



Official Use Only	
Date Received	
Application No.	

## Riparian Buffer Authorized Encroachment Application

Pursuant to Atlanta City Code (“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 Code would result in a hardship or extreme hardship. However, all authorized encroachments shall require mitigation such that post-development conditions are at least as protective of water quality as pre-development conditions. The term “buffer” is defined in sections 74-302 and 74-303 of the Code.

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**ALL INFORMATION ON THIS FORM MUST BE COMPLETE  
BEFORE THE APPLICATION WILL BE REVIEWED.**

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**Note 1:** Certain activities are exempt from the requirement to obtain an authorized encroachment. See § 74-305 of the Code.

**Note 2:** Construction or repair of structures that cross streams, whether exempt or not from the requirement to obtain an authorized encroachment, must meet certain minimum requirements. See § 74-304 of the Code.

### Part 1: General Information.

New Application	<input type="checkbox"/>
Revision of Existing Application	<input type="checkbox"/>
Revision of a Previously Granted Authorized Encroachment	<input type="checkbox"/>

Address of Proposed Encroachment: \_\_\_\_\_

County: \_\_\_\_\_

Parcel ID: \_\_\_\_\_

Property Owner(s) Name(s): \_\_\_\_\_

Agent Name: \_\_\_\_\_

(if applicable, see page 12) \_\_\_\_\_

Mailing Address: \_\_\_\_\_

(if different from Property Address) \_\_\_\_\_

Email Address: \_\_\_\_\_

Phone Numbers: \_\_\_\_\_

## Part 2A: Documentation of Lot Creation

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

New Lot	<input type="checkbox"/>
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Existing Lot	<input type="checkbox"/>
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Provide documentation demonstrating that the lot is either a **new lot** or an **existing lot** as defined by § 74-302. Label this documentation as "**Part 2A.**"

Documentation (e.g. approved plats) may be located on the Office of Zoning and Development GIS webpage at <https://gis.atlantaga.gov>. You can click here to watch a video that demonstrates how to find approved plats online (<https://www.youtube.com/watch?v=FM2oaS0egIw>). Or contact the Office of Zoning and Development for assistance at [dcpoz@atlantaga.gov](mailto:dcpoz@atlantaga.gov) or (404) 330-6145.

Note: The following **will not** be considered sufficient documentation:

- A copy of the property deed, or
- A plat of the parcel which may have been recorded with the Clerk of the Superior Court of Fulton or DeKalb County but was not approved by the City of Atlanta.

According to Atlanta City Code section 74-302:

**New lot** means a parcel of land that:

- (i) was approved by the director of the bureau of planning after December 11, 2001, and was not initiated by an application for subdivision completed and filed on or before May 25, 2001, and;
- (ii) is recorded in the records of the Clerk of the Superior Court of Fulton or DeKalb County.

**Existing lot** means a parcel of land that was both:

- (i) approved by the director of the bureau of planning or incorporated in the city's official cadastral maps prior to the effective date, or approved later than December 11, 2001, but was initiated by an application for subdivision completed and filed on or before May 25, 2001, with all necessary supporting documentation according to the Atlanta City Code, and
- (ii) recorded in the records of the Clerk of the Superior Court of Fulton or DeKalb County.

## Part 2B: Zoning and permit information

Provide documentation of current zoning and any pending zoning actions with respect to the property as well as a list of current City permits that have been granted or applied for with respect to the project. Label this documentation as "**Part 2B.**"

**Note 1:** The grant of a zoning variance shall not create a right to an exemption under § 74-305, nor a right to an authorized encroachment under § 74-306.

**Note 2:** If there is an active zoning action with respect to the property, including but not limited to zoning variance requests or review by Atlanta urban design commission, the application will not be considered substantially complete for the purposes of § 74-306.

### Part 3: Description of Project

This project is for:

- |   |  |
|---|--|
| <input type="checkbox"/> New construction - residential                     | <input type="checkbox"/> New construction - commercial                     |
| <input type="checkbox"/> Modification of existing development - residential | <input type="checkbox"/> Modification of existing development - commercial |
| <input type="checkbox"/> Redevelopment (demolish and rebuild)               | <input type="checkbox"/> Other:  |

Provide a brief description of the project and include the total area of land disturbance within the buffer in square feet. Attach additional pages, documents, or photographs, if necessary, and labeled those pages "**Part 3.**" Site Plans are provided for in **Part 8.**

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### Part 4A: Documentation of Hardship and Other Requirements – Existing Lots

Section 74-306(a)(1) of the Code requires the demonstration of a hardship, and that no reasonable alternative to an authorized encroachment exists.

Hardship **exists** when a unique or special condition on the site prohibits or restricts development.

- |  |  |
|--|--|
| Hardship <b><u>does not include:</u></b> | (1) Lesser property value by comparison to the property with the proposed development or other properties in the vicinity; |
|  | (2) The fact that the buffer prevents selection of a particular development scenario; or                                   |
|  | (3) The mere fact that a buffer exists on the property.  |

Describe the hardship that necessitates a buffer encroachment and describe alternative designs that do not require an authorized encroachment. Attach additional pages if necessary, labeled "**Part 4A – Hardship.**"

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Yes ☐ No ☐

Yes ☐ No ☐

- Yes ☐ No ☐

If an extreme hardship exists, check the applicable box(es) below and provide a written explanation:

- ☐ Non-compliance with applicable state or federal law
- ☐ Severe and unavoidable hazard to public health or safety
- ☐ Severe and unavoidable harm to the environment

Attach additional pages if necessary, labeled "**Part 4B – Extreme Hardship.**"

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#### Part 4C: Requirements for All Lots

Would the grant of an authorized encroachment for the development result in reducing the width of the buffer to less than the minimum standards established by O.C.G.A. §§ 12-2-8, 12-7-6, or federal law?

Yes ☐ No ☐

If yes, an authorized encroachment cannot be granted.

Is the requested encroachment greater than necessary to alleviate a hardship or extreme hardship imposed by a strict application of the Code?

Yes ☐ No ☐

If yes, an authorized encroachment cannot be granted. If no, provide details below.

Have any actions of the property owners created the hardship?

Yes ☐ No ☐

If yes, an authorized encroachment cannot be granted.

Is a well, on-site sewage management system, detention pond, or underground stormwater detention facility proposed to be located in the buffer?

Yes ☐ No ☐

If yes, the applicant must show extreme hardship (see **Part 4**).

Is an impervious gaming court proposed to be located in the buffer?

Yes ☐ No ☐

If yes, an authorized encroachment cannot be granted.

Yes ☐ No ☐

Yes ☐ No ☐

Yes ☐ No ☐

Yes ☐ No ☐

Yes ☐ No ☐

[illegible]

## Part 5: Alternatives to Buffer Encroachment

Provide alternative plans which attempt to meet the same development goals as the proposed site plan while preventing or minimizing buffer encroachment. 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's ability to achieve the goals of the Riparian Buffer Ordinance. Provide alternative plans labeled "**Part 5**" and an explanation below as to why the alternative development is not feasible. Attach additional pages, if necessary, labeled "**Part 5**."

This image shows a blank sheet of white paper with horizontal ruling lines. The lines are evenly spaced and extend across the width of the page. There are no margins, text, or other markings on the paper.

## Part 6: Demonstration of Minimized Buffer Impact

Explain below how the proposed impact to the stream buffer is minimized and how the development only occurs to the extent necessary to remove a hardship or extreme hardship. Attach additional pages, if necessary, labeled "**Part 6.**"

[illegible]

## Part 7: Mitigation

Mitigation is required and must ensure that post-development conditions are at least as protective of water quality as pre-development conditions. Mitigation must comply with any guidance prepared by the Department of Watershed Management. 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, reduction of run-off beyond pre-development levels, removal of existing impervious surfaces, buffer compensation, or green infrastructure or low impact development practices. Explain the proposed mitigation and how it protects water quality. Provide details of the mitigation on the site plan (see **Part 8**). Attach additional pages, if necessary, labeled **"Part 7."**

[illegible]

## Invasive Species Management

Is the property or the buffer covered by invasives species?	<input type="checkbox"/>	Yes
	<input type="checkbox"/>	No

If large portions of the site or the proposed encroachment are covered with invasive species (e.g. kudzu, English Ivy, etc), describe an invasives species management plan that includes removal and long term management of the invasives. Provide details of the invasive management plan on the site plan (see **Part 8**). Explain below, the type and extent invasive species, the proposed management plan, and how it protects water quality. Attach photos and, if necessary additional pages, labeled as "**Part 7.**"

[illegible]



## 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, wetlands and applicable wetland buffers, floodplain boundaries, and other natural features.

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- ☐ The 25-foot and 75-foot buffers, and where relevant the 150-foot buffer, as well as lines denoting 50-feet from the stream and the “point of wretched vegetation” from which the buffer is measured (as defined in § 74-302). All buffers shall be determined by a field survey and must be measured in accordance with § 74-303.

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- ☐ Property boundaries, size, zoning setbacks and other regulatory boundaries, existing topography, slopes, soil types, vegetation, and other relevant physical characteristics of the property. Identify landscaping, natural forested areas, and areas overgrown with invasive species.

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- ☐ Locations of existing structures; utilities and associated easements; water, sewer, and stormwater infrastructure and associated easements; and impervious surfaces.

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- ☐ A tree survey that shows the location, structural root plate, and critical root zone for each tree. Trees must also be labeled with their DBH (diameter at breast height) in inches and identified by species, or at least as hardwood or pine. The tree survey may be provided in a separate plan sheet.

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- ☐ 100-year floodplain and floodway for all streams with elevations and contour locations as they cross the property and along the full length of the property.
  - 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 Chapter 74, Article V of the Code, 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, as well as the following minimum requirements:

- ☐ Locations of proposed structures; utilities and associated easements; water, sewer, and stormwater infrastructure and associated easements, impervious surfaces, access routes, and the limits of disturbance both inside and outside of the buffers.

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- ☐ All of the following tree information:
  - Tree survey with all trees labeled with species, or at least hardwood or pine, and DBH (diameter at breast height) in inches.
  - Show and label tree protection fences.
  - Show and label the structural root plate, the critical root zone, and the percent impact to the critical root zone for the trees which are impacted by proposed disturbance. If a tree is in the footprint of a proposed structure, there is no need to show the structural root plate or critical root zone.
  - Place an X on the tree symbol for the trees proposed to be destroyed.

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For more information on see the [Checklist for Tree Protection Plan](#), which can be found [here](#).

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- ☐ Erosion and sedimentation control measures in accordance with Chapter 74 Article II of the Atlanta City Code and 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.
  - ☐ Proposed invasives species removal, mitigation, revegetation, and long-term management plan.
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Site plan files, which may contain multiple sheets as appropriate, aerial imagery, and photographs must be named according to the following file name convention: [Address] - [Existing or 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.

Signature \_\_\_\_\_

Name \_\_\_\_\_

- ☐ Property Owner
- ☐ Authorized Agent of Property Owner

Date \_\_\_\_\_

### Part 10: Submittal

This application and all required attachments must be submitted via one of the following methods:

Mailed or hand delivered to:	City of Atlanta Department of Watershed Management Office of Site Development 55 Trinity Avenue, Suite 3400 Atlanta, Georgia 30303 (404) 330-6249
Emailed to:	TechnicalPanel@atlantaga.gov Note: Applications and attachments submitted via email must be less than 25MB in size.

## Riparian Buffer Authorized Encroachment Review Process:

- The Technical Panel will determine whether your application contains sufficient information to be considered complete and ready for review. No application will be reviewed until all required information is received by the Technical Panel. The Technical Panel will notify you if any additional information is required.
- You should comply with the public notice requirements in § 74-310 within 14 days of the date the application was submitted by using the approved Technical Panel Public Notice form, including:
  - (1) Notify by mail all potentially affected upstream and downstream property owners as defined in § 74-310(b)(1).
  - (2) Notify by mail the Chairperson of the affected property's NPU.
- After notifying the upstream and downstream neighbors and the NPU, you must submit evidence of this notification, as required under §74-310(d), using the form provided by the Technical Panel. Your application will not be considered complete until the certification of public notice is received by the Technical Panel.
- Once the Technical Panel receives a complete application, Technical Panel staff will post a sign on the site for which the authorized encroachment is requested, in accordance with to § 74-310(b)(3).
- The Technical Panel will conduct an initial review at a scheduled meeting within thirty (30) days of receiving a complete application.
- Upon completing the initial review, the Technical Panel will either request modifications to the proposed encroachment, approve the application, or deny the application and issue a determination at a scheduled Panel meeting.
- At any Technical Panel meeting where your application is on the agenda, you and the public will have the opportunity to speak to the application in accordance with the Panel's Procedural Rules.
- 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 thirty (30) months of the date the encroachment is granted.
- Within thirty (30) days of issuance of the authorized encroachment, any party may appeal the determination of the Technical Panel to the Commissioner of the Department Watershed Management.
- If an Appeal is made, you will be notified and invited to participate in the appeal process.

## 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: \_\_\_\_\_

Agent's Email: \_\_\_\_\_

Owner's Name: \_\_\_\_\_

Owner's Signature: \_\_\_\_\_

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### Notary Statement

Sworn to (or affirmed) and subscribed before me:

\_\_\_\_\_  
Signature

(Notary Seal)

\_\_\_\_\_  
Name

\_\_\_\_\_  
Date