



The City Of
SOCIAL CIRCLE

166 North Cherokee Road · Post Office Box 310 · Social Circle, Georgia 30025
Office: 770-464-2380 · Fax: 770-464-2113

Agenda Report

DATE: March 20, 2024

SUBJECT: Text Amendment to UDC Re: Measurements

Issue:

In an effort for consistency across the Code of Ordinances, the proposed text amendment would help to standardize the way measurements are taken for all processes.

Background:

There have recently been several instances where measurements between buildings / proposed buildings / proposed uses have been called into question, which include rezone cases and alcohol ordinance updates. To remain consistent across the City Code of Ordinances, Staff is proposing a text amendment to mirror the language in the proposed draft of the Alcohol Ordinance. Staff also made sure to remove any conflicting language (Section 3.3.13.A.4).

Recommendation:

Staff recommends approval of this text amendment.

The Planning Commission unanimously recommended approval of this text amendment.

Section 1.2 Rules for Construction of Language

1.2.1 Generally

Abbreviations of words and definitions of words and phrases are provided in **Article 15.- Abbreviations and Definitions**. All provisions, terms, phrases, and expressions contained in this UDC shall be construed in order that the true intent and meaning of the Mayor and City Council may be fully carried out.

1.2.2 Computation of Time

The time within which an action is to be accomplished shall be computed by excluding the first and including the last day. The following time-related words shall have the meanings ascribed below.

- A. "Day" means a calendar day unless working or business day is specified.
- B. "Week" means seven (7) calendar days.
- C. "Month" means calendar month.
- D. "Year" means a calendar year, unless otherwise indicated.

1.2.3 Conjunctions

Unless the context clearly indicates to the contrary, conjunctions shall be interpreted as follows:

- A. "And" indicates that all connected items, conditions, provisions, or events shall apply;
- B. "Or" indicates that the connected items, conditions, provisions, or events shall apply singularly but not in combination.

1.2.4 Nontechnical and Technical Words

Words and phrases, except as specifically defined in this UDC, shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning, or as defined in the Illustrated Book of Development Definitions (2017, Routledge), as amended.

1.2.5 Numbers

A word indicating the singular number may be extended and applied to include the plural. The use of the plural number shall be deemed to include the singular unless the context clearly indicates the contrary.

1.2.6 Public Officials, Bodies, Agencies

All public officials, bodies, and agencies to which reference is made are those of the City of Social Circle, or third-party service providers hired by the City of Social Circle, unless otherwise indicated.

1.2.7 Shall and May

The word "shall" is always mandatory and not discretionary. The word "may" is permissive.

1.2.8 Tense

Words used in the past or present tense include the future as well as the past or present, unless the context clearly indicates the contrary.

1.2.9 Text

In case of any difference of meaning or implication between the text of this UDC and any figure or graphic, the text shall control.

1.2.10 Measurement

Any measurement shall be measured by the most direct route of travel on the ground along public right of way from the front door of the existing building or use to the nearest public right of way nearest point of the existing building's property line, along the nearest public right of way to the closest point on the right of way to the front door of the proposed building.

~~1.2.10~~ 1.2.11 Word Usage

- A. "Building" includes the word "structure," except where otherwise specified by this UDC.
- B. "City" means the City of Social Circle, Georgia.
- C. "City-initiated" means an action brought forward by the Mayor and City Council, Community Development Director, City Manager, or other authorized City official.
- D. "County" means Walton County, Georgia and Newton County, Georgia, except where otherwise specified.
- E. "Lot" includes the words "plot," "parcel," "tract," or "property."
- F. "Used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied."
- G. "Written" means any representation of words, letters, or figures, whether by printing or other form or method of writing.
- H. "Person" includes the words "entity," "partnership," "corporation," or "firm."
- I. "District" means any base, overlay, or special purpose zoning district.
- J. Where this UDC specifies a defined term that includes the phrase, "any similar use," such interpretation shall be made by the Community Development Director.
- K. "Time certain" means a definite time for a certain activity, for example, a public hearing.

Section 1.3 Transitional Provisions

1.3.1 Purpose

The purpose of this Section shall be to establish the procedures for handling vested rights for application submittals and previous approvals that existed as of the Effective Date of this UDC or any future amendments thereto.

1.3.2 Effect of this Ordinance on Zoning Applications Submitted and Approved Requests

- A. **Applications Submitted.** Any activity for which a valid and complete zoning application authorized by this Ordinance has been received prior to the adoption of this Ordinance, may at the applicant's option proceed to completion of the zoning application. Complete shall mean that all information required by the particular application has been provided and that all applicable fees have been remitted.
- B. **Approved Zoning Applications.** Any development or project for which a zoning application has been approved under this provision may proceed to completion of the applicable permitting processes as provided herein, at the applicant's option.

1.3.3 Effect of this Ordinance on Permit Applications Submitted and Prior Approvals

- A. **Applications Submitted.** Any development or building activity for which a valid and

complete application for a Land Disturbance Permit or Building Permit has been received prior to the adoption of this Ordinance may, at the applicant's option, proceed to completion, and building permits, occupational tax certificates, and business licenses may be issued as though this Ordinance had not been adopted, provided that the Land

4. The City hereby adopts and incorporates herein its stated findings and legislative record related to the adverse secondary effects of sexually oriented businesses, including the judicial opinions and reports related to such secondary effects.
- C. Prohibited Locations. It shall be unlawful to establish, operate, or cause to be operated a sexually oriented business in the City that is located:
1. Within 1,000 feet, measured property line to property line, from a school (public or private), day care, community center, recreational facility, park, place of worship, hospital, or other similar uses where children regularly gather.
 2. Within 1,000 feet, measured property line to property line, from another sexually oriented business.
- D. Measurements.
1. Measurement of the required spacing between sexually oriented businesses shall be made in a straight line without regard to intervening structures or objects, between the closest points on the property lines of the two (2) sexually oriented businesses.
 2. Measurement of the required spacing between a sexually oriented business and a residential district, place of worship, park, or public library shall be made in a straight line without regard to intervening structures or objects, from the closest part of the structure containing the sexually oriented business to the closest point on the boundary line of the residential district or the closest point on the property line of the place of worship, park, or public library.

3.3.12 Sports and Recreation

Provision of sports or recreation primarily by and for participants. Spectators are incidental. Examples include bowling alleys, health clubs, skating rinks, billiard parlors, miniature golf courses, batting cages, and go-cart tracks. The following describe the sub-categories of sports and recreation, participation uses:

- A. Indoor. Participant sports and recreation uses conducted entirely within buildings.
- B. Outdoor. Participant sports and recreation uses conducted wholly or partially outside of buildings.

3.3.13 Vehicle Sales and Service

The following describe the subcategories of vehicle equipment and service uses:

- A. Fuel Station. A use engaged in retail sales of vehicle fuels for personal vehicles, other than fleet fueling facilities and truck stops, which are regulated as industrial service uses. In addition to the general requirements, fuel stations require the following:
 1. Any new fuel station shall be located at least 2,500 feet from any existing fuel station.
 2. Any pavement associated with vehicles shall be screened from view, except for drive entrances, using landscaping (See Article 8: Site Standards)
 3. No fuel station may be located within 50 feet of the lot line of a Residential Zoned district.

4. Measurements. Measurements shall be taken without regard to the City limits. ~~and are measured property line to the property line, regardless of where the fuel pumps are located on the site.~~
- B. Vehicle Sales. Uses primarily engaged in the sales of personal, consumer-oriented motor vehicles, such as automobiles, pick-up trucks, motorcycles and personal watercraft. The sale of large trucks, construction equipment, agricultural equipment, aircraft or similar large vehicles are regulated as trucking and transportation terminals.
- C. Vehicle Sales, Remote. A type of Vehicle Sales use where the point of sale occurs off-site, typically online or via telephone, but where vehicle pick-up can occur on-site by appointment only. This use is distinguished from an office use for an auto brokerage where there is no inventory stored on-site.
- D. Vehicle Rentals. Uses primarily engaged in the rental of personal, consumer-oriented motor vehicles, such as automobiles, pick-up trucks, motorcycles and personal watercraft. The rental of large trucks, construction equipment, agricultural equipment, aircraft or similar large vehicles are regulated as trucking and transportation terminals.
- E. Vehicle Maintenance and Repair, Minor. Uses that repair, install, or maintain the mechanical components of automobiles, trucks, vans, trailers or motorcycles or that wash, clean or otherwise protect the exterior or interior surfaces of such vehicles. Typical examples include oil-change shops, muffler shops, tire shops, and auto repair shops providing motor and mechanical repair services.
- F. Vehicle Maintenance and Repair, Major. Uses that primarily conduct motor vehicle body work and repairs or that apply paint to the exterior or interior surfaces of motor vehicles by spraying, dipping, flow-coating or other similar means. Typical examples include body and paint shops.
- G. General Requirements. These requirements apply to all motor vehicle equipment sales and service uses:
1. No trailer or mobile building is permitted on the property (other than a temporary construction office).
 2. No part of any service buildings or equipment may be located between a primary structure and the street.
 3. Vehicles shall not be displayed on elevated platforms. All exterior display areas shall be located at ground level.
 4. Vehicles shall be parked in orderly fashion similar to a regular parking lot.
 5. Outdoor display of tires is prohibited.
 6. 6. Outdoor washing and detailing of vehicles is prohibited. All vehicle service shall be conducted inside a building.