



# CITY OF SOCIAL CIRCLE

MARCH 15, 2023

6:30 PM

City Community Room 138 East Hightower Trail

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Mayor and Council

Called Meeting Agenda

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## **CALLED MEETING 6:30 PM**

### **I. CALL TO ORDER**

*Roll Call*

### **II. PLEDGE OF ALLEGIANCE**

### **III. INVOCATION**

### **IV. AGENDA APPROVAL**

### **V. AGENDA ITEM**

1. Discussion of the City of Social Circle Unified Development Code

### **VI. EXECUTIVE SESSION**

An Executive Session may be called:

- To discuss pending and/or potential litigation, settlement claims, administrative proceedings or other judicial actions, which is exempt from the Open Meetings Act pursuant to O.C.G.A. Section 50-14-2(1).
- To authorize negotiations to purchase, dispose of, or lease property; authorize the ordering of an appraisal related to the acquisition or disposal of real estate; enter into a contract to purchase, dispose of, or lease property subject to the acquisition or disposal of real estate; enter into a contract to purchase, dispose of, or lease property subject to approval in a subsequent public vote; or enter into an option to purchase, dispose of, or lease real estate subject to approval in subsequent public vote, which is excluded from the Open Meetings Act pursuant to Section 50-14-3(b)(1)(C).
- Upon the appointment, employment, compensation, hiring, disciplinary action or dismissal, or periodic evaluation or rating of a public officer or employee, which is excluded pursuant to O.C.G.A. 50-14-3(b)(2).

### **VII. ADJOURN**

## UNIFIED DEVELOPMENT CODE OF SOCIAL CIRCLE, GEORGIA

### ARTICLE 1.0: INTRODUCTORY PROVISIONS

#### DIVISION 1: ADMINISTRATION

##### Contents:

##### Section 1.1. Generally

##### Section 1.2 Rules for Construction of Language

##### Section 1.4 Transitional Provisions

#### Section 1.1 Generally

##### **1.1.1 Short Title**

This Ordinance shall be known as the "City of Social Circle Unified Development Code" and may be referred to herein as this "Code," "UDC," or "Ordinance."

##### **1.1.2 Components of this Unified Development Code**

This UDC contains the following parts:

- A. Text of this UDC;
- B. The Official Zoning Map; and,
- C. Any map amendment or conditions of approval adopted in accordance with this Code.

##### **1.1.3 Authority**

This UDC is enacted based on the authority vested in the City of Social Circle by the State of Georgia, including but not limited to the Georgia Constitution Article IX, Section 2, Paragraph IV, the Zoning Procedures Law, O.C.G.A. Chapter 36-66-1 et seq., and the charter of the City of Social Circle, Georgia.

##### **1.1.4 Purpose of this Ordinance**

This UDC is adopted for the purpose of the promoting the public health, safety, and general welfare of the residents, property owners, and visitors to the City of Social Circle and to encourage the orderly, harmonious, and judicious use of land, consistent with the goals, policies, and strategies of the City of Social Circle Comprehensive Plan. More specifically, this UDC is adopted to accomplish the following purposes:

- A. To balance conservation with environmental stewardship by:
  1. Conserving unique natural resources, including delicate eco-systems, forested areas, stream beds, water reservoirs, and archeological sites.
  2. Promoting preservation and restoration of the native tree canopy.
  3. Protecting the built and natural environments from air, water, noise, and light pollution.
  4. Incentivizing the use of sustainable design features in new developments and projects.
  5. Providing clear and consistent procedures that balance effective public involvement with responsive decision making aligned with Comprehensive Plan goals.

6. Promoting the efficient use of land and preservation of open space.

**B. To achieve design excellence of the built environment by:**

1. Establishing standards that mitigate overcrowding of public facilities.
2. Providing parking and access standards that appropriately balance pedestrian and vehicular safety and result in safe pedestrian environments of the highest quality.
3. Providing design standards that result in attractive architecture and compatible transitions of uses, height, and building scale between existing and new developments.
4. Providing and promoting housing for all income groups within the city and promoting the stability of neighborhoods.
5. Supporting density, design, and distribution of housing as will protect and enhance residential property values.
6. Ensuring development provides adequate light, air, convenience of access, and safety from fire, flood, and other dangers.

**C. To support enhanced quality of life by:**

1. Supporting such timing, density, and distribution of land development and use as will mitigate overcrowding of land so as to avoid undue concentration of population based on the availability of resources.
2. Reducing or mitigating congestion in the public streets.

#### **1.1.5 Jurisdiction**

The provisions of this UDC shall apply to all properties within the jurisdiction of the City of Social Circle and shall govern the use and development of land. No land or building shall be used or reused, no site shall be developed, no building shall be erected, and no existing building shall be moved, added to, enlarged, or altered except in conformity with this UDC.

#### **1.1.6 Relationship to Comprehensive Plan**

The City of Social Circle Comprehensive Plan, consisting of the Future Development Map and related policies, is hereby established as the official policy of the City concerning future land uses and shall serve as a guide regarding the appropriate manner in which property shall be zoned in the City. The most recent version of the Comprehensive Plan, as adopted by the Mayor and City Council, shall identify zoning districts that are appropriate within each of the City's character areas as delineated on the Future Development Map. No rezoning of property in the City shall be done in a manner inconsistent with the Future Development Map and related policies of the Comprehensive Plan. If the Mayor and City Council considers a Zoning Map amendment request that does not concur with the policies of the Comprehensive Plan or Future Development Map, approval of a Comprehensive Plan amendment is required before an approval can be rendered on the Zoning Map amendment.

#### **1.1.7 Minimum Requirements**

The provisions of this UDC are intended to be minimum requirements unless otherwise specified. Where the provisions of this UDC impose greater restrictions than other ordinances, the provisions of this UDC shall prevail. Where the provisions of another ordinance impose greater restrictions, the other ordinance shall prevail.

#### 1.1.8 Conflicting Provisions

- A. This is the City of Social Circle Ordinance, and all other conflicting ordinances and resolutions are hereby repealed.
- B. If the provisions of this UDC are inconsistent with those of the state or federal government, the more restrictive provision governs, to the extent allowed by law. The more restrictive provision is the one that imposes more stringent controls.
- C. These regulations are not intended to abrogate, annul, repeal, or in any way impair or interfere with the existing provisions of other ordinances or regulations, unless otherwise specified. Where these regulations conflict with other ordinances and regulations, the more restrictive requirements shall apply. The enforcement and interpretation of this UDC shall not be affected by deed restrictions, covenants, or easements, other than those made as a condition of approval of development plans under this UDC, special use permits, or other ordinances.
- D. The issuance of any approval, certificate, or permit in accordance with the standards and requirements of this UDC shall not relieve the recipient of such approval, certificate, or permit from the responsibility of complying with all other applicable requirements from any other city, county, state, or federal agency having jurisdiction over structures or land for which the approval, certificate, or permit was issued.

#### 1.1.9 Delegation of Authority

The head of an agency or department or other officer referenced in this UDC may authorize subordinates to perform any action or duty which such officer is authorized to perform under this UDC. Likewise, when a position is authorized to perform certain duties and decisions pursuant to this UDC, the City Manager shall be responsible for absorbing said duties during periods of vacancies in those positions.

#### 1.1.10 Effect of Conditions

- A. Where conditions have been applied to a property or use through the map amendment, special use permit, variance, or similar zoning or quasi-judicial decision process, such conditions shall apply to all portions of the subject development.
- B. All conditions shall be met prior to issuance of certificates of occupancy or certificates of appropriateness for any development within the area subject to the map amendment or special use permit, unless expressly stated in the condition itself.

#### 1.1.11 Effective Date

The provisions of this Ordinance become effective immediately upon adoption. Likewise, the term "Effective Date" shall refer to any subsequent adoption of any amendments.

### 1.1.12 Severability

#### A. **Invalidation.**

Should a court of competent jurisdiction of the State of Georgia or the United States hold any article, section, sentence, clause, phrase, or word of this UDC to be invalid or unconstitutional, such decision shall not affect, impair, or invalidate the remaining parts of this UDC, which can be given effect without the invalid provision.

#### B. **Prejudicial Application.**

Should any Article, Section, sentence, clause, phrase, or word of this UDC be held invalid or unconstitutional in its application in a particular case, such decision shall not affect or prejudice its application to other cases.

## 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 17.- 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 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. "County" means Walton County, Georgia and Newton County, Georgia, except where otherwise specified.
- D. "Lot" includes the words "plot," "parcel," "tract," or "property."
- E. "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."
- F. "Written" means any representation of words, letters, or figures, whether by printing or other form or method of writing.
- G. "Person" includes the words "entity," "partnership," "corporation," or "firm."
- H. "District" means any base, overlay, or special purpose zoning district.
- I. Where this UDC specifies a defined term that includes the phrase, "any similar use," such interpretation shall be made by the Community Development Director.
- J. "Time certain" means a definite time for a certain activity, for example, a public hearing.

**Section 1.4 Transitional Provisions****1.4.1 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.

#### 1.4.2 Effect of this Ordinance on Zoning Applications Submitted and Approved Requests

##### A. Applications Submitted

Any activity for which a valid and complete application for a 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 with a zoning application has been approved under this provision, the applicant may proceed to completion of the applicable permitting processes as provided herein, at the applicant's option.

#### 1.4.3 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 Disturbance Permit or Building Permit is issued within 180 calendar days of the Effective Date. Complete shall mean that all information required by the particular application has been provided and that all applicable fees have been remitted.

##### B. Approved Plans, Permits, and other Authorizations

Any development or building activity for which a Land Disturbance Permit or Building Permit has been issued prior to the adoption of this Ordinance may, at the applicant's option, proceed to completion, and permits may be issued as though the Ordinance had not been adopted.

##### C. Effect upon Validity of Development Plans and Building Permits

The adoption of this Ordinance shall not be construed to affect the validity of any permit lawfully issued prior to the Effective Date of this Ordinance, so long as:

1. Such permit has not by its own terms expired prior to such Effective Date;
2. Actual building or land development construction is commenced prior to the expiration of such permit;
3. Actual building or land development construction is carried on pursuant to said permit and limited to and in strict accordance with said permit; and
- 4.
5. Any future change in use of the property or any structure thereon shall conform with the most recent version of this Ordinance.

DIVISION 2: ZONING

## **Section 1.3 Zoning Map and Zoning Districts**

### **1.3.1 Official Zoning Map**

- A. The boundaries of the zoning districts are established and shown on the “Official Zoning District Map of the City of Social Circle” and may be cited and referred to as the “Zoning Map.”
- B. All notations, references and other information shown shall have the same force and effect as if fully set forth or described in this UDC.
- C. The Official Zoning Map may be amended by adoption of ordinances that rezone property as provided in **Section 3.5, Rezoning** or as amended by the text of this Ordinance as provided in **Section 3.7, Zoning Text Amendment**.
- D. The Zoning Map for the City of Social Circle shall be incorporated into and made a part of this UDC.

### **1.3.2 Maintenance and Updates**

- A. The Community Development Director shall be responsible for directing revisions to the Official Zoning Map to reflect its amendment as soon as practicable after the effective date the Zoning Map amendment was adopted pursuant to this Ordinance. This is not intended to require the Zoning Map to be updated after each amendment.
- B. No unauthorized person may alter or modify the Official Zoning Map. No change shall be made on the Official Zoning Map except in conformity with the procedures set forth in this Zoning Ordinance. Any unauthorized change of any kind by any person or persons shall be considered a violation of the Zoning Ordinance and shall be punishable as provided by law, excluding any transcription error undertaken by the Zoning Official in good faith, which error shall be corrected immediately upon its discovery.
- C. The latest adopted version of the Official Zoning Map shall be available for inspection in the offices of the City of Social Circle during regular business hours of the City. The Zoning Official may authorize printed copies of the Official Zoning Map to be produced, but only the original on file shall be evidence as to the zoning district boundaries and the zoning of any lot or tract of land in the City. The Zoning Official shall maintain digital and/or printed copies of each superseded version of the Official Zoning Map after its amendment for historical reference.

### **1.3.3 Omitted Land**

It is the intent of this UDC that the entire area of the City of Social Circle including all waterways, roadways, railroads, and other public rights-of-way, be included in the districts established by this UDC. Any area not shown on the Official Zoning Map as being included in any such district shall be tentatively classified in the Conservation district, until such time that the Community Development Director takes the property before the Mayor and City Council through the formal rezoning process.

### **1.3.4 Overlay Districts**

The boundaries of the Overlay Districts referenced and identified in **Article 9** are incorporated and made a part of the official Zoning Map of Social Circle.

### **1.3.5 Rules of Interpretation**

- A. If any uncertainty exists with respect to the intended boundaries as shown on the Zoning Map, the Community Development Director is authorized to interpret the Zoning Map.



- B. Where uncertainty exists as to the boundaries of any district shown on the Zoning Map, the following shall apply:
- a. Where possible, a rezoning file shall be used for delineating zoning boundaries. Such records shall have precedence over information otherwise contained on maps.
  - b. Where a zoning district boundary line divides a lot, each portion shall be governed by the zoning district that each portion is classified.
  - c. Where designation of a boundary line of the Zoning Map coincides with the location of a roadway, lane/alley, waterway or right-of-way, the center of the roadway, lane, waterway, or right-of-way shall be construed to be the boundary of such district.
  - d. Where the boundaries do not coincide with the location of roadways, lanes, waterways, or rights-of-way but do coincide with lot lines, such lot lines shall be construed to be the boundary of such district.
- C. When it is alleged that there is an error of interpretation by the Community Development Director, the applicant may appeal the decision as set forth in **Sec. 3.23, Appeals.**

### 1.3.6 Split-Zoned Lots

- A. Establishment of split-zoned lots is prohibited. The Zoning Map shall not be amended to classify a single parcel of land into two (2) or more base zoning districts. This provision does not apply to overlay zoning districts.
- B. If an existing parcel of land is already split into two (2) or more zoning districts, each such portion of the split- zoned parcel shall be used only for purposes allowed within the zoning district that each such portion is classified. No principal or accessory use of land, building or structures, and no use or building or structure authorized by permit, or special use permit, is allowed unless the use, building, or structure is expressly authorized or permitted within the subject zoning district.

## ARTICLE 7.0: BASE ZONING DISTRICTS

### Contents:

[Section 7.1 Zoning District Categories](#)  
[Section 7.2 Categorization of Uses](#)  
[Section 7.3 Principal Use Table](#)  
[Section 7.4 Accessory Use Table](#)  
[Section 7.6 Conservation District \(CS\)](#)  
[Section 7.7 Agricultural District \(AG\)](#)  
[Section 7.7 Residential Single-Family District \(R-25\\_](#)  
[Section 7.8 Residential Single-Family Districts \(R-15\)](#)  
[Section 7.9 Residential Medium Density District \(RMD\)](#)  
[Section 7.13 Office Institutional District](#)  
[Section 7.14 Business Districts](#)  
[Section 7.15 Industrial Districts](#)

## Section 7.1 Zoning District Categories

### 7.1.1 Conservation District (CS)

Where the phrase “conservation district” is used in this UDC it refers to the Conservation District (indicated using “CS” on the Official Zoning Map). It is established to protect certain lands or to provide for recreation or passive open space.

### 7.1.2 Agricultural District (AG)

Where the phrase, “Agricultural District” is used in this UDC it refers to Agricultural District (indicated using “AG” on the Official Zoning Map). It is established to support active agricultural use of the property and preservation of rural character. Housing is only appropriate where it supports active agricultural use of the property.

### 7.1.3 Residential Districts

Where the phrase, “Residential Districts” is used in this UDC it refers to Residential District-25 (R-25), Residential District-15 (R-15), and Residential Medium-Density (RMD) District. These are established to support low density and moderate density residential developments and ancillary neighborhood services.

### 7.1.4 Nonresidential Districts

Where the phrase “Nonresidential Districts” is used in this UDC it refers to the Conservation and Agricultural Districts, in addition to the Office Institutional District, Business District, Light Industrial District, and Heavy Industrial District (indicated as “OI,” “BUS,” “LI,” and “HI” on the Official Zoning Map).

- A. Office Institutional District is established to provide a location for offices, institutions, and limited related retail business and service activities and limited upstairs residential lofts in buildings of high character in attractive surroundings.
- B. Business Districts established to support commercial and mixed use developments.
- C. Light Industrial and Heavy Industrial Districts are established to support flex space, warehouse, distribution, and manufacturing developments of varied intensity.

### 7.1.5 Required Dimensional Standards.

This Section establishes basic lot and building regulations that apply in all base zoning districts. These regulations offer certainty for property owners, developers and neighbors about the limits of what is allowed; they are not to be construed as a guarantee that stated minimums and maximums can be achieved on every lot. Other factors, such as topography, the presence of protected resources, off-street parking, and other factors may work to further limit actual

building and development potential.

The following Dimension Table states the minimum requirements for each lot in a zoning district:

|   | CS    | AG                    | R-25                   | R-15                   | RMD - 6             | OI    | BUS   | LI                    | HI                    |
|---|-------|-----------------------|------------------------|------------------------|---------------------|-------|-------|-----------------------|-----------------------|
| Minimum Open Space (as percent of lot area)   | 75%   | 60%                   | 30%                    | 20%                    | 20%                 | 15%   | 15%   | 10%                   | 10%                   |
| Maximum Building Height (in feet)   | 40 ft | 40 ft                 | 40 ft                  | 40 ft                  | 40 ft               | 50 ft | 60 ft | 80 ft                 | 80 ft                 |
| Minimum Lot Size (in square feet and acres)   | Any   | 217,800 SF or 5 acres | 25,000 SF or 0.5 acres | 15,000 SF or 0.3 acres | 43,560 SF or 1 acre | Any   | Any   | 130,680 SF or 3 acres | 217,800 SF or 5 acres |
| Minimum Lot Frontage (in feet)  | Any   | 100 ft                | 50 ft                  | 50 ft                  | 50 ft               | Any   | Any   | 100 ft                | 100 ft                |
| Minimum Front Setback (in feet)   | Any   | 30 ft                 | 30 ft                  | 20 ft                  | 15 ft               | 15 ft | 15 ft | 20 ft                 | 30 ft                 |
| Side Setback (in feet)  | Any   | 20 ft                 | 10 ft                  | 5 ft                   | 5 ft                | 15 ft | 15 ft | 50 ft                 | 100 ft                |
| Rear Setback (in feet)  | Any   | 20 ft                 | 10 ft                  | 10 ft                  | 10 ft               | 15 ft | 15 ft | 20 ft                 | 20 ft                 |
| Where a use standard is in conflict with the lot standard, the use standard shall govern. |       |                       |                        |                        |                     |       |       |                       |                       |

7.1.6 Setbacks

- A. **Permitted obstructions.** Setbacks shall be unobstructed and unoccupied from the ground to the sky except as expressly allowed in sub-section B.
- B. Notwithstanding any other provision of this Chapter, fences, walls, hedges, driveways, and any structure required as part of a buffer, may be permitted in any required setback or along the boundary of any yard, provided that no fence, wall, hedge, or buffer structure along the streets abutting any corner lots shall obstruct corner visibility.
- C. Features allowed to encroach in required setbacks. Building and site features are allowed to obstruct or encroach into required setbacks to the extent indicated in

the following table. If no distance is specified, the feature is allowed to extend to the applicable property line(s):

| Table 7.1.6 - Obstruction/Projection into Required Setback   | Street | Side |  |
|--|--------|------|--|
| Air conditioning units   | No     | Yes  |  |
| Arbors and trellises   | Yes    | Yes  |  |
| Awnings, canopies, light shelves, and architecturally integrated solar shading devices projecting no more than three (3) feet into the setback | Yes    | Yes  |  |
| Bay windows that project no more three (3) feet into the setback   | Yes    | Yes  |  |
| Chimneys and flues that project up to three (3) feet into the setback  | Yes    | Yes  |  |
| Clotheslines   | No     | No   |  |
| Decks, patios, and other features and structures less than 30 inches in height above grade   | Yes    | Yes  |  |
| Eaves and gutters that project up to three (3) feet into the setback   | Yes    | Yes  |  |
| Electric vehicle charging stations   | Yes    | Yes  |  |
| Fences and walls   | Yes    | Yes  |  |
| Fire escapes that project up to three (3) feet into the setback  | Yes    | Yes  |  |
| Flagpoles and similar features   | Yes    | Yes  |  |
| Geothermal heat pumps and geothermal heat exchange system equipment up to four (4) feet in height above grade                                  | No     | Yes  |  |
| Green houses and hoop houses   | No     | Yes  |  |
| Plants and cold frames   | Yes    | Yes  |  |
| Recreational equipment (e.g., swing sets and playground equipment)   | No     | Yes  |  |
| Satellite dish antennas, not exceeding one (1) meter (39.37 inches) in diameter  | Yes    | Yes  |  |
| Satellite dish antennas, over one (1) meter but not exceeding 2.4 meters (94.49 inches) in diameter  | No     | No   |  |
| Sills, belt courses, cornices, buttresses, and similar architectural features that project up to three (3) feet into the setback               | Yes    | Yes  |  |
| Solar or wind energy systems   | No     | Yes  |  |
| Swimming pools and tennis courts   | No     | No   |  |
| Water collection cisterns that project no more than three (3) feet into a front or side setback  | Yes    | Yes  |  |
| Wheelchair lifts and ramps that meet federal, state and local accessibility standards  | Yes    | Yes  |  |

## Section 7.2 Categorization of Uses

### 7.2.1 General Provisions

#### A. Principal Uses

Permitted principal uses by zoning district are set forth in Section 7.3., Permitted Use Table. Permitted uses are grouped by use category. Use categories are not zoning districts; use categories classify land uses and activities based on common functional, product, and/or physical characteristics. Characteristics may include the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, likely impact on surrounding properties and site conditions. Use categories provide a systematic basis for assigning land uses to appropriate zoning districts. Specific uses may be further defined as set forth in Article 18. Any use not specifically set forth in this UDC is expressly prohibited, unless determined otherwise as set form in this Section 7.2.

#### **B. Accessory Uses**

Accessory uses are allowed in conjunction with a principal use and are subject to the provisions of [Section 10.7., Accessory Uses and Structures](#) below.

#### **C. Uses not Specifically Listed**

1. Any use not specifically listed is expressly prohibited unless the Community Development Director determines that the use is similar to a permitted use listed in this UDC using the criteria in this Section below. Where the similar permitted use is subject to any use standard contained in Article 10 or subject to a special use permit, the proposed use shall also be subject to such standard and/or approval.
2. The Community Development Director shall apply the following criteria in determining whether an unlisted use is comparable to a listed use for the purposes of interpreting and regulating a use in accordance with the provisions herein:
  - a. The actual or projected characteristics of the activity in relationship to the stated characteristics of each group of uses;
  - b. The relative amount of site area or floor space and equipment devoted to the activity;
  - c. The existence, number and frequency of residents, customers, or employees;
  - d. The types of equipment and processes to be used;
  - e. Hours of operation;
  - f. Building arrangement and programming;
  - g. Parking demands associated with the use;
  - h. The relative number of vehicle trips generated; and
  - i. Other factors deemed relevant to a use determination.
3. If a use can reasonably be classified in multiple categories, sub-categories, or specific use types, the Community Development Director shall categorize the use in the category, sub-category, or specific use type that provides the most exact, narrowest, and appropriate match.

4. Where a use not listed is found by the Community Development Director or their designee not to be in a category, sub-category, or specific use type, the use shall be permitted only following a text amendment to this UDC.

## 7.2.2 Interpretation of the Use Tables

### A. General.

- B. This Section contains a description of the use classification system used to identify the appropriate approval processes for uses in this UDC as they apply to each zoning district. **Use Permissions Categories**

#### 1. Uses Permitted By Right

"P" indicates that a use is permitted by right in the respective base zoning district.

#### 2. Supplemental Uses.

"L" (for limited) indicates that a use is permitted where compliant with supplemental use standards.

#### 3. Special Use Permit Review

"S" indicates a use that may be permitted in the respective base zoning district only when approved by the Mayor and City Council. Special Uses are subject to all other applicable requirements of this UDC including the additional use standards contained in Article 10, except where such use standards are expressly modified by the Mayor and City Council part of the special use permit approval.

#### 4. Uses Not Permitted

A "—" in the use table indicates that a use is not permitted in the respective district.

## Section 7.3 Permitted Use Table

|   | CS | AG | R-25 | R-15 | RMD | OI | BUS | LI | HI | Use Standard    |
|---|----|----|------|------|-----|----|-----|----|----|-----------------|
| <b>RESIDENTIAL</b>                        |    |    |      |      |     |    |     |    |    |                 |
| <b>Household Living</b>                   |    |    |      |      |     |    |     |    |    |                 |
| Single-Family Detached                    | -- | P  | P    | P    | --  | -- | --  | -- | -- | Sec. 10.1.2. A  |
| Single-Family Attached                    | -- | -- | --   | S    | L   | -- | L   | -- | -- | Sec. 10.1.2. B  |
| Multi-Unit Building                       | -- | -- | --   | --   | L   | -- | S   | -- | -- | Sec. 10.1.2.C   |
| Live-Work                                 | -- | -- | --   | --   | L   | -- | L   | -- | -- | Sec. 10.1.3     |
| <b>Group Living</b>                       |    |    |      |      |     |    |     |    |    |                 |
| Assisted Living                           | -- | -- | --   | --   | S   | S  | S   | -- | -- | Sec. 10.1.4.A,G |
| Convent or Monastery                      | -- | -- | --   | --   | L   | S  | L   | -- | -- | Sec. 10.1.4.B,G |
| Nursing Home                              | -- | -- | --   | L    | L   | S  | L   | -- | -- | Sec.10.1.4.C,G  |
| Personal Care Home (6 or fewer residents) | -- | -- | S    | S    | S   | S  | S   | -- | -- | Sec. 10.1.4.D   |
| Personal Care Home (7 or more residents)  | -- | -- | --   | --   | S   | S  | S   | -- | -- | Sec. 10.1.4.D   |
| Temporary Shelter                         | -- | -- | --   | --   | S   | S  | S   | == | == | Sec. 10.1.4.E,G |
| Transitional Housing                      | -- | -- | --   | --   | S   | S  | S   | -- | -- | Sec.10.1.4.F,G  |

|   | CS | AG | R-25 | R-15 | RMD | OI | BUS | LI | HI | Use Standard |
|---|----|----|------|------|-----|----|-----|----|----|--------------|
| <b>INSTITUTIONAL</b>  |    |    |      |      |     |    |     |    |    |              |
| Cemetery  | -- | -- | --   | --   | --  | S  | S   | -- | -- | Sec. 10.2.2  |
| Club or Lodge   | -- | -- | --   | --   | --  | S  | P   | -- | -- | Sec. 10.2.3  |
| Daycare   |    |    |      |      |     |    |     |    |    | Sec. 10.2.4  |
| Small   | -- | S  | S    | S    | L   | L  | L   | -- | -- |              |
| Large   | -- | -- | --   | --   | --  | S  | S   | -- | -- |              |
| Education Services  |    |    |      |      |     |    |     |    |    | Sec. 10.2.5  |
| School, K-12  | -- | -- | --   | --   | --  | L  | L   | -- | -- |              |
| Business or Trade School                                      | -- | -- | --   | --   | --  | P  | P   | -- | -- |              |
| College or University   | -- | -- | --   | --   | --  | S  | L   | -- | -- |              |
| Tutoring  | -- | -- | --   | --   | --  | S  | S   | -- | -- |              |
| Hospital  | -- | -- | --   | --   | --  | P  | P   | -- | -- | Sec. 10.2.6  |
| Library   | -- | -- | --   | --   | --  | P  | P   | -- | -- | Sec. 10.2.7  |
| Place of Worship  |    |    |      |      |     |    |     |    |    | Sec. 10.2.8  |
| Small (Occupancy load less than 100)                          | -- | -- | S    | L    | L   | P  | P   | -- | -- |              |
| Large (Occupancy load 100 or more)                            | -- | -- | S    | S    | L   | L  | L   | L  | -- |              |
| Utility Facility  | -- | -- | --   | --   | --  | S  | S   | S  | S  | Sec. 10.2.9  |
| <b>COMMERCIAL</b>   |    |    |      |      |     |    |     |    |    |              |
| Animal Services   |    |    |      |      |     |    |     |    |    | Sec. 10.3.2  |
| Boarding  | -- | -- | --   | --   | --  | S  | L   | P  | -- |              |
| Grooming  | -- | -- | --   | P    | P   | P  | P   | P  | -- |              |
| Veterinary  | -- | -- | --   | P    | P   | P  | P   | P  | -- |              |
| Eating and Drinking   |    |    |      |      |     |    |     |    |    | Sec. 10.3.4  |
| Restaurant  | -- | -- | --   | --   | --  | S  | P   | P  | -- |              |
| Bar   | -- | -- | --   | --   | --  | S  | P   | P  | -- |              |
| Brewpub   | -- | S  | --   | --   | --  | S  | L   | L  | -- |              |
| Craft Establishment   | -- | -- | --   | --   | --  | S  | L   | L  | -- |              |
| Food Trucks   | P  | P  | P    | P    | P   | P  | P   | P  | P  | OCGA [TBD]   |
| Entertainment, Event Space                                    |    |    |      |      |     |    |     |    |    | Sec. 10.3.4  |
| Small (Occupancy load less than 100)                          | -- | -- | S    | L    | L   | P  | P   | P  | -- |              |
| Larger (Occupancy load 100 or more)                           | -- | -- | S    | S    | L   | L  | L   | L  | -- |              |
| Financial Services  |    |    |      |      |     |    |     |    |    | Sec. 10.3.5  |
| Banks, credit unions, brokerage, and investment services      | -- | -- | --   | --   | S   | P  | P   | P  | -- |              |
| All other financial services (check cashing, pawnshop, other) | -- | -- | --   | --   | --  | -- | S   | L  | L  |              |
| Funeral and Mortuary Services                                 | -- | -- | --   | --   | S   | S  | S   | P  | P  | Sec. 10.3.6  |
| Lodging   |    |    |      |      |     |    |     |    |    | Sec. 10.3.7  |

|   | CS | AG  | R-25 | R-15 | RMD | OI | BUS | LI | HI | Use Standard |
|---|----|-----|------|------|-----|----|-----|----|----|--------------|
| Bed and Breakfast                             | -- | S   | S    | S    | --  | -- | P   | -- | -- |              |
| Hotel   | -- | --  | --   | --   | --  | S  | L   | -- | -- |              |
| Motel   | -- | --  | --   | --   | --  | S  | L   | -- | -- |              |
| Extended Stay                                 | -- | --  | --   | --   | --  | -- | --  | -- | -- |              |
| Short-Term Rental                             | -- | --  | P    | P    | P   | P  | P   | -- | -- |              |
| Medical Service                               | -- | --  | --   | --   | P   | P  | P   | -- | -- | Sec 10.3.8   |
| Office  | -- | --  | --   | --   | P   | P  | P   | P  | -- | Sec. 10.3.9  |
| Consumer Service                              |    |     |      |      |     |    |     |    |    | Sec. 10.3.10 |
| Maintenance or Repair Service                 | -- | --  | --   | --   | --  | P  | P   | P  | -  |              |
| Personal Service                              | -- | --  | --   | --   | P   | P  | P   | P  | -- |              |
| Studio or Instructional Service               | -- | --  | --   | --   | P   | P  | P   | P  | -- |              |
| Retail Sales                                  |    |     |      |      |     |    |     |    |    |              |
| General                                       | -- | --  | --   | --   | P   | P  | P   | P  | -- |              |
| Fireworks Sale                                | -- | --  | --   | --   | --  | S  | P   | P  | -- |              |
| Liquor Sale                                   | -- | --  | --   | --   | --  | -- | --  | -- | -- |              |
| Vape Shop or Smoke Store                      | -- | --  | --   | --   | --  | -- | S   | L  | -- |              |
| Smoking Lounge                                | -- | --  | --   | --   | --  | -- | S   | S  | -- |              |
| Sexually Oriented Business                    | -- | --- | --   | --   | --  | -- | --  | L  | L  | Sec. 10.3.11 |
| Sports and Recreation                         |    |     |      |      |     |    |     |    |    | Sec. 10.3.12 |
| Indoor  | -- | --  | --   | --   | --  | -- | P   | P  | -- |              |
| Outdoor                                       | -- | --  | --   | --   | --  | -- | S   | P  | -- |              |
| Vehicle Equipment Sales, Service              |    |     |      |      |     |    |     |    |    | Sec. 10.3.13 |
| Fuel Station                                  | -- | --  | --   | --   | --  | S  | S   | L  | L  |              |
| Vehicle Sales                                 | -- | --  | --   | --   | --  | -- | S   | L  | -  |              |
| Vehicle Rentals                               | -- | --  | --   | --   | --  | -- | S   | L  | -- |              |
| Vehicle Maintenance and Repair, Minor         | -- | --  | --   | --   | --  | -- | S   | L  | -- | Sec. 10.3.13 |
| Vehicle Maintenance and Repair, Major         | -- | --  | --   | --   | --  | -- | S   | S  | L  | Sec. 10.3.13 |
| <b>INDUSTRIAL</b>                             |    |     |      |      |     |    |     |    |    |              |
| Fabrication and Production                    |    |     |      |      |     |    |     |    |    | Sec. 10.4.2  |
| Artisan                                       | -- | --  | --   | --   | P   | P  | P   | P  | -- |              |
| Limited/Light                                 | -- | --  | --   | --   | --  | -- | --  | P  | P  |              |
| General                                       | -- | --- | --   | --   | --  | -- | --  | P  | P  |              |
| Research, testing, and development laboratory | -- | --  | --   | --   | --  | P  | P   | P  | P  |              |
| Industrial Service                            | -- | --  | --   | --   | --  | S  | S   | P  | -- | Sec. 10.4.3  |
| Storage, Distribution, and Wholesale          |    |     |      |      |     |    |     |    |    | Sec. 10.4.4  |
| Equipment and Material Storage                | -- | --  | --   | --   | --  | S  | S   | P  | -- |              |
| Self-Service Storage                          | -- | --  | --   | --   | --  | -- | --  | P  | -- |              |



|   | CS | AG  | R-25 | R-15 | RMD | OI | BUS | LI | HI | Use Standard |
|---|----|-----|------|------|-----|----|-----|----|----|--------------|
| Trucking and Transportation Terminal        | -- | --  | --   | --   | --  | -- | --  | -- | P  |              |
| Freight Container Yard                      | -- | --  | --   | --   | --  | -- | --  | -- | P  |              |
| Warehouse                                   | -- | --  | --   | --   | --  | -- | --  | P  | P  |              |
| Wholesales and Distribution                 | -- | --  | --   | --   | --  | -- | --  | P  | P  |              |
| Junk or Salvage Yard                        | -- | --  | --   | --   | --  | -- | --  | -- | P  | Sec. 10.4.5  |
| Landfill                                    | -- | --- | --   | --   | --  | -- | --  | -- | P  |              |
| Recycling Facility                          | -- | --  | --   | --   | --  | -- | --  | S  | P  |              |
|   |    |     |      |      |     |    |     |    |    |              |
|   |    |     |      |      |     |    |     |    |    |              |
|   |    |     |      |      |     |    |     |    |    |              |
| <b>AGRICULTURAL:</b>                        |    |     |      |      |     |    |     |    |    |              |
| Agriculture, commercial                     | -- | P   | --   | --   | --  | -- | --  | -- | -- | Sec. 10.5.2  |
| Agriculture, personal                       | -- | P   | P    | P    | --  | -- | --  | -- | -- | Sec. 10.5.3  |
| Agricultural Produce Stands                 | -- | P   | --   | --   | P   | P  | P   | -- | -- | Sec. 10.5.4  |
| Livestock sales/auction                     | -- | S   | --   | --   | --  | -- | --  | -- | -- | Sec. 10.5.5  |
| Tree farm/forestry                          | -- | S   | --   | --   | --  | -- | --  | -- | -- | Sec. 10.5.6  |
| Agri-tourism                                | -- | L   | --   | --   | --  | -- | --  | -- | -- | Sec. 10.5.7  |
| Riding Academy; Equestrian Center           | P  | P   | --   | --   | --  | -- | --  | -- | -- | Sec. 10.5.8  |
| Farm Winery/Meadery                         | -- | L   | S    | --   | --  | -- | --  | -- | -- | Sec. 10.5.9  |
| <b>WIRELESS COMMUNICATIONS</b>              |    |     |      |      |     |    |     |    |    | Sec. 10.6    |
| COW/Co-location/Concealed Wireless Facility | L  | L   | L    | L    | L   | L  | L   | L  | L  |              |
| All other wireless comm. Facilities         | S  | S   | S    | S    | S   | S  | S   | S  | S  |              |

Section 7.4 Accessory Use Table

|                                    | C  | AG | R-25 | R-15 | RMD | OI | BUS | LI | HI | Use Stand   |
|------------------------------------|----|----|------|------|-----|----|-----|----|----|-------------|
| <b>Accessory Uses</b>              |    |    |      |      |     |    |     |    |    |             |
| Accessory Buildings and Structures | L  | L  | L    | L    | --  | -- | --  | -- | -- | Sec. 10.7.1 |
| Accessory Dwellings                | L  | L  | L    | L    | --  | -- | --  | -- | -- | Sec. 10.7.2 |
| Backyard chickens                  | -- | P  | P    | --   | --  | -- | --  | -- | -- | Sec. 10.7.3 |
| EV Charging Stations               | L  | L  | L    | L    | L   | L  | L   | L  | L  | Sec. 10.7.4 |
| Home Occupations                   | -- | L  | L    | L    | L   | -- | --  | -- | -- | Sec. 10.7.5 |
| Outdoor Storage                    | -- | P  | --   | --   | --  | L  | L   | L  | P  | Sec. 10.7.6 |
| Swimming Pools                     | -- | L  | L    | L    | L   | -- | P   | -- | -- | Sec. 10.7.7 |
| <b>Temporary Uses:</b>             |    |    |      |      |     |    |     |    |    |             |

Attachment: The proposed Social Circle Unified Development Code (Draft) (Discussion of the City of Social Circle Unified Development Code)

|  | C  | AG | R-25 | R-15 | RMD | OI | BUS | LI | HI | Use Standard |
|--|----|----|------|------|-----|----|-----|----|----|--------------|
| Temporary Construction Structures      | L  | L  | L    | L    | L   | L  | L   | L  | L  | Sec. 10.8.1  |
| Temporary Outdoor Sales of Merchandise | -- | L  | --   | --   | L   | L  | L   | L  | L  | Sec. 10.8.2  |
| Temporary Stage or Tent                | L  | L  | L    | L    | L   | L  | L   | L  | L  | Sec. 10.8.3  |

**ARTICLE 10.0: USE STANDARDS**

**Contents:**

- Section 10.1 Residential Uses
- Section 10.2 Institutional Uses
- Section 10.3 Commercial Uses
- Section 10.4 Industrial Uses
- Section 10.5 Agricultural Uses
- Section 10.6 Wireless Communication Facilities
- Section 10.7 Accessory Structures and Uses
- Section 10.8 Temporary Uses

**Section 10.1 Residential Uses**

**10.1.1 General**

The residential use category includes definitions and, in some cases, limited use regulations, for uses that provide for long-term residential occupancy by individual households or by groups of people. The Fair Housing Act (42 U.S.C. Section 3604(f)(3)) makes it unlawful to make a dwelling unavailable to a person because of race, color, national origin, sex, familial status, handicap, or disability. No policy or practice of this ordinance is intended to have a disparate impact on a protected class.

**10.1.2 Household Living**

Household living is the residential occupancy of a dwelling unit by a single household, including, single-family detached, single-family attached, multi-unit building, and live-work uses.

- A. Single-Family Detached. One principal dwelling unit on a single lot, which may also include an accessory dwelling unit in the form of an accessory suite or garden cottage, if allowed by the subject zoning district and in accordance with **Section 10.7.3- Accessory Dwelling Units.**

Attachment: The proposed Social Circle Unified Development Code (Draft) (Discussion of the City of Social Circle Unified Development Code)

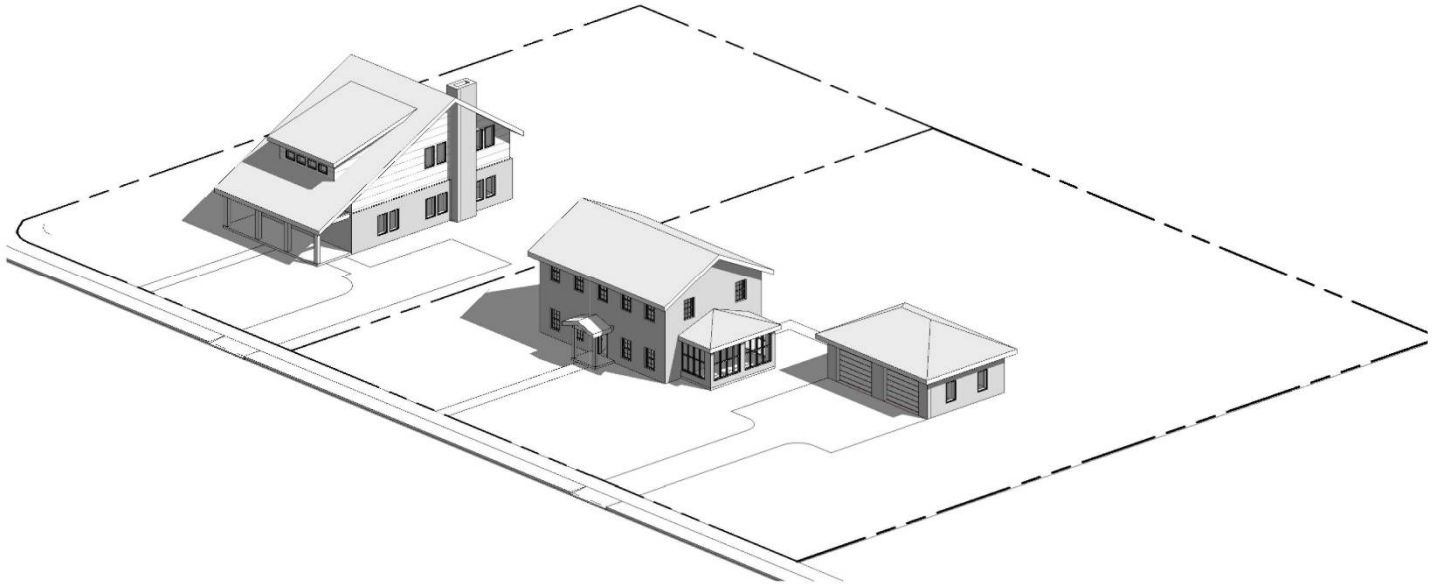


Figure 10.1.2 A - Single-family detached dwelling

B. **Single-Family Attached.** A building that accommodates two (2) or more dwelling units, where each unit is separated by a common wall from the lowest level to the roof with a private outside entrance but not necessarily occupying an individual lot. This term includes duplexes, triplexes, and townhouses, either fee simple or condominium-owned.

1. Each single-family attached unit shall have a minimum of 200 sq. ft. of private yard or other outdoor porch/balcony space in either the front or rear, not including driveways and alleys.
2. Garage doors shall be offset from the front façade a minimum of five (5) feet.
3. All single-family attached buildings shall include a continuous street/sidewalk no less than four (4) feet in width connecting front entrances of all dwellings.
4. At least 50 percent (50%) of townhouse façades that face public streets shall be constructed of brick, stone, or textured masonry units.
5. The front façades of single-family attached units shall have architectural modulation and detail that includes features such as varied materials and wall planes, varied roof forms and roof lines, balconies, porches, bay windows, varied window sizes and shapes, shutters, entrance doors, sidelights, pilasters, varied garage door designs, and other features to provide visual interest.
6. Single-family attached developments shall have a mandatory homeowner's association that shall own and maintain all common areas.

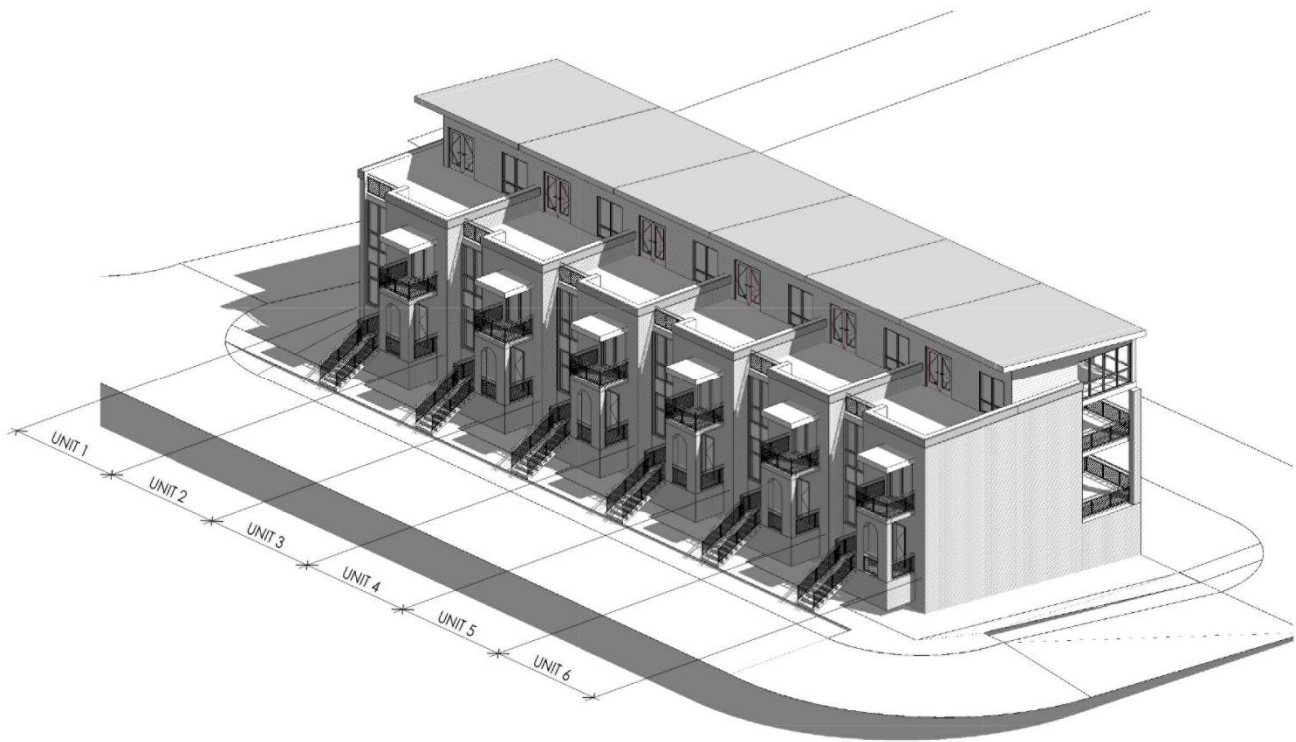


Figure 10.1.2 B - Single-family attached dwelling

- C. **Multi-Unit Building.** A building or set of buildings containing a group of dwelling units on a common lot containing separate living units for four (4) or more families, having separate or joint entrances, and including apartments and condominiums. These are specifically distinguished from units defined as single-family attached dwellings.
1. A minimum 20 percent (20%) of the lot shall be provided in open space in accordance with Section 6.3.5 - Open Space.
  2. Buildings shall conform to the following design standards:
    - a. Sixty percent (60%) of exterior building materials on façades visible from the public right-of way or an adjacent R-zoned lot shall be brick or stone. Masonry shall wrap corners to avoid appearance of being applied.
    - b. Façades shall be broken up, both vertically and horizontally, through building materials and offsets.
    - c. Roof line shall be varied.
    - d. Building shall utilize a variety of materials to create visual interest.
    - e. Building entrances shall be well-marked and identifiable from the building form.
    - f. Common walls and common floors ceiling between units shall be constructed to meet a sound transmission coefficient (STC) rating of 50 or higher.

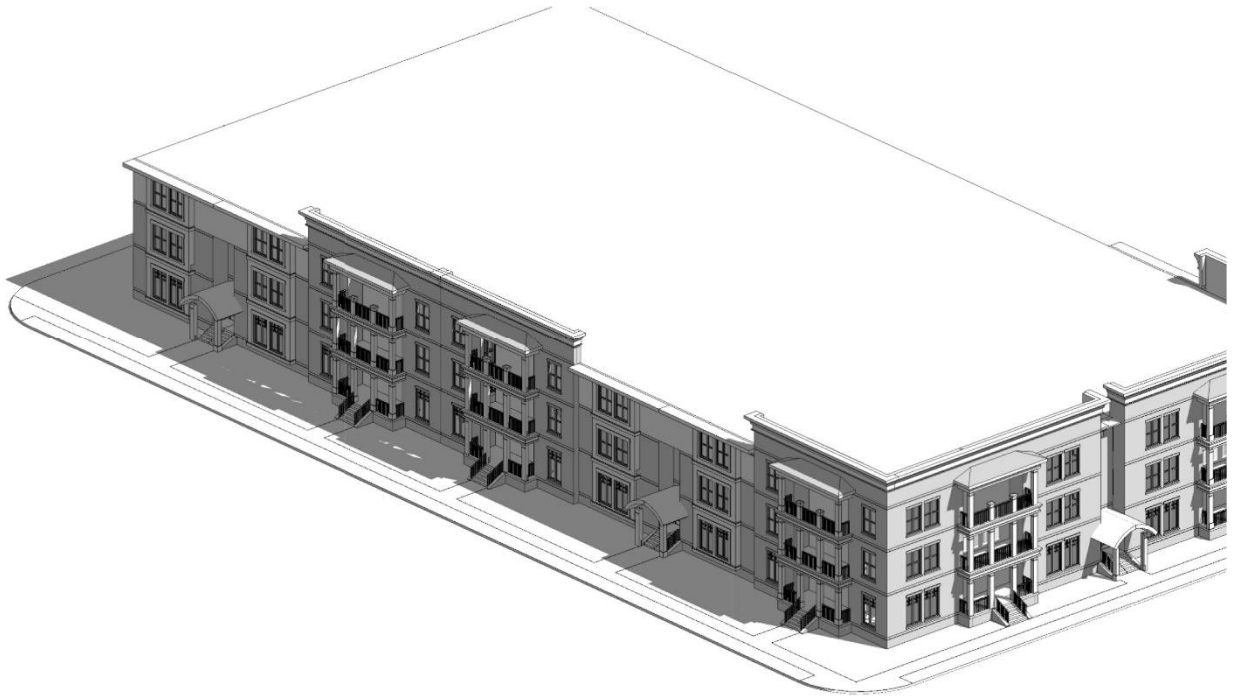


Figure 10.1.2 C - Multi-unit building

**D. Additional Requirements Applicable to Residential Uses**

1. Principal Use Dwellings authorized in Residential Districts shall not be less than 1000 heated square feet.
2. Principal Use Dwellings that have garages shall provide driveways at least 20 feet in depth, as measured from back of sidewalk to the garage door, sufficient to accommodate a passenger vehicle without any portion of the vehicle overhanging or obstructing adjacent sidewalks.
3. Continuous pedestrian circulation system is required throughout new residential developments. Systems shall link to all planned or developed recreational open space, transit facilities, or existing public sidewalks or public rights-of-way that are located adjacent the development.
4. All sidewalks shall be least six (6) feet in width and located on both sides of the street.
5. Lots used for Principal Use Dwelling shall offer at least two trees in the front, side, or rear yards for shade and enjoyment. Such trees shall be shown on House Location Plans submitted for review at the Building Permit Stage. No Certificate of Occupancy shall be issued until those two trees are planted. They shall measure at least 3-inch caliper and be of any species permitted by the Tree Ordinance. To be accepted, they must be located outside any drainage or utility easements applicable to the property.
6. Vinyl and EIFs are prohibited external building materials.
7. Garage doors shall not take up more than 40 percent of the linear width of any housing product.

**E. Utilities in all single-family and multi-unit developments:**

- a. Individual systems for water, fuel/gas, and HVAC shall be required for each unit.
- b. Individual metering shall be provided for water, electric, and fuel/gas utilities.

- c. Easements for utility lines shall be provided in the common ownership area where lateral service connections shall take place.

#### 10.1.3 Live-Work

A building or space within a building used jointly for residential and non-residential uses allowed within the subject zoning district.

- A. Live-work units shall be mixed-use dwellings that are fire separated from adjacent units as attached dwellings such as single family attached units or as part of a larger mixed-use building.
- B. An occupational tax certificate shall be required for operation of a business. The business shall not be considered a home occupation.

#### 10.1.4 Group Living

Group living is residential occupancy of a building or any portion of a building by a group other than a household. Tenancy is arranged on a long-term (at least 30-day) basis. Buildings or spaces occupied by group living uses contain individual rooms with private or shared bathroom facilities and may also contain shared kitchen facilities, and/or common dining and living areas for residents. Residents may or may not receive any combination of care, training, or treatment, but those receiving such services shall reside at the site. The following describe the sub-categories of group living uses:

- A. Assisted Living. An establishment registered with the State of Georgia as an assisted living home.
- B. Convent or Monastery. Group dwellings for members of religious orders
- C. Nursing Home. An establishment providing inpatient, skilled nursing and rehabilitative services to patients who require health care but not hospital services. Care is ordered by and under the direction of a physician.
- D. Personal Care Home. The use of a dwelling unit to provide or arrange for the provision of housing, food service, and one or more personal services, including watchful oversight, for two (2) or more adults who are not related to the owner or administrator by blood or marriage. "Personal services" include assistance with or supervision of self-administered medication and essential activities of daily living such as eating, bathing, grooming, and dressing. Personal care homes do not provide skilled nursing or other medical services or admit and retain residents who need continuous medical or nursing care.
  - 1. The personal care home must be operated in a manner compatible with the neighborhood and must not be detrimental to adjacent properties as a result of traffic, noise, light, refuse, parking or other activities.
  - 2. In residential districts, the resident manager or caretaker is counted as part of any limit on persons.
  - 3. For all building permitting procedures, personal care homes will be considered commercial uses.
  - 4. To prevent the institutional atmosphere created by concentrating or clustering of personal care homes, thereby defeating the goal of integrating individuals into the

community, each personal care home must be located a minimum of ¼-mile from any other personal care home when located in an R-zoned district.

- E. Temporary Shelter. The provision of overnight housing and sleeping accommodations for persons who have no permanent residence and are in need of temporary, short-term housing assistance, and in which may also be provided meals and social services including counseling services.
- F. Transitional Housing. The provision of long-term but not permanent living accommodations for persons who have no permanent residence and are in need of long-term housing assistance.
- G. The following regulations apply to all Group Living and their accessory uses, except Personal Care Homes (6 or fewer residents):
  - 1. Applicable Group Living uses are allowed only on lots with frontage on an arterial or collector street.
  - 2. Uses require a minimum lot area of three (3) acres, with a minimum public street frontage of 100 feet.

## **Section 10.2 Institutional Uses**

### **10.2.1 General**

The institutional use category includes definitions and, in some cases, limited use regulations, for public, quasi-public, civic and institutional uses.

### **10.2.2 Cemetery**

Lands and facilities for the interment of humans or domestic household pets, including columbariums, and mausoleums.

### **10.2.3 Club or Lodge**

The use of a building or lot by a membership-based organization that restricts access to its facility to bona fide, dues-paying members and their occasional guests and in which the primary activity is a service not carried on as a business enterprise. Private clubs and lodges are characterized by definite membership qualifications, payment of fees and dues, regular meetings and a constitution and bylaws. Examples include country clubs and fraternal organizations.

### **10.2.4 Daycare**

Uses providing care and supervision for children or adults away from their primary residence for less than 24 hours per day. The following describe the sub-categories of daycare uses:

- A. Small Daycare. A daycare use for six (6) or fewer individuals.
- B. Large Daycare. A daycare use for seven (7) or more individuals.
- C. The following regulations apply to all daycares as noted and their accessory uses:
  - 1. All small daycare uses shall provide at least 30 square feet of indoor activity area and at least 100 square feet of outdoor activity area per enrollee, based on maximum capacity.

No more than 50 percent (50%) of the floor area of a dwelling unit may be used for an allowed day care use.

2. All required outdoor activity areas for all daycare uses shall be enclosed by a fence or wall at least four (4) feet in height.
3. No dwelling unit in which a daycare use is conducted may be modified to alter its appearance as a residential building.
4. All daycare uses shall comply with applicable off-street parking regulations and provide safe vehicle turnaround areas on the subject lot.
5. No occupational tax certificate allowing the operation of a daycare use may be issued until the applicant has provided proof that all required state permits have been obtained.

### 10.2.5 Educational Services

The following describe the sub-categories of educational service uses:

- A. School. Public and private schools at the primary, elementary, middle school, or high school level that provide basic, compulsory, state-mandated education.
- B. Business or Trade School. Uses in an enclosed building that focus on teaching the skills needed to perform a particular job. Examples include schools of cosmetology, computer training facilities, vocational schools, administrative business training facilities and similar uses. Schools and other training facilities that involve outdoor work or training activities are classified as industrial services.
- C. College or University. Academic institutions of higher learning that are accredited or recognized by the state and offer courses of general or specialized study.
- D. Tutoring. Uses that focus on instruction for personal or professional enrichment.
- E. The following regulations apply to school and college or university educational services:
  1. Applicable educational services are allowed only on lots with frontage on an arterial or collector street.
  2. Uses require a minimum lot area of three (3) acres, with a minimum public street frontage of 100 feet.

### 10.2.6 Hospital

Uses providing medical or surgical care to patients and offering inpatient (overnight) care. The following regulations apply to Hospitals and their accessory uses:

- A. Hospitals are allowed only on lots with frontage on an arterial or collector street.
- B. Hospitals require a minimum lot area of three (3) acres, with a minimum public street frontage of 100 feet.

### 10.2.7 Library and Cultural Exhibit



Museum-like preservation and exhibition of objects in one or more of the arts and sciences, gallery exhibition of works of art or library collections of books, manuscripts and similar materials operated by a public or quasi-public agency.

### 10.2.8 Place of Worship

Buildings used for conducting organized religious services. Examples include synagogues, temples, mosques, and churches. Typical accessory uses include schools, religious education, social gathering rooms, food service facilities, indoor and outdoor recreation facilities, day care centers, kindergartens, cemeteries, funeral/mortuary services, and similar uses. The following describe the sub-categories of place of worship uses:

- A. Small. Place of worship uses with a seating or occupant capacity of no more than 100 persons.
- B. Large. Place of worship uses with a seating or occupant capacity of more than 100 persons.
- C. The following regulations apply to places of worship and their accessory uses when the Table of Permitted Uses indicates supplemental regulations apply:
  1. Places of worship are allowed only on lots with frontage on an arterial or collector street.
  2. Places of worship require a minimum lot area of three (3) acres, with a minimum public street frontage of 100 feet.

### 10.2.9 Utility Facility

Infrastructure services that typically have substantial visual or operational impacts on nearby areas. Typical uses include high-voltage electric substations, utility-scale power generation facilities and utility-scale water storage facilities, such as water towers and reservoirs.

## Section 10.3 Commercial Uses

### 10.3.1 General

The commercial use category includes definitions and, in some cases, supplemental use regulations, for uses that provide a business service or involve the selling, leasing, or renting of merchandise to the general public. The commercial use sub-categories are listed below.

### 10.3.2 Animal Service

The following describe the sub-categories of animal service uses:

- A. General. When located within a planned center, these uses shall comply with the following:
  1. Adequate sound and odor control shall be provided so the use does not create a nuisance.
  2. No outside runs or kennels shall be allowed.
- B. Boarding. The keeping of and care for any number of companion animals for remuneration or profit. Typical uses include boarding kennels, pet resorts/hotels, doggy or pet day care facilities, dog training centers, and animal rescue shelters.
  1. Any building or structure in which animals are kept or exercised shall be set back at least 30 feet from any residentially zoned lot.
- C. Grooming. Salons and pet grooming shops for the bathing and clipping of companion animals.

1. No outside animal runs or kennels are allowed unless located in a zoning district that permits boarding, in which case, the regulations that apply to animal boarding shall be met.
- D. Veterinary. Animal hospitals and veterinary clinics staffed by veterinarians.
1. No outside animal runs or kennels are allowed unless located in a zoning district that permits boarding, in which case, the regulations that apply to animal boarding shall be met.

### 10.3.3 Eating and Drinking

An establishment that serves food or beverages for on- or off-premises consumption as its principal business. The following describe the sub-categories of eating and drinking establishment uses:

- A. Restaurant. An establishment that serves food or beverages for on- or off-premises consumption as its principal business. Typical examples of restaurant uses include principal use restaurants, cafés, cafeterias, ice cream/yogurt shops, donut shops, and coffee shops.
- B. Bar. Uses that cater primarily to adults, 21 years of age and older, and that sell and serve beer, wine, or alcoholic liquor for on-premises consumption as their principal business. Typical uses include bars, taverns, and nightclubs.
- C. Brew pubs. Any eating establishment with the sale of prepared meals and food and in which beer or malt beverages are manufactured or brewed subject to the barrel production limits and regulations under state law. Brewing activities shall be:
  1. Accessory to sales and consumption of food and beverages on-premises.
  2. Shall be located in a wholly enclosed building.
  3. Production space shall be limited subject to state law.
  4. No outdoor equipment or outdoor storage is permitted.
- D. Craft Establishments (Brewery, Winery, or Meadery). An establishment where wine or malt beverages are manufactured (brewed, rectified, or blended), bottled, packaged, and distributed for wholesale and/or retail distribution.
  1. Production space shall be limited subject to state law.
  2. Storage tanks shall comply with screening requirements.
  3. Craft establishments shall be allowed the following accessory uses:
    - a. Guided tours.
    - b. Concerts.
    - c. Tasting rooms.
    - d. Special events.
    - e. Distribution between 7 a.m. and 10 p.m.
  4. Craft establishments shall not:
    - a. Produce more than 2 million gallons of spirits annually.
    - b. Exceed 15,000 square feet.
    - c. Produce noxious odors.

### 10.3.4 Entertainment and Event Space

Buildings and other facilities that accommodate public assembly for spectator-oriented sports, amusement, or entertainment events. Typical uses include event centers, theaters, and cinemas. The following describe the sub-categories of entertainment and spectator event space uses:

- A. Small. Assembly and entertainment uses with a seating or occupant capacity of no more than 100 persons.
- B. Large. Assembly and entertainment uses with a seating or occupant capacity of more than 100 persons.
- C. The following regulations apply to entertainment and spectator event space and their accessory uses when Table of Permitted Uses indicates limited use regulations apply:
  1. Assembly and entertainment uses are allowed only on lots with frontage on an arterial or collector street.
  2. Assembly and entertainment uses require a minimum lot area of three (3) acres, with a minimum public street frontage of 100 feet.

### 10.3.5 Financial Services

Uses related to the exchange, lending, borrowing and safe keeping of money. Automatic teller machines, kiosks, and similar facilities that do not have on-site employees or amplified sound are not classified as financial service uses if they meet the criteria for classification as a drive-thru or accessory use. Typical examples of financial service use types are federally chartered banks, credit unions, convenient cash businesses, and pawnshops. The following describe the sub-categories of financial service uses:

A. Banks, credit unions, brokerage, and investment services. Financial institutions, including, but not limited to banks and trust companies, credit agencies, holding (but not primarily operating) companies, and other investment companies.

B. All Other Financial Service Types include the following:

1. Check Cashing Establishment. An establishment licensed by the State of Georgia pursuant to O.C.G.A. § 7-1-700 et seq.
2. Precious Metal Broker. An establishment engaged in whole or in part in the business of buying gold, precious metals or jewelry.
3. Pawnshop. An entity engaged in whole or in part in the business of lending money on the security of pledged goods (as that term is defined in O.C.G.A. § 44-12-130(5)), or in the business of purchasing tangible personal property on a condition that it may be redeemed or repurchased by the seller for a fixed price within a fixed period of time, or in the business of purchasing tangible personal property from persons or sources other than manufacturers or licensed dealers as part of or in conjunction with the business activities described in this definition.
4. All Other Financial Service Types are subject to the following supplemental regulations:
  - a. Lots on which Other Financial Services are located shall have frontage on an arterial street.
  - b. All Other Financial Services are prohibited within 1,000 feet of an existing check cashing establishment, precious metal broker, or pawnshop.

- c. Check cashing establishments shall operate as an independent principal use and not be combined with any other use.

### 10.3.6 Funeral and Mortuary

Uses that provide services related to the death of a human or companion animal, including funeral homes and mortuaries. Alkaline hydrolysis, or water cremation, is considered a Funeral and Mortuary Service.

### 10.3.7 Lodging

Uses that provide temporary overnight sleeping accommodations or lodging for guests paying a fee or other form of compensation for a period of less than 30 consecutive days. Lodging uses sometimes provide food or entertainment, primarily to registered guests. Lodging use types include: bed and breakfasts, hotels, motels, and short-term rentals. The following describe the sub-categories of lodging uses:

- A. Bed and Breakfast. A lodging establishment in a detached house in which the resident owner/ operator offers accommodations and meal service to overnight guests for compensation. The following supplemental regulations apply to bed and breakfasts:
  1. The length of stay for guests in a bed and breakfast may not exceed 14 continuous days, and guests may not re-register for at least 30 days from the termination of their previous stay.
  2. The bed and breakfast shall be occupied by the owner or renter of the principal dwelling unit.
  3. The minimum lot area required for a bed and breakfast use is 20,000 square feet. The detached house in which the use is located shall have floor area of at least 2,500 square feet.
  4. No separate kitchen facilities are allowed.
  5. At least one off-street parking space shall be provided for each bedroom.
  6. The residential character of the dwelling shall be maintained.
  7. An occupational tax certificate is required to operate a Bed and Breakfast.
- B. Hotel: A building in which lodging or boarding and lodging facilities are provided for transient guests and offered to the public for compensation. Ingress and egress to and from all rooms are through an inside lobby or office supervised by a person in charge at all hours.
- C. Motel: One or more buildings in which board and/or lodging are provided for transient guests for compensation. Ingress and egress to and from all rooms are made primarily directly from an exterior walkway rather than from an inside lobby.
- D. Extended-stay Motel/Hotel: Any building which are used, rented, or hired out to be occupied for sleeping purposes for guests and contain kitchen facilities for food preparation, including but not limited to such facilities as refrigerators, stoves, and ovens. May also be known as "apartment hotels."
- E. Short Term Rental. The use of an owner-occupied residential dwelling unit or portion of such dwelling unit for lodging.

**10.3.8 Medical Service**

Personal health services including prevention, diagnosis and treatment services for humans, as provided by physicians, dentists, nurses and other health personnel. Medical service uses are performed in an office setting with no overnight care. Typical uses include offices of physicians, dentists, psychiatrists, psychologists, physical therapists and chiropractors. Surgical, rehabilitation and other medical centers that do not involve overnight patient stays are included in this use subcategory, as are medical and dental laboratories, blood banks, and kidney dialysis centers, unless otherwise expressly indicated.

**10.3.9 Office**

Uses that focus on providing executive, management, administrative and professional services other than those included in the medical service use subcategory. Also includes broadcast and recording studios and uses engaged in scientific research and testing services leading to the development of new products and processes that do not involve the mass production, distribution or sale of such products.

**10.3.10 Consumer Service**

Uses that provide low-impact repair, maintenance, and improvement services to individual consumers and small businesses. The following describe the sub-categories of consumer service uses:

- A. Consumer Maintenance and Repair Service. Uses that provide maintenance, cleaning, and repair services for consumer goods on a site (i.e., customers bring goods to the site of the repair/maintenance business). Typical uses include laundry and dry-cleaning pick-up shops, tailors, taxidermists, dressmakers, shoe repair, picture framing shops, copy shops, locksmiths, vacuum repair shops, electronics repair shops and similar establishments. Businesses that offer repair and maintenance service for large equipment or technicians who visit customers' homes or places of business are classified as an "industrial service."
- B. Personal Service. Uses that provide personal support and improvement services. Typical uses include barbers, hair and nail salons, tanning salons, travel agencies, and day spas. Also includes uses involved in providing tattoos, piercing, and similar forms of body art.
- C. Studio or Instructional Service. Uses that focus on providing individual or small group instruction or training in fine arts, music, dance, drama, fitness, language or similar activities. Also includes dance studios, ballet academies, yoga studios, martial arts instruction, tutoring, photography studios and other studios for artists that do not involve the use of power tools or power machinery.

**10.3.11 Sexually Oriented Business**

Sexually oriented businesses are adult bookstores, adult video stores, adult dancing establishments, adult mini-motion picture theaters, adult motion picture arcade, adult video store, erotic dance establishment, or escort service, as those terms are defined in Chapter 10, Article V, Adult Entertainment Establishments of the Municipal Code.

- A. It is a purpose of this UDC to regulate sexually oriented businesses in order to promote the health, safety, and general welfare of the citizens of the City, and to establish reasonable

and uniform regulations to prevent the deleterious secondary effects of sexually oriented businesses within the City. The provisions of this UDC have neither the purpose nor effect of imposing a limitation or restriction on the content or reasonable access to any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this UDC to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this UDC to condone or legitimize the distribution of obscene material.

B. Findings and Rationale.

Based on evidence of the adverse secondary effects of adult uses presented in hearings and in reports made available to the Mayor and City Council, and on findings, interpretations, and narrowing constructions incorporated in the cases of:

City of Littleton v. Z.J. Gifts D-4, L.L.C., 541 U.S. 774 (2004); City of Los Angeles v. Alameda Books, Inc., 535 U.S. 425 (2002); City of Erie v. Pap's A.M., 529 U.S. 277 (2000); City of Renton v. Playtime Theatres, Inc., 475 U.S. 41 (1986); Young v. American Mini Theatres, 427 U.S. 50 (1976); Barnes v. Glen Theatre, Inc., 501 U.S. 560 (1991); California v. LaRue, 409 U.S. 109 (1972); N.Y. State Liquor Authority v. Bellanca, 452 U.S. 714 (1981); Sewell v. Georgia, 435 U.S. 982 (1978); FW/PBS, Inc. v. City of Dallas, 493 U.S. 215 (1990); City of Dallas v. Stanglin, 490 U.S. 19 (1989); and Flanigan's Enters., Inc. v. Fulton County 596 F.3d 1265 (11th Cir. 2010); Peek-a-Boo Lounge v. Manatee County, 630 F.3d 1346 (11th Cir. 2011); Daytona Grand, Inc. v. City of Daytona Beach, 490 F.3d 860 (11th Cir. 2007); Jacksonville Property Rights Ass'n, Inc. v. City of Jacksonville, 635 F.3d 1266 (11th Cir. 2011); Artistic Entertainment, Inc. v. City of Warner Robins, 331 F.3d 1196 (11th Cir. 2003); Artistic Entertainment, Inc. v. City of Warner Robins, 223 F.3d 1306 (11th Cir. 2000); Williams v. Pryor, 240 F.3d 944 (11th Cir. 2001); Williams v. A.G. of Alabama, 378 F.3d 1232 (11th Cir. 2004); Williams v. Morgan, 478 F.3d 1316 (11th Cir. 2007); Gary v. City of Warner Robins, 311 F.3d 1334 (11th Cir. 2002); Ward v. County of Orange, 217 F.3d 1350 (11th Cir. 2002); Boss Capital, Inc. v. City of Casselberry, 187 F.3d 1251 (11th Cir. 1999); David Vincent, Inc. v. Broward County, 200 F.3d 1325 (11th Cir. 2000); Sammy's of Mobile, Ltd. v. City of Mobile, 140 F.3d 993 (11th Cir. 1998); Lady J. Lingerie, Inc. v. City of Jacksonville, 176 F.3d 1358 (11th Cir. 1999); This That And The Other Gift and Tobacco, Inc. v. Cobb County, 285 F.3d 1319 (11th Cir. 2002); DLS, Inc. v. City of Chattanooga, 107 F.3d 403 (6th Cir. 1997); Grand Faloon Tavern, Inc. v. Wicker, 670 F.2d 943 (11th Cir. 1982); International Food & Beverage Systems v. Ft. Lauderdale, 794 F.2d 1520 (11th Cir. 1986); 5634 E. Hillsborough Ave., Inc. v. Hillsborough County, 2007 WL 2936211 (M.D. Fla. Oct. 4, 2007), aff'd, 2008 WL 4276370 (11th Cir. Sept. 18, 2008) (per curiam); Fairfax MK, Inc. v. City of Clarkston, 274 Ga. 520 (2001); Morrison v. State, 272 Ga. 129 (2000); Flippen Alliance for Community Empowerment, Inc. v. Brannan, 601 S.E.2d 106 (Ga. Ct. App. 2004); Oasis Goodtime Emporium I, Inc. v. DeKalb County, 272 Ga. 887 (2000); Chamblee Visuals, LLC v. City of Chamblee, 270 Ga. 33 (1998); World Famous Dudley's Food & Spirits, Inc. v. City of College Park, 265 Ga. 618 (1995); Airport Bookstore, Inc. v. Jackson, 242 Ga. 214 (1978); Imaginary Images, Inc. v. Evans, 612 F.3d 736 (4th Cir. 2010); LLEH, Inc. v. Wichita County, 289 F.3d 358

(5th Cir. 2002); *Ocello v. Koster*, 354 S.W.3d 187 (Mo. 2011); *84 Video/Newsstand, Inc. v. Sartini*, 2011 WL 3904097 (6th Cir. Sept. 7, 2011); *Plaza Group Properties, LLC v. Spencer County Plan Commission*, 877 N.E.2d 877 (Ind. Ct. App. 2007); *East Brooks Books, Inc. v. Shelby County*, 588 F.3d 360 (6th Cir. 2009); *Entm't Prods., Inc. v. Shelby County*, 588 F.3d 372 (6th Cir. 2009); *Sensations, Inc. v. City of Grand Rapids*, 526 F.3d 291 (6th Cir.); *World Wide Video of Washington, Inc. v. City of Spokane*, 368 F.3d 1186 (9th Cir. 2004); *Ben's Bar, Inc. v. Village of Somerset*, 316 F.3d 702 (7th Cir. 2003); *H&A Land Corp. v. City of Kennedale*, 480 F.3d 336 (5th Cir. 2007); *Hang On, Inc. v. City of Arlington*, 65 F.3d 1248 (5th Cir. 1995); *Fantasy Ranch, Inc. v. City of Arlington*, 459 F.3d 546 (5th Cir. 2006); *Illinois One News, Inc. v. City of Marshall*, 477 F.3d 461 (7th Cir. 2007); *G.M. Enterprises, Inc. v. Town of St. Joseph*, 350 F.3d 631 (7th Cir. 2003); *Richland Bookmart, Inc. v. Knox County*, 555 F.3d 512 (6th Cir. 2009); *Bigg Wolf Discount Video Movie Sales, Inc. v. Montgomery County*, 256 F. Supp. 2d 385 (D. Md. 2003); *Richland Bookmart, Inc. v. Nichols*, 137 F.3d 435 (6th Cir. 1998); *Spokane Arcade, Inc. v. City of Spokane*, 75 F.3d 663 (9th Cir. 1996); *DCR, Inc. v. Pierce County*, 964 P.2d 380 (Wash. Ct. App. 1998); *City of New York v. Hommes*, 724 N.E.2d 368 (N.Y. 1999); *Taylor v. State*, No. 01-01-00505-CR, 2002 WL 1722154 (Tex. App. July 25, 2002); *Fantasyland Video, Inc. v. County of San Diego*, 505 F.3d 996 (9th Cir. 2007); *Gammoh v. City of La Habra*, 395 F.3d 1114 (9th Cir. 2005); *Starship Enters. of Atlanta, Inc. v. Coweta County*, No. 3:09-CV-123, R. 41 (N.D. Ga. Feb. 28, 2011); *High Five Investments, LLC v. Floyd County*, No. 4:06-CV-190, R. 128 (N.D. Ga. Mar. 14, 2008); *10950 Retail, LLC v. Fulton County*, No. 1:06-CV-1923, R. 62 Order (N.D. Ga. Dec. 21, 2006); *10950 Retail, LLC v. Fulton County*, No. 1:06-CV-1923, R. 84 Contempt Order (N.D. Ga. Jan. 4, 2007); *Z.J. Gifts D-4, L.L.C. v. City of Littleton*, Civil Action No. 99-N-1696, Memorandum Decision and Order (D. Colo. March 31, 2001); *People ex rel. Deters v. The Lion's Den, Inc.*, Case No. 04-CH-26, Modified Permanent Injunction Order (Ill. Fourth Judicial Circuit, Effingham County, July 13, 2005); *Reliable Consultants, Inc. v. City of Kennedale*, No. 4:05-CV-166-A, Findings of Fact and Conclusions of Law (N.D. Tex. May 26, 2005); *Goldrush II v. City of Marietta*, 267 Ga. 683 (1997); and based upon reports concerning secondary effects occurring in and around sexually oriented businesses, including, but not limited to, "Correlates of Current Transactional Sex among a Sample of Female Exotic Dancers in Baltimore, MD," *Journal of Urban Health* (2011); "Does the Presence of Sexually Oriented Businesses relate to Increased Levels of Crime?" *Crime & Delinquency* (2012) (Louisville, KY); *Metropolis, Illinois - 2011-12*; *Manatee County, Florida - 2007*; *Hillsborough County, Florida - 2006*; *Clarksville, Indiana - 2009*; *El Paso, Texas - 2008*; *Memphis, Tennessee - 2006*; *New Albany, Indiana - 2009*; *Louisville, Kentucky - 2004*; *Fulton County, GA - 2001*; *Chattanooga, Tennessee - 1999-2003*; *Jackson County, Missouri - 2008*; *Ft. Worth, Texas - 2004*; *Kennedale, Texas - 2005*; *Greensboro, North Carolina - 2003*; *Dallas, Texas - 1997*; *Houston, Texas - 1997, 1983*; *Phoenix, Arizona - 1995-98, 1979*; *Tucson, Arizona - 1990*; *Spokane, Washington - 2001*; *St. Cloud, Minnesota - 1994*; *Austin, Texas - 1986*; *Indianapolis, Indiana - 1984*; *Garden Grove, California - 1991*; *Los Angeles, California - 1977*; *Whittier, California - 1978*; *Oklahoma City, Oklahoma - 1986*; *New York, New York Times Square - 1994*; the Report of the Attorney General's Working Group On The Regulation Of Sexually Oriented Businesses, (June 6, 1989, State of Minnesota); *Dallas, Texas - 2007*; "Rural Hotspots: The Case of Adult Businesses," 19 *Criminal Justice Policy Review* 153 (2008); "Stripclubs According to Strippers: Exposing

Workplace Sexual Violence," by Kelly Holsopple, Program Director, Freedom and Justice Center for Prostitution Resources, Minneapolis, Minnesota; "Sexually Oriented Businesses: An Insider's View," by David Sherman, presented to the Michigan House Committee on Ethics and Constitutional Law, Jan. 12, 2000; Law Enforcement and Private Investigator Affidavits (Pink Pony South, Forest Park, GA, and Adult Cabarets in Sandy Springs, GA), the Mayor and City Council finds:

1. Sexually oriented businesses, as a subcategory of commercial uses, are associated with a wide variety of adverse secondary effects including, but not limited to, personal and property crimes, prostitution, potential spread of disease, lewdness, public indecency, obscenity, illicit drug use and drug trafficking, negative impacts on surrounding properties, urban blight, litter, and sexual assault and exploitation. Alcohol consumption impairs judgment and lowers inhibitions, thereby increasing the risk of adverse secondary effects.
  2. Sexually oriented businesses should be separated from sensitive land uses to minimize the impact of their secondary effects upon such uses, and should be separated from other sexually oriented businesses, to minimize the secondary effects associated with such uses and to prevent an unnecessary concentration of sexually oriented businesses in one area.
  3. Each of the foregoing negative secondary effects constitutes a harm which the City has a substantial government interest in preventing and/or abating. This substantial government interest in preventing secondary effects, which is the City's rationale for this Section, exists independent of any comparative analysis between sexually oriented and non-sexually oriented businesses. Additionally, the City's interest in regulating sexually oriented businesses extends to preventing future secondary effects of either current or future sexually oriented businesses that may locate in the City. The City finds that the cases and documentation relied on in this Section are reasonably believed to be relevant to said secondary effects.
  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 300 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 500 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.

### 10.3.12 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.

### 10.3.13 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 Sec. XX.-Site Development Features)
  3. No fuel station may be located within 50 feet of the lot line of an R-zoned district.
  4. Measurements. Measurements shall be taken without regard to the City limits and is measured 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 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.
- D. 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.

- E. 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.
- F. 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. Outdoor washing and detailing of vehicles is prohibited. All vehicle service shall be conducted inside a building.

#### 10.3.14 Retail Sales

Uses involving the sale, lease, or rental of new or used goods to the ultimate consumer. Examples of specific retail use types include retail sales of convenience goods, consumer shopping goods, and building supplies, and equipment. The following describe the sub-categories of retail sales uses:

- A. General Retail Sales. Typical uses include drug stores, department stores, florists, quick-service copy shops, TV and electronics stores, jewelry stores, camera shops, bike shops, sporting goods stores, office supply stores, furniture stores, and apparel stores.
- B. Fireworks Store. Use primarily for the retail display and sale of consumer fireworks to the public that does not include a tent, canopy, or membrane structure. The term primarily in this sub-section means that 80% or greater of the Fireworks Store is used for the retail display and sale of consumer fireworks to the public.
  1. No more than 25 percent (25%) of such retail display space is used for consumer fireworks and items or products as provided under O.C.G.A. § 25-10-1(b)(2)1; and
  2. A fireworks retail facility must be located at least 200 feet from any R-zoned district.
- C. Liquor Store. A store primarily engaged in the off-sale of general alcohol, including beer, wine, and distilled spirits, and where other items (e.g., dry goods and food products) may also be sold. Liquor stores are subject to all requirements of Chapter 10 – Alcohol and Entertainment Regulations.

- D. Vape Shop or Other Smoke Store. Any premises dedicated to the display, sale, distribution, delivery, offering, furnishing, or marketing of tobacco/CBD, tobacco/CBD products, or tobacco/CBD paraphernalia; provided, however, that any grocery store, supermarket, convenience store or similar retail use that only sells conventional cigars, cigarettes, CBD, or tobacco as an ancillary sale shall not be defined as a “vape shop or other smoke store” and shall not be subject to the restrictions in this subsection:
1. No smoking shall be permitted on the premises at any time.
  2. No sales may be solicited or conducted on the premises by minors.
  3. No self-service smoke, smoke product, or smoke paraphernalia displays shall be permitted.
  4. No distribution of free or low-cost smoke, smoke products, or smoke paraphernalia, as well as coupons for said items, shall be permitted.
  5. Vape shops or other smoke stores shall not be located within 300 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.
  6. Vape shops or other smoke stores shall not be located within 500 feet, measured property line to property line, from another vape shop or other smoke store.
  7. It is unlawful for a vape shop or other smoke store to knowingly allow or permit a minor, not accompanied by his or her parent or legal guardian, to enter or remain within any vape shop or other soke store.
- E. Smoking Lounge. An establishment which sells tobacco and/or promotes the smoking of tobacco products or other any other substance on its premises. The term “smoking lounge” includes but, is not limited to: cigar lounges, hookah cafes, smoke lounges, smoke clubs, or smoke bars.

## **Section 10.4 Industrial Uses**

### **10.4.1 General**

The industrial use category includes definitions and, in some cases, supplemental use regulations, for uses that produce goods from extracted materials or from recyclable or previously prepared materials, including the design, storage, and handling of these products and the materials from which they are produced. It also includes uses that store or distribute materials or goods in large quantities and uses involved in basic industrial processes.

### **10.4.2 Design Standards Applying to all Industrial Uses**

For any industrial uses instituted in the City, these standards shall be met in lieu of any conflicting design or development standards:

#### **A. Site Development**

1. Locate primary site access on/off of designated truck routes, highways, or major arterials, not residential streets. Do not route trucks past homes.
2. Share access driveways between adjacent properties to minimize the number of curb cuts. Concentrate curb cuts at side streets or mid-block and ensure that they do not interfere with sidewalks and crosswalks.

3. Maintain the existing street grid—including use of alleys for site ingress and egress—to the greatest extent possible to avoid the creation of new superblocks.
4. Provide direct paths of travel for pedestrian destinations within development site and to adjacent sites.
5. Developments shall have the option to implement the required sidewalk installation along each right-of-way or to develop and internal pedestrian circulation network for the purposes of non-motorized leisure and interparcel transportation.
6. For larger developments, cluster buildings to allow for shared circulation and parking, easy access to common outdoor spaces, and to promote pedestrian safety.
7. All signage (including wayfinding, directory, and wall signs) should have a unified design theme.
8. Illuminate all parking areas, entrances, and pedestrian walkways to improve safety. However, the site should not be over-lit to avoid spillover impacts onto adjacent properties. Light sources should be integrated within the buildings or shielded to reflect down onto the ground. The lighting standards of Section XX still apply.

#### **B. Building Form and Materials**

1. Vary and articulate façades to avoid large monotonous walls. Where the building mass cannot be broken up, building walls may be articulated through the use of texture, color, material changes, or other façade treatments.
2. Use quality building materials that convey a sense of permanence. Tilt-up concrete is acceptable.
3. Building entries should be oriented toward the predominant public view, usually the street frontage.
4. Avoid the use of highly reflective building materials and finishes that direct heat and glare onto nearby buildings.
5. High-intensity colors may be used as accent colors.
6. All mechanical equipment should be appropriately screened from view from the public right-of-way. Large vent stacks and similar features should be avoided.
7. Exterior support equipment should have a functional placement and be located where it can best integrate with the building's architecture. Architecturally integrate exposed industrial systems and equipment as a design option where practical.
8. Utility facilities should be placed underground wherever possible.

#### **C. Walls and Fences**

1. Break up long walls and fences with landscaping, pilasters, offsets in the alignment of the wall or fence, and/or changes in material, color, or texture.
2. Tall solid walls are discouraged along the public right-of-way; decorative or transparent fencing is preferred, enhanced with landscaping for screening purposes.
3. Fences or walls should use materials and colors consistent with the architectural character of the main building.
4. Durable, natural materials are preferred for fences and walls that are visible from the public street or adjacent non-residential lots, including: aluminum, steel, iron, pre-cast concrete, stone, or brick.

#### **D. Parking and Loading**

1. On-site parking, loading, and outdoor storage areas shall be located to the side or rear of buildings. Truck parking or loading docks shall not face residential areas.
2. Reserve corner locations for buildings, not parking, loading, or outdoor storage.

3. Separate loading areas and larger commercial vehicle traffic from areas that are used for public parking and public entrances.
- E. Outdoor storage, truck parking, and truck maneuvering areas should be paved or employ mitigation techniques to prevent dust or other airborne particles from leaving the site.

**F. Buffers**

1. A minimum 15-foot natural buffer should be provided along rights-of-ways. For some low- or medium-impact uses, the ROW buffering width may be reduced to better fit with the surrounding area.
2. A minimum 30-foot natural buffer should be provided where an industrial use is adjacent to a vulnerable use (homes, parks, and institutional uses like churches, schools, and day cares). This buffer applies even if the industrial site is separated from a vulnerable use by a street or alley.
3. Natural buffers shall consist of landscaping, which may be combined with walls or berms. Natural buffer landscaping should include a mix of broadleaf evergreen and deciduous trees, shrubs, and groundcover to maintain a year-round tree canopy and screening. Mixing of small, medium, and large trees and shrubs is preferred.

#### 10.4.3 Fabrication and Production

Uses primarily involved in the manufacturing, processing, fabrication, packaging, or assembly of goods made for the wholesale market, for transfer to other plants, or for firms or consumers. The following describe the subcategories of fabrication and production uses:

- A. Artisan. Uses involved in the creation of art works or custom goods by hand manufacturing involving the use of hand tools and small-scale, light mechanical equipment in a completely enclosed building with no outdoor operations, storage or regular commercial truck parking/loading, but which may include retail sales of goods produced on on-site.
- B. Limited. Uses that process, fabricate, assemble, treat, or package finished parts or products without the use of explosive or petroleum materials. This subcategory does not include the assembly of large equipment and machinery and has very limited external impacts in terms of noise, vibration, odor, hours of operation, and traffic. Common examples include apparel manufacturing, bakery products manufacturing, bottling plants, ice manufacturing, mattress manufacturing and assembly, musical instrument manufacturing, newspaper printing and binderies.
- C. General. Uses that process, fabricate, assemble, or treat materials for the production of large equipment and machines as well as fabrication and production uses that because of their scale or method of operation regularly produce odors, dust, noise, vibration, truck traffic or other external impacts that are detectable beyond the property lines of the subject property. Common examples include dairy products manufacturing, foundries, chrome plating, crematoriums, electroplating, fiberglass manufacturing, flour mills and paper products manufacturing. Uses that regularly use hazardous chemicals or procedures or produce hazardous byproducts are prohibited.

#### 10.4.4 Industrial Service

Uses engaged in the maintenance, repair or servicing of industrial, business or consumer machinery. Examples include janitorial, carpet cleaning, extermination, plumbing, electrical, window cleaning and similar building maintenance services; welding shops; machine shops; heavy truck servicing and repair; publishing and lithography; redemption centers; laundry, dry cleaning and carpet cleaning plants; photofinishing laboratories, and maintenance and repair services that are not otherwise classified.

#### 10.4.5 Storage, Distribution, Wholesale

Uses involved in the storage or movement of goods for themselves or other firms or the sale, lease, or rental of goods primarily intended for industrial, institutional, or commercial businesses. The following describe the subcategories of storage, distribution, and wholesaling uses:

- A. Equipment and Materials Storage, Outdoor uses related to outdoor storage of equipment, products, or materials, whether or not stored in containers.
- B. Self-service Storage. An enclosed use that provides separate, small-scale, self-service storage facilities leased or rented to individuals or small businesses. Facilities are designed and used to accommodate interior access to storage lockers or drive-up access from passenger vehicles.
- C. Trucking and Transportation Terminals. Uses engaged in the sales, rental, dispatching, or long-term or short-term storage or parking of large trucks, buses, fleet fueling facilities and truck stops, construction equipment, agricultural equipment, and similar large vehicles, including parcel service delivery vehicles, taxis, boats, recreational vehicles, and limousines. This use also includes uses engaged in the moving of household or office furniture, appliances and equipment from one location to another, including the temporary on-site storage of those items.
- D. Warehouse. Uses conducted within a completely enclosed building that are engaged in long-term and short-term storage of goods and that do not meet the definition of "self-service storage" use or a "trucking and transportation terminal."
- E. Wholesale Sales and Distribution. Uses engaged in the wholesale sales, bulk storage and distribution of goods. Such uses may also include incidental retail sales and wholesale showrooms. Expressly includes the following uses: bottled gas and fuel oil sales, monument sales, and portable storage building sales.

#### 10.4.6 Junk or Salvage yard

A use where waste, scrap, used or second-hand materials are bought, sold, exchanged, stored, baled, packed, disassembled, crushed, processed, or handled for reclamation, disposal or other similar purposes, including but not limited to scrap iron and other metals, paper, rags, rubber tires and bottles.

### Section 10.5 Agricultural Uses

#### 10.5.2 Agricultural, Commercial

- A. Commercial agriculture activities of all types, livestock and poultry farms, dairy farms, fisheries, the raising and harvesting of crops, and uses of similar nature. More than 30 poultry, 10 pigs, or 10 other livestock shall constitute a commercial agriculture activity. This does not include personal agriculture, which allows raising backyard chickens for the provision of eggs, beekeeping, or gardening to provide for personal household use.
  - 1. When an AG property with this land use abuts an R-25, R-15, or RMD property, a minimum buffer of 150 feet is required upon the AG property. When an AG property with this land use abuts an LI, HI, or other district, a minimum buffer of 100 feet is required upon the AG property.
  - 2. The minimum lot size for raising livestock is five (5) acres.
  - 3. Accessory structures related to livestock raising must be at least 50 feet from a shared property line.

#### 10.5.3 Produce Stands

A temporary structure at which agricultural products primarily grown on site, such as raw vegetables, fruits, herbs, flowers, plants, nuts, honey and eggs, are sold. Value-added agricultural products that are made from raw products grown, raised, or produced on-site, such as jams, jellies, oils, vinegars, and cheeses may also be sold.

#### 10.5.4 Livestock Sales

- A. Livestock includes any animals of the equine, swine, or bovine class including goats, sheep, mules, cattle, hogs, pigs and other grazing animals, and all ratites, including, but not limited to, ostriches, emus, and rheas.
- B. No livestock sales allowed within 100 feet of an R-zoned district.

#### 10.5.5 Tree Farm/Forestry

The use of land for the raising and harvesting of timber, pulp woods, and other non-edible forestry products for commercial purposes, including the temporary operation of a sawmill and/or chipper to process the timber cut from that parcel or adjacent parcels.

#### 10.5.6 Agri-tourism/Agri-entertainment

Agri-entertainment is defined as the gathering of individuals for social, celebratory, or entertainment purposes at an agricultural location (venue) located in an agricultural district, wherein a fee is charged by the owner or representative of the property for the use of the venue.

- A. Parking shall be permitted on grass or gravel.
- B. The maximum number of attendees to occupy any agri-entertainment event barn or structure on the premises shall be regulated by the Fire Marshal.
- C. The occupancy of the agri-entertainment event barn or primary event structure shall not exceed the occupancy load provisions of the Uniform Building Code and those occupancy load limits shall be posted on the premises at all times.
- D. The use of the premises for an agri-entertainment venue shall be permitted only after the issuance of a certificate of occupancy by the Social Circle.
- E. Any improvements required to support the property as an agri-entertainment venue shall be made only after the issuance of a building permit.

- F. Outdoor activities within the agri-entertainment event barn or primary event structure shall not involve the outside amplification of voice, music and/or instruments except as approved through a special event permit.
- G. Agri-entertainment events shall commence no earlier than 9:00 a.m. and shall terminate no later than 10:00 p.m. on Sunday through Thursday and no later than 12:00 a.m. on Friday and Saturday.
- H. For the purpose of this section, termination shall mean the termination of food, drinks, service, and entertainment with the understanding that attendees will need a reasonable amount of time after termination to exit the premises.
- I. All agri-entertainment events shall be provided with adequate potable water and sanitary waste disposal systems as approved by Social Circle.
- J. All agri-entertainment events shall provide for adequate access and egress for emergency vehicles as determined through the development review process.
- K. All agri-entertainment events shall be provided with adequate personnel to assist with parking, emergency, and other potential impacts of each event.
- L. If the property being considered for agri-entertainment use is "bona-fide conservation use property" as defined under O.C.G.A. §§ 48-5-7.1 through 48-5-7.4, caution should be used to ensure that the proposed agri-entertainment use of the property does not constitute a breach of the conservation covenants applicable to the property.

#### 10.5.8 Riding Academy; Equestrian Center

Commercial equine facilities including ranches, boarding stables, riding schools and academies, exhibition facilities (for shows or other competitive events), and barns, stables, corrals, and paddocks accessory and incidental to these uses.

#### 10.5.9 Farm Winery/Meadery

A winery/meadery which makes at least 40 percent (40%) of its annual production from agricultural produce grown in the state where the winery/meadery is located; may have accessory uses such as tasting rooms, event spaces, and similar uses; and:

- A. Is located on premises, a substantial portion of which is used for agricultural purposes, including the cultivation of grapes, berries, honey, or fruits to be utilized in the manufacture or production of wine/mead; or
- B. Is owned and operated by persons who are engaged in the production of a substantial portion of the agricultural produce used in its annual production.

### Section 10.6 Wireless Communications

#### 10.6.1 General

The supplemental wireless communication facility regulations of this Section shall be applied within the constraints of state and federal law, the federal Telecommunications Act of 1996 and Section 6409 of the federal Middle Class Tax Relief and Job Creation Act of 2012, as well as all applicable rulings of the FCC and the Streamlining Wireless Facilities and Antennas Act of 2019, as codified in title 36, chapters 66B and 66C.

#### 10.6.2 Wireless Communication Types



The wireless communication use category includes definitions and, in some cases, supplemental use regulations, for wireless communication facilities and wireless support structures. The location of wire communication facilities/structures may be permitted under the provision of this Section. The intent of this Section is to provide for the appropriate location and development of communication towers to serve the residents and businesses of the City; minimize adverse visual impacts of towers through careful design, siting, landscape and innovative camouflaging techniques; and to encourage and concentrate the location of new communication towers in areas which are not zoned for residential use. The following are regulations for wireless communication facilities:

- A. **Wireless Communication Facility.** The equipment and network components necessary to provide wireless communications service, excluding the underlying wireless support structure. The term includes antennas, accessory equipment, transmitters, receivers, base stations, power supplies, cabling, and associated equipment necessary to provide wireless communications services.
  - 1. **Carrier on Wheels (COW).** A portable, self-contained wireless facility that can be moved to a location and set up to provide wireless services on a temporary or emergency basis. A COW is normally vehicle-mounted and contains a telescoping boom as the antenna support structure.
  - 2. **Co-location.** The placement or installation of wireless communication facilities on existing structures, including electrical transmission towers, water towers, buildings and other structures customarily used for and capable of structurally supporting the attachment of wireless communication facilities in compliance with all applicable codes and regulations.
  - 3. **Concealed Wireless Facility.** Any wireless communication facility that is integrated as an architectural feature of an existing structure or any new wireless support structure designed to camouflage or conceal the presence of antennas or towers so that the purpose of the facility or wireless support structure is not apparent to a casual observer.
- B. **Wireless Support Structure.** A freestanding structure, such as a monopole or tower, designed to support wireless communication facilities.

### 10.6.3 Standards for All Wireless Communications Uses

- A. Wireless communication facilities are allowed in accordance with Table of Permitted Uses. In addition, the following activities are permitted as of right in all districts:
  - 1. Removal or replacement of transmission equipment on an existing wireless support structure that does not result in a substantial modification of the wireless communication facility;

2. Ordinary maintenance of existing wireless communication facilities and wireless support structures; and
  3. Distributed antenna systems when located within a building or on the exterior of a building.
- B. Removal of Abandoned Antenna and Towers. Any wireless support structure that is not actively used by wireless carriers for a continuous period of six (6) consecutive months will be considered abandoned, and the owner of the wireless support structure shall remove it within 60 days of receiving written notice from the City. The City shall ensure and enforce removal by means of its existing regulatory authority, with costs of removal charged to the owner.
- C. Existing Towers and Antennas. Wireless telecommunication facilities lawfully existing on or before the effective date of this UDC are allowed to remain in place and continue in use and operation. Ordinary maintenance and co-location is permitted, provided that any substantial modification requires review and approval in accordance with the special use procedures of Division 7.5 - Amendments and Special Uses.
- D. Safety standards. To ensure the structural integrity of communication structures, the owner of a structure shall ensure that it is maintained in compliance with standards contained in applicable local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. Tower owners shall conduct periodic inspections of communication towers at least once every three years to ensure structural integrity. Inspections shall be conducted by a structural engineer licensed to practice in the State.
- E. Regulatory compliance. All structures and facilities shall meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate communications towers and antennas. If such standards and regulations are changed then the owners of the communications towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency.
- F. Lighting. No illumination is permitted on an antenna or tower unless required by the FCC, FAA, or other State or federal agency of jurisdiction, in which case the Community Development Director shall review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding uses and views.
- G. Signage. No signage is permitted on a facility or structure.
- H. Visual impact.

1. Structures shall either maintain a galvanized steel finish or subject to any applicable standards of the FAA or other applicable federal or state agency, or be painted a neutral color, so as to reduce visual obtrusiveness.
  2. At a structure site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and built environment.
- I. Decisions.
1. The environmental effects of radio frequency emissions may not serve as a basis to approve, deny, or otherwise regulate a telecommunication facility to the extent that emissions comply with Federal Communications Commission regulations.
  2. All decisions denying a request to place, construct, or modify a wireless communication use must be in writing and be supported by a written record documenting the reasons for the denial and the evidence in support of the decision.
- J. The placement of additional buildings or other supporting equipment necessarily required in connection with an otherwise authorized wireless communication use is specifically authorized.

#### 10.6.4 Co-locations and Concealed Wireless Facilities

The requirements of this Section apply to installments on existing buildings and structures on private property.

- A. Antennas that are attached or affixed to existing wireless support structures or alternative telecommunication support structures are permitted as of right in all zoning districts, provided that the antenna does not substantially change the physical dimensions of such structure.
- B. Co-locations and concealed facilities in R-zoned districts shall be visually screened from view of all abutting lots. Facilities in other zoning districts must be screened or designed and installed so as to make the antenna and related-equipment as visually unobtrusive as possible.
- C. If a facility is installed on a structure other than a tower, the facility and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
- D. Co-location antennas or concealed facilities that substantially change the physical dimensions of such structure require special use permit approval. For the purpose of this Section, "substantial change" shall mean:
  1. Increases height by more than ten percent (10%) or 20 feet, whichever is greater, as measured from facility as it existed prior to enactment of this Section.
  2. Appurtenances added protrude from body of structure more than 20 feet in width.
  3. If it involves installing more than the standard number of cabinets for the technology involved, not to exceed four cabinets; or if it involves installation of any cabinets if there are no pre-existing cabinets or involves installation of ground cabinets that are more

than ten (10) percent larger in height or overall volume than any other associated ground cabinets.

4. Involves excavation or deployment outside the current "site." "Site" shall be defined as the current boundaries of the leased or owned property surrounding the tower and any access or utility easements.
5. For concealed or stealth-designed facilities, if a modification would defeat the concealment elements of the wireless tower or base station.
6. The modification would not comply with other conditions imposed on the applicable wireless support structure or base station, unless the non-compliance is due to an increase in height, increase in width, addition of cabinets, or new excavation that does not exceed the above thresholds

#### 10.6.5 Wireless Support Structures

The requirements of this Section apply to stand-alone towers and structures.

- A. Height requirements.
  1. For a single user, maximum height is 70 feet;
  2. For two users, maximum height is 100 feet;
  3. For three users, maximum height is 150 feet; and
  4. Towers clustered at the same site shall be of similar height and design.
- A. Towers shall be erected a minimum height necessary to provide parity with existing similar tower supported antenna, and shall be freestanding where the negative visual effect is less than would be created by use of a guyed tower.
- B. Setbacks. Wireless support structures shall be set back from all property lines a distance that is at least equal to its engineered fall zone.
- C. Security. Communication towers shall be enclosed by decay-resistant security fencing not less than six (6) feet in height and shall be equipped with an appropriate anti-climbing device that meets the fencing and wall requirements of this UDC.
- D. Landscaping. Landscaping shall be used to effectively screen the view of the tower compound from adjacent public rights-of-way, public property, and residential property and shall be as follows:
  1. A buffer area no less than six (6) feet wide shall commence at the base of the tower.
  2. The buffer zone is to consist of materials of a variety and spacing which can be expected to grow to form a continuous hedge at least five (5) feet in height within two (2) years of planting.
  3. Trees and shrubs in the vicinity of guy wires shall be of a kind that would not exceed 20 feet in height or would not affect the stability of the guys, should they be uprooted, and shall not obscure visibility of the anchor from the transmission building or security facilities staff and maintenance.

4. Native vegetation on the site shall be preserved to the greatest practical extent. The applicant shall provide a site plan showing existing significant vegetation to be replanted to replace that lost.
5. In lieu of these standards, the Community Development Director may allow use of an alternate detailed plan and specifications for landscape and screening, including plantings, fences, walls, and other features designed to screen and buffer towers and accessory uses. The plan shall accomplish the same degree of screening achieved by the provisions above, except as lesser requirements are desirable for adequate visibility for security purposes.

#### 10.6.6 Application Requirements

In the case where a special use permit is required, the information required herein shall be required for the special use review process. Regardless, the information shall be provided with a permit for the construction of a facility or support structure.

- A. Each applicant requesting approval of a wireless communication use must provide to the Community Development Director, as a part of the application, an inventory of its existing facilities that are either within the City and/or within one-quarter mile of the City boundaries, including information regarding the location, height, and design of each facility.
- B. No new wireless support structure may be permitted unless the applicant demonstrates that no existing facility or structure can accommodate the applicant's proposed antenna. Evidence must be submitted at the time of application demonstrating that no existing facility or structure can accommodate the applicant's proposed antenna and may consist of one or more of the following:
  1. No existing facilities or structures are located within the geographic area required to meet applicant's engineering requirements;
  2. Existing facilities or structures are not of sufficient height to meet applicant's engineering requirements;
  3. Existing facilities or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment;
  4. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing facilities or structures, or the antenna on the existing facilities or structures would cause interference with the applicant's proposed antenna;
  5. The fees, costs, or contractual provisions required by the owner in order to share an existing or structure or to adapt an existing facility or structure for sharing are unreasonable; or

6. There are other limiting factors that render existing facilities and structures unsuitable.

## **Section 10.7 Accessory Structures and Uses**

### **10.7.1 Accessory Uses Allowed**

The accessory use category includes definitions and, in some cases, supplemental use regulations, for accessory uses allowed only in connection with lawfully established principal uses.

- A. Allowed Uses. Allowed accessory uses are limited to those expressly regulated in this Section, as well as those that, in the determination of the Community Development Director, satisfy all of the following criteria:
1. They are customarily found in conjunction with the principal use of the subject property;
  2. They are subordinate and clearly incidental to the principal use of the property; and
  3. They serve a necessary function for or contribute to the comfort, safety, or convenience of occupants of the principal use.
- B. Time of Construction and Establishment. Accessory uses may be established only after the principal use of the property is established.
- C. Location. Accessory uses shall be located on the same lot as the principal use to which they are accessory, unless otherwise expressly stated.

### **10.7.2 Accessory Buildings and Structures**

- A. Accessory buildings and structures are subject to the same regulations that apply to principal uses and structures on the subject lot, unless otherwise expressly stated.
- B. An accessory building or structure shall be clearly subordinate to the primary structure in all dimensional aspects.
- C. Accessory buildings attached to the principal building by conditioned spaces are considered part of the primary structure and are subject to the lot and building regulations that apply to the principal building.
- D. Accessory buildings attached by breezeways, passageways, or similar means are not considered part of the primary structure and are subject to accessory building and structure regulations.
- E. Accessory buildings shall be located in the rear or side yard.
- F. A maximum of two (2) accessory structures shall be permitted per lot.
- G. Accessory buildings or structures are prohibited to be accessory to any single-family attached use.

- H. **Building Separation.** Accessory buildings shall be separated by a minimum distance of ten (10) feet from the principal building on the lot, unless the accessory building is located entirely within the principal building setbacks, in which case, no separation is required. Structures less than 30 inches in height are not subject to building separation requirements.
- I. **Maximum Area.** In all residential zoned districts, the total of all accessory structures shall have a gross square footage of no greater than 50 percent (50%) of the gross square footage of the principal building with a maximum of 1,000 square feet per lot.

### 10.7.3 Accessory Dwellings (ADU)

- A. **An Accessory Dwelling Unit** is a smaller, secondary home on the same lot as a primary, single-family detached dwelling. ADUs are independently habitable and provide the basic requirements of shelter, heating, cooking, and sanitation. There are two (2) types of ADUs:
  - 1. **Garden Cottages.** Detached structures where examples include converted garages, second story garage apartments, or new construction.
  - 2. **Accessory Suites.** Portions of structures or buildings attached to or part of the primary dwelling. Examples include converted living space, attached garages, basements or attics; additions; or a combination thereof.
- B. **Accessory Structures.** ADUs are considered accessory structures and shall comply with all accessory structure regulations Section 10.7.- Accessory Structures and Uses in addition to those dedicated specifically to ADUs in this subsection.
- C. **Quantity.** One (1) ADU is permitted per single-family detached residentially zoned lot or dwelling.
- D. **Creation.** An ADU may be created through new construction, conversion of an existing structure, addition to an existing structure, or conversion of a qualifying existing house to a garden cottage while simultaneously constructing a new primary dwelling on the site.
- E. **Design.** Design standards for ADUs are stated in this Section. If not addressed in this Section, base zoning district standards apply.
  - 1. All ADUs (accessory suites and garden cottages) shall meet the following requirements:
    - a. **Size.** An ADU shall be no more than 1,200 square feet or the 50 percent (50%) the size of the primary dwelling, whichever is less.
    - b. **Parking.** No additional parking is required for an ADU. Existing required parking for the primary dwelling shall be maintained or replaced on-site.

- c. Building standards. ADUs shall comply with all building and lot regulations for primary and accessory structures, as applicable based on the type of ADU.
2. Accessory suites shall meet the following additional requirements:
    - a. Location of entrances. Only one (1) entrance may be located on the façade of the principle dwelling facing the street, unless the principle dwelling contained additional entrances before the accessory suite was created. An exception to this regulation is entrances that do not have access from the ground, such as entrances serving balconies or decks.
    - b. Exterior stairs. Fire escapes or exterior stairs for access to an upper-level accessory suite shall not be located on the front of the primary dwelling and shall be setback a minimum of five (5) feet from the front building façade.
  3. Garden cottages shall meet the following additional requirements:
    - a. Height. The maximum height allowed for a garden cottage is the lesser of 24 feet or the height of the primary dwelling.
    - b. Building coverage. The building coverage of a garden cottage shall not exceed 575 square feet.
    - c. Exterior finish materials. Exterior finish materials shall visually match in type, size, and placement of the exterior finish materials of the primary dwelling.
    - d. Roof pitch. The roof pitch shall be the same as the predominant roof pitch of the primary dwelling.
    - e. Windows. If the street-facing façade of the ADU is visible from the street, its windows shall match, in proportion and orientation, the windows of the primary dwelling.
    - f. Eaves. If the primary dwelling has eaves, the ADU shall have eaves that project from the building. If the primary dwelling does not have eaves, no eaves are required for the ADU.
    - g. Garden cottages must meet Historic Design Standards, if applicable.



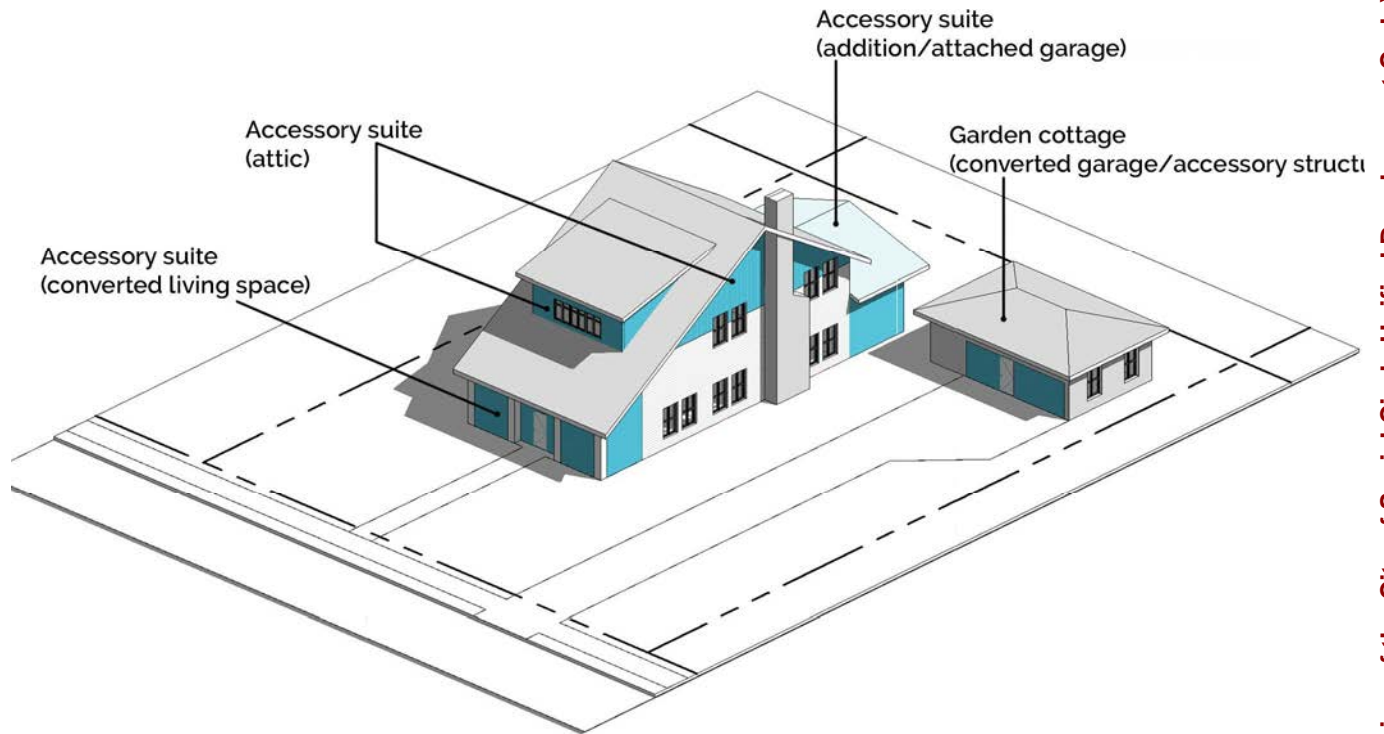


Figure 10.7.3 - Accessory dwelling unit

#### 10.7.4 Backyard Chickens

Chickens as “household pets” shall be authorized in accordance with [Chapter 9, Article III, Section 9-72.](#) of the Municipal Code of Social Circle.

#### 10.7.5 Electric Vehicle Charging Station

- A. Electric vehicle charging stations may be counted toward satisfying minimum off-street parking space requirements.
- B. Vehicle charging equipment shall be designed and located so as to not impede pedestrian, bicycle, or wheelchair movement or create safety hazards on sidewalks.
- C. Electric vehicle charging stations shall be posted with signage indicating that the space is reserved for electric vehicle charging purposes only. For purposes of this provision, “charging” means that an electric vehicle is parked at an electric vehicle charging station and is connected to the battery charging station equipment.
- D. Electric vehicle charging stations shall be maintained in all respects, including the functioning of the equipment. A phone number or other contact information shall be provided on the equipment for reporting when it is not functioning, or other problems are encountered.
- E. Electric vehicle charging stations in AG, R-25, R-15, and RMD zoned districts shall be prohibited within five (5) feet of the front façade, unless it is contained in a structure.

### 10.7.6 Home Occupations

The home occupation regulations of this Section are intended to allow residents to engage in customary home-based work activities, while also helping to ensure that neighboring residents are not subjected to adverse operational and land use impacts (e.g., excessive noise or traffic or public safety hazards) that are not typical of residential uses.

- A. Exclusions. The following uses are not considered home occupations and are not subject to the home occupation regulations of this section. Each use is allowed as indicated in Table of Permitted Uses.
  - 1. Personal Care Homes.
  - 2. Day Care.
  - 3. Bed and Breakfast.
  - 4. Short-Term Rentals.
  
- B. Prohibited Home Occupations. The following uses are expressly prohibited as home occupations:
  - 1. Any type of assembly, cleaning, maintenance, or repair of vehicles or equipment with internal combustion engines or of large appliances (such as washing machines, clothes dryers or refrigerators);
  - 2. Dispatch centers or other businesses where employees come to the site and are dispatched to other locations;
  - 3. Equipment or supply rental businesses;
  - 4. Taxi, limo, van, or bus services;
  - 5. Tow truck services;
  - 6. Firearms sales establishment;
  - 7. Eating or drinking places;
  - 8. Funeral or interment services;
  - 9. Animal care, grooming, or boarding businesses; and
  - 10. Any use involving the use or storage of vehicles, products, parts, machinery or similar materials or equipment outside of a completely enclosed building.
  
- C. Standards applicable to all Home Occupations.
  - 1. Home occupations shall be accessory and secondary to the use of a dwelling unit for residential purposes. They may not change the character of the residential building they occupy or adversely affect the character of the surrounding neighborhood.
  - 2. Home occupations shall not produce light, noise, vibration, odor, parking demand, traffic, or other impacts that are not typical of a residential neighborhood.
  - 3. Home occupations shall be operated so as not to create or cause a nuisance.

4. Any tools or equipment used as part of a home occupation shall be operated in a manner or sound-proofed so as not to be audible beyond the lot lines of the subject property.
5. External structural alterations or site improvements that change the residential character of the lot upon which a home occupation is located are prohibited. Examples of such prohibited alterations include construction of parking lots, the addition of commercial-like exterior lighting or the addition of a separate building entrance that is visible from abutting streets.
6. Home occupations and all related activities, including storage (other than the lawful parking or storage of vehicles), shall be conducted entirely within the dwelling unit or accessory building or structure, as permitted.
7. The area devoted to all home occupations present on the property is limited to 25 percent (25%) of the dwelling unit's floor area or 650 square feet, whichever is less.
8. No window display or other public display of any material or merchandise is allowed.
9. The use or storage of hazardous substances is prohibited, except at the "consumer commodity" level, as that term is defined in 49 C.F.R. Section 171.8.
10. Only passenger automobiles, passenger vans, and passenger trucks may be used in the conduct of a home occupation. No other types of vehicles may be parked or stored on the premises. This provision is not intended to prohibit deliveries and pickups by common carrier delivery vehicles (e.g., postal service, united parcel service, Fed Ex, et al.) of the type typically used in residential neighborhoods.
11. Home occupations complying with the regulations of this section are permitted to operate in accessory dwelling units or other accessory structures or buildings.

#### 10.7.7 Outdoor Storage

- A. The outdoor storage regulations of this Section apply to the storage of goods, materials, and equipment as an accessory use to commercial or industrial use types when located outside of enclosed buildings, including:
  1. Material in boxes, in crates, or on pallets;
  2. Overnight storage of vehicles awaiting repair (not including new vehicles for sale); construction and contractor's equipment, including lawnmowers;
  3. Fleet vehicles;
  4. Construction material such as lumber, pipe, steel and unpackaged soil, mulch, recycled material, or similar items; or
  5. Other items like appliances, merchandise, equipment, garbage, landscape waste, glass, and rubbish.

- B. Storage shall be fully enclosed by a fence not less than six (6) feet in height containing opaque material to provide visual screening. Operable fleet vehicles do not require screening.

#### 10.7.8 Swimming Pools

- A. Swimming pools considered accessory structures and shall comply with all accessory structure regulations Section 10.7 - Accessory Buildings and Structures in addition to those dedicated specifically to swimming pools in this Section.
- B. Pool heaters and pumps shall not be located in a front yard and shall be least ten (10) feet from any property line.
- C. Swimming pools shall be located in the rear yard and shall be setback a minimum of ten (10) feet from rear lot lines and twelve (12) feet from side lot lines. Setbacks are measured from the outermost edge of the pool decking to the nearest the applicable lot line.
- D. Commercial accessory swimming pools shall be approved only after receipt of written approval from the Walton or Newton County Board of Health.

### Section 10.8 Temporary Uses

#### 10.8.1 Temporary Construction Structures

- A. Construction Dumpsters. Temporary refuse containers to store trash and recycling during affiliated construction activities, which are not enclosed.
- B. Portable Storage Containers. Designed for the temporary storage of fixtures, furnishings, equipment, or other household goods and materials (also known as PODs). Portable storage containers exclude structures designed for the occupancy by any individual or domestic animal or used as a place of business. When not associated with a valid permit, portable storage containers may not be parked or stored for more than 15 consecutive days or a total of more than 30 days during any calendar year.
- C. Construction Trailers. Occupiable structures used for temporary management of construction activities and related services.
- D. Standards applying to all Temporary Construction Structures:
  1. Temporary Construction Structures may be parked or stored on any lot when used in conjunction with a valid, unexpired building or land development permit.
  2. All Temporary Construction Structures shall be completely removed from the premises within 30 days of issuance of the final Certificate of Occupancy or project close-out pertaining to the building(s)/land development associated with the construction.

#### 10.8.2 Temporary Outdoor Sales of Merchandise

- A. Any applicant for a permit for temporary outdoor sales of merchandise shall demonstrate compliance with the regulations of this Section through an annual permit obtained by the City Planning and Community Development Department as an occupational tax certificate.
- B. Temporary sales activities are subject to the following regulations:
  - 1. No such temporary outdoor sales of merchandise may be conducted on public property, within any public right-of-way, and no display or sales area may block safe pedestrian movement.
  - 2. Tents may be used in conjunction with temporary sales activities for a maximum of five (5) days over a one (1)-month period.
  - 3. No operator, employee, or representative may solicit directly to the motoring public.
  - 4. No temporary outdoor sales may be located within or encroach upon any drainage easement, public sidewalk or right-of-way, required parking spaces, fire lanes, designated loading areas, driveways, maneuvering aisles, or ADA minimum sidewalk width within private sidewalks or other areas intended for pedestrian movement.

### 10.8.3 Temporary Stage or Tent

- A. Temporary stages require the review and approval of a building permit.
- B. Tents over 400 square feet require the review and approval of a building permit.

## ARTICLE 8.0: SPECIAL PURPOSE DISTRICTS

### Contents:

#### Section 8.1 Planned Unit Development District

#### Section 8.2 Stanton Springs [Rivian District]

#### Section 8.3 Stanton Grove [Town Park District]

#### 8.1.1 Planned Unit Development (PUD) District

The purpose of the PUD district is to allow for the establishment of development standards proposed by the applicant to accommodate innovative mixed use development patterns not articulated in base zoning districts but which uses and standards are generally supportive of the policies of the Comprehensive Plan.

#### 8.1.2 Purpose

The purpose of the PUD district is to allow for the establishment of development standards proposed by the applicant to accommodate innovative mixed use development patterns not articulated in base zoning districts but which uses and standards are generally supportive of the policies of the Comprehensive Plan. The PUD district is intended to provide a means of accomplishing the following specific objectives:

- A. To provide for development concepts not otherwise allowed within non-PUD zoning districts;
- B. To provide flexibility, unity, and diversity in land planning and development, resulting in convenient and harmonious groupings of uses, structures, and common facilities;
- C. To accommodate varied design and layout of housing and other buildings;
- D. To allow appropriate relationships of open spaces to intended uses and structures;

- E. To encourage innovations in quality residential, commercial, and industrial development and renewal so that the growing demands of the population may be met by greater variety in type, design, and layout of buildings and by the conservation and more efficient use of open space;
- F. To attenuate the burden of traffic on streets and highways; and
- G. To provide a procedure that can relate the type, design, and layout of residential, commercial, and industrial development to the particular site, thereby encouraging preservation of the site's natural characteristics.

### 8.1.3 Establishment of a PUD District

- A. A PUD may be requested on any property or properties within the City that meet the minimum standards herein and in accordance with the rezoning procedures of **Section XX** to establish the boundaries and regulations of the PUD.
- B. No PUD district may be established without the concurrent approval of Overall Development Standards (ODS) and an Overall Development Plan (ODP) by the City Council.

### 8.1.4 Minimum Standards

- A. At a minimum, each PUD shall provide a combination of at least two (2) of the following characteristics that support the innovative nature of the request. Fulfillment of each required characteristic shall be at the discretion of the Community Development Director and shall remain in place for the life of the project or as deemed necessary to carry out the intent:
  1. A new or unique concept or land use.
    - i. Project shall describe the extent that it is a new concept or land use, meaning there are no other developments within 2,000 feet like the proposed development and the project will demonstrate how the business/development concept will be successful in Social Circle;
  2. A catalyst project.
    - i. Project shall describe the extent that it will serve as a catalyst for subsequent development. This requires a significant project in a relatively unproven area of town and is expected to have a multiplier effect by spurring further economic development projects;
  3. A project that offers one or more of the following target industries:
    - i. Entrepreneurship;
    - ii. Technical, research, consulting, or corporate operations;
    - iii. Local and regional distribution;
    - iv. Healthcare, non-profits, educational institutions;
    - v. Production (construction and manufacturing); or
    - vi. Entertainment and recreation (ex. restaurants, movie theaters, film studios)
  4. Usable public green space;
    - i. Green spaces shall have unobstructed access from the nearest right-of-way or adjacent building and shall be deeded to the City or a public access easement granted; and
    - ii. Green spaces shall be programmed with at least one of the following amenities: public art, decorative water feature, community garden, playground/recreational equipment, plaza, public outdoor dining area, other amenity approved by the Community Development Director.

- 5. Affordable housing
  - i. At least ten percent (10%) of proposed units shall be set aside for the life of the project for households that do not exceed a maximum of 80 percent (80%) Area Median Income (AMI);
  - ii. Households counted toward the applicable AMI Percentage shall not be required to pay more than 20 percent (20%) of the applicable AMI (40%, 60%, or 80% AMI) per month for rent; and
  - iii. All affordable units are required to be similar in construction and appearance to market units and not be in isolated or less marketable areas of the project.
- 6. Leadership in Energy and Environmental Design (LEED) or similar sustainable certification.
  - i. Certification is required through EarthCraft (any level), LEED (any level), Green Globes (three (3) globes minimum), National Green Building Standard (NGBS) (silver minimum), or another comparable third-party certification program approved by the Community Development Director;
  - ii. Registration is required prior to acceptance of application for rezoning. A bond shall be secured and held until full certification is obtained;
  - iii. Upon approval of zoning, no permit shall be issued unless the approved certification program checklist is submitted that demonstrates the proposed development will achieve enough points to attain the required certification level.
  - iv. Prior to issuance of a Certificate of Occupancy or any project close-out, the applicant shall submit a performance bond to ensure successful completion of the certification. When the applicant achieves certification status, the bond shall be released to the applicant;
- 7. An adaptive reuse project
  - i. Project preserves a substantial portion of an existing structure of relative significance or architectural interest.
- 8. A mixed-use project
  - i. A phasing plan shall be submitted with the application to accurately outline the proposed schedule and timing of development of each proposed use; and
  - ii. Project shall provide a mix of a minimum of two (2) different Individual Uses. The Individual Uses shall come from two (2) separate Use Categories identified below:

| Use Categories        | Individual Uses   |
|-----------------------|---|
| Lodging and Residence | Bed and Breakfast<br>Household Living<br>Hotel<br>Motel |

|                      |  |
|----------------------|--|
| <b>Institutional</b> | Education Services<br>Hospital<br>Library  |
| <b>Office</b>        | Office<br>Medical Service  |
| <b>Retail Sales</b>  | General  |
| <b>Service</b>       | Animal service (all types)<br>Banks, credit unions, brokerage, and investment services<br>Personal Service<br>Daycare (all types)<br>Eating and drinking |

- B. PUD districts shall have a minimum contiguous area of five (5) acres.
- C. The characteristics of each PUD shall be in conformance with the adopted Comprehensive Plan, and the approved Overall Development Standards (ODS) and Overall Development Plan (ODP).
- D. Any development standards not expressly defined by the Overall Development Regulations shall be regulated by the UDC.

**8.1.5 Overall Development Regulations**

- 1. Overall Development Standards (ODS). Development of the PUD is governed by the ODS that designate the standards of zoning and development for the property. These standards replace the standards in the UDC and should include, at a minimum, the following:
  - 1. Permitted and prohibited uses;
  - 2. Maximum density;
  - 3. Maximum impervious surface;
  - 4. Minimum open space;
  - 5. Minimum and maximum building heights;
  - 6. Minimum lot size;
  - 7. Required setbacks;
  - 8. Parking requirements; and
  - 9. Building massing.
- 2. Overall Development Plan (ODP).
  - 1. Development of the PUD is also governed by the ODP, which includes a series of plans and design-related documents regulating the development of the property. At a minimum, the ODP shall include the following:
    - a. Analysis of Existing Conditions. An analysis of existing site conditions, including a boundary survey and topographic map of the site that shall include information



- on all existing man- made and natural features, utilities, all streams and easements, and features to be retained, moved or altered. The existing shape and dimensions of the existing lot to be built upon including the size, measurement, and location of any existing buildings or structures on the lot shall be included. The analysis should include all buffers and other applicable standards of federal and state law related to maintenance and protection of wetlands and the banks of navigable waters of the federal and state governments.
- b. Overall Master Plan. A master plan outlining all proposed regulations and calculations which shall include, but not be limited to, information on all proposed improvements including proposed building footprints, entrances, densities, parking ratios, open space, height, sidewalks, setbacks, under and over-head utilities, internal circulation and parking, landscaping, preliminary grading, lighting, drainage, amenities, and similar details and their respective measurements.
  - c. Phasing Plan. Should a PUD be expected to require five (5) years or longer to complete, a phasing plan shall be provided by the applicant that indicates the time frame for construction and development of different aspects of the PUD. This is required in all cases for a PUD seeking to meet the Minimum Standards through a Mixed-Use project.
  - d. Regulating Plan. A regulating plan shall be provided with street types and open space for all property within the PUD boundary. The regulating plan shall be keyed to a set of standards developed based on location. This plan should consider how all modes of transportation will be accommodated, including pedestrians, bicycles, cars, transit, rideshare, etc. Detailed right-of-way cross sections shall also be included in this plan or as an attachment to this plan.
  - e. Streetscape and Hardscape Manual. A streetscape and hardscape manual shall be created that includes specifications for the following: sidewalk clear zones, landscape zones, supplemental zones including details regarding lighting fixtures, on-street parking, street furniture, landscape materials and other amenities. A streetscape map shall accompany this manual that identifies appropriate streetscape and hardscape designs for all streets, plazas, open space, locations for public art etc. within the plan.
  - f. Architectural Pattern Book. An Architectural Pattern Book demonstrating approved building materials, features, exterior finishes, windows, doors, colors, and other items affecting exterior appearance, such as signs, mechanical systems, fencing, etc. The pattern book shall include renderings of proposed buildings.
2. To the extent that the approved ODS and ODP for a PUD contradict the UDC, the approved ODS and ODP for the PUD district governs. All other chapters govern, unless specific alternatives are proposed and written into the ODS as part of the amendment application.
  3. Applications shall include any additional information deemed necessary by the Community Development Director to determine compliance with Ordinance standards.

## Section 8.2 Stanton Springs [Rivian District]

**8.2.1 Purpose.**

The Stanton Springs business park district is intended to provide large tracts of land suitable for the planned development of a mixed-use business park that provides new jobs and increases the tax base. It shall provide an attractive environment well suited to manufacturing, research, development, professional offices, laboratories, biomedical, pharmaceuticals, data centers, and related commercial, warehousing, and industrial uses. Other types of heavy industrial that would be objectionable by reasons of producing noxious dust, odor, air pollution, water pollution, and noise are not permitted.

The Stanton Springs business park district is permitted under the following conditions:

1. It is a part of a large-scale development of 1,000 acres or more located in at least two (2) contiguous counties;
2. It is developed under a single, unified entity providing control of property development;
3. It contains a mixture of uses;
4. It provides adequate infrastructure for current and future transportation, water resource management and community services;
5. Others designated from time to time by the board of commissioners.

**8.2.2. General requirements (all tiers).**

- A. Tier planning and map. The Stanton Springs business park district is divided into two individual tiers which represent the different variations in use within the Stanton Springs business park district. Tier 1 governs property development abutting the existing parkway (known as Shire Pkwy) and concentrates primarily on clean industry. Tier 2 governs the land within the district that is not within Tier 1 or outside the parkway that abuts U.S. Hwy 278 promoting high quality and commercial highway-oriented development near I-20 by permitting greater flexibility to create a corridor of similar as well as supporting retail and hospitality uses for the Stanton Springs business park. The tier map can be found on file with the city clerk.

**8.2.3 Principal uses and structures.**

- A. Principal uses and structures allowed in the Stanton Springs business park district shall include:
  1. Offices;
  2. Research and product development facilities;
  3. Light manufacturing facilities, including light assembly and fabrication;
  4. Warehouse and distribution facilities; and
  5. Other uses allowed in the use tables below.
- B. Application of this table shall be in accordance with the following codes:
  1. P—Permitted use.
  2. A—Authorized as an accessory commercial use.
  3. C—Authorized as a special use subject to application procedures.

- C. Uses that are not specifically authorized as a principal, accessory, or special use in the Tier 1 use table below are prohibited in Tier 1 and may only be authorized if similar to an authorized use listed below and granted by written interpretation of the city, or its designee.

| Type of Use                          | Within the Business Parkway |
|--------------------------------------|-----------------------------|
| Accessory Building                   | P                           |
| Accessory Use, Commercial            | P                           |
| Bank                                 | L                           |
| Construction Trailer                 | P                           |
| Data Management or Processing Center | P                           |
| Daycare                              | L                           |
| Electric Substation                  | P                           |
| Health Club                          | A                           |
| Institutional & Philanthropic Uses   | P                           |
| Manufacturing,                       | P                           |
| Medical, Dental Laboratory           | P                           |
| Medical, Dental Clinic               | P                           |
| Office, Professional                 | P                           |
| Outdoor Storage                      | C                           |
| Parking Lot or Deck                  | A                           |
| Place of Public Assembly             | P                           |
| Place of Worship                     | P                           |

| Type of Use                                      | Within the Business Parkway |
|--|-----------------------------|
| Professional Services                            | A                           |
| Recreation Facilities, Commercial                | A                           |
| Research & Development Facility                  | P                           |
| Restaurant                                       | A                           |
| Solar Farm or alternative energy uses            | A                           |
| Telecommunications Tower                         | C                           |
| Training Center                                  | P                           |
| Utilities, Structures and Bldgs., Public         | P                           |
| Warehousing, Industrial, Distribution, Wholesale | A                           |

D. Uses that are not specifically authorized as a principal, accessory, or special use in the Tier 2 use table below are prohibited in Tier 2 and may only be authorized if similar to an authorized use listed below and granted by written interpretation of the city, or its designee.

| Type of Use                          | Land Outside the Parkway |
|--------------------------------------|--------------------------|
| Accessory Building                   | P                        |
| Accessory Use, Commercial            | P                        |
| Bank                                 | P                        |
| Construction Trailer                 | P                        |
| Convenience Store                    | P                        |
| Data Management or Processing Center | P                        |

| Type of Use                        | Land Outside the Parkway |
|------------------------------------|--------------------------|
| Day Care, Child                    | A                        |
| Day Care, Adult                    | A                        |
| Electric Substation                | P                        |
| Health Club                        | P                        |
| Hotel                              | P                        |
| Institutional & Philanthropic Uses | P                        |
| Manufacturing                      | P                        |
| Medical, Dental Laboratory         | P                        |
| Medical, Dental Clinic             | P                        |
| Office, Professional               | P                        |
| Outdoor Storage                    | C                        |
| Parking Lot or Deck                | A                        |
| Personal Services                  | P                        |
| Place of Public Assembly           | P                        |
| Place of Worship                   | P                        |
| Professional Services              | P                        |
| Recreation Facilities, Commercial  | P                        |
| Research & Development Facility    | P                        |
| Restaurant, Dine-In                | P                        |
| Restaurant, Drive-thru             | P                        |

| Type of Use                                      | Land Outside the Parkway |
|--|--------------------------|
| Retail   | P                        |
| Solar Farm or alternative energy uses            | A                        |
| Telecommunications Tower                         | C                        |
| Training Center                                  | P                        |
| Utilities, Structures and Bldgs., Public         | P                        |
| Warehousing, Industrial, Distribution, Wholesale | A                        |

- E. Prohibited uses. Notwithstanding to the use tables above, the following uses are prohibited in Tier 1 and Tier 2:
1. Adult bookstore or adult entertainment;
  2. Auto recovery;
  3. Boarding/breeding kennels;
  4. Campground, recreational vehicle park, private;
  5. Cemeteries or mausoleums;
  6. Community fair;
  7. Distillation of bones;
  8. Dumping, disposal, incineration or reduction of garbage;
  9. Fat rendering;
  10. Flea market;
  11. Funeral home;
  12. Growing or sale of marijuana;
  13. Hazardous waste or solid waste landfills;
  14. Jail, penal, detention or correction farms;
  15. Junk or salvage yard;
  16. Labor camp;
  17. Manufactured home sales, rental, repair;
  18. Mini-warehouse;
  19. Night club, bar or lounge;
  20. Noncommercial club or lodge;
  21. Pawn shop;
  22. Pay day, title loans, check cashing;
  23. Privately operated sanitary landfill, sewage or treatment plant (excluding on-site pretreatment facilities);
  24. Refining of petroleum or of its products;
  25. Sanatorium, convalescent, rest or retirement home;

- 26. Smelting of iron, tin, zinc or other ores;
- 27. Solid waste transfer station;
- 28. Stockyard or slaughter of animals;
- 29. Storage yard, lumber;
- 30. Temporary or portable sawmill;
- 31. Truck stop, parking, dispatch.

**8.2.4. Accessory uses and structures.**

Accessory uses and structures typically found to support the principal uses and structures shall be permitted in the Stanton Springs business park district.

**8.2.5 Special Uses.**

Special uses shall be permitted in the Stanton Springs business park district in accordance with the use tables subject to the procedures of the issuing authority.

**8.2.6 Standards of development.**

- A. Minimum lot frontage. Fifty feet onto a county or state approved street.
- B. Minimum building setback requirements.
  - 1. Front. Fifty feet.
  - 2. Side. Twenty feet from property line.
  - 3. Rear. Twenty feet.
- C. Impervious surface. The maximum impervious surface shall be 75 percent.
- D. Maximum height of buildings. Seventy-five feet.
- E. Buffer requirements. Where property in this district abuts residential property, it shall provide transitional buffers no less than 100 feet
- F. Parking requirements. Off-street parking and loading space shall be provided as outlined below:

| Land Use  | Number of Parking Spaces | Required for Each                  |
|---|--------------------------|------------------------------------|
| Manufacturing   | 1                        | 5,000 sf of non office floor space |
| Office buildings, including Insurance and real estate offices | 3.0                      | 1,000 sf of GFA                    |
| Banks   | 3.0                      | 1,000 sf of GFA                    |

| Land Use   | Number of Parking Spaces | Required for Each  |
|--|--------------------------|--|
| Research and development   | 3.0                      | 1,000 sf of GFA  |
| Wholesale, Office-Warehouse  | 1<br>1                   | 200 sf of office space, plus<br>5,000 sf of storage area           |
| Auditoriums, church, theaters, stadiums, and other places of assembly  | 1                        | 4 seats or<br>12 feet of pew                                       |
| Convenience Store  | 3                        | 1,000 sf of retail space   |
| Hotel or Motel:<br>(a) Convention hotel or motel with a restaurant or lounge<br>(b) Non-convention hotel or motel without restaurant | 1 1/2<br>1               | Room<br>Room   |
| General business, commercial or personal service establishments catering to the retail trade, but excluding food stores              | 1                        | 150 sf of floor area designated for sales plus 1 for each employee |
| Restaurant, dine-in or drive-thru  | 14                       | 1,000 sf of GFA  |
| Retail   | 5                        | 1,000 sf of GFA  |

The total number of parking spaces may be reduced as approved by the city, or its designee, upon written request by the applicant. The applicant must provide a parking study or other justification for the requested reduction.

G. Streets and rights-of-way.

1. All streets shall be dedicated public streets, except as may be permitted in an overlay district or Tier 2 and shall conform to standards of issuing authority regulations.
2. Streets that are not state or federal highways shall be constructed with a design speed not to exceed 35 miles per hour in commercial and industrial areas and 25 miles per hour in residential areas, except as follows:
  - a. Streets primarily serving industrial, commercial, and office buildings shall provide vehicle travel lanes not to exceed 12 feet in width, not including on-street parking and bicycle lanes.
  - b. Intersection radii shall not be greater than 35 feet.



- c. Streets containing four or more travel lanes shall provide landscape medians of at least 14 feet in width.
  - d. All intersections shall provide pedestrian crosswalks.
  - e. Where intersections are signalized, they shall provide signal phases and indicators for pedestrians in accordance with the Manual of Uniform Traffic Control Devices.
  - 3. Landscape plans shall be prepared as a component of the final engineering plans for each public street. Street trees shall be permitted in accordance with approved landscape plans.
  - 4. Right-of-way widths shall generally be in accordance with standards of issuing authority's requirements and shall provide adequate space for:
    - a. Shoulders on both sides of travel lanes containing a minimum of ten feet measured from the outside edge of pavement for the placement of underground utilities, sidewalks, bike lanes, and landscaping as required by the approved site development plans of the applicable overlay districts.
    - b. Alternative right-of-way widths and shoulder widths shall be permitted in an overlay district in accordance with approved preliminary plans.
  - 5. Deceleration. A deceleration lane shall be installed at all entrance roads into a commercial or industrial development.
    - a. Deceleration lane length is measured 200 feet from intersection centerline to beginning of taper. Tapers are 50 feet.
    - b. An exception to this requirement may be approved by the city, or its designee, based on the results of a traffic study that demonstrates that a deceleration lane is not required due to the specific conditions and level of service of the county road.
    - c. The city, or its designee, may require a traffic study to determine if the project's size warrants a center turn lane, longer deceleration lane, an acceleration lane or other improvements. If the traffic study determines that further steps should be taken to protect the traveling public, the additional requirements will be imposed by the city, or its designee.
- H. Sidewalks.
- 1. Sidewalks shall provide safe, continuous pathways for pedestrians.
  - 2. 2.Continuous and connected sidewalks shall be located on all public streets.
- I. Landscape strips adjacent to public rights-of-way.
- 1. All unimproved areas, unless to the rear of a lot either for future expansion or part of a natural area, shall be landscaped with a combination of deciduous canopy trees, shrubbery and ground cover. For each 50 feet of street frontage, at least one tree, at least six feet in height, shall be planted in the setback area. All off-street parking areas that serve 20 vehicles or more shall be provided with landscape areas totaling not less than five percent of the surfaced area. Landscaped earth berms are required to block direct view of storage areas, the side yard trucking doors and trucking courts and as a part of the overall landscaping plan.
  - 2. All landscaping shall be completed before the final certificate of occupancy is issued. Notwithstanding the preceding sentence, in the event this is not feasible, landscaping shall commence at and be completed within the next growing season provided a bond

covering the cost of the required landscaping is tendered to and approved by the local issuing authority.

- J. Utilities.
  - 1. All utilities shall be placed underground except for major electric transmission lines and sub-stations.
  - 2. Public water and sewer service shall be provided for all occupied buildings required to provide toilets.
  - 3. Streetlights shall be provided along all public streets.
  
- K. Signage.
  - 1. Signs shall be incorporated into the landscape plan. Maximum overall size shall not exceed six feet in height or 50 square feet in area for one side.
  - 2. Sign locations shall be governed by setback requirements.
  - 3. Signs will be ground mounted signage structures of complimentary building materials (brick or concrete marquee), no higher than six feet in height and 20 feet in length, on which signage can be mounted, landscaped and ground mounted illumination of signage.
  - 4. No flashing, flickering or blinking illumination shall be permitted in any sign.
  - 5. No animated or moving light forms of illumination will be permitted on any sign.
  - 6. All signs shall be fabricated and installed in compliance with all applicable building and electrical codes.
  - 7. All signs shall otherwise comply with the requirements of the applicable zoning regulations without variance unless approved by the local issuing authority.
  
- L. Building standards.
  - 1. Building materials.
    - a. Exterior walls for all new buildings shall consist of durable, permanent architectural materials that are compatible with park-like standards. The front facade and street side facades shall incorporate one or a combination of the following durable materials: brick; tile; stone with weathered, polished or fluted face; textured cement stucco; architectural concrete masonry with fluted, split-face, or broke-face finish; Portland cement plaster and lath systems; architectural (either pre-cast or tilt-up) concrete either fluted or with exposed aggregate finish or glass. Front facade materials shall be continued for not less than 20 feet on each side from the front surface. Unfaced concrete block, structural concrete, corrugated metal and the like shall not be permitted. Pole buildings or similar structures will not be permitted. All building exteriors which face a public street shall have consistent architectural features, building materials, and rooflines as the front. Elevations of all four sides of the building shall be part of the building permit application. The sides and rear of all buildings shall be finished in keeping with the accepted standards used for first-class industrial development.
    - b. For gas stations support pillars for pump station canopies shall be covered with similar durable materials as required by subsection a. The sides of the pump island canopy shall reflect the color and building materials of the primary building. Pump

island canopy lighting fixtures shall be completely recessed into the canopy and shall be shielded such that the lamp source is not visible and glare is not created. No lighting shall be permissible on top or on the side of the pump island canopy.

2. Building roofs. Building roofs shall be white or earth-tone color, if architectural in function/design and visible from street view.
3. HVAC and miscellaneous equipment. If visible from a road parcel or any public road, cooling towers, rooftop and ground mounted mechanical and electrical units and other miscellaneous equipment shall either be integrated into the design of the building or screened from public view (landscaping screening is permitted).
4. Refuse areas and receptacles shall be placed in an accessible location in the corner farthest from any public streets and shall be enclosed on three sides with decorative masonry walls. The fourth side shall be a self-closing opaque gate made from noncombustible materials. The walls and gate shall be a minimum of 12 inches higher than the receptacle

#### 8.2.7 Notice to joint development authority of Jasper County, Morgan County, Newton County, and Walton County.

Within three days of receipt of an application relating to zoning, use, or building activities in the Stanton Springs business park district, the county shall provide a copy of any such application to the JDA by mailing a copy to the address so designated by the authority and kept on file at the county. The JDA may provide comments and recommendations in writing to the planning director. If the application is for a re-zoning or special use permit, the JDA's comments shall be provided at or prior to the planning commission meeting. If the application is for a building permit or other permit which does not require a public hearing, the JDA's comments shall be provided within ten days of receipt of a copy of the application.

### ARTICLE 9.0: OVERLAY DISTRICTS

#### Contents:

#### Section 9.1 Downtown Corridor Overlay District

#### Section 9.2 Traditional Neighborhood Conservation Overlay District

#### Section 9.3 Watershed Protection Overlay District

#### Section 9.1 Downtown Corridor Overlay (DCO) District

##### 9.1.1 – Single-family Residential Building Design Standards

- A. **Intent.** These criteria are intended to address a building's appearance and integration into the Local and National Historic Districts. The criteria are intended to elicit high quality materials, enhanced pedestrian experience, an appropriate scale, and a development pattern that effectively implements the City's planning and visioning documents.
- B. **Applicability.**
  1. Generally. The building design regulations of this Section apply to all buildings in the Downtown Corridor Overlay (DCO) District that are:
    - a. Used for single-family residential purposes;

- b. Are larger than 100 square feet in area; and
    - c. Are not regulated by the Historic District Design Guidelines.
  - 2. Applicable Façades. The building design regulations apply to all façades visible from the street, facing streets, facing main parking lots, and adjacent to or visible from required open spaces, unless otherwise noted.
- C. Prohibited Uses**
- 1. Animal Boarding
  - 2. All other financial services (check cashing, pawnshop, other)
  - 3. Extended stay lodging
  - 4. Tattoo parlors
  - 5. Vape shop or smoke store
  - 6. Vehicle equipment sales, service
  - 7. Vehicle maintenance and repair, minor
  - 8. Vehicle maintenance and repair, major
  - 9. Equipment and material storage
  - 10. All other wireless facilities
- D. Exterior finish materials.**
- 1. Exterior building materials shall be primarily brick, stone, other masonry, glass, wood, or cementitious fiberboard. Other materials such as vinyl may be used only as accent and trim materials.
  - 2. All exposed foundation walls on all sides of the building shall be faced with brick, stone, or marble.
  - 3. Metal shall be permitted only as metal split seam roofing or as an architectural accent.
- E. Architectural requirements.**
- 1. Each unit shall be required to provide an attached or detached garage a minimum of 11'x25' in size of interior clear space.
  - 2. Every unit shall provide a minimum of one architectural projection such as a bay or bow window, front porch, or other architectural feature approved by the Community Development Director.

### 9.1.2 – Non-Single-family Residential Building Design Standards

- A. **Intent.** These criteria are intended to address a building's appearance and integration into the Downtown Corridor Overlay (DCO) District. The criteria are intended to elicit high quality materials, enhanced pedestrian experience, an appropriate scale, and a development pattern that effectively implements the City's planning and visioning documents.
- B. **Applicability.**
  - 1. Generally. The regulations of this Section apply to all buildings, lots, and uses in the Downtown Corridor Overlay (DCO) District that are:
    - a. Used for non-single-family residential purposes; and
    - b. Are not regulated by the Historic District Design Guidelines.

2. Applicable Façades. The building design regulations apply to all façades visible from the street, facing streets, facing main parking lots, and adjacent to or visible from required open spaces, unless otherwise noted.

### C. Exterior Finish Materials

1. Primary Building Materials
  - a. Brick, including full-depth and half-depth masonry brick; stone, including unpainted natural stone, unpainted cast stone having the appearance of natural stone; and unpainted terracotta.
  - b. Primary building materials shall be used on at least 70% of any building façade, calculated on the basis of each individual façade.
2. Secondary Building Materials
  - a. Wood, including natural wood or cement-based artificial wood siding; shingles, including wood or cement-based shakes and shingle.
  - b. Secondary building materials may be used on up to 30% of any exterior building façade, calculated on the basis of each individual façade.
3. Other Standards
  - a. Building materials, other than those expressly identified in this Section, may be used on up to ten percent (10%) of any exterior building façade, provided they have not been prohibited by this Section.
  - b. Material proportion calculations shall not include building foundations, window systems, and doors. Proportions are calculated on the basis of each individual façade.
  - c. Materials shall continue around the corner of the building onto façades not visible from the public street a minimum depth of one (1) architectural bay.
  - d. Prohibited Materials. Synthetic stucco, concrete masonry units (CMU), and vinyl are not permitted as exterior finish materials.
  - e. Building façades shall be constructed of no more than three (3) primary materials and/or colors. Additional materials may be used as secondary, trim, or accent materials.
  - f. Awnings. Plastic and vinyl awnings are prohibited. Materials repurposed into textiles for use on an awning is permitted.

### D. Building Articulation.

#### 1. Street-facing Facades

The ground story of all non-single-family residential facades in shall contain the following elements as illustrated in **Figure 9.1.1**:

- a. Cornice/Articulated Floor Line. The cornice visually separates one floor from the adjacent floor(s). The cornice can be articulated



with a change of color, pattern, or material.

- b. Sign Board. A sign board shall be an area between the cornice and window system where a wall sign is placed. The sign board shall be a minimum of two (2) feet in height and shall extend the width of each architectural bay.
- c. Transom. Transoms are horizontally articulated windows located below the signboard. The window system shall extend the full width of the architectural bay or tenant space but may be separated by mullions and muntins consistent with the design aesthetic. Grilles are prohibited.
- d. Recessed Entry. Recessed entries are important to the retail experience to protect the users from inclement weather, increase the amount of space in which to display merchandise, and to ease the transition

of users to and from the public realm. Entryways shall be recessed from the plane of the shopfront façade a minimum of three (3) feet.

- e. Display Window. Display windows provide frames for retail users to display merchandise and contribute to the active and vibrant character along the historic street front. Display windows shall not be separated with mullions, muntins, or grilles.
- f. Bulkhead. Bulkheads shall be a minimum of 18 inches in height and shall extend the full length of the architectural bay or tenant space.
- g. Grilles, other faux features, and metal shopfront window systems shall be prohibited.
- h. Fenestration. Fenestration proportions shall comply with standards in this Section.

#### F. Wall Projections

In order to avoid large expanses of flat (one-dimensional) exterior walls along sidewalks, building façades over 50 feet in length along a street, including abutting attached houses, shall incorporate wall projections or recesses a minimum of 12 inches in depth. The combined length of such recesses and projections shall constitute at least 20% of the total façade length along the public street.

#### G. Vertical Divisions

One of the following to divide the façade into vertical divisions at increments no greater than the maximum width dimensions shown for a façade type, as measured along the base of the façade.

1. A change of façade material and window system from grade to roof; or
2. Change of building height of at least one story; or
3. A change in façade composition and/or architectural style from grade to roof; or
4. An open space or pedestrian passage with a minimum width of ten (10) feet and a minimum depth of 30 feet.
5. Similar means intended to convey the impression of separate buildings.
6. Change in color alone, window system alone, or setback alone, may not be used to satisfy this requirement.

#### H. Rooflines

Building roof lines along street-facing façades shall change at least once every 200 feet of façade length. This change shall occur for a minimum length of 20 feet and be accomplished through at least one of the following:

1. A change of roof parapet wall height and material;
  2. A change of roof cornice design;
  3. A change in the number of stories;
  4. A change in roof-shape.
- I. **Blank Walls.** Blank wall area applies to ground and upper story façades visible from a street (not including an alley) or open space.
    1. There shall be no more than 20 feet of blank wall area.

2. Blank wall area can be broken up or interrupted to meet these provisions with any one of the following interventions:
  - a. Fenestration; or
  - b. Substantial material change. Paint color alone does not constitute a material change; or
  - c. Façade articulation greater than 12 inches in depth; or
  - d. Patterns and designs articulated with building materials.
  - e. Vertical green walls, made of landscaped material specified for vertical, climbing growth.
  - f. Signage and murals as permitted in this Chapter.
3. Blank wall area is measured in linear feet applied in both vertical and horizontal directions.

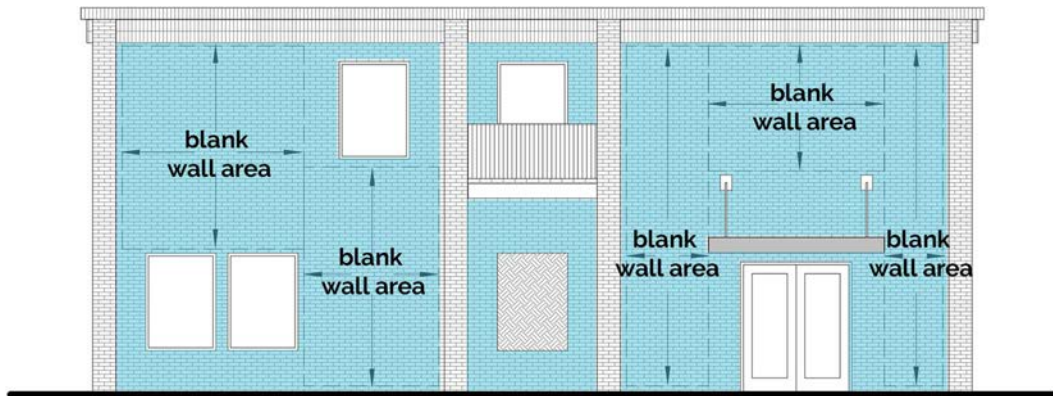


Figure 9.1.1 I - Blank wall

#### J. Residential Balconies.

1. Where balconies are incorporated into building design, they shall be integral to the façade.
2. Balconies on stepped-back stories may be independently secured, extending from the façade as a cantilever.
3. Juliet balconies are prohibited.

#### K. Window Systems.

1. A minimum of 50% of commercial facades and 25% of residential facades shall be covered with fenestration. Fenestration percentage is calculated based façade area and by floor. The façade area used to determine fenestration is measured from the top of the finished door to the top of the finished floor above or top of a roof parapet.
2. Fenestration requirements apply to façades that abut a public or private street (not including an alley), or a required open space.



3. Glass used to satisfy fenestration requirements shall be unpainted, shall have a transparency (visible light transmission) higher than 70 percent (70%) and shall have an external reflectance of less than 15 percent (15%). Transparency and external light reflectance shall be established using the manufacturer's specifications.
4. Glazed doors, window frames, sashes, mullions, and similar features that are integral to the window system count towards fenestration requirements. Opaque doors and windows do not.
5. No shades, blinds, or other coverings are permitted on the ground floor fenestration of any non-residential building.
6. Grilles, inoperable shutters, and other faux window treatments are prohibited.
7. Window systems shall be recessed from the façade of the building a minimum of three (3) inches. This reveal shall be accomplished through the design of the window casing reveals and frames.

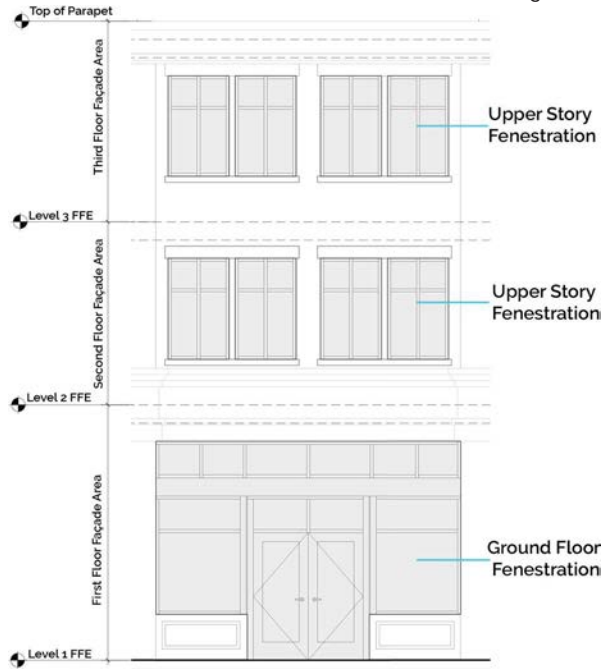


Figure 9.1.1 K - Fenestration calculations

## Section 9.2 Traditional Neighborhood Development Overlay District

### 9.2.1 Purpose

- A. This section provides for the establishment of the Traditional Neighborhood Development Overlay District (herein after called "TND") for the following purposes:

1. To avail neighborhoods of an opportunity to ensure that new and remodeled single-family dwellings and related accessory uses and structures are compatible with the height, size, and forestation of existing dwellings and lots; and,
2. To encourage property owners to improve and renovate existing housing stock rather than to demolish the same; and,
3. To balance preservation of the character of mature neighborhoods while accommodating compatible new residential development; and,
4. To allow neighborhoods the opportunity to establish architectural standards that will preserve the character of their existing neighborhoods.

#### 9.2.2 Scope of Regulations.

- A. Establishment of a TND does not regulate the interiors or use of the building. Any principal or accessory use allowed in the base zoning district shall be allowed in TNDs.
- B. Establishment of a TND does not stop the lawful demolitions of any property.
- C. Under a TND, any LDP or building permits which include any of the following activities within their proposed scope of work, shall be subject to [Section 9.2.6, Design Criteria](#), as set in effect upon the property following the adoption of the TND by Mayor and City Council:
  1. Alterations to the façade of a primary building, where visible from a public street;
  2. Expansion of the primary building by more than 30% of building square footage;
  3. Construction of a new residential building after substantial demolition on the property.

#### 9.2.3 Property Eligibility Requirements for Inclusion in a TND

- A. The proposed boundary of a Traditional Neighborhood Overlay District cannot overlap with the limits of the Historic District Overlay.
- B. At least sixty (60) percent of the land must have a residential zoning classification and contain an active residential use.
- C. No more than twenty (20) percent of the land may consist of vacant or undeveloped lots.
- D. The proposed boundary shall consist of at least 20 contiguous properties.
- E. It shall be established to the satisfaction of Mayor and City Council that the land within the proposed boundary of a Traditional Neighborhood Overlay District possesses a consistent architectural character as a result of a concentration of buildings of similar character.

#### 9.2.4 Application Process

- A. TND Overlays shall be approved through [Section 3.5, Rezoning \(Map Amendment\)](#) process.
- B. Any person interested in pursuing the approval of a TND shall submit an application package to the Community Development Director which includes the following:
  1. Application Forms provided by the Community Development Department
  2. Petition document signed by 60% of the property owners within the proposed TND
  3. Aerial image showing the proposed limits of the new TND

4. List of the tax parcel number, acreage, property owner(s) of record, and address for all properties to be included in the TND. This information can be found on the Tax Assessor's website.
  5. Letter of Intent that describes why a TND is being sought, which design criteria standards from **Section 9.2 Design Criteria** the petitioners seek to impose, and an analysis that provides responses to each of the following criteria:
    - a. Whether the built environment of a neighborhood and its location, size, or age, is one in which it is desirable to ensure that new and remodeled single-family dwellings and related accessory uses and structures are compatible with the height, size, and level of forestation of the existing dwellings and lots;
    - b. How the proposed boundary was established;
    - c. Whether there is specific evidence that recent and proposed development patterns in the surrounding area pose a potential threat to the character of the mature neighborhood; and,
    - d. Whether the type of additional standards proposed in the TND will accommodate the renewal of the neighborhood while maintaining compatibility of new residential development and improvements to existing homes.
- C. If determined to be a completed application package and with no property in conflict of any of the eligibility criteria, the Community Development Director shall notify all included and adjacent property owners of the proposed TND boundary of the date and location the scheduled public hearing(s) at Planning Commission and Mayor and City Council. No later than one week prior to the scheduled Planning Commission meeting, the person who filed the petition on behalf of the neighborhood group shall submit an updated petition signed by 75% of the property owners within the proposed TND boundary. If 75% of property owner signatures are not received at this time, the petition shall be removed from the public hearing agenda and the application shall be considered withdrawn.
- D. No later than one week prior to the scheduled Planning Commission meeting, the person who filed the petition on behalf of the neighborhood group shall submit an updated petition signed by 75% of the property owners within the proposed TND boundary. If 75% of property owner signatures are not received at this time, the petition shall be removed from the public hearing agenda and the application shall be considered withdrawn.
- E. If the Mayor and City Council approve the creation of the TND, all parcels submitted as part of the proposed boundary listing of parcels shall be designated TND properties on the Official Zoning Map of the City of Social Circle.

### 9.2.6 Design Criteria

- A. The following criteria shall be in addition to any development or use requirements established by the base zoning district of the property. Should there be a conflict between the standards of base district and this Section, the more restrictive shall govern.
- B. TNDs may impose one or more of the following standards:
1. **Height.** New construction or additions to primary buildings shall not exceed the average height of three existing properties on the same proposed street.
  2. **Building Materials.** The new or remodeled house shall be constructed with compatible building materials so that the building materials on the façade of the proposed house are of the same type and colors as the majority of materials used on the facades of houses on abutting the subject property.
  3. **Square Footage.** The heated floor area of the proposed new or remodeled house shall not be less than the heated floor area of the existing house and shall not exceed 150% of the heated floor area of the existing house. If there was no previous house on the subject property, then the minimum floor area of the proposed house may not exceed 150% of the average of the houses on properties abutting the subject property.
  4. **Front Setback.** The new or remodeled house shall maintain front setbacks that are no less than the average setback of the three closest existing houses on the same block face or on the same side of the street.
  5. **Roof Forms.** The new or remodeled house shall only use those roof forms (hip, gable, flat, mansard, gambrel, etc) that are used on the majority of houses on properties abutting the subject property.
  6. **Threshold Elevation.** The front door threshold of the newly constructed or remodeled house shall be at an elevation that is no more than 1 foot higher or lower than the elevation of the door threshold of the house prior to the proposed constructed or remodeling.

- C. Certificates of Appropriateness are NOT required for properties within TND, unless they are located within a Local or National Historic District.
- D. **Variations.** The Planning Commission and Mayor and City Council may consider variations to the provisions of [Section 9.2.6., Design Criteria](#) through [Section 5.1, Variations](#).
- E. **Removal of the Traditional Neighborhood District Overlay.** Removal of any property from boundaries of a TND shall be subject to [Section 9.2.4, Application Process](#).

## Section 9.3 Watershed Protection Overlay District

### 9.3.1 Establishment.

The Watershed Protection Overlay District (herein after "WPD") shall consist of those land areas defined as Significant Ground Water Recharge Areas by the Georgia Department of Natural Resources (i.e., DNR) and mapped by the on the DNR's Hydrologic Atlas 18 (1989 edition or as subsequently amended); and, those properties within the Cornish Creek, Hard Labor Creek, and Beaverdam Watershed Basins. The Watershed Protection Overlay District shall be further **delineated on the Official Zoning Map of Social Circle**.

### 9.3.2 Purpose

It is the intent of this overlay to protect the designated areas from the adverse effects of development activities such as the leaching of septic systems, increased stormwater run-off, and other potential sources of pollution, in order to ensure water quality.

### 9.3.2 General Criteria

#### A. Protective Buffers, Setbacks, Greenways

1. There shall be no land disturbing activities within 50 feet of any stream bank except where allowed for the construction of drainage structures or roads under a development permit.
2. Stream Buffer. There shall be a protective stream buffer extending a distance of 100 feet from the banks of all perennial streams (i.e., streams that flows throughout the year). This protective stream buffer remain natural and undisturbed.
3. Stream Setback. There shall be an impervious surface setback extending a distance of 150 feet from the banks of all perennial streams (i.e., streams that flows through the year). No permanent structures such as buildings, patios, decks, or pavement shall be constructed inside stream setbacks. Grading, filling, and earth moving shall be minimized within stream setbacks.

4. Water Impoundment Buffer. There shall be a protective buffer extending a distance of one hundred (100 ) feet from the normal pool of elevation of any water impoundment (e.g., ponds, lakes, or reservoirs), except around the Hard Labor Creek Reservoir where such protective buffer shall increase to a distance of one hundred and fifty (150) feet. Protective buffers shall not apply adjacent the dam side of any water impoundment. Protective buffers shall remain natural and undisturbed.
5. Water Impoundment Setback. There shall be an impervious surface setback extending a distance of one hundred and fifty (150) feet from the normal pool of elevation of any water impoundment (e.g., pond, lakes, or reservoirs). No permanent structures such as buildings, patios, decks, or pavement shall be constructed inside stream setbacks. Grading, filling, and earth moving shall be minimized within stream setbacks.

**B. Permitted Uses.**

1. Permitted and special uses shall be those of the underlying base zoning district, except where the provisions of this overlay district differ.
2. The following land uses are prohibited:
  - a. New hazardous waste treatment or disposal facilities
  - b. New sanitary landfills
  - c. New facilities that involve the treatment, storage, or disposal of hazardous waste.
  - d. New septic tanks or septic drainage fields are prohibited in the City of Social Circle, all properties must connect to a sewer system as per **Chapter 11, Section-53.-Use of Public Sewers Required.**
  - e. Mining and quarrying activities are prohibited.
3. The following uses are allowed within the overlay district subject to compliance with the supplemental standards stated herein:
  - a. A new above ground chemical or petroleum storage tank must have secondary containment of 110 percent of the volume of the tank or 110 percent of the volume of the largest tank in a cluster of tanks. This requirement does not apply to:
    - i. Any tank having a maximum capacity of less than 660 gallons; and
    - ii. Any tank used for agricultural purposes, provided it complies with all Federal requirements.

- b. New agricultural waste impoundment sites larger than 50-acre feet must be lined. The liner must be constructed of compacted clay having a thickness of one foot and a vertical hydraulic conductivity of less than  $5 \times 10^{-7}$  cm/sec or other criteria established by the U.S. Soil Conservation Service.
- c. A new home served by a septic tank/drain field system must be approved by the Health Department and must have a lot that is at least 110 percent of the minimum lot size required by Table MT-1 of the Manual for On Site Sewage Management Systems.
- d. A new manufactured home park served by a septic tank/drain field system shall be approved by the health department and must have a lot or space that is at least 110 percent of the minimum lot or space size required by Table MT-2 of the Manual for On Site Sewage Management Systems.

### 9.3.3 Development Criteria

- A. **Generally.** The zoning and land development requirements applicable to any property per this UDC shall remain in effect, except where the provisions of this overlay district differ or are more restrictive:
  - 1. **Minimum Lot Area.** Minimum Lot Area in the Watershed Protection District shall be one acre. No subdivision plat shall be authorized for recording which creates new lots of less than one acre in size.
  - 2. **New Residential Construction.** Construction of new dwellings shall not be authorized in the overlay district unless all dwellings are serviced by public sewer; and, project density is no greater than one dwelling unit per acre; and, the following open space regulations are met:
    - a. At least twenty-five (25) percent of the total area of the tract to be developed shall be dedicated as Open Space.
    - b. Lands designated as Open Spaces shall be comprised of contiguous buildable and non-buildable lands. Open Space minimums shall not be met through the sum of left over portions of property, scattered throughout the proposed development.
    - c. Lands designated as Open Spaces on Land Disturbance Permits shall be recorded on Final Plats to be preserved in perpetuity. They shall not be subdivided out as a parcel distinct from the primary development.

- d. Lands designated as Open Spaces shall be located and configured in such a way as to maximize the ultimate purpose of the open space (i.e., outdoor recreation, landscape protection, habitat protection, etc.). The proposed residential development should be designed and built around these natural features.
  - e. No more than 50% of the required open space may be land that is located in a floodplain, wetland, utility easement, land with slopes greater than 25%, or other non-buildable land.
  - f. Fifty percent of the required open space shall contain or provide a minimum tree density of 200 inches per acre (i.e., twice the forestation than required for base districts, per the Tree Ordinance).
  - g. Rights of way of streets (e.g., any vegetation or planting strips required along streets) shall be excluded from land considered for open space.
  - h. If the development is to be built in phases, 100% of the open space for the entire development must be shown on phase one. There shall be no further subdivision of any phase into phase 1A, Phase 1B, etc. allowed.
3. **Impervious Surface.** The maximum permitted impervious surface area, including all private and public structures, utilities, or facilities within the WPD shall be 25% or existing.
  4. **Septic Tank Construction.** Septic tanks and septic tank drain fields are prohibited within any Stream Buffer, Stream Setback, Water Impoundment Buffer, or Water Impoundment Setback as established under this district.
  5. **Public Utilities.** Public utilities shall be exempt from the Stream Buffer, Stream Setback, Water Impoundment Buffer, and Water Impoundment Setback provisions in accordance with the following conditions, if the City of Social Circle determines that the utilities cannot be feasibly located outside these areas:



- a. Utilities shall be located as far from stream bank or water impoundment source as reasonably possible.
  - b. The installation and maintenance of utilities shall be such to protect the integrity of protective buffer and protective setback areas as best as reasonably possible using best management practices to the greatest extent practical.
6. **Authorized Encroachments.** Roadways, bridges, and stormwater drainage structures may encroach upon required Stream Buffers, Stream Setbacks, Water Impoundment Buffers, or Water Impoundment Setbacks, where such structures are necessary to provide access and no other feasible location for that infrastructure exists on the property. Such roadways and bridges shall cross the stream perpendicularly where reasonably possible. The number of such stream crossings and associated structures shall be minimized to the greatest extent possible, as certified by Community Development Director in consultation with the City Engineer or Public Works Director.
7. **Stormwater Management**
- A. With the exception of individual single-family residential lot, all development sites and subdivisions shall provide stormwater detention in accordance with the stormwater management standards found in [Article 6: Environmental Protection](#).
  - B. If a development project (non-residential or residential) is provided with an on-site stormwater detention facility, a property owner's association shall be established for its ownership and maintenance. The association bylaws shall be recorded concurrently with the recording of the Final Plat. The association by laws shall include the following provisions:
    - 1. Automatic (mandatory) membership of all purchasers of lots therein and their successors;
    - 2. Conditions and timing of transferring control of the association from the developer to the lot owners shall be specified which shall not exceed four years from the date of recording of the Final Plat of the development;
    - 3. Responsibility for maintenance, insurance, and taxes;
    - 4. Sharing the costs of maintenance among the lot owners with shares defined by association by laws;
    - 5. Authority to place liens on the real property of members who fail to pay their dues or assessments; and
    - 6. Prohibition on the dissolution of the association without the approval of the City of Social Circle.

## 8. Limitations on Variances.

Administrative variances to allow for the reduction or elimination of the stream buffer, stream setback, water impoundment buffer, or water impoundment setback shall be made to the Community Development Director. Such requests shall be reviewed against the variance criteria found in Section 5.2., Administrative Variances. The only properties eligible for such relief shall be those lots or parcels of record platted as of the effective date of this UDC. No other variance from the Watershed Protection Overlay District shall be allowed.

Variances from the provisions of this Watershed Protection Overlay District are prohibited, except as follows: Administrative variances to allow for the reduction or elimination of the stream buffer, stream setback, water impoundment buffer, or water impoundment setback shall be made to the Community Development Director. Such requests shall be reviewed against the variance criteria found in Section 5.2., Administrative Variances. The only properties eligible for such relief shall be those lots or parcels or record platted as of the effective date of this UDC. No other variance from the Watershed Protection Overlay District shall be allowed.

## **DIVISION 3 – DEVELOPMENT REGULATIONS**

### **ARTICLE 4.0 LAND DEVELOPMENT AND PERMITTING**

#### Section 4.1 Generally

#### Section 4.2 Subdivisions

#### Section 4.3 Street Name Change

#### Section 4.4 Land Development

#### Section 4.5 Building

#### Section 4.6 Occupancy

#### Section 4.7

### **Section 4.1 Generally**

#### **4.1.1 Purpose and Intent**

- A. The purpose of this Title of the UDC is to establish procedures and standards for the development and subdivision of land. This Title aims to achieve the following:
  1. Orderly growth and development of new and redeveloped neighborhoods;
  2. Coordinate of streets within proposed neighborhoods with existing or planned streets and other public facilities;
  3. Distribute population and traffic in a manner that will mitigate congestion and overcrowding;
  4. Dedicate or reserve parks, squares, and recreational areas, accessible to all residents to serve as community focal points;

5. Set standards for landscaping and detailing of the public domain of streets, parks, and squares to promote a pedestrian oriented atmosphere and civic awareness; and to
6. Provide for pleasing visual environments to ensure public health, safety and the general welfare to residents of the City.
- B. This Division is designed to facilitate adequate provision for water, sewer, stormwater management facilities; for the dedication of rights-of-way or easements for streets and utility purposes; to ensure the proximity of residential areas to centers of employment and shopping; to facilitate the further subdivision of larger tracts into smaller parcels of land; and to provide proper land records for the convenience of the public and for better identification and permanent location of real property boundaries.
- C. This Division is also designed to protect and enhance the quality of the natural environment of the City by encouraging the preservation and protection of significant existing trees; assisting in the natural control of solar heat; reducing the impact of development on the community's storm drainage system; assisting in soil conservation and flood control; reduction of air emissions and noise; conserving the City's water supply; and enhancing the visual and aesthetic appearance of the community.

#### 4.1.2 Applicability

- A. Jurisdiction. These regulations govern all property within the corporate limits of the City.
- B. General Provisions. All development within the jurisdiction of this Chapter shall conform to the general provisions of this Division of the UDC.
- C. No construction or installation of improvements shall commence in a proposed development until the land disturbance permit has been approved and all applicable preliminary plats, construction plans, and specifications have been approved by the appropriate authorities.
- D. No building or other permits shall be issued for erection of a structure on any lot not of record until all requirements of this Title have been met.

### Section 4.2 Subdivisions

#### 4.4.1 Purpose

- A. It is declared to be the policy of the City to consider the subdivision of land and the subsequent development of the subdivided land as subject to the control of the City pursuant to the City's official Comprehensive Plan in order to promote the orderly, planned, efficient and economical development of the City.
- B. Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace.
- C. The existing and proposed public improvements shall conform to and be properly related to the proposals shown in adopted City plans and maps.

#### 4.4.2 Intent

- A. To protect and provide for the public health, safety, and general welfare of the citizens of the City;
- B. To guide the future growth and development of the City in accordance with the Comprehensive Plan;
- C. To protect and conserve the value of land and the economic stability of all communities in the City and to encourage the orderly and beneficial development of the City through appropriate growth management techniques, including consideration of the timing and sequencing of development, consideration of infill development in existing neighborhoods and nonresidential areas with adequate public facilities;
- D. To guide public policy and both public and private actions in order to provide adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, recreation, and public services and support facilities;
- E. To provide for the safe and efficient circulation of motorized and non-motorized traffic throughout the City;
- F. To ensure the adequate provision of safe and convenient traffic access and circulation, both motorized and non-motorized, in new land developments;
- G. To establish reasonable standards of design and procedures for subdivisions and resubdivisions to further the orderly layout and use of land, and to ensure proper legal descriptions and monumenting of subdivided land;
- H. To ensure to the extent legally possible that public facilities and services are available concurrent with development and will have a sufficient capacity to serve the proposed subdivision;
- I. To protect and restore the highest quality of the City's air and water resources, to ensure the adequacy of drainage facilities, to safeguard the water table, and to encourage the wise use and management of natural resources throughout the City in order to preserve the integrity, stability, and beauty of the City and the value of the land;
- J. To preserve the natural beauty, environment, and topography of the City and to ensure appropriate development with regard to these natural features.

#### 4.4.3 Applicability

No person may record any subdivision plat until it has been approved and accepted by the Community Development Director, nor may any lot be sold by reference to any subdivision plat whether recorded or not, if the plat is made after the effective date of the ordinance from which this chapter is derived, unless it has been approved and accepted by the Community Development Director. The recording of a plat shall be based on an approved plat and may not be recorded solely on the basis of a metes and bounds description.

#### 4.4.4 Exemptions from Preliminary Plat Procedures

- A. General requirements. For the purpose of this UDC, the types of activities contained in this Section shall be considered subdivisions, but exempt from the preliminary plat requirements of this Division, except as noted. Each such subdivision shall be drawn in accordance with

- Final Plat standards and shall be submitted with the appropriate fees to the Community Development Director for review and approval. Upon approval, the Community Development Director shall authorize the applicant to record the Exemption Plat with the Clerk of Superior Court of Walton or Newton County and grant the issuance of permits pursuant to the Codes and Ordinances of the City.
- B. Recombinations. The combination or recombination of two (2) or more lots of record, where the total number of lots is not increased and the resultant lots or parcels are in compliance with Division 3 of this UDC.
  - C. Minor subdivisions.
    - 1. Residential: The division of a buildable lot of record into five (5) or fewer lots; or
    - 2. Non-residential/mixed use: Lots for the purpose of sale within a non-residential/mixed-use development; provided:
      - a. Each proposed lot complies with all requirements of Division 3 of this UDC and is limited to commercial or non-single-family detached residential uses.
      - b. The subdivision does not include the installation of any public infrastructure.
      - c. Each proposed lot abuts an existing public street or previously approved private street.
      - d. All project-related slope and utility easements as well as necessary street right-of-way, as determined by the Department, are provided at no cost to the City.
      - e. Platted open space or common areas that are not a part of an individually owned lot are not created.
      - f. The subdivision does not create any unbuildable lots, unless permitted pursuant to **Subsection 300-12(e)**.
      - g. Each proposed lot shall comply with the requirements of the Walton or Newton County Watershed Protection Department or the Environmental or Board of Health Department, as appropriate, whose certification of approval shall be required prior to approval of the Exemption Plat by the Department.
      - h. Each lot thus created may not be resubdivided pursuant to the provisions of this Subsection for a period of one (1) year. Such resubdivision prior to one (1) year shall be accomplished only through the procedures contained in this Division.
  - E. Minor revised final plat.

When it becomes necessary to revise an original recorded final plat due to some error, required adjustment, or desired adjustment, that is minor in scope and scale of change, including the adjustment of lot lines for single-family attached units after as-builts have been taken.

#### 4.2.5 Plat procedures.

- A. **Applicability.** This section is applicable to all subdivisions of land involving any of the following:
  - 1. Street dedication;
  - 2. Public infrastructure;
  - 3. Utility extensions;
  - 4. Platted open space or common areas that are not part of an individually owned lot; or
  - 5. All other subdivisions not exempt in Section 4.2.4.

- B. Effect of approval. The preliminary plat does not constitute nor provide assurance of approval of the final plat or building or development permits, but is to be used as the development design for the subdivision and for the acquisition of a development permit as provided for in the UDC.
- C. Lapse of approval. The preliminary plat expires 24 months from the date of its approval. If more than 50 percent of linear feet of total road in the entire development shown on the preliminary plat is complete at the expiration of 24 months from the date of the approval of the preliminary plat, then the Community Development Director is authorized to grant a one-time, one-year extension of the approval of the preliminary plat. An expired preliminary plat is null and void and is of no effect. An expired preliminary plat shall not be renewed.
- D. Improvements prior to final plat. No final plat shall be approved unless and until the subdivider has installed all improvements required by this chapter, or appropriate sureties have been secured pursuant to [Article 17.0: Guarantees and Sureties](#).

#### 4.4.2 Approval Authority

All plats are approved by the Community Development Director. Where a Final Plat includes dedications to the City of Social Circle, these shall be accepted by the City Manager.

#### 4.4.4 Review Process

- A. Applicants shall submit documentation that establishes they are the owner or the owner's representative of the property for which the plat review application is being submitted.
- B. A complete application form and any required attachments, along with the required review fee is due to the Community Development Department. Incomplete applications shall not be accepted for review.
- C. Upon determination of receipt of a complete application, the Community Development Director will distribute the application for review by internal City Departments. If external agency review is required, the applicant shall be required to submit application to all applicable external review agencies directly.
- D. If, after the internal and external review, the Community Development Director finds that a Preliminary Plat or Final Plat does not meet all the applicable requirements of the UDC or that the Final Plat submission does not substantially conform with the approved Preliminary Plat, the Community Development Director will notify the applicant in writing of the specific provisions that have not been met and offer the applicant the opportunity to make changes to their application.
- E. If, after the internal and external review, the Community Development Director finds that a Preliminary Plat or Final Plat does meet all applicable requirements of this UDC and that the Final Plat filed substantially conforms with the approved Preliminary Plat, the application will be certified as complying with all applicable requirements of this UDC.

- F. Approved Final Plats shall be recorded by the applicant in the Clerk of the Superior Court of Walton County or the Superior Court of Newton County following approval by the Community Development Director. A copy of the recorded Final Plat shall be returned to the Community Development Director for City records.
- G. Before project close out, the Community Development Director shall certify that the applicant has obtained the necessary bonds, sureties, and/or agreements to ensure completion of all required public and private improvements upon the property, per **Article 17.0: Guarantees and Sureties**.

#### 4.4.4 General Checklist for Preliminary Plat

The preliminary plat shall be prepared by a licensed surveyor, landscape architect, or civil engineer. The plat shall be drawn at a scale no smaller than one hundred (100) feet to an inch and at minimum include the following information:

1. Any conditions of approval set upon the property by the Planning Commission, Historic Preservation Commission, or Mayor and City Council;
2. Proposed subdivision and street names;
3. Name and address of subdivider;
4. Preliminary plat certificates
5. Graphic scale, north point, date, total acres being subdivided and zoning district;
6. Location map showing the lot pattern of surrounding development located within three hundred (300) feet of the proposed development;
7. Location and dimensions of all exterior boundaries lines, existing rights-of-way, easements, streams, drainage structure, buildings, lakes, etc.;
8. Topography by contours:
9. For land that slopes less than two (2) percent, show spot elevations at all breaks in grade along all drainage channels or swales and at selected points not more than one hundred (100) feet apart in all directions;
10. For land that slopes more than approximately two (2) percent, show contours with an interval of not more than five (5) feet;
11. The proposed layout and dimensions of lots, street, recreation areas, easements (whether public or private);
12. The calculations used in determining the drainage area and size of each drainage tile shall be submitted as an attachment to the plat; and
13. Labeling of utilities and all public infrastructure for dedication to the City.

#### 4.4.6 General Checklist for Final Plat

The final plat shall be prepared by a surveyor, landscape architect, or civil engineer who is licensed to practice in Georgia, affixing the respective seal, signed and dated. The plat shall be drawn at a scale no smaller than one hundred (100) feet to an inch and shall include:

1. Name of subdivision and street names;
2. Name, address and license number of surveyor;
3. Be drawn in permanent ink on reproducible material to a scale of not less than one (1) inch equals one hundred (100) feet on a sheet or sheets not exceeding seventeen (17) by twenty (20) inches;
4. Date of plat drawing, graphic scale, north point, notation as to the reference of bearings and indication whether bearing shown are calculated from angles turned or taken from compass readings;
5. Location of tract (land district and land lot) giving total acreage;
6. Location sketch;
7. Index map where more than one (1) sheet is required to present plat;
8. Courses and distances to the nearest existing street intersections or bench marks or other recognized permanent monuments (not less than three (3) which shall be accurately described on the plat;
9. Exact boundary lines of the tract, to be indicated by a heavy line giving distances to the nearest one-hundredth (0.01) foot and angles to the nearest minute, which shall be balanced and closed with an error of closure not to exceed one (1) to five thousand (5,000). The error of closure shall be stated on the plat;
10. City, County or land lot lines accurately tied to the lines of the subdivision by distance and angles when such lines traverse the subdivision;
11. Street center lines showing angles of deflection and standard curve data of intersection, radii, length of tangents and arcs, and degree of curvature with basis of curve data, width of roadway, right-of-way width, and easement width and whether public or private;
12. Lot lines with dimensions to the nearest one-hundredth (0.01) foot, necessary internal angles, arcs, and chords and tangent or radii of rounded corners;
13. Building setback lines, any zoning buffers, with dimensions, or note indicating none required, as applicable;
14. Lots or sites numbered in numerical order and blocks lettered alphabetically;
15. Location, dimensions and purpose of all drainage structures and of any easements; including slope easements, and public service utility right-of-way lines, and any areas to be reserved, donated, or dedicated to public use or sites for other than residential use with notes stating their purpose and limitations; and of any areas to be reserve by deed covenant for common uses of all property owners;
16. Accurate location, material description of monuments and markers;
17. Places for final plat certificates and statements as specified in Article VI (a separate plat cover sheet for all but the Development Process Committee certificate is recommended);
18. Declarations of covenants and restrictions applicable to the subdivision; and



19. A copy of the deeds for dedication of public areas to the appropriate public agency(s), if applicable;
20. Zoning information including the current zoning district and all applicable zoning conditions, variances, and/or special use permits. The adopted ordinance, or final letter in the case of variances, shall be provided on the final plat;

**4.4.7 Review Criteria** . The following criteria shall be used to review plats:

- A. The inclusion of the minimum information listed on the General Checklist for Preliminary Plat (Section 4.4.4) and General Checklist for Final Plat (Section 4.4.5);
- B. Recommendations from internal City Departments and external agencies;
- C. Compliance with all applicable requirements of this UDC, including installation of improvements as required for Final Plats in Section 4.2.5; and
- D. Substantial conformance with the City's applicable adopted plans and policies.

**4.4.8 Permit Issuance after Plat Approval**

- A. Building permits shall not be issued until a final plat is recorded, except as provided for model homes.
- B. Final plats shall not be approved until all infrastructure is completed or bonded in accordance with Article 17.0: Guarantees and Sureties.
- C.

**4.4.9 Denial**

- A. If a Preliminary Plat or Final Plat without Dedications is denied, the applicant may file an appeal with the City Manager no later than 30 days after a denial is issued.
- B. If a Final Plat with Dedications is denied, the applicant may file an appeal with the Mayor and City Council, no later than 30 days after the receipt after a denial is issued. Appeals will be processed in accordance with Section XX: Appeals.

**4.4.7 Expiration**

- A. An approved preliminary plat expires two (2) years after the approval date, unless the applicant has filed a complete application for a final plat.
- B. An approved Final Plat does not expire.

**4.4.8 Preliminary Plat Revisions**

- A. Minor revisions to an approved Preliminary Plat that reflect the same basic street and lot configurations as the original approval may be approved by the Community Development Director.
- B. Any request for a revision to an approved Preliminary Plat that increases the number of building lots, decreases the amount of common open space, or alters a street or block pattern, shall be initiated and processed as a new Preliminary Plat Application.

#### 4.4.9 Final Plat Revisions

- A. Once a Final Plat is recorded, any improvements dedicated to the City of Social Circle thereon may not be withdrawn. Upon final acceptance at the end of the maintenance period, all dedicated improvements shall be deemed accepted by the City without further action.
- B. Final Plat revisions are permitted and shall be processed in accordance with this Division based on the nature of the revision, including Minor Revised Final Plats exempt from preliminary plat procedures in Section 4.4.4.

### Section 4.3 Street Name Change Procedures

4.3.1 Name change initiated by petition. An application requesting a street name change shall be submitted to the planning and development department and contain the following:

- A. A written petition bearing signatures of a minimum of twenty-five (25) percent of the property owners fronting the street.
- B. Existing and proposed street names.
- C. Reason for requesting change.
- D. Map showing street or portion of street affected by change.
- E. A filing fee as established by the Community Development Department, if any.

4.3.2 Name change initiated by City Staff or Mayor and Council. The Community Development Department shall process the proposed name change according to the procedures below. The petition process outlined in Section 4.3.1 is not required for City-initiated changes.

4.3.3 All name change proposals shall be processed and scheduled for public hearing as follows:

- A. The proposed name shall be checked by the City to ensure nonduplication.
- B. Mayor and Council shall consider the name change after conducting one public hearing.
- C. Legal notice of the application and the date, time, and place of the public hearing shall be published in the official legal organ of the City at least ten (10) days prior to the public hearing.
- D. The Community Development Department shall post a sign at approximately one-mile intervals along the length of the roadway for which a name change is proposed and shall give notice by regular mail to the owners (according to tax records) of each property which bears an address on the roadway for which a name change is proposed. The postmaster shall also be notified of the hearings by regular mail.
- E. The final decision on the proposed change shall be made by the Mayor and City Council after having held the scheduled public hearing.
- F. Petitioners shall bear all costs necessary for street marker changes as determined by the City.
- G. Procedures for notification to all affected agencies shall follow **addressing procedures.**

### Section 4.4 Land Disturbance Permit

#### 4.1.1 Authority

- A. The Community Development Director oversees issuance of the Land Disturbance Permit (hereinafter may be referred to as “LDP”) to ensure site work conforms to federal, state, and local regulations.
- B. The Community Development Director shall have the authority to approve, approve with conditions, or to deny the application.

#### 4.1.2 Applicability

- A. An LDP is required for land disturbance activity including but not limited to clearing and grubbing, dredging, grading, excavating, filling, storage, and the construction of improvements such as streets, parking facilities, driveways, access drives, stormwater drainage facilities, sidewalks, or other permanent structures placed on or in the property
- B. Water and sanitary sewer system improvements must be authorized by the utility provider; however, the utility placement and land disturbing activities associated with utility work shall be reviewed and permitted by the City of Social Circle to ensure compliance with UDC standards that may be affected by the construction of such utilities.

#### 4.1.3 Permit Required.

- A. A Major Land Disturbance Permit is required for all land-disturbing activities in the City not otherwise exempted by this Article.
- B. The City will consider all factors of the project prior to making a final determination as to the appropriate LDP permit for the scope of work proposed. The criteria below provide guidance, but final authority as to the permitting needs rests with the Community Development Director.
- C. Calculations of the area of disturbance applies to the total disturbed area of a project, regardless of property boundaries.
- D. **Minor Land Disturbance.** A minor Land Disturbance Permit is required for projects that:
  - 1. Do not include work in the right of way;
  - 2. Have less than one (1) acre of disturbance;
  - 3. Add or replace less than five thousand (5,000) square feet of impervious surface; or
  - 4. Have less than one (1) acre of grubbing.
- E. **Major Land Disturbance.** A major Land Disturbance Permit is required for projects that:
  - 1. Have one (1) acre or more of disturbance;
  - 2. Add, remove, or replace more than 5,000 square feet of impervious surface; or
  - 3. Have one (1) acre or more of grubbing.
- F. **Exemptions.**
  - 1. No land disturbance permit is required for any proposed ground disturbance that does not exceed 2,500 square feet, does not result in need for erosion control best management practices, and does not result in changes to topography or stormwater drainage patterns.

2. Land disturbance associated with a building permit shall require a separate land disturbance permit. However, construction associated with single-family detached residential development, not part of a larger, multi-parcel development, shall not require a separate Land Disturbance Permit.

#### 4.1.3 Review Process

##### A. Submit an Application

Applicant shall submit a completed application form and copies of plan sets along with required review fees, as required by the instructions on the form or informational materials provided by the City of Social Circle. Partial, incomplete, or unassembled submittals or resubmittals shall be rejected.

##### B. Distribution of Application Materials

1. Upon determination of a completed application packet, the Community Development Director shall distribute the application for review to internal City Departments.
2. If external agency reviews are required, the Community Development Director shall provide applicants with an external agency review form. Applicants are to submit to the external agency for review.
3. City reviews and external agency reviews may occur concurrently, but the City of Social Circle will not issue any permits until the external agency approval is received.
4. Traffic Study may be required as part of an LDP review for projects where more than 100 peak hour trips are generated.

##### C. Review Outcomes

1. If, after internal and external reviews are completed, the Community Development Director finds that the application does not meet all UDC requirements, the applicant will receive written notice of the specific provisions that have not been met and be given the opportunity to make changes to the application.
2. If, after internal and external reviews are completed, the Community Development Director finds that the application meets all applicable provisions, they will accept the application as complete, and the permit shall be issued upon receipt of any pending fees.
3. No LDP shall be issued prior to the project acceptance by the water and wastewater service provider.

#### 4.1.4 Approval Criteria

Any checklists provided by the City of Social Circle are intended as a guide and convenience for the applicant. Approval or requirement of revisions to an LDP application are based solely on whether the submittal meets or fails to meet the requirements of this UDC.

**4.1.5 Denied Application**

An applicant has 30 calendar days after notice of an LDP denial is issued by the Community Development Director to appeal the decision. The appeal shall be filed with the Community Development Director.

**4.1.6 Expiration**

- A. **Application Expiration.** An application for land disturbance permit expires one (1) year after the issuance of the latest letter of permit revisions or approval. The application will not expire within one (1) year if the inactivity is a result of a pending review from an external agency outside the applicant's control.
- B. **Permit Expiration.** An issued land disturbance permit remains valid for the duration of the project subject to the following time restrictions:
1. Land Disturbance Permits expire six (6) months from the date of issuance if no inspection has been requested; or
  2. If one (1) year elapses between inspection requests.

**4.1.7 Permit Extension**

The Community Development Director is authorized to grant an extension of a Land Disturbance Permit for a period not more than 6 months. To request an extension, the owner or developer shall submit a written request to the Community Development Director no later than 30 days after the expiration of the land disturbance permit. The Director is authorized to grant only one extension request for the Land Disturbance Permit in question.

**4.1.8 Lapse in Activity**

A lapse in or suspension of application or development activity, that is the direct result of action or inaction by the City of Social Circle or external review authority and for reasons outside the control of the applicant, will not be considered as a lapse in activity causing the land disturbance permit to expire.

**Section 4.2 Building Permit****4.2.1 Building Code**

Building Permits and Certificates of Occupancy or Completion are issued consistent with Chapter 1, Section 1-7.-Adoption of state minimum standard codes.

**4.2.2 Other Applicable Codes**

Building permits for all structures or interior finishes are issued after meeting the applicable requirements of the various health, water, and sewer codes of the City of utility providers.

**4.2.3 Sanitary Sewage Disposal**

- A. Sewer Connection is Required  
 Except as herein provided, it shall be unlawful to construct or maintain any privy, septic tank, cesspool, or other facilities intended or used for the disposal of sewage. All buildings or structures intended for human occupancy shall install connect waste disposal facilities directly with the property public sewer in accordance the provisions of Chapter 11, Article III.-Municipal Sewer System.
- B. Private Sewage Disposal  
 Where a public sanitary or combined sewer is not available, the building shall be connected to a private sewage disposal system complying with the provisions of Chapter 11, Article III.-Municipal Sewer System, Section 11-54.-Private Sewage Disposal. Approval for private sewage disposal systems shall be obtained from the Walton or Newtown County Health Department.
- C. Notwithstanding, development is exempt from sewer connection requirements if public or private sewer connection is not available within 1,000 feet of a property line. Walton or Newton County Environmental Health shall approve any privy, septic tank, cesspool, or other facility intended or used for the disposal of sewage.
- D.

#### 4.2.6 Potable Water supply

- A. Any structure for which a connection to the Municipal Water System or other potable water system is required must provide proof of payment of all applicable fees to the water provider before a building permit is issued. Connections to the city of Social Circle Water Supply shall be made in accordance with Chapter 11, Article 2.-Municipal Water System.
- B. Notwithstanding, development is exempt from potable water system connection requirements if a public or private connection is not available within 1,000 feet of a property line. Any applicable agency shall approve ant facility intended or used for the potable water supply.

#### 4.2.10 Demolition Permits

Demolition Permits may be required for the partial or complete demolition of the interior or exterior of any structure within the City of Social Circle. Pursuant to the State of Georgia's Asbestos Safety Act, an asbestos survey is required.

#### 4.2.11 Expiration

- A. **Application Expiration.** An application for a building permit expires one (1) year after the issuance of the latest letter of permit revisions or approval. The application will not expire within one (1) year if the inactivity is a result of a pending review from an external agency outside the applicant's control.

- C. Permit Expiration. An issued building permit remains valid for the duration of the project subject to the following time restrictions:
  - 3. Building Permits expire six (6) months from the date of issuance if no inspection has been requested; or
  - 4. If one (1) year elapses between inspection requests.

### **Section 4.3 Model Home Permits**

- A. Up to four (4) model homes may be permitted for construction and issued prior to the approval of a Final Plat
- B. No building permits for model homes shall be issued until the roads are paved (base course installed).

### **Section 4.4 Occupancy**

- A. **Certificate of Occupancy Required.**  
Certificate of Occupancy indicating that a building, lot, and occupancy comply with the Building Code and this UDC is required under provisions of this UDC.
- B. **Visibility.**  
The Certificate of Occupancy shall be kept on the premises but at any location of the owner's choosing.
- C. **Changes of Ownership or Use Require New Occupancy Permit**  
Any owner, authorized agent, or contractor who desires to change the owner or occupancy of a building or structure shall apply to the City Building Official to obtain the required permits and obtain a Certificate of Occupancy prior to occupying the structure.

## **ARTICLE 6.0: ENVIRONMENTAL PROTECTION**

### **Section 6.1 WETLANDS**

#### **6.1.1 Wetland Regulations**

- A. **National Wetland Inventory Maps** The National Wetland Inventory Maps, prepared by the United States Fish and Wildlife Service, show the general locations of wetlands and should be consulted by persons contemplating activities in or near wetland areas. These maps should be used as a guide only. Field verification is required to determine the existence or absence of any jurisdictional waters.
- B. **Plans** Design professionals, after consulting the National Wetland Inventory maps and conducting appropriate field studies, shall indicate wetlands or jurisdictional waters on plans required for land disturbance permit applications.

- C. **Design Professional Statement** Prior to the issuance of a land disturbance permit, the design professional who prepared the required plans accompanying the permit application, shall add a statement to the plan sheet indicating land disturbance and the statement must read as follows:

Wetland certification:

The design professional, whose seal appears hereon, certifies the following: (1) the National Wetland Inventory maps have been consulted and appropriate field studies have been conducted; and, (2) the appropriate plan sheet  DOES/ DOES NOT (mark appropriate box) indicate wetlands as shown on the maps; and, (3) if wetlands are indicated, the land owner or developer has been advised that land disturbance of protected wetlands or jurisdictional waters must not occur unless the appropriate federal wetlands alteration ("Section 404") permit has been obtained.

- D. **ACOE Coordination** The issuance of Land Disturbance Permits by the City may be coordinated with the U.S. Army Corps of Engineers Section 404 permitting process. If the "wetland certification" above indicates the presence of wetlands or jurisdictional water as shown on the NWI generalized wetlands maps or by field study, a Land Disturbance Permit that identifies alterations of designated wetlands or jurisdictional waters shall not be issued by the City until a Section 404 Permit or Letter of Permission is obtained from the U.S. Army Corps of Engineers.

## Section 6.2 STATE WATERS BUFFERS PROTECTION

### Section 6.2.1 Findings and Purposes

- A. **Findings** The City of Social Circle finds that buffers adjacent to state waters provide numerous benefits, including:
1. Protecting, restoring and maintaining the chemical, physical and biological integrity of streams and their water resources;
  2. Removing pollutants delivered by urban stormwater runoff;
  3. Reducing erosion and controlling sedimentation;
  4. Protecting and stabilizing stream banks;
  5. Providing for infiltration of stormwater runoff;
  6. Providing tree canopy to shade streams and promote desirable aquatic habitat;
  7. Providing riparian wildlife habitat;
  8. Furnishing scenic value and recreational opportunity;
  9. Providing riparian wildlife habitat;
  10. Furnishing scenic value and recreational opportunity; and
  11. Providing opportunities for the protection and restoration of green space.
- B. **Purposes** The purpose of this Division is to protect the public health, safety, environment, and general welfare; to minimize public and private losses due to erosion, siltation and water pollution; and to maintain stream water quality by provisions designed to:



1. Create buffer and setback zones along state waters within the City for the protection of water resources; and
2. Minimize land development within such buffers and setbacks by establishing buffer and setback requirements and by requiring authorization for any such activities.

### **Section 6.2.2 Applicability**

This Ordinance shall apply to all land development activity on property containing a Stream Buffer Protection Area. These requirements are in addition to, and do not replace or supersede, any other applicable buffer requirements established under state law and approval or exemption from these requirements do not constitute approval or exemption from buffer requirements established under state law or from other applicable local, state or federal regulations.

### **Section 6.2.3 Nonconforming Provisions**

This Ordinance shall not apply to the following activities:

- A. Work consisting of the repair or maintenance of any lawful use of land that is zoned and approved for such use on or before the effective date of this Ordinance.
- B. Existing development and on-going land disturbing activity including but not limited to existing agriculture, silviculture, landscaping, gardening and lawn maintenance, except that new development or land disturbing activity not otherwise approved by the City on such properties will be subject to all applicable buffer requirements.
- C. Any land development activity that is under construction, fully approved for development, scheduled for permit approval or has been submitted for approval as of the effective date of this chapter.

### **Section 6.2.4 Exemptions**

The following specific activities are exempt from the provisions of this Ordinance. Exemption of these activities does not constitute an exemption for any other activity proposed on a property.

- A. Activities for the purpose of the following:
  1. A Stream crossing by a driveway, transportation route or utility line;
  2. Public water supply intake or public wastewater outfall structures;
  3. Intrusions necessary to provide access to a property;
  4. Public Access facilities that must be on the water including boat ramps, docks, foot trails leading directly to the river, fishing platforms and overlooks;
  5. Unpaved foot trails and paths;
  6. Activities to restore and enhance Stream Bank Stabilization, vegetation, water quality and/or aquatic habitat, so long as native vegetation and bioengineering techniques are used.
- B. Public sewer line easements paralleling a creek, except that all easements (permanent and construction) and land disturbance shall be at least twenty-five (25) feet from the edge or

wrested vegetation. This includes such impervious cover as is necessary for the operation and maintenance of utilities, including but not limited to manholes, vents and valve structures. This exemption shall not be construed as allowing the construction of roads, bike paths, or other transportation routes in such easements, regardless of paving material, except for access for the uses specifically cited in subsection (1) above.

- C. Within an easement of any utility existing at the time this UDC takes effect or approved under the terms of this Ordinance, land disturbing activity and such impervious cover as is necessary for the operation and maintenance of such utility, including but not limited to manholes, vents, and valve structures.
- D. Emergency work necessary to preserve life or property. However, when emergency work is performed under this section, the person performing it shall report such work to the Community Development Director on the next business day after commencement of the work. Within 10 days thereafter, the person shall apply for a permit and perform such work (within such time period as may be determined by the Community Development Director to be reasonably necessary to correct any impairment such emergency work may have caused to the water conveyance capacity, stability or water quality of the Stream Buffer Protection Area.
- E. Forestry and silviculture activities on land that is zoned for forestry, silvicultural, or agricultural uses and are not incidental to other land development activity. If such activity results in land disturbance in the stream buffer that would otherwise be prohibited, then no other land disturbing activity other than normal forest management practices will be allowed on the entire property for three (3) years after the end of the activities that intruded on the stream buffer.

### **Section 6.2.5 Stream Buffer and Setback Requirements**

All Land Development Activity subject to this Ordinance shall meet the following requirements:

- A. An undisturbed natural vegetative Stream buffer shall be maintained for fifty (50) feet, measured horizontally, on both banks (as applicable) of a stream as measured from the edge of wrested vegetation.
- B. An additional stream setback shall be maintained for twenty-five (25) feet, measured horizontally, beyond the undisturbed natural vegetative stream buffer, in which all impervious cover shall be prohibited. Grading, filling and earthmoving shall be minimized within the stream setback.
- C. Any land development activity within a stream buffer established hereunder or any impervious cover within a setback established hereunder is prohibited unless a variance is granted pursuant to this UDC.
- D. No septic tanks, septic tank drain fields, or stormwater structures shall be permitted within the stream buffer or stream setback.

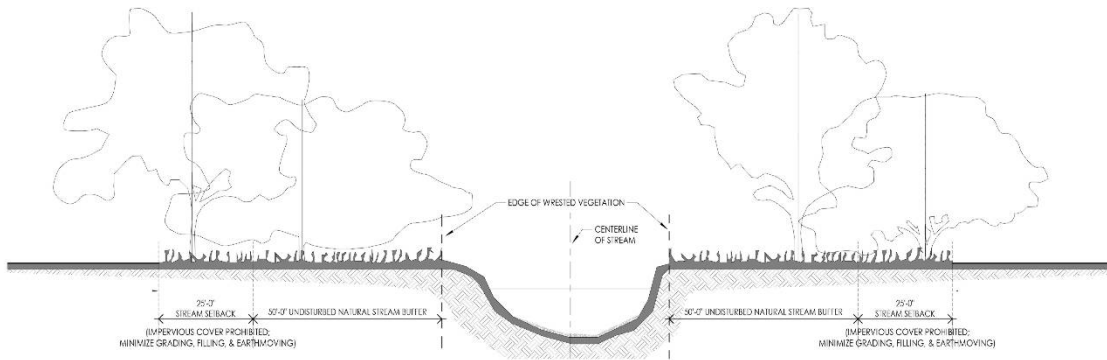


Figure 6.2.5 - Stream Buffer

### **Section 6.2.6 Inspections**

The City of Social Circle may cause inspections of the work in the stream buffer or stream setback to be made periodically during the course thereof and shall make a final inspection following completion of the work. The permittee shall assist the Community Development Director in making such inspections. The City shall have the authority to conduct such investigations as it may reasonably deem necessary to carry out its duties as prescribed in this Ordinance, and for this purpose to enter at reasonable time upon any property, public or private, for the purpose of investigating and inspecting the sites of any land development activity within the Stream Buffer Protection Area.

No person shall refuse entry or Access to any authorized representative or agent who requests entry for purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out official duties.

### **Section 6.2.7 Minor Land Disturbing Activities**

The following land disturbing activities are examples of projects not specifically listed in O.C.G.A. § 12-7-17(3) that would be considered minor land disturbing activities and are, therefore, exempt from the Georgia Erosion and Sedimentation Act and the applicable buffer requirements for state waters:

- A. Elevated structures such as decks, gazebos, patios, walkways, viewing platforms or open picnic shelters, provided that:
  1. The floor or decking is built in a pervious manner to allow for the infiltration of stormwater;
  2. No more than 100 square feet of footprint of the elevated structure extends into or over the buffer, with an exception for structures compliant with the Americans with Disabilities Act (ADA);
  3. No grading, cutting, filling or similar land disturbing activities occurring as a part of the site preparation, construction or subsequent development;
  4. The structure is built on posts, concrete blocks or similar supports;

5. Permanent protective vegetative cover remains, or protective measures (for example, mulch or gravel) are installed within the footprint of the elevated structure to prevent post-construction soil erosion;
  6. A natural canopy is left in sufficient quantity to keep shade on the streambed; and
  7. No concrete or asphalt slabs, pads or foundations are constructed or placed as a part of the site preparation, construction or subsequent development.
- B. A pervious ground-level walkway approach to a dock or similar structure, provided that:
1. No more than 100 square feet of the constructed walkway extends into the buffer, with an exception for structures compliant with the Americans with Disabilities Act (ADA);
  2. No grading, cutting, filling or similar land-disturbing activities occur as a part of the site preparation, construction or subsequent development;
  3. No concrete or asphalt slabs, pads, supports or foundations are constructed or placed as a part of the site preparation, construction or subsequent development; and
  4. All ground preparation and walkway material placement is completed with the use of hand-held equipment.
- C. Restoration of buffer area after the removal of an existing structure, provided that the buffer area must be replanted with native vegetation.
- D. Maintenance or repair of existing structures, the failure of which would result in a threat to human health or state waters, such as sewer lines, water lines, dams or gas lines. Total disturbance must be less than 100 square feet.
- E. Placement of rock riprap within the buffer not to exceed 100 square feet on any one property, provided that:
1. The placement of the riprap does not result in soil disturbance outside the placement area; and
  2. No grading, cutting, filling or similar land-disturbing activities occur as part of the site preparation, construction or subsequent development.

#### **Section 6.2.8 Land Disturbing Activities Not Considered Minor**

The following land disturbing activities are examples of projects that are not considered minor land disturbing activities and are, therefore, not exempt from the Georgia Erosion and Sedimentation Act and the applicable buffer requirements for state waters:

- A. Any land disturbing activity utilizing wheeled or tracked machinery and equipment resulting in soil erosion within the buffer;
  1. Paving with poured or prefab concrete or asphalt;
  2. Any project or combination of projects occurring within the same calendar year on the same property resulting in more than 100 square feet of any elevated structures or pervious ground level walkways within or extending into the buffer;
  3. Construction of a barbeque pit on a concrete or asphalt slab or pad within the buffer;

4. Construction of a ground-level patio within the buffer;
  5. Construction of a swimming pool within the buffer;
  6. Construction of a decorative or structural retaining wall within the buffer;
  7. Construction of a new seawall with land-disturbing activities occurring within the buffer; and
  8. Backfilling any new seawall construction within the buffer.
- B. **Prohibited Activity** Any land development activity within a buffer established under this Article or any impervious cover within a setback established under this Article is prohibited unless a variance is granted.

## Section 6.3 TREE PRESERVATION AND REPLACEMENT

### Section 6.3.1 Applicability

The regulations included in this Section shall apply to all properties located within the City unless otherwise noted in this chapter.

- A. Stand-Alone Single-Family Residential Tree Removal (non-specimen)
1. Where the scope of proposed work does not require a land disturbance permit pursuant to this Article, the removal of five (5) or fewer trees in a calendar year, other than specimen trees, is allowed. A permit is required for the purposes of tracking the annual removal limitations.
  2. Trees under three (3) inch caliper that were not planted to meet the minimum one hundred (100) inches per acre can be removed without a permit.
  3. Any tree(s) in excess of the five (5) tree per year limit may be requested for approval of removal if the tree(s) are clearly dead, dying, or diseased with no chance for recovery or presenting imminent danger to life, limb, or property. If the Community Development Director cannot adequately assess the condition of the tree, then the property owner shall be required to provide a letter stating such from a certified arborist.
- B. Stand-Alone Single-Family Residential Tree Removal (specimen)
1. With regard to private property owners and/or residential lots not incidental to development, a tree removal permit is required for specimen tree removal. A permit will be reviewed by staff and granted if the specimen tree is clearly dead, dying, diseased with no chance for recovery or presenting imminent danger to life, limb or property. If City staff cannot adequately assess the condition of the tree, then the property owner shall be required to provide a letter stating such from a certified arborist.
- C. Dead standing trees that are a danger to human life or property must be removed by the property owner after receiving notice from the City Code Enforcement Division. For trees located on private property with potential impact on other private property, dead tree determinations shall be made by a third-party, certified arborist. Any tree(s) located on private property with potential impact on other private property shall be deemed a civil matter and shall not involve the opinions or services of the City Arborist.
- B. Non-Single-Family Residential Outside of LDP.

1. Any new construction, renovation, or alteration of a building that results in an expansion or alteration of the total square footage of the building footprint shall invoke the requirements contained in this Section.
2. If specimen tree removal is requested, refer to the standards set forth in **Section XXX**.- Preservation, Replacement, and Removal of Specimen Trees.
3. Trees under three-inch caliper that were not required by ordinance or conditions of zoning can be removed without a permit.
4. Trees three-inch caliper and greater that do not meet the specimen tree criteria require a tree removal permit. City staff shall determine whether portions of the Tree Ordinance apply on a case-by-case basis.
5. Dead standing trees that are a danger to human life or property must be removed by the property owner after receiving notice from the City Code Enforcement Division. For trees located on private property with potential impact on other private property, dead tree determinations shall be made by a third-party, certified arborist. Any tree(s) located on private property with potential impact on other private property shall be deemed a civil matter and shall not involve the opinions or services of the City Arborist.

### Section 6.3.2 Tree Density Requirements

- A. The applicant shall provide a development plan demonstrating both responsible canopy preservation and tree replacement inches on sites submitted for development.
- B. Any trees saved (with undisturbed Critical Root Zones i.e., CRZ) or replaced in the seventy-five-foot impervious zone will receive appropriate inches. Any scope of work requiring an LDP shall meet the minimum one hundred (100) inches per acre whether or not a site had trees prior to development.
- C. All trees designated for replacement shall be on an inch-for-inch basis. The density of one hundred (100) inches per acre may be achieved as follows:
  1. Counting existing trees (inches measured at DBH) to be preserved with no impact to CRZ.
  2. Planting new trees (minimum two-inch caliper) for lots that do not have the required one hundred (100) inches per acre.

Formula:

Acreage x 100 inches = required inches per acre

Example: 3.2 acres x 100 inches = 320 inches required

The minimum required inches per acre shall be calculated and established pursuant to the formula as shown above and calculations shall be in a prominent location on the tree preservation and replacement plan. All applicable sites brought in for land development must maintain a minimum of one hundred (100) inches per acre. Street trees and/or parking lot trees planted after the minimum required inches per acre for the site has been satisfied can be counted toward specimen tree recompense.

3. For planted evergreen trees, the following conversions shall apply:

| Evergreen Tree Inches: | Evergreen Tree Sold by Height: |
|------------------------|--------------------------------|
| 2 inches               | 6 feet minimum                 |
| 3 inches               | 8 feet minimum                 |
| 4 inches               | 12 feet minimum                |
| 5 inches               | 16 feet minimum                |
| 6 inches               | 18 feet minimum                |

- 4. Shrubs shall not be given credit.

**Section 6.3.3 Preservation of Existing Trees**

- A. An emphasis of this Ordinance is the preservation of as many existing trees as possible. Thus, inch-for-inch credit will be given for preserving existing trees.
  - 1. All trees to be counted toward meeting the required one hundred (100) inches per acre shall be inventoried. Existing tree inventory information (caliper at DBH and genus) shall be shown on the tree protection plan and must be provided by an ISA certified arborist, forester, surveyor, or landscape architect along with a statement that the provider conducted the inventory in the field. If the plan is unclear, tree survey shall be required.
  - 2. Tree protection fencing is required to be placed at the CRZ or encroachment limits for all trees to be saved and locations shall be clearly delineated on the tree protection plan. All tree protection fencing shall be installed prior to and maintained throughout the land disturbing and construction process and shall not be removed until final landscaping is installed, inspected, and final approval granted by the Community Development Director.
  - 3. Plot-sample surveys may be used to determine tree densities for large, forested areas with a minimum size of five (5) acres or greater that is to be preserved. For the purpose of this UDC, a plot sample is defined as an area measuring fifty (50) feet by fifty (50) feet, for a minimum size of two thousand five hundred (2,500) square feet. Sampling areas shall be located within the limits of a tree protection area. The sample must be taken in a portion of the site that is representative of its cover-type. The tree protection plan must delineate all ground cover-types and provide a general description of the types of trees present within the tree protection area (i.e., hardwoods, pine/hardwood mix, etc.). Other sampling and/or inventory methods shall be approved by the Community Development Director.

4. Partial credit will be given for trees preserved in mandatory stream buffers as required by Section 6.2.- Stream Buffer Protection. The area (measured in acres) of the undisturbed stream buffers shall be excluded from the total site acreage when calculating required inches per acre. Any trees saved (with undisturbed CRZs) or replaced in the 25-foot impervious setback zone will receive appropriate inches.
5. To aid preservation efforts, applicants shall have the option of moving existing trees to prevent their damage or destruction by development activities. To receive credit for transplanted trees, the following standards must be adhered to:
  - a. Trees shall be less than ten (10) inches caliper measured six (6) inches above grade;
  - b. Trees shall remain within the planting areas of the parcel;
  - c. Trees shall not be moved to or from stream buffers or wetlands.
6. Tree protection areas for subdivisions shall be located in common areas, or in buffers required to be undisturbed by zoning or other regulations, or within building setbacks. If tree protection areas must be located on individual lots, the lots shall be of sufficient size to reasonably expect the trees to be preserved at the completion of the building process.
7. Every lot in a subdivision shall have trees, either preserved or planted for which an LDP is obtained after the adoption of this Ordinance. These trees may be counted as part of the required one hundred (100) inches per acre for the development. All planted trees shall be a minimum of three (3) caliper inches and shall be shown on the required house location plan (HLP). This requirement shall apply to the developer or homebuilder, whoever is the responsible party at the issuance of the certificate of occupancy for the individual lot.

#### **Section 6.3.4 Specimen Trees - Removal and Preservation**

- A. A specimen tree is any tree which qualifies for special consideration for preservation due to its size, type, and condition. The following criteria are used by the City to identify specimen trees. Both the size and condition criteria must be met for a tree to qualify.
  1. Minimum Size Criteria:
    - a. Twenty-four-inch caliper at DBH—Oak, Beech, Ash, Black gum, Sycamore, Hickory, Maple (does not include Silver Maple), Pecan, Walnut, Magnolia (does not include Bigleaf Magnolia), Persimmon, Sourwood, Cedar, Cypress or Redwood.
    - b. Thirty-inch caliper at DBH—Tulip Poplar, Sweet Gum, River Birch, or Silver Maple.
    - c. Ten-inch caliper at DBH—American Holly, Dogwood, Redbud or other genus as determined by the City Arborist such as Bigleaf Magnolia.
  2. Condition Criteria:
    - a. Life expectancy greater than fifteen (15) years.
    - b. Relatively sound and solid trunk with no extensive decay or significant structural deficiencies.
    - c. No more than two (2) major and/or several minor dead limbs (excluding pine for minor limbs).



- d. A radial trunk dieback of no more than twenty (20) percent or a canopy dieback of no more than thirty (30) percent.
3. Small trees can be classified as specimen if of a rare or unusual species, of exceptional quality, or socio-historical significance. Small trees may also qualify as specimen if used in a landscape as a focal point of the design. In order to claim this credit, the applicant shall submit a letter from a certified arborist stating that the tree(s) meet these qualifications.
4. An arborist report for each specimen tree impacted by a proposed development requiring an LDP shall be submitted to the City to determine whether that tree meets the condition criteria for specimen status. The report must be prepared and signed by a certified arborist or a registered forester. The report shall contain the following information:
  - a. Site plan showing an accurate surveyed location of the tree;
  - b. Identification/verification of the tree's size, genus and species;
  - c. Description of the surrounding site conditions;
  - d. Detailed description of the tree's condition; and
  - e. Digital photographs to illustrate any defects which would disqualify the tree from specimen status.
5. The final determination of specimen tree status will be made by City staff after reviewing the report.
  - a. If a specimen tree is to be removed, a plan or written documentation indicating the reason for removal must be submitted to the City.
  - b. The removal of any specimen tree impacted by a proposed development shall be mitigated by replacing the removed specimen tree with minimum four (4) caliper inch trees of comparable species on an inch-for- two (2) inch replacement basis.  
  
 Example: Twenty-four-inch Oak would require replanting twelve (12) four (4) caliper inch trees [ $24 \times 2 = 48$  replacement inches required;  $48 / 4 = 12$  trees]. These recompense trees are in addition to the minimum one hundred (100) inches per acre for a particular site.
  - c. Any person who removes a specimen tree in violation of this Ordinance shall be assessed a fine. In regard to specimen trees removed after being designated for preservation on an approved plan, the removed tree must also be replaced on an inch-for-inch basis with tree species with potential for comparable size and quality, regardless of the one hundred (100) inches per acre requirement. If a tree is removed without approval and there is no evidence of its condition, size alone shall be the determining factor for replacement. In regard to specimen trees removed on a residential lot that is not currently being developed, the fine shall be paid as referenced; however, there shall be no requirement for replacement of the specimen tree.
6. In order to encourage the preservation of specimen trees and the incorporation of these trees into the design of new development projects, the following incentive is offered: Preserved specimen trees shall receive one and one-half (1.5) x inches DBH.

### **Section 6.3.5.-Tree Protection Standards.**

- A. Allowing enough space for a tree's root system is a critical factor in tree protection throughout the development process. Disturbance within this critical root zone (CRZ) can directly affect a tree's chances for survival. In order to protect trees, the following standards shall apply:
1. The critical root zone (CRZ) for each tree or group of trees shall be represented on the plan by a circle the size of the CRZ.
  2. Site layout should be designed to accommodate tree protection areas.
  3. Construction activities shall be arranged to prevent encroachment into tree protection areas. Encroachment of up to twenty (20) percent into the CRZ area of individual preserved trees shall be allowed. Encroachment beyond twenty (20) percent into the CRZ area of individual preserved trees shall be prohibited.
  4. No disturbance whatsoever shall occur within tree protection areas without prior written approval by the Community Development Director. Disturbance permitted with approval from the City shall be limited to general maintenance (i.e., removal of dead trees and/or cleaning of underbrush by hand). Use of machinery shall not be allowed within the tree protection area.
  5. Active protective tree fencing shall be installed along the outer edge of and completely surrounding the CRZs of all specimen trees or stands of trees designated for preservation prior to land disturbance.
  6. Tree protection fencing shall be minimum four (4) feet high and made of orange laminated plastic netting with wooden posts and rail fencing or other equivalent material as approved by the City.
  7. All protection zones should include signage in English and Spanish that identifies the areas as tree protection and preservation zones and include the name and phone number of the developer or designated agent.
  8. All tree save fencing must be installed prior to any clearing, grubbing, or grading and must be maintained in functioning condition throughout all phases of development and construction.
  9. Once tree protection areas are established and approved, any changes are subject to review and approval by the City.
  10. Applicants shall notify any adjacent property owner a minimum of fourteen (14) days prior to construction dates (copy of notification to be provided to City for permit file) if visual assessment identifies boundary tree root plates are potentially within the proposed limits of disturbance. Any and all subsequent tree matters shall be a civil matter between the property owner and the applicant.

### **Section 6.3.6.-Tree Replacement Standards**

- A. The replacement of trees shall occur within the required yards, buffers, open space, parking lots, and landscape areas, as specified in this UDC. The following standards for replacement will be used to evaluate proposed tree planting plans:

1. Existing tree coverage, size, and type;
  2. Number of trees to be removed from the lot or parcel;
  3. Area to be covered with structures, parking, and driveways;
  4. Grading plan and drainage requirements; and
  5. Character of the site and its environs.
- B. Replacement trees shall be ecologically compatible with the intended growing site, contribute to the diversity of the urban forest, and add to the overall aesthetic quality of the City.
- C. The spacing of replacement trees shall be compatible with spatial site limitations with responsible consideration towards species sizes when mature. Typical spacing for overstory/street trees is forty (40) feet on center, with no overstory tree being planted less than twenty-five (25) feet on center from any other tree. Spacing of understory trees and/or trees in parking lots shall be subject to approval of the City and within accepted horticultural standards.
- D. In the event that existing overhead power lines prohibit the planting of required overstory trees, an appropriate understory tree species may be selected and approved for required inches according to accepted horticultural standards and as approved by the impacted utility.
- E. Trees selected for planting may be a species from the recommended tree species list. Use of a species not shown on these lists is subject to approval of the City, according to accepted horticultural standards.
- F. Planting of replacement trees within utility, storm drainage, or sanitary sewer easements is not acceptable and no credit will be allowed toward the required inches per acre. City staff shall determine whether or not the applicant will be required to install root barriers to prevent future conflicts for trees planted directly adjacent to proposed easements or utility locations.
- G. Trees and plants selected for planting must meet the minimum requirements as provided in the "American Standard for Nursery Stock" (ANSI Standards latest edition).
- H. Each development site (parcel) shall contain trees of sufficient number, size, and type to achieve the minimum required one hundred (100) inches per acre, which is determined according to the size of the parcel and is intended to be consistent across uses and underlying zoning categories. Total replacement units should be gathered by using as diverse a palette of species of trees as possible. However, a minimum of sixty (60) percent of the total replacement units required for any parcel must be achieved in the form of overstory trees. When fewer than ten (10) trees are shown to be planted on a project, one (1) species may be specified. When ten (10) to fifty (50) trees are shown, a minimum of three (3) species of trees are required. When more than fifty (50) trees are shown, a minimum of five (5) species of trees are required.
- I. When ten (10) or more trees are to be planted, no single genus shall represent more than thirty (30) percent of the required inches per acre.
- J. Transitional Buffer planting standards are as follows:
1. An opaque buffer is a designated area along a property line that is required to be planted for the purpose of screening. Buffers may be required as a condition of zoning or in areas where incompatible land uses exist (i.e., commercial adjacent to residential).

2. The opaque buffer shall consist of evergreen plant materials that must form an eighty (70) percent visual barrier within three (3) years and a one hundred (100) percent visual barrier within five (5) years. Trees must be minimum five (5) feet height at installation, and shrubs must be minimum 30 inch height at installation.
  - a. Existing buffer to remain undisturbed: Sparsely vegetated or previously disturbed portions of this undisturbed, existing buffer must be replanted to comply with the definition above.
  - b. Buffer width twenty (20) feet or less: This buffer shall consist of a minimum of one (1) row of evergreen trees and one (1) row of evergreen shrubs.
  - c. Buffer width twenty-one (21) to thirty-five (35) feet: This buffer shall consist of a minimum of two (2) rows of evergreen trees and one (1) row of evergreen shrubs.
  - d. Buffer width greater than thirty-five (35) feet: This buffer design shall be subject to approval by the Community Development Director.
3. Evergreen trees planted within buffer areas may be counted for inch credit toward the minimum.

**Section 6.3.9.- Appeals**

In the event an applicant disputes the decision of the City regarding tree removal and/or replanting, applicant may file a written appeal with the Tree Board. The written appeal should detail the reasons why the decision of the City staff should be vacated. Upon receiving the written appeal, the Tree Board shall hear arguments and decide whether to uphold the administrative decision, modify the administrative decision, or negate the administrative decision. The decision of the Tree Board shall be final. A written copy of the findings and decision of the Tree Board shall be transmitted to the applicant and City.

**Section 6.4.10 Tree Species List**

The tree species list is intended to support site planning and design for tree preservation and replacement and decision making in general. Requests for exceptions to this list, may be considered by the Community Development Director.

| Name         | Large Landscape Areas | Road Frontage (Street) | Road Frontage (Yard) | Parking Lot Trees (Islands >200 sq ft) | Parking Lot Trees (Islands 100 to 200 sq ft) | Buffers | Riparian/ Drainage Areas |
|--------------|-----------------------|------------------------|----------------------|--|--|---------|--------------------------|
| Bald Cypress | X                     |                        |                      | X                                      |  |         | X                        |

| Name                                  | Large Landscape Areas | Road Frontage (Street) | Road Frontage (Yard) | Parking Lot Trees (Islands >200 sq ft) | Parking Lot Trees (Islands 100 to 200 sq ft) | Buffers | Riparian/ Drainage Areas |
|---------------------------------------|-----------------------|------------------------|----------------------|--|--|---------|--------------------------|
| Basswood<br>,<br>American<br>(Linden) | X                     |                        |                      |  |  |         | X                        |
| Beech,<br>American                    | X                     |                        |                      |  |  |         | X                        |
| Birch,<br>River                       | X                     |                        | X                    |  |  | X       | X                        |
| Blackgum<br>(Tupelo)                  | X                     |                        | X                    |  |  |         | X                        |
| Boxelder                              | X                     |                        |                      |  |  |         | X                        |
| Catalpa,<br>Southern                  | X                     |                        |                      |  |  |         | X                        |
| Cedar,<br>Deodar                      | X                     |                        | X                    |  |  | X       |                          |
| Cedar,<br>Lebanon                     | X                     |                        | X                    |  |  |         |                          |
| Chastetre<br>e (Vitex)                |                       | X                      | X                    | X                                      | X  |         |                          |

| Name                           | Large Landscape Areas | Road Frontage (Street) | Road Frontage (Yard) | Parking Lot Trees (Islands >200 sq ft) | Parking Lot Trees (Islands 100 to 200 sq ft) | Buffers | Riparian/ Drainage Areas |
|--------------------------------|-----------------------|------------------------|----------------------|--|--|---------|--------------------------|
| Cherry, Japanese Flowering     |                       |                        | X                    |  |  | X       | X                        |
| Cherry, Kwanzan                |                       |                        | X                    |  |  | X       |                          |
| Cherry, Yoshino                |                       |                        | X                    |  |  | X       |                          |
| Cherrylau rel, Carolina        |                       |                        | X                    |  | X  | X       | X                        |
| Chinquapi n, Allegheny         | X                     |                        |                      |  |  |         |                          |
| Cleyera                        |                       |                        |                      |  |  | X       |                          |
| Cottonwo od, Eastern           | X                     |                        |                      |  |  |         |                          |
| Crabapple , Japanese Flowering |                       | X                      | X                    |  |  | X       |                          |
| Crapemyr tle                   | X                     | X                      | X                    | X                                      | X  | X       |                          |

| Name                                 | Large Landscape Areas | Road Frontage (Street) | Road Frontage (Yard) | Parking Lot Trees (Islands >200 sq ft) | Parking Lot Trees (Islands 100 to 200 sq ft) | Buffers | Riparian/ Drainage Areas |
|--------------------------------------|-----------------------|------------------------|----------------------|--|--|---------|--------------------------|
| Cryptomeria                          | X                     |                        |                      |  |  | X       |                          |
| Cypress, Arizona (Carolina Sapphire) | X                     |                        | X                    |  |  | X       |                          |
| Cypress, Leyland                     | X                     |                        |                      |  |  |         |                          |
| Dogwood, Flowering                   | X                     |                        | X                    |  |  | X       |                          |
| Elm, American (Princeton)            | X                     |                        | X                    |  |  |         |                          |
| Elm, Chinese (Athena, Bosque, etc.)  | X                     | X                      | X                    | X                                      | X  |         |                          |
| Elm, Winged                          | X                     |                        | X                    |  |  |         |                          |
| Fringetree                           | X                     | X                      | X                    |  |  | X       |                          |

| Name                  | Large Landscape Areas | Road Frontage (Street) | Road Frontage (Yard) | Parking Lot Trees (Islands >200 sq ft) | Parking Lot Trees (Islands 100 to 200 sq ft) | Buffers | Riparian/ Drainage Areas |
|-----------------------|-----------------------|------------------------|----------------------|--|--|---------|--------------------------|
| Gingko (male)         | X                     | X                      | X                    | X                                      |  |         |                          |
| Golden Rain Tree      |                       | X                      | X                    | X                                      | X  |         |                          |
| Hackberry             | X                     |                        | X                    |  |  |         | X                        |
| Hawthorne, Washington |                       | X                      | X                    |  | X  |         |                          |
| Hickory (spp.)        | X                     |                        |                      |  |  |         |                          |
| Holly, American       |                       |                        | X                    | X                                      |  | X       |                          |
| Holly, Chinese        |                       |                        | X                    |  |  | X       |                          |
| Holly, English        |                       |                        | X                    |  |  | X       |                          |
| Holly, Longstalk      |                       |                        | X                    |  |  | X       |                          |
| Holly, Lusterleaf     |                       |                        | X                    |  |  | X       |                          |



| Name                  | Large Landscape Areas | Road Frontage (Street) | Road Frontage (Yard) | Parking Lot Trees (Islands >200 sq ft) | Parking Lot Trees (Islands 100 to 200 sq ft) | Buffers | Riparian/ Drainage Areas |
|-----------------------|-----------------------|------------------------|----------------------|--|--|---------|--------------------------|
| Holly, Penny          |                       |                        | X                    |  |  | X       |                          |
| Holly, Savannah       |                       |                        | X                    |  |  |         |                          |
| Holly, Yaupon         |                       |                        | X                    |  |  | X       |                          |
| Honeylocust           | X                     |                        | X                    |  |  |         |                          |
| Hophornbeam, American | X                     |                        | X                    |  |  |         | X                        |
| Hornbeam, European    |                       | X                      | X                    |  |  | X       |                          |
| Juniper, Hetzi        |                       |                        |                      |  |  | X       |                          |
| Juniper, Pfitzer      |                       |                        |                      |  |  | X       |                          |
| Katsuratrie           | X                     |                        | X                    | X                                      | X  |         |                          |

| Name                            | Large Landscape Areas | Road Frontage (Street) | Road Frontage (Yard) | Parking Lot Trees (Islands >200 sq ft) | Parking Lot Trees (Islands 100 to 200 sq ft) | Buffers | Riparian/ Drainage Areas |
|---------------------------------|-----------------------|------------------------|----------------------|--|--|---------|--------------------------|
| Locust, Black                   | X                     |                        |                      |  |  |         | X                        |
| Magnolia, Southern              | X                     |                        |                      |  |  | X       |                          |
| Magnolia, Southern "Little Gem" | X                     |                        | X                    |  |  | X       |                          |
| Magnolia, Sweetbay              | X                     |                        | X                    |  |  | X       | X                        |
| Maple, Amur                     | X                     | X                      | X                    |  |  | X       |                          |
| Maple, Autumn Blaze             | X                     |                        | X                    |  |  | X       | X                        |
| Maple, Hedge                    | X                     |                        |                      |  |  | X       |                          |
| Maple, Red                      | X                     | X                      | X                    |  |  | X       | X                        |
| Maple, Southern Sugar           | X                     | X                      | X                    | X                                      | X  | X       | X                        |

| Name                    | Large Landscape Areas | Road Frontage (Street) | Road Frontage (Yard) | Parking Lot Trees (Islands >200 sq ft) | Parking Lot Trees (Islands 100 to 200 sq ft) | Buffers | Riparian/ Drainage Areas |
|-------------------------|-----------------------|------------------------|----------------------|--|--|---------|--------------------------|
| Maple, Sugar            | X                     | X                      | X                    |  |  |         | X                        |
| Maple, Trident          | X                     | X                      | X                    | X                                      | X  | X       |                          |
| Myrtle, Wax             |                       |                        |                      |  |  | X       |                          |
| Oak, Black              | X                     | X                      | X                    | X                                      |  |         |                          |
| Oak, Chestnut           | X                     | X                      | X                    | X                                      |  |         |                          |
| Oak, Darlington         | X                     | X                      | X                    | X                                      |  |         |                          |
| Oak, Georgia            | X                     | X                      | X                    | X                                      | X  |         |                          |
| Oak, Japanese Evergreen | X                     | X                      | X                    | X                                      |  |         |                          |
| Oak, Laurel             | X                     | X                      | X                    | X                                      |  |         |                          |

| Name              | Large Landscape Areas | Road Frontage (Street) | Road Frontage (Yard) | Parking Lot Trees (Islands >200 sq ft) | Parking Lot Trees (Islands 100 to 200 sq ft) | Buffers | Riparian/ Drainage Areas |
|-------------------|-----------------------|------------------------|----------------------|--|--|---------|--------------------------|
| Oak, Northern Red | X                     | X                      | X                    | X                                      |  |         |                          |
| Oak, Nuttal       | X                     | X                      | X                    | X                                      | X  |         |                          |
| Oak, Overcup      | X                     | X                      | X                    | X                                      | X  |         |                          |
| Oak, Post         | X                     | X                      | X                    | X                                      |  |         |                          |
| Oak, Sawtooth     | X                     | X                      | X                    | X                                      |  |         |                          |
| Oak, Scarlet      | X                     | X                      | X                    | X                                      | X  |         |                          |
| Oak, Shumard      | X                     | X                      | X                    | X                                      |  |         |                          |
| Oak, Southern Red | X                     | X                      | X                    |  |  |         |                          |
| Oak, White        | X                     | X                      | X                    | X                                      |  |         |                          |
| Oak, Willow       | X                     | X                      | X                    | X                                      |  |         |                          |

| Name                 | Large Landscape Areas | Road Frontage (Street) | Road Frontage (Yard) | Parking Lot Trees (Islands >200 sq ft) | Parking Lot Trees (Islands 100 to 200 sq ft) | Buffers | Riparian/ Drainage Areas |
|----------------------|-----------------------|------------------------|----------------------|--|--|---------|--------------------------|
| Pagodatree, Japanese | X                     |                        | X                    |  |  |         |                          |
| Pecan                | X                     |                        | X                    |  |  |         |                          |
| Pine, Loblolly       |                       |                        |                      |  |  | X       |                          |
| Pine, Virginia       |                       |                        |                      |  |  | X       |                          |
| Pistache, Chinese    |                       | X                      | X                    | X                                      | X  |         |                          |
| Planetree, London    | X                     | X                      | X                    |  |  |         |                          |
| Poplar               | X                     |                        |                      |  |  |         | X                        |
| Redbud (spp.)        | X                     | X                      | X                    | X                                      |  | X       |                          |
| Redcedar, Eastern    | X                     |                        | X                    |  |  | X       |                          |
| Redwood, Dawn        | X                     |                        | X                    |  |  | X       |                          |

| Name                 | Large Landscape Areas | Road Frontage (Street) | Road Frontage (Yard) | Parking Lot Trees (Islands >200 sq ft) | Parking Lot Trees (Islands 100 to 200 sq ft) | Buffers | Riparian/ Drainage Areas |
|----------------------|-----------------------|------------------------|----------------------|--|--|---------|--------------------------|
| Serviceberry         | X                     | X                      | X                    |  |  | X       | X                        |
| Smoketree            |                       |                        | X                    |  |  |         |                          |
| Sourwood             | X                     |                        | X                    |  |  |         |                          |
| Sycamore             | X                     |                        |                      | X                                      |  |         |                          |
| Yellowwood, American | X                     |                        | X                    |  |  |         |                          |
| Zelkova, Japanese    | X                     |                        |                      | X                                      | X  |         |                          |

**Section 6.5 FLOOD PLAIN MANAGEMENT**

**Section 6.5.1 General**

- A. **Purpose** The purpose of this Section is to protect, maintain, and enhance the public health, safety, environment, and general welfare and to minimize public and private losses due to flood conditions in flood hazard areas, as well as to protect the beneficial uses of floodplain areas for water quality protection, streambank and stream corridor protection, wetland preservation, and ecological and environmental protection by provisions designed to:
1. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
  2. Restrict or prohibit uses which are dangerous to health, safety and property due to flooding or erosion hazards, or which increase flood heights, velocities, or erosion;
  3. Control filling, grading, dredging, and other development which may increase flood damage or erosion;

4. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters, or which may increase flood hazards to other lands;
  5. Limit the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters; and
  6. Protect the stormwater management, water quality, streambank protection, stream corridor protection, wetland preservation, and ecological functions of natural floodplain areas.
- B. **Applicability** This Section shall be applicable to all areas of special flood hazard within the City. For the purposes of defining and determining areas of special flood hazard, areas of future-conditions flood hazard, areas of shallow flooding, base flood elevations, floodplains, floodways, future-conditions floodplains, potential flood hazard or risk categories as shown on FIRM maps, and other such terms used in this Division, the following documents and sources may be used for such purposes and are adopted by reference thereto:
1. The flood insurance study (FIS) for the county, dated May 7, 2001, with accompanying maps and other supporting data and any revision thereto.
  2. Other studies which may be relied upon for the establishment of the base flood elevation or delineation of the base or one-percent (100-year) floodplain and floodprone areas, including:
    - a. Any flood or flood-related study conducted by the United States Corps of Engineers, the United States Geological Survey, or any other local, state or federal agency applicable to the City; and
    - b. Any base flood study conducted by a licensed professional which has been prepared utilizing FEMA-approved methodology and approved by the Community Development Director.
  3. Other studies which may be relied upon for the establishment of the future-conditions flood elevation or delineation of the future-conditions floodplain and floodprone areas including:
    - a. Any flood or flood-related study conducted by the United States Army Corps of Engineers, the United States Geological Survey, or any other local, state, or federal agency applicable to the City; and
    - b. Any future-conditions flood study conducted by a licensed professional engineer which has been prepared by utilizing FEMA-approved methodology approved by the Community Development Director.
  4. The repository for public inspection of the FIS, accompanying maps and other supporting data is located at the City hall.
- C. **Compatibility with Other Regulations** This Section is not intended to modify or repeal any other chapter, rule, regulation, statute, easement, covenant, deed restriction or other provision of law. The requirements of this Division are in addition to the requirements of any other chapter, rule, regulation or other provision of law, and where any provision of this Division imposes restrictions different from those imposed by any other chapter, rule, regulation or other

provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

- D. **Warning and Disclaimer of Liability** The degree of flood protection required by this Section is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur; flood heights may be increased by manmade or natural causes. This Division does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This Division shall not create liability on the part of the City or by any officer or employee thereof for any flood damages that result from reliance on this Section or any administrative decision lawfully made thereunder.
- E. **Violations, Enforcement, and Penalties** Any action or inaction which violates the provisions of this Section or the requirements of an approved stormwater management plan or permit may be subject to the enforcement actions outlined in this section. Any such action or inaction which is continuous with respect to time is deemed to be a public nuisance and may be abated by injunctive or other equitable relief.
- F. **Notice of Violation** If the Community Development Director determines that an applicant or other responsible person has failed to comply with the terms and conditions of a permit, an approved stormwater management plan, or the provisions of this Division, he or she shall issue a written notice of violation to such applicant or other responsible person. Where a person is engaged in activity covered by this Division without having first secured a permit therefor, the notice of violation is served on the owner or the responsible person in charge of the activity being conducted on the site. The notice of violation shall contain:
1. The name and address of the owner, the applicant, or the responsible person;
  2. The address or other description of the site upon which the violation is occurring;
  3. A statement specifying the nature of the violation;
  4. A description of the remedial measures necessary to bring the action or inaction into compliance with the permit, the stormwater management plan, or this Division and the date for the completion of such remedial action;
  5. A statement of the penalty or penalties that may be assessed against the person to whom the notice of violation is directed; and
  6. A statement that the determination of violation may be appealed to the City Council by filing a written notice of appeal within 30 days after the notice of violation.
- G. **Penalties** In the event the remedial measures described in the notice of violation have not been completed by the date set forth for such completion in the notice of violation, any one or more of the following actions or penalties may be taken or assessed against the person to whom the notice of violation was directed. Before taking any of the following actions or imposing any of the following penalties, the Community Development Director shall first notify the applicant or other responsible person in writing of its intended action and shall provide a reasonable opportunity, of not less than 10 days (except that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours' notice is sufficient), to cure such violation. In the event the applicant or other responsible person fails to cure such violation after



such notice and cure period, the Community Development Director may take any one or more of the following actions or impose any one or more of the following penalties:

1. **Stop Work Order** The Department may issue a stop work order which is served on the applicant or other responsible person. The stop work order shall remain in effect until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violation or violations described therein, provided the stop work order may be withdrawn or modified to enable the applicant or other responsible person to take the necessary remedial measures to cure such violation or violations.
2. **Withhold Certificate of Occupancy** The City may refuse to issue a certificate of occupancy for the building or other improvements constructed or being constructed on the site until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein.
3. **Suspension, Revocation or Modification of Permit** The City may suspend, revoke or modify the permit authorizing the land development project. A suspended, revoked or modified permit may be reinstated after the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein, provided such permit may be reinstated (upon such conditions as the City may deem necessary) to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.
4. **Civil Penalties** In the event the applicant or other responsible person fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within ten days, or such greater period as the Department shall deem appropriate (except that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours' notice is sufficient) after the City has taken one or more of the actions described in Section XXX.- the City may impose a penalty not to exceed \$1,000.00 (depending on the severity of the violation) for each day the violation remains unremedied after receipt of the notice of violation.
5. **5.Criminal penalties** For intentional and flagrant violations of this Division, the City t may issue a citation to the applicant or other responsible person, requiring such person to appear in court to answer charges for such violation. Upon conviction, such person shall be guilty of a violation of this Code.

#### Section 6.5.2. - Administration and Enforcement

##### A. Designation of Administrator

1. **Appointed.** The Community Development Director is hereby appointed to administer and implement the provisions of this division.
2. **Duties and Responsibilities** Duties of the Community Development Director shall include, but not be limited to:
  - a. Review all land development applications and permits to assure that the requirements of this Division have been satisfied and to determine whether proposed building sites will be reasonably safe from flooding;

- b. Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by federal or state law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 USC 1344;
  - c. Require the applicant to obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source, when base flood elevation data or floodway data have not been provided, in order to meet the provisions of [Sec. 6.8.4.](#) and [Sec. 6.8.5.](#);
  - d. Review and record the actual elevation in relation to mean sea level (or highest adjacent grade) of the lowest floor, including basement, of all new or substantially improved structures;
  - e. Review and record the actual elevation, in relation to mean sea level to which any substantially improved structures have been flood proofed;
  - f. Obtain certification of design criteria from a registered professional engineer or architect when flood proofing is utilized for a structure;
  - g. Notify affected adjacent communities and the state Department of Natural Resources (DNR) prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the federal Emergency Management Agency (FEMA);
  - h. Make the necessary interpretation where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (e.g., where there appears to be a conflict between a mapped boundary and actual field conditions). Any person contesting the location of the boundary is given a reasonable opportunity to appeal the interpretation, as provided in this Division. Where floodplain elevations have been defined, the floodplain is determined based on flood elevations rather than the area graphically delineated on the floodplain maps.
  - i. Coordinate all Flood Insurance Rate Map (FIRM) revisions with the Georgia DNR and FEMA.
  - j. Review variance applications and make recommendations to the appointed board.
3. **Records**
- a. All records pertaining to the provisions of this Division is maintained in the office of the City Clerk and is open for public inspection.
  - b. Lowest floor means the lowest floor of the lowest enclosed area, including basement. An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of other provisions of adopted City building code.

## B. Permit Requirements

- 1. No owner or developer shall perform any land development activities on a site where an area of special flood hazard or area of future-conditions flood hazard is located, without first meeting the requirements of this Section prior to commencing the proposed activity.

2. No land development permit will be approved for any land development activities that do not meet the requirements, restrictions and criteria of this Section.

**C. Additional Requirements.**

1. An application for a development project with any area of special flood hazard located on the site shall include a floodplain management/flood damage prevention plan. This plan shall include the following items:
  2. Site plan drawn to scale, which includes but is not limited to:
    - a. Existing and proposed elevations of the area in question and the nature, location and dimensions of existing and/or proposed structures, earthen fill placement, amount and location of excavation material, and storage of materials or equipment;
    - b. For all proposed structures, spot ground elevations at building corners and 20-foot or smaller intervals along the foundation footprint, or one-foot contour elevations throughout the building site;
    - c. Proposed locations of water supply, sanitary sewer, and utilities;
    - d. Proposed locations of drainage and stormwater management facilities;
    - e. Proposed grading plan;
    - f. Base flood elevations and future-conditions flood elevations;
    - g. Boundaries of the base flood floodplain and future-conditions floodplain;
    - h. If applicable, the location of the floodway; and
    - i. Certification of the information required in this subsection by a licensed professional engineer or surveyor.
  3. Building and foundation design detail, including but not limited to:
    - a. Elevation in relation to mean sea level (or highest adjacent grade) of the lowest floor, including basement, of all proposed structures;
    - b. Elevation in relation to mean sea level to which any nonresidential structure will be floodproofed;
    - c. Certification that any proposed nonresidential floodproofed structure meets the criteria in Sec. 6.5.4.B.2;
    - d. For enclosures below the base flood elevation, location and total net area of flood openings as required in Sec. 6.5.4.A.5; and
    - e. Design plans certified by a licensed professional engineer or architect for all proposed structure(s).
  4. Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development;
  5. Hard copies and digital files of computer models, if any, copies of work maps, comparison of pre-development and post-development conditions base flood elevations, future-conditions flood elevations, flood protection elevations, special flood hazard areas and regulatory

floodway, flood profiles and all other computations and other information similar to that presented in the FIS;

- a. Copies of all applicable state and federal permits necessary for proposed development, including but not limited to permits required by Section 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1334; and
  - b. All appropriate certifications required under this Section.
6. The approved floodplain management/flood damage prevention plan shall contain certification by the applicant that all development activities will be done according to the plan or previously approved revisions. Any and all development permits and/or occupancy certificates or permits may be revoked at any time if the construction and development activities are not in strict accordance with approved plans.

#### D. Construction Stage Submittal Requirements

1. **New Construction and Substantial Improvements** For all new construction and substantial improvements on sites with a floodplain management/flood damage prevention plan, the permit holder shall provide to the Community Development Director a certified as-built elevation certificate or floodproofing certificate for nonresidential construction, including the lowest floor elevation or floodproofing level immediately after the lowest floor or floodproofing is completed. A final elevation certificate is provided after completion of construction including final grading of the site. Any lowest floor certification made relative to mean sea level is prepared by or under the direct supervision of a licensed land surveyor or professional engineer and certified by same. When floodproofing is utilized for nonresidential structures, said certification is prepared by or under the direct supervision of a professional engineer or architect and certified by same, using the FEMA floodproofing certificate. This certification shall also include the design and operation/maintenance plan to assure continued viability of the floodproofing measures.
  2. **Failure to Obtain a Permit or Certification** Any work undertaken prior to approval of these certifications is at the permit holder's risk. The Community Development Director shall review the referenced certification data submitted. Deficiencies detected by such review are corrected by the permit holder immediately and prior to further work being allowed to proceed. Failure to submit certification or failure to make the corrections required hereby is caused to issue a stop work order for the project.
- E. **Appeals and Variances** The following variance and appeals procedures shall apply to an applicant who has been denied a permit for a development activity, or to an owner or developer who has not applied for a permit because it is clear that the proposed development activity would be inconsistent with the provisions of this Division.
1. The Mayor and City Council shall hear and decide requests for appeals or variances from the requirements of this Division. At a minimum, such procedures shall include notice to all affected parties and the opportunity to be heard.
  2. The Mayor and City Council shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the Community Development Director in the enforcement or administration of this Section.

3. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance issued is the minimum necessary to preserve the historic character and design of the structure.
4. Variances may be issued for development necessary for the conduct of a functionally dependent use, provided the criteria of this Division are met, no reasonable alternative exists, and the development is protected by methods that minimize flood damage during the base flood and create no additional threats to public safety.
5. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
6. In reviewing such requests, the Mayor and City Council shall consider all technical evaluations, relevant factors, and all standards specified in this and other sections of this Division.
7. Required conditions for approving variances:
  - a. A finding of good and sufficient cause;
  - b. A determination that failure to grant the variance would result in exceptional hardship; and
  - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, or the creation of a nuisance.
8. The provisions of this Division are minimum standards for flood loss reduction, therefore, any deviation from the standards must be weighed carefully. Variances shall only be issued upon determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
9. Any applicant to whom a variance is granted is given written notice specifying the difference between the base flood elevation and the elevation of the proposed lowest floor and stating that the cost of flood insurance resulting from the lowest floor elevation being placed below the base flood elevation will be commensurate with the increased risk to life and property, and that such costs may be as high as \$25.00 for each \$100.00 of insurance coverage provided.
10. The Community Development Director shall maintain the records of all variance actions, both granted and denied, and report them to the Georgia Department of Natural Resources and the Federal Emergency Management Agency upon request.
11. Any person requesting a variance shall, from the time of the request until the time the request is acted upon, submit such information and documentation as the Board of Appeals shall deem necessary for the consideration of the request.
12. Upon consideration of the factors listed in this section and the purposes of this Division, the Board of Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Division.
13. Variances shall not be issued "after the fact."

### Sec. 6.5.3 Development Standards

#### A. Definition of Floodplain Boundaries

1. "A" zones, as identified in the FIS, are used to establish base flood elevations.
2. For all streams with a drainage area of 100 acres or greater, the future-conditions flood elevations are provided by the City. If future-conditions elevation data is not available from the City, then it is determined by a licensed professional engineer using a method approved by FEMA and the City.

#### B. Definition of Floodway Boundaries

The width of a floodway is determined from the FIS or FEMA-approved flood study. For all streams with a drainage area of 100 acres or greater, the regulatory floodway is provided by the City. If floodway data is not available from the City, then it is determined by a licensed professional engineer using a method approved by FEMA and the City.

#### C. General Standards

1. No development shall be allowed within any area of special flood hazard or area of future-conditions flood hazard that could result in any of the following:
  - a. Raising the base flood elevation or future-conditions flood elevation equal to or more than 0.01 foot;
  - b. Reducing the base flood or future-conditions regulatory flood storage capacity;
  - c. Changing the flow characteristics as to the depth and velocity of the waters of the base flood or future-conditions flood as they pass both the upstream and the downstream boundaries of the property; or
  - d. Creating hazardous or erosion-producing velocities or resulting in excessive sedimentation.
2. Any development within any area of special flood hazard or area of future-conditions flood hazard allowed under Sec. 6.5.3.C.1 shall also meet the following conditions:
  - a. Compensation for storage capacity shall occur between the average groundwater table elevation and the base flood elevation for the base flood, and between the average groundwater table elevation and the future-conditions flood elevation for the future-conditions flood and lie within the boundaries of ownership of the property being developed and is within the immediate vicinity of the location of the encroachment. Acceptable means of providing required compensation:
    - i. Include lowering of natural ground elevations within the floodplain, or lowering of adjoining land areas to create additional floodplain; and
    - ii. Storage. In no case shall any required compensation be provided via bottom storage or by excavating below the elevation of the natural (pre-development) stream channel unless such excavation results from the widening or relocation of the stream channel.
  - b. Cut areas are stabilized and graded to a slope of no less than two percent;

- c. Effective transitions are provided such that flow velocities occurring on both upstream and downstream properties are not increased or decreased;
  - d. Verification of no-rise conditions (0.01 foot or less), flood storage volumes, and flow characteristics are provided via a step-backwater analysis meeting the requirements of Sec. 6.5.3.D;
  - e. Public utilities and facilities, such as water, sanitary sewer, gas, and electrical systems, are located and constructed to minimize or eliminate infiltration or contamination from floodwaters; and
  - f. Any significant physical changes to the base flood floodplain is submitted as a conditional letter of map revision (CLOMR) or conditional letter of map amendment (CLOMA), whichever is applicable. The CLOMR submittal is subject to approval by the Department using the FEMA community concurrence forms before forwarding the submittal package to FEMA for final approval. The responsibility for forwarding the CLOMR to FEMA and for obtaining the CLOMR approval is the responsibility of the applicant. Within six months of the completion of development, the applicant shall submit as-built surveys and plans for a final letter of map revision (LOMR).
- D. **Engineering Study Requirements for Floodplain Encroachments** An engineering study is required, as appropriate to the proposed development activities on the site, whenever a development proposes to disturb any land within the future-conditions floodplain, except for a residential single-lot development on streams without established base flood elevations and floodways. This study is prepared by a licensed professional engineer and made a part of the application for a permit. This information is submitted to and approved by the Department prior to the approval of any permit which would authorize the disturbance of land located within the future-conditions floodplain. Such study shall include all requirements specified in the Social Circle Technical Manual:
1. Description of the extent to which any watercourse or floodplain will be altered or relocated as a result of the proposed development;
  2. Step-backwater analysis, using a FEMA-approved methodology approved by the Department. Cross sections (which may be supplemented by the applicant) and flow information will be obtained whenever available. Computations will be shown duplicating FIS results and will then be rerun with the proposed modifications to determine the new base flood profiles and future-conditions flood profiles;
  3. Floodplain storage calculations based on cross sections (at least one every 100 feet) showing existing and proposed floodplain conditions to show that base flood floodplain and future-conditions floodplain storage capacity would not be diminished by the development; and
  4. The study shall include a preliminary plat, grading plan, or site plan, as appropriate, which shall clearly define all future-conditions floodplain encroachments.
- E. **Floodway Encroachments** Located within areas of special flood hazard are areas designated as floodways. A floodway may be an extremely hazardous area due to velocity floodwaters, debris or erosion potential. In addition, floodways must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights. Therefore, the following provisions shall apply:

1. Encroachments are prohibited, including earthen fill, new construction, substantial improvements or other development within the regulatory floodway, except for activities specifically allowed in [subsection] (2) below.
  2. Encroachments for bridges, culverts, roadways and utilities within the regulatory floodway may be permitted provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the encroachment will not result in any increase to the pre-project base flood elevations, floodway elevations, or floodway widths during the base flood discharge. A licensed professional engineer must provide supporting technical data and certification thereof; and
  3. If the applicant proposes to revise the floodway boundaries, no permit authorizing the encroachment into or an alteration of the floodway is issued by the City until an affirmative conditional letter of map revision (CLOMR) is issued by FEMA or a no-rise certification is approved by the Department.
- F. **Maintenance Requirements** The property owner is responsible for continuing maintenance as may be needed within an altered or relocated portion of a floodplain on the property so that the flood-carrying or flood storage capacity is maintained. The City may direct the property owner, at no cost to the City, to restore the flood-carrying or flood storage capacity of the floodplain if the owner has not performed maintenance as required by the approved floodplain management plan on file with the Department.

#### Section 6.5.4 Flood Damage Reduction

- A. **General Standards** In all areas of special flood hazard and areas of future-conditions flood hazard the following provisions apply:
1. New construction and substantial improvements of structures (residential or nonresidential), including manufactured homes, shall not be allowed within the limits of the future-conditions floodplain, unless all requirements of [Sec. 6.5.3](#) have been met.
  2. New construction and substantial improvements shall be anchored to prevent flotation, collapse, and lateral movement of the structure.
  3. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
  4. New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage.
  5. Elevated building. All new construction and substantial improvements that include any fully enclosed area located below the lowest floor formed by foundation and other exterior walls are designed so as to be an unfinished or flood-resistant enclosure. The enclosure is designed to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater.
    - a. Designs for complying with this requirement must either be certified by a licensed professional engineer or architect to meet or exceed the following minimum criteria:
      - i. Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;



- ii. The bottom of all openings are no higher than one foot above grade; and
    - iii. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwater in both directions.
  - b. So as not to violate the lowest floor criteria of this Section, the unfinished or flood-resistant enclosure shall only be used for parking of vehicles, limited storage of maintenance equipment used in connection with the premises, or entry to the elevated area; and
  - c. The interior portion of such enclosed area shall not be finished or partitioned into separate rooms.
6. All heating and air conditioning equipment and components (including ductwork), all electrical, ventilation, plumbing, and other service facilities are designed and/or located three feet above the base flood elevation or one foot above the future-conditions flood elevation, whichever is higher, so as to prevent water from entering or accumulating within the components during conditions of flooding;
  7. Manufactured homes are anchored to prevent flotation, collapse, and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard is in addition to and consistent with applicable state requirements for resisting wind forces;
  8. All proposed development shall include adequate drainage and stormwater management facilities per the requirements of the City to reduce exposure to flood hazards;
  9. New and replacement water supply systems are designed to minimize or eliminate infiltration of floodwaters into the system;
  10. New and replacement sanitary sewage systems are designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters;
  11. On-site waste disposal systems are located and constructed to avoid impairment to, or contamination from such systems during flooding;
  12. Other public utilities such as gas and electric systems shall be located and constructed to avoid impairment to them, or public safety hazards from them during flooding;
  13. Any alteration, repair, reconstruction or improvement to a structure which is not compliant with the provisions of this Division is undertaken only if the nonconformity is not furthered, extended or replaced;
  14. If the proposed development is located in multiple flood zones or multiple base flood elevations cross the proposed site, the higher or more restrictive base flood elevation or future-condition elevation and development standards shall take precedence;
  15. When only a portion of a proposed structure is located within a flood zone or the future conditions floodplain, the entire structure shall meet the requirements of this Division; and

16. Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, shall be reasonably safe from flooding:
  - a. All such proposals shall be consistent with the need to minimize flood damage within the flood-prone area;
  - b. All public utilities and facilities, such as sewer, gas, electrical, and water systems shall be located and constructed to minimize or eliminate flood damage; and
  - c. Adequate drainage shall be provided to reduce exposure to flood hazards.

## B. Building Standards for Structures and Buildings within the Future-Conditions Floodplain

### 1. Residential Buildings

- a. **New Construction** New construction of principal residential structures shall not be allowed within the limits of the future-conditions floodplain.
- b. **Substantial Improvements** Substantial improvements of any principal residential structure shall have the lowest floor, including basement, elevated no lower than three feet above the base flood elevation or one foot above the future-conditions flood elevation, whichever is highest. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to automatically equalize the hydrostatic flood forces on exterior walls shall be provided in accordance with the standards of Sec. 6.5.4.A.

### 2. Nonresidential Buildings

- a. **New Construction** New construction of principal nonresidential structures shall not be allowed within the limits of the future-conditions floodplain unless all of the requirements of [Sec. 6.5.3](#) are met.
  - i. If all of the requirements of [Sec. 6.5.3](#) have been met, all new construction shall have the lowest floor, including basement, elevated no lower than one foot above the base flood elevation or at least as high as the future-conditions flood elevation, whichever is higher.
  - ii. Should solid foundation perimeter walls be used to elevate the structure, openings sufficient to automatically equalize the hydrostatic flood forces on exterior walls shall be provided in accordance with the standards of Sec. 6.5.4.A.
  - iii. New construction that has met all of the requirements of [Sec. 6.5.3](#) may be floodproofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be watertight to one foot above the base flood elevation, or at least as high as the future-conditions flood elevation, whichever is higher, with walls substantially impermeable to the passage of water and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A licensed professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above and shall provide such certification to the Community

Development Director using the FEMA floodproofing certificate along with the design and operation/maintenance plan.

- b. **Substantial Improvements** Substantial improvements of any principal nonresidential structure located in A1-30, AE, or AH zones may be authorized by the Community Development Director to be elevated or floodproofed.
  - i. Substantial improvements shall have the lowest floor, including basement, elevated no lower than one foot above the base flood elevation or at least as high as the future-conditions flood elevation, whichever is higher.
  - ii. Should solid foundation perimeter walls be used to elevate the structure, openings sufficient to automatically equalize the hydrostatic flood forces on exterior walls shall be provided in accordance with the standards of Sec. 6.5.4.A.
  - iii. Substantial improvements may be floodproofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be watertight to one foot above the base flood elevation, or at least as high as the future-conditions flood elevation, whichever is highest, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A licensed professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the Community Development Director using the FEMA floodproofing certificate along with the design and operation/maintenance plan.
- c. **Accessory Structures and Facilities** Accessory structures and facilities (i.e., barns, sheds, gazebos, detached garages, recreational facilities and other similar non-habitable structures and facilities) which meet the requirements of [Sec. 9.5.3](#) and are permitted to be located within the limits of the future-conditions floodplain shall be constructed of flood-resistant materials and designed to provide adequate flood openings in accordance with Sec. 9.5.4.A and be anchored to prevent flotation, collapse, and lateral movement of the structure.
- d. **Recreational Vehicles** All recreational vehicles placed on sites must either:
  - i. Be on the site for fewer than 180 consecutive days and be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions); or
  - ii. Meet all the requirements for residential buildings—substantial improvements set forth in Sec. 9.5.4.B.1.b, including the anchoring and elevation requirements.
- e. **Manufactured Homes**
  - i. New manufactured homes shall not be allowed to be placed within the limits of the future-conditions floodplain unless all of the requirements of [Sec. 6.5.3](#) have been met, all new construction and substantial improvements shall have the lowest floor, including basement, elevated no lower than three feet above the base flood elevation or one foot above the future-conditions flood elevation, whichever is higher. Should solid foundation perimeter walls be used to elevate the structure, openings sufficient to automatically equalize the

- hydrostatic flood forces on exterior walls shall be provided in accordance with the standards of Sec. 6.5.4.A.
- ii. Manufactured homes placed and/or substantially improved in an existing manufactured home park or subdivision are elevated so that either: (a) The lowest floor of the manufactured home is elevated no lower than three feet above the level of the base flood elevation, or one foot above the future-conditions flood elevation, whichever is higher; or (b) The manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least an equivalent strength) of no less than 36 inches in height above grade.
  - iii. All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement in accordance with the standards of Sec. 6.5.4.A.7.
- C. **Building Standards for Structures and Buildings Authorized Adjacent to the Future-Conditions Floodplain**
1. **Residential Buildings** For new construction of and substantial improvement to any principal residential building or manufactured home, the elevation of the lowest floor, including basement and access to the building, is at least three feet above the level of the highest base flood (100-year) elevation adjacent to the building or at least one foot above the future-conditions flood elevation, whichever is higher. Should solid foundation perimeter walls be used to elevate the structure, openings sufficient to automatically equalize the hydrostatic flood forces on exterior walls shall be provided in accordance with the standards of [Sec. 6.5.4](#).
  2. **Nonresidential Buildings** For new construction of and substantial improvement to any principal nonresidential building, the elevation of the lowest floor, including basement and access to the building, is at least three feet above the level of the highest base flood elevation adjacent to the building or at least one foot above the future-conditions flood elevation, whichever is higher. Should solid foundation perimeter walls be used to elevate the structure, openings sufficient to automatically equalize the hydrostatic flood forces on exterior walls shall be provided in accordance with the standards of [Sec. 6.5.4](#). Nonresidential buildings may be floodproofed in lieu of elevation.
- D. **Building Standards for Residential Single-Lot Development on Streams without Established Base Flood Elevations and/or Floodway (A zones)**
- For a residential single-lot development not part of a subdivision that has areas of special flood hazard, where streams exist but no base flood data have been provided (A zones), the Community Development Director shall review and reasonably utilize any available scientific or historic flood elevation, data, base flood elevation floodway data or future-conditions flood elevation data available from a federal, state, or other source in order to administer the provisions and standards of this Division. If data are not available from any of these sources, the following provisions shall apply:
1. No encroachments, including structures or fill material, shall be located within an area equal to twice the width of the stream or fifty feet from the top of the bank of the stream, whichever is greater.

2. In special flood hazard areas without base flood or future-conditions flood elevation data, new construction and substantial improvements shall have the lowest floor of the lowest enclosed area (including basement) elevated no less than three feet above the highest adjacent grade at the building site. Flood openings sufficient to facilitate automatic equalization of hydrostatic flood forces shall be provided for flood-prone enclosures in accordance with Sec. 6.5.4.A.5.a.
- E. Building Standards for Areas of Shallow Flooding (AO zones)** Areas of special flood hazard may include designated AO shallow flooding areas. These areas have base flood depths of one foot to three feet above ground, with no clearly defined channel. In these areas the following provisions apply:
1. All new construction and substantial improvements of residential and nonresidential structures shall have the lowest floor, including basement, elevated to no lower than one foot above the flood depth number specified on the flood insurance rate map (FIRM), above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, is elevated at least three feet above the highest adjacent grade. Flood openings sufficient to facilitate automatic equalization of hydrostatic flood forces shall be provided in accordance with the standards of Sec. 6.5.4.A.5.a;
  2. New construction and substantial improvement of a nonresidential structure may be floodproofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be watertight to the specified FIRM flood level plus one foot above the highest adjacent grade, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A licensed professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice, and shall provide such certification to the City using the FEMA floodproofing certificate along with the design and operation/maintenance plan; and
  3. Drainage paths shall be provided to guide floodwater around and away from any proposed structure.
- F. Standards for Subdivisions of Land and Other Development**
1. All subdivision proposals shall identify the areas of special flood hazard and areas of future-conditions flood hazard therein and provide base flood elevation data and future-conditions flood elevation data;
  2. All residential lots in a subdivision proposal shall have sufficient buildable area outside of the future-conditions floodplain such that encroachments into the future-conditions floodplain for residential structures will not be required;
  3. All subdivision plans will provide the elevations of proposed structures in accordance with Sec. 6.5.2.C.
- G. Standards for Utilities**
1. All new and replacement water supply and sanitary sewerage systems are designed to minimize or eliminate:
    - a. Infiltration of floodwaters into the systems; and

- b. Discharges from the systems into floodwaters.
- 2. On-site waste disposal systems are located outside the floodplain to avoid impairment to them, or contamination from them during flooding.

## Section 6.6 STORMWATER MANAGEMENT

### Section 6.6.1 Purpose

The purpose of this Section is to protect, maintain, and enhance the public health, safety, environment and general welfare by establishing minimum requirements and procedures to control the adverse effects of increased post-development stormwater runoff and non-point source pollution associated with new development and redevelopment by focusing on the types of frequently occurring storm events that generate the most water quality impacts. Proper management of post-development stormwater runoff will minimize damage to public and private property and infrastructure, safeguard the public health, safety, environment and general welfare of the public, and protect water and aquatic resources. This Section seeks to meet that purpose through the following objectives:

- A. Establish decision-making processes surrounding land development activities that protect the integrity of the watershed and preserve the health of water resources;
- B. Require that new development and redevelopment maintain the pre-development hydrologic response in their post-development state as nearly as practicable in order to reduce flooding, stream bank erosion, non-point source pollution and increases in stream temperature, and maintain the integrity of stream channels and aquatic habitats;
- C. Establish minimum post-development stormwater management standards and design criteria for the regulation and control of stormwater runoff quantity and quality and to preserve and/or restore natural hydrologic conditions on development sites;
- D. Establish design and application criteria for the construction and use of structural stormwater control facilities that meet the minimum post-development stormwater management standards;
- E. Encourage the use of nonstructural stormwater management and stormwater better site design practices, peak rate and/or runoff reduction, and the preservation of greenspace and other conservation areas, by establishing minimum post-development stormwater management standards and design criteria for the regulation and control of stormwater runoff quantity and quality. Coordinate site design plans, which include greenspace, with the City's greenspace protection plan;
- F. Establish provisions for the long-term responsibility of operation, inspection, maintenance and repair of private structural stormwater control facilities and private commitments for nonstructural stormwater management practices to ensure that they continue to function as designed, are maintained, and pose no threat to public safety or the environment;
- G. Establish administrative procedures for the submission, review, approval and disapproval of stormwater management plans, and for the inspection of approved active projects, and long-term compliance; and
- H. Protect public health and safety by reducing the risk of localized flooding and reducing the amount of runoff entering streets.

### Section 6.6.2 Violations, Enforcement, Penalties

Any action or inaction which violates the provisions of this Section, or the requirements of an approved stormwater management plan or permit may be subject to the enforcement actions outlined in this section. Any such action or inaction that is continuous with respect to time is deemed to be a public nuisance and may be abated by injunctive or other equitable relief. The imposition of any of the penalties described in Sec. 6.6.2.B shall not prevent such equitable relief.

- A. **Notice of Violation** If the Department determines that an applicant or other responsible person has failed to comply with the terms and conditions of a permit, an approved stormwater management plan or the provisions of this Division, it shall issue a written notice of violation to such applicant or other responsible person. Where a person is engaged in activity covered by this Division without having first secured a permit therefor, the notice of violation is served on the owner or the responsible person in charge of the activity being conducted on the site. The notice of violation shall contain:
1. The name and address of the owner or the applicant or the responsible person;
  2. The address or other description of the site upon which the violation is occurring;
  3. A statement specifying the nature of the violation;
  4. A description of the remedial measures necessary to bring the action or inaction into compliance with the permit, the stormwater management plan or this Division and the date for the completion of such remedial action;
  5. A statement of the penalty or penalties that may be assessed against the person to whom the notice of violation is directed; and
  6. A statement that the determination of violation may be appealed to the Department by filing a written notice of appeal within 30 days after the notice of violation (except that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours' notice shall be sufficient).
- B. **Penalties** In the event the remedial measures described in the notice of violation have not been completed by the date set forth for such completion in the notice of violation, any one or more of the following actions or penalties may be taken or assessed against the person to whom the notice of violation was directed. Before taking any of the following actions or imposing any of the following penalties, the Department shall first notify the applicant or other responsible person in writing of its intended action, and shall provide a reasonable opportunity, of not less than ten days (except that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours' notice is sufficient), to cure such violation. In the event the applicant or other responsible person fails to cure such violation after such notice and cure period, the Department may take any one or more of the following actions or impose any one or more of the following penalties:
1. **Stop Work Order** The Department may issue a stop work order that is served on the applicant or other responsible person. The stop work order shall remain in effect until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violation or violations described therein, provided the stop work order may be withdrawn or modified to enable the applicant or

- other responsible person to take the necessary remedial measures to cure such violation or violations.
2. **Withhold Certificate of Occupancy** The Department may refuse to issue a certificate of occupancy for the building or other improvements constructed or being constructed on the site until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein.
  3. **Suspension, Revocation or Modification of Permit** The Department may suspend, revoke or modify the permit authorizing the land development project. A suspended, revoked or modified permit may be reinstated after the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein, provided such permit may be reinstated (upon such conditions as the City may deem necessary) to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.
  4. **Civil Penalties** In the event the applicant or other responsible person fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within ten days, or such greater period as the Department shall deem appropriate (except that, in the event the violation constitutes an immediate danger to public health or public safety, 24 hours' notice is sufficient) after the City has taken one or more of the actions described above, the Department may impose a penalty not to exceed \$1,000.00 (depending on the severity of the violation) for each day the violation remains unremedied after receipt of the notice of violation.
  5. **Criminal Penalties** For intentional and flagrant violations of this Division, the Department may issue a citation to the applicant or other responsible person, requiring such person to appear in municipal court to answer charges for such violation. Upon conviction, such person shall be guilty of a violation of this Code. Each act of violation and each day upon which any act of violation shall occur shall constitute a separate violation of this Code.

### Section 6.6.3 Standards

#### A. **Applicability**

1. This Section is applicable to all land development, including, but not limited to, site plan applications, single family residential applications, subdivision applications, and grading applications, unless exempt pursuant to subsection (2) of this Section. These standards apply to any new development or redevelopment site that meets one or more of the following criteria, or as otherwise required by the Director:
  - a. Any new development, redevelopment, addition or replacement that involves the creation of 1,000 square feet or more of impervious cover, or that involves other land development activities of 5,000 square feet or more;
  - b. Any new development or redevelopment, regardless of size, if such activities are part of a larger common plan of development, even though multiple, separate and distinct land development activities may take place at different times on different schedules or that is defined by the Director to be a hotspot land use.
2. The following activities are exempt from this Section:



- a. Agricultural or silvicultural land management activities within areas zoned for these activities; and
  - b. Repairs to any stormwater management facility or practice deemed necessary by the Director.
  - c. Minor improvements to public parks involving less than 5,000 square feet of land disturbance and less than 1,000 square feet of impervious surface.
  - d. Utility installations, repairs or modifications outside of stream buffers.
  - e. Installations or modifications to existing structures to accommodate Americans with Disability Act (ADA) requirements.
  - f. Installation of pervious pavement less than 5,000 square feet.
  - g. Maintenance, repair and resurfacing of existing paved surfaces.
  - h. Addition of sidewalks along streets.
  - i. Stream bank stabilization or restoration.
  - j. Land disturbance required for environmental cleanup or remediation.
  - k. Residential driveway replacement.
3. **Minimum Requirements** Except for repairs to existing stormwater facilities or stormwater facilities in the right-of-way, all developments and redevelopment activity, including single-family residential and those which are otherwise exempt from this Division, the following minimum requirements shall apply:
- a. Lots and buildings shall be developed in a manner to ensure that stormwater exiting individual parcels or lots under post-development conditions does not adversely impact the adjacent parcels or lots as a result of concentrated flows, flooding, erosion or deposits of silt or sediment;
  - b. The stormwater discharge from a downspout, cistern, or any water collection device shall be located no closer to a property line than ten feet and oriented so direction of flow is away from any downstream improvements. Discharge from any outlet must be dissipated, infiltrated or diverted such that flows will not be concentrated; and
  - c. No person shall erect, construct, or otherwise permit any obstruction that prevents the natural or contained flow of water to or from any component of the stormwater system of the City unless such obstruction is allowed as a part of a permit approved pursuant to this Division.
  - d. Lots and buildings shall be developed to provide Green Infrastructure/Low Impact Development best management practices. Single Family - Single Lot Development that is not part of a larger common development shall be exempt from this requirement.
- B. **Designation of Administrator** The Community Development Director is hereby appointed to administer and implement the provisions of this Section.
- C. **Compatibility With Other Regulations** This Section is not intended to modify or repeal any other chapter, rule, regulation or other provision of law. The requirements of this Section are in

addition to the requirements of any other chapter, rule, regulation, or other provision of law, and where any provision of this Division imposes restrictions different from those imposed by any other chapter, rule, regulation or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

#### **Section 6.6.4. - Stormwater Design Manual**

The City will utilize the policy, criteria, and information including technical specifications and standards in the latest edition of the 2016 Georgia Stormwater Management Manual and any relevant City addenda (or equivalent City stormwater management design manual) for the proper implementation of the requirements of this Division. The manual may be updated and expanded periodically, based on improvements in science, engineering, monitoring and local maintenance experience.

#### **Section 6.6.5 Permit Application Requirements**

- A. No owner or developer shall perform any land development activities without first meeting the requirements of this Division prior to commencing the proposed activity.
- B. Unless specifically exempted by this Section, any owner or developer proposing a land development activity shall submit to the Department a permit application on a form provided by the City for that purpose.
- C. Unless otherwise exempted by this Section, a permit application is accompanied by the following items in order to be considered:
  1. Stormwater concept plan and consultation meeting certification in accordance with [Sec.6.6.7](#);
  2. Stormwater management plan in accordance with [Sec. 6.6.8](#);
  3. Green Infrastructure Feasibility Form in accordance with [Sec 6.6.7](#);
  4. Inspection and maintenance agreement in accordance with [Sec. 6.6.8](#), if applicable;
  5. Performance bond, if applicable; and
  6. Permit application and plan review fees in accordance with [Sec. 6.6.10](#).
- D. The approved stormwater management plan shall obligate the responsible party to accomplish all land clearing, construction, development and drainage in accordance with the stormwater management plan. Any and all permits for development activities may be revoked at any time if the construction of stormwater management facilities is not conducted in substantial conformity with approved plans.
- E. Applicant or responsible party shall obtain all state and federal permits required for the proposed development activity in addition to the plans and permits required by the City.
- F. Upon completion of the project the applicant or responsible party shall submit the engineer-of-record's certification and as-built plan that includes the global positioning system coordinates of the stormwater management facilities. If the as-built plan differs substantially from the approved plan but is still acceptable to the City, then the applicant or responsible party shall update the recorded inspection and maintenance agreement upon approval by the City.

### **Section 6.6.6 Application Procedure**

- A. Applications for land development permits are filed with the Community Development Department.
- B. Permit applications shall include the items set forth in [Sec. 6.6.5](#). Two copies of the stormwater management plan and the inspection maintenance agreement, if applicable, are included.
- C. The Department shall inform the applicant whether the application, stormwater management plan and inspection and maintenance agreement are approved or disapproved.
- D. If the permit application, stormwater management plan or inspection and maintenance agreement is disapproved, the Department shall notify the applicant of such fact in writing. The applicant may then revise any item not meeting the requirements hereof and resubmit the same, in which event this section and Sec. 6.6.6.C shall apply to such resubmittal.
- E. Upon a finding by the Department that the permit application, stormwater management plan and inspection and maintenance agreement, if applicable, meet the requirements of this Division, the Department may issue a permit for the land development project, provided all other legal requirements for the issuance of such permit have been met.
- F. Notwithstanding the issuance of the permit, in conducting the land development project, the applicant or other responsible person is subject to the following requirements:
  - 1. The applicant shall comply with all applicable requirements of the approved plan and this Division and shall certify that all land clearing, construction, land development and drainage will be done according to the approved plan;
  - 2. The land development project is conducted only within the area specified in the approved plan;
  - 3. The Department is allowed to conduct periodic inspections of the project;
  - 4. No changes may be made to an approved plan without review and written approval by the Department; and
  - 5. Upon completion of the project, the applicant or other responsible person shall submit the engineer's report and certificate and as-built plans required by [Sec. 6.6.13](#).

### **Section 6.6.7 Stormwater Concept Plan**

- A. Discussion of post-development stormwater management. Before any stormwater management permit application is submitted, it is recommended that the landowner or developer shall meet with the Department for a consultation meeting on a concept plan for the post-development stormwater management system to be utilized in the proposed land development project. This consultation meeting shall take place at the time of the preliminary plan of subdivision or other early step in the development process. The purpose of this meeting is to discuss the post-development stormwater management measures necessary for the proposed project, as well as to discuss and assess constraints, opportunities and potential ideas for stormwater management designs before the formal site design engineering is commenced.
- B. Information to be submitted. To accomplish this goal, the following information is included in the concept plan that is submitted in advance of the meeting:

1. **Existing Conditions** Proposed site plans. Existing conditions and proposed site layout sketch plans which illustrate, at a minimum, existing and proposed topography; perennial and intermittent streams; mapping of predominant soils from soil surveys (when available); boundaries of existing predominant vegetation and proposed limits of clearing and grading; and location of existing and proposed roads, buildings, parking areas and other impervious surfaces.
2. **Natural Resources Inventory** A written or graphic inventory of the natural resources at the site and surrounding area as it exists prior to the commencement of the project. This description should include a discussion of soil conditions, forest cover, topography, wetlands, and other native vegetative areas on the site, as well as the location and boundaries of other natural feature protection and conservation areas such as wetlands, lakes, ponds, floodplains, stream buffers and other setbacks (e.g., drinking water well setbacks, septic setbacks, etc.). Particular attention should be paid to environmentally sensitive features that provide particular opportunities or constraints for development.
3. **Stormwater Management System Concept Plan** A written or graphic concept plan of the proposed post-development stormwater management system including: preliminary selection and location of proposed structural stormwater controls; location of existing and proposed conveyance systems such as grass channels, swales, and storm drains; flow paths; location of floodplain/floodway limits; relationship of site to upstream and downstream properties and drainages; and preliminary location of proposed stream channel modifications, such as bridge or culvert crossings. Local watershed plans, the City greenspace protection plan (if applicable), and any relevant resource protection plans will be consulted in the discussion of the concept plan.
4. **Green Infrastructure Feasibility Form** The standard City form will be provided with required documentation for Linear or Non-linear projects determining whether the installation of Green Infrastructure best management practices are feasible or infeasible for the proposed project based on soil infiltration rates, water table or bedrock conditions, setbacks, landmark trees, endangered species, brownfield site conditions, on-site contaminants, historic resources, steep slopes, utility conflicts or practicability hardships.

#### Section 6.6.8. - Stormwater Management Plan

- A. The stormwater management plan shall detail how post-development stormwater runoff will be controlled or managed and how the proposed project will meet the requirements of this Section, including the performance criteria set forth in [Sec. 6.6.12](#).
- B. This plan is in accordance with the criteria established in this section and must be submitted with the stamp and signature of a design professional licensed in the state, who must verify that the design of all stormwater management facilities and practices meet the submittal requirements outlined in the current Georgia Stormwater Management Manual 2016 Edition (here and henceforth all references to this manual assume the 2016 edition, including all amendments as may be forthcoming from time to time) and the City's submittal requirements for commercial and single-family residential development.
- C. The stormwater management plan must ensure that the requirements and criteria in this Division are being complied with and that opportunities are being taken to minimize adverse

post-development stormwater runoff impacts from the development. The plan shall consist of maps, narrative, and supporting design calculations (hydrologic and hydraulic) for the proposed stormwater management system. The plan shall include all of the applicable design requirements and forms found in the Georgia Stormwater Management Manual and the City's submittal requirement for commercial and single-family residential development. This includes but is not limited to:

1. The common address and legal description of the site.
2. Vicinity map.
3. Existing conditions and proposed site plans. Existing conditions and proposed site layout plans which illustrate at a minimum: existing and proposed topography; perennial and intermittent streams; mapping of predominant soils from soil surveys; boundaries of existing predominant vegetation and proposed limits of clearing and grading; and location of existing and proposed roads, building parking area and other impervious surfaces.
4. Infiltration rates. Infiltration rates shall be determined by soil surveys, on-site soil analysis or a percolation test. If the site has been previously developed or graded or contains urban soil types, a percolation test is required.
5. Natural resources inventory. A written or graphic inventory of the natural resources in existence prior to the commencement of the project. This inventory shall address resources both on the site and in the surrounding area that are or may be impacted by the project. This inventory shall also include a description of the soil conditions, forest cover, topography, wetlands, and other native vegetative areas on the site, as well as the location and boundaries of other natural features protection and conservation areas such as wetlands, lakes, ponds, floodplains, stream buffers and other setbacks, including but not limited to drinking water well setbacks and septic setbacks. Particular attention should be paid to environmentally sensitive features that present constraints for development.
6. Existing conditions hydrologic analysis. The existing condition hydrologic analysis for stormwater runoff rates, volumes, and velocities in accordance with the current Georgia Stormwater Management Manual, which shall include: a topographic map of existing site conditions with the drainage basin boundaries indicated; acreage, soil types and land cover of areas for each subbasin affected by the project; all perennial and intermittent streams and other surface water features; all existing stormwater conveyances and structural control facilities; direction of flow and exits from the site; analysis of runoff provided by off-site areas upstream of the project site; and methodologies, assumptions, site parameters and supporting design calculations used in analyzing the existing conditions site hydrology. For redevelopment sites, pre-development conditions are modeled using guidelines established by the Director for the portion of the site undergoing land development activities.
7. Post development hydrologic analysis. The post-development hydrologic analysis for stormwater runoff rates, volumes, and velocities shall be calculated in accordance with the Georgia Stormwater Management Manual and include: a topographic map of developed site conditions with the post-development drainage basin boundaries indicated; total area of post development impervious surfaces and other land cover areas for each subbasin

affected by the project; calculations for determining the runoff volumes that need to be addressed for each subbasin for the development project to meet the post-development stormwater management performance criteria in [Sec. 6.6.12](#); location and boundaries of proposed natural feature protection and conservation areas; documentation and calculations for any applicable site design credits that are being utilized; methodologies, assumptions, site parameters and supporting design calculations used in analyzing the existing conditions site hydrology. If the land development activity on a redevelopment site constitutes more than 50 percent of the site area for the entire site, then the performance criteria in [Sec.6.6.12](#) must be met for the stormwater runoff from the entire site. For a subdivision of land or planned development, post-development runoff volumes, rates, and velocities shall be calculated based on the built-out conditions of the entire parcel to be subdivided, regardless of future ownership of individual lots. Estimates of impervious surfaces shall be made based on maximum allowable lot coverage in accordance with the City's Development Code when meeting the performance criteria. The developer of said subdivided parcel may provide runoff reduction and water quality measures for individual lots, which must be reflected accordingly on the final plat.

8. Stormwater management system.
  - a. The description, scaled drawings and design calculations for the proposed post-development stormwater management system, which shall include: A map and/or drawing or sketch of the stormwater management facilities, including the location of nonstructural site design features and the placement of existing and proposed structural stormwater controls, including design water surface elevations, storage volumes available from zero to maximum head, location of inlet and outlets, location of bypass and discharge systems, and all orifice/restrictor sizes; a narrative describing how the selected structural stormwater controls will be appropriate and effective; cross section and profile drawings and design details for each of the structural stormwater controls in the system, including supporting calculations to show that the facility is designed according to the applicable design criteria; a hydrologic and hydraulic analysis of the stormwater management system for all applicable design storms (including stage-storage or outlet rating curves, and inflow and outflow hydrographs); documentation and supporting calculations to show that the stormwater management system adequately meets the post-development stormwater management performance criteria in section 109-195; drawings, design calculations, elevations and hydraulic grade lines for all existing and proposed stormwater conveyance elements including stormwater drains, pipes, culverts, catch basins, channels, swales and areas of overland flow; and where applicable, a narrative describing how the stormwater management system corresponds with any watershed protection plans and/or local greenspace protection plan.
9. Green Infrastructure/low impact development (GI/LID).
  - a. Demonstrate use of any GI/LID techniques as follows:
    - i. Vegetated Filter Strip – are uniformly graded and densely vegetated sections of land that provide “biofiltering” of stormwater runoff as it flows across the surface.

- ii. Bioretention Areas - are shallow stormwater basins or landscaped areas with well-draining soils, generally composed of sand, fines, and organic matter, and vegetation to capture and treat stormwater runoff.
  - iii. Dry Wells – consist of shallow excavations, typically filled with stone, that are designed to intercept and temporarily store post-construction stormwater runoff until it infiltrates into the underlying and surrounding soils.
  - iv. Permeable Paver System – is a pavement surface composed of structural units with void areas that are filled with pervious materials such as gravel, sand, or grass turf. The system is installed over a gravel base course that provides structural support and stores stormwater runoff that infiltrates through the system into underlying permeable soils.
  - v. A developer may request a different type of GI/LID practice from the GSMM upon the review and approval by the City.
- b. Provide documentation of at least one of the following infeasibility criteria for cases where GI/LID applications cannot be applied in a feasible or sustainable manner:
- i. The use of GI/LID application will impact threatened or endangered species habitat.
  - ii. The use of GI/LID application will significantly damage a community resource, such as a historical area, a park, a wildlife refuge, a nature trail, riparian zone, or a school facility.
  - iii. The use of GI/LID would result in the violation of a Federal or State Law.
  - iv. Steep Slopes < 6% for Dry Wells, Permeable Pavers, Vegetative Filter Strips; steep slopes < 20% for Bioretention Areas
  - v. Inadequate Land Area < 2,500 ft<sup>2</sup> for Dry Wells, < 5 acres for Bioretention Areas and Vegetative Filter Strips
  - vi. Depth to Water Table < 2 ft for Dry Wells, Bioretention Areas, Permeable Pavers, and < 1-2 ft for Vegetated Filter Strips
  - vii. Conflict with subsurface utilities.
10. Post development downstream analysis. A downstream peak flow analysis that includes the assumptions, results and supporting calculations to show safe passage of post-development design flows downstream. The analysis of downstream conditions in the report shall address each and every point or area along the project site's boundaries at which runoff will exit the property. The analysis shall focus on the portion of the drainage channel or watercourse immediately downstream from the project. This area shall extend downstream from the project to a point in the drainage basin where the project area is ten percent of the total basin area. In calculating runoff volumes and discharge rates, consideration may need to be given to any planned future upstream land use changes. The analysis is in accordance with the stormwater design manual.
11. Construction-phase erosion and sedimentation control plan. An erosion and sedimentation control plan in accordance with the Georgia Erosion and Sedimentation Control Act of 1975 (O.C.G.A. § 12-7-1 et seq.) or NPDES permit for construction activities. The plan shall also include information on the sequence/phasing of construction and temporary stabilization measures and temporary structures that will be converted into permanent stormwater controls. Prior to the approval of the stormwater management plan, the applicant or responsible party shall submit a proposed staged construction and inspection control

- schedule for approval; otherwise, the construction and inspection control schedule will be for the entire drainage system. No stage work related to the construction of stormwater management facilities or BMPs shall proceed until the next proceeding stage of work, according to the sequence specified in the approved stage construction and inspection control schedule, as inspected and approved. Runoff reduction and water quality measures shall be installed in the final phase of construction to prevent clogging.
12. Landscaping and open space plan. A detailed landscaping and vegetation plan describing the woody and herbaceous vegetation that will be used within and adjacent to stormwater management facilities and practices. The landscaping plan must also include: the arrangement of planted areas, natural and greenspace areas and other landscaped features on the site plan; information necessary to construct the landscaping elements shown on the plan drawings; descriptions and standards for the methods, materials and vegetation that are to be used in the construction; density of plantings; descriptions of the stabilization and management techniques used to establish vegetation; and a description of who will be responsible for ongoing maintenance of vegetation for the stormwater management facility and what practices will be employed to ensure that adequate vegetative cover is preserved.
  13. Operations and maintenance plan. Detailed description of ongoing operations and maintenance procedures for stormwater management facilities and practices to ensure their continued function as designed and constructed or preserved. These plans will identify the parts or components of a stormwater management facility or practice that need to be regularly or periodically inspected and maintained, and the equipment and skills or training necessary. The plan shall include a narrative describing how the stormwater management system is designed to function, including capture, runoff control, water quality treatment, channel and flood protection, and ongoing operations and maintenance procedures for all stormwater management facilities and practices shown on the stormwater management site plan. The plan shall include an inspection and maintenance schedule, maintenance tasks, responsible parties for maintenance, funding, access and safety issues. Provisions for the periodic review and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures are included in the plan.
  14. Maintenance access easements. The applicant must ensure access from right-of-way to stormwater management facilities and practices requiring regular maintenance at the site for the purpose of inspection and repair by securing all the maintenance access easements needed on a permanent basis. Such access is sufficient for all necessary equipment for maintenance activities. Upon final inspection and approval, a plat or document indicating that such easements exist is recorded and shall remain in effect even with the transfer of title of the property.
  15. Inspection and maintenance agreements. Unless an on-site stormwater management facility or practice is dedicated to and accepted by the Department as provided in [Sec. 6.6.9](#), the applicant must execute an easement and an inspection and maintenance agreement binding on all subsequent owners of land served by an on-site stormwater management facility or practice in accordance with [Sec. 6.6.9](#).
  16. Evidence of acquisition of applicable local and nonlocal permits. The applicant shall certify and provide documentation to the Department that all other applicable



environmental permits have been acquired for the site prior to approval of the stormwater management plan.

#### **Section 6.6.9 Inspection, Maintenance Agreements**

- A. Prior to the issuance of any permit for a land development activity requiring a stormwater management facility or practice hereunder and for which the Department requires ongoing maintenance, the applicant or owner of the site must, unless an on-site stormwater management facility or practice is dedicated to and accepted by the Department, execute an inspection and maintenance agreement, and/or a conservation easement, if applicable, that is binding on all subsequent owners of the site.
- B. The inspection and maintenance agreement, if applicable, must be approved by the Department prior to plan approval, and recorded in the deed records upon final plat approval.
- C. The inspection and maintenance agreement shall identify by name or official title the person responsible for carrying out the inspection and maintenance. Responsibility for the operation and maintenance of the stormwater management facility or practice, unless assumed by a governmental agency, shall remain with the property owner and shall pass to any successor owner. If portions of the land are sold or otherwise transferred, legally binding arrangements are made to pass the inspection and maintenance responsibility to the appropriate successors in title. These arrangements shall designate for each portion of the site the person to be permanently responsible for its inspection and maintenance.
- D. As part of the inspection and maintenance agreement, a schedule is developed for when and how often routine inspection and maintenance will occur to ensure proper function of the stormwater management facility or practice. The agreement shall also include plans for annual inspections to ensure proper performance of the facility between scheduled maintenance and shall also include remedies for the default thereof.
- E. In addition to enforcing the terms of the inspection and maintenance agreement, the Department may also enforce all of the provisions for ongoing inspection and maintenance in [Sec. 6.6.14](#).
- F. The Department, in lieu of an inspection and maintenance agreement, may accept dedication of any existing or future stormwater management facility for maintenance, provided such facility meets all the requirements of this Division and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.

#### **Section 6.6.11 Modifications for Off-Site Facilities**

- A. The stormwater management plan for each land development project shall provide for stormwater management measures located on the site of the project, unless provisions are made to manage stormwater by an off-site or regional facility. The off-site or regional facility must be located on property legally dedicated for the purpose, must be designed and adequately sized to provide a level of stormwater quantity and quality control that is equal to or greater than that which would be afforded by on-site practices and there must be a legally obligated entity responsible for long-term operation and maintenance of the off-site or regional stormwater facility. In addition, on-site measures are implemented, where necessary, to protect upstream and downstream properties and drainage channels from the site to the off-site facility.

- B. A stormwater management plan must be submitted to the Department that shows the adequacy of the off-site or regional facility.
- C. To be eligible for a modification, the applicant must demonstrate to the satisfaction of the Director that the use of an off-site or regional facility will not result in the following impacts to upstream or downstream areas:
  1. Increased threat of flood damage to public health, life, and property;
  2. Deterioration of existing culverts, bridges, dams, and other structures;
  3. Accelerated stream bank or streambed erosion or siltation;
  4. Degradation of in-stream biological functions or habitat; or
  5. Water quality impairment in violation of the state water quality standards, and/or violation of any state or federal regulations.

#### Section 6.6.12 Performance Criteria

- A. For new developments, the following performance criteria shall be applied to the area of the site impacted by the proposed work. For redevelopment, the following performance criteria shall be applied to the area of the site impacted by the proposed work, provided that the impacted area does not exceed 35 percent of the previously developed area. If the impacted area exceeds 35 percent of the previously developed area, the following performance criteria shall be applied to the entire development, including previously developed area:
  1. **Water Quality/Runoff Reduction:** All stormwater runoff generated from a site shall provide runoff reduction of the first 1.2 inches of rainfall or shall be adequately treated for water quality before discharge. With the exception of single lot residential developments that are not part of a common development, this shall be accomplished by the use of Green Infrastructure Best Management Practices unless determined to be infeasible in accordance with Sec. .6.7.B.4. of this code.

It will be presumed that a stormwater management system complies with this requirement if it satisfies the stormwater reduction criteria in this section. However if any of the stormwater runoff volume generated by the first 1.2 inches of rainfall cannot be reduced or retained on site due to constraints such as a high water table, rock, low infiltration rates or the presence of a hotspot, the remaining volume shall be increased by a multiplier of 1.2 and shall be intercepted and treated in one or more stormwater management practices that provide at least an 80 percent reduction in total suspended solids loads in accordance with the following criteria:

- a. It is sized to treat the prescribed water quality treatment volume from the site, as defined in the Georgia Stormwater Management Manual;
- b. Appropriate structural stormwater controls or nonstructural practices are selected, designed, constructed or preserved, and maintained according to the specific criteria in the Georgia Stormwater Management Manual or constitutes an alternative practice responsibly designed and documented by the design professional to reproduce the intent of the Georgia Stormwater Management Manual; and

- c. Runoff from hotspot land uses and activities identified by the Department are adequately treated and addressed through the use of appropriate structural stormwater controls, nonstructural practices and pollution prevention practices.
2. **Stream Channel Protection** Protection of stream channels from bank and bed erosion and degradation is provided by using all of the following three approaches:
- a. Preservation, restoration and/or reforestation (with native vegetation) of the applicable stream buffer;
  - b. Twenty-four-hour extended detention storage of the one-year, 24-hour return frequency storm event;
  - c. Erosion prevention measures such as energy dissipation and velocity control.
  - d. For redevelopment projects that create, add, or demolish and replace less than 5,000 square feet of impervious surface and meet the performance criteria of this section, stream channel protection is not required.
3. **Overbank Flooding Protection**
- a. Downstream overbank flood and property protection is provided by controlling (attenuating) the post-development peak discharge rate to the pre-development rate for the 25-year, 24-hour return frequency storm event. If control of the one-year, 24-hour storm under subsection (a) of this section is exempted, then peak discharge rate attenuation of the two-year through the 25-year return frequency storm event must be provided. For redevelopment projects overbank flood and property protection shall be provided by reducing the peak discharge rate up to the 25-year, 24-hour storm event in accordance with the following formula:
  - b.  $\%PIC/2 = \%PDRR$
  - c. PIC = Predevelopment Impervious Cover
    - i. PDRR = Peak Discharge Rate Reduction
  - d. For sites where previous demolition has removed impervious surfaces, pre-development peak discharge rate calculations and percentage of impervious coverage shall be calculated based on pre-demolition conditions. For sites that have been demolished and have remained fallow and stabilized with vegetation for a minimum of five years, they shall be considered as having pre-development conditions of 20 percent impervious cover for purposes of calculating peak discharge rate reduction.
  - e. For land development permitted after 2005 and served by appropriate stormwater management facilities, subsequent redevelopment of the same area is not required to further reduce the peak discharge rate, provided that the site continues to meet the reduction previously achieved.
  - f. .For redevelopment projects that create, add, or demolish and replace less than 5,000 square feet of impervious surface and meet the performance criteria of this section, overbank flooding protection is not required.
4. **Extreme Flooding Protection**

- a. Extreme flood and public safety protection is provided by controlling and safely conveying the 100-year, 24-hour return frequency storm event such that flooding is not exacerbated.
  - b. For redevelopment projects that create, add, or demolish and replace less than 5,000 square feet of impervious surface and meet the performance criteria of this section, extreme flooding protection is not required.
5. **Structural Stormwater Controls** All structural stormwater management facilities are selected and designed using the appropriate criteria from the Georgia Stormwater Management Manual. All structural stormwater controls must be designed appropriately to meet their intended function. For other structural stormwater controls not included in the Georgia Stormwater Management Manual, or for which pollutant removal rates have not been provided, the effectiveness and pollutant removal of the structural control must be documented through prior studies, literature reviews, or other means and receive approval from the Department before being included in the design of a stormwater management system. In addition, if hydrologic or topographic conditions, or land use activities warrant greater control than that provided by the minimum control requirements, the City may impose additional requirements deemed necessary to protect upstream and downstream properties and aquatic resources from damage due to increased volume, frequency, and rate of stormwater runoff or increased non-point source pollution loads created on the site in question. Applicants shall consult the Georgia Stormwater Management Manual for guidance on the factors that determine site design feasibility when selecting and locating a structural stormwater control.
6. **Stormwater Credits for Nonstructural Measures** The use of one or more site design measures by the applicant may allow for a reduction in the water quality treatment volume required under Sec. 9.6.12.A.1. The applicant may, if approved by the Department, take credit for the use of stormwater better site design practices and reduce the water quality volume requirement. For each potential credit, there is a minimum set of criteria and requirements that identifies the conditions or circumstances under which the credit may be applied. The site design practices that qualify for this credit and the criteria and procedures for applying and calculating the credits are included in the Georgia Stormwater Management Manual.
7. **Drainage System Guidelines** Stormwater conveyance facilities, which may include but are not limited to culverts, stormwater drainage pipes, catchbasins, drop inlets, junction boxes, headwalls, gutters, swales, channels, ditches, and energy dissipaters, are provided when necessary for the protection of right-of-way and private properties adjoining project sites and/or rights-of-way. Stormwater conveyance facilities that are designed to carry runoff from more than one parcel, existing or proposed, shall meet the following requirements:
- a. Methods to calculate stormwater flows are in accordance with the stormwater design manual;
  - b. All culverts, pipe systems and open channel flow systems are sized in accordance with the stormwater management plan using the methods included in the Georgia Stormwater Management Manual; and

- c. Design and construction of stormwater conveyance facilities are in accordance with the criteria and specifications found in the Georgia Stormwater Management Manual.
8. **Dam Design Guidelines** Any land disturbing activity that involves a site that proposes a dam shall comply with the Georgia Safe Dams Act of 1978 (O.C.G.A. § 12-5-370 et seq.) and rules for dam safety as applicable.

### **Section 6.6.13 Construction Inspections**

- A. Inspections to ensure plan compliance during construction. Periodic inspections of the stormwater management system construction is conducted by the staff of the Department or conducted and certified by a professional engineer who has been approved by the Department. Construction inspections shall utilize the approved stormwater management plan for establishing compliance. All inspections are documented with written reports that contain the following information:
  - 1. The date and location of the inspection;
  - 2. Whether construction is in compliance with the approved stormwater management plan;
  - 3. Variations from the approved construction specifications; and
  - 4. Any other variations or violations of the conditions of the approved stormwater management plan.
  - 5. If any violations are found, the applicant is notified in writing of the nature of the violation and the required corrective actions.
- B. Final inspection and as-built plans. Upon completion of a project, and before a certificate of occupancy is granted, the applicant is responsible for certifying that the completed project is in accordance with the approved stormwater management plan including the global positioning system coordinates of all stormwater management facilities. All applicants are required to submit actual "as-built" plans for any stormwater management facilities or practices after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and practices and must be certified by a professional engineer. A final inspection by the Department is required before the release of any performance securities can occur.

### **Section 6.6.14 Ongoing Inspection, Maintenance**

- A. **Long-Term Maintenance Inspection of Stormwater Facilities and Practices**
  - 1. The absence of an inspection and maintenance agreement shall not relieve the owner or responsible party from performing proper maintenance and inspection of the stormwater management facility. If the owner or responsible party fails or refuses to meet the requirements of this Division, the City may correct the violation at the owner's expense.
  - 2. For facilities constructed prior to the effective date of this Division the owner or responsible party shall perform proper maintenance of the stormwater maintenance facility as required by the indemnification agreement. If the owner or responsible party fails or refuses to meet the requirements of this Division, the City may correct the violation at the owner's expense.

3. Stormwater management facilities and practices included in a stormwater management plan which are subject to an inspection and maintenance agreement must undergo ongoing inspections to document maintenance and repair needs and ensure compliance with the requirements of the agreement, the plan and this Section.
  4. A stormwater management facility or practice is inspected on a periodic basis by the responsible person in accordance with the approved inspection and maintenance agreement or in the absence of an inspection and maintenance agreement, in accordance with the requirements of this Section. In the event that the stormwater management facility has not been maintained and/or becomes a danger to public safety or public health, the Department shall notify the person responsible for carrying out the maintenance plan who is specified in the inspection and maintenance agreement by registered or certified mail. The notice shall specify the measures needed to comply with the agreement and the plan and shall specify the time within which such measures are completed. Failure of the City to provide such notice shall not relieve the owner or responsible party from performing proper maintenance and inspection of the stormwater maintenance facility. If the responsible person fails or refuses to meet the requirements of the inspection and maintenance agreement, the Department may correct the violation as provided in [Sec. 6.6.14](#) hereof.
  5. An annual inspection shall be performed and attested to by a professional engineer with results reported to the City. Any deficiencies noted in either operation or maintenance of the facility must be included in the report along with the proposed remedies required and a time table for their implementation. If substantial deficiencies are found, a follow-up inspection to confirm correction of said deficiencies shall be performed and reported to the City.
  6. Inspection programs by the Department may be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in stormwater management facilities; and evaluating the condition of stormwater management facilities and practices.
- B. **Right-of-Entry for Inspection** The terms of the inspection and maintenance agreement shall provide for the City to enter the property at reasonable times and in a reasonable manner for the purpose of inspection. This includes the right to enter a property when it has a reasonable basis to believe that a violation of this Section is occurring or has occurred and to enter when necessary for abatement of a public nuisance or correction of a violation of this Section.
- C. **Records of Maintenance Activities** Parties responsible for the operation and maintenance of a stormwater management facility shall provide records of all maintenance and repairs to the Department.

#### **Section 6.6.15. - Failure to Maintain**

If a responsible person fails or refuses to meet the requirements of the inspection and maintenance agreement, the Department, after 30 days' written notice (except that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours' notice is sufficient), may

correct a violation of the design standards or maintenance requirements by performing the necessary work to place the facility or practice in proper working condition. The Department may assess the owners of the facility for the cost of repair work that is a lien on the property, and may be placed on the ad valorem tax bill for such property and collected in the ordinary manner for such taxes.

## Section 6.7 SOIL EROSION AND SEDIMENTATION CONTROL

### Section 6.7.1. - Title and Findings

- A. **Title** This Section will be known as "The City of Social Circle Soil Erosion, Sedimentation and Pollution Control Ordinance."
- B. **Findings** The City of Social Circle finds that soil erosion and sediment deposition onto land and into water within the watersheds of the City are a result of failure to apply proper soil erosion and sedimentation control practices in land clearing, soil movement, and construction activities and that such erosion and sediment deposition result in pollution of state waters and damage to domestic, agricultural, recreational, fish and wildlife, and other resource uses. It is therefore declared to be the policy of the City of Social Circle and the intent of this Section to strengthen and extend the present erosion and sediment control activities and programs of the City of Social Circle and to provide for the establishment and implementation of a City-wide comprehensive soil erosion and sediment control program to conserve and protect the land, water, air, and other resources of the City of Social Circle.

### Section 6.7.2 Exemptions

This Section shall apply to any land-disturbing activity undertaken by any person or any land except for the following:

- A. Surface mining, as the same is defined in O.C.G.A. § 12-4-72, "The Georgia Surface Mining Act of 1968";
- B. Granite Quarrying and land for such quarrying;
- C. Such minor land-disturbance activities as home gardens and individual home landscaping, repairs, maintenance work, fences, and other related activities. If such activities cause excessive erosion an official notice shall be provided to implement a best management practice (BMP) to stop continued erosion;
- D. The construction of single-family residences, when such construction disturbs less than one acre and is not a part of a larger common plan or development or sale with a planned disturbance of equal to or greater than one acre and not otherwise exempted under this paragraph; provided, however:
  1. Construction of any such residence (single-family) shall conform to the minimum requirements as set forth in Section 6.7.3.C of this Division.
  2. For single-family residential construction covered by the provisions of this paragraph, there shall be a buffer zone between the residence and any state waters classified as trout streams pursuant to [Article 1](#) of [Chapter 5](#) of the Georgia Water Quality Control Act. In any such buffer zone, no land-disturbing activity shall be constructed between the residence and the point where vegetation has been wrested by normal stream flow or wave action from

- the banks of the trout waters. For primary trout waters, the buffer zone shall be at least 50 horizontal feet, and no variance to a smaller buffer shall be granted. For secondary trout waters, the buffer zone shall be at least 50 horizontal feet, but the Community Development Director may grant variances to no less than 25 feet. Regardless of whether a trout stream is primary or secondary, for first order trout waters, which are streams into which no other streams flow except for springs, the buffer shall be at least 25 horizontal feet, and no variance to a smaller buffer shall be granted.
3. The minimum requirements of Sec. 6.7.3.C of this Division and the buffer zones provided by this section shall be enforced by the City;
    - E. Agricultural operations as defined in O.C.G.A. §1-3-3, "definitions," to include raising, harvesting or storing of products of the field or orchard; feeding, breeding or managing livestock or poultry; producing or storing feed for use in the production of livestock, including, but not limited to, cattle, calves, swine, hogs, goats, sheep, and rabbits or for use in the production of poultry, including, but not limited to, chickens, hens and turkeys; producing plants, trees, fowl, or animals; the production of aquaculture, horticultural, dairy, livestock, poultry, eggs and apiarian products; farm buildings and farm ponds;
    - F. Forestry land management practices, including harvesting; provided, however, that when such exempt forestry practices cause or result in land-disturbing or other activities otherwise prohibited in a buffer, as established in Sec. 6.7.3.C of this Division, no other land-disturbing activities, except for normal forest management practices, shall be allowed on the entire property upon which the forestry practices were conducted for a period of three years after completion of such forestry practices;
    - G. Any project carried out under the technical supervision of the Natural Resources Conservation Service (NRCS) of the United States Department of Agriculture;
    - H. Any project involving less than one acre of disturbed area; provided, however, that this exemption shall not apply to any land-disturbing activity within a larger common plan of development or sale with a planned disturbance of equal to or greater than one acre or within 200 feet of the banks/points of wretched vegetation of any state waters, and for purposes of this paragraph, "state waters" excludes channels and drainage ways which have water in them only during and immediately after rainfall events, however, that any person responsible for a project which involves less than one acre, which involves land-disturbing activity, and which is within 200 feet of any such excluded channel or drainageway, must prevent sediment from moving beyond the boundaries of the property on which such project is located and provided, further, that nothing contained herein shall prevent the local issuing authority from regulating any such project which is not specifically exempted by paragraphs A., B., C., D., E., F., G., I. or J. of this Section;
    - I. Construction or maintenance projects, or both, undertaken or financed in whole or in part, or both, by the Georgia Department of Transportation, the Georgia Highway Authority, or the State Road and Tollway Authority; or any road construction or maintenance project, or both, undertaken by any county or municipality; provided, however, that construction or maintenance projects of the Georgia Department of Transportation or the State Road and Tollway Authority which disturb one or more contiguous acres of land shall be subject to provisions of O.C.G.A. § 12-7-7.1; except where the Georgia Department of Transportation, the Georgia Highway



Authority, or the State Road and Tollway Authority is a secondary permittee for a project located within a larger common plan of development or sale under the state general permit, in which case a copy of a notice of intent under the state general permit shall be submitted to the local issuing authority, the local issuing authority shall enforce compliance with the minimum requirements set forth in O.C.G.A. § 12-7-6, as if a permit had been issued, and violations shall be subject to the same penalties as violations by permit holders;

- J. Any land-disturbing activities conducted by any electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the Georgia Public Service Commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system as defined in O.C.G.A. § 36-18-1, or any agency or instrumentality of the United States engaged in the generation, transmission, or distribution of power; except where an electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the Georgia Public Service Commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system as defined in O.C.G.A. § 36-18-1, or any agency or instrumentality of the United States engaged in the generation, transmission, or distribution of power is a secondary permittee for a project located within a larger common plan of development or sale under the state general permit, in which case the local issuing authority shall enforce compliance with the minimum requirements set forth in O.C.G.A. § 12-7-6, as if a permit had been issued, and violations shall be subject to the same penalties as violations by permit holders; and
- K. Any public water system reservoir.

### Section 6.7.3 Minimum Requirements

- A. **General Provisions** Excessive soil erosion and resulting sedimentation can take place during land-disturbing activities if requirements of the ordinance [from which this Division derived] and the NPDES general permit are not met. Therefore, plans for those land-disturbing activities that are not exempted by this Division shall contain provisions for application of soil erosion, sedimentation and pollution control measures and practices. The provisions shall be incorporated into the erosion, sedimentation and pollution control plans. Soil erosion, sedimentation and pollution control measures and practices shall conform to the minimum requirements of Sec. 6.7.3.B and Sec. 6.7.3.C of this Section. The application of measures and practices shall apply to all features of the site, including street and utility installations, drainage facilities and other temporary and permanent improvements. Measures shall be installed to prevent or control erosion, sedimentation and pollution during all stages of any land-disturbing activity in accordance with requirements of this Division and the NPDES general permit.
- B. **Minimum Requirements/BMPs**
  - 1. Best management practices as set forth in this section of this Division shall be required for all land-disturbing activities. Proper design, installation, and maintenance of best management practices shall constitute a complete defense to any action by the Community Development Director or to any other allegation of noncompliance with Sec. 6.7.3.B.2 or any substantially similar terms contained in a permit for the discharge of stormwater issued pursuant to O.C.G.A. § 12-5-30(f), the "Georgia Water Quality Control Act." As used in this section, the terms "proper design" and "properly designed" mean designed in accordance

- with the hydraulic design specifications contained in the "Manual for Erosion and Sediment Control in Georgia" specified in O.C.G.A. § 12-7-6(b).
2. A discharge of stormwater runoff from disturbed areas where best management practices have not been properly designed, installed, and maintained shall constitute a separate violation of any land-disturbing permit issued by a local issuing authority or of any state general permit issued by the division pursuant to O.C.G.A. § 12-5-30(f), the "Georgia Water Quality Control Act," for each day on which such discharge results in the turbidity of receiving waters being increased by more than 25 nephelometric turbidity units for waters supporting warm water fisheries or by more than ten nephelometric turbidity units for waters classified as trout waters. The turbidity of the receiving waters shall be measured in accordance with guidelines to be issued by the Community Development Director, EPD. This paragraph shall not apply to any land disturbance associated with the construction of single-family homes which are not part of a larger common plan of development or sale unless the planned disturbance for such construction is equal to or greater than five acres.
  3. Failure to properly design, install, or maintain best management practices shall constitute a violation of any land-disturbing permit issued by a local issuing authority or of any state general permit issued by the division pursuant to O.C.G.A. § 12-5-30(f), the "Georgia Water Quality Control Act," for each day on which such failure occurs.
  4. The Community Development Director may require, in accordance with regulations adopted by the Board of Natural Resources, reasonable and prudent monitoring of the turbidity level of receiving waters into which discharges from land-disturbing activities occur.
  5. The local issuing authority (LIA) may set more stringent buffer requirements than stated in Sec. 6.7.3.C.15 and Sec. 6.7.3.C.16, in light of O.C.G.A. § 12-7-6(c).
- C. The rules and regulations, ordinances, or resolutions adopted pursuant to O.C.G.A. § 12-7-1 et seq. for the purpose of governing land-disturbing activities shall require, as a minimum, protections at least as stringent as the state general permit and best management practices, including 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 Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted, as well as the following:
1. Stripping of vegetation, regrading and other development activities shall be conducted in a manner so as to minimize erosion;
  2. Cut-fill operations must be kept to a minimum;
  3. Development plans must conform to topography and soil type so as to create the lowest practicable erosion potential;
  4. Whenever feasible, natural vegetation shall be retained, protected and supplemented;
  5. The disturbed area and the duration of exposure to erosive elements shall be kept to a practicable minimum;
  6. Disturbed soil shall be stabilized as quickly as practicable;

7. Temporary vegetation or mulching shall be employed to protect exposed critical areas during development;
8. Permanent vegetation and structural erosion control practices shall be installed as soon as practicable;
9. To the extent necessary, sediment in runoff water must be trapped by the use of debris basins, sediment basins, silt traps, or similar measures until the disturbed area is stabilized. As used in this paragraph, a disturbed area is stabilized when it is brought to a condition of continuous compliance with the requirements of O.C.G.A. § 12-7-1 et seq.;
10. Adequate provisions must be provided to minimize damage from surface water to the cut face of excavations or the sloping of fills;
11. Cuts and fills may not endanger adjoining property;
12. Fills may not encroach upon natural watercourses or constructed channels in a manner so as to adversely affect other property owners;
13. Grading equipment must cross flowing streams by means of bridges or culverts except when such methods are not feasible, provided, in any case, that such crossings are kept to a minimum;
14. Land-disturbing activity plans for erosion, sedimentation and pollution control shall include provisions for treatment or control of any source of sediments and adequate sedimentation control facilities to retain sediments on site or preclude sedimentation of adjacent waters beyond the levels specified in Sec. 6.7.3.B.2 of this Division;
15. Except as provided in paragraph (16) of this section, there is established a 25-foot buffer along the banks of all state waters, as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, except where the Community Development Director, EPD determines to allow a variance that is at least as protective of natural resources and the environment, where otherwise allowed by the Community Development Director, EPD pursuant to O.C.G.A. § 12-2-8, where a drainage structure or a roadway drainage structure must be constructed, provided that adequate erosion control measures are incorporated in the project plans and specifications and are implemented; or along any ephemeral stream. As used in this provision, the term "ephemeral stream" means a stream: that under normal circumstances has water flowing only during and for a short duration after precipitation events; that has the channel located above the groundwater table year round; for which groundwater is not a source of water; and for which runoff from precipitation is the primary source of water flow, unless exempted as along an ephemeral stream, the buffers of at least 25 feet established pursuant to Part 6 of [Article 5, Chapter 5 of Title 12](#), the "Georgia Water Quality Control Act", shall remain in force unless a variance is granted by the Community Development Director, EPD as provided in this paragraph. The following requirements shall apply to any such buffer:
  - a. No land disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover

remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the streambed; provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for their own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the streambed; and

- b. The buffer shall not apply to the following land-disturbing activities, provided that they occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream; cause a width of disturbance of not more than 50 feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented: (i) stream crossings for water lines; or (ii) stream crossings for sewer lines;
16. There is established a 50-foot buffer as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, along the banks of any state waters classified as "trout streams" pursuant to [Article 2](#) of [Chapter 5](#) of [Title 12](#), the "Georgia Water Quality Control Act," except where a roadway drainage structure must be constructed; provided, however, that small springs and streams classified as trout streams which discharge an average annual flow of 25 gallons per minute or less shall have a 25-foot buffer or they may be piped, at the discretion of the landowner, pursuant to the terms of a rule providing for a general variance promulgated by the Board of Natural Resources, so long as any such pipe stops short of the downstream landowner's property and the landowner complies with the buffer requirement for any adjacent trout streams. The Community Development Director, EPD may grant a variance from such buffer to allow land-disturbing activity, provided that adequate erosion control measures are incorporated in the project plans and specifications and are implemented. The following requirements shall apply to such buffer:
- a. No land disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed, state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the streambed; provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for their own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the streambed; and
  - b. The buffer shall not apply to the following land-disturbing activities, provided that they occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream; cause a width of disturbance of not more than 50 feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented: (i) stream crossings for water lines; or (ii) stream crossings for sewer lines.

17. Nothing contained in O.C.G.A. § 12-7-1 et seq. shall prevent any local issuing authority from adopting rules and regulations, ordinances, or resolutions which contain stream buffer requirements that exceed the minimum requirements in Sec. 6.7.3.B and Sec. 6.7.3.C of this Division.
18. The fact that land-disturbing activity for which a permit has been issued results in injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided for in this Division or the terms of the permit.

#### **Section 6.7.4 Application/Permit Process**

- A. **General** The property owner, developer and designated planners and engineers shall design and review before submittal the general development plans. The local issuing authority shall review the tract to be developed and the area surrounding it. They shall consult the zoning ordinance, stormwater management ordinance, subdivision ordinance, flood damage prevention ordinance, this Division, and any other ordinances, rules, regulations or permits, which regulate the development of land within the jurisdictional boundaries of the local issuing authority. However, the owner and/or operator are the only parties who may obtain a permit.
- B. **Application Requirements**
  1. No person shall conduct any land-disturbing activity within the jurisdictional boundaries of Social Circle, Georgia, without first obtaining a permit from the Department to perform such activity and providing a copy of notice of intent submitted to EPD, if applicable.
  2. The application for a permit shall be submitted to the Department and must include the applicant's erosion, sedimentation and pollution control plan with supporting data, as necessary. Said plans shall include, as a minimum, the data specified in Sec. 6.7.4.C of this Division. Erosion, sedimentation and pollution control plans, together with supporting data, must demonstrate affirmatively that the land disturbing activity proposed will be carried out in such a manner that the provisions of Sec. 6.7.3.B and Sec. 6.7.3.C of this Division will be met. Applications for a permit will not be accepted unless accompanied by three copies of the applicant's erosion, sedimentation and pollution control plans. All applications shall contain a certification stating that the plan preparer or the designee thereof visited the site prior to creation of the plan in accordance with EPD Rule 391-3-7-10.
  3. In addition to the local permitting fees, fees will also be assessed pursuant to paragraph O.C.G.A. § 12-5-23(5)(a), provided that such fees shall not exceed \$80.00 per acre of land-disturbing activity, and these fees shall be calculated and paid by the primary permittee as defined in the state general permit for each acre of land-disturbing activity included in the planned development or each phase of development. All applicable fees shall be paid prior to issuance of the land disturbance permit. In a jurisdiction that is certified pursuant to O.C.G.A. § 12-7-8(a), half of such fees levied shall be submitted to the division; except that any and all fees due from an entity which is required to give notice pursuant to O.C.G.A. § 12-7-17(9) or (10) shall be submitted in full to the division, regardless of the existence of a local issuing authority in the jurisdiction.
  4. Upon receipt of an application and plan for a permit, the City shall review and approve or disapprove concerning the adequacy of the erosion, sedimentation and pollution control plan. The City shall approve or disapprove a plan within 35 days of receipt. Failure of the City to act

within 35 days shall be considered an approval of the pending plan. No permit will be issued unless the plan has been approved by the City, and any variances required by Sec. 6.7.3.C have been obtained, all fees have been paid, and bonding, if required as per Sec. 6.7.4.B, has been obtained.

5. If a permit applicant has had two or more violations of previous permits, this Section, or the Erosion and Sedimentation Act, as amended, within three years prior to the date of filing the application under consideration, the local issuing authority may deny the permit application.
6. The local issuing authority may require the permit applicant to post a bond in the form of government security, cash, irrevocable letter of credit, or any combination thereof up to, but not exceeding, \$3,000.00 per acre or fraction thereof of the proposed land disturbing activity, prior to issuing the permit. If the applicant does not comply with this section or with the conditions of the permit after issuance, the local issuing authority may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land disturbing activity and bring it into compliance. These provisions shall not apply unless there is in effect an ordinance or statute specifically providing for hearing and judicial review of any determination or order of the local issuing authority with respect to alleged permit violations.

#### C. Plan Requirements

1. Plans must be prepared to meet the minimum requirements as contained in Sec. 6.7.3.B and Sec. 6.7.3.C of this Division, or through the use of more stringent, alternate design criteria which conform to sound conservation and engineering practices. The "Manual for Erosion and Sediment Control in Georgia" is hereby incorporated by reference into this Division. The plan for the land-disturbing activity shall consider the interrelationship of the soil types, geological and hydrological characteristics, topography, watershed, vegetation, proposed permanent structures, including roadways, constructed waterways, sediment control and stormwater management facilities, local ordinances and state laws. Maps, drawings and supportive computations shall bear the signature and seal of the certified design professional. Persons involved in land development design, review, permitting, construction, monitoring, or inspections or any land-disturbing activity shall meet the education and training certification requirements, dependent on their level of involvement with the process, as developed by the commission and in consultation with the division and the stakeholder advisory board created pursuant to O.C.G.A. § 12-7-20.
2. Data required for site plan shall include all the information required from the appropriate erosion, sedimentation and pollution control plan review checklist established by the commission as of January 1 of the year in which the land-disturbing activity was permitted.
3. Stand-alone residential development permit and procedures.
4. All building permits for a standalone residential development or redevelopment shall be submitted for review and approval that includes an erosion control plan and details.
5. The building permit shall include a site erosion control plan, sealed by a Georgia registered Engineer, Landscape Architect, Certified Person in Erosion and Sediment Control (CPESC) or Land Surveyor, to accompany the building plans. No permit shall be issued by the local issuing authority unless the erosion, sedimentation and pollution control plan has been

- approved by the local issuing authority pursuant to Sec. 6.7.3.C. All proposed BMPs on the site erosion control plan shall be designed per requirements and specifications contained in the "Manual for Erosion and Sediment Control in Georgia."
6. At the time of the preconstruction meeting the owner, operator or applicant shall sign the memorandum of understanding titled "Erosion Control Responsibilities." This document is on file with the Department.
  7. Self-inspections and rain event logs.
    - a. The on-site operator, owner or applicant shall perform self-inspections of the erosion control BMPs daily when land disturbing is underway and at a minimum of once per week when the site is stabilized.
    - b. An inspection be conducted after every rain event of 0.5 inches or more within a 24-hour period.
    - c. Any problems noted during these inspections should be logged and corrected immediately.
    - d. A log of the self-inspections and remedial measures undertaken must be available for review by the City of Social Circle at any time during the development and up to the final site stabilization.
  8. Permits
    - a. Permits shall be issued or denied as soon as practicable, but in any event not later than 45 days after receipt by the local issuing authority of a completed application, providing variances and bonding are obtained, where necessary, and all applicable fees have been paid prior to permit issuance. The permit shall include conditions under which the activity may be undertaken.
    - b. No permit shall be issued by the local issuing authority unless the erosion, sedimentation and pollution control plan has been approved by the district and the local issuing authority has affirmatively determined that the plan is in compliance with this Division, any variances required by Sec. 6.7.3.C.15 and Sec. 6.7.3.C.16 are obtained, bonding requirements, if necessary, as per Sec. 6.7.4.B.6 are met and all ordinances and rules and regulations in effect within the jurisdictional boundaries of the local issuing authority are met. If the permit is denied, the reason for denial shall be furnished to the applicant.
    - c. Any land-disturbing activities by a local issuing authority shall be subject to the same requirements of this Division and any other ordinances relating to land development, as are applied to private persons, and this Division shall enforce such requirements upon the local issuing authority.
    - d. If the tract is to be developed in phases, then a separate permit shall be required for each phase.
    - e. The permit may be suspended, revoked, or modified by the local issuing authority, as to all or any portion of the land affected by the plan, upon finding that the holder or his successor in the title is not in compliance with the approved erosion and sedimentation

control plan or that the holder or his successor in title is in violation of this Division. A holder of a permit shall notify any successor in title to him as to all or any portion of the land affected by the approved plan of the conditions contained in the permit.

- f. The local issuing authority may reject a permit application if the applicant has had two or more violations of previous permits or the Erosion and Sedimentation Act permit requirements within three years prior to the date of the application, in light of O.C.G.A. § 12-7-7(f)(1).

### **Section 6.7.5 Inspection and Enforcement**

- A. The Community Development Director will periodically inspect the sites of land-disturbing activities for which permits have been issued to determine if the activities are being conducted in accordance with the plan and if the measures required in the plan are effective in controlling erosion and sedimentation. Also, the local issuing authority shall regulate primary, secondary and tertiary permittees as such terms are defined in the state general permit. Primary permittees shall be responsible for installation and maintenance of best management practices where the primary permittee is conducting land-disturbing activities. Secondary permittees shall be responsible for installation and maintenance of best management practices where the secondary permittee is conducting land-disturbing activities. Tertiary permittees shall be responsible for installation and maintenance where the tertiary permittee is conducting land-disturbing activities. If, through inspection, it is deemed that a person engaged in land-disturbing activities as defined herein has failed to comply with the approved plan, with permit conditions, or with the provisions of this Division, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this Division.
- B. The local issuing authority must amend its ordinances to the extent appropriate within 12 months of any amendments to the Erosion and Sedimentation Act of 1975.
- C. The Community Development Director shall have the power to conduct such investigations as it may reasonably deem necessary to carry out duties as prescribed in this Division, and for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigation and inspecting the sites of land-disturbing activities.
- D. No person shall refuse entry or access to any authorized representative or agent of the local issuing authority, the commission, the district, or division who requests entry for the purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out his official duties.
- E. The district or the commission or both shall semi-annually review the actions of counties and municipalities which have been certified as local issuing authorities pursuant to O.C.G.A. § 12-7-8(a). The district or the commission or both may provide technical assistance to any county or municipality for the purpose of improving the effectiveness of the county's or municipality's erosion, sedimentation and pollution control program. The district or the



commission shall notify the division and request investigation by the division if any deficient or ineffective local program is found.

- F. The division may periodically review the actions of counties and municipalities which have been certified as local issuing authorities pursuant to O.C.G.A. § 12-7-8(a). Such review may include, but shall not be limited to, review of the administration and enforcement of a governing authority's ordinance and review of conformance with an agreement, if any, between the district and the governing authority. If such review indicates that the governing authority of any county or municipality certified pursuant to O.C.G.A. § 12-7-8(a) has not administered or enforced its ordinances or has not conducted the program in accordance with any agreement entered into pursuant to O.C.G.A. § 12-7-7(e), the division shall notify the governing authority of the county or municipality in writing. The governing authority of any county or municipality so notified shall have 90 days within which to take the necessary corrective action to retain certification as a local issuing authority. If the county or municipality does not take necessary corrective action within 90 days after notification by the division, the division shall revoke the certification of the county or municipality as a local issuing authority.

#### **Section 6.7.6 Penalties and Incentives**

- A. **Failure to Obtain a Permit for Land Disturbing Activity** If any person commences any land-disturbing activity requiring a land-disturbing permit as prescribed in this Division without first obtaining said permit, the person shall be subject to revocation of the work permit or other authorization for the conduct of a business and associated work activities within the jurisdictional boundaries of the local issuing authority.
- B. **Stop-Work Orders**
1. For the first violation of the provisions of this Division, the Community Development Director, EPD or the local issuing authority shall provide official notice to the violator. The violator shall have 48 hours to correct the violation. If the violation is not corrected within 48 hours, the Community Development Director, EPD or the local issuing authority shall issue a stop-work order requiring that land-disturbing activities be stopped until necessary corrective action or mitigation has occurred. In cases where there is danger of damage to state waters, stormwater systems or adjacent property a stop work order may be issued and the violator shall correct the violation immediately.
  2. All stop-work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred.
  3. When a violation in the form of taking action without a permit, failure to maintain a stream buffer, failure to follow the approved plan, failure to maintain required BMPs or significant amounts of sediment, as determined by the local issuing authority or by the Community Development Director, EPD or their designee, have been or are being discharged into state waters, offsite or streets and where best management practices have not been properly designed, installed, and maintained, a stop-work order shall be issued and citation may be issued, by the local issuing authority or by the Community Development Director, EPD or their designee. All such stop-work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred. Such stop-

- work orders shall apply to all land-disturbing activity on the site with the exception of the installation and maintenance of temporary or permanent erosion and sediment controls.
- C. **Bond Forfeiture** If, through inspection, it is determined that a person engaged in land-disturbing activities has failed to comply with the approved plan, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance with the plan and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this Division and, in addition to other penalties, shall be deemed to have forfeited his performance bond, if required to post one under the provisions of Sec. 6.7.4.B. The local issuing authority may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance.
- D. **Monetary Penalties** Any person who violates any provisions of this Division, or any permit condition or limitation established pursuant to this Division, or who negligently or intentionally fails or refuses to comply with any final or emergency order of the Community Development Director may be cited for the violation of this Division. Any person who violates any provisions of this Division, or any permit condition or limitation established pursuant to this Division, or who negligently or intentionally fails or refuses to comply with any final or emergency order of the Community Development Director issued as provided in this Division shall be liable for a civil penalty not to exceed \$2,500.00 per day, except that the penalty for violations associated with stand alone residential development shall be pursuant to Section XX.- of the City Code. For the purpose of enforcing the provisions of this Division, notwithstanding any provisions in any City Charter to the contrary, municipal courts shall be authorized to impose penalty not to exceed \$2,500.00 for each violation, except that the penalty for violations associated with stand alone residential development shall be pursuant to Sec. XX.-of the City Code for each violation. Notwithstanding any limitation of law as to penalties which can be assessed for violations of county ordinances, any magistrate court or any other court of competent jurisdiction trying cases brought as violations of this Division under county ordinances approved under this Division shall be authorized to impose penalties for such violations not to exceed \$2,500.00 for each violation, except that the penalty for violations associated with stand alone residential development shall be pursuant to Sec.XX.-of the City Code for each violation. Each day during which violation or failure or refusal to comply continues shall be a separate violation.

#### Section 6.7.7 Education and Certification

- A. Persons involved in land development design, review, permitting, construction, monitoring, or inspection or any land-disturbing activity shall meet the education and training certification requirements, dependent on their level of involvement with the process, as developed by the commission in consultation with the division and the stakeholder advisory board created pursuant to O.C.G.A. § 12-7-20.
- B. For each site on which land-disturbing activity occurs, each entity or person acting as either a primary, secondary, or tertiary permittee, as defined in the state general permit, shall have as a minimum one person who is in responsible charge of erosion and sedimentation control activities on behalf of said entity or person and meets the applicable education or training certification requirements developed by the commission present on site whenever land-

disturbing activities are conducted on that site. A project site shall herein be defined as any land disturbance site or multiple sites within a larger common plan of development or sale permitted by an owner or operator for compliance with the state general permit.

- C. Persons or entities involved in projects not requiring a state general permit but otherwise requiring certified personnel on site may contract with certified persons to meet the requirements of this Division.
- D. If a state general permittee who has operational control of land-disturbing activities for a site has met the certification requirements of O.C.G.A. § 12-7-19(b)(1), then any person or entity involved in land-disturbing activity at that site and operating in a subcontractor capacity for such permittee shall meet those educational requirements specified in O.C.G.A. § 12-7-19(b)(4) and shall not be required to meet any educational requirements that exceed those specified in said subsection.

#### **Section 6.7.8 Administrative Appeal, Judicial Review**

- A. **Administrative remedies** The suspension, revocation, modification or grant with condition of a permit by the local issuing authority upon finding that the holder is not in compliance with the approved erosion, sediment and pollution control plan; or that the holder is in violation of permit conditions; or that the holder is in violation of any ordinance; shall entitle the person submitting the plan or holding the permit to a hearing before the Board of Appeals within 30 days after receipt by the local issuing authority of written notice of appeal.
- B. **Judicial Review** Any person, aggrieved by a decision or order of the local issuing authority, after exhausting his administrative remedies, shall have the right to appeal to the Superior Court of Walton or Newton County, Georgia.

#### **Section 6.7.9. - Effectivity, Validity, and Liability**

- A. **Effectivity** This Division became effective upon the date of adoption.
- B. **Validity** If any section, paragraph, clause, phrase, or provision of this Section shall be adjudged invalid or held unconstitutional, such decisions shall not affect the remaining portions of this Section.
- C. **Liability**
  1. Neither the approval of a plan under the provisions of this Section, nor the compliance with provisions of this Section shall relieve any person from the responsibility for damage to any person or property otherwise imposed by law nor impose any liability upon the local issuing authority or district for damage to any person or property.
  2. The fact that a land disturbing activity for which a permit has been issued results in injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided for in this Division or the terms of the permit.
  3. No provision of this Section shall permit any persons to violate the Georgia Erosion and Sedimentation Act of 1975, the Georgia Water Quality Control Act or the rules and regulations promulgated and approved thereunder or pollute any waters of the state as defined thereby.

## Section 6.8 ILLICIT DISCHARGE AND CONNECTION

### Section 6.8.1 General Provisions

- A. **Purpose and intent** The purpose of this Division is to protect the public health, safety, environment and general welfare through the regulation of nonstormwater discharges to the City separate storm sewer system to the maximum extent practicable as required by federal law. This Division establishes methods for controlling the introduction of pollutants into the City separate storm sewer system in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this Division are to:
1. Regulate the contribution of pollutants to the storm sewer system by any person;
  2. Prohibit illicit discharges and illegal connections to the storm sewer system;
  3. Prevent nonstormwater discharges, generated as a result of spills, inappropriate dumping or disposal, to the storm sewer system; and
  4. Establish legal authority to carry out all inspection, surveillance, monitoring and enforcement procedures necessary to ensure compliance with this Division.
- B. **Compatibility with Other Regulations** This Section is not intended to modify or repeal any other chapter, rule, regulation, or other provision of law. The requirements of this Section are in addition to the requirements of any other chapter, rule, regulation, or other provision of law, and where any provision of this Section imposes restrictions different from those imposed by any other chapter, rule, regulation, or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.
- C. **Responsibility for Administration** The Community Development Director shall administer, implement, and enforce the provisions of this Division.

### Section 6.8.2. - Violations, Enforcement, Penalties

- A. **Violations**
1. It is unlawful for any person to violate any provision or fail to comply with any of the requirements of this Division. Any person who has violated or continues to violate the provisions of this Division may be subject to the enforcement actions outlined in this section or may be restrained by injunction or otherwise abated in a manner provided by law.
  2. In the event the violation constitutes an immediate danger to public health or public safety, the Department is authorized to enter upon the subject private property, without giving prior notice, to take any and all measures necessary to abate the violation and/or restore the property. The Department is authorized to seek costs of the abatement as provided herein.
- B. **Notice of Violation** Whenever the Department finds that a violation of this Section has occurred, the Department may order compliance by written notice of violation.
1. The notice of violation shall contain:
    - a. The name and address of the alleged violator;

- b. The address, when available, or a description of the building, structure or land upon which the violation is occurring, or has occurred;
  - c. A statement specifying the nature of the violation;
  - d. A description of the remedial measures necessary to restore compliance with this Division and a time schedule for the completion of such remedial action;
  - e. A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed; and
  - f. A statement that the determination of violation may be appealed to the Department by filing a written notice of appeal within 30 days of service of notice of violation.
2. Such notice may require, without limitation:
- a. The performance of monitoring, analyses, and reporting;
  - b. The elimination of illicit discharges and illegal connections;
  - c. That violating discharges, practices, or operations shall cease and desist;
  - d. The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
  - e. Payment of costs to cover administrative and abatement costs; and
  - f. The implementation of pollution prevention practices.
- C. **Appeal of Notice** Any person receiving a notice of violation may appeal the determination of the Department. The notice of appeal must be received within 30 days from the date of the notice of violation. Hearing on the appeal before the Director or his designee shall take place within 15 days from the date of receipt of the notice of appeal. The decision of the appropriate authority or designee is final.
- D. **Enforcement Measures After Appeal** If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, or, in the event of an appeal, within 30 days of the decision of the appropriate authority upholding the decision of the Department, then representatives of the Department may enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It is unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth in this section.
- E. **Costs of Abatement of Violation** Within 60 days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the assessment or to the amount of the assessment within 30 days of such notice. If the amount due is not paid within 30 days after receipt of the notice, or if an appeal is taken within 30 days after a decision on said appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.
- F. **Civil Penalties** In the event the alleged violator fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within ten days,

or such greater period as the Department shall deem appropriate, after the Department has taken one or more of the actions described in Sec. 6.8.2.E, the Department may impose a penalty not to exceed \$1,000.00 (depending on the severity of the violation) for each day the violation remains unremedied after receipt of the notice of violation.

- G. **Criminal Penalties** For intentional and flagrant violations of this Division, the Department may issue a citation to the alleged violator requiring such person to appear in municipal court to answer charges for such violation. Upon conviction, such person shall be guilty of a violation of this Code. Each act of violation and each day upon which any act of violation shall occur shall constitute a separate violation of this Code.
- H. **Violations Deemed a Public Nuisance** In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this Division is a threat to public health, safety, welfare, and environment and is declared and deemed a nuisance, and may be abated by injunctive or other equitable relief as provided by law.
- I. **Remedies not Exclusive** The remedies listed in this Division are not exclusive of any other remedies available under any applicable federal, state or local law and the Department may seek cumulative remedies.
- J. **Recovery of Fees and Costs** The Department may recover attorney's fees, court costs, and other expenses associated with enforcement of this section, including sampling and monitoring expenses.

### Section 6.8.3 Prohibitions

- A. **Prohibition of Illicit Discharges** No person shall throw, drain, or otherwise discharge, cause, or allow others under his control to throw, drain, or otherwise discharge into the City separate storm sewer system any pollutants or waters containing any pollutants other than stormwater.
- B. **Exemptions** The following discharges are exempt from the prohibition provision above:
  1. Water line flushing performed by a government agency, other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising groundwater, groundwater infiltration to storm drains, uncontaminated pumped groundwater, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, natural riparian habitat or wetland flows, and any other water source not containing pollutants;
  2. Discharges or flows from firefighting, and other discharges specified in writing by the Director as being necessary to protect public health and safety;
  3. The prohibition provision above shall not apply to any nonstormwater discharge permitted under an NPDES permit or order issued to the discharger and administered under the authority of the state and the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the City separate storm sewer system.

- C. **Prohibition of Illegal Connections.** The construction, connection, use, maintenance or continued existence of any illegal connection to the storm sewer system is prohibited.
1. This prohibition expressly includes, without limitation, illegal connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
  2. A person violates this Division if the person connects a line conveying sewage to the storm sewer system or allows such a connection to continue.
  3. Improper connections in violation of this Division must be disconnected and redirected, if necessary, to an approved onsite wastewater management system or the sanitary sewer system upon approval of the Public Works Department.
  4. Any drain or conveyance that has not been documented in plans, maps or equivalent, and which may be connected to the storm sewer system, is located by the owner or occupant of that property upon receipt of written notice of violation from the Department requiring that such locating be completed. Such notice will specify a reasonable time period within which the location of the drain or conveyance is to be completed, that the drain or conveyance be identified as storm sewer, sanitary sewer or other, and that the outfall location or point of connection to the storm sewer system, sanitary sewer system or other discharge point be identified. Results of these investigations are to be documented and provided to the Department.

#### **Section 6.8.4 Industrial, Construction Discharges**

Any person subject to an industrial or construction activity NPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the Department prior to allowing discharges to the City separate storm sewer system.

#### **Section 6.8.5 Access, Inspection**

The Department is permitted to enter and inspect properties and facilities at reasonable times as often as may be necessary to determine compliance with this Division.

- A. If a property or facility has security measures in force that require proper identification and clearance before entry into its premises, the owner or operator shall make the necessary arrangements to allow access to representatives of the Department.
- B. The owner or operator shall allow the Department ready access to all parts of the premises for the purposes of inspection, sampling, photography, videotaping, examination and copying of any records that are required under the conditions of an NPDES permit to discharge stormwater.
- C. The Department shall have the right to set up on any property or facility such devices as are necessary, in the opinion of the Department, to conduct monitoring and/or sampling of flow discharges.
- D. The Department may require the owner or operator to install monitoring equipment and perform monitoring as necessary and make the monitoring data available to its designees. This

sampling and monitoring equipment is maintained at all times in a safe and proper operating condition by the owner or operator at his own expense. All devices used to measure flow and quality is calibrated to ensure their accuracy.

- E. Any temporary or permanent obstruction to safe and easy access to the property or facility to be inspected and/or sampled is promptly removed by the owner or operator at the written or oral request of the Department and shall not be replaced. The costs of clearing such access is borne by the owner or operator.
- F. Unreasonable delays in allowing the Department access to a facility is a violation of this Division.
- G. If the Department has been refused access to any part of the premises from which stormwater is discharged, and the Department is able to demonstrate probable cause to believe that there may be a violation of this Division, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this Division or any order issued hereunder, or to protect the overall public health, safety, environment and welfare of the community, then the Department may seek issuance of a search warrant from any court of competent jurisdiction.

#### **Section 6.8.6. Notification**

- A. Notwithstanding other requirements of law, as soon as any person responsible for a facility, activity or operation, or responsible for emergency response for a facility, activity or operation has information of any known or suspected release of pollutants or nonstormwater discharges from that facility or operation which is resulting or may result in illicit discharges or pollutants discharging into stormwater, the City separate storm sewer system, state waters, or waters of the U.S., said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release so as to minimize the effects of the discharge.
- B. Said person shall notify the authorized enforcement agency in person or by phone, facsimile or in person no later than 24 hours of the nature, quantity and time of occurrence of the discharge. Notifications in person or by phone are confirmed by written notice addressed and mailed to the Department within three business days of the phone or in-person notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records are retained for at least three years. Said person shall also take immediate steps to ensure no recurrence of the discharge or spill.
- C. In the event of such a release of hazardous materials, emergency response agencies and/or other appropriate agencies are immediately notified.
- D. Failure to provide notification of a release as provided above is a violation of this Division.

### **ARTICLE 11.0: SITE STANDARDS**

#### **Contents:**

#### **Section 11.1 Generally**

#### **Section 11.2 Access Management and Connectivity**

#### **Section 11.3 Off-street Parking and Loading**



## Section 11.4 Screening and Buffers

## Section 11.5 Fences and Walls

## Section 11.6 Dumpsters

## Section 11.7 Lighting

### Section 11.1 Generally

The purpose of this Article is to address the details of site planning and project design to ensure that proposed development produces an environment of stable and desirable character. The requirements of this Article shall apply to all proposed development, including redevelopment and new uses, except as otherwise specified by this UDC.

### Section 11.2 Access and Connectivity

#### 11.2.1 Purpose

The purpose of this Section is to set standards for the provision of access to development in a manner that preserves the safety and efficiency of the transportation system. The management of access is a means by which substantial public investment in the transportation system can be protected and the need for remedial measures eliminated or reduced.

#### 11.2.2 Access management.

- A. All off-street parking lots shall have access to a paved public or private street and be served by a paved access drive.
- B. Interparcel access is required between all abutting parking lots and sites based on site conditions and as determined by the Community Development Director to provide a cross access drive and pedestrian access to allow circulation between sites.
  1. Interparcel access is not required between non-residential uses and single-family residential uses.
  2. This shall be accomplished by stubbing a connection to each adjacent the property line. The property owner shall grant an access easement granting public access through the lot. This easement shall be submitted to the Community Development Director and recorded by the applicant or property owner with the Clerk of the Superior Court of Walton County or the Superior Court of Newton County.
  3. If full access between or among lots is implemented after initial site development, any deficiencies created to formalize the connection are permitted without need for any formal relief through the variance process (e.g.: removing a required parking space to accommodate the connection will render it nonconforming but is permitted to prioritize the connectivity).
  4. Joint driveways between properties shall be established wherever feasible along a major thoroughfare or arterial or collector street.
- C. All developments shall have access to a public right-of-way. The number of access points shall be in accordance with **Table 11.2.4 C**.

**Table 11.2.4 C - Minimum Number of Access Points:**

| Type of Development                                   | Minimum Number of Access Points                                |
|---|--|
| Residential, 30 or fewer units                        | 1  |
| Residential, 31—150 units                             | 2  |
| Residential, 151—300 units                            | 3  |
| Residential over 300 units                            | 4  |
| Nonresidential, less than 200 required parking spaces | 1  |
| Nonresidential, 200—999 required parking spaces       | 2  |
| Nonresidential, 1,000 or more required parking spaces | 2 or more, as determined by the Community Development Director |

- D. The separation of access points on a thoroughfare, arterial, or collector street shall be determined by the speed limit of the road with the following minimum spacing requirements in accordance with **Table 11.2.4 D**
1. The distance between access points shall be measured from the centerline of the proposed driveway or street to the centerline of the nearest existing adjacent driveway or street.
  2. Driveway spacing at intersections and corners shall provide adequate sight distance, response time, and permit adequate queuing space.
  3. No driveway, except driveways providing residential access, shall be allowed within 100 feet of the centerline of an intersecting thoroughfare or arterial or collector street.
  4. No nonresidential access except right in/right out channelized access shall be allowed within 100 feet of the centerline of any other thoroughfare or arterial.
  5. The requirements of this Section are not intended to eliminate all access to a parcel of land that was legally subdivided prior to the enactment of this Section.

**Table 11.2.4 D - Driveway Separation**

| Posted Speed Limit of Road | Minimum Driveway Spacing |
|----------------------------|--------------------------|
| Less than 35 mph           | 125 feet                 |
| 36 to 45 mph               | 245 feet                 |
| Greater than 45 mph        | 440 feet                 |

- E. All street design and other development activities, including landscaping, shall be

arranged on site so as to provide safe and convenient access for emergency vehicles.

- F. Along thoroughfares, arterials, or collector streets, a deceleration lane, a turn lane, larger or reduced turning radius, traffic islands or other devices or designs, including traffic calming devices and designs, may be required to avoid specific traffic hazards which would otherwise be created by the proposed driveway location. The Community Development Director may require the submission of a traffic analysis based on the scale and scope of the project to determine required improvements.
- G. Deceleration lanes are required for access to residential uses containing 20 or more units that provide less sight distance (in feet) than ten times the posted speed limit (in miles per hour) in accordance with **Table 11.2.4 G**.
  - 1. The minimum deceleration lengths shall be as specified below. The Community Development Director may vary length requirements based upon a consideration of available sight distances and other contextual features as determined by an engineering study to verify traffic safety.
  - 2. Deceleration lanes located within 75 feet of an intersection radius may be extended to the intersection.

| Table 11.2.4 G - Deceleration Lanes |                              |
|-------------------------------------|------------------------------|
| Operating Speed                     | Deceleration Lane Dimensions |
| Subdivision streets                 | Not required                 |
| 35 mph                              | 150'+50' taper               |
| 40 mph                              | 150'+50' taper               |
| 45 mph                              | 150'+50' taper               |
| 55 mph                              | 200'+150' taper              |

### 11.2.3 Driveway Connections

- A. Number
  - 1. One (1) driveway connection per lot frontage shall be permitted to streets classified as an arterial or collector, unless otherwise prohibited in this Ordinance.
  - 2. A shared driveway, if developed at the same time, may be required to be constructed to serve adjacent properties, where deemed necessary by the Community Development Director. A recorded access easement will be required for all shared driveways on separate lots, prior to the issuance of a building permit. This provision does not apply to residential single-family lots.
- B. Type

Because each site is unique, the type of driveway access (e.g., full access movement or right-in, right-out) to be allowed shall be determined by the Community Development Director or the Georgia Department of Transportation (GDOT), where applicable.

C. Location

1. Driveways shall be located outside the functional limit of an intersection, as determined by the Community Development Director or GDOT, where applicable.
2. Driveways shall be contained wholly within the lot frontage or as part of a shared access easement with an adjacent property.
3. New single family detached and attached construction shall not be accessed from arterial and collector roadways if access is available from a lower street classification.
4. Where only access is available from an arterial, the driveway shall be designed to allow vehicles to enter "head first" instead of reversing into the roadway.

11.2.4 Development with Outparcels

The following standards shall apply only to developments consisting of outparcels.

- A. Access to the public street shall be made only by an internal access driveway.
- B. Internal drives shall be located between outparcels and primary developments.
- C. Internal drives shall connect to all access driveways.
- D. Driveway connections to internal driveways and access driveways shall be at least 200 feet from all intersections. State roads may require a greater separation.
- E. Parking areas shall be designed in such a way that will not require the backing of vehicles into or parallel parking along internal drives.

11.2.6 Controlled Access

Access to any development that is controlled through any means such as gates and guardhouses, shall comply with the following standards. Emergency and "exit only" access points are exempt for these requirements.

A. **Gate Width**

The clear opening through gates shall be at least two (2) feet wider than the roadway it controls.

B. **Queuing Distance**

1. Residential uses up to 75 units shall have at least 20 feet of vehicle stacking distance. An additional 20 feet of stacking distance shall be provided for every additional 100 units.
2. Vehicle stacking distance for mixed-use and nonresidential uses shall be no less than 70 feet.
3. Vehicle stacking distance is measured from the back of the sidewalk, or five (5) feet from the back of curb or edge of street, whichever is closest to the gate.

4. For any controlled access device that opens on a horizontal plane, such as a gate, a minimum of 20 feet of clear width shall be provided unless additional width is required by the Fire Marshall. Such device shall open away from the street right-of-way.
5. For residential developments, adequate maneuvering room between the gate and the street shall be provided for a turnaround area for vehicles to exit in a forward motion. The turnaround area shall have a minimum radius of 60 feet to the outside of the turn. The turnaround area is subject to approval as determined by the Fire Marshall.

#### 11.2.7 Change of Driveway Location

If the property owner initiates a change of driveway location and receives permission to construct a new driveway, the property owner shall be required to close the existing driveway and install a sidewalk and/or curb to match the existing sidewalk and/or curb, if a sidewalk and/or curb exists. The property owner shall landscape the area in accordance with the Screening and Buffering requirements of this UDC.

#### 11.2.8 Blocking Fire Lanes, Required Parking Areas

No vehicles, waste receptacles, storage, displays, or other obstacles shall be allowed to block driveways (including cross access easements), fire lanes or required parking and unloading and loading areas unless a valid Temporary Use Permit has been issued.

#### 11.2.9 Pedestrian Circulation

To improve inter-parcel connectivity and pedestrian access, designated pedestrian paths shall be provided to principal uses from the street right-of-way and to adjacent properties, in accordance with the following stan

#### 11.2.10 Connections to Bike Trails

Where a new development or redevelopment adjoins a public bikeway or pedestrian facility, the development shall provide a bikeway or pedestrian connection to such facilities. Where public facilities are incomplete but part of an adopted plan, stub-outs for future linkages shall be provided by the development. A pedestrian connection, or stub-out for future linkages, shall be provided where a new development lies within 0.5 mile of a school or existing or planned transit route.

### Section 11.3 Off-street Parking and Loading

#### 11.3.1 Purpose

The purpose of this Section is to ensure the proper and uniform development of off-street parking and loading areas. This shall be accomplished by requiring short term storage of vehicles associated with the uses of buildings and land. These regulations will aid in minimizing any detrimental impacts of off-street parking and loading areas on adjacent properties and/or rights-of-way, while allowing for flexibility in addressing vehicle parking and loading.

### 11.3.2 Applicability

- A. Unless specifically exempt elsewhere in this UDC, all existing and proposed development shall provide off-street parking and loading facilities in accordance with this Section.
- B. With the exception of restriping parking lots or other routine maintenance which does not result in a reconfiguration of the parking spaces, any modification to existing off-street parking and loading facilities shall conform to the requirements of this Section.
- C. Unless specifically exempt from these requirements, the off-street parking and loading requirements shall not be reduced or modified beyond what this UDC allows without an Alternative Parking Plan.

### 11.3.3 General

#### A. Location.

- 1. Off-street parking for all uses shall be located on the same lot as the use(s) unless a shared parking approval is issued.
- 2. Garage space or space within buildings in basements or on the roofs of buildings may be used to meet the off-street parking requirements of this Section.

#### B. Uses Not Permitted

Required off-street parking or loading areas are not be used for the display, sale, repair, dismantling or servicing of any vehicle, equipment, or supplies unless provided elsewhere in this UDC.

#### C. Vehicle Parking in Residential Districts

- 1. Vehicles parked in Residential districts shall not exceed 22 feet in overall length, eight (8) feet in width or 12 feet in height, provided however, parking of buses on the site of and directly associated with an allowed nonresidential use shall be permitted.
- 2. Parked vehicles shall not block pedestrian walkways.
- 3. Parking of heavy vehicles, construction equipment, tractor trailers, and/or unhitched trailers shall not be permitted. This requirement shall not prohibit commercial vehicles from making deliveries in an R-zoned district or vehicles used in connection with authorized active continuing construction on the premises.

### 11.3.4 Parking Calculation Requirements

#### A. Fractional Measurements

When units or measurements determining number of required off-street parking spaces result in the requirement of a fractional space, then such fraction equal to or greater than one-half (0.5) shall require a full off-street parking space. However, when the units or measurements determining the reduction of the number of off-street parking spaces results in a fractional space, the fractional space shall not be counted.

#### B. Minimum Space Requirements for Uses Not Identified

- 1. Where the need for parking of a particular use is uncertain due to unknown/unusual operating characteristics or where the use is not specifically

identified in the Parking Calculation Table, the Community Development Director shall determine the parking requirement.

2. In making such a determination, the Community Development Director shall be guided by:
  - a. The number of persons to be employed in such building;
  - b. The number of persons expected to reside in, visit or patronize such building or use;
  - c. The anticipated percentage of residents, visitors or patrons driving vehicles the need for safe and convenient loading space for visitors or patrons and goods; and/or
  - d. Applicant submitted parking data. Such data may include, but is not limited to, site studies from similar uses, generally accepted engineering standards (e.g., Institute of Transportation Engineers trip and parking operation rates), or independent engineering calculations based on the nature of the proposed use.

### 11.3.5 Parking Ratios

Unless otherwise expressly stated in this UDC, parking ratios shall be as per the Table 11.3:

| Parking Required                    | Maximum Ratio     | Minimum Ratio            |                         |
|-------------------------------------|-------------------|--------------------------|-------------------------|
|                                     |                   | Bike Spaces (Short-Term) | Bike Spaces (Long-Term) |
|                                     | Car Spaces        |                          |                         |
| Single Family Detached/Attached     | None              | None                     | None                    |
| Multi-Unit / Live Work              | 1.5 per bedroom   | 0.1 per dwelling unit    | 0.2 per dwelling unit   |
| Cemetery                            | None              | None                     | None                    |
| Club or Lodge                       | 10 per 1,000 SF   | 0.5 per 1000 SF          | 0.05 per 1000 SF        |
| Daycare, Small                      | None              | None                     | None                    |
| Daycare, Large                      | 3.5 per 1000 SF   | None                     | 0.05 per 1000 SF        |
| School (K-12)                       | 2.5 per classroom | 2 per classroom          | 0.25 per classroom      |
| Business or Trade School            | 6.5 per classroom | 2 per classroom          | None                    |
| College or University               | 6.5 per classroom | 2 per classroom          | 0.25 per classroom      |
| Tutoring                            | 3 per 1000 SF     | 0.02 per 1000 SF         | 0.025 per 1000 SF       |
| Hospital                            | 1 per bed         | 0.1 per bed              | 0.025 per 1000 SF       |
| Library                             | 3 per 1000 SF     | 0.05 per 1000 SF         | 0.05 per 1000 SF        |
| Place of Worship – fixed seating    | 0.05 per seat     | 0.1 per seat             | None                    |
| Place of Worship – floating seating | 6 per 1000 SF     | 2 per 1000 SF            | None                    |
| Animal Services                     | 3 per 1000 SF     | None                     | None                    |
| Eating and Drinking                 | 9 per 1000 SF     | 0.5 per 1000 SF, min 2   | 0.1 per 1000 SF         |

|  |                    |                      |                      |
|--|--------------------|----------------------|----------------------|
| Entertainment and Event Space – fixed seating                        | 0.5 per seat       | 0.1 per seat         | None                 |
| Entertainment and Event Space – floating seating                     | 6 per 1000 SF      | 2 per 200 SF         | 0.1 per 1000 SF      |
| Financial Services   | 3 per 1000 SF      | 0.5 per 1000 SF      | 0.1 per 1000 SF      |
| Funeral or Mortuary  | 0.5 per seat       | None                 | None                 |
| Lodging  | 1.5 per guest room | 0.025 per guest room | 0.025 per guest room |
| Medical Service  | 3.5 per 1000 SF    | 0.5 per 1000 SF      | 0.1 per 1000 SF      |
| Office   | 3 per 1000 SF      | 0.02 per 1000 SF     | 0.1 per 1000 SF      |
| Consumer Service   | 3 per 1000 SF      | 0.25 per 1000 SF     | 0.1 per 1000 SF      |
| Retail Sales   | 3 per 1000 SF      | 0.5 per 1000 SF      | 0.1 per 1000 SF      |
| Vehicle Equipment, Sales, Service – Gas Sales                        | 2.5 per fuel pump  | None                 | None                 |
| Vehicle Equipment, Sales, Service – Vehicle Sales                    | 2 per 1000 SF      | None                 | None                 |
| Vehicle Equipment, Sales, Service – Vehicle Rental                   | 2 per 1000 SF      | None                 | None                 |
| Vehicle Equipment, Sales, Service – Vehicle Repair (minor and major) | 3.5 per 1000 SF    | None                 | None                 |
| Fabrication and Production   | 1 per 1000 SF      | None                 | 0.1 per 1000 SF      |
| Industrial Service   | 1 per 1000 SF      | None                 | 0.1 per 1000 SF      |
| Storage, Distribution or Wholesales                                  | 1 per 1000 SF      | None                 | 0.1 per 1000 SF      |

### 11.3.6 Design Standards

#### A. Dimensional Standards

The minimum parking lot dimensions nine (9) feet wide and 18 feet long for standard vehicles.

#### B. Aisle Width

- Where there is no parking, interior drive aisles shall be at least 10 feet wide for one-way traffic movement and at least 20 feet wide for two-way traffic movement.



2. Drive aisles associated with parking areas shall be 24 feet wide for two way and 15 feet wide for one-way traffic.
3. ADA spaces for persons with disabilities shall be provided as required by the Federal Americans with Disabilities Act of 1990 (ADA) and the Georgia Accessibility Code, as amended.

- C. Compact Spaces.** Up to 10% of off-street parking spaces for a use requiring 25 or more off-street parking spaces may be designed for compact cars subject to the following conditions:
1. Parking spaces shall be grouped or placed in clusters.
  2. Each parking space shall be clearly marked with the words "compact car only," and such parking spaces shall comply with the following design standards: [Insert Table]

**D. Surface**

1. **Surfacing Required.** Except as provided below, where off-street facilities are provided for parking or any other vehicular use area, they shall be surfaced with asphalt or concrete material, or with alternative paving material (e.g. concrete pavers, brick, "turfstone" or similar material) determined to exhibit equivalent wear resistance and load bearing characteristics as asphalt or concrete and conforms to the Social Circle standard details for approved pervious materials. Use of alternative paving material shall be approved by the Community Development Director.
2. **Alternative Surfaces.** For the uses listed below, all driveways, access aisles and parking spaces (excluding handicapped) may be surfaced with grass lawn or shell, provided the standards of this Section 11.3.6 are met:
  - a. Places of worship;
  - b. Parks, playgrounds, football and baseball stadiums, and other similar outdoor recreation areas; and
  - c. High schools, for parking above the minimum required.
3. **Waiver or Modification.** The Community Development Director may waive or modify the requirements when one of the following situations exists:
  - a. Any improvement which would create an unsafe condition or security concern;
  - b. There are topographical constraints, or existing structures effectively block access;
  - c. The land use would not generate the need for pedestrian access; or
  - d. The public is not allowed access to the subject land use.

**D. Other Requirements**

1. **Bumper guards.** For each parking space adjacent to a pedestrian walkway, sidewalk, open space, or similar feature, a bumper guard or wheel stop shall be installed.
2. **Marking.** Each parking space shall be painted with stripes, not less than three inches wide, running the length of each of the longer sides of the space or by

other acceptable methods, which clearly delineate the parking space within the parking lot.

3. All off-street automobile parking and storage spaces shall be so arranged that vehicles will not be required to back onto a public street, road, or highway when leaving the premises.
4. Off-street parking areas shall be graded to ensure proper drainage, surface with asphalt or concrete materials. Materials may be pervious, if designed and engineered as such.

### 11.3.7 Off Street Loading Requirements

#### A. Loading Facilities Required

Loading facilities shall be required where the normal operation of any use requires routine delivery of goods, merchandise or equipment.

- #### B. Off-street loading facilities shall not encroach on or interfere with the public use of streets, sidewalks and lanes, autos, or pedestrians, unless otherwise approved this UDC. Adequate space shall be available for the unloading and loading of goods, materials, items, or stock for delivery and shipping.

#### C. Access

Each off-street loading space shall be directly accessible from a street or lane without crossing or entering any other required off-street loading space. Such loading space shall be accessible from the interior of the building it serves and shall be arranged for convenient and safe ingress and egress by motor truck and/or trailer combination.

#### D. Combined Off-Street Loading

Collective, joint or combined provisions for off-street loading facilities for two (2) or more buildings or uses may be made, provided that such off-street loading facilities are of sufficient quantity to adequately serve the proposed uses.

#### E. Screening for Loading Areas

See Sec. 11.4 Screening and Buffers.

#### F. Loading Activities Near Residential Uses

Loading activities within 150 feet of residential uses or shall only be permitted to undertake said activities on Monday through Friday from 7:00 a.m.—10:00 p.m. and on Saturdays and Sundays from 9:00 a.m.—9:00 p.m.

### 11.3.8 Parking Garages

The following supplemental requirements apply to parking garages:

**A. Vehicular Access.**

1. Vehicular access shall be designed in a manner that minimizes disruption to motorized travel, non-motorized travel, and the streetscape.
2. Vehicular ingress and egress shall be provided from an alley or secondary street. When alley access or side-street access is not possible, then vehicular ingress and egress shall be permitted from the primary street.
3. Free-flow parking garage entries (i.e., without attendants, gates or ticket-dispensing machines) shall provide at least one off-street vehicle stacking space per entry lane.
4. Parking garage entries that include automatic ticket-dispensing machines or automatic keyreaders at entries shall provide at least two (2) off-street vehicle stacking spaces per entry lane.
5. Parking garage entries that include manual ticket-dispensing machines at entries shall provide at least three (3) off-street vehicle stacking spaces per entry lane.
6. Required vehicle stacking spaces at entries shall be located so that they do not obstruct sidewalks.

**B. Design.**

1. Ramps and sloping floors shall be located so as not to be visible from the front-street facing
2. sides of the parking garage.
3. In order to de-emphasize the horizontal nature of the parking garage, vertical divisions at least two (2) feet in width and extending the full height of the parking garage structure are required at least every 30 feet (measured horizontally).
4. A parking garage shall not span more than 200 feet on any block face, unless fully lined and concealed by habitable/occupiable spaces on all floors.
5. All parking garages shall provide pedestrian access from the ground level parking to the public sidewalk or building entrance.
6. **Table 11.3.8 - Design Standards for Parking Garages** illustrates the required design standards for garages based on street frontage types and adjacency to City Open Spaces.

**Table 11.3.8 - Design Standards for Parking Garages**

| Table 11.3.8 - Design Standards for Parking Garages |  |   |   |
|---|--|---|---|
| Adjacent Street Type or Use                         |  | Design Standard   |   |
|   |  |   |   |
|   | Lined with ground floor habitable/occupiable floor space | Similar architectural materials to match the primary building | Ornamental grillwork, artwork, or similar architectural features to conceal the deck openings |

● = Required    ○ = Permitted

|   |   |                               |   |
|---|---|-------------------------------|---|
| Streets in the Downtown Corridor Overlay/public parks | ● | ○<br>(only for upper stories) | - |
|   | ○ | ●                             | - |
| All other street types                                | ○ | ○                             | ● |

**11.3.9 - EV Readiness**

All new developments in any non-residential districts are required to provide Electric Vehicle Supply Equipment (EVSE) infrastructure to accommodate the future installation of Electric Vehicle Supply Equipment. The infrastructure shall be provided per this section.

- A.** The EVSE infrastructure shall be installed per the requirements of the current edition of the National Electrical Code (NFPA 70), as adopted and amended by the State of Georgia.
  - 1. The off-street parking provided shall have EVSE infrastructure installed at the parking spaces dedicated for the use of the building.
  - 2. The ratio of electric vehicle parking spaces to non-electrical vehicle parking spaces shall be 1:5, and only applies to the total new parking spaces.
- B.** All new off-street parking, or the expansion of existing off-street parking for buildings shall include EVSE infrastructure based on the total number of parking spaces established in **Section 11.3.9.A.2.**
- C.** The EVSE infrastructure shall include a raceway, which is continuous from the branch circuit/feeder panel location to the future PHEV/EV parking space. The raceway shall be sized and installed per the National Electrical Code; however, in no case, shall the EVSE infrastructure raceway be less than 1" (one inch) in size. The EVSE infrastructure raceway shall include a pull rope or line installed for future conductor installation, with the raceway sealed and labeled for future use.
- D.** The electrical equipment room, shall have a dedicated space for the future installation of EVSE. This space shall be identified on all construction documents submitted for review, and the dedicated space shall not allow for violation of the National Electrical Code prescriptive requirements regulating working space clearances around equipment, or violation of the National Electrical Code prescriptive requirements governing the entrance to and egress from electrical equipment working space.
- E.** During construction of the electrical equipment room, all raceways installed for

the EVSE infrastructure shall terminate at the space dedicated for the future EVSE installation.

- F. Prior to the final electrical inspection approval, the space dedicated within the electrical equipment room for the future EVSE installation shall have the wall stenciled or marked legibly with the following text: "Future electric vehicle charging equipment and panels."
- G. The placement of EVSE shall not create a trip hazard or violation of the accessible path of travel when the cord is connected to an EV or PHEV.

### 11.3.10 - Parking Credits

Exceptions to the off-street motor parking ratios can be accommodated as follows:

#### A. Electric Vehicle Charging Stations.

1. Electric vehicle charging stations are permitted in all off-street surface parking lots and multi-level parking structures in the City.
2. Each parking space equipped with electric vehicle charging equipment shall not count against the parking maximums of **Table 11.3 - Parking Requirements**. To receive credit, each electric vehicle charging station-equipped parking space shall have unobstructed access.
3. Spaces for electric vehicle charging shall be identified by pavement markings and by appropriate signage. Signage shall not count against the maximum aggregate sign area permitted on a lot.
4. EV spaces shall not count against the parking maximums.
5. The owner of the property shall be responsible for the installation, maintenance, and operation of electric vehicle charging stations.

- B. Motorcycle and Scooter Parking.** Motorcycle or scooter parking spaces shall not count against the parking maximums. Space shall be provided on concrete or other paved surface and dimensioned four (4) feet by eight (8) feet.

#### C. On-street Parking.

1. Development of on-street parking shall not count against the parking maximums.
2. The spaces shall be dedicated to the City and shall be used as public parking that shall not be assigned or assigned to a single site once in use.
3. Parallel-parking on-street parking stalls shall be marked and shall measure a minimum of 8 feet in width and 22.5 feet in length.

#### D. Transfer of Parking Rights.

1. The purpose of the transfer of parking rights program is to transfer quantities from eligible sending sites to eligible receiving sites through a voluntary process that supports market-driven parking solutions lot by

lot without compromising overall parking ratios necessary for public benefit and economic development.

**2. Sending Site.**

- a. Sending site means the entire parcel or lot qualified to send parking from the subject lot to a receiving site.
- b. Qualification of a sending site shall demonstrate the amount of parking proposed on the site is not required for the current use. Only the difference between the number of existing or proposed spaces and the maximum number of spaces on the sending site may be transferred to an eligible receiving site.
- c. For instance, if a sending site currently has 10 spaces, and the maximum number of spaces on the sending site is 20 spaces, the sending site may transfer up to 10 spaces to an eligible receiving site.

**3. Receiving Site.**

- a. Receiving site means the entire parcel or lot qualified to receive parking rights from an eligible sending site,
- b. Qualification of a receiving site shall demonstrate the amount of parking proposed on the site is necessary for the proposed use. The receiving site may exceed the stated parking maximums of this Division, provided all requirements of the transfer of parking rights are met.

**4. Submittal Requirements and Methodology.**

- a. Applicants proposing to use transfer of parking rights as a means of reducing overall motor vehicle parking requirements shall submit:
  - i. The names and addresses of the uses and of the owners or tenants that are transferring or receiving the parking rights;
  - ii. The location and number of parking spaces that are being transferred;
  - iii. A parking analysis;
  - iv. A legal instrument such as an easement or deed restriction guaranteeing access to the parking for the parking users.
- b. The required parking analysis shall be based on the latest edition of the Urban Land Institute (ULI) parking model or be prepared by an engineer who is registered in the State of Georgia and who has expertise in parking and transportation.
- c. The parking analysis shall demonstrate that the peak parking

demands of the subject uses occur at different times and that the parking area will be large enough for the anticipated demands of both uses.

- d. **Recordation of parking agreements.** Shared parking agreements shall be in writing in a form approved by the City Attorney, shall be signed by the owners of each of the affected properties or uses, shall run with the land of the properties involved in perpetuity, and shall be recorded with the Clerk of Superior Court, and a copy of the recorded document provided to the Community Development Director. No parking agreement shall be canceled except with the prior approval by staff after review of the change of conditions that render the agreement unnecessary.
- e. **Change in use.** Any subsequent change in land uses within the participating developments shall require proof that adequate and not excessive parking below maximums will be available. Prior to any change in use, the owner shall apply to the Community Development Director for an evaluation and confirmation of the change. If the Community Development Director finds that the parking arrangement is no longer justified, the Community Development Director shall notify the owner to construct or demolish the number of parking spaces necessary to meet the difference in the required parking between the proposed and previous uses.

### 11.3.11 Minimum Bicycle Parking Requirements

- A. **Minimum Parking Ratios.** Short-term and long-term bicycle parking spaces shall be provided in accordance with the minimum ratios established in **Table 11.3 - Parking Requirements**.
- B. **Design and Location.**
  - 1. **General.**
    - a. All bicycle parking spaces are subject to the general design and location requirements of this section.
    - b. Bicycle parking spaces shall be illuminated if accessible to users after dark.
    - c. Bicycle parking spaces shall be located to be readily visible by the public or by building users, except in the case of long-term parking spaces located in secure areas accessible only to employees, staff, or residents;
    - d. Bicycle parking spaces shall be accessible without climbing stairs, going up or down a slope of more than 12% and via a route on the property that is designed to minimize conflicts with motor vehicles and pedestrians.

- e. All bike racks shall be located at least two (2) feet in all directions from any obstruction, including pedestrian zones, other bike racks, walls, doors, posts, or columns.
  - f. All required bicycle parking spaces shall have minimum dimensions of two (2) feet in width by six (6) feet in length, with a minimum overhead vertical clearance of seven (7) feet.
2. **Long-term Bicycle Parking.** In addition to the general bicycle parking design and location requirements, all required long-term bicycle parking shall meet the following requirements:
- a. Long-term bicycle parking spaces may not be in dwelling units or on dwelling unit balconies.
  - b. Unless clearly visible from the main building entrance, a sign indicating the location of all long-term bicycle parking spaces shall be prominently displayed near the main entrance to the building or facility, and additional signs shall be provided as necessary to ensure easy way-finding. A "bicycle parking" sign shall also be displayed on or adjacent to any indoor room or area designated for bicycle parking.
  - c. Long-term bicycle parking spaces shall protect the entire bicycle, its components, and accessories against theft and inclement weather, including wind-driven rain and snow. Acceptable forms of protection include:
    - i. Individual bicycle lockers;
    - ii. Attended parking areas;
    - iii. Video-monitored parking areas;
    - iv. Restricted-access parking areas; or
    - v. Other comparable arrangements approved by the Community Development Director.
  - d. Except in the case of bicycle lockers with a separate access door for each bike or attended facilities, all long-term bicycle parking spaces shall be designed to allow bicycles to be securely locked to a bicycle rack.
3. **Short-term Bicycle Parking.** In addition to the general bicycle parking design and location requirements, all required short-term bicycle parking shall meet the following requirements:
- a. Short-term bicycle parking shall be visible from the main public building entrance and be at least as conveniently located as the most convenient non-disabled motor vehicle parking space serving the subject use. If no motor vehicle parking is provided, short-term bicycle parking spaces shall be located within 75 feet of a building



entrance.

- b. Short-term bicycle parking spaces shall be located on private property unless the City Manager approves a location within the public right-of-way.
- c. No primary structure, other than single-family residential uses, shall have fewer than three (3) bicycle parking spaces nor be required to exceed 30 spaces.
- d. Racks or other spaces shall not intrude on sidewalk zones, or other pedestrian walkways or trails.

#### 11.3.12 - Stacking Spaces

- A. This Section applies only to drive-thru and drive-in uses.
- B. **Spaces Required.** In addition to the parking required for each use, establishments with drive-thru/in facilities shall provide stacking spaces for each drive-thru station as indicated in **Table 11.3 - Parking Requirements**.
- C. **Dimensions.** Each lane of stacking spaces shall be at least 9 feet in width and at least 18 feet in length. Edges of stacking lanes shall be delineated with pavement markings.
- D. **Bypass Lane.** Drive-thru restaurants shall include a bypass lane adjacent to the required stacking lane. The bypass lane shall have minimum width of ten (10) feet and be designed to allow vehicles to circumvent or leave the stacking lane without waiting for other queuing vehicles to exit.
- E. **Location and Design.** Stacking lanes shall be located on the subject property. They may not be located within required driveways or drive aisles, parking spaces or loading areas and may not interfere with access to parking and ingress and egress from the street. Stacking lanes and drive-thru windows shall not be located between the principal building and the front street.
- F. **Pedestrian Access.** The principal pedestrian access to the entrance of the use from a public sidewalk shall not cross the drive-thru facility stacking lane.
- G. **Noise.** Speakers associated with drive-thru facilities shall not be audible from abutting residentially zoned lots. Sound attenuation walls, landscaping or other mitigation measures may be required to ensure that the facility will not have adverse noise-related impacts on nearby residential uses.

#### Section 11.4 Screening and Buffers

##### A. Service Areas

- 1. Trash collection, trash compaction, recycling collection, and other similar service areas shall be located to the side or rear of buildings and must be screened from view from adjacent property or street (not including an alley).

2. Service areas that are fully integrated into a building shall be screened with a roll down door or other opaque screen.
3. Service areas that are not integrated into a building shall be screened from three sides by a wall at least six (6) feet in height and on the fourth side by solid gate at least six (6) feet in height. The gate and wall must be maintained in good working order and must remain closed except when trash pick-up occur. Wall material shall be masonry, stone, or another material compatible with the primary building on the lot with the permission of the Community Development Director.

#### B. Mechanical Equipment

1. **Exemptions** Free-standing or roof-mounted renewable energy systems such as solar panels are exempt from these screening requirements.
2. **Roof-Mounted Equipment**
  - a. Roof-mounted equipment shall be screened from ground level view from adjacent property or adjacent street (not including an alley).
  - b. New buildings shall provide a parapet wall or other architectural element that screens roof-mounted equipment from view.
  - c. For existing buildings with no or low parapet walls, roof-mounted equipment shall be screened on all sides by an opaque screen compatible with the principal building in terms of texture, quality, material, and color.
3. **Wall-Mounted Equipment**
  - a. Wall-mounted equipment shall not be located on any surface that directly faces a street (not including an alley).
  - b. Wall-mounted equipment located on any surface that is visible from a street (not including an alley) must be fully screened by landscaping or an opaque screen compatible with the principal building in terms of texture, quality, material, and color.
4. **Ground-Mounted Equipment**
  - a. Ground-mounted equipment screening shall be as high as the highest point of the equipment being screened.
  - b. Screening shall consist of landscaping or an opaque screen compatible with the principal building in terms of texture, quality, material, and color.

#### C. Utility Service Areas

1. Utility service areas located outside of the right-of-way that exceed 42 inches in height and 42 inches in any other dimension must be screened from the street.
2. Screening shall consist of landscaping or a wall or fence compatible with the principal building in terms of texture, quality, material, and color.
3. Utility service areas must be located an adequate distance from the street to allow for any required screening to be installed without encroaching into the public right-of-way.

4. Screening is not required for utility service areas located more than 50 feet from a street.

## Section 11.5 Fences and Walls

**11.5.1 Applicability.** Requirements in this Division apply to all districts except those zoned AG.

### 11.5.2 Height

- A. Fences and walls shall not exceed four (4) feet in height when located in the front yard or ten (10) feet in height when located in any other (non-front) yard.
- B. Gates may be up to six (6) feet in height in front yards.
- C. Wing walls shall not exceed twelve (12) feet in height or the height of the foundation wall to which it is attached, whichever results in a lower wing wall height.
- D. Heights are measured from finished grade at the base of the fence or masonry wall to the highest point of the fence or wall.
- E. Fence and masonry wall columns, posts and ornaments are permitted to exceed maximum allowed fence and wall heights by up to two (2) feet.

### 11.5.3 Fence materials and design.

- A. Chain link fences are prohibited along all street frontages in any residentially-zoned districts.
- B. Fences are not permitted to contain barbed wire, spikes or similar devices, or an electric charge.

## Section 11.6 Dumpsters

### 11.6.1 Dumpster Screening

- A. A solid fence on three sides shall enclose all dumpsters.
- B. The height of the fence shall be equal to or higher than the height of the dumpster and in accordance with **Section 11.5 Fences and Walls**.
- C. The operable side of the dumpster shall be concealed with a gate equal to or higher than the height of the dumpster. The gate shall be opaque and constructed of durable materials.

### 11.6.2 Location

- A. Dumpsters shall be placed in the rear yard and shall be located a minimum of five (5) feet from property lines.
- B. In no case, shall loading activities hinder or obstruct the free movement of vehicle, and pedestrians over a street, sidewalk, alley, or to interrupt parking lot circulation.
- C. Service activities within 300 feet of residential uses, including single-family detached, single-family attached, multi-unit buildings, and mixed-use development with a

residential component shall only be permitted Monday through Friday from 7:00 a.m.—10:00 p.m. and on Saturdays from 9:00 a.m.—9:00 p.m. This measurement shall be the shortest distance between the dumpster enclosure and any point on the property line of the residentially used property. These restrictions shall also apply to any service activities within a mixed-use development located within 300 feet of any residential unit within that development. In this case, the measurement shall be the shortest distance between the dumpster enclosure to the exterior wall of a residential unit.

- D. Access to dumpsters shall be provided via a paved, dust-free surface.

### Section 11.7 Lighting

- A. Purpose and intent. This Section is intended to reduce the problems created by improperly designed and installed outdoor lighting. They are intended to eliminate problems of glare and minimize light trespass, with regulations that avoid unnecessary direct light from shining onto abutting properties or streets.
- B. Applicability. Outdoor lighting installed in the City shall be in conformance with the requirements established by this Section.
- C. Exemptions. The following shall be exempt from the provisions of this Section:
  - a. All temporary emergency lighting needed by police or fire departments or other emergency services;
  - b. All hazard warning luminaires required by federal regulatory agencies;
  - c. All vehicular luminaires;
  - d. Safety lighting, as defined in this Section;
    - e. All outdoor light fixtures producing light directly by the combustion of natural gas or other fossil fuels;
  - f. Signs;
  - g. Aesthetic lighting limited to interior roadway lighting with a maximum height of two (2) feet within a development, not intended to take the place of required street lighting, or lighting to be utilized within open space used to feature decorative plantings, sidewalks, walkways, or ornamental objects, such as fountains or similar features. Aesthetic lighting, although exempt from an isofootcandle plan, shall be identified on all design plans as to type of light and location to ensure appropriate use of aesthetic lighting in accordance with this Section.
- D. Outdoor lighting regulations.
  - a. Cutoff fixtures. All luminaires not exempted from this Section hereafter installed for outdoor lighting shall be full cutoff luminaires or another luminaire which does not emit any direct light above a horizontal plane through the lowest direct-light-emitting part of the luminaire.
  - b. Type of lighting. Outdoor lighting shall be CFL or LED.

- c. No lighting plan shall be approved which will result in direct light that exceeds the requirements or is otherwise inconsistent with this Section.
- d. Intensity specifications. Illuminance levels for outdoor lighting fixtures shall comply with the standards in **Table 11.7 a and b**, measured at three (3) feet above the ground or finished grade.

**Table 11.7 a - Illuminance levels at property lines**

| <b>At Property Lines Including Rights-Of-Way</b>         | <b>Minimum Footcandles</b> | <b>Maximum Footcandles</b> |
|--|----------------------------|----------------------------|
| At property line abutting a residential use              | 0                          | 0.5                        |
| At property line abutting an office or institutional use | 0                          | 1.0                        |
| At property line abutting a commercial or industrial use | 0                          | 1.5                        |

**Table 11.7 b - Illuminance levels in parking lots**

| <b>Off-Street Parking Lots</b>      | <b>Minimum Footcandles</b> | <b>Average Footcandles</b> | <b>Maximum Footcandles</b> |
|-------------------------------------|----------------------------|----------------------------|----------------------------|
| Residential uses                    | 0.5                        | 2.0—3.0                    | 4                          |
| Institutional and agricultural uses | 1.0                        | 3.0—4.0                    | 6                          |
| Commercial uses                     | 2.0                        | 6.0—7.0                    | 12                         |
| Industrial uses                     | 1.0                        | 4.0—5.0                    | 8                          |

E. Plans required.

- a. Applicants for any permit for any single-family detached or attached use proposing outdoor lighting fixtures shall submit evidence that the proposed work will comply with the outdoor lighting regulations of this Section.
  - i. The submission shall include a description, count, and location of all proposed outdoor illuminating devices, fixtures, lamps, supports, reflectors. The description may include, but is not limited to, catalog cuts and illustrations by manufacturers.
- b. Applicants for any permit for any non-single-family use proposing outdoor lighting fixtures shall submit evidence that the proposed work will comply with the outdoor lighting regulations of this Section in accordance with the following:
  - i. Plans indicating the location on the premises of each outdoor illuminating device, both proposed and any already existing on the site.
  - ii. Description of all proposed illuminating devices, fixtures, lamps, supports, reflectors. The description shall include, but is not limited to, catalog cuts, and illustrations by manufacturers.
  - iii. Photometric data, such as that furnished by manufacturers or similar, showing

- the angle of cut-off of light emissions.
- iv. Photometric plans shall include the maximum and average light layout.

## ARTICLE 12.0: STREETS AND IMPROVEMENTS

### Contents:

- Section 12.1.-Minimum Design Standards
- Section 12.2.-Streets
- Section 12.3.-Lots
- Section 12.4.-Blocks
- Section 12.5.-Easements
- Section 12.6.-Monuments
- Section 12.7.-[Reserved]
- Section 12.8.-Fire Hydrants

### Section 12.1.-Minimum Design Standards

- 12.1.1 **New subdivisions.** In order that the various purposes of this chapter may be accomplished, all subdivisions hereafter established shall be developed and improved in accordance with the minimum design standards set forth in this article. Final approval shall not be given a subdivision until all appropriate design standards have been met and until all appropriate required improvements have either been installed or an appropriate bond or certified check has been posted to secure the installation of such improvements. No subdivision shall be accepted for review under these regulations which does not conform with this UDC.
- 12.1.2 **Recorded but Unopened.** Parcels recorded prior to the effective date of these regulations which abut an unopened street shall not be developed until such street or portion thereof has been opened and paved according to this UDC.
- 12.1.3 **Resubdivision of lots within a recorded single-family subdivision.** Lots within a recorded subdivision for single-family detached units designed to be developed as a unified whole shall not be further subdivided if such resubdivision would create lots of such size or shape which would alter or change the character of the recorded single-family subdivision in terms of adversely impacting the visual quality or consistency of the established development pattern or adversely affecting property values or quality of life for residents and owners of lots within such recorded single-family subdivision.
- 12.1.4 Street Grades and Design Speeds.
- A. Minimum grade for all local and feeder streets shall be 1.5 percent.
  - B. Minimum grade of less than 1.5 percent on a local street may be approved by the City, based on adequate engineering designs, where at least 1.5 percent cannot reasonably be achieved due to topographical limitations imposed by the land. In such cases, a Record Drawing and such computations as necessary shall be provided after construction to establish that the street will drain in accordance with this UDC. Street sections where unacceptable pooling, excessive spread at

catch basins, or other hazardous conditions occur shall be reconstructed or otherwise improved to eliminate such conditions.

- C. Maximum grade on any cul-de-sac turnaround shall be six percent (6%).

#### 12.1.5 Curbs and gutters.

- A. Curb and gutter required. All new streets shall be provided with curb and gutter. All gutters shall drain smoothly with no areas of ponding.
- B. Curbing. Curbing shall meet the following requirements:
  - 1. Concrete shall be Class "A" (as defined by Georgia Department of Transportation) and have a minimum strength of 3,000 PSI at 28 days.
  - 2. Typical minimum section shall be 6" × 24" × 12."
  - 3. Roll curbing may be permitted subject to approval of the Community Development Director.
- C. Construction methods. Curb and gutter shall be set true to line and grade, horizontal be field staked, and finished to the section shown on the plans. The grade of the new gutter shall be placed 1" above the pavement grade in areas where drainage will not be adversely affected.
  - 1. Line and grade shall be field staked for grades less than two percent (2%) and grades over 12 percent (12%) , and within 100 feet in both directions from all low points.
  - 2. One-half inch expansion joints or pre-molded bituminous expansion joint material shall be provided at all structures and radius points and at intervals not to exceed 250 feet in the remainder of the curb and gutter.
  - 3. Inferior workmanship or unprofessional construction methods resulting in unacceptable curb and gutter will be cause for rejection of the finished work.
  - 4. Disturbed areas along all curbing shall be backfilled, stabilized, and grassed.

### Section 12.2.-Streets

#### 12.2.1 Requirements for new and redeveloped streets.

- A. Standards
  - 1. All new and redeveloped streets constructed in the City shall be designed at least to the standards contained in this UDC.
  - 2. All improvements shall be constructed and dedicated by the developer.
  - 3. Curb cuts may not exceed 24 feet in width.
  - 4. Proposed street layouts shall interconnect within a development and with adjoining development as often as possible.
  - 5. Public or private streets longer than 150 feet shall be connected to a continuous street network. Culs-de-sac or hammerheads shall be allowed only where topographical and/or lot line configurations offer no practical alternatives for connections or through traffic. Maximum cul-de-sac length is 250 feet in length from the nearest intersection with a street providing through access

(not a cul-de-sac). Minimum radius for culs-de-sac shall be 40 feet from back of curb, except for industrial or warehouse areas, where the minimum radius shall be 50 feet from back of curb. The minimum radius of the right-of-way for culs-de-sac shall be 10 feet greater than the radius from back of curb.

6. The following street specifications are provided for non-state-maintained public roads within the municipal limits of the City. In addition to the specifications, all the following designs shall provide a 90-foot minimum tangent between reverse curves on all streets.

7. Minimum curb and street radius. The lot-line radius at intersecting streets shall be not less than 20 feet. The centerline radius of all curvilinear streets shall be not less than 75 feet.

8.

**Table of Street Specifications for Non-State-Maintained Roads**

| Street Type     | Minimum Right-of-Way/easement width | Minimum pavement widths face to face of curb                      |
|-----------------|-------------------------------------|---|
| Boulevard       | 90 feet                             | 44 feet   |
| Secondary       | 70 feet                             | 32 feet   |
| Feeder          | 60 feet                             | 26 feet   |
| Local street    | 55 feet                             | 26 feet   |
| Alley (private) | NA                                  | 11 feet (one-way) or 14 feet with 4 ft. graded shoulder (two-way) |

**B. Private Streets.**

1. Private Streets Permitted. Private streets are prohibited except where necessary and subject to approval by the Community Development Director. The Community Development Director may impose conditions on the approval of private streets to ensure the health, safety, and welfare of the general public and to mitigate potential problems with private streets.

2. The subdivider/developer shall establish a mandatory property owners association, with bylaws and/or covenants which shall include the following:

- a. Mandatory membership of all purchasers of lots therein and their successors.
  - b. Responsibility for maintenance, insurance, and taxes.
  - c. Equitable sharing of the cost of maintenance.
  - d. Authority to place liens on the real property of members who fail to pay their dues or assessments.
3. No final plat or development permit involving any private streets shall be approved unless said final plat or development permit conforms to the requirements of this section.
  4. Easements for Private Streets.



- a. Easements for private streets shall be designated on final plats as general purpose public access and utility easements, along with the name of said private street. Said easement shall at minimum be of the same width as that required for the right-of-way of a public street most closely resembling the proposed private street, except that private streets used exclusively for single-family attached dwellings shall be constructed on an easement with a minimum width of 40 feet.
  - b. Easements for private streets shall not be included in any calculation of minimum lot size or density limitations established by this UDC.
  - c. In the cases of private streets where roadway improvements are required, the general purpose public access and utility easement for a private street shall be drawn as its own discrete parcel to be dedicated to a mandatory private homeowners association (i.e., not shown to be a part of any lot).
5. Maintenance.
- a. The City shall not maintain, repair, resurface, rebuild, or otherwise improve streets, signs, drainage improvements, or any other appurtenances within general purpose public access and utility easements established for private streets.
  - b. Permanent repairs to the streets shall be made by the homeowners associations or other entity having maintenance responsibility for the development. Driveways and sidewalks will be repaved, sodded or landscape areas will be graded, smoothed, reseeded or resodded, where appropriate.
  - c. A private maintenance covenant recorded with the Clerk of the Superior Court shall be required for any private street and other improvements within general purpose public access and utility easements established for private streets. The covenant shall set out the distribution of expenses, remedies for noncompliance with the terms of the agreement, rights to the use of easements, and other pertinent considerations.
6. Specifications for final plats involving private streets. No final plat involving a private street shall be approved by the Department for recording unless and until it shall contain the following on the face of the plat:
- a. Deed book and page reference to the recorded covenant required, as listed above.
  - b. "The City of Social Circle has no responsibility to build, improve, maintain, or otherwise service the private streets, drainage improvements, and other appurtenances contained within the general public purpose access and utility easement or easements for private streets shown on this plat."
  - c. "Grant of Easement. The general purpose public access and utility easement(s) shown on this plat for private street(s) is hereby granted and said grant of rights shall be liberally construed to provide all necessary authority to the City, County, and to public or private utility companies serving the subdivision, for the installation and maintenance

of utilities, including, but not limited to, electric lines, gas lines, telephone lines, water lines, sewer lines, cable television lines, and fiber optic cables, together with the right to trim interfering trees and brush, together with a perpetual right of ingress and egress for installation, maintenance, and replacement of such lines.

### 12.2.2 Street intersections.

- A. Angle of intersection. Intersections shall generally be at right angles and shall not be at an angle of less than 85 degrees unless approved by the City, nor less than 80 degrees unless the intersection is signalized in which case the angle of the intersection may be reduced subject to the review and approval of the Community Development Director.
- B. Maximum grade. Street intersections should be designed with a flat grade wherever possible, but in no case should the grade exceed 2 percent (2%) in normal situations (or 4 percent (4%) in topographical hardship situations on local streets).
- C. Islands. Islands in street intersections shall conform to the design requirements of the standard drawings. In no case shall anything in an island extend more than three feet above the street grade within the right-of-way, except traffic regulatory devices and other infrastructure erected or approved by the City. No island shall be approved which contains less than 100 square feet.

### 12.2.3 Sidewalks construction standards.

- A. Sidewalk construction standards. When required by this UDC, sidewalks and curb ramps shall be constructed in all new development or redevelopment along all abutting or internal streets, existing or new, private or public.
  1. Sidewalk installation and timing. Required sidewalks shall be installed prior to the issuance of a Certificate of Occupancy/Completion.
  2. Sidewalk site preparation and material standards.
    - a. Cross slope. Sidewalks shall be constructed with a cross slope of 0.25 inch per foot. Sidewalks shall maintain this cross slope at driveway crossings or transition the sidewalk to a driveway with ramps and detectable warnings.
    - b. Material. Class "B" (as defined by Georgia Department of Transportation) with a minimum strength of 2,200 PSI at 28 days.
    - c. Final stabilization. Disturbed areas resulting from sidewalk construction shall be backfilled, stabilized, and grassed or landscaped.
  3. Sidewalk curb ramp construction standards. Intersection radius curb ramps shall be provided at street intersections. Straight ramps may be provided at intersections of curbed driveways and at streets without sidewalks.
  4. Damage repair. Damage to sidewalks and ramps caused by construction or development activity shall be repaired at no cost to the City.

#### 12.2.4 Traffic control devices.

- (a) Traffic control signs. The installation of street signs, traffic control signs, and devices such as striping and signalization, shall be coordinated with the Community Development Director, and provided through payment of fees to the appropriate agency.
- (b) Street name signs. Street name signs shall have a green background with white legends mounted on channelized posts. Alternate post material shall be subject to the review and approval of the Community Development Director.
- (c) Traffic signals and signs. All traffic signals and signs shall conform to the Manual on Uniform Traffic Control Devices (no decorative traffic control devices will be allowed).

### 12.2.5 Traffic calming devices.

- A. Traffic Calming Devices shall be compatible with standards outlined in the Georgia Department of Transportation.
- B. Subdivision streets shall be designed in accordance with the above so as to encourage and maintain maximum operating speeds of no more than 25 mph. The maximum length of roadway section between speed control points shall be 500 feet.
- C. The traffic-calming plan is subject to review and approval by the Community Development Director.

### 12.2.6 Storm Drainage Design

The following specifications shall apply to all storm drainage:

- A. No main line storm pipe shall be less than 15 inches diameter; (roof laterals and landscape drainage are exempted from this requirement);
- B. No pipe shall have a slope greater than 12 percent (12%);
- C. If a drop in a structure is greater than five feet, a reinforced base shall be provided for that structure;
- D. No Corrugated Metal Pipe (CMP) shall be used in any publicly maintained road right-of-way;
- E. No outfall pipe shall have a slope greater than one percent (1%). Maximum allowable velocity for storm sewer exit pipe is ten (10) feet per second when flowing full or half-full, based on Manning's Formula. Energy dissipater is required for exit velocity in excess of five feet per second;
- F. Open channel design must show the grade of the flow line of the channel and include a typical ditch section that provides a non-erodible velocity at design flows. Channel slopes less than one percent may be grassed; for channel shapes greater than 12 but less than three percent (3%), the designer shall demonstrate calculated velocity at or less than five feet per second including a channel lining for design to accommodate the design philosophy; channel slopes over three percent (3%) shall be approved by the City;
- G. Crown elevations must be matched at each junction structure or the upstream crown must be higher than the downstream crown.

### 12.2.6 Transitional Requirements

All streets established shall comply with the following general provisions:

- A. Permanent dead-end streets. Cul-de-sacs, designed to be permanent, shall not be longer than 800 feet from the nearest street right-of-way line with which it intersects to the center of its circular turnaround. Dead-end streets, designed to be such permanently, shall be provided at the closed end with a turnaround having an outside roadway diameter of not less than 80 feet, and a right-of-way diameter of not less than 100 feet.
- B. Temporary dead-end streets. Temporary dead-end streets which extend for a distance greater than 200 feet shall be provided with a temporary turnaround having a diameter of 80 feet. Said temporary turnaround shall be so constructed as to assure a surface resistant to erosion and so drained as to prevent damage to abutting properties. Temporary dead-end streets of 200 feet or less shall be provided with an earth barrier, fence, or similar physical barricade at the dead end.

Provisions shall be made for the future extension of the streets and reversion of the excess right-of-way to the adjoining properties.

- C. Half streets. Half streets shall not be permitted within a subdivision.
- D. Additional driving surface width. A proposed major subdivision that includes a platted street containing a driving surface width of less than that required or deficient based on construction, material, or facility standards (e.g.: a lack of sidewalks) by this UDC shall provide for the improvement of said street so that the minimum standards required by this chapter are improved by the developer. If the proposed subdivision abuts only one side of said street, then a minimum of half of the required extra surface shall be provided by the developer.
- E. Subdivisions on only one side of existing street. A proposed major subdivision which abuts only one side of an existing street shall be required to pay half the cost of meeting the design specifications for such street, as identified in subsection (s); provided that the cost of such improvements shall be shared by the owners of property lying across said street on the same basis as if said street were to be paved under the necessity paving provisions of the City.
- F. Street access to adjoining property. Whenever the Community Development Director finds that street access to adjoining property is needed, a street right-of-way shall be extended to the boundary of such property, and such right-of-way shall be dedicated to the public as an unopened street. When such unopened street is required for access to property, then the developer of the property for which access is required shall be responsible for opening and improving the unopened street.

### Section 12.3.-Lots

12.3.1 All lots which shall hereafter comply with this Section.

- A. Street access. Each lot shall abut on a publicly dedicated street or a publicly approved street. All such streets shall conform to the design requirements of this chapter. Provided that the Community Development Director may approve a plat, which contains lots which abut an approved private street under the following conditions:
  1. A private street is contained within a common area and serves each lot within the subdivision.
  2. The layout and design of the vehicular access and circulation plan, including off-street parking, has been reviewed and approved by the Community Development Director and determined to provide access to each lot within the subdivision.
  3. The City shall be held harmless for maintenance and liability for any private areas of the subdivision, and such shall be so stated on the plat with the following notation: "The maintenance of all private and common areas of this subdivision, including, but not limited to, drives, streets and parking, shall be provided by and shall be the responsibility of the owners of lots within the subdivision and shall not become a responsibility of the City of Social Circle. The City shall be held harmless from any liability associated with the establishment and maintenance of such common areas."
  4. A legal instrument is submitted along with the plat for recording stating the mechanism for insuring maintenance of the private common areas, including any covenants, deed restrictions or other provisions proposed for the subdivision.

5. Where the Community Development Director finds that other measures are necessary to protect the public interest or the interest of potential purchasers of lots within the subdivision, then the Community Development Director require such other measures as a condition of plat approval.
- B. Lot lines. Side lot lines shall be as nearly as practical at right angles to straight street lines and radial to curved street lines.
  - C. Corner lots. Corner lots for residential use shall be provided with sufficient width and depth to permit the establishment of appropriate building setback lines from both streets. A minimum 20-foot radius shall be provided at the corner next to the intersection.
  - D. Double-frontage lots. Double-frontage lots shall only be permitted where it shall be found necessary to separate a development from major arterials or to overcome specific disadvantages of topography and orientation.
  - E. Flag lots. Flag lots shall be prohibited.
  - F. Spite strips. Spite strips shall be prohibited.
  - G. Minimum lot elevation. No lot shall be approved that does not contain a suitable building site of sufficient elevation to permit construction utilizing a lowest floor elevation of at least the level of the 100-year flood. The entire lot shall be properly drained. Special emphasis will be placed on requirements as given in the City's flood damage prevention ordinance.
  - H. City limits and lot lines. Lots shall not be divided by corporate boundary lines except where unavoidable.
  - I. Lot width and lot area requirements. Lots hereafter established within subdivisions shall conform to the lot area and lot width requirements set forth in this UDC.

#### **Section 12.4.-Blocks**

- A. All blocks hereafter established within a subdivision shall conform to the following design standards:
- B. Block lengths. In order that there may be convenient access between various parts of a subdivision and between the subdivision and surrounding areas and in order to help prevent traffic congestion and traffic hazards, the length of blocks hereafter established shall not exceed 800 feet. The width of any residential block shall be sufficient to allow two tiers of lots of appropriate depth; provided, however, that this shall not prevent the inclusion within any subdivision plan of blocks of greater width or of irregular outline, including superblocks which may contain, at or near their centers, public or joint use areas such as parks and playgrounds. Said interior parks shall be covered by adequate maintenance agreements, if not dedicated and accepted for public maintenance.

#### **Section 12.5.-Easements**

- A. The following kinds of easements shall be required within subdivisions:
1. Utility easements. Public utility easements shall be provided where necessary. Such easements shall be not less than 15 feet in width and shall be centered on side or rear property lines when necessary. Temporary construction easements as required by standard engineering practices shall be provided. Where public utility easement rights-of-way are planned adjacent to the subdivision tract boundary, they shall be platted within said subdivision. In the event it becomes necessary to install or to make repairs to utilities in said easements, it shall be the property owner's responsibility to bear the cost of removing any building, structure or improvement of any kind or description which said property owner shall have built upon said easement, and this condition shall be included in the restrictive covenant and deed of transfer.
  2. Drainage easements. All drainage easements shall conform to the stormwater management guideline for private development activities.

### Section 12.6.-Monuments

The subdivider shall provide stone or concrete monuments four inches in diameter or square, 30 inches long, with a flat top, which shall be set at each street corner, and at all points where the street lines intersect the exterior boundaries of the subdivision, and at angle points and points of curvature in each street. The top of the monument shall contain a metal pin or be scored with an indented cross to properly identify the location. The subdivider shall also provide all interior lot corners of subdivisions with concrete monuments, iron pins, or iron pipes. Iron pipes shall be at least one-half inch in diameter and 24 inches in length.

### ARTICLE 13.0: [Reserved]

## DIVISION 4: SIGN REGULATIONS

### ARTICLE 14.0: SIGN CODE [pending reformatting, removal of retired districts]

#### **Sec. 1300. Purpose and Intent.**

The City of Social Circle finds that signs are a proper use of private property, are a means of personal free expression and a necessary component of a commercial environment. As such, signs are entitled to the protection of the law. In the absence of regulation, however, the number of signs tends to proliferate, with property owners desiring ever-increasing numbers and sizes of signs, leading to cluttered and aesthetically blighted thoroughfares. In addition, the competition among competing sign owners for visibility of their signs contributes to safety hazards for both vehicles and pedestrians and undermines the sign owners' original purpose of presenting a clear message of its idea or identification of its premises.

Regulation of the location, size, height, placement, number, spacing and certain content neutral features of signs is necessary to protect the public safety, to assure compatibility of signs with surrounding land uses, to enhance the business and economy of the city, to enable the public to locate goods, services, and facilities in the city without difficulty and confusion, to provide for the orderly and

reasonable display of advertising for the benefit of all the city's citizens, to protect the public investment in the streets and highways, to maintain the tranquil environment of residential areas, to promote industry and commerce, to eliminate visual clutter and blight, to provide an aesthetically appealing environment, to improve the general attractiveness of the community, to take advantage of the beauty of the community's environment, and to protect property values. The goal of this article is to avoid being an impermissible content-based regulation, and instead to be a permissible content neutral time, place and manner restriction. More communication is desirable during the election cycle, so that all citizens may freely express their viewpoints during the election campaigns, and therefore this ordinance allows increased opportunities for signs during these periods, without limiting content. At all times, any sign permitted under this regulation can carry any legal message, political or non-political, commercial or non-commercial. However, it is not the intent of this article that all signs are built to the maximum size. The city encourages use of the minimum signage necessary to meet the purposes required. Accordingly, it is the intention of the city to establish regulations governing signs which will:

1. Promote and protect the public health, safety, and general welfare;
2. Protect the character of the city's historic commercial district and residential neighborhoods;
3. Enhance the economy of the city by promoting the reasonable, orderly and effective display of signs;
4. Balance the rights of persons to convey their messages through signs and the right of the public to be protected against the unrestricted proliferation of signs;
5. Restrict signs and lights which increase clutter or which increase the probability of traffic accidents by obstructing vision;
6. Promote signs compatible with their surroundings;
7. Protect property values by minimizing the possible adverse effects and visual blight caused by signs; and
8. Improve pedestrian and traffic safety and reduce traffic and pedestrian hazards.

Further, recognizing that the aesthetic, cultural, and historic qualities of the city are unique and, therefore, vital to the community's interest, it is the objective of this article to protect these and to ensure that these are not compromised. It is an objective of this article to protect and preserve the aesthetic qualities of the community by regulating the number, size, placement, installation and maintenance of signs. The fact that such signs are intended to command visual contact, grants to signs a proportionally greater role than other structures in determining the overall aesthetic quality of the community. The aesthetic impact of signs has an economic factor that can bear heavily upon the enjoyment and value of property; therefore, the regulation of signs is validly justified on the basis of conserving the value of property and encouraging the most appropriate use of land throughout the community. It is both rational and important for a community's citizens to plan their physical surroundings so unsightliness is minimized. Signs can detract from the beauty of a neighborhood and lower property values.

Further, in seeking to comply with federal and Georgia law, the city council has determined the following: large billboards are, as the U.S. Supreme Court has recognized, an aesthetic harm and potential traffic safety hazard; the Georgia Supreme Court has upheld sign regulations on the basis of aesthetics and preserving the beauty of environment; and, judicial decisions of the Eleventh Circuit have recognized that portable signs are visual clutter and a potential traffic hazard. These holdings support the constitutionality of this article, as intended by the City. It is not the intent of this Article to regulate



the content of speech through signage controls. To the extent any court of competent jurisdiction interprets any provision of this Article to restrict the content of speech; it is the intent of the mayor and council that all allowable signs may display a noncommercial message in addition to, or in lieu of, any other message.

**Sec. 1301. Authority.**

This Article is enacted pursuant to Article IX, Section II, Paragraph IV of the Georgia Constitution of 1983, the Charter of the City of Social Circle, the general police powers of Social Circle and other authority provided by federal, state or local laws applicable hereto.

**Sec. 1302. Applicability.**

These sign regulations shall be valid throughout the city limits. Signs shall be erected, placed, established, painted, created and maintained in accordance with the physical standards outlined in this Article. Sign placement and size regulations shall vary between districts. To determine which district a proposed sign will be located in, see the official zoning map in city hall. Nothing herein shall be construed to permit display of any message which is obscene, illegal or speech which is otherwise unprotected under the First Amendment of the United States Constitution. Nothing herein shall be construed to prohibit a prosecution for violation of a criminal statute by the city or other duly constituted government authority or a civil action by the city or other private person or entity.

Sec.1303. [reserved]

**Sec. 1304. General Provisions.**

- A. All signs must be in compliance with the provisions of this article, the Standard Building Code, the zoning ordinance, and the National Electric Codes as adopted.
- B. Where the Historic Commission has adopted standards for signage within the City of Social Circle Historic District, any sign proposed for erection in that district shall be reviewed for compliance with those standards.
- C. All signs must be placed on private property, except signs erected on public property by an authorized governmental unit. No sign shall be located closer than ten feet from the back of the curb of a public roadway, nor be located closer than ten feet from the public right-of-way.
- D. No sign shall be attached to or painted on a telephone pole or power pole, or any tree, rock or other natural object.
- E. Any sign allowed under this article may contain any commercial or noncommercial message except that such messages cannot be obscene, as defined by the courts.
- F. For the purposes of determining the number of signs, ground signs shall be equal to the number of sign structures. All other non-ground signs shall be considered to be a single display surface or display device containing elements organized, related and composed to form a unit. Where matter is displayed in random manner without organized relationship of elements, each such element shall be considered to be a single sign.
- G. No sign or sign structure (above a height of three feet) shall be maintained within 15 feet of the intersection of the extended right-of-way lines of two streets, of an intersection of a street right-of-way with a railroad right-of-way, or otherwise placed in a location that limits sight distance as determined by the Community Development Director.

- H. No sign or sign structure may be erected or maintained which obstructs any fire escape, window, ventilation, door or hydrant; nor shall any sign or sign structure be attached to a fire escape.

**Sec. 1305 Signs regulated by zoning district.**

Types of signs and regulatory aspects of those signs, allowed per zoning district shall be as follows:

- A. Signs in the AG zoning district.
1. Standard Informational Signs. The aggregate sign area of all standard informational signs on a lot shall not exceed 16 square feet in sign area. Standard informational signs shall not be located within the public street right-of-way and shall be no closer than ten feet to the back of curb of a public roadway. Notwithstanding the foregoing, during the period from opening of qualifying for elections until the final determination of all contests and issues resolved by that election, there shall be no limit on the aggregate sign area of standard informational signs and an unlimited number of standard informational signs shall be permitted on any property in the City.
  2. Ground signs. Ground signs shall be limited to a quantity of one per road frontage per lot with an aggregate sign area of no more than 35 square feet and a sign height of no more than five feet.
  3. Monument signs. Two single-faced, monument signs or one double-faced monument sign shall be permitted at every entrance to a residential subdivision or development. Monument signs at the entrances to residential subdivisions or developments shall not exceed five feet in height and 24 square feet in sign area per sign face. All sign structures shall be constructed of brick, stone, textured concrete masonry units or equivalent architectural material. Internal illumination is prohibited.
  4. Temporary residential development sign. Residential lot developers and residential lot development companies may apply for a sign permit to put up a temporary sign at the entrance of residential subdivisions if there are currently lots for sale in the subdivision. The temporary sign must be displayed within 100 feet of the entrance of the subdivision on private property or common area of the subdivision. Permission must be obtained from the owner of the property. The temporary signs are limited to one per public road entrance to the subdivision and shall only be allowed for a maximum of three years or until lots are sold, whichever is less. The temporary sign may be in the form of a simple pole sign with the maximum dimensions of four feet by six feet and a maximum height of five feet from the ground.
  4. No sign, permanent or temporary, shall be erected that has a sign height that is greater than five feet.
  5. No sign, permanent or temporary, shall be illuminated in any manner.
- B. Signs permitted in the OI zoning district.
1. Standard Informational Signs. Standard informational signs shall be limited to window signs. The aggregate sign area of all standard informational signs on a lot shall not exceed 16 square feet. Notwithstanding the foregoing, during the period from opening of qualifying for elections until the final determination of all contests and issues resolved by that election, there shall be no limit on the aggregate sign area of standard informational signs and an

- unlimited number of standard informational signs shall be permitted on any property in the City.
2. Ground signs. Ground signs shall be limited to a quantity of one ground sign per road frontage per lot with a sign area of no more than 32 square feet per sign face and an aggregate sign area of no more than 64 square feet. Ground signs shall be limited to a maximum height of eight feet and shall have a minimum setback of ten feet. Ground signs shall be attached to a permanent wall or base constructed of brick, stone or textured concrete masonry units.
  3. Window signs. Individual or aggregate window signs shall not exceed 25 percent of the area of windows on the building elevation facing the road frontage, not to exceed 64 square feet. For buildings with multiple tenants, the foregoing limitation is to be applied separately to each tenant space.
  4. Wall signs. One wall sign per road frontage for each tenant no greater than one square foot of sign area per one linear foot of tenant space frontage shall be permitted, not to exceed 64 square feet.
  5. Banners. Banners up to 16 square feet in sign area may be displayed for 30 days per premise up to four times per year with at least 45 days between each 30-day display period. No banner shall be attached to a utility pole or light pole.
  6. Monument signs. Two single-faced, monument signs or one double-faced monument sign shall be permitted at every entrance to a commercial, office or industrial planned center. Monument signs at the entrance of a commercial, office, or industrial planned center shall not exceed eight feet in height and 32 square feet in sign area per sign face. All sign structures shall be constructed of brick, stone, textured concrete masonry units or equivalent architectural material. Internal illumination is prohibited.
  7. Except as otherwise provided in this subsection B, signs may be illuminated internally or externally, provided that any external light fixtures must be directed away from streets and adjacent property.
- C. Signs permitted in the BUS zoning district.
1. Standard Informational Signs. Standard informational signs shall be limited to window signs. The aggregate sign area of all standard informational signs on a premise shall not exceed 16 square feet. Notwithstanding the foregoing, during the period from opening of qualifying for elections until the final determination of all contests and issues resolved by that election, there shall be no limit on the aggregate sign area of standard informational signs and an unlimited number of standard informational signs shall be permitted on any property in the City.
  2. Ground signs. Ground signs shall be limited to a quantity of one ground sign per road frontage per lot of not more than 32 square feet in sign area per sign face and an aggregate sign area of more than 64 square feet. Ground signs shall be limited to a maximum height of six feet and a minimum setback of ten feet. Ground signs shall be attached to a permanent wall or base constructed of brick, stone or textured concrete masonry units. Ground signs may be illuminated internally or externally, provide that external light fixtures must be directed away from streets and adjacent property.

Ground signs that are not located in the designated historic district may use a light emitting diode (LED) board to display static messages provided that the following standards are complied with in addition to all other requirements of this article:

- A. The LED board shall contain static messages only and shall display each static message for no less than 30 seconds;
  - B. The LED board shall not operate at a brightness level of more than 0.20 footcandles above ambient light levels (at measurement conditions) as measured at a distance of 125 feet or, if the LED board is in the line of sight of any residential structure, 0.10 footcandles above ambient light levels (at measurement conditions) as measured at a distance of 125 feet;
  - C. Once every 12 months and in the event of a complaint, the owner of the LED board shall be required to provide to the Community Development Director a certification of the brightness level of the LED board from an independent contractor and, if the brightness levels are not met, the owner shall turn off the LED board until the brightness level is corrected;
  - C. The LED board must have a light sensing device that will adjust the brightness of the display as the natural ambient light conditions change;
  - D. The LED board shall employ a default setting that displays a dark, blank screen should a malfunction occur and the owner of the sign shall provide to the Community Development Director, information for a 24-hour contact able to turn off the LED board promptly if a malfunction occurs; and
  - E. The LED board shall not be animated, move, flash, blink, or vary in light intensity during the display of a single message, and transitions between messages shall not use frame effects or other methods which result in movement of a displayed image during such transition.
2. Window signs. Individual or aggregate window signs shall not exceed 25 percent of the area of windows on the building elevation facing the road frontage, not to exceed 64 square feet. For buildings with multiple tenants, the foregoing limitation is to be applied separately to each tenant space.
  3. Wall signs. One wall sign per road frontage for each tenant no greater than one square foot of sign area per one linear foot of tenant space frontage shall be permitted. Wall signs may be illuminated internally or externally, provide that external light fixtures must be directed away from streets and adjacent property.
  4. Canopy signs. One canopy sign per tenant printed or affixed directly onto the canopy material with a sign area not to exceed eight square feet.
  5. Projecting signs. One projecting sign per building with a sign area not to exceed six square feet. Minimum clearance of seven feet six inches (7'6"), measured from the bottom of the sign, is required above any pedestrian way.
  6. Double-faced signs. One double-faced sign per tenant with a sign area not to exceed four square feet per sign face and a sign height not to exceed three feet. Double-faced signs may only be placed directly in front of the building space occupied by the tenant and shall not impede the flow of pedestrian traffic. Double-faced signs must be removed and shall not be displayed between the hours of 10:00 p.m. and 7:00 a.m.

7. Banners. Banners up to 12 square feet in sign area may be displayed for 30 days per premise up to four times per year with at least 45 days between each 30-day display period. No banner shall be attached to a utility pole or light pole.
  8. Monument signs. Two single-faced, monument signs or one double-faced monument sign shall be permitted at every entrance to any commercial, office or industrial planned center. Monument signs at the entrance of a commercial, office, or industrial planned center shall not exceed eight feet in height and 32 square feet in sign area per sign face. All sign structures shall be constructed of brick, stone, textured concrete masonry units or equivalent architectural material.
  9. Except as other provided in this subsection C, signs shall not be illuminated internally or externally.
- E. Signs permitted in the LI and HI zoning districts.
1. Standard Informational Signs. Standard informational signs shall be limited to window signs. The aggregate sign area of all standard informational signs on a premise shall not exceed 16 square feet. Notwithstanding the foregoing, during the period from opening of qualifying for elections until the final determination of all contests and issues resolved by that election, there shall be no limit on the aggregate sign area of standard informational signs and an unlimited number of standard informational signs shall be permitted on any property in the City.
  2. Ground signs. Ground signs shall be limited to a quantity of one ground sign per road frontage per lot of not more than 100 square feet in sign area per sign face and an aggregate sign area of more than 200 square feet. Ground signs shall be limited to a maximum height of ten feet and a minimum setback of ten feet. If the lot contains a principal building or planned center of over 65,000 square feet, the maximum sign area per sign face shall be 150 square feet with an aggregate sign area of not to exceed 300 square feet. Ground signs shall be attached to a permanent wall or base constructed of brick, stone or textured concrete masonry units. Ground signs may be illuminated internally or externally, provide that external light fixtures must be directed away from streets and adjacent property.
  3. Window signs. Individual or aggregate window signs shall not exceed 25 percent of the area of windows on the building elevation facing the road frontage, not to exceed 100 square feet. For buildings with multiple tenants, the foregoing limitation is to be applied separately to each tenant space.
  4. Wall signs. One wall sign per road frontage for each tenant no greater than one-fourth square foot of sign area per one linear foot of tenant space frontage shall be permitted. Wall signs may be illuminated internally or externally, provide that external light fixtures must be directed away from streets and adjacent property
  5. Banners and sail signs. Banners and sail signs up to 16 square feet in sign area may be displayed for 30 days per premise up to four times per year with at least 45 days between each 30-day display period. No banner shall be attached to a utility pole or light pole. No sail sign shall exceed 16 feet in height measured from ground level at the point where it's based is mounted.

6. Monument signs. Two single-faced, monument signs or one double-faced monument sign shall be permitted at every entrance to any commercial, office or industrial planned center. Monument signs at the entrance of a commercial, office, or industrial planned center shall not exceed eight feet in height and 32 square feet in sign area per sign face. All sign structures shall be constructed of brick, stone, textured concrete masonry units or equivalent architectural material.
  7. Except as otherwise provided in this subsection E, signs shall not be illuminated internally or externally.
- F. Signs in the R-25, R-15, and RMD zoning districts.
1. Standard Informational Signs. The aggregate sign area of all standard informational signs on a lot shall not exceed 16 square feet in sign area. Standard informational signs shall not be located within the public street right-of-way and shall be no closer than ten feet to the back of curb of a public roadway. Notwithstanding the foregoing, during the period from opening of qualifying for elections until the final determination of all contests and issues resolved by that election, there shall be no limit on the aggregate sign area of standard informational signs and an unlimited number of standard informational signs shall be permitted on any property in the City.
  2. Monument signs. Two single-faced, monument signs or one double-faced monument sign shall be permitted at every entrance to a residential subdivision or development. Monument signs at the entrances to residential subdivisions or developments shall not exceed five feet in height and 24 square feet in sign area per sign face. All sign structures shall be constructed of brick, stone, textured concrete masonry units or equivalent architectural material.
  3. Temporary residential development sign. Residential lot developers and residential lot development companies may apply for a sign permit to put up a temporary sign at the entrance of residential subdivisions if there are currently lots for sale in the subdivision. The temporary sign must be displayed within 100 feet of the entrance of the subdivision on private property or common area of the subdivision. Permission must be obtained from the owner of the property. The temporary signs are limited to one per public road entrance to the subdivision and shall only be allowed for a maximum of three years or until lots are sold, whichever is less. The temporary sign may be in the form of a simple pole sign with the maximum dimensions of four feet by six feet and a maximum height of eight feet from the ground.
  4. No sign, permanent or temporary, shall be illuminated in any manner.

**Sec. 1306. Prohibited signs.**

The following types of signs are prohibited in all zoning districts of the city:

- A. Signs imitating traffic or emergency signals or which display intermittent lights resembling the color, size, shapes, or order of lights customarily used in traffic signals or on emergency vehicles or on law enforcement vehicles.
- B. Signs or devices employing intense illumination when visible from the public right-of-way, flashing (strobe type) or blinking lights, spot lights, floodlights, or any type of pulsating or moving light.

- C. Signs which contains flashing or intermittent red, green, blue, or amber illumination or white flashing strobe lights. (Nothing herein is to be confused with seasonal lighting).
- D. Signs that cast direct light onto any residential premises.
- E. Signs tacked, posted, marked, painted or otherwise affixed on a roof, fire escape or utility pole.
- F. Signs which obscure or disfigure any significant architectural element of the building to which it is attached.
- G. Signs installed over, above, or extending above the bottom edge of a roof.
- H. Signs on a vehicle or trailer and parked with the primary purpose of providing a sign not otherwise allowed.
- I. Signs that require removal of any trees from the public right-of-way.
- J. Cold-air/helium-filled devices exceeding five feet at any measurement.
- K. Pennants and streamers.
- L. Neon signs.
- M. Projecting signs.
- N. Rotating signs.
- O. Signs not in good repair, including without limitation any sign which is in a state of disassembly or any sign which has its internal lighting exposed to view for more than one week.
- P. Portable signs, except as permitted in section 1305C.6.
- Q. Signs emitting any sound, smoke, or vapor.
- R. Animated signs.
- S. Window signs in AG zoning district.
- T. Signs which contain words, pictures, or statements which are obscene.
- U. Any sign that is structurally unsound or is a hazard to traffic or pedestrians.
- V. Signs placed within public rights-of-way, except publicly owned, authorized or maintained signs which serve an official public purpose.
- W. Any sign placed or erected on property without the permission of the owner.
- X. Signs attached to a building for structural support that exceed 150 square feet in sign area.
- Y. Signs not attached to a building for structural support that exceed 30 feet in ground sign height and/or 150 square feet of sign area.
- Z. Signs that violate this Article, the zoning ordinance, or any other law, ordinance, or code.

**Sec. 1307. Signs allowed without a permit in all zoning districts.**

- A. Any sign not visible from the outside of a structure or to passing members of the public from public thoroughfares or right of way.

- B. Signs designating the entrance or exit from property or providing direction for drivers maneuvering within the property so long as they do not exceed six square feet per sign area and four feet in height. The aggregate square footage of all such signs on a single parcel shall not exceed 48 square feet.
- C. Signs on courtesy benches and trash cans on private property in the GC zoning district, provided that such signs shall not extend beyond nor be larger than the bench or trash can to which they are affixed.
- D. Signs for the sole purpose of displaying street numbers as may be required by other ordinances and other signs required by law. Such signs shall be no more than four inches in height per numeral in residential districts and 12 inches in height per numeral in commercial and industrial districts.
- E. Signs erected by, or on the order of, a public officer in the performance of his duties.
- F. Window signs not exceeding 20 percent of the available window space per building elevation in a single occupant building or per tenant space in a multi-occupant building.
- G. Non-illuminated, standard informational signs (excluding banners). For each residential or nonresidential lot, the quantity of standard informational signs shall be limited to either one standard informational sign that is 16 square feet in sign area or a combination of standard informational signs the aggregate of which shall not exceed 16 square feet in sign area. Standard informational signs shall not be located within the public street right-of-way and shall be no closer than ten feet to the back of curb of a public roadway. Notwithstanding the foregoing, during the period from opening of qualifying for elections until the final determination of all contests and issues resolved by that election, an unlimited number of standard informational signs is permitted on any property in the City.

**Sec. 1308. Procedures.**

- A. Permit.
  - 1. A sign permit or temporary sign permit is required before a sign or temporary sign may be erected or an existing sign or temporary sign may be enlarged, relocated or have any improvements made costing 60 percent or more of the sign's total replacement value. All signs using electrical wiring and connections require an electrical permit in addition to any sign permit required under this article.
  - 2. A sign permit or temporary sign permit shall be issued by the city when the plans and specifications for the proposed sign or part thereof conform in all respects to this Article and the building code. Applications for such permits shall be accompanied by all the information required hereunder and such other information as the city may require in the exercise of sound discretion to determine compliance with this article. Standardized sign plans may be filed with the city in fulfillment of this requirement, although site plans shall be filed with each application.
  - 3. Except as otherwise provided in this Article, a temporary sign permit shall authorize the display of a temporary sign only for a period of 30 consecutive days from the date of issuance. In no case shall the same premises be issued a temporary sign permit more than four times in a 12-month period. Upon expiration of the temporary sign permit, the permittee shall remove the temporary sign and its supporting structure.



3. Each sign application shall contain an agreement to indemnify, defend and save the city harmless from all damages, demands or expenses which may in any manner be caused by the sign or sign structure.
  4. Every sign for which a sign permit is required shall be plainly marked with the name of the permittee and shall have the number of the permit issued for said sign by the city affixed on the framework of the sign so the information therein shall be readily accessible, legible and durable.
- B. Application. Applications for permits shall be filed with the city, on city forms. The application shall describe and set forth the following and any additional information pertinent to the application as may be requested by the city to determine compliance:
1. The type of the sign;
  2. A scaled site plan showing the location, and plan describing the construction;
  3. Scaled elevation drawing showing height and sign face dimensions;
  4. Square footage, height and use of existing signage;
  5. The name(s) and address(es) of the sign owner(s);
  6. Written consent of the property owner or agent, granting permission for the sign;
  7. The name, address, and phone number of the sign contractor.
- C. Expiration date. A sign permit shall expire if the sign has not been completed within six months after the date of issuance; provided, however, that one six-month extension of the permit shall be granted if an additional permit fee has been paid prior to the expiration.
- D. Processing. Upon receipt of a properly completed application, the city shall commence review no later than ten working days after the date of its submission. A copy of any application within the BUS zoning district shall be transmitted to the main street manager for comment and review, who shall have ten days from receipt of the application to submit comments. Review by all city officers shall be completed and the permit shall be issued or denied by the thirtieth day after submission. A permit shall be denied for any noncompliance with this article. All applications meeting the standards shall be granted.
- E. **Fees. No permit shall be issued until the fees, as adopted by the mayor and city council, have been paid.**
- Sec. 1309. Construction and maintenance.**
- A. All signs, together with all their supports, braces, guys, and anchors shall be kept in constant good repair and, unless constructed of galvanized or non-corroding metal, shall periodically be given an appropriate protective coating. The area surrounding the base of all signs shall be maintained free of high weeds and debris.
  - B. The city may periodically inspect signs to determine compliance.
  - C. The permittee shall remove discarded or unusable paper, sign faces, parts and debris from the sign or sign structure.
  - D. No permittee shall allow sign(s) to fall into disrepair. On first class mail written notice from the city to the sign owner and property owner, any sign which is in disrepair or vandalized shall be repaired or removed. The city shall include in the written notice a time limit for compliance of up to 30 consecutive days. An aggrieved party may appeal by filing a written notice of appeal with the city

clerk as provided in section 1700, provided that the final determination shall be made within 60 days from the notice of appeal. On appeal, the standards that shall be considered in making a decision are the standards set forth in this article. If it is determined the original decision was made contrary to the standards of this article, the appeal shall be upheld. If it is determined the standards of this article were correctly applied, the decision shall be upheld and the appeal dismissed.

**Sec. 1310. Enforcement.**

- A. Enforcement. This article shall be administered and enforced by the Community Development Director.
- B. Removal.
  - 1. The city may order the removal of any sign in violation of this article. Notice shall be given by first class mail to the permittee and owner of the sign allowing up to 30 days to comply.
  - 2. An aggrieved party may appeal by filing a written notice of appeal with the city clerk as provided in section 1700, provided that the final determination shall be made within 60 days from the notice of appeal. On appeal, the standards that shall be considered in making a decision are the standards set forth in this article. If it is determined the original decision was made contrary to the standards of this article, the appeal shall be upheld. If it is determined the standards of this article were correctly applied, the decision shall be upheld and the appeal dismissed.
  - 3. If the sign is not removed within either 30 days after the order of removal or 30 days after the date of decision on any appeal, whichever is later, the city may cause the sign to be removed.
- C. Removal without notice. The city may cause the removal of any sign in violation, without notice to any party, if:
  - 1. The sign is on the public property; or
  - 2. The sign poses an immediate threat to life, health, or safety.
- D. Costs of removal.
  - 1. Any sign in violation of this article is declared a nuisance and the costs of removal shall be at the sign owner's expense.
  - 2. Removal without notice shall be without liability to the city, its officials, officers, agents, servants or employees. The permittee and property owner shall be jointly and severally responsible for the costs of removal. If payment for such removal is not made within 60 days after the receipt of a statement, the city may certify the amount thereof for collection to the city attorney. If a sign remains unclaimed for more than 120 days from removal, it may be disposed of per O.C.G.A. §§ 44-14-411 et seq.
- E. Invalid permit or non-compliant sign. The city may issue a removal order following the procedures of subsection B. above when a permit was improperly issued, issued on the basis of misstatement of fact or fraud, a sign has not been constructed per this article or the application or site plans, a sign permit has expired or a sign is otherwise not in compliance with this article. If a sign is not removed within ten days following receipt of a removal order the city may institute such legal proceedings hereunder against the property owner, sign owner, permittee, lessee, sign erector or a combination of the above as may be required to effect removal.

**Sec. 1311. Fines and penalties.**

- A. Citations. Any responsible parties may be cited to appear in city court for the violation of this article.
- B. Penalties. Any person or entity convicted of violation may be punished as provided in the City Code.

**Sec. 1312. Inspections**

Inspection and enforcement personnel are empowered to enter into or inspect any building, structure, or premises upon which a sign subject to this article is located for inspecting the sign, its structural and electrical connections, and to ensure compliance with this article.

**Sec. 1313. Nonconforming signs**

- A. Signs which do not comply with this article and were legally placed before the effective date of this article shall become nonconforming. However, signs which were illegally erected, established or maintained with respect to the applicable requirements of prior ordinances shall be removed or brought into compliance within 30 days from the effective date of this article. Upon failure to comply with this article, the city may cause the removal of any nonconforming sign at the expense of the owner, per section 1310.
- B. A nonconforming sign shall not be replaced by another nonconforming sign, except that the substitution or interchange of poster panels, painted boards or demountable material on nonconforming signs shall be permitted. Provided, however, if a nonconforming sign is damaged by an act of God, the owner may repair the sign but shall make the sign conforming if physically possible. If not, the sign may be repaired if the repair does not extend the natural life of the sign as it existed before the damage occurred.
- C. Minor maintenance of nonconforming signs such as repainting, electrical repairs and neon tubing shall be permitted. However, no structural repairs or changes in the size or shape of the sign shall be permitted except to make the sign comply with this article.
- D. Each sign which exists at the effective date of this article shall be registered by its owner with the city.

**Sec. 1314. Appeals.**

The applicant shall be given written notice stating the reasons the applicant's sign permit application is denied. An applicant may appeal per section 1700, provided that a final decision on any such appeal shall be made, put in writing with reasons stated, and served by first class mail on the appellant within 60 days of the notice of appeal. On appeal, the standards that shall be considered in making a decision are the standards set forth in this article. If it is determined the original decision was made contrary to the standards of this article, the appeal shall be upheld. If it is determined the standards of this article were correctly applied, the decision shall be upheld and the appeal dismissed.

**ARTICLE 15.0: [Reserved]****DIVISION 5: ADMINISTRATION**

**ARTICLE 16.0: VIOLATIONS, PENALTIES, ENFORCEMENT****Contents:****Section 16.1.-Enforcement****Section 16.2.-Violation****Section 16.3.-Work in Violation****Section 16.4 Nonconformities****Section 16.1.-Enforcement**

- A. It is the duty of the Community Development Director enforce the provisions of this this Section.
- B. In addition, it is the duty of all officers and employees of the City, especially members of the Code Enforcement, Police and Fire Departments, to assist the Community Development Director by reporting any seeming violations, including violations in new construction, redevelopment, or land use.

**Section 16.2.-Violation**

- A. Any person, firm, partnership or corporation prosecuted for violating any of the provisions of this Development Code may be deemed guilty of an ordinance violation, punishable as prescribed in Section XX.- of the City of Social Circle Municipal Code.
- B. Each day's continuance of a violation may be considered a separate offense.
- C. The prosecution of any owner and tenants of any buildings or premises, or parts of buildings or premises, where anything in violation of this UDC is placed or exists, and any architect, design professional, builder, contractor or agent, or the owner or tenants who may have assisted in the commission of any such violation may each be deemed guilty of a separate offense.

**Section 16.3.-Work in Violation**

- A. In any case in which activities are undertaken in violation of this UDC, not in compliance with the provisions of a permit issued under the authorization of this UDC, or without authorization of a permit which would otherwise be required, the Community Development Director is authorized to:
  1. Suspend or invalidate such permits;
  2. Order that all unauthorized or improper work be stopped;
  3. Direct correction of deficiencies;
  - 4.
  5. Issue summonses to any court of competent jurisdiction; or Take any other legal or administrative action appropriate to the severity of the violation and degree of threat to the public health, safety and welfare.

**Section 16.4 Nonconformities****8.3.1 Purpose**

Within the districts established by the Social Circle UDC and in other provisions and amendments thereto, there exist lots, uses of land, structures, and development features that were lawfully established before the UDC was adopted or amended, but that would be prohibited under the terms of

this Ordinance or future amendment. They are collectively referred to herein as “nonconforming situations.”

### Section 8.3.2 Determination of Nonconforming Situations

- A. Nonconforming structures include nonconforming buildings. An example of a nonconforming structure would be a building that was legally permitted prior to the enactment of this ordinance or prior to annexation that now fails to meet the regulations established in this Ordinance.
- B. An example of a nonconforming use of land would be a food processing plant that is located in a OI district. It was legally permitted in the OI district in 1982; however, the use is not permitted in the current OI district.
- C. Common examples of nonconforming development features are off-street parking areas that contain fewer spaces than required by current regulations and sites that do not comply with current landscaping or screening requirements.
- D. Such nonconforming situations are hereby declared to be incompatible with authorized and permitted uses and regulations within the district(s) involved. It is the intent of the City to require the cessation of certain of these nonconforming situations and to allow others to continue on a limited basis until they are otherwise removed or cease. Furthermore, the City intends that nonconforming situations not be used as grounds for adding other buildings, structures, or uses of land prohibited by this Ordinance, and that such nonconforming situations not be enlarged, expanded, moved, or otherwise altered in any manner that increases the degree of nonconformity.
- E. The ability to maintain nonconforming situations pursuant to this Article shall only apply to existing features. For any new or altered development features or building additions, the provisions of each applicable Section of this code apply. For example, additional parking spaces shall comply with all parking lot landscaping requirements, and a new dumpster shall comply with all dumpster setback and screening requirements.

### Section 8.3.3 Increase of Nonconformity Prohibited

Unless otherwise specifically authorized, no nonconforming situation shall be enlarged, expanded, moved, or otherwise altered in any manner that increases any aspect of the existing degree of nonconformity.

### Section 8.3.4 Burden of Nonconforming Status

- A. The burden of proving a nonconformity was lawfully established rests entirely with the subject landowner.
- B. A preponderance of evidence shall be provided by the subject landowner and be sufficient to show that the nonconformity was lawfully established before adoption of the subject regulations. Evidence shall also indicate that the nonconformity has been continuous and that the situation has not lost its nonconforming status. Examples of reliable evidence include: occupational tax certificates; building permits; zoning verification letters; County billing records; utility billing records; assessment, tax or rent records; and directory listings.
- C. The Community Development Director shall determine whether adequate proof of nonconforming status has been provided by the subject landowner

### Section 8.3.5 Nonconforming Lots of Record

- A. An undeveloped lot that has an area, frontage, or other characteristic that does not conform to the requirements of the district in which it is located but was legally subdivided as a lot of record at the time it was permitted may be used for any use allowed in the zoning district in which it is now located; however, any use or structure built on this lot subsequent to the enactment of this Ordinance and any further subdivision of this lot or combination of this lot with another lot shall conform to all other standards of this Ordinance.
- B. Where land is taken for public purposes from a lot of record that was conforming at the time of such taking but becomes nonconforming due to said taking, the lot remaining shall be construed as a nonconforming lot of record.

#### Section 8.3.6 Nonconforming Uses

- A. A nonconforming use of land may be continued so long as it is and remains otherwise lawful, subject to the following provisions:
  1. No nonconforming use of land shall be enlarged or increased, nor extended to occupy a greater area of land or floor area than was occupied prior to the date of adoption or amendment of the UDC making such use nonconforming.
  2. Unless otherwise specifically authorized, no nonconforming use of land shall be moved, enlarged, or extended, in whole or in part, onto any portion of the lot or parcel other than that portion occupied by such use prior to the date of adoption or amendment of the UDC making such use nonconforming.
  3. If any nonconforming use of land is discontinued for any reason for six (6) months, any subsequent use of land shall conform to the regulations specified by this UDC for the district in which such land is located.
  4. Vacancy or non-use shall constitute discontinuance regardless of the intent of the owner, tenant, or lessee. Such restriction shall not apply for any period of time that such cessation is a direct result of governmental action impeding access to the premises.

#### Section 8.3.7 Nonconforming Structures

- A. A nonconforming structure may be continued so long as it is and remains otherwise lawful subject to the following provisions:
  1. No nonconforming structure may be enlarged or altered in a way which increases any aspect of its existing degree of nonconformity, but any structure or portion thereof may be enlarged or altered if the degree of its nonconformity remains the same or is decreased, provided such structure is used for a permitted use.
  2. Should any nonconforming structure or nonconforming portion of structure be destroyed by any means except through a willful act of the owner or tenant, to an extent of more than 50 percent (50%) of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Zoning Ordinance. Should such structure or portion thereof be so destroyed to an extent of 50 percent or less of its replacement cost at the time of destruction, it may be reconstructed, provided said reconstruction does not increase any aspect of the previously existing aspect of nonconformity; said reconstructed structure is used for a permitted use.
  3. A nonconforming structure may be moved on its own lot only if such movement reduces the degree of nonconformity or eliminates such nonconformity.
  4. Where a nonconforming structure is moved off its previous lot, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

5. In cases where land is taken for public purposes from lots of record that are conforming at the time of such taking in such manner as to reduce setback(s) previously provided in relation to a portion of a structure below setback requirements applicable within the district, the portion of the structure involved shall be construed to be nonconforming.
- B. Unsafe buildings. Nothing in this UDC shall prevent the maintenance, strengthening, or restoring to a safe condition of any part of any building or structure declared unsafe by the Community Development Director or other proper authority.

### Section 8.3.8 Nonconforming Development Features

- A. Nonconforming development features may remain except as otherwise expressly stated in this Ordinance, but the nature and extent of nonconforming site features shall not be increased except as otherwise expressly stated in this Ordinance.
- B. No change to any nonconforming development feature shall be made which increases the degree of nonconformity with the requirements of the Ordinance, but changes may be made which result in the same or a lesser degree of nonconformity. In cases where land is taken for public purposes in such a manner as to reduce existing off-street parking, loading or other development features that is required by the regulations for the current district, the deficiency thus created shall be construed as a nonconforming development feature.

### Section 8.3.9 Improvements Required for Redevelopment

- A. **Applicability**
  1. Renovations, alterations, adaptations, additions, restorations, repairs, or other redevelopment of a structure, portions of a structure, or site, that was in existence prior to the adoption of this Ordinance, shall be subject to this Section.
  2. Redevelopment projects require compliance with the current UDC sections based on the scope of work triggers outlined in Table 8.3.9 Redevelopment Improvements.
  3. Notwithstanding the above applicability, the added cost to construct the improvements shall not exceed 125 percent (125%) of the fair market value of the structure immediately prior to such redevelopment or \$20,000.00, whichever is greater. In such cases, the provisions requiring completion shall be applied in the order listed in the table below until the 125 percent (125%) cap is met.
- B. **Exemptions.** This Section shall not apply to single-family attached or detached uses.

Redevelopment Required to Comply with the Following

| Proposed Scope of Work   | Redevelopment Required to Comply with the Following |                    |             |                       |                    |
|--|---|--------------------|-------------|-----------------------|--------------------|
|  | Exterior Materials                                  | Parking lot design | Landscaping | Sidewalk installation | Dumpster enclosure |
| ● = Mandatory compliance with the indicated Section            |   |                    |             |                       |                    |
| Building addition (greater than 25% of existing building area) | ●   | ●                  | ●           | ●                     | ●                  |
| Parking improvements   | -   | ●                  | ●           | -                     | ●                  |
| Exterior improvements  | ●   | -                  | ●           | -                     | ●                  |
| Interior improvements (greater than 50% of floor area)         | -   | -                  |             | ●                     | ●                  |
| New use (no construction otherwise outlined in this chart)     | ●   | ●                  | ●           | ●                     | ●                  |
| New construction   | ●   | ●                  | ●           | ●                     | ●                  |

**ARTICLE 2.0: REVIEW BODIES AND ADMINISTRATORS**

**Contents:**

- Section 2.1 Review Bodies
- Section 2.2 Governing Body
- Section 2.3 Planning Commission
- Section 2.4 Historic Preservation Commission
- Section 2.5 Tree Board
- Section 2.6 Planning Director
- Section 2.7 City Manager

**Section 2.1 Review Bodies**

**2.1.1 Purpose**

The purpose of this Section is to establish the authority for review and consideration of certain applications and other proposed actions, and to assign authority to the following review bodies:

- A. Planning Commission;
- B. Historic Preservation Commission; and
- C. Tree Board.

**2.1.2 Rules Applicable to Review Bodies**

**A. Appointments**

All members of Planning Commission, Historic Preservation Commission, and Tree Board shall be appointed by the Mayor and City Council. The number of members of each body, and the



qualifications of such members are specified in the provisions of this Article with respect to such body. In addition, the provisions of this section shall apply to members of all review bodies.

**B. Qualifications**

In considering appointees to the Planning Commission, Historic Preservation Commission, and Tree Board, the Mayor and City Council may, but are not required to give consideration to persons who have demonstrated a special interest in planning and zoning or who have personal or professional experience and expertise in planning and zoning, architecture, building construction, engineering, environmental science, historic preservation, landscape architecture, arboriculture, law, or urban design.

**C. Disclosure**

Applicants for appointment to the Planning Commission, Historic Preservation Commission, and Tree Board shall disclose whether or not they are currently elected or appointed to hold office in any public body or agency, including serving on an advisory board.

**D. Ethics**

Members of Planning Commission, Historic Preservation Commission, and Tree Board:

1. Shall not participate in the consideration, discussion, deliberation, or vote on any matter in which they have a conflict of interest, or in which the applicant is a person, entity, or business to whom the member has familial or business ties or stands to benefit financially;
2. Shall comply with all applicable ethical rules and procedures established by state law, this UDC and the by-laws and procedures of the review body in which they are a member;
3. Shall act in a courteous, professional, and respectful manner to other board members, applicants, citizens, staff members, and other persons in conducting the business of the review body in which they are a member;
4. Members of the Planning Commission, Tree Board, and Historic Preservation Commission do not have the authority to summon or require any member of the public to bring any matter before the review body;
5. Shall only act upon those petitions which are brought before them by City Manager or Community Development Director, through pathways outlined in this UDC; and
6. Shall only serve on one (1) review body at a time.

**E. Removal from Office**

The Mayor and City Council, by majority vote, may remove any member of any review body from office if they find that:

1. The member has been absent for more than one-third of the held regular meetings of the review body within a 12-month period; or

2. The member has participated in or voted on any matter coming before the review body in which the member had a conflict of interest, or in which the applicant is a person, entity, or business to whom the member has familial or business ties or stands to benefit financially; or
3. The member is convicted of a felony or any crime involving moral turpitude while serving on the review body; or
4. The member has misrepresented his credentials or qualifications in applying for his appointment to the body; or
5. The member has acted in a discourteous, unprofessional, or disrespectful manner to another board member, applicant, citizen, staff member, or other person while conducting or participating in the business of the body, and has not ceased his discourteous, unprofessional, or disrespectful behavior after being requested to do so by the Chair, another member of the review body, a member of Mayor and City Council, or any member of staff.

### 2.1.3 Meetings and Rules of Procedure

The following provisions shall be applicable to all review bodies in this UDC with the exception of Mayor and City Council.

#### A. Meetings

##### 1. Regular Meetings

Regular meetings shall be held each month at a set time, date, and location as applications or other business necessitates.

##### 2. Special Meetings

Calling of Special Meetings. Special meetings may be called by the Chair of the review body or a majority of the members of the review body.

#### B. Minutes and Public Records

The secretary of the review body shall keep minutes of its proceedings, recording the presence/absence of members and the vote of each member, including the Chair and Vice-Chair.

#### C. Meetings and Hearings to be Public

All meetings and hearings of the review body shall be open to the public.

#### D. Public Notice

Public notice of the review body meeting shall be provided as required for each application type as provided in [Section 3.2.Public Notice](#).

#### E. Quorum

A quorum for the transaction of any meetings or business by a review body shall be a majority of the authorized number of members of the body as set forth in this UDC. In the absence of a quorum, a meeting shall not be called to order.

**F. Consideration of Applications and Other Actions**

A review body may take action or make a decision or other determination by majority vote of the quorum present at the meeting.

**G. Secretary**

The secretary/officer of any review body shall be the Community Development Director. The secretary shall be authorized to accept service for any appeal.

**Section 2.2 Governing Body****2.2.1 Purpose**

The purpose of this Section is to establish the authority for review and consideration of certain applications and other proposed actions, and to assign authority to the governing body, the Mayor and City Council of the City of Social Circle, Georgia.

**2.2.2 Powers and Duties****A. General Authority.**

The Mayor and City Council shall have the powers and duties listed below, in addition to those provided elsewhere in the City of Social Circle Charter, Code of Ordinances, the Georgia Constitution, Georgia General Session Laws, and applicable federal and local laws.

**B. Final Authority.** The Mayor and City Council shall be responsible for final action regarding:

1. Comprehensive Plan Amendments;
2. Zoning Text Amendments;
3. Zoning Map Amendments;
4. Granting of Special Use Permits;
5. Granting of Variances;
6. Establishment of Local Historic District Designations;
7. Establishment of Local Historic Property Designations;
8. Amendment to any of the actions described in this Section; and
9. Appeals.

**C. Appointments.** The Mayor and City Council shall appoint members of review bodies, as required by this UDC.**Section 2.3 Planning Commission****2.3.1 Establishment**

The City of Social Circle Planning Commission (hereinafter the Planning Commission) is hereby established.

**2.3.2 Composition and Term of Office****A. Composition**

The Planning Commission shall be composed of up to five (5) members, who are selected by the Mayor and City Council.

**B. Term of Office**

Each member shall serve a term of three (3) years, and terms shall be staggered. Members shall not serve more than two (2) consecutive terms.

**2.3.3 Residence of Members**

Members of the Planning Commission shall reside within the city limits of Social Circle.

**2.3.4 Powers and Duties**

The Mayor and City Council hereby create the Planning Commission with the following powers and duties:

**A. General Authority**

1. The Planning Commission shall perform duties as directed by the governing body.
2. The Planning Commission may exercise additional powers as may be described elsewhere in this UDC, as applicable.

**B. Review Authority**

With respect to this UDC, the Planning Commission shall review and make recommendations to the Mayor and City Council regarding:

1. Comprehensive Plan Amendments;
2. Any application for text amendment, except for the following articles and sections:
  - a. Section 3.9, Local Historic District Designation
  - b. Section 3.10, Local Historic Properties Designation
  - c. Section 3.11, Certificate of Appropriateness
  - d. Section 9.1, Historic Property Overlay District
  - e. Section 13.3, Tree Ordinance
3. Any application for a zoning map amendment, except for the following articles and sections:
  - a. Section 3.9, Local Historic District Designation
  - b. Section 3.10, Local Historic Properties Designation
  - c. Article 8: Special Purpose Districts
4. Any application for a special use permit;
5. Any application for a variance.

**C. Final Authority**

With respect to this UDC, the Planning Commission shall be an advisory board only.

**Section 2.4 Historic Preservation Commission****2.4.1 Establishment**

The Historic Preservation Commission (hereinafter Historic Preservation Commission or HPC) is hereby established in accordance with O.C.G.A. §44-10-21 ("Georgia Historic Preservation Act"), as amended. The Historic Preservation Commission is the review authority, as described in this

section, for all local historic districts and properties in the city of Social Circle, as identified in Section 9.1 Local Historic District.

#### 2.4.2 Composition and Terms of Office

##### A. Composition.

The Historic Preservation Commission shall be composed of up to five (5) members who are selected by the Mayor and Council. In no event shall membership be reduced to fewer than three (3) members. A majority of members of the Historic Preservation Commission shall have a demonstrated special interest, experience, or education in history or architecture.

##### B. Term of Office

Each member shall serve a term no greater than three (3) years, and terms shall be staggered. Members shall not serve more than two (2) consecutive terms.

#### 2.4.3 Residence of Members

Members of the Historic Preservation Commission shall reside within the city limits of Social Circle.

#### 2.4.4 Powers and Duties

The Mayor and City Council create the Historic Preservation Commission with the following powers and duties:

##### A. General Authority

1. The Historic Preservation Commission shall perform duties as directed by the Mayor and City Council.
2. The Historic Preservation Commission is responsible for preparing and maintaining inventory of all properties within its jurisdiction having the potential for designation as a **historic district** or **historic property**.
3. The Historic Preservation Commission may seek out local, state, federal, or private funds for historic preservation and make recommendations to the Mayor and City Council concerning the most appropriate uses of funds acquired.
4. The Historic Preservation Commission shall submit to the Historic Preservation Division of the Georgia Department of Natural Resources information on pending designations of historic districts and historic properties.

##### B. Review Authority

With respect to this UDC, the Historic Preservation Commission may review and make recommendation to the Mayor and City Council regarding:

1. Any application for a text amendment specific to the following articles or sections:
  - a. **Section 3.9, Local Historic District Designation;**
  - b. **Section 3.10, Local Historic Property Designation;**
  - c. **Section 3.11, Certificate of Appropriateness;**
  - d.

2. Any application to designate a local historic district or to amend the boundaries of an existing local historic district;
3. Creation of and amendments to local historic district contributing resource maps in all local historic districts and boundary adjustments to the districts.

**C. Final Authority**

With respect to this UDC, the Historic Preservation Commission shall be responsible for final action regarding:

1. Certificates of Appropriateness.

**Section 2.5 Tree Board**

**2.5.1 Establishment**

The City of Social Circle Tree Board (hereinafter "Tree Board") is hereby established.

**2.5.2 Composition and Terms of Office**

**C. Composition.**

The Tree Board shall be composed of up to five (5) members who are selected by the Mayor and Council.

**D. Term of Office**

Each member shall serve a term of three (3) years, and terms shall be staggered. Members shall not serve more than two (2) consecutive terms.

**2.5.3 Residence of Members**

Members of the Tree Board shall reside within the city limits of Social Circle.

**2.5.4 Powers and Duties**

The Mayor and City Council create the Tree Board with the following powers and duties:

**A. General Authority**

1. The Tree Board shall perform duties as directed by the Mayor and City Council.
2. The Tree Board may seek out local, state, federal or private funds for tree preservation or replanting, and make recommendations to the Mayor and City Council concerning the most appropriate uses of funds acquired.

**B. Review Authority**

With respect to this UDC, the Tree Board may review and make recommendation to the Mayor and City Council regarding:

1. Any application for a text amendment specific to the following articles or sections:
  - a. Section 13.3, Tree Ordinance

**C. Final Authority**

The Tree Board shall not have authority to take final action regarding any processes with respect to this UDC.

## **Section 2.6 Community Development Director**

### **2.6.1 Defined**

Under the direction of the City Manager, the Community Development Director shall be the head of Community Development Department.

### **2.6.2 Delegation of Authority**

The Community Development Director may delegate any of their authority or responsibility under this UDC by designating one or more City staff members to exercise such authority.

### **2.6.3 Powers and Duties**

With respect to this UDC, the Community Development Director shall review and make recommendations regarding the following:

#### **A. General Authority**

1. The Community Development Director shall perform related duties as directed by the City Manager;
2. The Community Development Director shall have the powers and duties listed below, in addition to those provided elsewhere in this UDC and other Social Circle Municipal Code, as applicable.

#### **B. Review Authority**

With respect to this UDC, the Community Development Director shall review and make recommendations regarding the following:

1. Comprehensive Plan Amendments;
2. Zoning Text Amendments;
3. Zoning Map Amendments;
4. Granting of Special Use Permits;
5. Granting of Variances;
6. Establishment of Local Historic District Designations;
7. Establishment of Local Historic Property Designations; and
8. Other duties as specified by this UDC.

#### **C. Final Authority**

With respect to this UDC, the Community Development Director shall be responsible for final action regarding:

1. Section 5.2, Administrative Variances ;
2. Section 5.3, Written Interpretation;
3. Section 5.4, Relief for Nonconforming Uses and Structures; and
4. Other duties specified by this UDC.

## **Section 2.7 City Manager**

### **2.7.1 Defined**

The City Manager is appointed by the Mayor and City Council in accordance with the City Charter.

### 2.7.2 Delegation of Authority

The City Manager may delegate any of their authority or responsibility under this UDC by designating one or more City staff members to exercise such authority.

### 2.7.2 Powers and Duties

#### A. General Authority

1. The City Manager shall perform related duties as directed by the Mayor and City Council.
2. The City Manger shall have the powers and duties listed below, in addition to those provided elsewhere in this UDC and Social Circle Municipal Code, as applicable.

#### B. Final Authority

With respect to this UDC, the City Manager shall be responsible for final action regarding:

1. Section 3.12, Proactive Preservation;
2. Article 4, Permit Applications and Review Procedures;
3. Article 14, Sign Code;
4. Article 13, Environmental Protection Standards; and
5. Other duties as specified in this UDC.

## ARTICLE 3.0: PUBLIC HEARING APPLICATIONS AND REVIEW PROCEDURES

### Contents:

Section 3.1 Purpose

Section 3.2 Public Notices

Section 3.3 Development(s) of Regional Impact

Section 3.4 Comprehensive Plan Amendment

Section 3.5 Rezoning (Map Amendment)

Section 3.6 Zoning Text Amendment

Section 3.7 Special Use Permit

Section 5.1 Variances

Section 5.2 Administrative Variances

Section 5.3 Written Interpretations

Section 5.4 Relief for Nonconforming Uses and Structures

Section 5.5 Appeals

Section 3.11 Modifying Conditions of Approval

## ARTICLE XX: LOCAL HISTORIC DISTRICTS

Section 3.9 Local Historic District Designation

Section 3.10 Local Historic Properties Designation

Section 3.11 Certificate of Appropriateness

Section 3.12 Proactive Preservation

### Section 3.1 Purpose



The purpose of this Article is to provide the procedures and general standards for review of applications that are submitted to administrators or review bodies with the City of Social Circle under this UDC.

### 3.1.1 Application Requirements

The requirements of this Section shall apply to all applications unless otherwise provided in this UDC.

### 3.1.2 Pre-Application Conference

Before submitting an application for a petition that requires a public hearing before a review body, the applicant shall schedule a pre-application conference with the Community Development Director to discuss procedures, standards, and regulations required for approval in accordance with this UDC. The pre-application meeting may be in person or via conference call. A pre-application meeting may be waived by the Community Development Director at their discretion. City initiated petitions are exempt from the pre-application meeting requirement.

### 3.1.3 Forms and Fees

- A. Applications required under this UDC shall be submitted on standardized forms approved by the City of Social Circle. All applications shall be filed and completed as specified on the application form.
- B. All fees associated with a review must be paid in full before any application will be processed or reviewed.
  1. Filing fees are established and reviewed periodically to defray the cost of processing the application. Fees shall be adopted by the Mayor and City Council.
  2. An applicant who has paid the appropriate fee pursuant to the submission of an application, but who chooses to withdraw such application prior to Public Notice advertising will be entitled to a refund of the total amount paid, less 10% for administrative costs, upon written request to the Community Development Director. Once advertising has been sent, no refunds are available.
  3. City initiated petitions are exempt from fee requirements.

### 3.1.4 Determination of Completeness

#### A. Completeness Determination

Applications will be submitted to the Community Development Director and checked for completeness. An application is determined to be complete if all required information and documents have been prepared in accordance with the specific application requirements outlined in this Article and noted in the application materials.

#### B. Complete Application

Once an application has been deemed to be complete, the Community Development Director shall transmit the application to the appropriate reviewing body for review and recommendation. The Community Development Director shall notify the applicant that the application is complete. If an application requires a public hearing, the application shall be placed on the next available agenda of the appropriate reviewing body.

#### C. Effect of Incomplete Application

Incomplete applications will not be accepted for review. If an application is determined incomplete, the applicant shall be notified of the additional information that is required to process and review the application.

### 3.1.5 Application Deadline

Applications shall be submitted in accordance with the published calendar schedule. Schedules indicating submittal dates shall be developed each year and made available to the public, upon request.

### 3.1.6 Concurrent Applications

Related applications may be filed and reviewed simultaneously. Applications submitted simultaneously are subject to individual approval. Any application that is contingent upon the approval of another application shall not be eligible for final approval until the contingent application is approved.

### 3.1.7 Application Withdrawals, Deferrals, Continuances

#### A. Withdrawals

1. The applicant may withdraw an application in writing at any time prior to the final decision by the appropriate reviewing body on said application.
2. If a request to withdraw an application is made in a public hearing, the applicant may do so by stating the request on the record.

#### B. Deferrals at Applicant Request (Postponement to a Certain Time)

The applicant may request a deferral to a future scheduled meeting by requesting the deferral in writing in advance of the meeting or by stating the request on the record at the meeting. In either case, the applicable review or governing body shall vote in a properly advertised meeting to postpone to a certain time. If the date and time of the meeting are not indicated at the time of the originally scheduled public hearing, the application shall be readvertised pursuant to the Public Notice requirements.

#### C. Deferrals by Reviewing or Governing Body (Postponement to a Certain Time)

##### 1. Mayor and City Council

The Mayor and Council shall have the authority to postpone to a certain time the review of an application scheduled for public hearings to any future date chosen by the governing body.

##### 2. Planning Commission and Tree Board

The Planning Commission and Tree Board shall issue a recommendation to approve or deny an application or petition within 45 days after the close of the public hearing or

comment period. Failure of the Planning Commission or Tree Board to act within the 45-day period shall constitute a recommendation that the application be forwarded to Mayor and City Council for final decision; or, in the case of the Tree Removal Permit, that the application be approved.

**3. Historic Preservation Commission**

- a. Pursuant to O.C.G.A, §44-10-21 (“Historic Preservation Act”), or as amended, the Historic Preservation Commission shall approve or deny an application for a Certificate of Appropriateness within 45 days after the filing thereof by the applicant. Failure of the Commission to act within the 45-day period shall constitute approval of the Certificate of Appropriateness.
- b. For all other applications, the Historic Preservation Commission shall issue a recommendation to approve or deny an application or petition within 60 days after the close of the public hearing or comment period. Failure of the Historic Preservation Commission to act within the 60-day period shall constitute a recommendation that the application be forwarded to Mayor and City Council for final decision

**Section 3.2 Public Notices**

**3.2.1 Applicability**

- A. All meetings or hearings of the Mayor and City Council, Planning Commission, and Tree Board which involve annexation, rezonings, zoning map amendments, zoning text amendments, special use permits, and variances are public and subject to the notification requirements under the State Zoning Procedures Law, O.C.G.A 36-66-1 et seq., where applicable.
- B. All hearings of the Mayor and City Council and Historic Preservation Commission which involve historic designations and Certificates of Appropriateness are public and subject to the notification requirements of the State Historic Preservation Act.

**3.2.2 Types of Public Notice**

- A. Forms of notice required for public hearings may include mailed notice, published notice, provided via a newspaper of general circulation and posted notice by signs as required by Table 3.2.2 below.
- B. Community meetings shall comply with the requirements as provided in Section 3.2.7.- Community Meetings.

**Table 3.2.2: Types of Required Public Notice for Applications**  
**Legend: Y means it is required; “-” means it is not required**

| Proposal | Mailed | Posted | Published | Community Meeting |
|----------|--------|--------|-----------|-------------------|
|----------|--------|--------|-----------|-------------------|

|  |    |    |    |     |
|--|----|----|----|-----|
| Comprehensive Plan Amendment   | Y  | Y  | Y  | --  |
| Rezoning (Map Amendment)   | Y  | Y  | Y  | Y   |
| Modifying Conditions of Approval (Major Modifications for Rezoning and SUPs) | Y  | Y  | Y  | Y   |
| Zoning Text Amendment  | -- | -- | Y  | --  |
| Special Use Permit   | Y  | Y  | Y  | Y   |
| Local Historic District Designation  | Y  | -- | Y  | Y   |
| Local Historic Property Designation  | Y  | -- | Y  | --- |
| Certificate of Appropriateness   | -- | Y  | -- | --  |
| Variance   | Y  | Y  | Y  | Y   |
| Appeals  | Y  | Y  | Y  | --  |

**3.2.3 Content of Mailed, Posted, and Published Notices**

All mailed, posted, and published notices shall include, at a minimum, the information listed below. For Text Amendments, Section 3.2.3 B and C below shall not be required, as such amendments are not property specific. In the adoption of this UDC, any amendment to this UDC by the Mayor and City Council, and any amendments to any zoning map initiated by the Mayor and City Council, mailed or posted notice shall not be required, notwithstanding any other provision of this UDC.

**A. Public Hearing Location, Time, and Date**

The location, time, date, and purpose of all scheduled public hearings for the application shall be required.

**B. Location of the Subject Property**

The location of the property involved by street address, or if there is no street address, by the reference to the closest intersection of public streets.

**C. Zoning Classifications**

The information provided shall include the zoning district(s) of the property subject to the application. If the application is for a rezoning (map amendment), the proposed zoning district(s) shall also be provided.

### 3.2.4 Mailed Notices

#### A. To Whom Provided

When required as shown on Table 3.2.2, notice shall be mailed to owners, organizations, and associations listed below:

##### 1. Property Owners

- a. All property owners of the property subject to the application shall be mailed notice of public hearing unless otherwise provided below.
- b. For applications to designate or amend a local historic district or local historic property, mailed notice shall be sent to all property owners as required by O.C.G.A. 44-10-28 ("Georgia Historic Preservation Act"), or as amended, for only the public hearing.

##### 2. Nearby Property Owners

All property owners whose property boundaries lie adjacent to the boundaries of the subject property by the most direct distance and are located in the incorporated limits of the City of Social Circle shall receive notice.

#### B. Mailing and Postmarking

##### 1. How Property Addresses are to be Obtained

- a. Mailing addresses for property owners shall be obtained from the most recent tax digest available from the office of the Walton County Board of Assessors and Newton County Board of Assessors.
- b. The Community Development Director shall prepare the content of the notice and be responsible for its mailing, unless otherwise required by the application process.

##### 2. Timing of Mailed Notice

- a. For all applications that require mailed notice, notice shall be mailed and postmarked at least 30 but no more than 45 days prior to the public hearing.
- b. For applications to designate a local historic district or to designate a local historic property (or to amend a historic district designation or historic property designation), mailed notice shall be sent and postmarked at least 10 but not more than 20 days prior to the public hearing as provided in O.C.G.A. §44-10-26 ("Georgia Historic Preservation Act").

### 3.2.5 Published Notices

- A. When required, as shown on Table 3.2.2, public notice shall be published in accordance with the standards established in O.C.G.A. 36-66-1 et seq., and this UDC.

B. The Community Development Director shall prepare the content of the published notice and be responsible for publishing the notice in the local newspaper of general circulation within the boundaries of the city of Social Circle.

**C. Timing of the Published Notice for Public Hearings**

1. For all applications that require published notice except those provided in Section 3.2.5.C (2) below, notice shall be published at least 30 days but not more than 45 days prior to the public hearing.
2. For applications to designate a local historic district or to designate a local historic property, notice of the public hearing shall be published at least 10 but not more than 20 days prior to the public hearing as provided in O.C.G.A. §44-10-26 ("Georgia Historic Preservation Act"), or as amended. Notice of the public hearing shall be published on at least three (3) occasions prior to the public hearing.

**3.2.6 Posted Notice**

**A. Posting of Notice**

Posting of property shall comply with the requirements listed below.

**1. Responsibility for Posting**

Unless otherwise indicated by the Community Development Director, signs shall be posted by the applicant, except applications initiated by the Mayor and City Council shall be exempt from this requirement.

**2. Form of Required Signs**

Notice shall be posted on weather resistant signs in a form established by the Community Development Director.

**3. Preparation of Signs**

Signs shall be prepared by the Community Development Director.

**B. Timing of Posted Notice**

For any application requiring posted notice, signs shall be posted not less than 30, but no more than 45 days before the public hearing.

**C. Location of Signs**

**1. Subject Property**

Signs shall be placed in a conspicuous place on the subject property.

**2. Installation**

Signs shall not be posted onto any tree.

**D. Removal**

Unless otherwise indicated by the Community Development Director, the applicant shall remove the sign within 30 days after final action on the application.

### 3.2.7 Additional Notice Required

When any of the following actions are proposed, reference the Georgia Zoning Procedures Law, O.C.G.A. § 36-66-1 et seq., for additional notice requirements:

- A. City-initiated rezoning and/or text amendment to revise a zoning classification related to single-family residential uses of property so as to authorize multifamily uses of property pursuant to such classification or definitions, or to grant blanket permission, under certain or all circumstances, for property owners to deviate from the existing zoning requirements of a single-family residential zoning;
- B. Halfway house, drug rehabilitation center, or other facility for the treatment of drug dependency; or
- C. Annexations.

### 3.2.8 Community Meetings

#### A. Intent

The intent of the community meeting is to ensure early citizen participation in an informal forum in conjunction with applications and to provide an applicant the opportunity to understand and address any impacts an application may have on an affected community. A community meeting is not intended to produce complete consensus on all applications but to encourage applicants to be good neighbors and to allow for informed decision making.

#### B. When Required

1. A Community Meeting shall be required as shown in Table 3.2.2, Types of Required Public Notice for Applications, or as determined necessary by the Community Development Director.
2. A Community Meeting may be waived by the Community Development Director, at their discretion, upon finding of one (1) or more of the following:
  - a. Request is for a less intensive use and/or zoning district;
  - b. Request impacts 15 or fewer single-family residential lots; or
  - c. Request impacts fewer than five (5) acres.

#### C. Community Meeting, Generally

1. The location, date, and time of the community meeting shall be confirmed with the Community Development Department prior to mailing notices.
2. Where an application is significantly revised following the community meeting or public hearing, the Community Development Director may require an additional community meeting on the revised application before the application can be placed on an agenda for review or a final vote.

#### D. Conduct of Community Meeting

1. The applicant is responsible for securing a location close to the subject property for the community meeting. The selected location shall be ADA accessible.
2. The applicant is responsible for providing a sign-in sheet to collect contact information of attendees.
3. The applicant is responsible for providing a copy of the application for viewing at the meeting.
4. The applicant is responsible for documenting the questions, concerns, and comments made by attendees along with the applicant replies to any of those questions, concerns, or comments.
5. The applicant is responsible for conducting the community meeting, allocating at least 30 minutes to address questions and comments from the audience.
6. The applicant must provide a Community Meeting Report to the Community Development Department at least 7 days prior to their first scheduled public hearing.
7. Failure to provide a Community Meeting Report or to host the advertised community meeting may result in rescheduled public hearing, at the discretion of the Community Development Director.

### **Section 3.3 Development(s) of Regional Impact**

#### **3.3.1 Applicability**

This Section shall apply to any proposed development that meets or exceeds the minimum threshold established for specified uses or activities as identified by the Rules of the Georgia Department of Community Affairs, §110-12-3 ("Developments of Regional Impact"), as amended. The Community Development Department shall serve as the submitting agency on behalf of the applicant.

#### **3.3.2 Project Threshold**

See the Rules of Georgia Department of Community Affairs, §110-12-3 ("Developments of Regional Impact") for DRI thresholds to determine applicability.

### **Section 3.4 Comprehensive Plan Amendment**

#### **3.4.1 Purpose**

An application for a Comprehensive Plan amendment, text, or map, may be initiated by the Mayor and City Council, Community Development Director, or City Manager. Any person owning property within the City, or agent for such property owner, may initiate an application for a Comprehensive map amendment to change the Future Land Use Map category for their own property only. Updates to the text or Future Land Use Map of the Comprehensive Plan shall occur every five years based on O.C.G.A. §110-12-1.

### **Section 3.5 Rezoning (Map Amendment)**

#### **3.5.1 Applicability**



The provisions of this Section apply to amendments of the official Zoning Map of the City of Social Circle.

### 3.5.2 Initiation of Rezoning

- A. An application for rezoning may be initiated for any property within the City of Social Circle by any of the following:
  1. The Mayor and City Council
  2. The City Manager or Community Development Director
  3. Any person, or agent for such person, who seeks to rezone their own property.
- B. For rezoning applications filed by other than those initiated by the City of Social Circle governing body or staff, where properties are held in ownership by multiple persons or entities, it shall be the responsibility of the applicant to ensure they have obtained proper consent to the rezoning from all persons or entities with an ownership stake in the rezoning.
- C. If the applicant is the agent of the owner, the agent shall file authorization that the agent may file on their behalf. No application shall be accepted which does not meet these requirements.

### 3.5.3 Application Procedures

- A. Prior to the submittal of an application for rezoning, the applicant shall have participated in the pre-application meeting with the Community Development Director.
- B. Applications shall, at minimum, include the following information:
  1. Application Form
  2. Property Owner Authorization
  3. Contribution Disclosure Forms
  4. Site Plan, showing the proposed concept for redevelopment of the property, if applicable.
  5. Existing Site Resources Map, showing changes in elevation, topographical conditions, and existing structures upon the tract.
  6. Traffic Study for any project with an estimated ADT of 1,000 or more trips as estimated by the area dedicated to each land use.
  7. Letter of Intent, which outlines the details of the request, the reason for requesting an amendment to the zoning map, and addresses the criteria in [Section 3.5.8, Review Standards for Rezoning Application](#).
  8. Community Meeting Report, submitted at least 7 days prior to the first scheduled public hearing and shall include a copy of any mailers sent to the community.
- C. The Community Development Director has the authority to waive the need to submit a site plan, existing resource(s) map, traffic study, or community meeting staff report. They may also request supplemental or alternative materials, as needed to process the request.

### 3.5.4 Community Meeting Required

The applicant shall hold a meeting as provided in [Section 3.2.7. Community Meetings](#).

### 3.5.5 Required Public Notice

Public notice shall be provided in accordance with procedures in [Section 3.2, Public Notice](#).

### 3.5.6 Review by Planning Commission

#### A. Consideration by Planning Commission

All rezoning applications shall be considered by the Planning Commission at a public meeting prior to a public hearing before the Mayor and City Council. The public meeting before the Planning Commission is not a public hearing and does not require compliance with Public Notice provisions in Section 3.2.

#### B. Standards and Criteria

The Planning Commission shall review and make recommendation on the proposed rezoning based upon the standards in [Section 3.5.8, Review Standards for Rezoning Application](#).

#### C. Planning Commission Recommendation

A recommendation shall be prepared and forwarded to the Mayor and City Council. The recommendation shall indicate if the proposed rezoning should be:

1. Approved;
2. Approved with conditions;
3. Approved with an alternative zoning district that is lesser intensity than that which was advertised; or
4. Denied.

### 3.5.7 Action by Mayor and City Council

Upon receipt of the recommendations from the reviewing bodies, the Community Development Director shall forward the recommendation to the Mayor and City Council for final action.

#### A. Public Hearing

The Mayor and City Council shall hold a minimum of one (1) public hearing to consider the proposed rezoning after receiving a recommendation from the applicable review body.

#### B. Standards

The Mayor and City Council shall evaluate the proposed rezoning based upon the standards in [Section 3.5.8, Review Standards for Rezoning Application below](#).

#### C. Actions by the Mayor and City Council

Following the public hearing, the Mayor and Council shall take one of the following actions:

1. Approve;
2. Approve with Conditions;
3. Approve with Alternative Zoning District;
4. Deny;
5. Any other action within the scope of the Mayor and Council's authority as outlined elsewhere in this UDC, the Social Circle Municipal Charter, or State Law.

### 3.5.8 Review Standards for Rezoning Applications

The following are the standards which govern the exercise of zoning power by the City:

#### A. Suitability and Community Need

1. Whether the range of uses permitted by the proposed zoning district is more suitable than the range of uses that is permitted by the current zoning district.
2. Whether the proposed zoning district addresses a specific need in the County or City.

#### B. Compatibility

1. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;
2. Whether the zoning proposal is compatible with the present zoning pattern and conforming uses of nearby property and the character of the surrounding area.
3. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

#### C. Consistency

Whether the zoning proposal is in conformity with the policy and intent of the Comprehensive Plan and other adopted plans, such as a redevelopment plan or small area plan.

#### D. Reasonable Use

Whether the property to be affected by the zoning proposal has a reasonable use as currently zoned.

#### E. Adequate Public Services

Whether adequate school, public safety and emergency facilities, road, ingress and egress, parks, wastewater treatment, water supply and stormwater drainage facilities are available for the uses and densities that are permitted in the proposed zoning district.

### 3.5.9 Annexation Criteria

When a rezoning request is accompanied by an annexation request, the following criteria shall be considered when reviewing the annexation request:

- A. Compliance with applicable sections of O.C.G.A 36-36 for lawful Annexation of Territory and 489 Agreement, as adopted and amended over time;
- B. Adequacy of access to the site;
- C. Consistency of the proposal with the City's adopted Comprehensive Plan, including but not limited to goals and policies for urbanization, housing, cultural, historic and natural resources, infrastructure, and provision of public infrastructure and community services;
- D. Adequacy and availability of the following public facilities and services at the time of development;
  1. Transportation. The urbanization of the site can be accommodated with existing transportation infrastructure in conjunction with proposed improvements.
  2. Sewer. The urbanization of the site can be accommodated based on current

- sewer capacity.
3. Water. The urbanization of the site can be accommodated based on current water capacity.
  4. Stormwater. The urbanization of the site can be accommodated based on current stormwater capacity.
  5. Police, Fire, and Emergency Services. Police, fire, and emergency services can adequately serve the site;
  6. Parks. The urbanization of the site can be accommodated based on current parks resources.
  7. Schools. The urbanization of the site is analyzed for school capacity in a school forecast approved by the Social Circle School District.
- E. The annexation is in the best interest of the City. Generally, the Mayor and City Council may consider the annexation is in the best interest of the City if it meets two (2) or more of the following criteria:
1. It provides a needed solution for existing problems resulting from insufficient sanitation, water service, public safety, code enforcement, or other urban service-related problems;
  2. It provides land for development to meet urban needs including jobs and/or housing in an orderly and logical growth pattern;
  3. It fills in gaps in existing islands or other types of non-contiguous boundaries;
  4. It provides needed routes for utility and transportation networks.

### 3.5.9 Successive Applications for Rezoning

- A. If the Mayor and City Council deny an application for the rezoning of property, a successive application shall not be submitted to rezone on any part or all of such property for a period of twelve (12) months from the date of the vote by the Mayor and City Council.
- B. The Mayor and City Council are authorized to waive or reduce this 12-month time interval by resolution, except that the time interval between the date of action to deny the application or the date that the application is withdrawn with prejudice and the date of filing of a subsequent application affecting the same property shall not be less than six (6) months.

### 3.5.10 Rezoning Applications initiated by the City of Social Circle

- A. One purpose of a rezoning initiated by the City of Social Circle may be to rezone areas in conformance with the principles of Comprehensive Plan and staged development as reflected by established plans and policies, as well as planned public facilities.
- B. Notwithstanding any other provision in this ordinance to the contrary, any rezoning initiated by the City of Social Circle shall not be required to be considered by the Planning Commission unless specifically requested by the Mayor and City Council.

- C. The same review criteria shall apply to rezonings initiated by the City of Social Circle as to all other rezonings as set forth in Sec. 3.5.8 Review Standards for Rezoning Applications.

### **Section 3.6 Zoning Text Amendment**

#### **3.6.1 Applicability**

The provisions of this section shall apply to all amendments of the text of this UDC. This section does not pertain to amendments of conditions of zoning approval tied to any specific property. Revisions made through this process affects to the City of Social Circle at large.

#### **3.6.2 Initiation of Text Amendment**

- A. An application for a text amendment may be initiated by the following:
  1. The Mayor and City Council;
  2. The Community Development Director; or
  3. The City Manager.
- B. Because these amendments affect the City of Social Circle at large, proof of ownership of a specific property is not applicable.

#### **3.6.3 Application Procedures**

- A. Applications shall include the following information:
  1. Section of the code to amend;
  2. New text to be added, or text to be removed; and
  3. Reasons for the text amendment.

#### **3.6.4 Required Public Notice**

Published Notice shall be required before the first public meeting prior to a public hearing before the Mayor and City Council. The public meeting before the Planning Commission is not a public hearing and does not require compliance with Public Notice provisions in Section 3.2.

#### **3.6.5 Review by appropriate Review Body**

- A. Consideration by Review Body
 

Text amendment applications shall be considered by the Planning Commission, unless the amendments affects a specified section assigned to the Historic Preservation Commission or Tree Board, at a public meeting prior to the scheduled hearing before the Mayor and City Council.
- B. Standards and Criteria
 

The appropriate review body shall review and make recommendation on the proposed text amendment based upon the standards in **Section 3.7.7.- Review Standards for Text Amendment.**
- C. Review Body Recommendation
 

A recommendation shall be prepared and forwarded to the Mayor and City Council. The recommendation shall indicate if the proposed rezoning should be:

1. Approved as recommended by the Community Development Director;
2. Approved with modifications; or
3. Denied.

### 3.6.6 Action by the Mayor and City Council

After consideration of the review standards set forth in **Sec. 3.7.7.-Review Criteria for Text Amendment Applications**, the Mayor and City Council shall:

1. Approve and adopt the proposed text amendment as submitted by staff;
2. Approve and adopt the proposed text amendment as recommended by the applicable review authority;
3. Approve and adopt the proposed text amendment with modifications;
4. Return the proposed text amendment to the review authority for further study and recommendation; or
5. Deny the proposed text amendment.

### 3.6.7 Additional Hearings Required

6. When any of the following actions are proposed, reference the Georgia Zoning Procedures Law, O.C.G.A. § 36-66-1 et seq., for additional hearing requirements:
  - a. City-initiated rezoning and/or text amendment to revise a zoning classification related to single-family residential uses of property so as to authorize multifamily uses of property pursuant to such classification or definitions, or to grant blanket permission, under certain or all circumstances, for property owners to deviate from the existing zoning requirements of a single-family residential zoning;
  - b. Halfway house, drug rehabilitation center, or other facility for the treatment of drug dependency; or
  - c. Annexations.

### 3.6.8 Review Standards for Text Amendment

When reviewing an application for a text amendment, all of the criteria listed below shall be considered.

#### A. Consistency

The extent to which the proposed text amendment is consistent with the remainder of the UDC, including any purpose and intent statements.

#### B. New or Changing Circumstances

The extent to which the proposed text amendment represents a new idea not considered in the existing UDC or represents a revision necessitated by changing circumstances over time.

#### C. Error or Inappropriate Standard

Whether or not the proposed text amendment corrects an error in the UDC, or otherwise improves upon existing requirements or standards.

#### D. Compliance with Higher Law

Whether or not the proposed text amendment revises the UDC to comply with state or federal statutes.

### Section 3.7 Special Use Permits

#### 3.7.1 Applicability

All applications for a special use permit approval shall comply with the requirements of this Section.

#### 3.7.2 General Provisions

A. Special Uses within each zoning district are uses that would not be appropriate generally or without restriction but which, if controlled as to number, area, location or relation to other uses, may be appropriate in a particular zoning district.

B. A Special Use permit shall be required for all special uses (identified with an "CUP" designation) as set forth in the permitted use table in [Sec. 7.3, Principal Use Table](#) or as part of a use condition in

C. Specific use standards may be applicable to the approved special use.

D. Any use or activity on the property not specifically permitted by [Article 7.0, Base Zoning Districts](#), or the special use permit, as modified, shall be deemed unlawful and subject to [Article 16, Violations, Penalties and Enforcements](#).

#### 3.7.3 Review by the Planning Commission

##### A. Consideration by Planning Commission

An application for a special use permit shall be considered by the Planning Commission at a public meeting, prior to a public hearing by the Mayor and City Council. The public meeting before the Planning Commission is not a public hearing and does not require compliance with Public Notice provisions in Section 3.2.

##### Standards and Criteria

The Planning Commission shall evaluate the proposed special use permit based upon the standards in Sec. [3.8.5., Review Criteria for Special Use Permit](#).

##### B. Planning Commission Recommendation

A recommendation shall be prepared and forwarded to the Mayor and City Council after consideration of the review criteria required by Sec. [3.8.5](#) The recommendation which shall indicate if the Special Use Permit should be:

1. Approved as submitted by the applicant;
2. Approved as recommended by the Community Development Director;

3. Approved with modifications and/or conditions; or
4. Denied.

### 3.7.4 Action by the Mayor and City Council

Upon receipt of the recommendations from the reviewing bodies, the Community Development Director shall forward the recommendation to the Mayor and City Council for final action.

#### A. Public Hearing

1. The Mayor and City Council shall hold a minimum of one (1) hearing to consider the proposed special use permit after receiving the Planning Commission recommendation.

#### B. Standards

The Mayor and City Council shall evaluate the proposed special use permit based on the standards in [Section 3.8.5., Review Criteria for Special Use Permits.](#)

#### C. Actions by the Mayor and City Council

After consideration of the review criteria required by Sec. 3.8.5, the Mayor and City Council shall make one of the following decisions:

1. Approve Special Use Permit as submitted by the applicant;
2. Approve Special Use Permit as recommended by the Planning Commission;
3. Approve Special Use Permit with modifications and/or conditions; or
4. Deny the Special Use Permit.

### 3.7.5 Additional Hearings Required

7. When any of the following actions are proposed, reference the Georgia Zoning Procedures Law, O.C.G.A. § 36-66-1 et seq., for additional hearing requirements:
  - a. City-initiated rezoning and/or text amendment to revise a zoning classification related to single-family residential uses of property so as to authorize multifamily uses of property pursuant to such classification or definitions, or to grant blanket permission, under certain or all circumstances, for property owners to deviate from the existing zoning requirements of a single-family residential zoning;
  - b. Halfway house, drug rehabilitation center, or other facility for the treatment of drug dependency; or
  - c. Annexations.

### 3.7.6 Review Standards for Special Use Permit

When reviewing an application for a Special use permit, all of the criteria listed below shall be considered.

#### A. Compatibility



1. Whether the subject property is adequate in shape and size to accommodate the special use;
2. Whether adequate public facilities are available to serve the proposed use, including, but not limited to: water; sanitary sewer; stormwater drainage facilities; public safety and emergency facilities; roadway capacity; vehicular ingress and egress; or, that the applicant will provide adequately for such services and for placement in an appropriate location.
3. Whether specific use standards for the special use, if any, as provided in [Article 10.0, Special Use Standards](#), can be achieved;
4. Whether the special use will result in the destruction, loss, or damage of any feature determined by the review authority to be of natural, cultural, scenic or historic importance.

#### B. Consistency

1. Whether the special use is consistent with the intent, goals, strategies, policies, guiding principles and programs of the Comprehensive Plan and other adopted plans;
2. Whether the special use is detrimental to the public interest, health, safety, welfare, function, and appearance of the adjacent uses or general vicinity by reason of any one or more of the following: the number, area, location, height, orientation, intensity (such as traffic, noise, odor, hours of operation), or relation to the neighborhood or other adjacent uses;

### 3.7.7 Successive Applications for Special Use Permit

- A. If the Mayor and City Council deny an application for a special use permit, a successive application shall not be submitted for the same property for a period of twelve (12) months from the date of the decision by the Mayor and City Council.
- B. The Mayor and City Council are authorized to waive or reduce this 12-month time interval by resolution, except that the time interval between the date of action to deny the application or the date that the application is withdrawn with prejudice and the date of filing of a subsequent application affecting the same property shall not be less than six (6) months.

## Section 5.1 Variance

### 5.1.1 Purpose

Certain requirements of this UDC that will not be contrary to the public interest may be varied by the applicable review authority, where, owing to special conditions, a literal enforcement of such requirements will, in an individual case, result in practical difficulty or unnecessary hardship.

### 5.1.2. Applicability

- A. Certain requirements may be achieved through alternative compliance. Where alternative compliance is possible, it is specified elsewhere in this UDC.

- B. Certain requirements shall not be variable. Such requirements are specified in this Section and may be specified elsewhere in this UDC. Any application for a variance that is not permitted by this UDC shall not be processed.
- C. Pre-application conference required with Community Development Director before a variance application is submitted.

### 5.1.3 Public Notice Required

Once the application has been determined complete, the Community Development Director shall schedule a public hearing, as applicable and give public notice in accordance with Sec 3.2.

### 5.1.4 Burden of Proof

The applicant seeking the variance shall have the burden of presenting evidence sufficient to allow an informed decision to be made as regards the request.

### 5.1.5 Action by Planning Commission and Mayor and City Council

- A. The Planning Commission shall hold a public meeting on the proposed variance and has the authority to recommend that the petition be approved, approved with conditions or denied.
- B. The Mayor and City Council shall hold a public hearing on the proposed variance and has the authority to take final action the variance petition.
- C. In granting any variance, the Mayor and City Council may prescribe reasonable and appropriate conditions and safeguards.

### 5.1.6 Limitations on Power to Grant Variances

- A. No variance shall be granted that would allow a use not permitted by this UDC or not permitted in the zoning district in which the property affected by the variance is located.
- B. No variance shall be granted to permit a lot area that is less than the minimum lot area permitted by the zoning district in which the property affected by the variance is located.
- C. No variance shall be granted to permit a height greater than the maximum height established by the zoning district in which the property affected by the variance is located.
- D. No variance shall be granted to any condition of approval that has been set upon a property by another review process.

### 5.1.7 Power to Grant Variances

Variances may be granted for Article 7.0 Base Zoning Districts; Article 11. Site Standards; Article 13. Environmental Site Standards; and Article 14., Sign Code.

### 5.1.8 Criteria for Variances

The Community Development Director, Planning Commission, and Mayor and City Council shall consider and find in the affirmative that all the criteria below is met in determining whether a variance shall be approved.

**A. General Consistency**

The variance shall be consistent with the intent of this UDC and the Comprehensive Plan and shall not be injurious to the neighborhood or otherwise detrimental to the public health, safety or welfare.

**B. Special Conditions**

1. Special conditions and/or circumstances exist which are peculiar to the land, buildings or structures involved and which are not applicable to other lands, buildings or structures in the same zoning district.
2. The special conditions and/or circumstances do not result from the actions of the applicant.
3. The special conditions and/or circumstances are not purely financial in nature so as to allow the applicant to use the land, buildings or structures involved more profitably or to save money.

**C. Literal Interpretation**

Literal interpretation of the provisions of the regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the Ordinance and would result in unnecessary and undue hardship on the applicant.

**D. Minimum Variance**

The variance, if granted, is the minimum variance necessary to make possible the reasonable use of land, buildings or structures.

**E. Special Privilege Not Granted**

The variance would not confer on the applicant any special privilege that is denied by this Ordinance to other lands, buildings or structures in the same zoning district.

**5.1.9 Time Limits for Variances**

Approval of a variance pursuant to the provisions of this UDC shall run with property.

**5.1.10 Successive Applications for Variance**

- A. If the Mayor and City Council deny an application for a variance request, a successive application shall not be submitted for the same previously requested variance on any part of all such property for a period of twelve (12) months from the date of the decision by Mayor and City Council.
- B. The Mayor and City Council are authorized to waive or reduce this 12-month time interval by resolution, except that the time interval between the date of action to deny the application or the date that the application is withdrawn with prejudice and the date of filing of a subsequent application affecting the same property shall not be less than six (6) months.

**5.1.11 Appeals**

Final action on a variance may be appealed in accordance with Section 5.5., Appeals.

**Section 5.2 Administrative Variance**

### 5.2.1 Authority

- A. The Community Development Director may authorize administrative variances for the following:
1. To extend hours of operation for certain uses where hours are limited;
  2. To provide alternative buffering and/or screening for certain uses when either is required;
  3. To decrease or increase any required setback by up to 5 feet;
  4. To decrease or increase any required buffer by up to 10 feet where adjacent a preserved stream buffer or other conservation area;
  5. To decrease or increase the total number of required off-street parking spaces by up to 20 spaces;
  6. To decrease or increase the total number of required loading spaces by up to 10 percent (10%) of the requirement;
- B. No administrative relief shall be granted which shall eliminate the required standard all together. The purpose of administrative relief is to provide the applicant the minimum amount of relief necessary to address the challenge at hand.

### 5.2.2 Review Process

- A. Applications for administrative variances shall be filed by the property owner or authorized owner's representative for the property being affected by the requested relief.
- B. All forms and fees required by the Community Development Department to process the administrative variance request shall be received before the Community Development Director takes final action upon the request.

### 5.2.3 Administrative Variance Criteria

The Community Development Director shall approve an administrative variance only upon finding all of the criteria in Section 5.1.8 are met.

### 5.2.4 Denied Application

If the Community Development Director denies the request, the applicant may file an appeal to the Mayor and City Council in accordance with Section 5.5 within thirty (30) days of the decision.

### 5.2.5 Approved Application

An administrative variance runs with the land and remains valid in perpetuity, until such time as the property is redeveloped.

## Section 5.3 Written Interpretations

### 5.3.1 Applicability

The Community Development Director is authorized to make all final interpretations concerning the provisions of this UDC, in consultation with the City Manager or other department directors, as best applicable. Interpretations include but are not limited to:

1. The text of this UDC;
2. Zoning District boundaries upon the official zoning map; and,
3. Any land use not explicitly authorized in this UDC.

### 5.3.2 Zoning Confirmation Letters

A Zoning Confirmation Letter (ZCL) that verifies the factual information relative to a specific property shall be considered an official interpretation of this UDC.

### 5.3.4 Appeals

Interpretations may be appealed in accordance with Section 5.5., Appeals.

## Section 5.5 Appeals

### 5.5.1 Application Requirements

- A. A notice of appeal shall be filed within thirty (30) calendar days of a final written decision.
- B. An appeal shall be made by filing a written notice of appeal specifying the grounds for the appeal with the Community Development Director.
- C. A notice of appeal shall be considered filed when a complete notice of appeal is delivered to the Community Development Director.

### 5.5.2 Effect of an Appeal

- A. The filing of a complete notice of appeal stays all proceedings in furtherance of the action appealed.
- B. Proceedings shall not be stayed if it is determined that a stay would cause imminent peril to life or property, or that the violation is transitory in nature, or that a stay would interfere with the enforcement of this UDC or other related ordinances.
- C. An appeal shall stay only those proceedings that involve the subject of the appeal.
- D. The filing on an appeal does not stop the accruing of assessed civil penalties, if any.

### 5.5.3 Record of Decision

Upon receipt of a notice of appeal, the administrative official, commission or board whose final written decision is being appealed shall transmit to the Community Development Director all records, including all documents and electronic data, constituting the entire record of the proceedings from which the appeal is taken.

### 5.5.4 Public Notice Requirements

Mailed, published, and posted notice shall be required in accordance with the procedures in Section 3.2., Public Notice. Mailed notice sent to the appellant and the owner of the affected site (if different) shall be via certified mail, return receipt requested.

#### 5.5.5 Action by the Mayor and City Council

- A. An appeal shall be sustained only upon a finding by the Mayor and City Council that the administrative official, commission, or board whose final written decision is being appealed was based on an erroneous finding of a material fact or that they acted in an arbitrary manner.
- B. The Mayor and City Council may reverse or affirm (wholly or in part) or may modify the final written decision appealed and shall make a final written decision that in its opinion ought to be made in the case before it unless otherwise specified by this UDC. To this end, the Mayor and City Council shall have all of the powers of the administrative official, commission or board from whom the appeal is taken.
- C. A motion to reverse, affirm or modify the final written decision appealed shall include a statement of the specific reasons including the proposed findings of fact that support the decision. The findings of fact shall be based on the same evidence received by the first decision maker.
- D. If a motion to reverse or modify is not made, or such motion fails to receive the affirmative vote of a majority of the members present, then the appeal shall be denied.
- E. The appellant shall have the burden of proof.

#### 5.5.6 Appeal of Final Action Taken by the Mayor and City Council

- A. An appeal of the final written decision of the Mayor and City Council under this Section may be taken by the applicable processes as stated in O.C.G.A. § 36-66-5.1.
- B. If an appeal is being made by way of writ of certiorari to the superior court where the property lies, any petition may be served through the Community Development Director on behalf of the lower judiciary body being appealed. The Community Development Director may be served with the petition on behalf of the City.

### Section 3.11 Modifying Conditions of Approval

Conditions attached to previously approved rezonings, special use permits, variances, and any other zoning or quasi-judicial decisions may be modified in accordance with the following:

#### 3.10.1 Minor Modifications

- A. Modification of any of the following site plan characteristics, if attached as a condition of approval, constitute a "minor modification" for purposes of interpreting this Section. For the purposes of this Section, a minor modification means a slight alteration or change in layout, such as, but not limited to, small shifts in the location of buildings, streets, driveways, sidewalks, trails, utilities, easements or other similar features that do not increase the degree of relief (for variances), negatively impact adjacent property, the public health and safety, the quality of materials, the appearance of the project, or the health and quality of the natural environment, including:

1. The movement of any building or structure within the site, provided the movement of the structure is not closer to a property line or into a required buffer, landscape zone, sidewalk zone, or streetscape;
  2. Any increase in the minimum size of residential units;
  3. Any increase in the size of a required buffer or sidewalk;
  4. Any decrease in building or structure height;
  5. Any change in the proportion of floor space devoted to different authorized uses by less than 10 percent;
  6. Any decrease in the land area of the subject property or project, provided it does not impact other approved conditions; or
  7. Any relocation of site features that do not exceed any other minor site modification thresholds.
- B. The Community Development Director is authorized to approve minor modifications.
- C. Any request for a minor modification shall be made in writing to the Community Development Director. If an approved site plan exists, the request for minor modification shall be accompanied by a copy of the revised site plan.
- D. Modification of conditions are not classified as a minor modification constitute a "major modification" for purposes of interpreting this Section.

### 3.10.2 Major Modifications

- A. Any modification request that exceeds the thresholds for a minor modification, or any modification the Community Development Director determines to be substantial enough to require Mayor and City Council review, is considered a major modification.
- B. Any major modification shall be processed as a new amendment application in accordance with the procedures of this Article, including the requirement for fees, notices, and hearings.
- C. Any future alterations of conditions shall be processed as a new amendment application in accordance with the procedures of this Article, including the requirement for fees, notices, and hearings.

## **Section 3.9 Local Historic District and Historic Property Designation**

### **3.9.1 Purpose**

The purpose of a local historic district designation is to:

- A. Provide a uniform procedure to protect, enhance, perpetuate and use buildings, structures, sites, objects, or a combination thereof that have pre-historic, historic, architectural, or cultural significance;
- B. Promote the identification, documentation, and evaluation of the significance of individual historic resources and districts;
- C. Implement the historic preservation goals, policies, and programs of the Comprehensive Plan;
- D. Fulfill the responsibility of the City of Social Circle;
  1. As a Certified Local Government under Federal preservation laws; and
  2. For Federal Section 106 reviews regarding historic resources.
- E. Preserve and protect contributing resources from demolition and prevent demolition by neglect (see [Section 3.12., Proactive Preservation](#));

- F. Ensure compatibility of new construction and alterations within a local historic district;
- G. Promote the educational and cultural welfare of the people of the city of Social Circle;
- H. Encourage and promote adaptive reuse of historic properties; and
- I. Promote public awareness of the value of rehabilitation, restoration and maintenance of the existing building stock and of programs that offer financial incentives for historic preservation.

### 3.9.2 Applicability

- A. The Mayor and City Council may designate a property as a local historic property or a series of properties as a local historic district. O.C.G.A., 44-10-21 (“Georgia Historic Preservation Act”), as amended, grants this power to local governing bodies and also sets forth minimum criteria for such designations.
- B. A designated local historic district shall be identified as a GIS layer.

### 3.9.3 Designation of a Local Historic District/Property

#### A. Initiation of Application

An application for designating a local historic district shall be initiated by the neighborhood association or associations representing a majority of the property owners within the boundaries of the proposed historic district or by the Mayor and City Council. An application for designating a local historic property shall be initiated by the property owner(s).

#### B. Pre-application Conference

Prior to the submittal of an application for a local historic district/property, the applicant shall participate in a pre-application conference with the Community Development Director.

#### C. Community Meeting

The Community Development Director shall hold a community meeting in accordance with [Sec. 3.2, Public Notice](#). The Community Development Director shall send a notice of such meeting to all property owners within the proposed local historic district/property.

#### D. Interim Protection

1. Upon receipt of the completed application for designation of a local historic district/property, the Community Development Director shall prepare a resolution for the Mayor and City Council to provide interim protection measures for the proposed local historic district/property during the preparation of the Historic Designation Report.
2. The Mayor and City Council shall approve or deny the resolution for the proposed designation for one (1) year from the date of the receipt of the completed application or until final action has been taken on the property designation by the Mayor and City Council.
3. Once a resolution has been approved by the Mayor and City Council for interim protection of the designation of a local historic district/property, any material change during the evaluation process shall be evaluated by the Community Development Director according to the U.S. Secretary of the Interior Standards and Guidelines for Rehabilitation before a building or land development permit is issued. If the proposed material change is not in compliance with the Standards and Guidelines for Rehabilitation, no permit shall be issued.



4. The interim protection is deemed removed when the Historic Designation Report is complete and final action has been taken on the property designation by the Mayor and City Council (either to approve or reject the designation), or within one (1) year from date of receipt of a completed application by the terms of its own expiration, whichever is sooner.
5. In the event development has begun prior to a resolution being approved by the Mayor and City Council for the proposed designation, such development shall be governed by **Section 1.4. Transitional Provisions** and the Interim Protection measures of this subsection (D) shall not apply. For purposes of this provision development will be considered to have begun if the developer has:
  - a. Applied for a building or land disturbance permit;
  - b. Filed any application required by this Ordinance; or
  - c. Held any Pre-application Conference

#### E. Preparation of a Historic Designation Report

1. Upon receipt of the application for designation of a local historic district/property, the Community Development Director shall prepare a **Historic Designation Report**. The Historic Designation Report shall address the minimum requirements of O.C.G.A. §44-10-21, as amended, including:
  - a. A description of the proposed boundaries of the historic district/property;
  - b. The name(s) of the owner(s) of each property;
  - c. A description of the historic buildings, structures, sites, and objects within the proposed district/property, to include the identification of contributing status of each;
  - d. Specific design standards that reflect the individual character of the historic district to evaluate a requested material change; and
  - e. A contributing resource map (required for local historic districts only).
2. Upon completion of the Historic Designation Report, the plan shall be forwarded to the Georgia Division of Historic Preservation of the Department of Natural Resources or its successor.
3. Upon receipt of comments from the Division of Historic Preservation, the Community Development Director shall amend the Historic Designation Report, if required, and prepare a recommendation to the Social Circle Historic Preservation Commission.

#### F. Review by the Historic Preservation Commission

##### 1. Public Meeting and Public Notice

The Community Development Director shall schedule the public meeting and give public notice in accordance with **Sec. 3.2, Public Notice**, that the designation of a local historic district/property will be considered by the Historic Preservation Commission. Public notice shall be provided that is consistent with the Georgia Historic Preservation Act.

##### 2. Standards and Criteria

The Historic Preservation Commission shall evaluate the proposed local historic district/property based upon the criteria in Sec. 3.9.4., Criteria for Designation, below.

### 3. Action by the Historic Preservation Commission

After consideration of the review criteria required by Sec. 3.9.4., Criteria for Designation below, the Social Circle Historic Preservation Commission shall provide its recommendation to the Mayor and City Council of one of the following:

- a. Approval as recommended by the Community Development Director;
- b. Approval with modifications; or
- c. Denial.

## G. Action by the Mayor and City Council

The Social Circle Historic Preservation Commission shall forward its recommendation to the Mayor and City Council for final action.

### 1. Public Hearing and Public Notice

The Mayor and City Council shall schedule the public meeting and give public notice in accordance with Sec. 3.2., Public Notice.

### 2. Standards and Criteria

The Mayor and City Council shall evaluate the proposed local historic district/property based upon the criteria in Sec. 3.9.4., Criteria for Designation.

### 3. Action by the Mayor and City Council

After consideration of the review criteria required by Sec. 3.9.4., Criteria for Designation, the Mayor and City Council shall make its decision of one of the following:

- a. Approval as recommended by the Historic Preservation Commission;
- b. Approval with modifications; or
- c. Denial.

### 4. Notification of Property Owners

If the Mayor and City Council approve the historic district/property designation, property owners shall receive written notification of **the original designation only. Subsequent changes to the district do not require property owner notification.**

## 3.9.4 Criteria for Designation

The criteria below shall be applied to by the Community Development Director, Historic Preservation Commission, and Mayor and City Council determine whether the proposed local historic district/property is eligible for designation. **At the time a new district/property is proposed, or the boundaries of an existing district are proposed for expansion**, the Historic Preservation Commission and Mayor and City Council shall also determine whether existing buildings, structures, sites, or objects within the proposed district/property are contributing. Contributing resources shall be shown on a Contributing Resource Map for any local historic district.

**A. Criteria for Local Historic Property Designation**

The proposed historic property possesses integrity of location, design, setting, materials, workmanship, and association, and at least one (1) of the traits listed under [Section 3.9.4.C](#).

- B. Whether buildings, structures, sites or objects within the boundaries of the property shall be classified as contributing based on the following criteria:
- a. A contributing building, structure, site or object adds to the historic, architectural or archaeological value for which the property is significant because it was present during the period of significance for the property, relates to the documented significance of the property, and possesses historic integrity or is capable of yielding important information about the period; or
  - b. A non-contributing building, structure, site or object does not add to the historic, architectural or archaeological value for which the property is significant because:
    - i. It was not present during the period of significance for the property or does not relate to the documented significance of the property; or
    - ii. Due to alterations, disturbances, additions or other changes, it no longer possesses historic integrity or is capable of yielding important information about the period.

**C. Criteria for Local Historic District Designation**

The proposed local historic district/property possesses integrity of location, design, setting, materials, workmanship, feeling and association, and at least one of the following:

1. Is associated with events that have made a significant contribution to the broad patterns of our history; or
2. Is associated with the lives of persons significant in our past; or
3. Embodies the distinctive characteristics of a type, period or method of construction, or that represents the work of a master, or that possesses high artistic values, or that represents a significant and distinguishable entity whose components may lack individual distinction; or
4. Has yielded or may be likely to yield, information important in pre-history or history.

**D. Classification of Resources and Criteria for Resource Designation**

All resources within a district shall be classified and designated on the "Historic District Contributing Resources Map." All resources shall be identified as contributing as follows:

**1. Contributing.**

All resources identified on the "Historic District Contributing Resources Map" having historic significance shall be considered "contributing" and worthy of preservation and shall be classified as "historic" for purposes hereunder.

**2. Period of Significance.**

Contributing buildings include those within the current Period of Significance, possess integrity of location, design, setting, materials, workmanship, and association, and meet one or more of the following criteria:

- a. Are associated with events that have made a significant contribution to the broad patterns of our history; or
- b. Are associated with the lives of significant persons in our past; or
- c. Embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- d. Have yielded, or may be likely to yield, information important in history or prehistory.

b. **Exceptional Importance.**

Contributing buildings include a select group of exceptional resources constructed outside the district's Period of Significance. These resources possess integrity of location, design, setting, materials, workmanship, and association, and meet one or more of the above criteria.

### 3.9.5 Certificate of Appropriateness Required

Certificate(s) of Appropriateness shall be required when a material change of appearance is proposed for any property within the designated historic district/property.

### 3.9.6 Removal of Designation of a Local Historic District/Property

#### A. Initiation of Removal

Any neighborhood association that initiated an application for designation as a local historic district, property owner (fore Local Historic Properties), or the Mayor and City Council, may submit a petition requesting the removal of the designation of a local historic district/property.

#### B. Criteria for Removing Local Historic District/Property Designation

The criteria below shall be applied by the Community Development Director, Historic Preservation Commission, and Mayor and City Council to determine whether an existing local historic district/property or any portion of such district shall have its local historic district/property designation removed. The applicant shall also detail the reasons for the proposed removal.

1. The district/property has, or portions of such district have ceased to meet the criteria for local historic district/property designation as provided in Sec. 3.9.4.A, Criteria for Local Historic Designation, because the qualities which caused it to be originally designated have been lost or destroyed; or
2. Additional information proves that the district/property does not, or portions of such district do not, meet the criteria for local historic district/property designation.

#### C. Review by the Historic Preservation Commission

1. **Public Meeting and Public Notice**

The Community Development Director shall schedule the public meeting and give public notice in accordance with Sec. 3.2, Public Notice, that the removal of the designation as a local historic district/property or portions of such district shall be considered by the Historic Preservation Commission.

**2. Standards and Criteria**

The Historic Preservation Commission shall evaluate the petition based upon the criteria in Sec. 3.9.6.B., Criteria for Removing Local Historic District/Property Designation.

**3. Action by the Historic Preservation Commission**

- a. After consideration of the review criteria required by Sec. 3.9.6.B., the Historic Preservation Commission shall provide a recommendation which shall indicate if the proposed local historic district/property designation should be:
  - b. Retained;
  - c. Retained with modifications; or
  - d. Removed.

**D. Action by the Mayor and City Council**

The Historic Preservation Commission shall forward its recommendation to the Mayor and City Council for final action.

**1. Public Hearing and Public Notice**

The Mayor and City Council shall schedule the public hearing and give public notice in accordance with Sec. 3.2, Public Notice.

**2. Standards and Criteria**

The Mayor and City Council evaluate the petition based upon the criteria in Sec. 3.9.6.B.

**3. Action by the Mayor and City Council**

After consideration of the review criteria required by Sec. 3.9.6.B., the Mayor and Aldermen shall determine if the proposed local historic district designation shall be:

- a. Retained;
- b. Retained with modifications; or
- c. Removed.

**E. Notification of Property Owners**

The owner of each designated building, structure, site, or object within the district shall receive written notification of the removal of local historic district/property designation.

**3.9.7 Amendments to a Contributing Resources Map**

**A. Initiation of Amendment**

The Mayor and City Council, Community Development Director, Historic Preservation Commission, or the property owner of the subject property within a designated local historic

district may initiate the process of amending the Contributing Resources Map for a local historic district.

**B. Pre-application Conference**

Prior to the request to amend a Contributing Resources Map, the applicant shall participate in a pre-application conference with the Community Development Director. The Community Development Director shall determine whether a complete survey of the local historic district is required. The property owner may be required to complete the survey and/or provide additional information verifying that the proposed contributing resource(s) meet the designation criteria provided in Section 3.9.4.D.

**C. Amendment Request**

An application to amend a Contributing Resources Map shall be submitted to the Community Development Director including any supporting documentation requested.

**D. Review by the Historic Preservation Commission**

**1. Public Hearing and Public Notice**

The Community Development Director shall schedule the public meeting and give public notice in accordance with 3.2., Public Notice that the revision to the Contributing Resources Map shall be considered by the Historic Preservation Commission.

**2. Standards and Criteria**

The Historic Preservation Commission shall evaluate the request based upon the criteria in Section 3.9.4.D.

**3. Action by the Historic Preservation Commission**

A recommendation shall be prepared and forwarded to the Mayor and City Council which shall review the criteria required by Section 3.9.4.D., and shall make a recommendation of whether the Contributing Resources Map should be:

1. Approved as recommended by the Community Development Director;
2. Approved with modifications; or
3. Denied.

**E. Action by the Mayor and City Council**

The Historic Preservation Commission shall forward its recommendation to the Mayor and City Council for final action.

**1. Public Hearing and Public Notice**

The Mayor and City Council shall schedule the public hearing and give public notice in accordance with Section 3.2., Public Notice.

**2. Standards and Criteria**

The Mayor and City Council shall evaluate the request based upon the criteria in Section 3.9.4.B.

### 3. Action by the Mayor and City Council

After consideration of the review criteria required by [Section 3.9.D.B](#), the Mayor and City Council shall take one of the following actions:

- a. Approve the Contributing Resources Map as recommended by the Historic Preservation Commission; or
- b. Approve the Contributing Resources Map with modifications; or
- c. Deny the Contributing Resources Map

## Section 3.11 Certificate of Appropriateness

### 3.11.1 Purpose

The purpose of this Section is to provide a process to review certain proposed activities that would result in a material change in appearance to **contributing resources** within a local historic district/property as specified in [Section 3.11.2., below](#). Approval of such change shall result in a Certificate of Appropriateness. The review body shall be dependent on the scope of the material change.

### 3.11.2 Applicability

- A. This Section shall apply only to a local historic district/property designation, as established in [Section 9.1.](#)
- B. Unless exempted by this Section, a Certificate of Appropriateness shall be required for the following activities:
  1. New construction;
  2. A material change to the exterior appearance of any building or structure, including any alteration or addition;
  3. A material change to any contributing resources which may have an adverse impact on its structural or historic integrity;
  4. A material change to, or new construction of walls or paving;
  5. Demolition of any building or structure;
  6. Relocation of any building or structure into, within, or out of the historic district/property;
  7. Erection, placement, or alteration of any awning or canopy; and
  8. A noticeable and significant change of exterior color.

### 3.11.3 Exemptions

- A. Certificate of Appropriateness is not required if the Community Development Director determines that the work to be performed falls within the following:

1. General exterior maintenance or minor, in-kind repairs; however, consultation with the Community Development Director is advised to discuss the extent of the work and the maintenance method or materials to be applied prior to beginning the work;
2. Any activity in **Section 3.11.2 above** that is not visible from a public right-of-way, with the exception of relocation or demolition;
3. Paved pathways less than five (5) feet wide and all sidewalks on the public right-of-way;
4. Interior changes that do not affect the exterior of the contributing resource;
5. The addition, modification, or removal of any vegetation, including specimen trees;
6. The temporary boarding of openings that will not exceed 60 days; and/or
7. Replacement or installation of new fencing or screens.

#### 3.11.4 Pre-Application Meeting

Prior to the submittal of an application for a Certificate of Appropriateness that will require review by the Historic Preservation Commission, the applicant shall participate in a pre-application meeting with the Community Development Director. If no Historic Preservation Commission review is required, the pre-application conference is encouraged, but optional.

#### 3.11.5 Required Public Hearing and Public Notice

- A. Once the application has been deemed sufficient, the Community Development Director shall determine whether the application requires review by the Historic Preservation Commission or by the Community Development Director.
- B. For any application requiring review by the Historic Preservation Commission, the Community Development Director shall schedule a public hearing and give public notice. For any application being reviewed by the Community Development Director, public notice shall not be required.

#### 3.11.6 Review by Community Development Director

##### A. Administrative Review Responsibility.

The following shall be reviewed by the Community Development Director:

1. Minor changes to contributing resources including color changes, window and door replacement (where opening size and locations remain the same), and shutter installation;
2. A material change to, or the new construction of walls or paving;
3. The erection, placement, or alteration of any sign, unless such sign is exempt from review pursuant **Article 14., Sign Code;** and,
4. The erection, placement, or alteration of awnings, canopies, or any roofing surfaces.
5. All other material change to a contributing resource shall be reviewed by the Historic Preservation Commission.

##### B. Review Criteria

The Community Development Director shall review and take final action on the proposed Certificate of Appropriateness by applying the applicable standards and criteria below.



Depending on the specific nature of the proposed material change, one or more of the standards and criteria below may apply.

1. The design standards and visual compatibility criteria established for the district as provided in [the Historic Guidelines](#).
2. The Secretary of the Interior's Standards and Guidelines for Rehabilitation, where applicable; and
3. The relocation or demolition standards identified in [Section 3.11.8](#).

**C. Administrative Relief**

The Community Development Director shall be permitted to grant certain adjustments as identified in [Section 5.2., Administrative Variances](#).

**D. Action by the Community Development Director**

Based on the applicable review criteria, findings shall be provided with the following action which shall indicate if the application should be:

1. Approved as proposed by the applicant;
2. Approved with modifications or conditions;
3. Denied; or
4. Referred to the Historic Preservation Commission, at the discretion of the Community Development Director.

**3.11.7 Review by the Historic Preservation Commission**

**A. Commission Review Responsibility**

1. The Historic Preservation Commission shall review all material changes in appearance except those that are exempted by this Section or described in [Sec. 3.11.6](#).
2. Based on the review criteria in Section 3.11.6, the Community Development Director shall present the application together with a recommendation for approval, continuance, or denial to the Historic Preservation Commission. The recommendation may include modifications and/or conditions.
3. Final action by the Historic Preservation Commission shall be made [within 45 days of](#) receipt of a complete application, as required by the Georgia Historic Preservation Act.

**B. Review Criteria**

The Historic Preservation Commission shall review and take final action on the proposed Certificate of Appropriateness by applying the same standards used by the Community Development Director and listed in [Section 3.11.6.B](#).

**C. Action by the Historic Preservation Commission**

After review of the criteria, the Historic Preservation Commission shall make the final decision that the application should be:

1. Approved as recommended by the Community Development Director;
2. Approved with modifications and/or conditions;
3. Denied.

**3.11.8 Criteria for Relocation or Demolition of a Resource**

**A. Existing Conditions.**

The Historic Preservation Commission may authorize the demolition or relocation of a contributing resource where they find one or more of the below conditions exists:

1. The relocation or demolition is required to alleviate an immediate threat to public health or safety;
2. The relocation is required to avoid demolitions;
3. The relocation or demolition is required for the public good;
4. The relocation or demolition is required to avoid exceptional practical difficulty or undue hardship upon the owner if all of the following conditions are satisfied:
  - a. The applicant has provided evidence sufficient to demonstrated that the application of the standards of this Section deprives the applicant of reasonable economic return on the property; and,
  - b. Undue hardship is not of a person's own making.

**B. Application Requirements.**

Except where a resource or portion of a resource poses an immediate threat to public safety, all applications for relocation or demolition of a contributing resource shall include the following information:

1. A detailed explanation for the relocation or demolition and why it cannot be avoided;
2. A report from a Georgia-licensed structural engineer with demonstrated experience in historic renovation, restoration or rehabilitation, as to the structural soundness of the contributing resource. The report shall also identify any dangerous structural conditions, including but not limited to the presence of asbestos.
3. Relocation only: A report from a Georgia-licensed structural engineer with demonstrated experience in historic renovation, restoration or rehabilitation, as to its capacity for relocation without irreparable damage to the resource.
4. Sufficient paperwork, such as mortgage information or fair market assessment, to support any applicant claims of potential impacts on economic returns.

**C. Demolition due to Immediate Threat**

Any order for demolition in whole or in part, of any resource within the Historic Overlay District or any other part of the City of Social Circle due to a dangerous, hazardous or unsafe condition shall not be issued until the order has been reviewed and signed by the Community Development Director, following review by a **Georgia-licensed structural engineer**.

**3.11.9 Time Limitation on Certificates of Appropriateness**

1. An approved Certificate of Appropriateness shall be valid for 36 months from the date of approval. If the project has not commenced within 36 months from such date, the Certificate of Appropriateness shall be deemed void.
2. The validity of a Certificate of Appropriateness may only be extended once for a period of six (6) months by the Community Development Director, provided there are no changes to the originally authorized scope of work, site conditions, or to any standards of this UDC that would affect the approval. The extension request may be filed no later than 60 days after the expiration date of the original approval.

**3.11.10 Appeals**

Final action on a Certificate of Appropriateness, including variances, may be appealed in accordance with [Section 5.5., Appeals.](#)

**3.11.11 Enforcement**

- A. All work performed pursuant to an issued Certificate of Appropriateness shall conform to the requirements of such certificate. If work is not performed in accordance with the certificate, the Community Development Director shall issue a stop-work order and all work shall cease in accordance with [Article 16.](#)
- B. If work is performed without a Certificate of Appropriateness, where such is required, the Community Development Director shall issue a stop-work order and all work shall cease in accordance with [Article 16.](#)
- C. No Certificate of Occupancy or Completion shall be issued until the Community Development Director has verified the work was performed in compliance with the Certificate of Appropriateness and other applicable sections of this UDC.
- D. Where work is performed without a Certificate of Appropriateness, where such is required, the owner shall apply for a Certificate of Appropriateness within 10 business days of receiving notice from the city of Social Circle. If the application is denied, in whole or in part, the owner shall return the denied portion of the work to its prior state within 90 days of the denial or as specified by the Community Development Director or Historic Preservation Commission.

**Section 3.12 Proactive Preservation****3.12.1 Purpose**

The purpose of this Section is to provide a process for early detection of the deterioration of contributing buildings and structures within local historic districts/properties due to neglect, and to encourage proactive preservation before demolition due to neglect occurs. Neglect shall be considered work performed without a permit and subject to [Article 16.](#)

**3.12.2 Applicability**

This Section applies to all properties within a local historic district.

**3.12.3 Property Owner Responsibility**

Property owners shall maintain or cause to be maintained the exterior and structural features of their properties in accordance with the applicable property maintenance and nuisance abatement ordinances and shall not allow conditions of neglect to occur on such properties.

**3.12.4 Conditions Considered Neglect**

Conditions considered neglect are defined in the International Property Maintenance Code (IPMC) and other Property Maintenance Ordinances adopted by the Mayor and City Council.

**3.12.5 Process for Determination of Neglect**

The Community Development Director shall investigate reports of neglect and make an initial determination subject to Section 3.12.4., Conditions Considered Neglect. If he or she determines that any neglect exists, the owner shall be notified in writing of the determination of neglect and provided a deadline for rectification. Should the property owner(s) fail to respond within the given time frame, the neglect shall be considered work performed without a permit and the Community Development Director shall be authorized to take appropriate action, as outlined in Article 16.

### 3.12.6 Undue Economic Hardship

#### A. Application Requirements

Should the property owner(s) claim undue economic hardship, the owner shall provide the following information, where possible:

1. Nature of ownership (individual, business or nonprofit) or legal possession, custody and control;
2. Financial resources of the owner and parties of interest;
3. Estimated cost of repairs;
4. Assessed value of land and improvements;
5. Real estate taxes for the previous two (2) years;
6. Amount paid for the property and date of purchase;
7. Annual debt service, if any, for previous two (2) years;
8. Any listing of property for sale or rent, price asked and offers received;
9. If income producing:
  - a. Annual gross income from property for the previous two (2) years;
  - b. Itemized operating and maintenance expenses for the previous two (2) years;
  - c. Annual cash flow, if any, for the previous two (2) years.

#### B. Review Process

The Community Development Director review the application and decide as to whether undue economic hardship exists.

### 3.12.7 Development of Preservation Plan

- A. If it is determined that an undue economic hardship exists, the Community Development Director will develop a Preservation Plan for the property which may include, but will not be limited to, the following:
  1. A detailed list of work to be completed to alleviate the determination of demolition by neglect;
  2. Any loans or grants available;
  3. Acquisition by purchase options;
  4. Time frame for rectification.
- B. Should the Community Development Director find that undue economic hardship does not exist, he or she shall notify the property owner and provide a time frame for rectification.

- C. Should the property owner(s) fail to respond within the given time frame, regardless of the determination of economic hardship, the Mayor and City Council may cause such property to be repaired and rely on other legal remedies to recover the cost of repair.

### 3.12.8 Appeals

A determination of demolition by neglect and/or undue economic hardship may be appealed only by the property owner(s) in accordance with [Section 5.5., Appeals.](#)

## ARTICLE 17.0: GUARANTEES AND SURETIES

### Contents:

#### Section 17.1 Generally

#### Section 17.2 Performance Guarantees

#### Section 17.3 Maintenance Guarantees

#### Section 17.4 Maintenance Guarantees (Stormwater)

#### Section 17.5 Maintenance Agreements / Inspections (Stormwater)

#### Section 17.6 Guarantee Specifications

#### Section 17.7 Default

### Section 17.1 Generally

#### 17.1.1 Surety Required.

Before plat recordation, land disturbance permit, building permit, or other project close-out, the Community Development Director shall certify that the developer/subdivider/applicant has obtained the necessary bonds, other sureties, and/ or agreements that ensure completion of all required public and private improvements on the subject property.

#### 17.1.2 Sureties Accepted.

Three types of guarantees and sureties shall be provided for as a part of the Final Plat approval and/or development permitting processes in accordance with the provisions herein:

- A. Performance guarantees
- B. Maintenance guarantees
- C. Maintenance agreements/inspections.

### Section 17.2 Performance Guarantees

#### 17.2.1 Purpose

Performance guarantees shall be allowed for required site improvements (public or private) not yet completed at the time a Final Plat or project closeout is desired. Instead of requiring the completion, installation, and dedication of any and all improvements prior to approval of a Final Plat or certificate of occupancy or certificate of completion, the City of Social Circle may enter into a written agreement with the developer or subdivider whereby the developer or subdivider

shall agree to complete all required improvements prior to the release of the performance guarantee.

**17.2.2 Performance Guarantee Amounts.**

The performance guarantee shall be payable to the City of Social Circle and shall be in an amount equal to 1.5 times the entire cost, as estimated by the developer or subdivider and verified by the City, of installing all outstanding required improvements.

**17.2.3 Duration.**

The duration of the performance guarantee shall be for no longer than twelve (12) months, or until such lesser time that the improvements are accepted by the City.

**17.2.4 Forfeiture.**

Performance Guarantee funds are forfeited if the improvements are not completed and accepted by the City within twelve (12) months.

**Section 17.3 Maintenance Guarantees**

**17.3.1 Purpose**

Maintenance guarantees shall be allowed for all improvements to be publicly dedicated and/or maintained (e.g.: streets, sidewalks, landscaping) to guarantee the quality and ongoing performance of the installations. Prior to approval of a final plat or final certificate of occupancy/completion (CC/CO), the City may enter into a written agreement with the developer or subdivider whereby the developer or subdivider shall agree to maintain in good repair and living condition all applicable improvements prior to the release of the maintenance guarantee.

**17.3.2 Maintenance Guarantees Amounts.**

The maintenance guarantee shall be payable to the City of Social Circle and shall be in an amount equal to 60 percent of the construction value for all public improvements, as estimated by the developer or subdivider and verified by the City.

**17.3.3 Duration**

The duration of the surety shall be for a period of 24 months following the date of approval of a Final Plat or final certificate of occupancy or certificate of completion.

**17.3.4 Forfeiture**

Maintenance Guarantees shall be forfeited if the improvement fails to be kept in good repair and condition prior to the release of the maintenance guarantee.

**Section 17.4 Maintenance Guarantees (Stormwater)**

**17.4.1 Purpose.**

Stormwater maintenance guarantees shall be provided for the ongoing maintenance of stormwater management facilities and features. Prior to approval of a final plat or final certificate of occupancy/completion (CC/CO), the City may enter into a written agreement with the developer or subdivider whereby the developer or subdivider shall agree to maintain in good repair and working order all applicable improvements prior to the release of the maintenance guarantee.

#### 17.4.2 Maintenance Guarantee for Stormwater Facilities Amount.

The stormwater maintenance guarantee shall be payable to the City and shall be in an amount equal to \$5.00/cubic foot of storage provided by the stormwater management facility, as estimated by the developer or subdivider and verified by the City. The guarantee shall be accompanied by the appropriate agreements outlined in Section 17.5., Maintenance Agreements and Inspections (Stormwater).

#### 17.4.3 Duration.

The duration of the surety shall be for a period of 24 months following the date of the approval of a final plat or final certificate of occupancy or certificate of completion.

### Section 17.5 Maintenance Agreements / Inspections (Stormwater)

#### 17.5.1 Required for Private Stormwater Facilities.

Prior to the issuance of any project close-out, final plat, or certificate of completion/occupancy requiring a stormwater management facility or practice hereunder and for which the City requires ongoing maintenance, the applicant or owner of the site must, unless an on-site stormwater management facility or practice is dedicated to and accepted by the City, execute an inspection and maintenance agreement, and/or a conservation easement, if applicable, that shall be binding on all subsequent owners of the site.

#### 17.5.2 Agreement, Generally.

- A. **Recordation Required.** The inspection and maintenance agreement, if applicable, must be approved by the City prior to approval, and recorded in the deed records of the office of the Clerk of the Superior Court of Walton County, Georgia.
- B. **Inspector Required.** The inspection and maintenance agreement shall identify, by name or official title, the person(s) responsible for carrying out the inspection and maintenance.
- C. **Owner Responsibility.**
  1. Responsibility for the operation and maintenance of a stormwater management facility shall remain with the property owner and shall pass to any successor owner, unless an agreement with the City is made whereby the City takes ownership of the facility.
  2. If portions of the land are sold or otherwise transferred, legally binding arrangements shall be made to pass the inspection and maintenance responsibility to the appropriate successors in title. These arrangements shall designate for each portion of the site, the person to be permanently responsible for its inspection and maintenance.
- D. **Schedule Required.**
  1. As part of the inspection and maintenance agreement, a schedule shall be developed for when and how often routine inspection and maintenance will occur to ensure proper function of the stormwater management facility or practice, including their associated landscaping measures.

2. The agreement shall also include plans for annual inspections to ensure proper performance of the facility between scheduled maintenance and shall also include remedies for the default thereof.

**E. City Enforcement.**

In addition to enforcing the terms of the inspection and maintenance agreement, the City may also enforce all of the provisions for ongoing inspection and maintenance.

**F. City Acceptance of Dedications.**

The City, in lieu of an inspection and maintenance agreement, may accept dedication of any existing or future stormwater management facility for maintenance, provided such facility meets all the requirements of this UDC and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.

**Section 17.6 Authorized Guarantee Types**

**17.6.1 Mixture of Guarantees is Allowed.**

The developer or subdivider shall provide either one, or a combination, of the following guarantees in the amounts and durations specified in this **Section 17.6, Authorized Guarantees**. Any expenses associated with the cost verification by the City shall be paid entirely by the applicant.

**17.6.1 Bond**

Bonds shall be secured from a surety bonding company authorized to do business in the state. The bond shall be payable to the City.

**17.6.2 Cash or equivalent security.**

The developer or subdivider shall deposit cash, an irrevocable letter of credit, or other instrument readily convertible into cash at face value, either with the City or in escrow with a financial institution designated as an official depository of the City.

**17.6.3 Escrow**

Cash or other instrument is deposited in escrow with a financial institution as provided above, then the applicant shall file with the City of Social Circle an agreement between the financial institution and the applicant guaranteeing the following:

- A. That said escrow amount will be held in trust until released by the Community Development Director and may not be used or pledged by the applicant in any other transaction during the term of the escrow; and
- B. That in case of a failure on the part of the developer or subdivider to complete said improvements/maintenance, the financial institution shall, upon notification of the City to the financial institution of an estimate of the amount needed to complete the improvements, immediately pay to the City the funds estimated to complete the improvements, up to the full balance of the escrow account, or deliver to the City any other instruments fully endorsed or otherwise made payable in full to the City.

**Section 17.7 Default**



**17.7.1 Failure to Complete Improvements.**

Upon default, meaning failure on the part of the applicant to complete the required improvements in the time allowed by this UDC, or as spelled out in the performance or maintenance bond or escrow agreement, then the surety, or financial institution holding the escrow account, shall, if requested by the City, pay all or any portion of the bond or escrow fund to the City up to the amount needed to complete the improvements or maintenance based on an estimate by the City.

**17.7.2 Notification of Default.**

Notification may take place following abandonment of the project for more than 90 continuous days. Upon payment, the City, in its discretion, may expend such portion of said funds as it deems necessary to complete all or any portion of the required improvements. The City shall return to the applicant any funds not spent in completing the improvements.

**Section 17.8 Release of Surety****17.8.1 Inspection and Acceptance Required.**

The City may release a portion of any security posted as the improvements are completed or maintenance period completed and approved by the Community Development Director. When the Community Development Director approves said improvements, the Community Development Director shall inspect the premises, and if work is found to be completed and satisfactory in accordance with ordinance regulations and approved plans, the Community Development Director shall release the portion of the security posted which covers the approved cost of the improvements and maintenance of satisfactorily completed work that was subject to the security. It shall be the responsibility of the applicant to petition the City for release of guarantees and sureties and to warrant that all improvements subject to the guarantee or surety have been completed to fulfill the requirements of this UDC.

**ARTICLE 18.0: ABBREVIATIONS AND DEFINITIONS****Contents:****Section 18.1 Abbreviations****Section 18.2 Defined Terms, General****Section 18.3 Defined Terms, Sign Code****Section 18.1 Abbreviations**

The following abbreviations appear in this UDC.

| Abbreviation | Full Term  |
|--------------|--|
| AASHTO       | American Association of State Highway Transportation Officials |
| ADA          | Americans with Disabilities Act                                |
| AMI          | Area Median Income   |
| Avg          | Average  |
| CPESC        | Certified Professional in Erosion and Sediment Control         |

|               |   |
|---------------|---|
| CO            | Certificate of Occupancy                        |
| CC            | Certificate of Completion                       |
| DBH           | Diameter at Breast Height                       |
| DRI           | Development of Regional Impact                  |
| EPA           | Environmental Protection Agency                 |
| FEMA          | Federal Emergency Management Agency             |
| Max           | Maximum   |
| Min           | Minimum   |
| MUTCD         | Manual for Uniform Traffic Control Devices      |
| NEPA          | National Environmental Policy Act               |
| NPDES         | National Pollutant Discharge Elimination System |
| O.C.G.A.      | Official Code of Georgia Annotated              |
| OHSA          | Occupational Safety and Health Administration   |
| ROW           | Right-of-way                                    |
| SF or Sq. Ft. | Square Feet                                     |

### Section 18.2 Defined Terms, General

--A--

**Abandonment.** The relinquishment of property, or a cessation of the use of the property, by the owner or lessee without any intention of transferring rights to the property to another owner or of resuming the use of the property.

**Abatement.** The method of reducing the degree and intensity of pollution, nuisance, or identified area of non-compliance with this Development Code.

**Absorption.** The penetration of one substance into or through another; or, the length of time it takes for a product or real estate to be sold or rented.

**Abut.** To physically touch or border on; or to share a common property line but not overlap.

**Acceleration Lane.** An added roadway lane that permits integration and merging of slower moving vehicles into the main vehicular stream.

**Access.** A way or means of approach to provide vehicular or pedestrian physical entrance to a property.

**Access Management Plan.** A plan showing the design of access upon a lot. It involves planning for the entry and exit of traffic on major roads in such a way as to keep interference with traffic flow to a minimum and maximize public safety.

**Access Permit.** A permit issued by the appropriate governmental agency for the construction, maintenance, and use of a driveway or public street connecting to a highway.

**Accessible Design.** Accessible generally means that environments, objects, and systems meet prescribed requirements for accessibility for people with disabilities.

**Accessible Route.** A continuous, unobstructed path connecting all accessible elements and spaces of a building or facility.

**Accessory Structure.** A structure detached from a principal building located on the same lot and customarily incidental and subordinate to the principal building or use, and unless otherwise stated in this UDC, limited to a maximum of 300 Gross Square Feet. The accessory structure must be on the same lot as the principal structure unless this Development Code specifically permits it to be located on another lot. An example of this, is a parking structure for a commercial establishment.

**Accessory Use.** A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with such principal use.

**Acre.** A measure of land containing 43,560 square feet.

**Activity Center.** A community focal point providing for the combination, rather than scatteration, of general retail, service, commercial, professional office, higher density housing, and appropriate public/quasi-public uses.

**Act of God.** An unintentional hazard event (usually a natural hazard) whereby society feels that no individual or organization is responsible for the hazard occurrence or its impact; i.e., an "accident."

**Adaptive Reuse.** The development of a new use for an older building or for a building originally designed for a special or specific purpose.

**Addition.** (1) A structure added to the original structure at some time after the completion of the original; (2) an extension or increase in floor area or height of a building or structure.

**Adjoining Lot or Land.** A lot or parcel of land that shares all or part of a common lot line with another lot or parcel of land. See **Abut**.

**Adverse Impact.** A condition that creates, imposes, aggravates or leads to inadequate, impractical, unsafe, or unhealthy conditions on a site proposed for development or on off-tract property or facilities. Adverse impacts usually related to circulation, erosion, drainage, potable water, sewage collection and treatment, but may also relate to lighting and glare, aesthetics quality of life, and environmental impact.

**Affordable Housing.** Housing with sales price or rent within the means of a low-, middle-, or moderate-income household as defined by state or federal legislation. Not necessarily the same as subsidized housing.

**Agrarian.** Relating to land, particularly agriculture.

**Agricultural Building.** A structure on agricultural land designed, constructed, and used to house farm implements, livestock, or agricultural produce or products grown or raised on the premises.

**Agricultural Land, Prime.** Land that qualifies for a rating as Class I in the US Department of Agriculture (USDA) Soil Conservation Service land-use capability classification.

**Agriculture.** The production, storage, keeping, harvesting, grading, packaging, processing, boarding or maintenance, for sale, lease, or personal use, of plants and animals useful to humans including but not limited to: forages and sod crops, grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock including beef cattle, sheep, swine, horses, ponies, mules, or goats, including the breeding and grazing of any or all such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds, including grapes, nuts, and berries; vegetables; nursery, floral,

ornamental, and greenhouse products; or land devoted to a soil conservation or forestry management program.

**Agricultural Services.** Establishments primarily engaged in supplying soil preparation services, crop services, landscaping, horticultural services, veterinary and other animal services, and farm labor and management services.

**Agritainment.** Events and activities, such as mazes, hayrides, and petting zoos, that allow for recreation, entertainment, and tourism in conjunction with agricultural support and services directly associated with ongoing agricultural activity on-site. See also, Agritourism.

**Agritourism.** Agricultural uses such as farms, ranches, and vineyards, that, through promotion and advertising, facilities, and activities seek to attract visitors and guests. Examples of agritourism include dinner on the farm where paid meals are prepared for members of the public from products of the farm, roadside markets, winery, agricultural craft and gift sales, garden and nursery sales, and special events.

**Aisle.** The traveled way by which cars enter and depart parking spaces.

**Alley.** A service roadway providing a secondary means of access to abutting property and not intended for general traffic circulation.

**Alteration, Major.** Any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders, or interior partitions, as well as any change in doors, windows, or means of ingress or egress; or any, enlargement to or diminution of a building or structure, whether horizontally or vertically; or the moving of a building or structure from one location to another.

**Alteration, Minor.** Modifications to an existing structure that are of a cosmetic nature, replacement of utilities, or rearrangement of non-load bearing partitions.

**Alternative Living Arrangement.** An arrangement in which households maintain private rooms, yet share kitchen and bathroom facilities, central heat, and common areas. Examples may include boarding homes, residential health-care facilities, group homes for the developmentally disabled and mentally ill, and congregate living arrangements.

**Alternative Access.** (1) The ability to enter a highway indirectly through another improved roadway instead of from a direct driveway entrance from the principal roadway frontage; (2) the availability of another means of access to a roadway or property in addition to the primary access.

**Americans With Disabilities Act (ADA).** A 1990 federal law designed to bring Americans with disabilities into the economic mainstream by providing them equal access to jobs, transportation, public facilities, and services.

**Anchor Tenant.** The major store or stores within a shopping center.

**Ancillary Use.** See Accessory Use.

**Annexation.** The incorporation of land area into an existing community with a resulting change in boundaries of that community.

**Applicant.** Any person, firm, partnership, corporation, or public agency submitting an application for development.

**Application for Development.** The application form and all accompanying documents and exhibits required of an applicant by an approving authority for development review and approval purposes.

**Approved Plan.** A plan that has been granted final approval by the appropriate approving authority.

**Approving Authority.** The agency, board, group, or other legally designated individual or agency that has been charged with the review and approval of plans and applications.

**Architectural Projections.** Building projections that are permitted to intrude into the required front, rear, and side yards.

**Articulation.** For structures, a change in the depth of the building plane, roofline, or height.

**As-Built Plans.** Accurate and precise drawings of post-construction site features and characteristics, including all buildings, structures, infrastructures, boundaries, and natural features.

**Assemblage.** The merger of separate properties into a single tract of land. See Consolidation.

**Average Setback.** The average distance from the street right-of-way on both sides of a lot.

**Awning.** A roof-like cover that projects from the wall of a building for the purpose of shielding a doorway or window from the elements.

--B--

**Back-to-Back Lots.** Separate land parcels that have at least half of each rear lot line coterminous.

**Barn.** A large farm building used for storing grain, hay, or straw, or housing livestock or storing equipment. See: Agricultural Building.

**Base Flood.** The minimum magnitude flood to be used by a community as a basis for its floodplain management regulations; presently required by regulation to be that flood which has a one-percent change of being equaled or exceeded in any given year.

**Basement.** That portion of any building for which the finished surface of its floor is more than six feet below the finished ground level for more than 50 percent of the total building perimeter; or more than 12 feet below the finished ground level at any point.

**Best Management Practices (BMPs).** The physical, institutional, or strategic approaches and procedures to environmental or development problems, particularly with respect to non-point source pollution control.

**Bicycle (Bike).** A device propelled solely or in part by human power having two or more wheels in tandem, including children's bicycles, except a toy vehicle intended for use by young children, such as a tricycle.

**Big Box Store.** A large, freestanding, single-story retail store, of generally more than fifty thousand square feet, and usually part of a regional or national chain.

**Bike Lane.** A portion of a road that is designated by striping, signing, and pavement markings for the preferential or exclusive use of bicyclists. Most often these are done in couplets, each one being one-way and adjacent to the outside through travel lane.

**Bike Path.** (1) A facility that is paved or unpaved and physically separated from motorized vehicular traffic by an open space or barrier; (2) a designated right-of-way for bicycles, separated from pedestrian and motor vehicles.

**Bike Route.** A segment of road designated by the jurisdiction having authority, with appropriate directional and informational markers, but without striping, signing, and pavement markings for the preferential or exclusive use of bicyclists.

**Blank Wall.** An exterior building wall with no openings and generally constructed of a single material, uniform texture, and on a single plane.

**Blighted Area.** An area characterized by deteriorating and/or abandoned buildings; inadequate or missing public or community services; and vacant land with debris, litter, lack of utilities, accumulation of trash and junk and impacted by adverse environmental nuisances, such as odor, noise, and heavy traffic.

**Block.** A unit of land bounded by streets or by a combination of streets and public land, railroad right-of-way, waterways, or any other barrier to the continuity of development.

**Boulevard.** A collector street that includes landscaped medians.

**Buffer Area.** Land area used to visibly separate one use from another through screening and distance; to shield or block noise, light, glare, or visual or other conditions; to block physical passage to non-similar areas; or to reduce air pollution, dust, dirt, and litter.

**Buildable Area.** The area of a lot remaining after the minimum yard and open space requirements of the zoning ordinance have been met.

**Building.** Any structure having a roof supported by columns of walls and intended for the shelter, housing, enclosure of any individual, animal, process, equipment, goods, or materials of any kind and intended for use in one place.

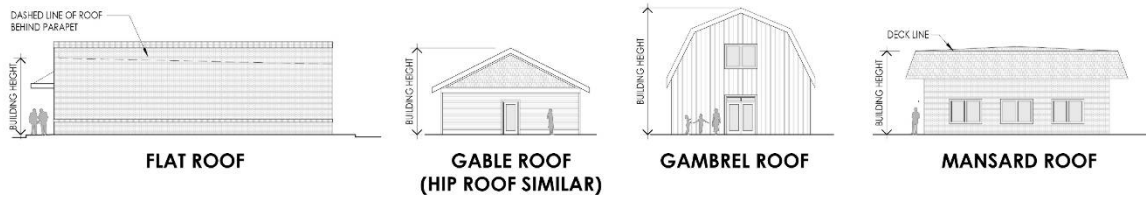
**Building, Accessory.** A subordinate structure on the same lot as the principal or main building or use.

**Building, Principal.** The building in which is conducted the principal use of the lot on which it is located.

**Building Coverage.** The ratio of the horizontal area, measured from the exterior surface of the exterior walls of the ground floor, of all principal and accessory buildings on a lot to the total lot area.

**Building Footprint.** The area encompassed by a building's outer wall at ground level.

**Building Height.** The vertical distance measured from the highest grade adjacent to the highest point of roof surface of a flat roof, to the deck line of a mansard roof, or to the top of the highest ridge of a gable, hip, or gambrel roof.



Definition - Building height

**Building Line.** A line parallel to the street right-of-way line touching that part of the primary building closest to the street.

**Building Mass.** The three-dimensional bulk of a structure: height, width, and depth.

**Building Permit.** Written permission issued by the proper municipal authority for the construction, repair, or alteration of a structure, or addition to a structure.

**Building Scale.** The relationship of a particular building, in terms of building mass, to other nearby and adjacent buildings.

**Business Incubator.** An organization [or physical space] designed to accelerate the growth and success of entrepreneurial companies through an array of business support resources, and services that could include small business-appropriate physical space, capital, coaching, common services, and networking connections.

--C--

**Caliper.** The diameter of a tree trunk.

**Certificate of Appropriateness.** A certificate issued by the approving authority on approval of the exterior architectural features of any new building construction or alterations to an existing building located within a historic zone.

**Certificate of Occupancy.** A document issued by a governing authority allowing the occupancy or use of a building and certifying that the structure or use has been constructed and will be used in compliance with all applicable Municipal codes and ordinances.

**Change of Use.** (1) A change from one use classification in the zoning ordinance to another use classification; (2) any use that differs substantially from the previous use of a building or land.

**Character.** Special physical characteristics of a structure or area that set it apart from its surroundings and contribute to its interest / individuality.

**Clearing.** The removal of vegetation from a property, whether by cutting or other means.

**Concept Plan.** A schematic or conceptual design for land development, prepared for informal review purposes, that carries no vesting rights or obligations to any party.

**Community Park.** A public park serving residents and usually including restrooms and lighted outdoor recreation facilities and other facilities such as swimming pools, recreation centers, on-site parking, and group picnic areas.

**Special Use.** A use which is not automatically permitted by right, but which may be permitted within a zoning district subject to meeting specific conditions contained in this UDC or as required by the governing body after a public hearing.

**Conditional Zoning.** The granting or adoption of zoning for a property subject to compliance with restrictions as to use, size, project design or timing of development, stipulated by the mayor and council of the city to mitigate adverse impacts that could be expected without the imposition of such conditions.

**Consolidation.** The removal of lot lines between contiguous parcels.

**Courtyard.** Landscaped outdoor areas that are walled for privacy.

**Curb.** A stone, concrete, or other improved boundary marking the edge of a roadway or paved area.

--D--

**Damage, substantial.** Refers to any change to a structure which impairs its value, usefulness, or normal function. For the purposes of this UDC, substantial damage shall occur when the cost of restoring the structure would equal or exceed 50% of the market value of the structure before the damage occurred.

**Deciduous.** Plants that drop their foliage annually before becoming dormant.

**Deck.** An unroofed platform, either freestanding or attached to a building, that is supported by pillars or posts.

**Dedication.** The transfer of property by the owner to another party.

**Density.** The number of families, individuals, dwelling units or housing structures per unit of land. Gross density includes all the land within the boundaries of the particular area excluding nothing. Net density excludes street right-of-way dedications, land identified as a flood hazard area or within any electricity or gas transmission easement or right-of-way.

**Developable Land.** Parcels or sites free of constraints to development such as, but not limited to, wetlands, steep slopes, water bodies, unstable soils, easements, and legal impediments and that have frontage on or access to an improved roadway and can be served by public or private utilities and facilities such as sewer, water, electricity and gas.

**Development, Major.** Any development involving more than three lots and/or involving a land area of more than five acres, and/or requiring the extension of any new streets or other municipal or governmental facilities.

**Development, Minor.** Any development involving three or fewer lots, and/or involving a land area of less than five acres, and not requiring the extension of any new streets or other municipal or governmental facilities.



**Developments of Regional Impact.** Projects or development activities that have impacts beyond local government borders or that affect more than one community.

**Diameter Breast Height (DBH).** The diameter of a tree measured at a point four and one-half feet above the ground.

**Discharge, accidental.** A discharge prohibited by this UDC that occurs by chance and without planning or thought prior to occurrence.

**Discharge, illicit.** Any direct or indirect non-stormwater discharge to the City separate stormwater sewer system, except as exempted by this UDC.

**Dormer.** A projection from a sloping roof that contains a window.

**Drainage structure.** A device composed of a non-erodible material such as concrete, steel, plastic or other such material that conveys water from one place to another by intercepting the flow and carrying to a release point for stormwater management, drainage control, or flood control purposes.

**Driveway.** A private roadway providing access generally to one property or project.

**Dwelling.** A building designed or used exclusively for human habitation.

**Dwelling Unit (DU).** One or more rooms, designed, occupied or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities provided within the dwelling unit for the exclusive use of a single-family maintaining household.

--E--

**Easement.** A grant of one or more property rights by the property owner to and/or for use by the public, a corporation, or another person or entity.

**Easement, Conservation.** The grant of a property right requiring that the described land will remain in its existing natural state in perpetuity.

**Easement, Drainage.** The land required for the installation of stormwater sewers or drainage ditches and/or required for the preservation or maintenance of a natural stream or watercourse or other drainage facility.

**Easement, Façade.** An easement that prohibits or restricts any changes to the façade of a building that would alter or damage its historic integrity or architectural character.

**Easement, Utility.** The right-of-way acquired by a utility or governmental agency to locate utilities, including water, sewer, stormwater, gas mains, and telephone and electric poles, cables, pylons, and towers.

**Eave.** The projecting lower edges of a roof overhanging the wall of a building.

**Elevation.** (1) A vertical distance above or below a fixed reference level (2) a fully dimensioned drawing of the front, rear, or side of a building, showing features such as windows, doors, and relationship of grade to floor level.

**Encroachment.** Any obstruction or illegal or unauthorized intrusion into a floodway, right of way, or adjacent land.

**Evergreen.** A plant that retains its foliage and that remains green year-round.

**Existing Use.** The use of a property at the time that an application for redevelopment or development is made.

--F--

**Façade.** The exterior portion of a building exposed to public view. This term is primarily used in reference to special architectural treatments that are meant to enhance the building's aesthetics. Design or architectural standards or guidelines may have particular requirements for facades as opposed to other exterior surfaces of a building (e.g., color, materials, style or articulation).

**Façade, Principal.** The face of a building which is most exposed to public view, such as a street, park, or plaza.

**Factory.** A building in which raw material and semifinished or finished materials are converted to a different form or state, or where goods are manufactured, assembled, treated, or processed.

**Family.** An individual, or two or more persons related by blood, marriage, adoption or guardianship, or a group of not more than four unrelated persons, occupying a single dwelling unit.

**Fence.** An artificially constructed barrier of any material or combination of materials erected to enclose, screen, or separate areas.

**Fenestration.** Windows and other openings on a building façade.

**Fire Lane.** An unobstructed paved or improved surface area clearly defined by pavement markings and signs, at least twelve feet wide, and designed to provide access for fire-fighting equipment.

**Flood Plain.** The channel and the relatively flat area adjoining any natural or man-made stream, pond, lake, river, or any other body that is subject to flooding during a storm.

**Floor Area.** The gross heated, finished horizontal area of the several floors of a building or dwelling unit exclusive of basement, attic, carport, or garage.

**Front Lot line.** See Lot Line, Front.

**Frontage.** That side of a lot abutting a street; see the front lot line. On unbuilt or unimproved corner or through lots, the frontage may be designated by the owner, but it should be consistent with the orientation of the buildings on the other lots and improvements on the same side of the street. On improved corner or through lots, the frontage is usually the side where the main building entrance is located and in the general direction in which the principal building faces.

**Frontage, Road.** A service road, usually parallel to a highway, designed to reduce the number of driveways that intersect the highway. Also referred to as "local service road."

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**Garage Sale.** The sale or offering for sale to the general public of items of personal property by the owner or tenant of an improved lot in a residential district, whether within or outside the building.

**Gate.** (1) An opening in a fence; (2) an artificial barrier capable of being opened or closed, permitting or denying access across a driveway or path.

**Gated Community.** Residential development that limits access to residents, invited guests, and authorized service and delivery vehicles.

**Gateway.** A major entrance or point of access into a neighborhood, district, community or region.

**Glare.** The effect produced by light from a luminaire or fixture with an intensity sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

**Governing Body.** The chief legislative body of the municipality of Social Circle, i.e., the Mayor and City Council.

**Government Agency.** Any department, commission, independent agency, or instrumentality of the United States, of the a state, county, incorporated or incorporated municipality, district, or other governmental unit.

**Grade.** (1) When used in conjunction with the terms "existing," "finished," or "natural," is the same as elevation; (2) when used as a measurement, grade refers to the percentage of a rise or descent of a sloping surface.

**Grade, Finished.** The final elevation of the average ground level adjoining a building at all exterior walls after development.

**Grade, Natural.** The elevation of the ground level in its natural state, before construction, filling, or excavation.

**Grading.** Any striping, cutting, filling, or stockpiling of earth or land, including the land in its cut or filled condition, to create new grades.

**Grease Trap.** A device in which the grease present in wastewater is intercepted and congealed by cooling and from which it may be skimmed off liquid wastes for disposal.

**Green Area.** Land shown on a development plan, master plan, or official map for conservation, preservation, recreation, landscaping, or park. See Open Space.

**Greenfield.** Farmland and open areas where there has been no previous industrial or commercial activity.

**Ground Cover.** Grasses or other low-growing plants and landscaping. It can help to limit soil erosion by forming a dense mat covering an area, which over time prevents soil from being blown or washed away; and, typical requires less mowing, care, fertilizer, and maintenance than lawns.

**Ground Floor.** The first floor of a building other than a cellar or basement.

**Gutter.** A shallow channel, usually set along a curb or the pavement edge of road, for purposes of catching and carrying off run-off water.

**Gym.** The abbreviated term for gymnasium, which is an enclosed facility for exercise and athletics.

--H--

**Habitable Floor Area.** The total floor area of all the habitable rooms in a dwelling unit.

**Habitable Room.** Any room in a dwelling unit other than a kitchen, bathroom, pantry, closet, hallway, cellar, storage place, garage, unfinished basement, cellar, or attic.

**Handicapped Parking Space.** Parking spaces reserved for people with disabilities.

**Hardscape.** Nonliving components of a landscaped design, such as walls, sculptures, paved walkways, patios, stone and gravel areas, benches, fountains, and similar hard-surface areas and objects.

**Hazard.** (1) Potential or actual force, physical condition, or agent with the ability to cause human injury, illness, and/or death, and significant damage to property, environment, critical infrastructure, agriculture or business operations, or other types of harm or loss; (2) something that is potentially dangerous or harmful, often the root cause of an unwanted outcome.

**Hazardous waste.** Any solid waste which has been defined as a hazardous waste in regulations, promulgated by the administrator of the United States Environmental Protection Agency pursuant to the federal act, which are in force and effect on February 1, 1988, codified as 40 C.F.R. Section 261.3.

**Highest and Best Use.** The reasonably probable and legal use of vacant land or an improved property that is physically possible, appropriately supported, and financially feasible that results in highest value.

**Historic Area.** A district, zone, or area designated by the City of Social Circle or other government unit within which the buildings, structures, appurtenances, and places are of vital importance because of their association with history; or because their unique architectural style and scale, including color, proportion, form, and detail; or because of their being part of or related to a square, park, or area or general arrangement which should be preserved or developed according to specific standards. See National Register of Historic Places.

**Historic Preservation.** An endeavor which seeks to preserve and protect features in the built environment such as buildings, districts, or communities which are of particular documented historic significance.

**Household pets.** Domesticated animals weighing less than 150 pounds and cared for by the members of the household and which are not raised for commercial gain or considered livestock as defined herein.

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**Impermeable.** Not permitting the passage of water.

**Impervious surface.** A surface that has been compacted or covered with a layer of material that is highly resistant to infiltration by water. Examples are buildings, roads, driveways, parking lots, decks, swimming pools or patios.

**Improvement.** Any permanent structure that becomes part of, is placed upon, or affixed to real estate.

**Incidental.** Subordinance and minor in significance or bearing a relationship to the primary use.

**Industrial Waste.** Any liquid, gaseous chemical, or solid residue or by products of an industrial process.

**Inoperable Vehicle.** Any vehicle at present inoperable but capable of being repaired to place it in operation condition without exceeding its present estimated value and repair cost.

**Intensity of Use.** The number of dwelling units per acre for residential development and the Floor Area Ratio for nonresidential development, such as commercial, office, industrial.

--J --

**Junk.** Any scrap, waste, reclaimable material, or debris, whether or not stored, for sale or in the process of being dismantled, destroyed, processed, salvaged, stored, baled, disposed of, or for other use or disposition. For example, but not limited to, tires, unregistered and inoperable vehicles, equipment, paper, rages, metal, building materials, household appliances, or lumber.

--K--

--L—

**Land Disturbance.** Any activity involving the clearing, cutting, excavating, or grading of land, or any other activity that alters land topography or vegetative cover.

**Land Disturbance Permit (LDP).** A permit issued by the City of Social Circle that authorizes land disturbance activities. See Land Disturbance.

**Land Use.** A description of how land is occupied or used.

**Landlocked.** A lot or parcel of land without direct access to a public road.

**Livestock.** Any animal raised for food, raw materials or pleasure, and customarily kept on a farm, including but not limited to, beef and dairy cattle, sheep, swine, poultry, horses, mules, donkeys, goats, turkeys, bison, llama, emus and any animal having hooves. This definition of livestock shall not apply to pet chickens owned pursuant to section 9-72 as domesticated animals.

**Loading Space.** Off-street vehicle space or berth used for the loading or unloading of cargo, products, or materials from vehicles.

**Lot.** A designated parcel, tract, or area of land established by plat, subdivision, or as otherwise permitted by law, to be separately owned, used, developed, or built upon.

**Lot, Corner.** A lot or parcel of land abutting on two or more streets at their intersection.

**Lot, Double Frontage.** See Through Lot.

**Lot, Flag.** A lot not meeting the minimum frontage requirements and where access to the public road is provided by a narrower extension of the lot encompassing a driveway, or by private right-of-way or easement.

**Lot, Through.** A lot that fronts on two parallel streets or that fronts on two streets that do not intersect at the boundaries of the lot.

**Lot Area.** The total area within the lot lines of a lot, excluding any right-of-way.

**Lot Coverage.** The part of the lot that is covered by impervious surfaces.

**Lot Depth.** The average distance measured from the front lot line to the rear lot line.

**Lot Frontage.** The length of the front lot line measured at the right-of-way line.

**Lot Line.** A line of record bounding a lot that divides one lot from another lot or from a public or private street or any other public space.

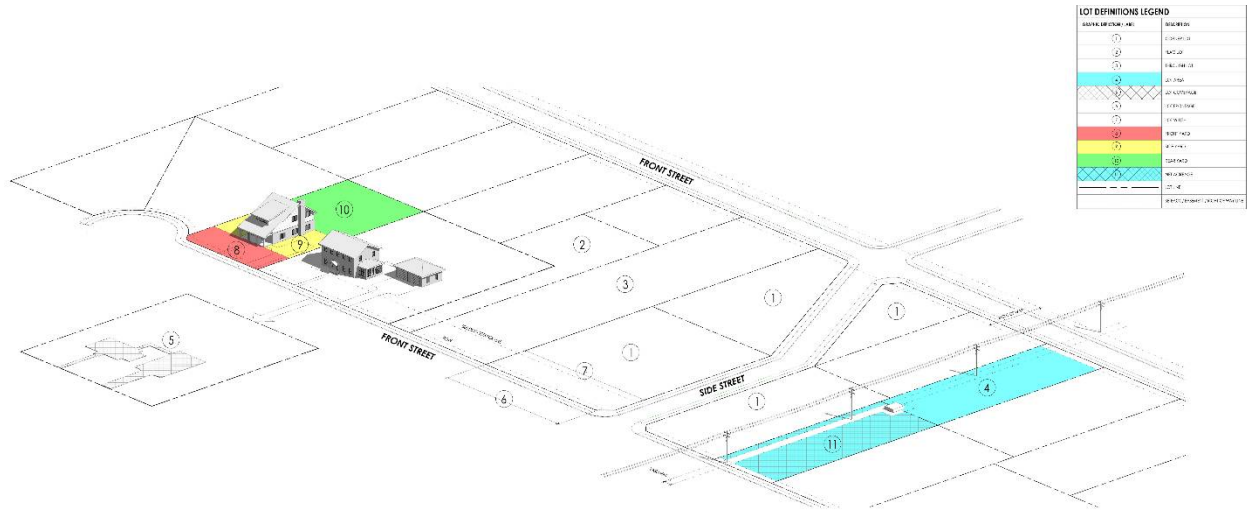
**Lot Line, Front.** The lot line separating the lot from a street right-of-way.

**Lot Line, Rear.** The lot line opposite and most distant from the front lot line. In the case of triangular or irregularly shaped lots, that line that is most distant from or more nearly parallel to the front lot line.

**Lot Line, Side.** Any lot line other than a front or rear lot line.

**Lot of Record.** A lot that exists as shown or described on a plat or deed in the records of the local registry of deeds.

**Lot Width.** The horizontal distance between the side lines of a lot measured at the minimum required front yard (building setback) line.



Definitions - Lots

--M--

**Metes and Bounds.** A method of describing the boundaries of land by directions (bounds) and distances (metes) from a known point of reference.

**Minor Subdivision.** See Subdivision, Minor.

**Mixed -Use Development.** The development of a neighborhood, tract of land, building, or structure with a variety of complementary and integrated uses, such as but not limited to, residential, office, retail, public and recreational uses in a compact urban form. Mixed use developments generally include at least three distinct use types, blended both vertically and horizontally. An example of mixed-use development is residential apartments above ground floor retail uses.

--N--

**Natural Drainage Flow.** The pattern of surface and stormwater drainage from a particular site before the construction or installation of improvements or prior to any grading.

**Neighborhood.** An area of a community with characteristics that distinguish it from other areas and that may include distinct housing types, schools, or boundaries defined by physical barriers, such as highways or railroads, or natural features such as water bodies.

**Neighborhood Park.** A park area designed to serve the active recreational needs of the neighborhood, such as field games, playground apparatus, crafts, and picnicking. The National Recreation and Park Association publishes guidelines and general development standards for variety of park and recreational facilities.

**Net Acreage.** The area of the lot remaining after areas devoted to infrastructure, including streets and utilities, are deducted from total lot area.

**Net Residential Density.** The number of dwelling units relative to the net acreage used for residential purposes.

**Noise Disturbance.** Any noise exceeding the noise level limits established for the specific zoning district.

**Nonconforming Lot.** A lot, the area, dimensions, or location of which was lawful prior to the adoption, revision, or amendment of the zoning ordinance or unified development code, but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

**Nonconforming Structure or Building.** A structure or building, the size, dimensions, or location of which was lawful prior to the adoption, revision, or amendment of the zoning ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the UDC.

**Nonconforming Use.** A land use or activity, which was lawful prior to the adoption, revision, or amendment of the zoning ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the UDC.

**Nuisance.** A condition or situation that results in an interference with use and enjoyment of property.

**Nuisance Abatement.** Programs designed to acquire, in an expedited manner, properties that are declared nuisances for all or some of the following reasons: blight, habitually used for illegal purposes, fire damage, gross neglect, disrepair, and debris.

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**Off-Site.** Located outside the lot lines of the lot in question but within the property (of which the lot is a part) that is the subject of a development application or within a continuous portion of a street or right-of-way.

**Off-Street Parking.** A parking space that is not located on a dedicated street right-of-way and that is directly accessible to an access aisle.

**One-Way Car Sharing.** A car sharing system where the vehicle does not have to be returned to the location from which it was rented.

**On-Site.** Located on the lot that is the subject of the application for development.

**On-Street Parking Space.** A parking space that is located on a dedicated street right-of-way.

**Open Space.** Any parcel or area of land or water, essentially unimproved and set aside, dedicated, designated, or reserved for public or private use or enjoyment or for the use and enjoyment of owners, occupants, and their guests.

**Open Space, Common.** Land within or related to a development, not individually owned or dedicated for public use, that is designed and intended for the common use or enjoyment of the residents of the development and their guests and that may include complementary structures and improvements as are necessary and appropriate.

**Open Space, Natural.** An open space area that is in an unimproved and undisturbed state, with no changes to existing grade or removal of existing vegetation.

**Open Space, Private.** Open space, the use of which is limited to the occupants of a single dwelling, building or property.



**Open Space, Public.** Open space owned by a public entity and maintained by it for the use and enjoyment of the general public.

**Open Space Ratio.** The total area of open space divided by the total site area in which the open space it to be located.

**Ordinance.** A law or regulation adopted by a governing body.

**Outdoor Storage.** The keeping, in an unenclosed area, of any goods, junk, material, merchandise, or vehicles in the same place for more than 24 hours.

**Overlay Zone.** A zoning district that encompasses one or more underlying zones and that imposes additional requirements beyond those required for the underlying zone.

**Owner.** An individual, firm, syndicate, partnership, or corporation having sufficient proprietary interest to seek development of land.

--P--

**Parapet.** (1) A barrier, roof, wall, or railing along the edge of a balcony, bridge, terrace, or roof where there is a drop and sudden danger of falling; or, (2) a wall or hip-roof extension along the edge of the roof to visually and acoustically screen rooftop mechanical and HVAC equipment.

**Paratransit.** A form of public transportation service characterized by the flexible routing and scheduling of small vehicles, such as taxis, vans, small buses, to provide shared occupancy, doorstep, or curbside personalized transportation service. Example: Lyft, Uber, Yellow Cabs, MARTA.

**Parcel.** A piece or area of land formally described and recorded with block and lot numbers, by metes and bounds, by ownership, or in such a manner as to specifically identify the dimensions and/or boundaries.

**Park, Dog.** A parcel or tract of public or privately owned land set aside and designated for the use by dog owners as "off-leash" areas for exercising their canine pets.

**Park, Private.** A tract of land owned or controlled and used by a specific person or entity for active or passive recreational purposes.

**Park, Public.** A tract of land owned by a branch of government and available to the general public for recreation purposes.

**Parking, Shared.** The joint utilization of a parking area for more than one use. Involves spaces that are used at different times by different uses, or a single space that serves several stores so that a vehicle does not need to be moved from place to place. Shopping center parking is an example of shared parking. For new construction, instead of computing the parking requirement for each use, a single overall parking ratio may be used.

**Parking Space.** A space for the parking of a motor vehicle within a public or private parking area.

**Parking Structure.** A building or structure consisting of more than one level and used to store motor vehicles. See Garage; Garage, Municipal; Garage, Public.

**Party Driveway.** A single way providing vehicular access to two or more properties.

**Party Wall.** A common wall shared by two attached structures, buildings, or dwelling units.

**Path.** A cleared way for pedestrians or bicyclists that may or may not have been improved.

**Patio.** A level area covered by hard surface, directly adjacent to a principal building or within three feet of the finished grade and not covered by a permanent roof.

**Pavement.** (1) A created surface, such as a brick, stone, concrete, or asphalt, placed on the land to facilitate passage; (2) that part of a street having an improved surface.

**Pedestrian.** An individual who travels on foot.

**Pedestrian Walkway.** A right-of-way for pedestrians, separate from vehicular traffic and including access ramps, stairs, mechanical lifts, and routes through buildings and other areas that are available for public use.

**Percolation Test.** A test designed to determine the ability of the ground to absorb water and used to determine the suitability of soil for drainage or septic system use.

**Performance Guarantee.** Any security that may be accepted by a governmental entity to ensure that improvements required as part of an application for development will be satisfactorily completed. Examples, cash, surety bond, or letter of credit.

**Permeable Pavement System.** An alternate or supplemental stormwater management system using cast-in-place or pre-cast modular units, both of which create voids for gravel or grass.

**Permit.** Written authorization issued by an authorized governmental official, empowering the holder thereof to do some act not forbidden by law but not allowed without some such authorization.

**Permitted Use.** Any use allowed in a zoning district as a matter of right.

**Permittee.** Any person to whom a permit is issued.

**Planned Unit Development.** An area of minimum size that is planned, developed, operated, and maintained as a single entity and containing one or more structures to accommodate retail, service, commercial, industrial, office, and residential uses or a combination of such uses, an appurtenant common areas and accessory uses, customary and incidental to the predominant uses.

**Plat.** (1) a map representing a tract of land, showing the boundaries and locations of individual boundaries and streets; (2) a map of subdivision showing compliance with the requirement of all applicable sections of this UDC and any conditions of approval set by Mayor and City Council.

**Plat, Final.** A map of all or a portion of a subdivision that is presented to the approving authority for final approval. Approval of the final plat is usually granted only upon the completion or installation of all improvements or the posting of performance guarantees ensuring the completion of such

improvements. Final approval is required before the property can be transferred or building permits issued.

**Plat, Preliminary.** The approval of a preliminary plat merely gives the subdivider the authorization to proceed with the planning and development phase of the project.

**Plaza.** An open space that may be improved and landscaped; usually surrounded by streets and buildings.

**PODS.** The abbreviation for Portable On Demand Storage Units, i.e., lightweight storage containers that provide temporary storage for homeowners in yards or driveways.

**Porch.** A roofed, open area, which may be screened, attached to or part of a building, with direct access to or from it.

**Portico.** (1) An open-sided structure, attached to a building and sheltering an entrance or serving as semi-enclosed space; (2) a roofed area supported by columns forming a front porch.

**Pre-existing Use.** The use of a lot or structure prior to the enactment of this UDC.

**Principal Entrance.** The place of ingress and egress most frequently used by the public.

**Prohibited Use.** A use that is not permitted in a zoning district.

**Public Hearing.** A meeting announced and advertised in advance and open to the public, with the public given an opportunity to ask questions, comment, and participate.

--Q--

**Quorum.** A majority of the full authorized membership of a board or agency.

--R--

**Recreation, Active.** Leisure time activities, usually of a formal nature and performed with others, requiring equipment and taking place at a prescribed place, site, or field.

**Recreation, Passive.** Activities that involve inactive or less energetic activities, such as walking, sitting, picnicking, and board and table games.

**Recreational Vehicle.** A vehicular type portable structure without a permanent foundation that can be towed, hauled, or driven and is primarily designed as temporary living accommodation for recreational and camping purposes. These include:

- Travel trailers – A vehicular unit, mounted on wheels, of such size and weight as not to require special highway moving permits with drawn by motorized vehicles (8.5 feet wide maximum) designated and constructed to provide temporary living quarters for recreational, camping, or travel use and not larger than 400 SF when used for camping in set up mode.
- Truck camper – A portable unit, designed to be loaded onto or affixed to , the bed or chassis of a truck and constructed to provide temporary living quarters for recreational, camping, or travel use and not larger than 400 SF.

- Motor Homes – A vehicular unit built on a self-propelled motor vehicle chassis, designed to provide temporary living quarters for recreation, camping, or travel use and not larger than 400 SF. All such vehicles shall have a current state license, inspection sticker, and registration and be titled in the name of the current owner.
- Camper Trailer – A vehicular unit mounted on wheels and constructed a collapsible partial side walls which fold for towing by another vehicle and unfold on the camp site and designed to provide temporary living quarters for recreational, camping, or travel use and not larger than 400 SF.
- Tent – a moveable shelter made of canvas or other similar material and supported by a pole or poles and designed and manufactured to provide temporary living quarters for recreational and camping use.

**Remodel.** To construct an addition or alter the design or layout of a building or make alterations or structural changes.

**Residential District.** An area where buildings used for exclusively for residential purposes occupy more than 50% of the total street frontage. These include AG, R-24, R-15, and RMD.

**Retaining Walls.** A structure that is constructed between the lands of different elevations to stabilize the surfaces, prevent erosion, and/or protect structures.

**Rezone.** To change the zoning classification of a parcel of land.

**Right of Way.** (1) a Strip of land acquired by reservation, dedication, prescription, or condemnation, and intended to be occupied by a street, crosswalk, railroad, utility line, or similar use; (2) generally the right of one to pass over the property of another.

**Roof.** The outside top covering of a building or structure.

**Road frontage.** The distance on which a parcel of land adjoins a public street or public road right-of-way dedicated to and accepted by the city or the county for vehicular traffic or over which the city or the county may hold a prescriptive easement for public access, and including designated and numbered U.S. and state highways.

Road, minor collectors. A road/street serving county-wide traffic, these roads collect traffic from local roads/streets and bring developed areas within a reasonable distance of a major collector road; provide service to smaller communities; and link the locally important traffic generators with other areas.

Road, major collectors. The primary purpose of a collector road is to collect and distribute traffic between the local streets and the major and minor arterial streets and to provide access to adjacent properties. These roads, with minor collectors, primarily serve county rather than state traffic. More moderate speeds are typical. They serve traffic generators of intra county importance, such as consolidated schools, shipping points, county parks, and important business and agricultural areas. They

link these places with nearby cities, arterials and freeways, and serve the more important intra county travel corridors.

Road, rural minor arterials. With the principal arterial system, these roads form a rural network that links other cities, larger Cities, and other traffic generators capable of attracting travel over long distances; links all developed areas of the state; and serve corridors with trip lengths and travel density greater than those predominantly served by rural collector or local systems. Minor arterials' design should provide for relatively high overall travel speeds, with minimum interference to through-movement.

Road, rural principal arterials. A road, which includes interstates and rural freeways, that serves substantial statewide or interstate traffic, as defined by high mileage or volume; often connects urban areas of 25,000 or more; and provides an integrated network.

**Rural Area.** A sparsely developed area, with population density of fewer than 100 persons per square mile, where the land is undeveloped or primarily used for agricultural purposes.

--S--

**Sanitary Sewer.** An underground system that carries wastewater and sewerage to a treatment plant.

**Scale.** The relationship between distances on a map and actual ground distance; or, the proportioned relationship of a size of parts to one another.

**Scale of Development.** The relationship or a particular project in terms of its size, height, bulk, intensity and aesthetics to its surroundings.

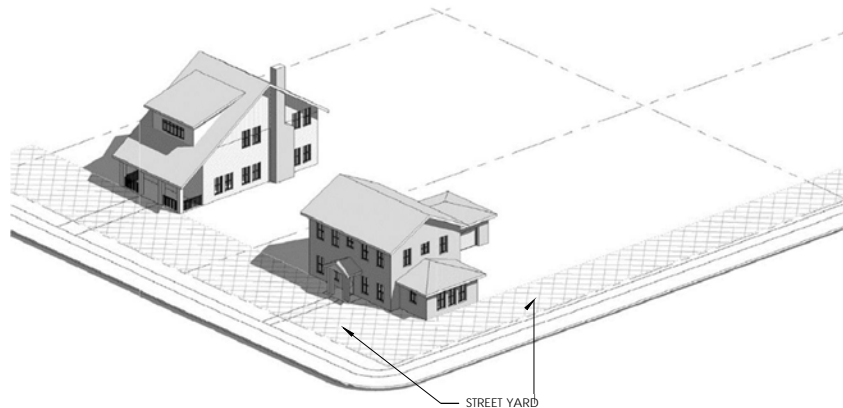
**School.** Any building or part thereof, that is designed, constructed, or used for education or instruction in any branch of knowledge or skill.

Screen. A structure, berm, or planting consisting of fencing and/or evergreen trees or shrubs providing a continuous view obstruction within a site or property or a portion thereof.

**Self-Storage Facility.** A building or group of buildings containing separate, individual, and private storage spaces of varying sizes available for lease or rent for varying periods of time.

**Septic System.** An underground system with a septic tank used for the decomposition of domestic wastes.

**Setback Line.** The minimum required distance between the building and any lot line.



Definitions - Setback line

**Sight Triangle.** The triangular shaped portion of land at street intersections in which nothing is erected placed, or planted or allowed to grow as to limit obstructions to the sight distance of motorists entering or leaving the intersection.

**Sign.** Any object, device, display, or part thereof, situated outdoor or indoors, that is used to advertise, identify, display, or direct or attract attention to an object, person, organization, business, product, service, event, or location by means of words, letters, figures, design, symbols, fixtures, colors, illumination, or projected image.

**Sign, Animated or Moving.** A sign or part of a sign that changes physical position or light intensity by any movement or rotation or that gives the visual impression of such movement or rotation.

**Sign, Awning.** A sign that is mounted, painted, or attached to an awning or other window or door canopy that is otherwise permitted by this UDC.

**Sign, Banner.** A temporary sign of cloth or similar material.

**Sign, Blade.** A vertically oriented wall sign, also known as a projecting sign.

**Sign, Canopy.** A sign attached to the underside of a canopy.

**Sign, Digital.** Changeable electronic variable message signs that have changeable messages or displays and meet the requirements related to the duration of messages, transition time, lighting, and brightness.

**Sign, Directional.** Signs located within a development at an intersection or private drive, frequently using arrows or other symbols to assist in navigation.

**Sign, Directory.** A sign listing the tenants or occupants of a building or group of buildings.

**Sign, Freestanding.** Sign not affixed to a building.

**Sign, Ground.** A freestanding sign, other than a pole sign, whose entire supporting base is in contact with the ground. Also known as a monument or pedestal sign.

**Sign, Hanging.** A freestanding sign supported by extended arm of a single post.

**Sign, Holiday Decoration.** Temporary signs, in the nature of decorations, and customarily and incidentally associated with a national, local, or religious holiday.

**Sign, Illuminated.** A sign lighted by or exposed to, artificial lighting either by lights on or in the sign or directed toward the sign.

**Sign, Inflatable.** Any display capable of being expanded by air or other gas.

**Sign, Roof.** A sign projecting more than six inches from the outside wall of a building.

**Sign, Sidewalk or Sandwich.** A movable A-Frame sign.

**Sign, Wall.** A sign fastened to or painted on, the wall of a building or structure in such a manner as the wall becomes the supporting structure for or forms the background surface of the sign, and that does not project more than 12 inches from such building or structure.

**Sign, Window.** A permanent sign that is painted or mounted on a window pane or hung directly inside a window for the purpose of identifying the sign from the right-of-way or street.

**Sign Area.** The face of the sign, including letters, numerals, or graphics, but excluding any framing, trimming, molding or supporting structures.

**Sign Face.** The area or display surface on a sign used for the message.

**Similar Use.** Use that is similar in terms of the nature or activity conducted on premises; as well as similar trip generation; type of traffic, parking, and circulation; environmental impacts; physical space need; and market area.

**Site Plan.** The development plan for one or more lots on which is shown the existing and proposed conditions of the lot including topography, vegetations, drainage, floodplains, and waterways; landscaping and open areas; walkways; means of ingress and egress; circulation; utility services; structures and buildings; lighting; berms, buffers, and screening devices; surrounding development; and other information that may be reasonably required in order for the governing authority to make an informed decision.

**Site Plan, Minor.** A Development Plan involving an alteration or small addition to an existing development in which the increase in floor area is less than 10% of the existing floor area, does not require a new street or an extension of an existing street, does not require off-tract improvements, and does not require variances.

**Solid waste.** Putrescible and non-putrescible wastes, except water-carried body waste, and shall include garbage, rubbish, ashes, street refuse, dead animals, sewage sludges, animal manure, industrial wastes, abandoned automobiles, dredging wastes, construction wastes, hazardous wastes and any other waste material in a solid or semi-solid state not otherwise defined in these regulations.

**Specimen Tree.** A particularly impressive or unusual example of a species because of its size, age, shade, or other trait that epitomizes the character of the species.

**Spite Strip.** A piece of land used to separate a street or road rights-of-way from adjoining property and whose primary purpose is to preclude access to such rights-of-way.

**Street.** Any vehicular way that is (1) an existing state, county or municipal roadway; (2) shown upon a plat approved pursuant to law; (3) approved by other official action; (4) shown on the official map or adopted master plan or GDOT record.

**Street, Collector.** A street that collects traffic from local streets and connects with minor and major arterials.

**Street, Complete.** A Road designed and maintained to enable safe and comfortable travel and access for users of all ages and abilities, regardless of their mode of transportation.

**Street, Cul-De-Sac.** A street with a common ingress and egress, and with a turnaround at the end.

**Street, Dead-End.** Street with a single common ingress and egress.

**Street, Dual.** A street with opposing lanes separated by a median strip, center island or other barrier, which cannot be crossed except at specific locations.

**Street, Expressway.** A divided multilane highway for high speed vehicles with limited points of access or exit, having few if any intersections.

**Street, Local.** A street that provides frontage for access to abutting lots and carries slow speed traffic primarily having a destination or origin on the street itself.

**Street, Major Arterial.** A street that connects and distributes traffic to and from minor arterials, with access control, channelized intersections, and restricted parking.

**Street, Minor Arterial.** A street that interconnects and links major arterials and distributes traffic to and from collector streets.

**Street, Rural.** A road primarily serving as access to abutting building lots in areas with densities of less than one unit per acre.

**Street Furniture.** Constructed, above ground objects, such as outdoor seating, kiosks, bus shelters, sculptures, trash receptacles, planters, bollards, fountains that have the potential for enlivening and giving variety to streets, sidewalks, plazas, and outdoor spaces.

**Subdivision.** Any division of land into two or more lots, building sites or other divisions.

**Subdivision, Consolidation.** The combining of individual recorded lots to form fewer tracts than currently exist.

**Subdivision, Minor.** Any subdivision of land that does not involve the following (1) creation of more than the maximum number lots allowed by this UDC for that district; (2) any new street; (3) the extension of any off-tract improvements.



--T—

**Tree service.** A business whose primary operation is the trimming or removal of trees and the storage and use of associated equipment and vehicles.

--U--

**Utility, Private or Public.** (1) Any agency that, under public franchise or ownership, or by grant of

**Utility Box.** Electric transformers, switch boxes, telephone pedestals, and telephone boxes, cable television boxes, traffic control boxes and similar devices.

**Utility corridors.** Rights-of-way or easements for utility lines on either publicly or privately owned property.

**Utility Services.** The generation, transmission, and/or distribution of electricity, gas, steam, communications and water; the collection and treatment of sewage and solid waste; and the provision of mass transportation.

--V—

**Vacancy.** Any unoccupied land, structure, building or part thereof that is available and suitable for occupancy.

**Variance.** Permission to depart from the literal requirements of a zoning standard.

--W—

**Wall.** (1) The vertical exterior of a building; (2) one of the vertical interior surfaces that divide the building into rooms.

**Waste.** An unusable or unwanted substance or material.

**Wetlands.** Those areas inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. See Division 420. Wetlands generally include swamps, marshes, bogs and similar areas. (33 CFR 32.93) The ecological parameters for designating wetlands include hydric soils, hydrophytic vegetation, and hydrological conditions that involve a temporary or permanent source of water to cause soil saturation. Freshwater wetlands do not include any areas defined as "coastal marshlands" by the State Coastal Marshlands Protection Act.

--X—

**Xeriscape.** Landscape design encouraging the use of drought resistant plants and ground cover, as well as water conservation and retention techniques.

--Y--

**Yard.** An open space between the principal building and the nearest lot line, and unoccupied by any structure except as otherwise provided herein.

**Yard, front.** An open space extending the full width of the lot between any building and the front lot line. Corner lots have two front yards.

**Yard, rear.** A space extending across the full width of the lot between the principal building and the rear lot line.

**Yard, side.** A space extending from the front yard to the rear yard between the principal building and the side lot line.

**Yard Sale.** See Garage Sale.

-Z—

**Zoning buffer.** A buffer required by the zoning ordinance or as a condition of zoning, special use or variance approval for a specific property.