

1. Agenda

Documents:

[BOMC-8-9-23-RM-AGENDA.PDF](#)

2. Meeting Called To Order/Adoption Of Agenda

3. Commissioner Comments

4. Approval Of Minutes

5. Land Disturbance Permit Ordinance

Documents:

[AVONDALE LAND DISTURBANCE ORDINANCE DRAFT 7.21.23.PDF](#)

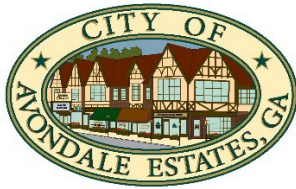
6. Application By Toll Brothers Land Developers For Final Plat Approval For The Subdivision Known As "Henley" Townhomes

Documents:

[AVONDALE FORM RESOLUTION TO APPROVE FINAL PLAT 7.19.23.PDF](#)

7. Public Comment

8. Adjournment



**BOARD OF MAYOR AND COMMISSIONERS
REGULAR MEETING
AUGUST 9TH, 2023
5:30 P.M.**

AGENDA

- Item #1 Meeting Called to Order
- Item #2 Adoption of Agenda
- Item #3 **Commissioner Comments**
- Item #4 **Approval of Minutes**
 - July 12th regular meeting
 - July 12th work session
 - July 26th regular meeting
 - July 26th work session
- Item #5 **Land Disturbance Permit Ordinance**
- Item #6 **Application by Toll Brothers Land Developers for Final Plat Approval for the Subdivision known as "Henley" Townhomes**
- Item #7 Public Comment
- Item #8 Adjournment

ORDINANCE NO. _____

AN ORDINANCE BY THE CITY OF AVONDALE ESTATES TO ADOPT NEW ARTICLE VII (“LAND DISTURBANCE”) OF CHAPTER 5 OF THE CITY CODE; TO AMEND ARTICLE X (“RESIDENTIAL AND COMMERCIAL TREE PROTECTION AND PRESERVATION”) OF CHAPTER 5 OF THE CITY CODE; TO AMEND ARTICLE II (“POST-CONSTRUCTION STORMWATER MANAGEMENT FOR NEW DEVELOPMENT AND REDEVELOPMENT”) OF CHAPTER 20 OF THE CITY CODE; TO AMEND ARTICLE VI (“SOIL EROSION, SEDIMENTATION AND POLLUTION CONTROL”) OF CHAPTER 20 OF THE CITY CODE; TO REGULATE LAND DISTURBANCE; TO PROVIDE DEFINITIONS; TO PROVIDE PENALTIES FOR LAND DISTURBANCE IN VIOLATION OF ESTABLISHED REGULATIONS; AND FOR OTHER PURPOSES.

WHEREAS, the Board of Mayor and Commissioners of the City of Avondale Estates desires to establish clear definitions and regulations for land disturbance; and

WHEREAS, the Board of Mayor and Commissioners finds that projects that involve grading, the construction of new accessory structures, addition to existing structures, the addition of 1,000 or more sq/ft of impervious surface to a lot and/or the disturbance of more than 5,000 sq/ft of land may create stormwater runoff that can cause a long-term burden on the City’s stormwater infrastructure and may damage such infrastructure as well as private property; and

WHEREAS, the Board of Mayor and Commissioners finds that the addition of any amount of impervious surface to any lot that does not conform to current regulations because existing structures occupy more than the allowed lot coverages under the current zoning code may create stormwater runoff that can cause a long-term burden on the City’s stormwater infrastructure and may damage such infrastructure as well as private property; and

WHEREAS, the Board of Mayor and Commissioners finds that disturbance of even small areas of land may result in harmful stormwater runoff during the project; and

WHEREAS, the Board of Mayor and Commissioners desires to protect the City’s stormwater infrastructure and private property within the City by requiring permits

for all land disturbances and regulating land disturbances to minimize associated harmful impacts.

NOW THEREFORE, BE IT ORDAINED by the Board of Mayor and Commissioners of the City of Avondale Estates, Georgia as follows:

Section 1. New Article VII of Chapter 5 of the Code of Ordinances is hereby adopted and shall provide as follows:

“ARTICLE VII. LAND DISTURBANCE

Sec. 5-201. Purpose and Intent.

The purpose of this article is to protect the City’s stormwater infrastructure and private property within the city from harmful impacts associated with land disturbance.

Sec. 5-202. Definitions.

As used in this article, the following terms shall have the meanings stated in this section:

Best management practices (BMPs) means 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 State of Georgia as of January 1 of the year in which the land disturbance is permitted.

Grading means altering the shape of ground surfaces to a predetermined condition, including stripping, cutting, filling, stockpiling, and shaping or any combination thereof and shall include the land in its cut or filled condition.

Home gardening or landscaping means a project undertaken for sole purpose of planting cultivating plants and/or making a yard more attractive, so long the associated land disturbance does not involve the use of earth-moving mechanical equipment (including, but not limited to bobcats or tractors).

Land disturbance means any activity which may result in soil erosion or the movement of soil or dirt, including but not limited to removal of vegetation or the

grubbing, stripping, clearing, dredging, grading, excavating, transporting, or filling of land.

Sec. 5-203. Permit Required for land disturbance.

It shall be unlawful for any person to cause any of the following activities to occur within the city without first obtaining the applicable permit from the city manager or his/her designee pursuant to this article:

- a) grading any land;
- b) constructing a new structure (including accessory structures) or any addition to an existing structure;
- c) any activity that adds 1,000 or more square feet of impervious surface to any lot;
- d) the addition of any amount of impervious surface to a lot where existing structures exceed the maximum lot coverage for the subject lot under the current zoning code; and
- e) land disturbance of more than 5,000 square feet of land.

Sec. 5-204. Exemptions.

Notwithstanding any other provision, this article shall not apply to:

- (a) Home gardening or landscaping projects that do not involve land disturbance of more than 1,000 square feet of land and are completed within 21 days of starting the project;
- (b) Grading or land disturbance on public property by the City of Avondale Estates;
- (c) any work on a transportation project permitted by the City of Avondale Estates or the Georgia Department of Transportation;
- (d) the erection of a shed or other accessory structure that does not include a foundation and has a floor area of less than 200 square feet; or
- (e) repair, maintenance or improvement of an existing structure that does not involve land disturbance and does not create any new impervious surface.

Sec. 5-205. Minor Land Disturbance Permit.

- a) *Applicability.* Grading of an area of any size requires a minor land disturbance permit pursuant to this section, unless the project being

undertaken is exempt pursuant to Section 5-204 or requires a land disturbance permit pursuant to Section 5-206.

b) *Application for permit.* The applicant for a minor land disturbance permit shall complete a form promulgated by the city manager and submit the following along with the application:

- i. site plan and survey of the lot involved;
- ii. existing and proposed conditions;
- iii. demolition plan, if applicable;
- iv. drainage, erosion control and grading plan including location of stormwater pipes, and downspouts;
- v. construction drawings, if applicable; and
- vi. post-construction stormwater management plan which demonstrates best management practices.

b) *Display of permit.* Before any land disturbance has commenced, but no later than forty-eight (48) hours after permit issuance, the minor land disturbance permit shall be posted on the property in a location that is plainly visible from the adjacent street.

c) *Best management practices.* Prior to commencement of land disturbing activities and until inspection and close-out of the minor land disturbance permit by the city, the permittee shall observe best management practices as defined in this article.

d) *Expiration.* Land disturbance must commence within six months of issuance of the minor land disturbance permit and continue diligently until completed or the permit will be deemed expired and any land disturbance unpermitted.

Sec. 5-206. Land Disturbance Permit.

a) *Applicability.* A land disturbance permit is required for any of the following activities:

- i. land disturbance of an area of 5,000 square feet or greater;

- ii. constructing a new structure (including accessory structures) or any addition to an existing structure;
 - iii. any activity that adds 1,000 or more square feet of impervious surface to a lot;
 - iv. the addition of any amount of impervious surface to a lot where existing structures exceed the maximum lot coverage for the subject lot under the current zoning code.
- b) *Application for permit.* The applicant for a land disturbance permit shall complete a form promulgated by the city manager and submit the following along with the application:
 - i. site plan and survey of the lot involved;
 - ii. existing and proposed conditions;
 - iii. demolition plan, if applicable;
 - iv. drainage, erosion control and grading plan including location of stormwater pipes, and downspouts;
 - v. phased erosion control plans (initial, intermediate, and final)
 - vi. utility plan (with sanitary sewer profiles)
 - vii. tree removal and replacement plan
 - viii. construction drawings
 - ix. post-construction stormwater management plan which demonstrates compliance with best management practices and demonstrates that the first 1.2 inches of water received on the lot during a stormwater event will be retained or treated onsite; and
 - x. hydrologic model proofing that 1.2 inches of stormwater will be retained or treated onsite.
- c) *Display of permit.* Before any land disturbance has commenced, but no later than forty-eight (48) hours after permit issuance, the land disturbance permit shall be posted on the property in a location that is plainly visible from the adjacent street.
- d) *Best management practices.* Prior to commencement of land disturbing activities and until inspection and close-out of the land disturbance permit by the city, the permittee shall observe best management practices as defined in this article.

- e) *Tree protection and preservation.* The permittee shall comply with all applicable provisions of Article X of this chapter.
- f) *Expiration.* Land disturbance must commence within six months of issuance of the land disturbance permit and continue diligently until completed or the permit will be deemed expired and any land disturbance unpermitted.

Sec. 5-207. Penalty for violation.

Any person that causes any land disturbance in violation of this article, either by causing such disturbance without a permit or by causing work to be performed that does not comply with the terms of an issued permit, shall be subject to prosecution in the municipal court. In addition, the city manager shall be authorized to enforce this article by taking the following actions:

- (a) Revoke any open building permit for the property whereupon the unlawful land disturbance occurred; and/or
- (b) Refuse to issue any certificate of occupancy for any structure on the property whereupon the unlawful land disturbance occurred.”

Section 2. Section 5-403 of the code of ordinances is hereby amended to replace the definition of “project” with the following language:

“*Project* means construction and/or site work activity on a site that requires a land disturbance permit pursuant to Code Section 5-206 or requires a building permit and ultimately a certificate of occupancy to use the improved site.”

Section 3. Section 5-412 of the code of ordinances is hereby amended to replace the definition of “project” with the following language:

“*Project* means constructin and/or site work activity on a site that requires a land disturbance permit pursuant to Code Section 5-206 or requires a building permit and ultimately a certificate of occupancy to use the improved site.”

Section 4. Section 20-65 of the code of ordinances, subsections (1) and (2) are hereby amended to replace the words “five thousand (5,000) square feet” with the words “one thousand (1,000) square feet.”

Section 5. All ordinances and parts thereof in conflict with the provisions of this ordinance are hereby repealed.

Section 6. This ordinance shall become effective immediately upon its adoption by the Board of Mayor and Commissioners.

SO ORDAINED THIS ____ DAY OF _____, 2023.

BOARD OF MAYOR AND COMMISSIONERS
CITY OF AVONDALE ESTATES, GEORGIA

Jonathan Elmore, Mayor

ATTEST:

Gina Hill, City Clerk

Approved as to Form:

Stephen G. Quinn, City Attorney

RESOLUTION NO. _____

A RESOLUTION BY THE BOARD OF MAYOR AND COMMISSIONERS OF THE CITY OF AVONDALE ESTATES, GEORGIA TO APPROVE THE FINAL PLAT FOR THE SUBDIVISION KNOWN AS “_____”.

WHEREAS, the City of Avondale Estates has received a complete application for final plat approval from applicant _____ for the proposed subdivision known as “_____”; and

WHEREAS, the Board of Mayor and Commissioners has previously approved a preliminary plat for this subdivision, dated _____, pursuant to Article III of Appendix B of the City Code; and

WHEREAS, the relevant departments of DeKalb County have approved the proposed final plat as required by Section 20-114 of Appendix B of the City Code; and

WHEREAS, the city building official has certified that the subject final plat complies with all applicable environmental, zoning, and subdivision requirements; and

WHEREAS, the Board of Mayor and Commissioners finds that the subject final plat complies substantially with the previously approved preliminary plat and relevant engineering plans.

NOW THEREFORE BE IT RESOLVED by the Board of Mayor and Commissioners that the _____ Subdivision final plat dated _____ is hereby approved pursuant to Section 20-117 of Appendix B of the City Code.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to certify the subject final plat for recording by signing the following statement on the plat: “This plat has been submitted to and approved by the Board of Mayor and Commissioners of the City of Avondale Estates, Georgia.”

SO RESOLVED, this _____ day of _____, 20____.

JONATHAN ELMORE, Mayor

ATTEST:

Gina Hill, City Clerk