

A RESOLUTION BY COUNCILMEMBER HOWARD SHOOK AUTHORIZING PAYMENT OF STIPULATED PENALTIES IMPOSED BY THE ENVIRONMENTAL PROTECTION AGENCY (EPA) AND THE ENVIRONMENTAL PROTECTION DIVISION OF THE DEPARTMENT OF NATURAL RESOURCES OF THE STATE OF GEORGIA (EPD) IN THE AMOUNT OF \$_____ AS STIPULATED PENALTIES FOR THE VIOLATION OF CSO FECAL COLIFORM OPERATIONAL STANDARDS _____ PURSUANT TO THE CSO CONSENT DECREE, CIVIL ACTION FILE NO. 1:95-CV-2550- TWT; TO IDENTIFY THE SOURCE OF FUNDING; AND FOR OTHER PURPOSES.

Review List:

Atlanta City Council	Completed	10/09/2013 5:09 PM
City Utilities Committee	Pending	

HISTORY:

10/07/13	Atlanta City Council	REFERRED WITHOUT OBJECTION
----------	----------------------	----------------------------

RESULT:	REFERRED WITHOUT OBJECTION	Next: 10/15/2013 9:30 AM
----------------	-----------------------------------	---------------------------------

RESULT:	REFERRED WITHOUT OBJECTION	Next: 10/15/2013 9:30 AM
----------------	-----------------------------------	---------------------------------

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

LEGISLATION HISTORY - BLUE BACK

CITY COUNCIL
ATLANTA, GEORGIA

13-R-3635

SPONSOR SIGNATURES


Howard Shook, Councilmember, District 7

**A RESOLUTION
BY COUNCILMEMBER(S) SHOOK**

A RESOLUTION BY COUNCILMEMBER HOWARD SHOOK AUTHORIZING PAYMENT OF STIPULATED PENALTIES IMPOSED BY THE ENVIRONMENTAL PROTECTION AGENCY (EPA) AND THE ENVIRONMENTAL PROTECTION DIVISION OF THE DEPARTMENT OF NATURAL RESOURCES OF THE STATE OF GEORGIA (EPD) IN THE AMOUNT OF \$ _____ AS STIPULATED PENALTIES FOR THE VIOLATION OF CSO FECAL COLIFORM OPERATIONAL STANDARDS _____ PURSUANT TO THE CSO CONSENT DECREE, CIVIL ACTION FILE NO. 1:95-CV-2550- TWT; TO IDENTIFY THE SOURCE OF FUNDING; AND FOR OTHER PURPOSES.

WHEREAS, the City has experience a violation to the CSO Consent Decree set out in Exhibit "A" hereto; and

WHEREAS, this violation is subject to stipulated penalties imposed at the discretion of the Environmental Protection Agency (EPA) and the Environmental Protection Division of the Department of Natural Resources of the State of Georgia (EPD) pursuant to the CSO Consent Decree, Civil Action File No.1 :95-CV-2550-TWT; and

WHEREAS, the Department of Watershed Management of the City does not dispute the fact this violation did occur; and

WHEREAS, the payment to EPA and EPD of this assessment by the City does not constitute a finding or adjudication, is not to be evidence of a violation of state or federal laws by the City, nor does the City by its consent agree to any violations of state or federal laws or admit any liability to any third party or parties; and

WHEREAS, funds for this purpose are available in Fund Department and Account Number 5051 (Water & Wastewater Revenue Fund) 170201 (DWM Wastewater Treatment & Collections) 5750002 (Property/Liquidation) 4310000 (Sanitary Administration); and

WHEREAS, the CSO Consent Decree, Section XI. O. similarly provides for payment of interest on late payment of stipulated penalties; and

WHEREAS, it is deemed to be in the best interest of the City to accept the proposed stipulated penalties and to pay the incident assessments to the Environmental Protection Agency (EPA) and the Environmental Protection Division of the Department of Natural Resources of the State of Georgia (EPD).

NOW, THEREFORE, BE AND IT IS RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA as follows:

Section 1: That the Chief Financial Officer of the City of Atlanta is authorized to issue checks payable in the amount of \$ _____ to the State of Georgia and in the amount of to the Treasurer, United States of America as stipulated penalties

imposed pursuant to the CSO Consent Decree at the discretion of the Environmental Protection Agency and the Environmental Protection Division of the Department of Natural Resources of the State of Georgia.

Section 2: That said payments shall be charged to and paid from the Fund, Account and Center provided.

Section 3: That all resolutions and parts of resolutions in conflict herewith be and are hereby waived in this instance only.

**AN ORDINANCE
BY COUNCILMEMBER AARON WATSON**

**AN ORDINANCE TO AUTHORIZE THE REDUCTION OF
SPECIAL ADMINISTRATIVE PERMIT FEES FOR URBAN
GARDENS AS PRINCIPAL USES ON LOTS IN RESIDENTIAL
ZONING DISTRICTS; AND FOR OTHER PURPOSES.**

WHEREAS, the Mayor and the City Council of the City of Atlanta desire to increase access to healthy, local and affordable foods, encourage community building, and support local agriculture and economic development by making urban gardening opportunities accessible to all interested citizens; and

WHEREAS, to this end the City Council of the City of Atlanta has amended the City of Atlanta zoning ordinance to provide for urban gardens and market gardens as permitted uses; and

WHEREAS, pursuant to the amendment to the Zoning Ordinance, urban gardens may be allowed as a permitted principal use on undeveloped lots in residential districts by Special Administrative Permit (SAP) issued in accordance with Code Sec. 16-25.004; and

WHEREAS, pursuant to Appendix B to Part III of the City of Atlanta Code of Ordinances, Sec. 6-1007(f)(5), the application fee currently applicable to an SAP for urban garden is \$250.00; and

WHEREAS, the Office of Planning has determined that due to the relative simplicity of an application for an urban garden SAP, the review and processing would require less staff time and therefore incur substantially lower costs than do other types of SAP applications; and

WHEREAS, the estimated actual cost of reviewing and processing an urban garden SAP is \$35.00;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1: That the application fee for a Special Administrative Permit for an urban garden as principal use on a lot in a residential zoning district be decreased from \$250.00 to \$35.00;

SECTION 2: That the Code of Ordinances, Part III, Appendix B: Fees shall be revised as necessary to reflect the imposition of fees in accordance with Section 1 above. Specifically, Section 6-1007(f) of Appendix B, which currently reads as follows:

Special administrative permits: The special administrative permit application fee shall be based on the following schedule:

- (1) Developments (new construction or any construction which results in increased lot coverage, modification of the building footprint, modification of building facades that alters the configuration of openings, and conversions or additions to existing buildings) less than 50,000 square feet of floor area: \$500.00.
- (2) Developments greater than or equal to 50,000 square feet of floor area but less than 250,000 square feet of floor area: \$1,000.00.
- (3) Developments greater than or equal to 250,000 square feet of floor area: \$1,500.00
- (4) Cell towers and co-location of antenna: \$250.00
- (5) Exterior demolition, expansions of outdoor dining and all others not listed above: \$250.00

shall be revised to insert new subsection (5) and to renumber current subsection (5) as subsection (6), so that the amended section shall read as follows:

Special administrative permits: The special administrative permit application fee shall be based on the following schedule:

- (1) Developments (new construction or any construction which results in increased lot coverage, modification of the building footprint, modification of building facades that alters the configuration of openings, and conversions or additions to existing buildings) less than 50,000 square feet of floor area: \$500.00.
- (2) Developments greater than or equal to 50,000 square feet of floor area but less than 250,000 square feet of floor area: \$1,000.00.
- (3) Developments greater than or equal to 250,000 square feet of floor area: \$1,500.00
- (4) Cell towers and co-location of antenna: \$250.00

(5) *Urban gardens: \$35.00*

(6) *Exterior demolition, expansions of outdoor dining and all others not listed above: \$250.00*

SECTION 3: Said fees shall become effective immediately upon the passage of this Ordinance.

SECTION 4: All ordinances or parts of ordinances in conflict with this ordinance shall be waived for the purposes of this Ordinance only, and only to the extent of the conflict.