



Official Use Only	
Date Received	
Application No.	

Riparian Buffer Authorized Encroachment Application

Pursuant to Atlanta City Code § 74-311, the Technical Panel may authorize an encroachment to allow development within a riparian buffer upon a showing by the applicant that due to site-specific conditions, the buffer required by Article VII of Chapter 74 of the Atlanta City Code would result in a hardship or extreme hardship; provided however, the grant of such encroachment shall require mitigation such that post-development conditions are at least as protective of water quality as pre- development conditions.

Part 1: General Information.

New Application Modification of Existing Application Revision of a Previously Granted Encroachment

Address of Proposed Encroachment _____

County: _____

Parcel ID: _____

Property Owner(s) Name(s) _____

Agent Name (if applicable) _____
(see page 7)

Mailing Address _____
(if different from Property Address)

Email Address _____

Phone Numbers _____ alternate: _____

Part 2A: Documentation of Lot Creation

Provide documentation that the lot is either a *new lot* or an *existing lot* as defined by § 74-302. The documentation should demonstrate that the lot was either recognized by the City on or before December 11, 2001 (existing lot), or recognized after December 11, 2001 (new lot). Examples of appropriate documentation include a City of Atlanta cadastral map, deed, title report, plat, or other recorded document showing that the current Parcel ID number was effective before December 11, 2001. Label this documentation as "**PART 2.**" As an additional resource, an online cadastral map may be located at <https://gis.atlantaga.gov/> (select "Property Info" then under "Administrative Area" on the left select "Lot Boundary Map." Additional information may be available from the City of Atlanta Department of City Planning.

Check one: In accordance with the attached documentation, this parcel is a(n):

NEW LOT (recognized by the City after December 11, 2001)

EXISTING LOT (recognized by the City on or before December 11, 2001)

Part 2B: Zoning and permit information

Provide documentation of current zoning and any proposed zoning as well as a list of current City permits that have been granted or applied for with respect to the project. Note: The granting of a zoning variance shall not create a right to an exemption under § 74-305 or the grant of an authorized encroachment under § 74-306.

If there is an active zoning action including any zoning variance requests with respect to the property, the application will not be considered substantially complete for the purpose of § 74-306.

Part 3: Description of Project

Describe the project and include calculation of the total land disturbance within the buffer in square feet. Attach additional pages, drawings, documents, or photographs if necessary, labeled "PART 3."

Part 4: Documentation of Hardship

If the property is an EXISTING LOT (see Part 2), complete Section A; if the property is a NEW LOT, complete Section B. An authorized encroachment will not be granted for a distance, location, or activity that is greater than necessary to alleviate a hardship imposed by a strict application of the Riparian Buffer Ordinance.

Section A (Existing Lot)

§ 74-306(a)(1) of the Atlanta City Code requires the demonstration of a hardship, and that no alternative to an authorized encroachment exists. A hardship is a unique or special condition and does not include lesser property value by comparison to other properties in the vicinity, or the mere fact that a buffer exists on the property. Describe the hardship that necessitates a buffer encroachment. Attach additional pages if necessary labeled "Part 4."

Section B (New Lot)

§ 74-306(b)(3) of the Atlanta City Code limits authorized encroachment for a new lot of record to cases of *extreme hardship*. An extreme hardship exists when denial of the authorized encroachment would result in one of the following, and no alternative to the encroachment exists:

Check one and provide a written explanation:

- Non-compliance with applicable state or federal regulatory law
Explain:

Severe and unavoidable hazard to public health or safety
Explain: _____

Severe and unavoidable harm to the environment
Explain: _____

Part 5: Alternatives to Buffer Encroachment

Provide alternative designs which attempt to meet the same development goals as the proposed site plan while preventing buffer intrusion. Plans need not meet all the criteria of Part 8 of this application, but must contain enough information for the Technical Panel to evaluate the alternative. Provide an explanation as to why the alternative is not feasible. Provide alternative designs as an attachment labeled "**Part 5,**" and explain below why the alternative is not feasible.

Part 6: Demonstration of Minimized Buffer Impact

Explain how the proposed impact to the stream buffer is minimized. An authorized encroachment will only be granted to the extent necessary to alleviate a hardship. Explain how the project alleviates the hardship identified in **Part 4**. Attach additional pages if necessary, labeled "**Part 6.**"

Part 7: Mitigation

Mitigation is required and must ensure that post-encroachment conditions are at least as protective of water quality as pre-encroachment conditions. Mitigation should be site- and project-specific, and may include stormwater quality improvement measures or quantity reduction measures specified by the Georgia Stormwater Management Manual, stream or wetland restoration, buffer revegetation in accordance with the City of Atlanta Riparian Buffer Revegetation Guidelines, removal of existing impervious surfaces and revegetation, or buffer compensation. Explain the proposed mitigation and how it protects water quality. Provide details of the mitigation on the site plan (Part 8). Attach additional pages if necessary, labeled "**Part 7.**"

Part 8: Site Plans

Existing Site Conditions Plan: Attach a site plan that depicts the physical characteristics of the property, including, at a minimum, the following:

- Waters of the state, streams, wetland delineation, floodplain boundaries, other natural features, and all buffers as determined by a field survey including the 25 and 75 foot buffers, and where relevant the 150 foot buffer, as well as the 50 foot commercial limit;
- Property boundaries, size, existing topography, slopes, soil types, vegetation, and other relevant physical characteristics of the property;
- Locations of existing structures, utilities, stormwater facilities, impervious surfaces, trees;
- 100 year flood components for all streams with elevations and contour locations along the full length of the property showing both the floodplain and the floodway. Where 100 year flood elevations have been determined by the Federal Emergency Management Agency Flood Insurance Rate Maps, or where other studies deemed acceptable by the Department exist, those elevations shall be used. In areas that have not been studied by the Federal Emergency Management Agency as shown on Flood Insurance Rate Maps, the Commissioner may require a 100 year flood study prepared in accordance with Atlanta City Code Chapter 74, Article V, or other documentation in accordance with 44 C.F.R. Part 60.3, and prepared by a professional engineer or hydrogeologist currently licensed in the State of Georgia;

Proposed Site Conditions Plan: Attach a site plan that depicts **all of the requirements** for an Existing Site Conditions Plan and in addition, the following minimum requirements:

- Locations of proposed structures, utilities, stormwater facilities, impervious surfaces, trees to be removed, and the limits of disturbance both inside and outside of the buffers;
- Erosion and sedimentation control measures in accordance with the Manual for Erosion and Sediment Control in Georgia to prevent the migration of sediment into streams, wetlands, or waters of the state;
- Area of the buffer to be impacted (accurately and clearly delineated), and total area and length of buffer disturbance (calculated);
- Proposed mitigation for the buffer disturbance, including details, calculations, and specifications.

Site plan files may contain multiple sheets as appropriate and must be named according to the following file name convention:

- [Address] - [Existing Conditions] - [Date]
- [Address] - [Proposed Conditions] - [Date]

Part 9: Certification

By signing below, I certify that I am the owner of the property for which the authorized encroachment is being proposed, or I am the authorized agent of said owner (complete attached authorization form if agent). I further certify that all information provided in this application and in all supporting documentation is true and correct. I understand that the omission or misrepresentation of a material fact in connection with this application shall be grounds for denial. I further understand that the Technical Panel may require additional information to evaluate my application.

Property Owner

Authorized Agent of Property Owner

Date

Part 10: Submittal. This application and all required attachments must be submitted either electronically to TechnicalPanel@atlantaga.gov or by mail or hand delivery to:

City of Atlanta, Department of Watershed Management
Office of Site Development
55 Trinity Avenue, Suite 3400
Atlanta, Georgia 30303
(404) 330-6249

Riparian Buffer Authorized Encroachment Review Process:

- ❖ The Technical Panel will determine whether your application contains sufficient information to proceed with review. The Technical Panel will notify you if any additional information is required.
- ❖ The Technical Panel will conduct a review within 30 days of receipt of a substantially complete application at a scheduled Panel meeting.
- ❖ Upon completion of review, the Technical Panel will either request modifications to the proposed encroachment, notify you to proceed with public notice, or deny the application.
- ❖ If you are advised by the Technical Panel to proceed with public notice, you should comply with § 74-310 including:
 - (1) Notify by certified mail all potentially affected property owners as defined in § 74-310.
 - (2) Notify by certified mail the President of your local NPU.
 - (3) Post a sign as defined in § 74-310.
- ❖ Upon completion of public notice, you must submit a certification and evidence of such completion (a form will be provided). The public comment period is 30 consecutive calendar days.
- ❖ Upon completion of the public comment period, the Technical Panel will determine whether public notice was completed in accordance with § 74-310, consider the public comments, and issue a determination within 30 days at a scheduled Panel meeting.
- ❖ If the Authorized Encroachment is granted, you must send a second notice to all parties previously notified in accordance with § 74-312. The authorized encroachment will expire if a building permit is not issued for the proposed encroachment within 30 months of the date the encroachment is granted.
- ❖ Within 30 days of issuance of the authorized encroachment, any adversely affected party may appeal the determination of the Technical Panel to the Commissioner of the Department Watershed Management.
- ❖ If an appeal is successful, you will be notified of any change of status of your Authorized Encroachment.

Riparian Buffer Authorized Encroachment Designation of Agent

I swear (or affirm) that I am the owner of _____
(address and parcel ID number)

which property is the subject of the attached application for an authorized encroachment into the riparian buffer and is shown in the real property records of _____ County, Georgia.

I designate and authorize the person named below to act as my agent in the pursuit of this application for a riparian buffer authorized encroachment.

Agent's Name _____

Agent's Address _____

Agent's phone _____ alt: _____

Agent's email _____

Owner's Name _____

Owner's Signature _____

Notary Statement

Sworn to (or affirmed) and subscribed before me this _____ day of _____, 20____

Notary Public

State of _____, County of _____

My commission expires _____.