of greater than 400 cfs (excepting the portion of the Chattahoochee referenced above). The buffer is measured from the top of the stream bank.

**SECTION 6. ADDITIONAL INFORMATION REQUIREMENTS FOR DEVELOPMENT ON BUFFER ZONE PROPERTIES**

Any permit applications for property requiring buffers and setbacks hereunder must include the following:

- (1) A site plan showing:
  - (a) The location of all streams on the parcel or on adjacent parcels within seventy-five (75) feet of the boundary of the subject parcel;
  - (b) Limits of required stream buffers and setbacks on the parcel;
  - (c) Buffer zone topography with contour lines at no greater than five (5)-foot contour intervals;
  - (d) Delineation of forested and open areas in the buffer zone; and,
  - (e) Detailed plans of all proposed land development in the buffer and of all proposed impervious cover within the setback;
  - (f) Detailed plans of all proposed land development in the buffer and setback and of all proposed land disturbance within the setback; and
  - (g) Tree save fencing at the limits of the proposed disturbance where the proposed disturbance is within or adjacent to the stream protection area.
- (2) A written description of the need for all proposed land development within the buffer and setback and land disturbance in the setback; and,
- (3) Any other documentation that the city may reasonably deem necessary for review of the application and to insure that the buffer zone ordinance is addressed in the approval process.

All buffer and setback areas must be recorded on the final plat of the property following plan approval.

## **SECTION 7. RESPONSIBILITY**

Neither the issuance of a development permit nor compliance with the conditions thereof, nor with the provisions of this ordinance shall relieve any person from any responsibility otherwise imposed by law for damage to persons or property; nor shall the issuance of any permit hereunder serve to impose any liability upon the city, its elected officials, officers or employees, for injury or damage to persons or property. All permits issued by the city which do not comply with this ordinance are ultra vires and the work permitted thereby is subject to both a stop work order and order to remediate the land disturbance so permitted without the imposition of any liability upon the city, its elected officials, officers or employees, for injury or damage to persons or property

## **SECTION 8. INSPECTION**

The city may cause inspections of the work in the buffer or setback to be made periodically during the course thereof and shall make a final inspection following completion of the work. The holder of the permit shall assist the city in making such inspections. The city shall have the authority to conduct such investigations as it may reasonably deem necessary to carry out its duties as prescribed in this ordinance, and for this purpose to enter at reasonable time upon any property, public or private, for the purpose of investigating and inspecting the sites of any land development or land disturbance activities within the protection area.

No person shall refuse entry or access to any authorized representative or agent who requests entry for purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out official duties.

## **SECTION 9. VIOLATIONS, ENFORCEMENT AND PENALTIES**

Any action or inaction which violates the provisions of this ordinance or the requirements of an approved site plan or permit may be subject to the enforcement actions outlined in this Section. Any such action or inaction which is continuous with respect to time is deemed to be a public nuisance and may be abated by injunctive or other equitable relief. The imposition of any of the penalties described below shall not prevent such equitable relief.

### **9.1. Notice of Violation**

If the city determines that an applicant or other responsible person has failed to comply with the terms and conditions of a permit, an approved site plan or the provisions of this ordinance, it shall issue a written notice of violation to such applicant or other responsible person. Where a person is engaged in activity covered by this ordinance without having first secured the

appropriate permit therefor, the notice of violation shall be served on the owner or the responsible person in charge of the activity being conducted on the parcel.

The notice of violation shall contain:

- (1) The name and address of the owner or the applicant or the responsible person;
- (2) The address or other description of the site upon which the violation is occurring;
- (3) A statement specifying the nature of the violation;
- (4) A description of the remedial measures necessary to bring the action or inaction into compliance with the permit, the approved site plan or this ordinance and the date for the completion of such remedial action;
- (5) A statement of the penalty or penalties that may be assessed against the person to whom the notice of violation is directed; and,
- (6) A statement that the determination of violation may be appealed to the Zoning Board of Appeals by filing a written notice of appeal within thirty (30) days after the notice of violation (except that in the event the violation constitutes an immediate danger to public health or public safety; 24 hours' notice shall be sufficient).

## 9.2. Enforcement

In the event the remedial measures described in the notice of violation have not been completed by the date set forth for such completion in the notice of violation, any one or more of the following actions or penalties may be taken or assessed against the person to whom the notice of violation was directed. Before taking any of the following actions or imposing any of the following penalties, the city shall first notify the applicant or other responsible person in writing of its intended action, and shall provide a reasonable opportunity, of not less than ten days (except that in the event the violation constitutes an immediate danger to public health or public safety, 24-hours' notice shall be sufficient) to cure such violation. In the event the applicant or other responsible person fails to cure such violation after such notice and cure period, the city may take any one or more of the following actions or impose any one or more of the following penalties.

- (1) **Stop Work Order** - The city may issue a stop work order which shall be served on the applicant or other responsible person. The stop work order shall remain in effect until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violation or violations described therein, provided the stop work order may be withdrawn or modified to enable the applicant or other responsible person to take necessary remedial measures to cure such violation or violations.
- (2) **Withhold Certificate of Occupancy** - The city may refuse to issue a certificate of occupancy for the building or other improvements constructed or being constructed on the site until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein.
- (3) **Suspension, Revocation or Modification of Permit** - The city may suspend, revoke or modify the permit authorizing the land development project. A suspended, revoked or

modified permit may be reinstated after the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein, provided such permit may be reinstated (upon such conditions as the city may deem necessary) to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.

- (4) **Civil Penalties** - In the event the applicant or other responsible person fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within ten days (or such greater period as the city deem appropriate) (except that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours' notice shall be sufficient) after the city has taken one or more of the actions described above, the city may impose a penalty not to exceed \$1,000 (depending on the severity of the violation) for each day the violation remains unremedied after receipt of the notice of violation.
- (5) **Criminal Penalties** - For intentional and flagrant violations of this ordinance, the city may issue a citation to the applicant or other responsible person, requiring such person to appear in Municipal Court to answer charges for such violation. Upon conviction, such person shall be punished by a fine not to exceed \$1,000 or imprisonment for 60 days or both. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

## **SECTION 10. ADMINISTRATIVE APPEAL AND JUDICIAL REVIEW**

### **10.1 Administrative Appeal**

Any person aggrieved by a decision or order of Peachtree Corners Community Development Department, may appeal in writing within 30 days after the issuance of such decision or order to the City Manager and shall be entitled to a hearing before the Zoning Board of Appeals of the City of Peachtree Corners within 90 days of receipt of the written appeal.

### **10.2 Judicial Review**

Any person aggrieved by a decision or order of the city, after exhausting all administrative remedies, shall have the right to appeal de novo to the Superior Court of Gwinnett County.

## **SECTION 11. SEVERABILITY**

If any article, section, subsection, paragraph, clause, phrase or provision of this ordinance shall be adjudged invalid or held unconstitutional, such decision shall not affect or invalidate the remaining portions of this ordinance.

Approved by:

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Kym Chereck, City Clerk

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Mike Mason, Mayor

SEAL

**02017-04-90**

**AN ORDINANCE AMENDING THE FLOODPLAIN MANAGEMENT/ FLOOD  
DAMAGE PREVENTION ORDINANCE (CHAPTER 26 FLOODS) FOR THE CITY OF  
PEACHTREE CORNERS, GEORGIA**

**WHEREAS**, the City of Peachtree Corners is charged with providing for the health, safety and welfare of the citizens of the City; and

**WHEREAS**, the Environmental Protection Division of the State of Georgia has promulgated a suggested Model Ordinance for Floodplain Management and Flood Damage Protection which the Council finds is the best way to preserve the floodplain areas in the City and protect the environment; and

**WHEREAS**, the Mayor and City Council find that the health, safety and welfare of the citizens of the City will be better preserved and protected by the adoption of the suggested model floodplain management ordinance.

**NOW THEREFORE**, Mayor and City Council of the City of Peachtree Corners hereby adopt the Floodplain Management/ Flood Damage Prevention Ordinance to read in its entirety as follows:

**INTRODUCTION**

It is hereby determined that:

The flood hazard areas of the City of Peachtree Corners are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood relief and protection, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

Flood hazard areas can serve important stormwater management, water quality, streambank protection, stream corridor protection, wetland preservation and ecological purposes when permanently protected as undisturbed or minimally disturbed areas.

Effective floodplain management and flood hazard protection activities can

- (1) Protect human life and health;
- (2) Minimize damage to private property;
- (3) Minimize damage to public facilities and infrastructure such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains; and
- (4) Minimize expenditure of public money for costly flood control projects associated with flooding and generally undertaken at the expense of the general public.

Article IX, Section II of the Constitution of the State of Georgia and Section 36-1-20(a) of the Official Code of Georgia Annotated have delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, Peachtree Corners, Georgia, does ordain this ordinance and establishes this set of floodplain management and flood hazard reduction policies for the purpose of regulating the use of flood hazard areas. It is determined that the regulation of flood hazard areas and the prevention of flood damage are in the public interest and will minimize threats to public health and safety, as well as to private and public property.

## **SECTION 1. GENERAL PROVISIONS**

### **1.1 Purpose and Intent**

The purpose of this ordinance is to protect, maintain and enhance the public health, safety, environment and general welfare and to minimize public and private losses due to flood conditions in flood hazard areas, as well as to protect the beneficial uses of floodplain areas for water quality protection, streambank and stream corridor protection, wetlands preservation and ecological and environmental protection by provisions designed to:

- (1) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (2) Restrict or prohibit uses which are dangerous to health, safety and property due to flooding or erosion hazards, or which increase flood heights, velocities, or erosion;
- (3) Control filling, grading, dredging and other development which may increase flood damage or erosion;
- (4) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands;
- (5) Limit the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters; and,
- (6) Protect the stormwater management, water quality, streambank protection, stream corridor protection, wetland preservation and ecological functions of natural floodplain areas.

### **1.2 Applicability**

This ordinance shall be applicable to all Areas of Special Flood Hazard within the City of Peachtree Corners.

### **1.3 Designation of Ordinance Administrator**

The Community Development Director or his/her designee is hereby appointed to administer and implement the provisions of this ordinance.

### **1.4 Basis for Area of Special Flood Hazard – Flood Area Maps and Studies**

For the purposes of this ordinance, the following are adopted by reference:

- (1) The Flood Insurance Study (FIS) for Gwinnett County, dated March 4, 2013, with accompanying maps and other supporting data and any revision thereto are hereby adopted by reference.
- (2) Other studies which may be relied upon for the establishment of the base flood elevation or delineation of the 100-year floodplain and flood-prone areas include:
  - (a) Any flood or flood-related study conducted by the United States Army Corps of Engineers, the United States Geological Survey or any other local, State or Federal agency applicable to the City of Peachtree Corners; or
  - (b) Any base flood study authored by a registered professional engineer in the State of Georgia which has been prepared by FEMA approved methodology and approved by City of Peachtree Corners.
- (3) Other studies which may be relied upon for the establishment of the future-conditions flood elevation or delineation of the future-conditions floodplain and flood-prone areas include:
  - (a) Any flood or flood-related study conducted by the United States Army Corps of Engineers, the United States Geological Survey, or any other local, State or Federal agency applicable to the City of Peachtree Corners; or
  - (b) Any future-conditions flood study authored by a registered professional engineer in the State of Georgia which has been prepared by FEMA approved methodology approved by City of Peachtree Corners.
- (4) The repository for public inspection of the FIS, accompanying maps and other supporting data is located at the Peachtree Corners City Hall.

### **1.5 Compatibility with Other Regulations**

This ordinance is not intended to modify or repeal any other ordinance, rule, regulation, statute, easement, covenant, deed restriction or other provision of law. The requirements of this ordinance are in addition to the requirements of any other ordinance, rule, regulation or other provision of law, and where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule, regulation or other provision of law, whichever provision is more restrictive or impose higher protective standards for human health or the environment shall control.

### **1.6 Severability**

If the provisions of any section, subsection, paragraph, subdivision or clause of this ordinance shall be adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision or clause of this ordinance.

### **1.7 Warning and Disclaimer of Liability**

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur; flood heights may be increased by manmade or natural causes. This ordinance does not imply that land outside the Areas of Special Flood Hazard or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part

of the City of Peachtree Corners or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made there under.

## SECTION 2. DEFINITIONS

**"Addition (to an existing building)"** means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by an independent perimeter load-bearing wall shall be considered New Construction.

**"Appeal"** means a request for a review of the (appointed official)'s interpretation of any provision of this ordinance.

**"Area of Shallow Flooding"** means a designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet, and/or where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

**"Area of Special Flood Hazard"** is the land subject to a one percent or greater chance of flooding in any given year. This includes all floodplain and flood prone areas at or below the base flood elevation (including A, A1-30, A-99, AE, AO, AH, and AR on the FHBM or the FIRM), all floodplain and flood prone areas at or below the future-conditions flood elevation, and all other flood prone areas as referenced in Section 1.4. All streams with a drainage area of 100 acres or greater shall have the area of special flood hazard delineated.

**"Base Flood"** means the flood having a one percent chance of being equaled or exceeded in any given year, also known as the 100-year flood.

**"Base Flood Elevation"** means the highest water surface elevation anticipated at any given point during the base flood.

**"Basement"** means that portion of a building having its floor subgrade (below ground level) on all sides.

**"Building"** means any structure built for support, shelter, or enclosure for any occupancy or storage.

**"Development"** means any man-made change to improved or unimproved real estate including but not limited to buildings or other structures, mining, dredging, filling, clearing, grubbing, grading, paving, any other installation of impervious cover, excavation or drilling operations or storage of equipment or materials.

**"Elevated Building"** means a non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

**"Existing Construction"** Any structure for which the "start of construction" commenced before (a specific date) [i.e., the effective date of the FIRST floodplain management code or ordinance adopted by the community as a basis for that community's participation in the National Flood Insurance Program (NFIP)].

**"Existing Manufactured Home Park or Subdivision"** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and final site grading or the pouring of concrete pads) is completed before a specific date [i.e., the effective date of the FIRST floodplain management regulations adopted by a community].

**"Expansion to an Existing Manufactured Home Park or Subdivision"** means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.

**"FEMA"** means the Federal Emergency Management Agency.

**"Flood"** or **"Flooding"** means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (a) the overflow of inland or tidal waters; or
- (b) the unusual and rapid accumulation or runoff of surface waters from any source.

**"Flood Hazard Boundary Map"** or **"FHBM"** means an official map of a community, issued by the Federal Insurance Administration, where the boundaries of areas of special flood hazard have been defined as Zone A.

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

**"Flood Insurance Study"** or **"FIS"** means the official report by the Federal Insurance Administration evaluating flood hazards and containing flood profiles and water surface elevations of the base flood.

**"Floodplain"** means any land area susceptible to flooding.

**"Floodproofing"** means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

**"Floodway"** or **"Regulatory Floodway"** means the channel of a stream or other watercourse and the adjacent areas of the floodplain which is necessary to contain and discharge the base flood flow without cumulatively increasing the base flood elevation more than one foot.

**"Functionally Dependent Use"** means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water.

**"Future Conditions Flood"** means the flood having a one percent chance of being equaled or exceeded in any given year based on future-conditions hydrology. Also known as the 100-year future-conditions flood.

**"Future-conditions Flood Elevation"** means the flood standard equal to or higher than the Base Flood Elevation. The Future-conditions Flood Elevation is defined as the highest water surface anticipated at any given point during the future-conditions flood.

**"Future-conditions Floodplain"** means any land area susceptible to flooding by the future-conditions flood.

**"Future-conditions Hydrology"** means the flood discharges associated with projected land-use conditions based on a community's zoning map, comprehensive land-use plans, and/or watershed study projections, and without consideration of projected future construction of flood detention structures or projected future hydraulic modifications within a stream or other waterway, such as bridge and culvert construction, fill, and excavation.

**"Highest Adjacent Grade"** means the highest natural elevation of the ground surface, prior to construction, adjacent to the proposed foundation of a building.

**"Historic Structure"** means any structure that is;

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (c) Individually listed on a state inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (d) Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:
  1. By an approved state program as determined by the Secretary of the Interior, or
  2. Directly by the Secretary of the Interior in states without approved programs.

**"Lowest Floor"** means the lowest floor of the lowest enclosed area, including basement. An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage, in an area other than a basement, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of other provisions of this ordinance.

**"Manufactured Home"** means a building, transportable in one or more sections, built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term includes any structure commonly referred to as a "mobile home" regardless of the date of manufacture. The term also includes parked trailers, travel trailers and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

**"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 ordinance the term is synonymous with National Geodetic Vertical Datum (NGVD) and/or the North American Vertical Datum (NAVD) of 1988.

**"National Geodetic Vertical Datum (NGVD)"** as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

**"New Construction"** means any structure (see definition) for which the "start of construction" commenced after April 24, 2017 and includes any subsequent improvements to the structure. [\* i.e., the effective date of the FIRST floodplain management ordinance adopted by the community as a basis for community participation in the (NFIP)].

**"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 (\* specific date) [i.e., the effective date of the first floodplain management regulations adopted by a community].

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

**"Owner"** means the legal or beneficial owner of a site, including but not limited to, a mortgagee or vendee in possession, receiver, executor, trustee, lessee or other person, firm or corporation in control of the site.

**"Permit"** means the permit issued by the City of Peachtree Corners to the applicant which is required prior to undertaking any development activity.

**"Recreational Vehicle"** means a vehicle which is:

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

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

**"Start of Construction"** means the date the permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of the structure such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation, and includes the placement of a manufactured home on a foundation. Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of buildings appurtenant to the permitted structure, such as garages or sheds not occupied as dwelling units or part of the main structure. (NOTE: accessory structures are not exempt from any ordinance requirements). For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**"Structure"** means a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank.

**"Subdivision"** means the division of a tract or parcel of land resulting in one or more new lots or building sites for the purpose, whether immediately or in the future, of sale, other transfer of ownership or land development, and includes divisions of land resulting from or made in connection with the layout or development of a new street or roadway or a change in an existing street or roadway.

**"Substantial Damage"** means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**"Substantial Improvement"** means any combination of repairs, reconstruction, alteration, or improvements to a building, taking place during a 10-year period, in which the cumulative cost equals or exceeds 50 percent of the market value of the structure prior to the improvement. The market value of the building means (1) the appraised value of the structure prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. This term includes structures which have incurred "substantial damage" regardless of the actual amount of 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 building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include those improvements of a building required to comply with existing health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, which have been pre-identified by the Code Enforcement Official, and not solely triggered by an improvement or repair project.

**"Substantially Improved Existing Manufactured Home Park or Subdivision"** is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

**"Variance"** is a grant of relief from the requirements of this ordinance which permits construction in a manner otherwise prohibited by this ordinance.

**"Violation"** means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certificates, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

## **SECTION 2. PERMIT PROCEDURES AND REQUIREMENTS**

### **2.1 Permit Application Requirements**

No owner or developer shall perform any development activities on a site where an Area of Special Flood Hazard is located without first meeting the requirements of this ordinance prior to commencing the proposed activity.

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

No permit will be approved for any development activities that do not meet the requirements, restrictions and criteria of this ordinance.

## **2.2 Floodplain Management Plan Requirements**

An application for a development project with any Area of Special Flood Hazard located on the site will be required to include a floodplain management / flood damage prevention plan. This plan shall include the following items:

- (1) Site plan drawn to scale, which includes but is not limited to:
  - (a) Existing and proposed elevations of the area in question and the nature, location and dimensions of existing and/or proposed structures, earthen fill placement, amount and location of excavation material, and storage of materials or equipment;
  - (b) For all proposed structures, spot ground elevations at building corners and 20-foot or smaller intervals along the foundation footprint, or one-foot contour elevations throughout the building site;
  - (c) Proposed locations of water supply, sanitary sewer, and utilities;
  - (d) Proposed locations of drainage and stormwater management facilities;
  - (e) Proposed grading plan;
  - (f) Base flood elevations and future-conditions flood elevations;
  - (g) Boundaries of the base flood floodplain and future-conditions floodplain;
  - (h) If applicable, the location of the floodway; and
  - (i) Certification of the above by a registered professional engineer or surveyor.
- (2) Building and foundation design detail, including but not limited to:
  - (a) Elevation in relation to mean sea level (or highest adjacent grade) of the lowest floor, including basement, of all proposed structures;
  - (b) Elevation in relation to mean sea level to which any non-residential structure will be floodproofed;
  - (c) Certification that any proposed non-residential floodproofed structure meets the criteria in Section 4.2(2);
  - (d) For enclosures below the base flood elevation, location and total net area of foundation openings as required in Section 4.1(5).
  - (e) Design plans certified by a registered professional engineer or architect for all proposed structure(s).
- (3) Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development;
- (4) Hard copies and digital files of computer models, if any, copies of work maps, comparison of pre-and post-development conditions base flood elevations, future-conditions flood elevations, flood protection elevations, Special Flood Hazard Areas and

regulatory floodway widths, flood profiles and all other computations and other information similar to that presented in the FIS;

- (5) Copies of all applicable State and Federal permits necessary for proposed development; and
- (6) All appropriate certifications required under this ordinance.

The approved floodplain management / flood damage prevention plan shall contain certification by the applicant that all development activities will be done according to the plan or previously approved revisions. Any and all development permits and/or use and occupancy certificates or permits may be revoked at any time if the construction and development activities are not in strict accordance with approved plans.

### **2.3 Construction Stage Submittal Requirements**

For all new construction and substantial improvements on sites with a floodplain management / flood damage prevention plan, the permit holder shall provide to the Community Development Director a certified as-built Elevation Certificate or Floodproofing Certificate for non-residential construction including the lowest floor elevation or flood-proofing level immediately after the lowest floor or flood-proofing is completed. A final Elevation Certificate shall be provided after completion of construction including final grading of the site. Any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When flood-proofing is utilized for non-residential structures, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same.

Any work undertaken prior to approval of these certifications shall be at the permit holder's risk. The Community Development Director shall review the above referenced certification data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being allowed to proceed. Failure to submit certification or failure to make the corrections required hereby shall be cause to issue a stop work order for the project.

### **2.4 Duties and Responsibilities of the Administrator**

Duties of the Community Development Director shall include, but shall not be limited to:

- (1) Review all development applications and permits to assure that the requirements of this ordinance have been satisfied and to determine whether proposed building sites will be reasonably safe from flooding;
- (2) Require that copies of all necessary permits from governmental agencies from which approval is required by Federal or state law, including but not limited to Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334, be provided and maintained on file;
- (3) When Base Flood Elevation data or floodway data have not been provided, then the Community Development Director shall require the applicant to obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, state or other sources in order to meet the provisions of Sections 3 and 4;

- (4) Review and record the actual elevation in relation to mean sea level (or highest adjacent grade) of the lowest floor, including basement, of all new or substantially improved structures;
- (5) Review and record the actual elevation, in relation to mean sea level to which any substantially improved structures have been flood-proofed;
- (6) When flood-proofing is utilized for a non-residential structure, the Community Development Director shall obtain certification of design criteria from a registered professional engineer or architect;
- (7) Notify affected adjacent communities and the Georgia 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 (FEMA);
- (8) Where interpretation is needed as to the exact location of boundaries of the Areas of Special Flood Hazard (e.g., where there appears to be a conflict between a mapped boundary and actual field conditions) the Community Development Director shall make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this ordinance. Where floodplain elevations have been defined, the floodplain shall be determined based on flood elevations rather than the area graphically delineated on the floodplain maps; and,
- (9) All records pertaining to the provisions of this ordinance shall be maintained in the office of the Community Development Director and shall be open for public inspection.

### **SECTION 3. STANDARDS FOR DEVELOPMENT**

#### **3.1 Definition of Floodplain Boundaries**

- (1) Studied “A” zones, as identified in the FIS, shall be used to establish base flood elevations whenever available.
- (2) For all streams with a drainage area of 100 acres or greater, the future-conditions flood elevations shall be provided by the City of Peachtree Corners. If future-conditions elevation data is not available from the City of Peachtree Corners, then it shall be determined by a registered professional engineer using a method approved by FEMA and the City of Peachtree Corners.

#### **3.2 Definition of Floodway Boundaries**

- (1) The width of a floodway shall be determined from the FIS or FEMA approved flood study. For all streams with a drainage area of 100 acres or greater, the regulatory floodway shall be provided by the City of Peachtree Corners. If floodway data is not available from the City of Peachtree Corners, then it shall be determined by a registered professional engineer using a method approved by FEMA and the City of Peachtree Corners.

### 3.3 General Standards

- (1) No development shall be allowed within the future-conditions floodplain that could result in any of the following:
  - (a) Raising the base flood elevation or future-conditions flood elevation equal to or more than 0.01 foot;
  - (b) Reducing the base flood or future-conditions flood storage capacity;
  - (c) Changing the flow characteristics as to the depth and velocity of the waters of the base flood or future-conditions flood as they pass both the upstream and the downstream boundaries of the development area; or,
  - (d) Creating hazardous or erosion-producing velocities, or resulting in excessive sedimentation.
- (2) Any development within the future-conditions floodplain allowed under (1) above shall also meet the following conditions:
  - (a) Compensation for storage capacity shall occur between the average ground water table elevation and the base flood elevation for the base flood, and between the average ground water table elevation and the future-condition flood elevation for the future-conditions flood, and lie either within the boundaries of ownership of the property being developed and shall be within the immediate vicinity of the location of the encroachment. Acceptable means of providing required compensation include lowering of natural ground elevations within the floodplain, or lowering of adjoining land areas to create additional floodplain storage. In no case shall any required compensation be provided via bottom storage or by excavating below the elevation of the top of the natural (pre-development) stream channel unless such excavation results from the widening or relocation of the stream channel;
  - (b) Cut areas shall be stabilized and graded to a slope of no less than 2.0 percent;
  - (c) Effective transitions shall be provided such that flow velocities occurring on both upstream and downstream properties are not increased or decreased;
  - (d) Verification of no-rise conditions (0.01 foot or less), flood storage volumes, and flow characteristics shall be provided via a step-backwater analysis meeting the requirements of Section 3.4;
  - (e) Public utilities and facilities, such as water, sanitary sewer, gas, and electrical systems, shall be located and constructed to minimize or eliminate infiltration or contamination from flood waters; and
  - (f) Any significant physical changes to the base flood floodplain shall be submitted as a Conditional Letter of Map Revision (CLOMR) or Conditional Letter of Map Amendment (CLOMA), whichever is applicable. The CLOMR submittal shall be subject to approval by the City of Peachtree Corners using the Community Consent forms before forwarding the submittal package to FEMA for final approval. The responsibility for forwarding the CLOMR to FEMA and for obtaining the CLOMR approval shall be the responsibility of the applicant.

Within six months of the completion of construction, the applicant shall submit as-built surveys for a final Letter of Map Revision (LOMR).

### **3.4 Engineering Study Requirements for Floodplain Encroachments**

An engineering study is required, as appropriate to the proposed development activities on the site, whenever a development proposes to disturb any land within the future-conditions floodplain, except for a residential single-lot development on streams without established base flood elevations and/or floodways for which the provisions of Section 4.4 apply. This study shall be prepared by a currently registered Professional Engineer in the State of Georgia and made a part of the application for a permit. This information shall be submitted to and approved by the City of Peachtree Corners prior to the approval of any permit which would authorize the disturbance of land located within the future-conditions floodplain. Such study shall include:

- (1) Description of the extent to which any watercourse or floodplain will be altered or relocated as a result of the proposed development;
- (2) Step-backwater analysis, using a FEMA-approved methodology approved by the City of Peachtree Corners. Cross-sections (which may be supplemented by the applicant) and flow information will be obtained whenever available. Computations will be shown duplicating FIS results and will then be rerun with the proposed modifications to determine the new base flood profiles, and future-conditions flood profiles;
- (3) Floodplain storage calculations based on cross-sections (at least one every 100 feet) showing existing and proposed floodplain conditions to show that base flood floodplain and future-conditions floodplain storage capacity would not be diminished by the development;
- (4) The study shall include a preliminary plat, grading plan, or site plan, as appropriate, which shall clearly define all future-conditions floodplain encroachments.

### **3.5 Floodway Encroachments**

Located within Areas of Special Flood Hazard are areas designated as floodway. A floodway may be an extremely hazardous area due to velocity flood waters, debris or erosion potential. In addition, floodways must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights. Therefore, the following provisions shall apply:

- (1) Encroachments are prohibited, including earthen fill, new construction, substantial improvements or other development within the regulatory floodway, except for activities specifically allowed in (2) below.
- (2) Encroachments for bridges, culverts, roadways and utilities within the regulatory floodway may be permitted provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the encroachment shall not result in any increase to the pre-project base flood elevations, floodway elevations, or floodway widths during the base flood discharge. A registered professional engineer must provide supporting technical data and certification thereof; and,
- (3) If the applicant proposes to revise the floodway boundaries, no permit authorizing the encroachment into or an alteration of the floodway shall be issued by the City of

Peachtree Corners until an affirmative Conditional Letter of Map Revision (CLOMR) is issued by FEMA and no-rise certification is approved by the City of Peachtree Corners.

### **3.6. Maintenance Requirements**

The property owner shall be responsible for continuing maintenance as may be needed within an altered or relocated portion of a floodplain on his property so that the flood-carrying or flood storage capacity is not diminished. The City of Peachtree Corners may direct the property owner (at no cost to the City of Peachtree Corners) to restore the flood-carrying or flood storage capacity of the floodplain if the owner has not performed maintenance as required by the approved floodplain management plan on file with the City of Peachtree Corners.

## **SECTION 4. PROVISIONS FOR FLOOD DAMAGE REDUCTION**

### **4.1. General Standards**

In all Areas of Special Flood Hazard the following provisions apply:

1. New construction of principal buildings (residential or non-residential), including manufactured homes, shall not be allowed within the limits of the future-conditions floodplain, unless all requirements of Sections 4.3, 4.4 and 4.5 have been met;
2. New construction or substantial improvements of existing structures shall be anchored to prevent flotation, collapse or lateral movement of the structure;
3. New construction or substantial improvements of existing structures shall be constructed with materials and utility equipment resistant to flood damage;
4. New construction or substantial improvements of existing structures shall be constructed by methods and practices that minimize flood damage;
5. Elevated Buildings - All new construction and substantial improvements of existing structures that include any fully enclosed area located below the lowest floor formed by foundation and other exterior walls shall be designed so as to be an unfinished and flood resistant enclosure. The enclosure shall be designed to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater.
  - a. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
    - i. Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
    - ii. The bottom of all openings shall be no higher than one foot above grade; and,
    - iii. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwater in both directions.
  - a. So as not to violate the "Lowest Floor" criteria of this ordinance, the unfinished and flood resistant enclosure shall solely be used for parking of vehicles, limited storage of maintenance equipment used in connection with the premises, or entry to the elevated area; and,

- (c) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.
6. (All heating and air conditioning equipment and components (including ductwork), all electrical, ventilation, plumbing, and other service facilities shall be designed and/or located three (3) feet above the base flood elevation or one (1) foot above the future-conditions flood elevation, whichever is higher, so as to prevent water from entering or accumulating within the components during conditions of flooding;
  7. Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable State requirements for resisting wind forces;
  8. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
  9. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
  10. On-site waste disposal systems shall be located and constructed to avoid impairment to them, or contamination from them, during flooding; and,
  11. Any alteration, repair, reconstruction or improvement to a structure which is not compliant with the provisions of this ordinance, shall be undertaken only if the non-conformity is not furthered, extended or replaced.
  12. If the proposed development is located in multiple flood zones or multiple base flood elevation cross the proposed site, the higher or more restrictive base flood elevation or future condition elevation and development standards shall take precedence.

#### **4.2. Building Standards for Structures and Buildings Within the Future-Conditions Floodplain**

The following provisions, in addition to those in Section 4.1, shall apply:

1. 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 4.3, 4.4 and 4.5 have been met. If all of the requirements of Sections 4.3, 4.4 and 4.5 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 to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of Section 4.1(5).
  - 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 standards of Section 4.1(5).

2. Non-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 4.3, 4.4 and 4.5 have been met. New construction that has met all of the requirements of Sections 4.3, 4.4 and 4.5 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 that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the Community Development Director.
- b. Substantial Improvements. Substantial improvement of any principal non-residential structure located in A1- 30, AE, or AH zones, may be authorized by the Community Development Director to be flood-proofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be water tight 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 that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the Community Development Director.

3. Accessory Structures and Facilities

Accessory structures and facilities (i.e., barns, sheds, gazebos, detached garages, parking lots, recreational facilities and other similar non-habitable structures and facilities) which are permitted to be located within the limits of the floodplain shall be constructed of flood-resistant materials and designed to pass all floodwater in accordance with Section 5.1(5) and be anchored to prevent flotation, collapse or lateral movement of the structure.

4. Standards for Recreational Vehicles

All recreational vehicles placed on sites must either:

- a. Be on the site for fewer than 180 consecutive days and be fully licensed and ready for highway use, (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions); or

- b. The recreational vehicle must meet all the requirements for Residential Buildings— Substantial Improvements (Section 5.2(1)(b)), including the anchoring and elevation requirements.

5. Standards for Manufactured Homes

- a. New manufactured homes shall not be allowed to be placed within the limits of the future-conditions floodplain unless all requirements of Sections 4.3, 4.4 and 4.5 have been met.
- b. Manufactured homes placed and/or substantially improved in an existing manufactured home park or subdivision shall be elevated so that either:
  - i. The lowest floor of the manufactured home is elevated no lower than three (3) feet above the level of the base flood elevation, or one (1) foot above the future-conditions flood elevation, whichever is higher; or
  - ii. The manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least an equivalent strength) of no less than 36 inches in height above grade.
- c. All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement in accordance with standards of Section 5.1(7).

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

- 1. Residential Buildings – For new construction or substantial improvement of any principal residential building or manufactured home, the elevation of the lowest floor, including basement and access to the building, shall be at least three (3) feet above the base flood elevation or one (1) foot above the future-conditions flood elevation, whichever is higher.
- 2. Non-Residential Buildings – For new construction or substantial improvement of any principal non-residential building, the elevation of the lowest floor, including basement and access to the building, shall be at least one (1) foot above the level of the base flood elevation or at least as high as the future-conditions flood elevation, whichever is higher.

**4.4 Building Standards for Residential Single-Lot Developments on Streams Without Established Base Flood Elevations and/or Floodway (A-Zones)**

For a residential single-lot development not part of a subdivision that has Areas of Special Flood Hazard, where streams exist but no base flood data have been provided (A-Zones), the Community Development Director shall review and reasonably utilize any available scientific or historic flood elevation data, base flood elevation and floodway data, or future-conditions flood elevation data available from a Federal, State, local or other source, in order to administer the provisions and standards of this ordinance.

If data are not available from any of these sources, the following provisions shall apply:

- 1. No encroachments, including structures or fill material, shall be located within an area equal to twice the width of the stream or fifty (50) feet from the top of the bank of the stream, whichever is greater.

2. In special flood hazard areas without base flood or future-conditions flood elevation data, new construction and substantial improvements of existing structures shall have the lowest floor of the lowest enclosed area (including basement) elevated no less than three (3) feet above the highest adjacent grade at the building site. Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with Section 5.1(5).

#### **4.5 Building Standards for Areas of Shallow Flooding (AO-Zones)**

Areas of Special Flood Hazard may include designated "AO" shallow flooding areas. These areas have base flood depths of one (1) to three (3) feet above ground, with no clearly defined channel. In these areas the following provisions apply:

1. All substantial improvements of residential and non-residential structures shall have the lowest floor, including basement, elevated to no lower than one (1) foot above the flood depth number in feet specified on the Flood Insurance Rate Map (FIRM), above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, shall be elevated at least three (3) feet above the highest adjacent grade. Openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of Section 5.1(5).
2. Substantial improvement of a non-residential structure may be flood-proofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be water tight to the specified FIRM flood level plus one (1) foot above the highest adjacent grade, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice; and,
3. Drainage paths shall be provided to guide floodwater around and away from any proposed structure.

#### **4.6 Standards for Subdivisions**

1. All subdivision proposals shall identify the special flood hazard area and provide base flood elevation data and future-conditions flood elevation data;
2. All residential lots in a subdivision proposal shall have sufficient buildable area outside of the future-conditions floodplain such that encroachments into the future-conditions floodplain for residential structures will not be required;
3. All subdivision plans will provide the elevations of proposed structures in accordance with Section 3.2.
4. All subdivision proposals shall be consistent with the need to minimize flood damage;
5. All subdivision proposals shall have public utilities and facilities such as water, sanitary sewer, gas, and electrical systems located and constructed to minimize or eliminate infiltration of flood waters, and discharges from the systems into flood waters; and,

6. All subdivision proposals shall include adequate drainage and stormwater management facilities per the requirements of the City of Peachtree Corners to reduce potential exposure to flood hazards.

## **SECTION 5. VARIANCE PROCEDURES**

The following variance and appeals procedures shall apply to an applicant who has been denied a permit for a development activity, or to an owner or developer who has not applied for a permit because it is clear that the proposed development activity would be inconsistent with the provisions of this ordinance. A request for a variance may be submitted by an applicant who has been denied a permit by the City of Peachtree Corners, or by an owner or developer who has not previously applied for a permit for the reasons stated herein above.

1. Requests for variances from the requirements of this ordinance shall be submitted to the City of Peachtree Corners. All such requests shall be heard and decided in accordance with procedures to be published in writing by the City of Peachtree Corners. At a minimum, such procedures shall include notice to all affected parties and the opportunity to be heard.
2. Any person adversely affected by any decision of the City of Peachtree Corners shall have the right to appeal such decision to the Zoning Board of Appeals as established by the City of Peachtree Corners in accordance with procedures to be published in writing by the Zoning Board of Appeals. At a minimum, such procedures shall include notice to all affected parties and the opportunity to be heard.
3. Any person aggrieved by the decision of the Zoning Board of Appeals may appeal such decision to the Superior Court of Gwinnett County as provided in Section 5-4-1 of the Official Code of Georgia Annotated.
4. Variances may be issued for the repair or rehabilitation of Historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an Historic structure, and the variance issued shall be the minimum necessary to preserve the historic character and design of the structure.
5. Variances may be issued for development necessary for the conduct of a functionally dependent use, provided the criteria of this Section are met, no reasonable alternative exists, and the development is protected by methods that minimize flood damage during the base flood and create no additional threats to public safety.
6. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
7. In reviewing such requests, the City of Peachtree Corners and Zoning Board of Appeals shall consider all technical evaluations, relevant factors, and all standards specified in this and other sections of this ordinance.
8. Conditions for Variances:
  - a. A variance shall be issued only when there is:
    - i. a finding of good and sufficient cause;

- ii. a determination that failure to grant the variance would result in exceptional hardship; and,
    - iii. a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, or the creation of a nuisance.
  - b. The provisions of this ordinance are minimum standards for flood loss reduction; therefore, any deviation from the standards must be weighed carefully. Variances shall only be issued upon determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and, in the instance of a Historic structure, a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building.
  - c. Any person to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation of the proposed lowest floor and stating that the cost of flood insurance will be commensurate with the increased risk to life and property resulting from the reduced lowest floor elevation.
  - d. The Community Development Director shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.
9. Any person requesting a variance shall, from the time of the request until the time the request is acted upon, submit such information and documentation as the City of Peachtree Corners and Zoning Board of Appeals shall deem necessary to the consideration of the request.
10. Upon consideration of the factors listed above and the purposes of this ordinance, the City of Peachtree Corners and the Zoning Board of Appeals may attach such conditions to the granting of variances as they deem necessary or appropriate, consistent with the purposes of this ordinance.
11. Variances shall not be issued “after the fact.”

## **SECTION 6. VIOLATIONS, ENFORCEMENT AND PENALTIES**

Any action or inaction which violates the provisions of this ordinance or the requirements of an approved stormwater management plan or permit, may be subject to the enforcement actions outlined in this Section. Any such action or inaction which is continuous with respect to time is deemed to be a public nuisance and may be abated by injunctive or other equitable relief. The imposition of any of the penalties described below shall not prevent such equitable relief. The imposition of any of the penalties described below shall not prevent such equitable relief.

### **6.1 Notice of Violation**

If the City of Peachtree Corners determines that an applicant or other responsible person has failed to comply with the terms and conditions of a permit, an approved stormwater management plan or the provisions of this ordinance, it shall issue a written notice of violation to such applicant or other responsible person. Where a person is engaged in activity covered by this ordinance without having first secured a permit therefor, the notice of violation shall be served on the owner or the responsible person in charge of the activity being conducted on the site.

The notice of violation shall contain:

1. The name and address of the owner or the applicant or the responsible person;
2. The address or other description of the site upon which the violation is occurring;
3. A statement specifying the nature of the violation;
4. A description of the remedial measures necessary to bring the action or inaction into compliance with the permit, the stormwater management plan or this ordinance and the date for the completion of such remedial action;
5. A statement of the penalty or penalties that may be assessed against the person to whom the notice of violation is directed; and,
6. A statement that the determination of violation may be appealed to the City of Peachtree Corners by filing a written notice of appeal within thirty (30) days after the notice of violation (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours' notice shall be sufficient).

## 6.2 Penalties

In the event the remedial measures described in the notice of violation have not been completed by the date set forth for such completion in the notice of violation, any one or more of the following actions or penalties may be taken or assessed against the person to whom the notice of violation was directed. Before taking any of the following actions or imposing any of the following penalties, the City of Peachtree Corners shall first notify the applicant or other responsible person in writing of its intended action, and shall provide a reasonable opportunity, of not less than ten (10) days (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours' notice shall be sufficient) to cure such violation. In the event the applicant or other responsible person fails to cure such violation after such notice and cure period, the City of Peachtree Corners may take any one or more of the following actions or impose any one or more of the following penalties.

1. **Stop Work Order** - The City of Peachtree Corners may issue a stop work order which shall be served on the applicant or other responsible person. The stop work order shall remain in effect until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violation or violations described therein, provided the stop work order may be withdrawn or modified to enable the applicant or other responsible person to take the necessary remedial measures to cure such violation or violations.
2. **Withhold Certificate of Occupancy** - The City of Peachtree Corners may refuse to issue a certificate of occupancy for the building or other improvements constructed or being constructed on the site until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein.
3. **Suspension, Revocation or Modification of Permit** - The City of Peachtree Corners may suspend, revoke or modify the permit authorizing the development project. A suspended, revoked or modified permit may be reinstated after the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein, provided such permit may be

reinstated (upon such conditions as the City of Peachtree Corners may deem necessary) to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.

4. **Civil Penalties** - In the event the applicant or other responsible person fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within ten (10) days, or such greater period as the City of Peachtree Corners shall deem appropriate (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours' notice shall be sufficient) after the City of Peachtree Corners has taken one or more of the actions described above, the City of Peachtree Corners may impose a penalty not to exceed \$1,000 (depending on the severity of the violation) for each day the violation remains unremedied after receipt of the notice of violation.
5. **Criminal Penalties** - For intentional and flagrant violations of this ordinance, the City of Peachtree Corners may issue a citation to the applicant or other responsible person, requiring such person to appear in Municipal Court to answer charges for such violation. Upon conviction, such person shall be punished by a fine not to exceed \$1,000 or imprisonment for 60 days or both. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

#### SECTION 7. SEVERABILITY

If any article, section, subsection, paragraph, clause, phrase or provision of this ordinance shall be adjudged invalid or held unconstitutional, such decision shall not affect or invalidate the remaining portions of this ordinance.

Approved by:

\_\_\_\_\_  
Kym Chereck, City Clerk

\_\_\_\_\_  
Mike Mason, Mayor

SEAL

**02017-04-91**

**AN ORDINANCE AMENDING THE SOIL EROSION, SEDIMENTATION AND POLLUTION CONTROL ORDINANCE (CHAPTER 18 ENVIRONMENT, ARTICLE II) FOR THE CITY OF PEACHTREE CORNERS, GEORGIA**

**WHEREAS**, the City of Peachtree Corners is charged with providing for the health, safety and welfare of the citizens of the City; and

**WHEREAS**, the Georgia Soil and Water Conservation Commission (GSWCC) requires updates to the model ordinance for Soil Erosion, Sedimentation, and Pollution Control Ordinance which the Council finds is the best way to prevent soil erosion and preserve water quality in the City while protecting the environment; and

**WHEREAS**, the Mayor and City Council desires to adopt provisions to protect the integrity and character of the City's natural environment.

**NOW THEREFORE**, Mayor and City Council of the City of Peachtree Corners hereby adopt the Soil Erosion, Sedimentation and Pollution Control Ordinance to read in its entirety as follows:

**SECTION I. TITLE**

This ordinance will be known as "Peachtree Corners Soil Erosion, Sedimentation and Pollution Control Ordinance."

**SECTION II. DEFINITIONS**

The following definitions shall apply in the interpretation and enforcement of this ordinance, unless otherwise specifically stated:

**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.

**Board:** The Board of Natural Resources.

**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.

**Certified Personnel:** A person who has successfully completed the appropriate certification course approved by the Georgia Soil and Water Conservation Commission.

**Coastal Marshlands:** Shall have the same meaning as in O.C.G.A. 12-5-282.

**Commission:** The Georgia Soil and Water Conservation Commission (GSWCC).

**CPESC:** Certified Professional in Erosion and Sediment Control with current certification by EnviroCert, Inc., which is also referred to as CPESC or CPESC, Inc.

**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.

**Department:** The Georgia Department of Natural Resources (DNR).

**Design Professional:** A professional licensed by the State of Georgia in the field of: engineering, architecture, landscape architecture, forestry, geology, or land surveying; or a person that is a Certified Professional in Erosion and Sediment Control (CPESC) with a current certification by EnviroCert, Inc. Design Professionals shall practice in a manner that complies with applicable Georgia law governing professional licensure.

**Director:** The Director of the Environmental Protection Division or an authorized representative.

**District:** The Gwinnett Soil and Water Conservation District.

**Division:** The Environmental Protection Division (EPD) of the Department of Natural Resources.

**Drainage Structure:** A device composed of a virtually nonerodible material such as concrete, steel, plastic or other such material that conveys water from one place to another by intercepting the flow and carrying it to a release point for storm water management, drainage control, or flood control purposes

**Erosion:** The process by which land surface is worn away by the action of wind, water, ice or gravity.

**Erosion, Sedimentation and Pollution Control Plan:** A plan required by the Erosion and Sedimentation Act, O.C.G.A. Chapter 12-7, that includes, as a minimum protection at least as stringent as the State General Permit, best management practices, and requirements in section IV.C. of this ordinance.

**Fill:** A portion of land surface to which soil or other solid material has been added; the depth above the original ground surface or an excavation.

**Final Stabilization:** All soil disturbing activities at the site have been completed, and that for unpaved areas and areas not covered by permanent structures and areas located outside the waste disposal limits of a landfill cell that has been certified by EPD for waste disposal, 100% of the soil surface is uniformly covered in permanent vegetation with a density of 70% or greater, or landscaped according to the Plan (uniformly covered with landscaping materials in planned landscape areas), or equivalent permanent stabilization measures as defined in the Manual (excluding a crop of annual vegetation and seeding of target crop perennials appropriate for the region). Final stabilization applies to each phase of construction.

**Finished Grade:** The final elevation and contour of the ground after cutting or filling and conforming to the proposed design.

**Grading:** Altering the shape of ground surfaces to a predetermined condition; this includes stripping, cutting, filling, stockpiling and shaping or any combination thereof and shall include the land in its cut or filled condition.

**Ground Elevation:** The original elevation of the ground surface prior to cutting or filling.

**Land-Disturbing Activity:** Any activity which may result in soil erosion from water or 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 as described in Section III, Paragraph 5.

**Larger Common Plan of Development or Sale:** A contiguous area where multiple separate and distinct construction activities are occurring under one 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.

**Local Issuing Authority:** The governing authority of the City of Peachtree Corners which is certified pursuant to subsection (a) O.C.G.A. 12-7-8.

**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.

**Natural Ground Surface:** The ground surface in its original state before any grading, excavation or filling.

**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.

**NOI:** A Notice of Intent form provided by EPD for coverage under the State General Permit.

**NOT:** A Notice of Termination form provided by EPD to terminate coverage under the State General Permit.

**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.

**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.

**Permit:** The authorization necessary to conduct a land-disturbing activity under the provisions of this ordinance.

**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.

**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.

**Project:** The entire proposed development project regardless of the size of the area of land to be disturbed.

**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.

**Roadway Drainage Structure:** 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 side of a traveled roadway consisting of one or more defined lanes, with or without shoulder areas, and carrying water to a release point on the other side.

**Sediment:** 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:** The process by which eroded material is transported and deposited by the action of water, wind, ice or gravity.

**Soil and Water Conservation District Approved Plan:** An erosion, sedimentation and pollution control plan approved in writing by the Gwinnett Soil and Water Conservation District.

**Stabilization:** The process of establishing an enduring soil cover of vegetation by the installation of temporary or permanent structures for the purpose of reducing to a minimum the erosion process and the resultant transport of sediment by wind, water, ice or gravity.

**State General Permit:** The National Pollution Discharge Elimination System (NPDES) general permit or permits for storm water runoff from construction activities as is now in effect or as may be amended or reissued in the future pursuant to the state’s authority to implement the same through federal delegation under the Federal Water Pollution Control Act, as amended, 33 U.S.C. Section 1251, et seq., and subsection (f) of Code Section 12-5-30.

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

**Structural Erosion, Sedimentation and Pollution Control Practices:** 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 riprap, 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*.

**Trout Streams:** All streams or portions of streams within the watershed as designated by the Wildlife Resources Division of the Georgia Department of Natural Resources under the provisions of the Georgia Water Quality Control Act, O.C.G.A. 12-5-20, in the rules and regulations for Water Quality Control, Chapter 391-3-6 at [www.epd.georgia.gov](http://www.epd.georgia.gov). Streams designated as primary trout waters are defined as water supporting a self- sustaining population of

rainbow, brown or brook trout. Streams designated as secondary trout waters are those in which there is no evidence of natural trout reproduction, but are capable of supporting trout throughout the year. First order trout waters are streams into which no other streams flow except springs.

**Vegetative Erosion and Sedimentation Control Measures:** Measures for the stabilization of erodible or sediment-producing areas by covering the soil with:

- (a) Permanent seeding, sprigging or planting, producing long-term vegetative cover, or
- (b) Temporary seeding, producing short-term vegetative cover; or
- (c) Sodding, covering areas with a turf of perennial sod-forming grass.

Such measures can be found in the publication *Manual for Erosion and Sediment Control in Georgia*.

**Watercourse:** Any natural or artificial watercourse, stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows either continuously or intermittently and which has a definite channel, bed and banks, and including any area adjacent thereto subject to inundation by reason of overflow or floodwater.

**Wetlands:** 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 found in the publication *Manual for Erosion and Sediment Control in Georgia*.

### SECTION III. EXEMPTIONS

This ordinance shall apply to any land-disturbing activity undertaken by any person on any land except for the following

1. Surface mining, as the same is defined in O.C.G.A. 12-4-72, "The Georgia Surface Mining Act of 1968".
2. Granite quarrying and land clearing for such quarrying;
3. Such minor land-disturbing activities as home gardens and individual home landscaping, repairs, maintenance work, fences, and other related activities which result in minor soil erosion;
4. The construction of single-family residences, when such construction disturbs less than one (1) acre and is not a part of a larger common plan of development or sale with a planned disturbance of equal to or greater than one (1) acre and not otherwise exempted under this paragraph; provided, however, that construction of any such residence shall conform to the minimum requirements as set forth in O.C.G.A. 12-7-6 and this paragraph. For single-family residence construction covered by the provisions of this paragraph, there shall be a buffer zone between the residence and any state waters classified as trout streams pursuant to Article 2 of Chapter 5 of the Georgia Water Quality Control Act. In any such buffer zone, no land-disturbing activity shall be constructed between the residence and the point where vegetation has been wrested by normal stream flow or wave action from the banks of the trout waters. For primary trout waters, the buffer zone shall be at least 50 horizontal

feet, and no variance to a smaller buffer shall be granted. For secondary trout waters, the buffer zone shall be at least 50 horizontal feet, but the Director may grant variances to no less than 25 feet. Regardless of whether a trout stream is primary or secondary, for first order trout waters, which are streams into which no other 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 IV 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.

#### **SECTION IV. 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 IV 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 IV 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 IV 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 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; and
  - b. The buffer shall not apply to the following land-disturbing activities, provided that they occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream; cause a width of disturbance of not more than 50 feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented: (i) Stream crossings for water lines; or (ii) Stream crossings for sewer lines; and
16. There is established a 50-foot buffer as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, along the banks of any state waters classified as "trout streams" pursuant to Article 2 of Chapter 5 of Title 12, the "Georgia Water Quality Control Act", except where a roadway drainage structure must be constructed ; provided, however, that small springs and streams classified as trout streams which discharge an average annual flow of 25 gallons per minute or less shall have a 25 foot buffer or they may be piped, at the discretion of the landowner, pursuant to the terms of a rule providing for a general variance promulgated by the Board, so long as any such pipe stops short of the downstream landowner's property and the landowner complies with the buffer requirement for any adjacent trout streams. The Director may grant a variance from such buffer to allow land-disturbing activity, provided that adequate erosion control measures are incorporated in the project plans and specifications and are implemented. The following requirements shall apply to 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 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; and
  - b. The buffer shall not apply to the following land-disturbing activities, provided that they occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream; cause a width of disturbance of not more than 50 feet within the buffer; and adequate erosion control measures are incorporated into the

project plans and specifications and are implemented: (i) Stream crossings for water lines; or (ii) Stream crossings for sewer lines; and

17. There is established a 25-foot buffer along coastal marshlands, as measured horizontally from the coastal marshland-upland interface, as determined in accordance with Chapter 5 of Title 12 of this title, the “Coastal Marshlands Protection Act of 1970.” And the rules and regulations promulgated thereunder, 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 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 IV 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.

## **SECTION V. 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 Peachtree Corners 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 City of Peachtree Corners 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 V 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 IV 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 IV C. 15, 16 and 17 have been obtained, all fees have been paid, and bonding, if required as per Section V 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 IV 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 IV C. 15, 16 and 17 are obtained, bonding requirements, if necessary, as per Section V 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).

## **SECTION VI. INSPECTION AND ENFORCEMENT**

- A. The City of Peachtree Corners 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. The City of Peachtree Corners 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 City of Peachtree Corners 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 or the Commission shall notify the Division and request investigation by the Division if any deficient or ineffective local program is found.

F. The Division may periodically review the actions of counties and municipalities which have been certified as Local Issuing Authorities pursuant to Code Section 12-7-8 (a). Such review may include, but shall not be limited to, review of the administration and enforcement of a governing authority's ordinance and review of conformance with an agreement, if any, between the district and the governing authority. If such review indicates that the governing authority of any county or municipality certified pursuant to O.C.G.A. 12-7-8 (a) has not administered or enforced its ordinances or has not conducted the program in accordance with any agreement entered into pursuant to O.C.G.A. 12-7-7 (e), the Division shall notify the governing authority of the county or municipality in writing. The governing authority of any county or municipality so notified shall have 90 days within which to take the necessary corrective action to retain certification as a Local Issuing Authority. If the county or municipality does not take necessary corrective action within 90 days after notification by the division, the division shall revoke the certification of the county or municipality as a Local Issuing Authority.

## **SECTION VII. PENALTIES AND INCENTIVES**

### **A. FAILURE TO OBTAIN A PERMIT FOR LAND-DISTURBING ACTIVITY**

If any person commences any land-disturbing activity requiring a land-disturbing permit as prescribed in this ordinance without first obtaining said permit, the person shall be subject to revocation of his business license, work permit or other authorization for the conduct of a business and associated work activities within the jurisdictional boundaries of the Local Issuing Authority.

### **B. STOP-WORK ORDERS**

1. For the first and second violations of the provisions of this ordinance, the Director or the Local Issuing Authority shall issue a written warning to the violator. The violator shall have five days to correct the violation. If the violation is not corrected within five days, the Director or the Local Issuing Authority shall issue a stop-work order requiring that land-disturbing activities be stopped until necessary corrective action or mitigation has occurred; provided, however, that, if the violation presents an imminent threat to public health or waters of the state or if the land-disturbing activities are conducted without obtaining the necessary permit, the Director or the Local Issuing Authority shall issue an immediate stop-work order in lieu of a warning;
2. For a third and each subsequent violation, the Director or the Local Issuing Authority shall issue an immediate stop-work order; and;
3. All stop-work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred.
4. When a violation in the form of taking action without a permit, failure to maintain a stream buffer, or significant amounts of sediment, as determined by the Local Issuing Authority or by the Director or his or her Designee, have been or are being discharged into state waters and where best management practices have not been properly designed, installed, and maintained, a stop work order shall be issued by the Local Issuing 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 V 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**

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.

**SECTION VIII. 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.

**SECTION IX. 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 \_\_\_\_\_ within \_\_\_\_\_ 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 City of Peachtree Corners, after exhausting his administrative remedies, shall have the right to appeal denovo to the Superior Court of Gwinnett County.

**SECTION X. EFFECTIVITY, VALIDITY AND LIABILITY**

**A. EFFECTIVITY**

This ordinance shall become effective on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

**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.

**SECTION XI. SEVERABILITY**

If any article, section, subsection, paragraph, clause, phrase or provision of this ordinance shall be adjudged invalid or held unconstitutional, such decision shall not affect or invalidate the remaining portions of this ordinance.

Approved by:

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Kym Chereck, City Clerk

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Mike Mason, Mayor

SEAL

**02017-04-92**

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEACHTREE CORNERS, GEORGIA TO DELETE ARTICLE II (TEMPORARY OUTDOOR ACTIVITY) OF CHAPTER 14 (BUSINESSES) OF THE CODE OF THE CITY OF PEACHTREE CORNERS, GEORGIA IN ITS ENTIRETY; TO PROVIDE FOR ARTICLE II (SPECIAL EVENTS) OF CHAPTER 14 (BUSINESSES) REGULATING SPECIAL EVENTS WITHIN THE CITY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES**

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

**WHEREAS**, the City Council has determined that it is appropriate from time to time to modify the Code of Ordinances of the City of Peachtree Corners (the “Code”) to further protect the public health, safety, and welfare of the citizens of Peachtree Corners; and

**BE IT ORDAINED** by the Mayor and City Council of the City of Peachtree Corners, Georgia that the City’s Code of Ordinances is amended as follows:

**SECTION I:** Article II of Chapter 14 relating to Temporary Outdoor Activity is hereby deleted in its entirety and replaced with Article II of Chapter 14 relating to Special Events, and will read as follows:

**ARTICLE II. - SPECIAL EVENTS**

**Sec. 14-68. - Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Film production* includes motion picture, television, video, educational film, and photography.

*Producer* means any person responsible for planning, producing and conducting a special event.

*Special event* means any organized for-profit or nonprofit activity having as its purpose entertainment, recreation and/or education which (i) takes place on public property or (ii) takes place on private property, but requires special public services and which is permitted by the city under this article. Gatherings or activities that take place on private property and that make no use of city streets, other than for lawful parking, are not subject to the provisions of this article, but shall comply with all other requirements specified by ordinance as to the use of residential property. No special event other than film production, as defined above, shall be allowed to exceed six days in any 30-day consecutive period of time.

By way of example, special events include, but are not limited to; fairs, tours, grand opening celebrations, races, parades, marches, rallies, assemblies, festivals, film production, concerts,

holiday celebrations, bicycle runs, and block parties. Private social gatherings which will make no use of city streets other than for lawful parking are not included. Garage sales, lawn sales, rummage sales, flea market sales, or any similar casual sale of tangible personal property are not included.

A parade, march, or procession subject to this article is defined to be a group or number of people or vehicles, or the combination thereof, consisting of five or more vehicles and ten or more persons, or a combination of three or more vehicles and five or more persons, proceeding or moving in a body or in concert along the streets or sidewalks of the city. Specifically excepted from this definition are funeral processions.

*Special event permit*, when used hereafter, shall mean and include film production special event permit unless specifically stated otherwise.

*Vendor* means any person or persons or entity who engages in the sale to the public of any food or food products, goods, services, or merchandise of whatever nature from any location, either mobile or stationary, on a temporary itinerant basis on any public street, sidewalk, or right-of-way as an authorized participant of the special event.

#### **Sec. 14-69. - Penalties for violation.**

Violation of any of the sections of this article or any part thereof shall be punished as provided in section 1-10.

#### **Sec. 14-70. - Permit conditions.**

- (a) It shall be unlawful for a special event to occur in the city without having first obtained a permit for such special event.
- (b) All permits issued pursuant to this article shall be temporary and shall not vest in the holder any permanent property rights in a permit.
- (c) The location of a special event must comply with all existing zoning requirements of the city, and there must be sufficient lawful parking available. An application for a permit shall be subject to review of the director of the department of community development or designee to determine compliance with zoning requirements. Administrative exceptions are subject to the approval of the city manager.
- (d) Parades, marches, and processions shall follow such designated route or routes as may be on file with the city manager and shall be preceded by a police vehicle.
- (e) Unless specifically provided otherwise, a special event is subject to and must comply with any and all other applicable ordinances of the city.

#### **Sec. 14-71. - Application.**

- (a) The producer of a special event shall make application for a permit for the special event on a form prescribed by the city.

- (b) An application for a special event permit, other than a film production special event permit, shall be filed at least 30 days prior to the date the special event is scheduled to take place; provided, however, no application shall be accepted earlier than one year prior to the date of the special event.
- (c) An application for a film production special event permit shall be filed at least five days prior to the date the filming is scheduled to take place; provided, however, no application shall be accepted earlier than one year prior to the date of the filming and provided further no more than one such permit shall be issued quarterly for any one residential location and of no more than 14 consecutive days in duration, unless previously requested and approved by the city manager.
- (d) Each application for a special event permit shall be accompanied by a nonrefundable application fee in such amount as may be set from time to time by resolution of the city council.
- (e) All producers of a special event shall be properly identified on the application; provided, however, a special event permit shall be issued only to an individual person. Therefore, if a group, organization, association, or other entity is producing the special event, a designated agent of the producer shall be named for purposes of the permit, and this individual shall be solely and fully responsible for compliance with all provisions, including all financial requirements of this article and other applicable laws.
- (f) The application for a special event permit, other than a film production special event permit, shall include the following information:
  - (1) Purpose of the special event;
  - (2) Name, address, e-mail address, and telephone number of the sponsoring entity or person in addition to the person named in subsection (d) of this section;
  - (3) Proposed date, location, and hours of operation, but in no event earlier than 8:00 a.m. or later than 11:00 p.m. in residential zoned locations and in no event earlier than 8:00 a.m. or later than 12:00 midnight in commercial zoned locations;
  - (4) Schedule of proposed activities;
  - (5) Projected attendance at the special event;
  - (6) Plans for parking, restroom facilities, and sanitation concerns;
  - (7) Plan for crowd and traffic control.

In addition, the city or any of its departments may require any other information deemed reasonably necessary to determine that the permit meets the requirements of this article.

- (g) The application for a film production special event permit shall include the following information:
  - (1) Purpose of the filming and the type of production;
  - (2) Location manager or production manager name, address, e-mail address, and telephone number of the sponsoring entity or person in addition to the person named in subsection (a) of this section;

- (3) Proposed date, location, and hours of operation, but in no event earlier than 8:00 a.m. or later than 11:00 p.m. in residential zoned locations and in no event earlier than 8:00 a.m. or later than 12:00 midnight in commercial zoned locations;
- (4) Proposed schedule of filming activities;
- (5) Full disclosure of special effects, i.e., fire, explosives, gunfire;
- (6) Full disclosure of nondomestic animals and if there will be the consumption or sale of alcohol on film site;
- (7) Site plan - showing production location and base camp;
- (8) Proof of permission of property owner for use of the production location and base camp;
- (9) Notification of neighbors and businesses affected by production location.

In addition, any film project that occurs in a residential location and involves any of the four items below; will require a meeting with the special event/film permit review staff a minimum of one week prior to the submission of the film permit application:

- (1) Outdoor filming;
  - (2) Film project that lasts three or more days;
  - (3) Full and partial lane and street closures;
  - (4) Requested variances to any City of Peachtree Corners ordinance.
- (h) Two copies of a to-scale survey of the proposed location for the special event shall accompany the application and shall accurately depict the proposed location of the special event, all buildings, structures, parking, and curb cuts permanently located on the site. The survey shall further show the proposed temporary location of any and all buildings, structures, and parking to be associated with the proposed special event. Moreover, the entire location shall comply with the city's standards for setbacks.
  - (i) Each city department and/or agency whose services would be impacted by the special event shall review the application and recommend in writing any conditions or restrictions deemed necessary. Special conditions or restrictions recommended by the city manager, or his designee, shall become a condition of the permit.
  - (j) The following standards shall be considered in reviewing the application:
    - (1) A special event permit may be issued only after an adequate plan for crowd and traffic control, as well as security has been presented, and, when deemed necessary, employment of off-duty, uniformed Gwinnett County Police Officer(s) shall be utilized. If Gwinnett County Police Officer(s) are not available, then a P.O.S.T. certified police officer(s) may be utilized after they have been verified by the city and obtained by the producer.
    - (2) A special event permit may be issued only after an adequate plan for fire inspection/prevention and/or fire code enforcement and, when deemed necessary, employment of off-duty, uniformed fire personnel has been verified by the city and obtained by the producer.

(3) A special event permit may be issued only after an adequate EMS plan and, when deemed necessary, employment of off-duty medics who are state-certified EMT or paramedics has been verified by the city and obtained by the producer.

(4) A special event permit may be issued only after adequate waste disposal facilities have been determined by the city and obtained by the producer. The producer shall be required to clean the right-of-way or public property of rubbish and debris, returning it to its pre-special event condition, within 24 hours of the conclusion of the special event. If the producer fails to clean up such refuse, cleanup shall be arranged by the city, and the costs incurred for this service shall be charged to the applicant.

(5) A special event permit granted by the city may provide for the city to close designated streets and intersections to allow use of the public right-of-way for the special event during designated hours and days.

(6) The sound level of any special event must comply with the city noise ordinance (section 38-81 et seq.).

(k) After all of the requested information pertaining to the special event has been submitted, reviewed, and approved, a permit may be issued upon payment of all applicable fees and costs. The special event permit, as well as any other permits required in conjunction with the special event, shall be posted on site during the special event.

(l) Should a permit be denied, the producer shall be notified in writing of the denial.

#### **Sec. 14-72. - Permit fees.**

(a) Each city department and/or agency whose services would be impacted by the special event shall itemize the departmental activity required for the special event, showing the hourly rate and the actual and reasonable total cost. The "total costs to the city" shall be the sum of each department's costs. The city manager shall determine and calculate a reasonable fee to reimburse the city for its services.

(b) A cash bond may be determined to be appropriate by the city, and in this event the city shall advise the producer of the amount, and this bond shall be remitted to the city before the special event permit is issued.

(c) The initial permit fee shall be paid in full prior to the issuance of the permit and in any event no later than 72 hours prior to the date of the event.

(d) The fees required in this article shall be in addition to any other fees which may be required by any other applicable ordinances or regulations.

(e) No producer of any special event, except as may otherwise be provided herein, shall be exempt from the payment of the appropriate fees and charges required under this article.

(f) Should a producer desire to have use of any equipment owned by the city, such as barriers, traffic cones, and the like, an additional fee, as may be established from time to time by resolution of the city council, shall be paid so as to cover the reasonable cost for use of the equipment, as well as the delivery and return of the items by city employees.

- (g) Notwithstanding any provision to the contrary, the producer of any special event associated with and benefiting the cause of a charitable organization, recognized as such by the Internal Revenue Service under section 501(c)(3) of the Internal Revenue Code, shall be excused by the city manager from the permit fee requirement, but may be required to post the bond described in subsection (b) of this section. Criterion to be considered in determining the appropriateness of requiring a bond shall include the impact of the event on the cost of services to be provided by the city and on the general public health, welfare, or safety of the city.

**Sec. 14-73. - Liability.**

- (a) At the discretion of the city, prior to issuance of a permit, the producer shall provide to the city proof of comprehensive liability insurance naming the city as an additional insured. The insurance requirement is a minimum of \$300,000.00 personal injury per person, \$1,000,000.00 maximum, and \$100,000.00 property damage against all claims arising from permits issued pursuant to this article.
- (b) The producer of any special event shall provide a written agreement in a form satisfactory to the city providing the producer shall defend, pay, and save harmless the city, its officers, employees, and agents from liability of all personal or property damages arising from any acts or omissions emanating from a special event and from any and all claims, attorney fees or lawsuits for personal injury or property damage arising from or in any way connected to the special event. The agreement shall be filed with, and made a part of, the application form.
- (c) The city, its officials, employees, or agents shall not incur any liability or responsibility for any injury or damage to any person in any way connected to the use for which the permit has been issued. The city, its officials, employees, or agents shall not be deemed to have assumed any liability or responsibility by reasons of inspections performed, the issuance of any permit, or the approval of any use of the right-of-way or other public property.

**Sec. 14-74. - Vendors of food and merchandise.**

- (a) The sale of food and/or merchandise by vendors shall be allowed as a component of a special event provided each vendor is authorized to participate in writing by the producer of the event and provided further each vendor shall be subject to all conditions and limitations as shall be imposed in writing by the producer and submitted as part of the application for a permit.
- (b) The producer of a special event shall have sole responsibility and control of all food and merchandise vendors as a component of a special event and to designate the location and activities of such vendors.
- (c) Authorized vendors of the producer, providing food and/or merchandise, shall not be required to obtain a separate vendor permit to operate during the special event.
- (d) Notwithstanding the provisions of subsection (c) of this section, food vendors authorized by the producer shall be required to comply with rules and regulations of the county health department as to the preparation and service of food.

**Sec. 14-75. - Vendors of alcoholic beverages.**

The dispensing of alcoholic beverages, by sale or otherwise, shall be allowed as a component of a special event provided each vendor is authorized to participate by the producer and provided further each vendor dispensing alcoholic beverages shall have been duly licensed by the state and the city or another local governing authority and shall further have complied with all provisions of this Code relating to the sale of alcoholic beverages off-premises at an authorized function or event.

**Sec. 14-76. - Miscellaneous provisions regarding vendors.**

- (a) Each vendor authorized by the producer of the special event shall prominently display on his or her person a badge provided by the producer and identifying the vendor as an authorized participant in the special event which shall bear the signature of the producer or his designated agent.
- (b) It shall be unlawful for any vendor not authorized by the producer as provided herein to engage in any business within a distance of 100 yards of the special event from one hour before the start of the special event, and until one hour after the special event.
- (c) A special event permit granted by the city may provide for the city to close designated streets and intersections to allow use of the public right-of-way for the special event during designated hours and days. The producer shall bear all responsibility for having all vendors remove any structures and all trash and debris from the designated area by not later than the time stated under the permit for re-opening of all streets.

**Sec. 14-77 - Other permits.**

- (a) The purpose of this article is to allow the city's departments and staffs to review an application for a special event permit outside the regular ordinance standards in order to determine how disruptive a special event may be to the ordinary use of parks, public streets, rights-of-way, or sidewalks and to make recommendations and allowances. Administrative guidelines issued by the department of community development shall be followed by the city in allowing specified signage and advertising which may not be in compliance with existing zoning ordinances for banners and vendors. Upon approval by the city manager, or his designee, recommendations and allowances made shall become conditions of the permit to be followed and carried out by the producer.
- (b) Notwithstanding subsection (a) of this section:
  - (1) The holder of a resident or nonresident license to sell and dispense alcoholic beverages shall obtain an off-premises license and event permit for pouring alcoholic beverages for an authorized function or event as provided in chapter 6 of this Code if he is authorized to participate by the producer; and
  - (2) A permit allowing fireworks shall be approved and permitted by the chief of the county's fire department or his designee. Further, the person to be performing the firework display shall be pyrotechnics licensed and qualified in the state.

**Sec. 14-78. - Denial or revocation of a special event permit.**

- (a) Reasons for denial of a special event permit include, but are not limited to:
- (1) The special event will unnecessarily disrupt traffic within the city beyond practical solution;
  - (2) The special event will interfere with access to fire stations and fire hydrants;
  - (3) The location of the special event will cause undue hardship to adjacent businesses or residents;
  - (4) The special event will cause unnecessary disruption of public services which would unreasonably impact the remainder of the city;
  - (5) The application contains incomplete or false information; and
  - (6) The producer fails to comply with any terms required by this article.
- (b) Reasons for revocation of a special events permit include, but are not limited to:
- (1) False or incomplete information on the application;
  - (2) Failure to comply with all terms and conditions of the permit;
  - (3) Failure to arrange for or adequately remit all fees, deposits, insurance or bonds to the city; and
  - (4) Existence of disaster, public calamity, riot or other emergency as the city determines, in its sole discretion, to be an impact upon the public health, safety and welfare.
- (c) Further, a special event permit may be denied, suspended, or revoked by the city, if the chief of the police department, the chief of the fire department, or their designees, determines that the health, welfare, or safety of the public may be endangered.

### **Sec. 14-79. - Appeals.**

- (a) Any producer whose special event permit application has been denied or revoked may request in writing a review of this decision by the city manager. This request must be in writing and received by the city manager within five days of the permit denial or revocation.
- (b) The city manager shall review the application and reasons for the denial or revocation of the special event permit and shall issue a decision, within five days, whether to uphold or reverse the previous decision and grant or reinstate the permit with such additional conditions as the city manager may deem justified by the evidence.
- (c) Should the producer be dissatisfied with the decision of the city manager, an appeal may be filed with the city council within five days of the decision of the city manager. The council shall set a hearing date within 30 days of receiving an appeal. At the hearing, evidence may be submitted by the producer addressing why the permit should have been granted or not revoked and by the city manager addressing why the permit was denied or revoked. The city council shall determine whether the denial or revocation of the permit is justified, or it may reverse the previous decision and grant or reinstate the permit with such additional conditions as deemed justified by the evidence.

**Secs. 14-80—14-96. - Reserved.**

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

**SECTION III:** All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.

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

**SECTION V:** This Ordinance shall become effective immediately upon adoption.

**SO ORDAINED** this 18<sup>th</sup> day of April, 2017.

CITY OF PEACHTREE CORNERS, GEORGIA

By: \_\_\_\_\_

Mike Mason, Mayor

Attest:

\_\_\_\_\_

Kym Chereck, City Clerk

(SEAL)

**ACTION ITEM**



## MEMO

---

TO: Mayor & Council  
CC: Brian Johnson, City Manager  
FROM: Greg Ramsey, P.E., Public Works Director  
DATE: May 16, 2017  
SUBJECT: Jimmy Carter Boulevard at Holcomb Bridge Road Improvements  
PTC 15.03 Construction Change Order

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Capital Improvement Project 15.03 is an intersection improvement at Holcomb Bridge Road and Jimmy Carter Boulevard. This is a Joint SPLOST project with Gwinnett County. Bids were received on August 5, 2016. Award of project was authorized by Mayor and Council on October 18, 2016. Contract was executed on December 12, 2016. Notice to Proceed was effective January 20, 2017. Contract completion is expected on or before January 20, 2018.

The bidding documents for the project were prepared by Barge Waggoner Sumner & Cannon, Inc. (BWSC) using the unit price form of contracting, which is the industry norm for roadway projects. As a part of the bidding document preparation, BWSC estimated the quantities for the various elements of work to be constructed through the course of the project. It is not unusual that the constructed quantities vary from the estimated quantities presented in the bid form.

In the preparation of its layout work, the Contractor, E.R. Snell Contractor, Inc. discovered a variation in the quantities its layout projected versus the quantities in the Bid Form. Due to the magnitude of the variation, they brought such to the City's attention, and we likewise informed BWSC. BWSC reviewed the variation, and modified its design to mitigate the cost impact of the quantity variation. The cost impact is also mitigated by the deletion of landscaping and outdoor furnishings which was a part of Alternate No. 4.

The quantity variations which occur with most unit price contracts are usually addressed in a final adjusting change order. The magnitude of this quantity variation warrants approval by Mayor and Council prior to execution of the work. If the variation had been discovered prior to opening bids for the project, the overall cost to the City would have been the same, with the additional cost reflected in the Base Bid, and no change order would be required.

**Staff requests approval of an authorization for the City Manager to enter Construction Contract Change Order No. 1 with E.R. Snell Contractor, Inc. for a not to exceed amount of \$48,504.35.**

Date of Issuance: May 8, 2017	Effective Date:	Date of Owner Execution
Owner: City of Peachtree Corners, Georgia	Owner's Contract No.:	PTC 15-03
Contractor: E.R. Snell Contractor, Inc.	Contractor's Project No.:	
Engineer: Barge Waggoner Sumner & Cannon, Inc.	Engineer's Project No.:	36269-00
Project: Jimmy Carter Boulevard at Holcomb Bridge Road Improvements		

The Contractor is hereby directed to comply with the following changes to Contract Documents:

**Description:**

1. Reconcile Bid Form quantities with anticipated quantities, as indicated on Attachment A.
2. Revise Drawings to mitigate impact of quantity reconciliation, as indicated on Attachment B.
3. Deletion of Alternate No. 4.

CONTRACT PRICE		CONTRACT TIMES	
Original Contract Price:	\$ 988,652.15	Contract Commencement Date:	January 20, 2017
Net Change by Previous Change Orders:	\$ 0.00	Substantial Completion	
Contract Price Prior to this Change Order:	\$ 988,652.15	Original Days	335
Total Change this Change Order:	\$ 48,504.35	Previous changes	0
New Contract Price:	\$ 1,037,156.50	Change this Change Order	0
		New Date	December 21, 2017
		Final Completion	
		Original Days	365
		Previous changes	0
		Change this Change Order	0
		New Date	January 20, 2018

RECOMMENDED BY:  
Barge Waggoner Sumner &  
Cannon, Inc.

ACCEPTED BY:  
E.R. Snell Contractor, Inc.

ACCEPTED BY:  
City of Peachtree Corners, Georgia

By: _____	_____	_____
(Authorized Signature)	(Authorized Signature)	(Authorized Signature)
Printed: _____	_____	_____
Title: _____	_____	_____
Date: _____	_____	_____

Attachment A  
Change Order No. 1  
Jimmy Carter Boulevard at Holcomb Bridge Road Improvements  
Project No. PTC 15.03

Bid Item No	Item Description	Bid Form Quantity	Revised Quantity	Unit	Unit Price	Net Cost Change
1	Traffic Control	Lump Sum	Lump Sum	Lump Sum	Lump Sum	\$10,300.00
6	Leveling Course	90.6	676.2	Ton	\$119.00	\$69,686.40
10	Tack Coat	473	1,000	GAL	\$2.10	\$1,106.70
11	Milling	2,525	3,750	SY	\$6.05	\$7,411.25
Net change due to quantity reconciliation						\$88,504.35
-	Delete Alternate No. 4					(\$40,000.00)
Net Change Order No. 1						\$48,504.35

Attachment B  
Change Order No. 1  
Jimmy Carter Boulevard at Holcomb Bridge Road Improvements  
Project No 15.03

Delete Sheet 3.01 and replace with Sheet 3.01 Revision 3.

Delete Sheet 5.01 and replace with Sheet 5.01 Revision 3.

Delete Sheet 5.02 and replace with Sheet 5.02 Revision 3.

Delete Sheet 6.01 and replace with Sheet 6.01 Revision 3.

Delete Sheet 13.01 and replace with Sheet 13.01 Revision 3.

Delete Sheet 13.02 and replace with Sheet 13.02 Revision 3.

Delete Sheet 13.03 and replace with Sheet 13.03 Revision 3

Delete Sheet 13.04 and replace with Sheet 13.04 Revision 3.

Delete Sheet 17.1 and replace with Sheet 17.1 Revision 3.

Delete Sheet 23.01 and replace with Sheet 23.01 Revision 3.

Delete Sheet 23.02 and replace with Sheet 23.02 Revision 3

Delete Sheet 23.03 and replace with Sheet 23.03 Revision 3.

Delete Sheet 23.04 and replace with Sheet 23.04 Revision 3.

END OF CHANGE ORDER NO. 1

**R2017-05-79**

**A RESOLUTION TO APPROVE THE RETIREMENT OF THE DEBT SERVICE ON THE REVENUE BONDS FOR THE TOWN CENTER PROJECT**

**WHEREAS**, the City of Peachtree Corners (“City”) is a municipal corporation duly organized and existing under the laws of the State of Georgia and is charged with providing public services to its residents; and

**WHEREAS**, in order to develop and promote the public good and general welfare, the Mayor and Council determined it was in the City’s best interest to acquire and develop public infrastructure (the “Town Center Project”) located on or about Peachtree Parkway and Medlock Bridge Road in Peachtree Corners, Georgia (the “Property”), for the purpose of, among other things, inducing certain private development and redevelopment near such Property; and

**WHEREAS**, the City entered into that certain intergovernmental contract with the Downtown Development Authority of the City of Peachtree Corners, Georgia (the “Authority”) providing for, among other things, the issuance of bonds to finance the Town Center Project for lease to the City in consideration of the City’s agreement to pay rentals to the Authority equal in amount to principal and interest on such bonds (the “Revenue Bonds”); and

**WHEREAS**, the total amount to retire the City’s debt service on the Revenue Bonds for the Town Center Project is currently ELEVEN MILLION FIVE HUNDRED and 00/00 DOLLARS (\$11,500,000.00); and

**WHEREAS**, Mayor and Council desire to retire the debt service on the Revenue Bonds, thus relieving the City of all debt incurred in the development of the Town Center Project.

**NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL FOR THE CITY OF PEACHTREE CORNERS, GEORGIA:**

That the City is hereby authorized to retire the debt service on the Revenue Bonds. The City Manager is hereby authorized to execute any documents necessary to further the intent of this Resolution, subject to approval by legal and finance.

RESOLVED this, the 16<sup>th</sup> day of May, 2017.

CITY OF PEACHTREE CORNERS, GEORGIA

Attest:

By: \_\_\_\_\_

Mike Mason, Mayor

\_\_\_\_\_

Kym Chereck, City Clerk

(SEAL)