CITY OF DOUGLASVILLE

# UNIFIED DEVELOPMENT ORDINANCE

**EFFECTIVE MAY 7, 2019**

CITY OF DOUGLASVILLE

# UNIFIED DEVELOPMENT ORDINANCE

EFFECTIVE MAY 7, 2019

DOUGLASVILLE
GEORGIA

JACOBS

# ACKNOWLEDGEMENTS

This ordinance is the result of the community's collaborative efforts to strengthen local development, including contributions from community members, the steering committee, elected officials, and the planning team:

### MAYOR & CITY COUNCIL

Rochelle Robinson, *Mayor*
Richard S. Segal, *Mayor Pro Tem*
Terry S. Miller
Michael J. Miller
Mark Adams
Dr. LaShun Burr-Danley
Sam Davis
Chris Watts

### STEERING COMMITTEE

Jeff Camp
Tracy Crooks
Chelsea Jackson
James McBride
Ruth Morgan
Jennifer Perkins
Howard Ray
Philip Sisk
LaToya Snead
Michelle Wright

### CITY OF DOUGLASVILLE

Marcia Hampton, *City Manager*
Chelsea Jackson, *Assistant City Manager*
Suzan Littlefield, *Chief Assistant City Attorney*
Patrice Williams, *Community Development Director*
Michelle Wright, AICP, *Planning Manager*
Philip Shafer, *Former Zoning Administrator*
Mike Mettler, *Building Official*
Jimmy Hitchcock, *Code Compliance Officer*

### DOUGLAS COUNTY

Ron Roberts, AICP, *Planning & Zoning Manager*
Edward Dean, GISP, *GIS Manager*

### DOUGLASVILLE-DOUGLAS COUNTY WATER AND SEWER AUTHORITY

### JACOBS

Jim Summerbell, AICP, *Project Manager*
Paul Culter, AICP, *Senior Advisor*
Allison Stewart-Harris, AICP, *Senior Planner*
Aaron Ruffin, *Senior Planner*
Jonathan Corona, *Planner*
Meghan McMullen, *Planner*
Eduardo Rendon, *Planner*

# CONTENTS

**ARTICLE 1** INTRODUCTORY PROVISIONS....1-1
**ARTICLE 2** USE REGULATIONS AND RESTRICTIONS....2-1
**ARTICLE 3** RESIDENTIAL DISTRICTS....3-1
**ARTICLE 4** COMMERCIAL AND MIXED USE DISTRICTS....4-1
**ARTICLE 5** INDUSTRIAL DISTRICTS....5-1
**ARTICLE 6** OVERLAY DISTRICTS....6-1
**ARTICLE 7** SIGNS....7-1
**ARTICLE 8** GENERAL SITE DEVELOPMENT STANDARDS....8-1
**ARTICLE 9** NATURAL RESOURCE PROTECTION....9-1
**ARTICLE 10** PLANS AND PERMITS....10-1
**ARTICLE 11** SUBDIVISION STANDARDS....11-1
**ARTICLE 12** ADMINISTRATION AND ENFORCEMENT....12-1
**ARCITLE 13** GLOSSARY OF DEFINITIONS....13-1

# ARTICLE 1 INTRODUCTORY PROVISIONS

ARTICLE 1 INTRODUCTORY PROVISIONS ..... 1-1
Sec. 1.01 In General ..... 1-2
Sec. 1.02 Use of Land and Structures ..... 1-6
Sec. 1.03 Zoning map ..... 1-6
Sec. 1.04 Temporary suspension of permitting ..... 1-7

# ARTICLE 1 INTRODUCTORY PROVISIONS

## Sec. 1.01 In General

### A. Title and authority

#### 1. Title

This Unified Development Ordinance (UDO) shall be known as and may be cited as "The Unified Development Ordinance of the City of Douglasville, Georgia" or, for brevity, "UDO."

#### 2. Authority

This UDO is adopted under authority of article 9, section 2, paragraphs 3 and 4 of the Constitution of the State of Georgia, and pursuant to the Zoning Procedures Law (O.C.G.A. § 36-66-1 et seq.) and other applicable laws enacted by the General Assembly.

### B. Adoption

#### 1. Repeal of conflicting laws

All conflicting city laws or parts of laws are hereby repealed to the extent of their conflict. Where this UDO overlaps with other requirements adopted by the city council, whichever imposes the more stringent restrictions shall prevail.

#### 2. Severability

If any article, section, subsection, paragraph, subparagraph, sentence, clause, phrase or portion of this UDO or any amendment to it is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this UDO or an amendment to it.

### C. Purpose and intent

This UDO regulates the use of land and the location and use of buildings and other site improvements.

#### 1. Purpose

The purpose of this UDO is to promote the health, safety, morals and general welfare of the public, and is intended:

**a.** To promote the orderly and beneficial development and expansion of the city;
**b.** To provide adequate access to natural light and air;
**c.** To prevent undesirable overcrowding of population or congestion in the streets;
**d.** To secure safety from fire, panic and other dangers;
**e.** To facilitate the orderly and desirable provision of streets and other transportation facilities;
**f.** To insure the adequate provision of water, sewer, schools, parks and other public requirements;
**g.** Protect and preserve residential neighborhoods;
**h.** To improve the aesthetic appearance of the city; and,
**i.** To encourage the most appropriate use of land and buildings in accordance with the city's comprehensive plan.

2. **Intent in interpretation**

In the interpretation and application of this UDO all provisions shall be:

a. Considered as minimum requirements;
b. Liberally construed in favor of the city; and,
c. Deemed neither to limit nor repeal any other powers granted under state statutes.

3. **Intent relative to private property agreements**

This UDO is not intended to repeal, abrogate, or impair any valid easement, covenant or deed restriction duly recorded with the clerk of the superior court, to the extent that such easement, covenant or deed restriction is enforceable under law and more restrictive than the requirements imposed by this UDO.

## D. Interpretation

1. **Responsibility for interpretation**

a. The zoning official shall be responsible for the interpretation of the requirements, standards, definitions or any other provision of this UDO or the zoning map. Upon written request for an interpretation, the zoning official shall respond in writing within five days.
b. Interpretations of the zoning official may be appealed to the Board of Adjustments and Appeals under the provisions of this UDO relating to appeals. Upon any request for an interpretation, the zoning official may decline to provide an interpretation and request a ruling by the Board of Adjustments and Appeals within 30 days of the request, and such proceeding shall be considered an appeal.

2. **Use of figures for illustration**

Figures associated with defined terms or regulatory paragraphs in this UDO are provided for illustration only and do not limit or change the meaning of the term as defined or the requirements of the regulation as written.

3. **Use of words and phrases**

For the purpose of this UDO, the following shall apply to the use of words and phrases:

a. Words used in the present tense include the future tense. Words used in the singular number include the plural number, and words used in the plural number include the singular number. The masculine person "he" or "his" also means "her" or "hers."
b. References to the "city" and to the city council and any public officials or appointed bodies of the city not otherwise named by political jurisdiction or defined in this UDO shall always mean the City of Douglasville, Georgia, and its governing body, appointed or employed officials, and appointed bodies as named. These include:

1) The city manager, appointed as such by the city council, or the city manager's designee.
2) The zoning official, appointed as such by the City Council, or the zoning official's designee.
3) The building official, appointed by the Community Development Director as such under the building code, or the building official's designee.

4) The Board of Adjustments and Appeals, created as such and appointed by the Mayor.
5) The Planning Commission, as designated by the city council to consider and make recommendations on zoning changes.

**c.** References to an administrative department of the city shall always mean the department created by the city council as such. These include:

1) *Community Development Department:* References to action by the "community development department" shall mean action by that administrative official to whom responsibility for that action has been assigned by the Community Development Director.
2) *Fire department:* A reference to action by the "fire department" shall mean action by that administrative official of the Douglas County Fire Department to whom responsibility for that action has been assigned by the fire chief.
3) *Zoning official* refers to the director of the city community development department or their designee, including but not limited to the zoning clerk, all code compliance officers, all police officers, and any acting zoning official.

**d.** References to public officials, departments or appointed bodies of jurisdictions other than Douglasville shall always mean such persons or bodies having jurisdiction over or relative to Douglasville, Georgia. These include:

1) The Clerk of the Superior Court of Douglas County, Georgia.
2) The Douglas County Health Department.
3) The West Georgia Soil and Water Conservation District.
4) The Atlanta Regional Commission.
5) The Georgia Departments of Natural Resources (DNR) and Transportation (GDOT).
6) The Georgia Regional Transportation Authority (GRTA).
7) The United States Army Corps of Engineers, the Federal Aviation Administration (FAA), the Federal Communications Commission (FCC), the Federal Emergency Management Agency (FEMA) and the Environmental Protection Agency (EPA).
8) The Water Sewer Authority (WSA) of Douglasville-Douglas County.

**e.** The word "person" is intended to include any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, state agency, municipality or other political subdivision of this State, any interstate body or any other legal entity.

**f.** The words "shall," "will," "is to" and "must" are always mandatory and not discretionary, while the word "may" is permissive.

**g.** The word "and" indicates that all the conditions, requirements or factors so connected must be met or fulfilled, while the word "or" indicates that at least one condition, requirement or factor so connected must be met.

**h.** The term "such as" is intended to introduce one or more examples in illustration of a requirement or point and is intended to mean "including but not limited to the following."

**i.** The verbs "zone" and "rezone" have the same meaning and refer to the act of amending the Official Zoning Map through the process established by this UDO.

**j.** The nouns "zone," "zoning district" and "district" have the same meaning and refer to the zoning districts established under this UDO.

**k.** The word "day" means a calendar day unless otherwise specified as a business day, which means Monday through Friday.

**l.** The word "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."

**m.** The word "map" or "zoning map" means the official Zoning Map of Douglasville, Georgia, and may include a series of maps in sections.

**4. Meaning of words and phrases**

**a.** All words and phrases are to be interpreted within the context of the sentence, subparagraph, paragraph, subsection, section and article in which they occur.

**b.** Words and phrases defined.

**1)** Words and phrases defined in this UDO shall be interpreted as defined without regard to other meanings in common or ordinary use, unless the context of the word or phrase indicates otherwise.

**2)** Words and phrases not defined in this UDO or in any other ordinance of the city shall be construed to have the meaning given by common and ordinary use as defined by a common English dictionary.

**5. Computation of time**

Except as otherwise provided, when a period of time measured in days, weeks, months, years, or other measurements of time except hours is prescribed for the exercise of any privilege or the discharge of any duty, the first day shall not be counted but the last day shall be counted; and, if the last day falls on Saturday or Sunday or a city holiday when City Hall is closed, the party having such privilege or duty shall have through the next business day to exercise the privilege or to discharge the duty. When the period of time prescribed is less than seven days, intermediate Saturdays, Sundays, and city holidays shall be excluded in the computation.

**6. Decision Making Responsibilities**

**a.** There are three basic categories of development reviews pursuant to this UDO:

**1)** Legislative Reviews – involve a change in land use policy. A public hearing is required, and final approval must be made by the Mayor and City Council after or upon Planning Commission recommendation. Examples include rezoning decisions, special land use permits, final plat approvals, and comprehensive plan amendments.

**2)** Quasi-judicial Reviews – involves the application of discretionary standards required by this UDO to an application. It requires procedural due process and a public hearing before the Board of Adjustments and Appeals. Examples include, variances, and appeals of administrative decisions, as well as design reviews that require interpretation of a set of design guidelines.

**3)** Administrative Reviews – involve the application of the standards of the UDO to an application by the Community Development Director or their designee. A public hearing is not required. An administrative approval typically occurs late in the development process. Examples include development plans not requiring rezoning, building permits, sign permits, special event permits, and certificates of occupancy.

## Sec. 1.02 Use of Land and Structures

### A. Purpose

This article defines the zoning districts in the city and identifies the specific uses to which land and structures may be put in the various zoning districts, including certain uses or structures for which special approval is needed.

### B. Zoning districts; established

For the purpose of this UDO, the City of Douglasville is divided into zoning districts as follows:

| Abbreviation | Zoning District | Abbreviation | Zoning District |
|---|---|---|---|
| R-2 | Single-family residential detached | RMP | Regional marketplace |
| R-3 | Single-family residential detached | GC | General commercial |
| R-4 | Single-family residential detached | OD | Office distribution |
| R-5 | Single-family cottage residential | LI | Light industrial |
| PRD | Planned residential development | HI | Heavy industrial |
| PUD | Planned unit development | H | Historic overlay |
| O-I | Office-institutional district | FH | Flood hazard overlay |
| NC | Neighborhood commercial district | E | Environmental overlay |
| CBD | Central business district | QGD | Quality growth overlay |
| PSP | Public Semi-Public district | | |

## Sec. 1.03 Zoning map

### A. Official zoning map

1. The boundaries of the various zoning districts are shown on a map entitled "Official Zoning Map of the City of Douglasville, Georgia" adopted on the date of adoption of this UDO, and as amended thereafter from time to time.
2. The "Official Zoning Map of the City of Douglasville, Georgia" is adopted as the Official Zoning Map and is hereby made a part of this UDO, and all notations, references and other information shown on it shall be a part of this UDO.
3. The Official Zoning Map, as adopted by the city council and subsequently amended from time to time by its action, shall be maintained and available for inspection in the planning and zoning department. A certified copy shall be kept permanently in the office of the city clerk.

### B. Flood hazard boundary map

The Official Zoning Map is supplemented by an official flood hazard boundary map for the incorporated area of Douglasville. The flood hazard boundary map as hereby adopted consists of a map depicting the 100-year floodplains and identified as the Flood Insurance Ratings Map of the Corps of Engineers, Douglasville, Georgia, as set forth on file and available for inspection in the office of the city clerk, and data extracted from U.S. Army Corps of Engineers reports.

#### 1. Purpose of flood hazard map

The flood hazard boundary map is intended to give the general location of flood hazard areas. Hydrological studies, engineering computations, flood records, and field surveys compiled and certified by a registered professional engineer may be required.

2. **Correction and amendment of map**

   As additional engineering and hydrological data including U.S. Army Corps of Engineers reports become available for specific properties or for entire streams which demonstrate to the satisfaction of the Community Development Department that a more exact delineation of the flood hazard boundary lines may be established, the Community Development Director shall propose such corrections to amend the official flood hazard boundary map for adoption by the Mayor and City Council.

### C. Changes to the official zoning map

No changes of any nature shall be made to the Official Zoning Map except in conformity with amendments to the map approved by the city council or by adoption of a new Official Zoning Map.

### D. Interpretation of boundaries

1. The boundaries of the districts as shown on the Official Zoning Map shall be determined based on the legal descriptions associated with approved zoning petitions, or, lacking such legal descriptions, on the basis of the location of the boundary as depicted on the Official Zoning Map along with any dimensions shown.
2. Where uncertainty exists with respect to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:
   a. Unless otherwise indicated, the district boundary lines are construed to be the property lines, a line lying in the center of a stream or drainage way, or the city limits of Douglasville.
   b. Where a district boundary line parallels a street, highway or railroad right-of-way but no dimension is given, the distance shall be scaled from the Official Zoning Map.
   c. Where a district boundary line divides a lot that is of single ownership at the time of the effective date of this UDO, the zoning classification of the least restricted portion may be interpreted to extend into the remainder of the lot.
   d. In the event the exact location of a boundary cannot be determined by the foregoing methods, the Mayor and City Council shall, upon application, determine the location of the boundary.

## Sec. 1.04 Temporary suspension of permitting

### A. Zoning changes requested by a property owner

Upon submission of a valid application for a rezoning or special use approval by an applicant, no permits shall be issued nor, shall any actions be undertaken on the subject property of the application that may be affected by the outcome of such zoning change.

# ARTICLE 2 USE REGULATIONS AND RESTRICTIONS

ARTICLE 2 USE REGULATIONS AND RESTRICTIONS ..... 2-1
Sec. 2.01 General Applicability ..... 2-2
Sec. 2.02 Allowed Uses ..... 2-3
Sec. 2.03 [Reserved] ..... 2-14
Sec. 2.04 Residential Use Standards ..... 2-15
Sec. 2.05 Non-Residential Use Standards ..... 2-21
Sec. 2.06 Façade Standards ..... 2-55
Sec. 2.07 Prohibited Uses ..... 2-56
Sec. 2.08 Nonconformities ..... 2-57

# ARTICLE 2 USE REGULATIONS AND RESTRICTIONS

## Sec. 2.01 General Applicability

### A. Lands to Which this UDO Applies

This ordinance applies to all lands within the city.

### B. Use of Land or Structures

1. No structure, building or land shall hereafter be used or occupied, located, extended, moved, converted or structurally altered except in full compliance with the provisions of this ordinance.
2. No building or land may be occupied for any use or any change in use prior to issuance of a certificate of occupancy by the city.
3. No part of a yard, buffer or off-street parking spaces required in connection with any use or structure for the purpose of complying with this ordinance shall be included as part of a yard, buffer or off-street parking spaces required for any other use or structure, unless specifically allowed under the provisions of this ordinance.
4. No portion of any street or highway right-of-way shall be considered a part of a lot or front yard setback for the purpose of meeting the minimum requirements of this ordinance.

### C. Street Frontage Required

No building permit shall be issued on any lot unless a street with a minimum of 50 feet of right-of-way provides access to the lot, except that:

1. Lots in a commercial subdivision may front on a perpetual easement that is connected to a publicly dedicated street. The easement must be at least 30 feet wide and contain a paved roadway at least 28 feet wide (including curbs and gutters).
2. Lots in a private subdivision may front on a private street, provided that the development has been approved by the Mayor and City Council to be served by private streets and that the private streets must meet the same design and construction requirements as public streets.

### D. One Principal House on a Lot

With respect to single-family detached dwellings, only one principal building and its customary accessory buildings and structures may be erected on any one lot.

### E. Lot Reduction Prohibited

1. No yard or lot existing prior to the effective date of this UDO or any subsequent amendment to it shall be reduced in dimension or area below the minimum requirements set forth in this ordinance.
2. Yards or lots created after the effective date of this UDO shall meet at least the minimum requirements established by this ordinance.
3. This prohibition shall not apply where any residential lot sought to be reduced has two or more existing legal nonconforming dwellings, and where the reduction will enable one or more of such dwellings to be the only dwelling on a lot.

### F. Exemptions

#### 1. Previously issued permits

The provisions of this UDO and any subsequent amendments shall not affect the validity of any permit lawfully issued by the city if:

a. The development activity or building construction authorized by the permit has been commenced prior to the effective date of this ordinance or the amendment, or will be commenced after such effective date but within six months of issuance of the permit; and,

b. The development activity or building construction continues without interruption (except natural disaster) until the development or construction is complete. If the permit expires, any further development or construction on that site shall occur only in conformance with the requirements of this UDO in effect on the date of the permit expiration.

#### 2. Governmental Bodies Exempt

All governmental bodies and authorities legally exempt from regulation under the police power of the City of Douglasville are exempt from the regulations contained in this ordinance. This exemption does not apply to building codes or safety requirements.

### G. Design Concept Development District (DCD) Replaced by Planned Unit Development (PUD)

Any concept plan or original plan approved under the DCD process at the time of adoption of this UDO shall be considered approved under the PUD process of this UDO.

## Sec. 2.02 Allowed Uses

### A. Allowed Uses

Allowed uses are as described below and as established in subsection 2.02 C, Allowed Uses Table, of this Section.

#### 1. Use Categories

In order to effectively regulate uses in the city, categories of uses, based on how they are permitted, are established. The four types of uses permitted in the city are as follows:

**a. Permitted Use (P)**

This type of use is permitted in the respective district if it meets the basic standards as identified in the district regulations.

**b. Special Use (S)**

This type of use may be permitted in the respective district, but only when reviewed and approved in accordance with the provisions of Section 12.08.D., Special Land Use Permit (SLUP and Temporary Land Use Permit (TLUP) and any applicable regulations identified in the Allowed Use Table in Section 2.02.C. of this Article.

**c. Accessory Use (A)**

This type of use is permitted in the respective district only when incidental or secondary to the primary permitted or special use of the lot.

### d. Temporary Use (T)

This type of use is permitted in the respective district only for a limited period of time as reviewed and approved in accordance with this Section.

## B. Uses Not Listed

1. A use not specifically listed in the allowed use table is prohibited unless the Community Development Director determines that the proposed use shares similar characteristics with an allowed use listed in the table.
2. At the time of rezoning, whenever more than one class may be applicable, a land use interpretation of the Community Development Director as to the appropriate class within the use chart for any proposed use, may be appealed to the City Council. The Mayor and City Council will have final authority in interpreting whether the requested use is allowed in the requested zoning district.
3. If the Mayor and City Council denies the approval of the text amendment, the use shall not be permitted.

## C. Allowed Principal Uses Tables

| NAICS Code | Key<br>P = Permitted Use<br>S = Special Use<br>A = Accessory Use<br>T = Temporary Use<br>[Blank] = Prohibited | R-2 | R-3 | R-4 | R-5 | PRD | O-I | NC | CBD | RMP | GC | PSP | O-D | LI | HI | Additional Regs. §2.04 or §2.05 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **Residential** | | | | | | | | | | | | | | | | |
| **Family Living** | | | | | | | | | | | | | | | | |
| 814 | Single-Family Detached Dwelling, Site Built | P | P | P | P | P | | | S | | | | | | | 2.04 A<br>2.04 A 8 |
| 814 | Single-Family Detached Dwelling, Class A | P | P | P | P | P | | | | | | | | | | 2.04 A |
| 814 | Single-Family Detached Dwelling, Class B | S | | | | | | | | | | | | | | 2.04 A |
| 814 | Duplex Dwelling | | | P | | P | | | | | | | | | | 2.04 A |
| 814 | Triplex Dwelling | | | P | P | P | | | | | | | | | | 2.04 A |
| 814 | Quadraplex Dwelling | | | P | P | P | | | | | | | | | | 2.04 A |
| 814 | Townhouse Dwelling | | | P | P | P | | | S | | | | | | | 2.04 A, L |
| 814 | Multi-Family Dwelling | | | P | | P | | | S | P | | | | | | 2.04 A |
| 814 | Mixed-Use Dwelling | | | | | P | | | S | | | | | | | 2.04 A |
| **Group Living** | | | | | | | | | | | | | | | | |
| 6232 | Congregate Personal Care Home (13 or more) | | | | | S | S | | | | | | | | | 2.04 J |
| 6233<br>6243 | Convalescent Home | | | S | | S | S | | | | | | | | | |
| 6233<br>6243 | Family Child Care Learning Home | S | S | S | | S | | | | | | | | | | 2.04 C |
| 6233<br>6243 | Family Personal Care Home (2 to 6) | S | S | S | | S | | | | | | | | | | 2.04 D, J |
| 6232 | Group Day Care Home | | | | | | S | S | | P | P | | | | | |
| 6233<br>6243 | Group Personal Care Home (7 to 12) | | | | | S | | | | | | | | | | 2.04 J |
| 7211 | Short Term Rental | S | S | S | S | S | | | P | | | | | | | 2.04 F |
| 7213 | Membership Dwelling | | | | | S | | | | | | | | | | |

| NAICS Code | Key<br>P = Permitted Use<br>S = Special Use<br>A = Accessory Use<br>T = Temporary Use<br>[Blank] = Prohibited | R-2 | R-3 | R-4 | R-5 | PRD | O-I | NC | CBD | RMP | GC | PSP | O-D | LI | HI | Additional Regs. §2.04 or §2.05 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | (Fraternity, etc.) | | | | | | | | | | | | | | | |
| 6233 | Nursing Home | | | S | | S | P | | | | | | | | | |
| 6233 | Retirement Community | | | S | | S | | | | | | | | | | |
| 72131 | Rooming and Boarding House | | | S | S | S | | | P | | | | | | | |
| **Commercial and Services** | | | | | | | | | | | | | | | | |
| 5412 | Accounting, Auditing or Bookkeeping Office | | | | | | P | P | P | P | P | | P | | | |
| | Adult Entertainment | | | | | | | | | S | | | | | | |
| 5418 | Advertising Agency | | | | | | P | | P | | P | | P | | | |
| 7111 - 7131 | Amusement or Recreational Attraction—Indoor (except Fortune Teller) | | | | | | | P | P | P | P | | | | | |
| 7111 - 7131<br>7139 | Amusement or Recreational Attraction—Outdoor (except Special Outdoor Events) | | | | | | | | | P | P | | | | | |
| 713110 | Amusement Park | | | | | | | | | S | | | | S | S | |
| 713120 | Amusement Parlor | | | | | | | | P | P | P | | | | | |
| 448 | Apparel and Accessory Stores | | | | | | | P | P | P | P | | | | | |
| 7115 | Artist's Studio | | | | | | S | P | P | P | P | | P | P | P | |
| 425120 | Automobile Broker (No outdoor storage) | | | | | | P | | P | | P | | | | | 2.05 X |
| 447 | Automobile Service Station | | | | | | | | | P | P | | | P | P | 2.05 B, C |
| 4413 | Automotive Parts and Supply Store | | | | | | | | | P | P | | | P | | 2.05 C |
| 53211 | Automotive Rental Agency Cars | | | | | | | | | P | P | | | P | P | 2.05 A, B, C |
| 53212 | Automotive Rental Agency Trucks or Trailers | | | | | | | | | | S | | | P | P | 2.05 C |
| 8111 | Automotive Repair Shop | | | | | | | | | | P | | | P | P | 2.05 A |
| 4411 | Automotive Sales and Service: New & Used Cars | | | | | | | | | | S | | | S | | 2.05 C, V |
| 811111 | Automotive Sales and Service: Trucks & Heavy Equip. | | | | | | | | | | | | | P | P | 2.05 C |
| 81111 | Automotive Tune-Up Service | | | | | | | | | | P | | | P | P | 2.05 C |
| 81299 | Bail Bondsmen | | | | | | | | | | P | | | | | 2.05 D |
| 45111 | Bait and Tackle Shop | | | | | | | | | | P | | | | | |
| 445291 | Bakery, Retail | | | | | | P | P | P | P | P | | | | | |
| 52211 - 52213 | Bank, Savings and Loan or Credit Union | | | | | | P | P | P | P | P | | P | | | |
| 812111 | Barber Shop | | | | | | P | P | P | P | P | | | | | |
| 812112 | Beauty Shop, Hairdresser | | | | | | P | P | P | P | P | | | | | |
| 721191 | Bed and Breakfast Inn | S | S | S | S | S | | | S | | P | | | | | 2.05 E |
| 42481 | Beer and Ale Wholesales | | | | | | | | | | S | | | P | P | |
| 44121 | Boat Dealers | | | | | | | | | | P | | | P | P | |
| 451211 | Book Store | | | | | | P | P | P | P | P | | | | | |
| 71213<br>71219 | Botanical or Zoological Gardens, Nonprofit | | | | | | S | | S | | S | | S | | | |
| 71395 | Bowling Center | | | | | | | | | P | P | | | | | |

| NAICS Code | Key<br>P = Permitted Use<br>S = Special Use<br>A = Accessory Use<br>T = Temporary Use<br>[Blank] = Prohibited | R-2 | R-3 | R-4 | R-5 | PRD | O-I | NC | CBD | RMP | GC | PSP | O-D | LI | HI | Additional Regs. §2.04 or §2.05 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 52311 - 52314<br>52321 - 52393<br>523991<br>523999 | Brokerage for Securities or Commodities | | | | | | P | | P | | P | | P | | | |
| 5617 | Building Maintenance or Pest Control Service | | | | | | | | S | | S | | | P | P | |
| 6114 -6115 | Business or Vocational School | | | | | | P | | P | | P | | P | | | |
| 511 - 519<br>541 | Business Service Establishment, Miscellaneous | | | | | | P | P | P | P | P | | P | | | |
| 813 | Business, Professional or Trade Membership Organization Office | | | | | | P | P | P | P | P | | P | P | | |
| 515<br>517 | Cable Television Operation | | | | | | | | | | P | | P | P | P | |
| 4431 | Camera and Photographic Supply Stores | | | | | | | P | P | P | P | | | | | |
| 56174 | Carpet & Upholstery Cleaners | | | | | | | | | | P | | P | P | P | |
| 811192 | Carwash | | | | | | | S | | P | P | | | P | | |
| 4541 | Catalog Sales or Direct Selling Office | | | | | | | P | P | P | P | | P | | | |
| 72232 | Catering Service | | | | | | P | P | P | P | P | | P | | | |
| 81222 | Cemetery, Commercial or Animal | S | S | S | | S | S | S | | S | S | | S | S | S | |
| 62441 | Child Care Learning Center (13 or more) | | | | | | S | S | | P | P | | | | | |
| 54143 | Commercial Art or Graphic Design Service | | | | | | P | P | P | P | P | | P | P | | |
| 442 - 446<br>448 | Commercial Sales & Services | | | | | | | P | P | P | P | | | | | |
| - | Community Garden | S | S | S | S | S | | S | | | | | | | | 2.04 B |
| 7139 | Community Recreation Facility | S | S | S | S | P | | S | | S | S | | S | S | | |
| 5415 | Computer Programming, Repair or Data Processing Service | | | | | | P | P | P | P | P | | P | | | |
| 23 | Construction Contractor—Office Only (No machinery, equipment or storage) | | | | | | P | P | P | | P | | P | P | P | |
| 44711 | Convenience Gas Station | | | | | | S | P | | P | P | | P | P | P | |
| 71391 | Country Clubs | S | S | S | S | S | S | | | S | S | | S | S | S | |
| 52229 | Credit Agency or Loan Establishment | | | | | | P | | P | P | P | | | | | |
| 56145 | Credit Reporting or Collection Agency | | | | | | P | | P | | P | | P | | | |
| 61161 | Dance Studios or Schools | | | | | | S | S | S | P | P | | | | | |
| 54186 | Direct Mail Advertising Service | | | | | | | | | | P | | P | | | |
| 72241 | Drinking Places (Alcoholic Beverages) that also serve food | | | | | | | S | S | S | S | | | | | |

| NAICS Code | Key<br>P = Permitted Use<br>S = Special Use<br>A = Accessory Use<br>T = Temporary Use<br>[Blank] = Prohibited | R-2 | R-3 | R-4 | R-5 | PRD | O-I | NC | CBD | RMP | GC | PSP | O-D | LI | HI | Additional Regs. §2.04 or §2.05 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 62221 | Drug Addiction Rehabilitation Center | | | | | | S | | | | S | | | | | 2.05 K |
| 44611 | Drug Store | | | | | | S | P | P | P | P | | | | | |
| 81232 | Dry Cleaning & Laundry Pick-up (excludes plants) | | | | | | P | P | P | P | P | | | P | | |
| 3342 - 3359 | Electronic Equipment and Components (except Computer Equipment) | | | | | | | | | | | | | P | P | |
| 8112 | Electronic Equipment Repair Shops (except Computers) | | | | | | | | | | P | | | P | P | |
| 5613 | Employment or Personnel Agency | | | | | | P | P | P | | P | | | | | |
| 5413 | Engineering, Architectural or Surveying Services | | | | | | P | P | P | P | P | | P | | | |
| 5323 | Event Centers | | | | | | S | S | P | P | P | | S | | | |
| 44221 | Floor Covering Stores | | | | | | | P | P | P | P | | P | | | |
| 81299 | Fortune Teller, Astrologer | | | | | | | | | | S | | | | | |
| 81221 | Funeral Home | S | S | S | | S | S | | | S | S | | | | | |
| 81222 | Funeral Home Crematories | | | | | | | | | | | | | S | S | |
| 337 | Furniture and Fixtures | | | | | | | | | | | | | P | P | |
| 5411 | General Business Office | | | | | | P | | P | P | P | | P | | | |
| 452 | General Merchandise Store | | | | | | | P | P | P | P | | | | | |
| 45322 | Gift, Novelty and Souvenir Shops | | | | | | | P | P | P | P | | | | | |
| 71391 | Golf Course, Commercial | S | S | S | | S | S | | | S | P | | S | S | S | |
| 44511 | Grocery or Specialty Food Store, except Bakery | | | | | | | P | P | P | P | | | | | |
| 812910 | Grooming, Pet | | | | | | | P | P | P | P | | | P | P | |
| 62441 | Group Day Care Home, Group (7 to 12) | | | | | | S | S | | P | P | | | | | |
| 44413 | Hardware Store | | | | | | | P | P | P | P | | P | | | |
| 71394 | Health Club or Fitness Center | | | | | | S | P | P | P | P | | | | | |
| 621 | Health Services Facility | | | | | | P | P | P | P | P | | P | | | |
| 45112 | Hobby, Toy and Game Shops | | | | | | | P | P | P | P | | | | | |
| 44221<br>44229 | Home Furniture or Furnishings Store, except Floor Coverings | | | | | | | | P | P | P | | P | | | |
| 62161 | Home Health Care Company | | | | | | P | P | P | | P | | P | | | |
| 72111 | Hotel or Motel (except Bed & Breakfast Inn) | | | | | | | | S | | P | | | | | 2.05 P |
| 443141 | Household Appliance Store | | | | | | | | P | P | P | | | | | |
| 52421 | Insurance Agent, Broker & Service | | | | | | P | P | P | P | P | | | | | |
| 524 | Insurance Company or Carrier | | | | | | P | P | P | P | P | | | | | |
| 551111 | Investment Company or Trust | | | | | | P | P | P | P | P | | | | | |
| 44831 | Jewelry Store | | | | | | | P | P | P | P | | | | | |
| 62431 | Job Training & Vocational Rehabilitation Services | | | | | | S | | | | S | | S | | | |
| 42393 | Junk and Salvage Yards | | | | | | | | | | | | | | S | |

| NAICS Code | Key<br>P = Permitted Use<br>S = Special Use<br>A = Accessory Use<br>T = Temporary Use<br>[Blank] = Prohibited | R-2 | R-3 | R-4 | R-5 | PRD | O-I | NC | CBD | RMP | GC | PSP | O-D | LI | HI | Additional Regs. §2.04 or §2.05 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 81291 | Kennel | | | | | | | | | | S | | | P | P | 2.05 R |
| 23721 | Land Developer's Office | | | | | | P | | P | P | P | | | | | |
| 54132 | Landscape Architecture and Services | | | | | | | | P | P | P | | P | P | P | |
| 81231 | Laundry & Dry Cleaning, Coin-Operated | | | | | | | P | P | P | P | | | | | |
| 56173 | Lawn and Garden Services | | | | | | | | | P | P | | | P | P | |
| 54111 | Legal Services Office | | | | | | P | P | P | P | P | | | | | |
| 812331 | Linen Supply | | | | | | | | | | P | | P | P | P | |
| 44531 | Liquor Store | | | | | | | S | | P | P | | | | | |
| - | Lockbox Retailer | | | | | | P | P | P | P | P | | P | | | |
| 448320 | Luggage and Leather Goods Stores | | | | | | | P | P | P | P | | | | | |
| 44411 | Lumber and Other Building Materials Dealers | | | | | | | | | | P | | | P | P | |
| 54182 | Management and Public Relations Service | | | | | | P | | P | P | P | | | | | |
| 45393 | Manufactured Home Sales Lot | | | | | | | | | | | | | P | P | |
| 6215 | Medical or Dental Laboratory | | | | | | P | | | | S | | P | P | | |
| 6211 - 6212 | Medical or Dental Offices or Clinics (not veterinary) | | | | | | P | P | P | P | P | | | | | |
| 735 | Miscellaneous Leasing & Equipment Rental Establishment | | | | | | | | | P | P | | P | P | P | |
| 51211 | Motion Picture or Video Tape Production | | | | | | | | | | P | | P | P | P | |
| 512131 | Motion Picture Theater (except Drive-in) | | | | | | P | | P | P | P | | | | | |
| 441228 | Motor Vehicle Dealers, Miscellaneous | | | | | | | | | | P | | | | | 2.05 V |
| 441228 | Motorcycle Sales and Service | | | | | | | | | | P | | | | | 2.05 V |
| 5611 | Offices | | | | | | P | P | P | P | P | | P | | | |
| 44412 | Paint, Glass or Wallpaper Store | | | | | | | P | P | P | P | | P | | | |
| 522298 | Pawnshop | | | | | | | | S | | S | | | | | 2.05 Y |
| 71111 | Performing Arts Theater (privately owned) | | | | | | | S | S | S | S | | | | | |
| 6114 - 6117 | Personal Enrichment School or Tutoring | | | | | | P | P | P | P | P | | | | | |
| 81149 | Personal Household Goods Repair Shops, | | | | | | | P | | P | P | | | | | |
| 812199 | Personal Services—Massage Only | | | | | | S | S | | S | S | | | | | |
| 812199 | Personal Services—Tattoo studios and body piercing Only | | | | | | | | | | S | | | | | 2.05 EE |
| 812199 | Personal Services—Other | | | | | | P | P | P | P | P | | | | | |
| 561439 | Photocopying and Duplicating Services | | | | | | P | P | P | P | P | | P | P | P | |
| 541921 | Photographic Studio, Portrait | | | | | | P | P | P | P | P | | P | P | | |

| NAICS Code | Key<br>P = Permitted Use<br>S = Special Use<br>A = Accessory Use<br>T = Temporary Use<br>[Blank] = Prohibited | R-2 | R-3 | R-4 | R-5 | PRD | O-I | NC | CBD | RMP | GC | PSP | O-D | LI | HI | Additional Regs. §2.04 or §2.05 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 541922 | Photography Service, Commercial | | | | | | P | | P | | P | | P | | | |
| 44420 | Plant Nursery, Lawn and Garden Supplies | | | | | | | | | P | P | | | P | P | |
| 81394 | Political Organization Office | | | | | | P | P | P | P | P | | | | | |
| 711212 | Racetrack | | | | | | | | | | | | | S | P | |
| 5151 | Radio or TV Broadcast Station-Studio | | | | | | | | P | | P | | P | P | P | |
| 443142<br>45114 | Radio, Television, Consumer Electronics & Music Store | | | | | | | P | P | P | P | | | | | |
| 53121 | Real Estate Office | | | | | | P | P | P | P | P | | P | | | |
| 44121 | Recreational Vehicle Dealer | | | | | | | | | | P | | | P | | |
| 722511<br>722514 | Restaurant, Custom Service (not fast food) | | | | | | P | P | P | P | P | | P | P | P | |
| 722513 | Restaurant, Fast Food, Drive-in | | | | | | S | P | | P | P | | | P | P | |
| 713990 | Restaurants, providing Hookah, or smoking | | | | | | | | P | | P | | | | | 2.05 BB |
| 453998 | Retail Stores, Miscellaneous | | | | | | | P | P | P | P | | | | | |
| 48711 | Scenic and Sightseeing Transportation | | | | | | | | P | | P | | | | | 2.05 II |
| 561492 | Secretarial or Court Reporting Service | | | | | | P | | P | | P | | | | | |
| 45113 | Sewing, Needlework and Fabric Stores | | | | | | | P | P | P | P | | | | | |
| 81143 | Shoe Repair Shop | | | | | | P | P | P | P | P | | P | | | |
| 453991 | Smoke Shop - Retail | | | | | | P | P | P | P | P | | | | | |
| 62431 | Social Services, Other | | | | | | P | | | | S | | | | | |
| 45111 | Sporting Goods Store or Bicycle Shop, except bait shops | | | | | | | P | P | P | P | | | | | |
| 71399 | Sports and Recreation Clubs (Members Only) | | | | | | | S | | | S | | | | | |
| 711211<br>71399<br>81399 | Sports Facility, Commercial (except Racetracks) | | | | | | | | | | P | | | P | | |
| 45321 | Stationery Store | | | | | | S | P | P | P | P | | P | | | |
| 81149 | Tailors & Other Garment Services | | | | | | | P | P | P | P | | | | | |
| 517311 | Wired Telecommunications Carriers | | | | | | | | P | | P | | | | | |
| 23611 | Temporary Sales Office for a Subdivision | P | P | P | | P | | | | | | | | | | 2.05 FF |
| 7113 | Theatrical Production Agencies | | | | | | | | P | P | P | | P | P | P | |
| 5615 | Travel Agency, Tour Operator or Airline Ticket Office | | | | | | P | P | P | P | P | | | | | |
| 45331 | Used Merchandise (except Pawnshop), Flea Market | | | | | | | | P | | P | | | P | P | |
| 54194 | Veterinarian | | | | | | P | | | | P | | | P | | 2.05 JJ |

| NAICS Code | Key<br>P = Permitted Use<br>S = Special Use<br>A = Accessory Use<br>T = Temporary Use<br>[Blank] = Prohibited | R-2 | R-3 | R-4 | R-5 | PRD | O-I | NC | CBD | RMP | GC | PSP | O-D | LI | HI | Additional Regs. §2.04 or §2.05 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 44831 | Watch, Clock or Jewelry Repair Shop | | | | | | | P | P | P | P | | | | | |
| 5611 | Wholesale Trade—Administrative or Sales Office Only | | | | | | | | | | P | | P | P | | |
| 42 | Wholesale Trade—Sales Operation including Storage and Transfer, except Junk and Salvage Yards | | | | | | | | | | | | S | P | P | |
| 42482 | Wine and Distilled Alcoholic Beverage merchant wholesalers | | | | | | | | | | | | P | P | P | |
| **Industrial and Manufacturing** | | | | | | | | | | | | | | | | |
| 335312 | Armature Rewinding Manufacturing | | | | | | | | | | | | | P | P | |
| 32412 | Asphalt Paving & Roofing Materials Mfg. | | | | | | | | | | | | | | P | |
| 313 | Apparel and Other Fabric Products Mfg. | | | | | | | | | | | | | P | P | |
| 311812 | Bakery, Industrial | | | | | | | | | | | | | P | P | |
| 3114 | Canned/Frozen & Preserved Fruit, Veg. & Food Specialties Manufacturing. | | | | | | | | | | | | | P | P | |
| 3121 | Beverage Manufacturing | | | | | | | | | | | | | P | P | |
| 3251 | Chemicals and Allied Products Manufacturing | | | | | | | | | | | | | | S | |
| 334 | Computer and Office Equipment Manufacturing | | | | | | | | | | | | | P | P | |
| 327320 | Concrete Manufacturing | | | | | | | | | | | | | | S | |
| 23 | Construction Contractor—with Machinery, Equipment or Storage | | | | | | | | | | | | | P | P | |
| 3115 | Dairy Products Manufacturing | | | | | | | | | | | | | P | P | |
| 518210<br>541513 | Data Processing | | | | | | | | | | | | P | P | P | |
| 31213 | Distilled and Blended Liquors Manufacturing, Winery | | | | | | | | | | | | | S | P | |
| 812320 | Dry Cleaning Plant | | | | | | | | | | | | | P | P | |
| 332 | Fabricated Metal Products (except Machinery and Transportation Equipment) Mfg. | | | | | | | | | | | | | S | P | |
| 3119 | Food Product Manufacturing, Miscellaneous | | | | | | | | | | | | | S | P | |
| 3112 | Grain Mill Products Mfg. | | | | | | | | | | | | | S | P | |
| 333 | Industrial and Commercial Machinery Mfg., except Computer and Office Equipment | | | | | | | | | | | | | | P | |
| 812332 | Industrial Launderers | | | | | | | | | | | | | P | P | |

| NAICS Code | Key<br>P = Permitted Use<br>S = Special Use<br>A = Accessory Use<br>T = Temporary Use<br>[Blank] = Prohibited | R-2 | R-3 | R-4 | R-5 | PRD | O-I | NC | CBD | RMP | GC | PSP | O-D | LI | HI | Additional Regs. §2.04 or §2.05 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 33991<br>33993<br>339992 | Jewelry, Musical Instruments, Toys & Miscellaneous Products Mfg. | | | | | | | | | | | | | P | P | |
| 812332 | Laundry, Family & Commercial Power Plant | | | | | | | | | | | | | P | P | |
| 316998 | Leather Products Mfg. (not including Tanning & Finishing) | | | | | | | | | | | | | P | P | |
| 11331 | Logging | | | | | | | | | | | | | | S | |
| 45431 | LP Gas or Fuel Oil Dealer | | | | | | | | | | | | | P | P | |
| 31212 | Malt Beverages Manufacturing | | | | | | | | | | | | | P | P | |
| 311612 - 311615 | Meat Products Mfg. | | | | | | | | | | | | | P | P | |
| 31212 | Microbrewery, Brewpub | | | | | | | S | S | | S | | | P | | |
| 321<br>33711 | Millwork, Plywood, Cabinetry Mfg. | | | | | | | | | | | | | P | P | |
| 2122-2131 | Mining & Quarrying | | | | | | | | | | | | | | S | 2.05 AA |
| 51212 | Motion Picture or Video Tape Distributor | | | | | | | P | P | P | P | | P | | | |
| 512110 | Motion Picture Studio | | | | | | | | | | | | P | P | P | |
| 48849 | Motor Freight Truck Terminal | | | | | | | | | | | | | P | P | |
| – | Outdoor Storage Yard, Equipment | | | | | | | | | | | | | S | P | 2.05 X |
| 488991 | Packing, Crating & Other Incidental Transportation Services | | | | | | | | | | | | | P | P | |
| 3222 | Paper and Allied Products (except sanitary paper products) | | | | | | | | | | | | | | S | |
| 42471 | Petroleum Bulk Stations & Terminals | | | | | | | | | | | | | | P | |
| 324199 | Petroleum Related Industries (except Refining) | | | | | | | | | | | | | | S | |
| 812320 | Power Laundry | | | | | | | | | | | | | P | P | |
| 3345 | Precision Instruments Mfg. | | | | | | | | | | | | | S | P | |
| 331 | Primary Metal Industries | | | | | | | | | | | | | | S | |
| 323111<br>511 | Printing and Publishing Plants | | | | | | | | | | | | | P | P | |
| 532411 | Railroad Car Rental & Services | | | | | | | | | | | | | | S | |
| 482111 - 482112 | Railroad Yards and Switching Stations | | | | | | | | | | | | | | S | |
| 3219 | Reconstituted Wood Products | | | | | | | | | | | | | | S | |
| 562212 | Refuse or Garbage Disposal, Recycling, Composting & Landfills | | | | | | | | | | | | | | S | |
| 5417 | Research & Development or Testing Service | | | | | | S | | | | | | P | P | P | |
| 81142 | Reupholster or Furniture Repair Shop | | | | | | | S | P | P | P | | | P | P | |
| 212319 | Rock Crushing | | | | | | | | | | | | | | S | |

| NAICS Code | Key<br>P = Permitted Use<br>S = Special Use<br>A = Accessory Use<br>T = Temporary Use<br>[Blank] = Prohibited | R-2 | R-3 | R-4 | R-5 | PRD | O-I | NC | CBD | RMP | GC | PSP | O-D | LI | HI | Additional Regs. §2.04 or §2.05 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 326 | Rubber and Plastics Products Mfg. | | | | | | | | | | | | | S | S | |
| 322291 | Sanitary Paper Products Mfg. | | | | | | | | | | | | | P | P | |
| 321113 | Sawmills and Planning Mills | | | | | | | | | | | | | | S | |
| 327 | Stone, Clay, Glass and Concrete Products, Mfg. | | | | | | | | | | | | | S | S | |
| 3113 | Sugar & Confection Products Mfg. | | | | | | | | | | | | | P | P | |
| 517 | Telecommunications Switching Station | | | | | | | S | S | P | P | | P | P | P | |
| 313 | Textile Mill | | | | | | | | | | | | | | P | |
| 3122 | Tobacco Products Mfg. | | | | | | | | | | | | | | P | |
| 325620 | Toiletries and perfumes Preparation Manufacturing | | | | | | | | | | | | | P | P | |
| 336 | Transportation Equipment Mfg. | | | | | | | | | | | | | | P | |
| 484 | Trucking and Courier Services (except Air Courier or Refuse & Garbage Collection) | | | | | | | | | | | | P | P | P | |
| 221 | Utility Company Substation | S | S | S | | S | S | S | S | S | P | | P | P | P | |
| 493 | Warehousing or Indoor Storage Facility | | | | | | S | | | | | | S | P | P | |
| 531130 | Mini-warehouses & Self-storage units | | | | | | S | | | P | P | | S | P | P | 2.05 S |
| 5621 - 5622 | Waste Facility | | | | | | | | | | | | | | S | |
| 22131 | Water Supply Plant | | | | | | | | | | | | | | S | |
| 81131 | Welding Repair Shop | | | | | | | | | | | | | P | P | |
| 31213 | Wines, Brandy and Brandy Spirits Production Plant | | | | | | | S | S | | S | | | P | P | |
| 321991 - 321992 | Wood Buildings & Manufactured Homes Plant | | | | | | | | | | | | | | P | |
| 321920 | Wood Containers Mfg. | | | | | | | | | | | | | S | P | |
| 321114 | Wood Preserving Mfg. | | | | | | | | | | | | | | S | |
| 321999 | Wood Product Manufacturing, Miscellaneous | | | | | | | | | | | | | | S | |
| **Public or Semi-Public** | | | | | | | | | | | | | | | | |
| 81311 | Religious Institution or Place of Worship | S | S | S | S | S | P | P | P | P | P | S | S | S | | |
| 81341 | Civic, Social or Fraternal Association | S | S | S | | S | | S | S | | S | S | | | | |
| 2211 - 2212 | Electric or Gas Utility Office | | | | | | P | | P | | P | P | P | P | P | |
| 2211 - 2212 | Electric or Gas Utility Substations | S | S | S | | S | S | S | S | S | S | P | P | P | P | |
| 62211 | Hospital, except Drug Addiction Rehabilitation | | | | | | P | | | | S | | | | | |
| 51912 | Library | | | | | | P | | S | S | S | P | | | | |
| 71211 | Museum or Art Gallery, Non-profit | | | | | | P | | S | S | S | | | | | |

| NAICS Code | Key<br>P = Permitted Use<br>S = Special Use<br>A = Accessory Use<br>T = Temporary Use<br>[Blank] = Prohibited | R-2 | R-3 | R-4 | R-5 | PRD | O-I | NC | CBD | RMP | GC | PSP | O-D | LI | HI | Additional Regs. §2.04 or §2.05 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 92 | Office, Quasi-Public | | | | | | | | | | | P | | | | |
| 92 | Public Administration | | | | | | | | | | | P | | | | |
| 61111 | School (Charter—Private) | | | | | S | P | | | | S | S | S | | | |
| 61121<br>61131 | School, Colle<br>ge (Private) | | | | | S | P | | | | S | S | S | | | |
| 61121<br>61131 | School, College (Public) | | | | | | | | | | | P | | | | |
| 61111 | School, Kindergarten, Elementary and Secondary (Private) | | | S | | S | P | S | | | S | | | | | |
| 624 | Social Services, Individual & Family | | | | | | P | | | | P | P | | S | | |
| 6115 | Vocational Schools, Non-profit | | | | | | P | | | S | S | P | | | | |
| **Transportation and Communication** | | | | | | | | | | | | | | | | |
| 4812 | Air Charter and Other Air Services, Nonscheduled | | | | | | | | | | | | | P | P | |
| 492 | Air or Ground Courier Drop-Off Station | | | | | | P | P | P | P | P | | P | P | P | |
| 481112 | Airline or Air Courier Company—Storage, Transfer or Maintenance Facility | | | | | | | | | | | | | P | P | |
| 48811 | Airport | | | | | | | | | | | | | | S | |
| 81293 | Automobile Parking Lot, Garages, Commercial | | | | | | P | | S | | P | | P | P | | |
| 488410 | Automobile Towing | | | | | | | | | | | | | P | P | |
| 48521 | Bus Terminal | | | | | | | | S | | S | | | S | S | |
| 488510 | Freight Agency or Shipping Coordinator | | | | | | | | | | | | P | P | P | |
| 488119 | Private Use Heliport | | | | | | S | | | | S | | S | S | S | 2.05 Z |
| 48899 | Services Incidental to Transportation, Misc. | | | | | | | | | | | | | S | P | |
| 485310 | Taxicab Dispatch Services | | | | | | | | P | P | P | | | P | P | 2.05 II |
| 517 | Transmission Tower-Radio, TV & Telecommunications | S | S | S | S | S | P | P | S | P | P | S | P | P | P | 2.05 GG |

## D. Accessory Use and Structure Standards

| NAICS Code | Key<br>P = Permitted Use<br>S = Special Use<br>A = Accessory Use<br>T = Temporary Use<br>[Blank] = Prohibited | R-2 | R-3 | R-4 | R-5 | PRD | O-I | NC | CBD | RMP | GC | PSP | O-D | LI | HI | Additional Regs. §2.04 or §2.05 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **Accessory Uses** | | | | | | | | | | | | | | | | |
| 7115 | Artist Studio (no sales) | P | P | P | P | P | P | P | P | P | P | | | P | P | |
| 52211 - 52213 | Bank, Savings & Loan, Credit Union | | | | | | | P | P | P | P | | | | | |
| 62441 | Child Learning Care Center | | | | | S | | | | | | S | S | S | | 2.04 C |
| - | Customary Accessory Uses to Principal Use | P | P | P | P | P | | P | P | P | P | P | P | P | P | |
| - | Customary Accessory Uses to a Religious Institution | S | S | S | | S | | | S | S | | S | | S | | |
| - | Donation Bins | | | | | | | | P | | P | P | | | | 2.05 I |
| 62441 | Family Child Learning Care Home | S | S | S | | S | | | | | | | | | | 2.04 C |
| 72233 | Food Truck/Mobile Food Vendor | | | | | | | T | T | T | T | T | T | T | T | 2.05 L<br>2.05 II |
| 6232 | Group Day Care Home | | | | | | | S | | P | | | S | S | S | |
| 731199 | Guest House | S | S | S | | | | | | | | | | | | 2.05 N |
| 56111 | Home Occupation | P | P | P | P | P | | | | | | | | | | 2.05 O |
| - | Hunting | S | S | S | | S | | S | S | | S | S | S | S | S | 2.05 Q |
| - | Lockbox Retailer | | | | | | | P | P | P | P | P | P | P | | |
| 31-33 | Manufacturing or Fabrication Uses—Accessory | | | | | | | | | | P | P | P | | | |
| 51211 | Motion picture or video tape production | | | | | | | | | | | P | P | P | P | |
| 561612 | Night Watchman Residence | | | | | | | | | | | | S | S | S | 2.05 U |
| - | Outdoor Display Area | | | | | | | | | | P | P | | P | P | 2.05 V |
| - | Outdoor Storage Area | | | | | | | | | | | S | | P | P | 2.05 X |
| 812199 | Personal Services—Massage | | | | | | | S | P | | P | P | | | | |
| 71399 | Private Recreation Facility, including pools | S | S | S | | P | | | S | P | P | | | | | |
| 488991 | Private Use Heliport—Accessory | | | | | | | S | | | S | S | S | P | P | |
| 56111 | Residential Business | S | S | S | S | S | | | | | | | | | | |
| 7225 | Restaurant | | | | | | | P | P | P | P | P | P | P | P | |
| - | Yard Sale | P | P | P | P | P | | | | | | P | | | | 2.05 KK |

## Sec. 2.03 [Reserved]

## Sec. 2.04 Residential Use Standards

The following specific requirements apply to each of the following principal and accessory uses in all residential districts where each principal or accessory use is otherwise permitted by right or as a special use.

### A. Standards for dwellings

#### 1. Foundations

All site built and class A single-family detached and all two-family dwellings shall meet or exceed the following requirements for foundations:

**a.** The structure shall be attached to a permanent foundation constructed in accordance with the building code or state regulations, as applicable.

**b.** Upon placement, all means of transportation, such as towing devices, wheels, axles, and hitches, shall have been removed.

**c.** The area beneath the ground floor of the structure shall be enclosed around the exterior of the structure with a foundation wall or a curtain wall constructed of masonry at least four inches thick, penetrated by openings only for installed vents and access doors.

#### 2. Exterior siding for residential dwellings

**a.** For residential dwellings not in a PUD, the standards in Section 2.06.A. Exterior Siding (Façade), shall apply.

**b.** Exterior siding materials for detached residential dwellings in PUD (formally DCD) districts approved on or after January 1, 2012 shall conform to the requirements of section 4.03.H, Façade Materials for Residential Dwellings. For all other residential dwelling types within a PUD:

**1)** Exterior siding materials for detached dwellings on lots smaller than 20,000 square feet, for detached dwellings with less than 1,800 square feet of heated living space, and for all attached dwellings shall be as provided in subsection 2.04.A.6.

**2)** Exterior siding materials for detached single-family dwellings with 1,800 or more square feet of heated living space on lots of 20,000 square feet or larger shall consist of any combination of wood, brick, stone, stucco, or similar materials, or lap siding of cement board, vinyl, vinyl-covered metal, or similar materials. Metal without vinyl finish, aluminum, steel, and other like materials are prohibited as exterior siding for dwellings.

#### 3. Roofs

All site built and class A single-family detached and all two-family dwellings shall meet or exceed the following requirements for roofs:

**a.** All roof surfaces shall have a minimum pitch of 4:12 (four inches of rise for every 12 inches of run), except that mansard and gambrel roofs must meet this requirement only for those surfaces that rise from the eaves.

**b.** All roof surfaces exposed to view shall be covered with asphalt or fiberglass shingles, wood shakes or shingles, standing seam (non-corrugated) tin, clay tiles, slate, or similar materials.

**c.** Minimum roof overhang shall be 12 inches, including gutters.

4. **Minimum width**

   The minimum width of every dwelling shall be greater than 16 feet.

5. **Compliance with codes**

   Every dwelling shall be constructed in accordance with all applicable requirements of the building code as adopted by the city, or in accordance with standards established by the National Manufactured Housing Construction and Safety Standards Act for manufactured homes, or in accordance with state law and regulations for industrialized buildings, whichever apply.

6. **Additional construction standards for certain dwellings**

   Exterior siding materials for detached residential dwellings in PUD districts (formally DCD) approved on or after January 1, 2012 shall conform to the requirements of section 4.03.H, Façade Materials for Residential Dwellings. For all other residential dwellings:

   a. Detached dwellings on lots smaller than 20,000 square feet shall be constructed in compliance with the following requirements:

      1) Exterior siding materials, excluding gables, soffits and minor trim, for the front of every dwelling shall be 100 percent brick, stone or cementitious siding; each side shall be at least 40 percent brick, stone or cementitious siding; vinyl siding and metal siding is prohibited;
      2) For lots zoned R-3, there shall be a two-car garage of not less than 400 square feet; for lots zoned other than R-2 or R-3, there shall be a two-car garage of not less than 440 square feet.
      3) Front yards shall be fully sodded, and all other yards shall be sodded where disturbed during development or building;
      4) Every dwelling shall have not less than 1,800 square feet of heated living space, excluding the garage.

   b. Detached dwellings with less than 1,800 square feet of heated living space (excluding the garage) on lots of 20,000 square feet or larger, and all attached townhouses shall be constructed in compliance with the following requirements:

      1) Exterior siding materials, excluding gables, soffits and minor trim, for the front of every dwelling shall be 100 percent brick, stone or cementitious siding; each side shall be at least 40 percent brick, stone or cementitious siding; vinyl siding and metal siding is prohibited;
      2) There shall be a two-car garage of not less than 440 square feet;
      3) Front yards shall be fully sodded, and all other yards shall be sodded where disturbed during development or building.

   c. All attached dwellings other than townhouses shall be constructed in compliance with the following requirements:

      1) Exterior siding materials, excluding gables, soffits and minor trim, for the front of every dwelling shall be 100 percent brick, stone or cementitious siding; each side shall be at least 40 percent brick, stone or cementitious siding; vinyl siding and metal siding is prohibited; and

2) Front yards shall be fully sodded, and all other yards shall be sodded where disturbed during development or building.

d. The requirements of this subsection shall apply to new construction of all dwellings and shall take precedence over any less stringent requirements provided in this ordinance. The following construction shall be exempt from the requirements of this subsection:

1) DCD developments having a concept plan approved prior to November 1, 2004;
2) Dwellings constructed in conformity with a valid, outstanding development plan or building permit issued prior to November 1, 2004; and
3) Remodeling of any dwelling for which a valid certificate of occupancy is issued prior to November 1, 2004.

**7. Infill**

Infill dwellings are new houses that are constructed on vacant, underused lots that are interspersed among other dwellings in established neighborhoods or existing dwellings that have undergone major rehabilitation or refurbishing. In such cases, the infill dwelling shall:

a. Be of a similar architectural style to existing dwellings in the neighborhood.
b. Be sited at the same height and setback as determined by the average of the two adjacent dwellings.

**8. Front Yard setback adjustment**

The front yard setbacks within the same residential zoning district shall not apply for any lot where the average existing building setback line is less than the minimum setback required in a substantially developed area on lots located:

a. Wholly or in part within 100 feet on each side of such lot, within the same block and zoning district, and
b. Fronting on the same side of the street or road as such lot.

In such case, the setback on such lot may be less than the required setback, but not less than the average of the existing setbacks on the developed lots, and in no case less than 20 feet from the street or road right-of-way.

## B. Community Garden

Community gardens shall be subject to the following requirements:

1. The garden shall not be located within any required yard buffer.
2. Outdoor lighting is prohibited.
3. Signage shall be limited to a single, non-illuminated sign of no more than four square feet.
4. Gardening equipment and machinery must be stored in an enclosed, secure building or shed or off-site.
5. Retail sales are prohibited.
6. Composting is permitted on the premises if stored in a manner that prevents odor, insect or rodent infestation and controls runoff into waterways and onto adjacent properties.
7. The garden must maintain an orderly appearance, and may not be neglected or allowed to become overgrown or eroded.

8. If a community garden ceases operation and is no longer desired by the owners, it shall be stabilized with grass, trees and/or shrubbery in accordance with a plan submitted for approval by the Community Development Director.

**C. Family child care learning home**

1. The facility shall be properly licensed through the Georgia Department of Early Care and Learning.
2. Proof of owner consent to operate a family child care learning home must be provided to the Community Development Director if the property is licensed or leased.

**D. Family personal care home**

1. Family personal care homes must have a residential character that is similar to adjacent dwellings.
2. The facility shall be licensed by and operating in accordance with the rules of the State of Georgia and the Georgia Department of Community Health at all times.

**E. [Reserved]**

**F. Short Term Rentals (AirBnB, HomeAway, VRBO, etc.)**

Short-term rentals are residential properties that are rented for less than 30 days at a time, excluding dwellings owned by the federal government, the state, or any of their agencies or political subdivisions and facilities licensed by the state as health care facilities; also excluding permanently affordable units. Short Term Rentals shall be regulated as follows:

1. **Short-Term Rentals – Generally**

   a. Short Term Rentals shall be considered a Special Use.

   b. A license placard provided by the Community Development Department must be prominently displayed on the front facade of the structure in a location clearly visible from the street during all periods of occupancy.

   c. Short Term Rentals are not permitted outdoors in an accessory structure (e.g. shed, garage, etc.), or in a recreational vehicle.

   d. Only one party of guests are permitted per Short Term Rental.

   e. Use of the Short-Term Rental for any commercial or social events on-site is prohibited.

   f. The Short-Term Rental shall appear as a residential dwelling from the street.

   g. Short Term Rentals shall not adversely affect the residential character of the neighborhood nor shall the use generate noise, vibration, glare, odors, or other effects that unreasonably interfere with any person's enjoyment of his or her residence.

   h. Short Term Rentals shall meet all applicable zoning, building and fire codes.

   i. Non-resident employees are prohibited.

2. **License-Specific Type Guidelines**

   a. **Accessory Short-Term Rentals**

      1) The portion of the dwelling licensed as an Accessory Short-Term Rental is limited to three (3) bedrooms, and occupancy is limited to six (6) guests.

2) There must be at least one bedroom in the dwelling for the owner-occupant.

3) The owner-occupant shall occupy the dwelling and be present during any Short-Term Rental occupancy.

4) Proof of owner-occupancy will be established by verification in the name of the applicant.

**b. Temporary Short-Term Rentals**

1) Temporary Short-Term Rentals must have an in-town property manager available at all times.

2) Temporary Short-Term Rental licenses allow a maximum 30 rental nights at one time; a maximum of 90-rental nights per license year.

3) Occupancy is limited to two (2) guests per bedroom or a total of ten (10) guests, whichever is less.

### G. Manufactured home in R-2 district

1. Types of manufactured homes allowed in the R-2 district. A manufactured home qualifying as a class A single-family dwelling is permitted by right, when meeting the following requirements, while a manufactured home that qualifies as a class B single-family dwelling must meet the following requirements and be approved as a special use on the property.
2. Minimum requirements for all manufactured homes in the R-2 district. A manufactured home must be placed on tract of land in R-2 consisting of five acres or more and where there is no other principal building of any kind or nature located on the premises. It shall be a distance of at least 50 feet from any public street right-of-way or property line, and shall be placed approximately parallel to an adjoining street.

### H. Manufacturing and fabrication as accessory use

If undertaken as an accessory use to an office or commercial use permitted by right, the manufacturing or fabrication activity may occupy no more than 25 percent of the gross floor area or 1,000 square feet (whichever is less). All products manufactured or fabricated on the premises must be sold on the premises as a retail activity.

### I. Mixed-use building

Dwelling units located in a building that also contains nonresidential uses, such as shops or offices, may be located on any of the floors of the building, including the ground floor, as long as the front of the ground floor is used for nonresidential uses, and the building maintains a store front character from the street

### J. Personal care homes

1. A personal care home of any type (family, group or congregate) in a residential zoning district shall be at least 1,000 feet from any other personal care home (of any type) in the same or any other zoning district.
2. Personal care homes must have a residential character that is similar to adjacent dwellings.
3. Personal care homes shall be licensed by and operating in accordance with the rules of the State of Georgia and the Georgia Department of Community Health at all times.

## K. Recreational Vehicles and Watercraft on Single Family Residential Lots

### 1. Recreational Vehicles

**a.** A maximum of two Recreational Vehicle(s), provided that:

**1)** Each has a maximum length of 45 feet

**2)** It is stored or parked completely within a garage or carport, or in the side or rear yard on a hardened surface of gravel or on pavement as wide and long as the vehicle.

**b.** The Recreational Vehicle may be connected to an outlet but may not be occupied.

**c.** The setback for a Recreational Vehicle shall be five feet on the side yard, and 10 feet in the rear yard.

**d.** A Recreational Vehicle may not be parked or stored where it would constitute a clear and demonstrable vehicular traffic hazard or be a threat to public health or safety.

### 2. Watercraft

A maximum of one watercraft trailer, provided that:

**a.** Each has a maximum length of 30 feet

**b.** It is stored or parked completely within a garage or carport, or in the side yard or the rear yard on a hardened surface of gravel or on pavement as wide and long as the vehicle.

**c.** The setback for watercraft shall be five feet on the side lot line and 10 feet in the rear yard. Watercraft may not be parked or stored where it would constitute a clear and demonstrable vehicular traffic hazard or be a threat to public health or safety.

## L. Townhouse developments; special provisions

**1.** Townhouse developments; defined.

**a.** Townhouse subdivision. A townhouse subdivision is a development of single-family attached dwellings in which each dwelling unit is located on a separate lot.

**b.** Townhouse condominium project. A townhouse condominium project is a development of single-family attached dwellings that share a common, unsubdivided property while each dwelling unit is sold separately. Such developments must also meet all requirements of the Georgia Condominium Act.

**2.** Townhouse subdivisions, exceptions. Townhouse subdivisions may comply with the following minimum requirements in lieu of the requirements shown in the Lot Development Standards table for the applicable zoning district , as long as the overall development meets the zoning district requirements as a whole:

**a.** Staggered front façades: The dwelling unit façade depth in a townhouse building shall be staggered for 1 or 2 units, by at least three feet.

**b.** Minimum lot width: The average width for the lots for a single building shall be at least 20 feet, with no lot being less than 18 feet wide.

**c.** Minimum lot area per dwelling unit:

**1)** The average lot area for the units in a single building shall be at least 2,400 square feet, with no unit having less than 2,000 square feet of lot area.

2) The subdivision as a whole must provide a total area equal to or greater than the minimum lot area required in the Lot Development Standards table for the applicable zoning district, and may not exceed the maximum density for the zoning district.

d. Minimum principal building setbacks: None between attached units or between buildings and interior lot lines or streets. On the periphery of the subdivision, buildings must meet the minimum setback requirements shown in the Lot Development Standards table for the applicable zoning district .

3. Townhouse condominium projects; exceptions. Townhouse condominium projects must comply with the following minimum requirements in addition to the requirements shown on in the Lot Development Standards table for the applicable zoning district, which apply to the overall development as a whole:

   a. Number of dwelling units attached in a row: At least 2 but no more than 10.
   b. Staggered front façades: The dwelling unit façade depths in a townhouse building shall be staggered for one or two units, by at least three feet.
   c. Minimum principal building setbacks: None between attached units. On the periphery of the development project, buildings must meet the minimum setback requirements shown on in the Lot Development Standards table for the applicable zoning district for the zoning district.

4. Access to rear required. Townhouse developments shall be designed to provide proper access to the rear of all dwelling units for firefighting purposes.

## Sec. 2.05 Non-Residential Use Standards

### A. Automotive repair shop

Automotive repair shops shall be licensed and fully enclosed as provided herein.

1. Enclosed automotive repair shop. Any automotive repair shop established after May 15, 2000, shall be enclosed and shall provide an on-site enclosed building or an on-site lot enclosed by an eight-foot high opaque fence, where all inoperable and dismantled vehicles for the establishment shall be stored. There shall be no outdoor storage of inoperable or dismantled vehicles, or of vehicle parts, other than inside the enclosure provided. Vehicles under repair or maintenance at an enclosed automotive repair shop may not remain in the property for more than 180 consecutive days.
2. Automotive repair shops shall not be permitted within a historic district.

### B. Automobile service station

Vehicles under repair or maintenance at an automobile service station may not remain on the property for more than seven consecutive days. Automobile service stations are prohibited within the historic districts.

### C. Automotive uses—other

All commercial and industrial automotive uses, including but not limited to commercial automobile parking lots, automobile service stations, automotive sales and service centers, automotive rental agencies, automotive repair shops, and automotive tune-up shops, are prohibited within the historic districts.

### D. Bail bondsmen

No bail bondsman office or location shall be located on a lot which is closer than 2,500 feet to the lot of another bail bondsman office or location, except that any bail bondsman office or location located on a lot fronting on Earl D. Lee Boulevard and lying at least 200 feet from Fairburn Road shall be exempted from this restriction.

### E. Bed and breakfast inn

1. Bed and breakfast inns may not contain more than six bedrooms and shall not allow a guest to stay more than seven days.
2. The operator of the establishment shall reside in the dwelling.
3. No guest shall reside in the establishment for a period of more than 7 days within the year.
4. If located in a residential zoning district, the establishment shall be compatible with the character of the neighborhood in terms of height, setback and size.

### F. [Reserved]

### G. Charter schools (privately owned)

Any charter school which is owned by any entity other than the State of Georgia or a political subdivision shall be subject to the provisions of this UDO.

### H. Customary accessory uses and structures

The following provisions apply to accessory uses or structures in all zoning districts where each use is otherwise permitted.

1. **Relationship to principal use.** No accessory use or structure shall be allowed on any lot except in relation to an existing principal use on the lot.
2. **Fences and free-standing walls.** All fences and free-standing walls shall present a finished and attractive surface to the exterior of the lot.
3. **Customary accessory uses to a dwelling.** Each of the following uses is considered to be a customary accessory use to a dwelling and may be situated on the same lot with the principal use to which it serves as an accessory:

    a. Private garage not to exceed the following storage capacities; one or two-family dwelling, four automobiles; multi-family dwelling, two automobiles per dwelling unit; membership dwelling, one and one-half automobiles per sleeping room.
    b. Outdoor parking area for motor vehicles, provided that such space shall not be used for more than one commercial vehicle per family residing on the premises.
    c. Shed or tool room for the storage of equipment used in grounds or building maintenance.
    d. Television or radio antenna, or a satellite dish antenna no larger than one meter in diameter or diagonally and no more than 13 feet high (measured from its base mount, whether on the ground or a roof).
    e. Ham radio or citizen's band radio antenna.

**f.** Children's playhouse and play equipment.
**g.** Quarters for the keeping of pets owned by the occupants of the dwelling for noncommercial purposes.
**h.** Private recreational facility, such as a swimming pool and bathhouse or cabana, tennis court, deck or patio.
**i.** Common laundry facilities located within a multi-family dwelling structure for the exclusive use of the occupants of the dwelling or development.
**j.** Structures designed and used for purposes of shelter in the event of man-made or natural catastrophes.
**k.** Noncommercial greenhouse.

4. **Customary accessory uses to a religious institution or other place of worship**. Each of the following uses is considered to be a customary accessory use to a religious institution or other place of worship and may be situated on the same lot with the principal use to which it serves as an accessory if allowed by this section:

   **a.** Religious education buildings.
   **b.** Parish house, meeting or gathering facilities for members.
   **c.** Parsonage, along with the customary accessory uses to a dwelling.
   **d.** Cemetery.
   **e.** Libraries.
   **f.** Social service centers.

5. **Customary accessory uses to a charter school (privately owned).** Each of the following uses is considered to be a customary accessory use to a privately-owned charter school and may be situated on the same lot with the principal use to which it serves as an accessory use:

   **a.** Pre-schools.
   **b.** Day care centers.
   **c.** Group day care homes.

6. **Customary accessory uses to an automotive parts and supply store**. Each of the following uses is considered to be a customary accessory use to an automotive parts and supply store, and may be performed on the same lot, outdoors in an unenclosed area, on the same lot with the principal use to which it serves as an accessory:

   **a.** Removal and installation of automotive batteries.
   **b.** Removal and installation of wiper blades.
   **c.** Removal and installation of light bulbs and headlight bulbs.
   **d.** Diagnostic testing (hooking a computer to the vehicle to obtain repair code).
   **e.** Automotive Battery testing.
   **f.** Alternator testing.

   All other outdoor maintenance, installation or repair of vehicles in an unenclosed outdoor space in connection with an automotive parts and supply store is prohibited.

7. **Accessory structures; siding, number, size**. The siding requirements for any accessory structure shall be the same as the siding requirements for a new primary structure on the subject lot; exceptionally, where all of the existing primary structures on a lot are sided, in whole or in part, with legal nonconforming materials, then a new accessory structure may be sided with any of the same nonconforming materials.

## I. Donation bins

### 1. Purpose

The purpose of this Section is to regulate the placement of unattended donation boxes within the city. The procedures and requirements of this Section are enacted to:

**a.** Promote the community's health, safety, and welfare by regulating unattended donation boxes for clothing or other salvageable personal property within the city;
**b.** Ensure that unattended donation boxes do not pose a hazard to pedestrian and vehicular traffic;
**c.** Ensure that material is not allowed to accumulate outside of the unattended donation boxes where it can be scattered by adverse weather conditions, animal contacts and human activities; and
**d.** Establish criteria that avoid attracting vermin, unsightliness, and public health hazard.

### 2. Permit Required

It shall be unlawful and a public nuisance for any property owner or operator to place, operate, maintain or allow unattended donation boxes on real property unless the property owner first obtains a permit pursuant to this chapter and the donation box is placed, operated and maintained in accordance with all provisions in this UDO

**a.** The permit application shall be made on a form provided by the director and shall include the following information:

**1)** The name, address, email, website (if available) and telephone number of the applicant;
**2)** Written proof sufficient to establish that the operator who will utilize the unattended donation box is qualified to solicit donations of salvageable personal property pursuant to Internal Revenue Code 501(c)3, as amended;
**3)** The text of the disclosures that will be made on the unattended donation box as required by this Section; and
**4)** The physical address of the property owner's real property and a drawing sufficient to indicate the proposed location of the unattended donation box on the property owner's real property, as well as the size of the proposed unattended donation box.

**b.** Each application shall be accompanied by a nonrefundable fee in the amount established by city council resolution. This fee shall be in addition to any fee or tax imposed by the city pursuant to any other provision of this UDO.
**c.** Applications shall be filed with the director.
**d.** Within thirty days of receiving a completed application, the director shall issue a permit or deny the issuance of a permit.
**e.** The director shall not issue a permit unless:

**1)** The applicant has submitted a complete and accurate application accompanied by the applicable fee;
**2)** The operator who will maintain or operate the unattended donation box is qualified to solicit donations of salvageable personal property pursuant to Internal Revenue Code Section 501(c)3, as amended;

3) The proposed location and placement of the unattended donation box on the property owner's real property is in compliance with all applicable laws and will not impede pedestrian, bicycle, site distances onto adjacent streets or vehicular traffic.

**f.** If the director denies an application, the director shall state, in writing, the specific reasons for denial.

**g.** Permits issued hereunder shall be valid for one unattended donation box. Multiple unattended donation boxes shall each have their own individual permits.

**h.** The term of the permit shall expire one year from the date of issuance.

**i.** No person or operator to whom a permit has been issued shall transfer, assign, or convey such permit to another person or operator.

**j.** Prior to expiration of the permit, the permittee may voluntarily cancel the permit by notifying the director in writing of the intent to cancel the permit. The permit shall become void upon the director's receipt of a written notice of intent to cancel the permit.

**3. Renewal of permits**

**a.** A permittee may apply for permit renewal by submitting to the director, before the expiration of the permit, a renewal application and a nonrefundable renewal fee in an amount set by resolution of the city council.

**b.** The director shall either approve or deny the renewal of a permit within thirty days of receipt of the complete renewal application and payment of the renewal fee.

**c.** The director shall approve the renewal of a permit if he or she finds that no circumstances existed during the term of the permit, existed at the time of submission of an application for renewal, or existed at any time during the review of the application for renewal that are inconsistent with any finding required for approval of a new permit as specified in this Section or that would justify the revocation of the permit as specified in this Section

**4. Requirements and maintenance**

**a.** A permittee shall operate and maintain or cause to be operated and maintained all unattended donation boxes located in the city as follows:

**1)** Unattended donation boxes shall be maintained in good condition and appearance with no structural damage, holes, or visible rust, and shall be free of graffiti;

**2)** Unattended donation boxes shall be locked or otherwise secured;

**3)** Unattended donation boxes shall contain the following contact information in two-inch type visible from the front of each unattended donation box: the name, address, email, phone number of both the operator along with the Employee Identification Number (EIN) and 501(c)3 status of the owner and operator of the bin; and Collection Schedule for the box.

**4)** Unattended donation boxes shall be serviced and emptied as needed, but at least once per month, or within five business days of a request by the director.

**b.** The permittee shall maintain or cause to be maintained the area surrounding the unattended donation boxes free of any junk, garbage, trash, debris or other refuse material.

**c.** The permittee and operator shall be individually and severally responsible for abating and removing all junk, garbage, trash, debris and other refuse material in the area

surrounding the unattended donation boxes within twenty-four hours of written or verbal notice from the city.

d. The permittee and operator shall be individually and severally responsible for all costs for abating and removing any junk, garbage, trash, debris and other refuse material from the area surrounding the unattended donation boxes.
e. It shall be unlawful for any property owner or operator to place an unattended donation box in any residential district.
f. No unattended donation box shall be placed within 200 hundred feet from another unattended donation box on adjoining parcels.
g. No unattended donation box shall be placed on required parking spaces or within the sight triangle as defined in Section 11.03.G.1.
h. No more than one unattended donation box shall be placed on each parcel of real property unless there be more than four (4) acres in which case two bins may be placed.
i. Donation bins shall not be located less than 10 feet from the closest edge of pavement.

5. **Revocation of permit, removal of unattended donation boxes and liability**

The director shall have the right to revoke any permit issued hereunder if any of the grounds upon which he or she may refuse to issue an initial permit exists. In addition, the failure of the permit holder to comply with the provisions of this chapter or other provisions of this UDO or other law shall also constitute grounds for revocation of the permit. The director shall provide a written notification to the permit holder stating the specific grounds for revocation. Upon revocation, the unattended donation box shall be removed from the permittee's real property within thirty calendar days and, if not removed within this time period, the city may remove, store and dispose of the unattended donation box at the permittee's sole cost and expense. Upon revocation, a permittee shall be prohibited from applying for a permit for a period of one year. Any violation of the provisions of this chapter is a public nuisance subject to abatement pursuant to this UDO or as otherwise permitted by law.

6. **Violation—Penalty**

Any person violating any provision of this chapter is guilty of an infraction.

7. **Appeal to city manager**

Any person aggrieved by the decision rendered by the director in granting or denying an application for a permit under this chapter or in revoking or refusing to renew a permit issued hereunder may appeal the decision to the city manager in accordance with this Section. The appeal shall be made by filing a written notice thereof with the city clerk not later than ten calendar days after receiving notice of the decision of the director. The city manager shall hold a hearing on the appeal within thirty calendar days and, notwithstanding other provisions in this Section, the decision of the city manager shall be final.

8. **Administrative fees**

The city council may, by resolution, establish reasonable fees and deposits to defray the cost of processing applications, proposals and for the administration of this Section.

9. **Exemption**

   Unattended donation boxes located entirely within the interior of a building or located on the grounds or premises of a house of worship/church are exempt from the requirements of this section.

10. **Number of Boxes**

    Any lot zoned GC, NC or RMP of at least four acres and having a principal building may also have not more than two donation bins as a permitted accessory use, so long as the presence of such donation bins does not reduce the available parking to less than that required by ordinance. Any lot zoned GC, NC or RMP and having less than four acres and having a principal building may have not more than one donation bin as a permitted accessory use, so long as the presence of such donation bin does not reduce the available parking to less than that required by ordinance.

**J. Drive through service window**

1. Drive-through service windows shall provide adequate queue space for a minimum of five cars per lane.
2. Stacking lanes shall be delineated from traffic aisles, other stacking lanes and parking areas with striping, curbing, landscaping and the use of alternative paving materials or raised medians.
3. Stacking lanes shall be designed to prevent circulation congestion, both on site and on adjacent public streets. The circulation shall:
   a. Separate drive–through traffic from site circulation,
   b. Not impede or impair access into or out of parking spaces,
   c. Not impede or impair vehicle or pedestrian traffic movement, and
   d. Minimize conflicts between pedestrian and vehicular traffic with physical and visual separation between the two.
4. Stacking lanes shall not interfere with required loading and trash storage areas and loading or trash operations shall not impede or impair vehicle movement. If said separate stacking lane is curbed, an emergency by-pass or exit shall be provided.
5. No outdoor speakers shall be employed within 200 feet of any single-family residential use.

**K. Drug addiction rehabilitation center**

Any halfway house, drug rehabilitation center or other facility for treatment of drug dependency must comply with the requirements for a special hearing, as follows, pertaining to such facilities prior to approval by the city council.

1. **Special public hearing; when required**

   When a proposed zoning decision relates to or will allow the location or relocation of a halfway house, drug rehabilitation center, or other facility for treatment of drug dependency, a special public hearing shall be held on the proposed action. Such public hearing shall be held at least six months and not more than nine months prior to the date of final action on the zoning decision. The hearing required by this subsection shall be in addition to any hearing required under this article relating to the process for rezoning or special use approval.

2. **Public notice of the special hearing**

   The city shall give notice of such hearing by:

   **a.** Posting notice on the affected premises in the manner prescribed by subsection (b) of this UDO section; and

   **b.** Publishing in a newspaper of general circulation within the city a notice of the hearing at least 15 days and not more than 45 days prior to the date of the hearing.

   **c.** Both the posted notice and the published notice shall include a prominent statement that the proposed zoning decision relates to or will allow the location or relocation of a halfway house, drug rehabilitation center, or other facility for treatment of drug dependency. The published notice shall be at least six column inches in size and shall not be located in the classified advertising section of the newspaper.

## L. Food Truck/Mobile Food Vendor

Additional regulations for mobile food vendors. Mobile food vendors shall operate only with approval of Mobile Food Vendor Permit as evidenced by the numbered sticker issued by the department upon approval of the request. In addition, the other requirements of this section, the following shall apply. This is only a guide to the basic requirements for obtaining a mobile food unit permit. The type of operation will determine the particular requirements that are necessary. The following documents may be accessed at: http/dph.georgia.gov/environmental-health: *Rules and Regulations, Design and Construction Manual, and the Food Service Interpretation Manual.*

1. **Plans**

   **a.** Indicate on paperwork mobile vending locations (i.e. Specific food truck event or specific vending sites that have been authorized).

   **b.** Must indicate holding and waste water tank size (mobile).

2. **Proof of Base of Operations/Commissary**

   Applicant must submit proof of commissary and license issued by the Georgia Department of Community Health submitted with application

3. **Mobile Unit**

   **a.** Proper identification is required.

      **1)** Outside unit: Sign possessing the name and address of the owner, the operator and permit number in letters of 2 inches or higher

      **2)** Inside unit: Inspection sheet & mobile unit permit to be posted protected in public view.

   **b.** All units must be fully mobile, i.e. on wheels.

   **c.** Operator must have the written permission of the property owner to operate on the lot.

   **d.** Operations shall not be conducted on a public street or within the public right-of-way.

   **e.** Health Department Permits are not transferrable from county to county. A separate Mobile Food Unit permit is required to be obtained from the health authority of jurisdiction for each county that the mobile will be operated in.

**M. [RESERVED]**

**N. Guest house**

Where otherwise permitted, a guest house must comply with the following:

1. Accessory use only. The guest house must be an accessory use to a single-family detached dwelling already existing on the lot.
2. **Minimum standards**
   - **a.** The guest house must meet or exceed the standards for single-family and two-family dwellings under this article with the exception of the minimum square footage requirement.
   - **b.** A guest house shall not have separate utility metering from the principal use.
   - **c.** The water supply and sanitary sewage disposal system for the lot must be certified by the water and sewerage authority or the health department (as appropriate) as adequate to support the guest house in combination with the main house.
3. **Restrictions**
   - **a.** The guest house must be placed to the rear of the main house.
   - **b.** No more than one guest house may be located on any lot.
   - **c.** The building floor area of the guest house may not exceed 50 percent of the floor area of the main house.

**O. Home occupations**

1. **Permitted activities.**
   - **a.** Any of the following group of activities may be engaged in by persons who reside on the premises and who are appropriately qualified and licensed, including business licenses where required:
     - **1)** Medical or professional. This shall include activities normally practiced by members of the medical and legal professions, designers and consultants in a variety of fields such as architecture, engineering and accounting.
     - **2)** Artistic. This group shall include activities such as teaching, creation and production by professional artists, sculptors, craftspeople (craftmakers), musicians, writers and others who produce work on the premises for individual purchases, as differentiated from mass production or manufacturing. Other than these artistic endeavors, there shall be no manufacturing, assembly or fabrication of products on the premises conducted as an occupation or commercial venture.
     - **3)** Business or home office. This includes commercial trade activities such as those conducted by a manufacturer's representative or telephone salesperson, but not involving the delivery of goods or services directly to customers on the premises.
2. **Limitations on size and location**

   The floor area devoted to the residential business must not exceed 25 percent of the gross floor area of the dwelling unit or 500 square feet (whichever is less). This limitation applies to the aggregate floor area of all areas devoted to the residential business, whether located within the dwelling or in an accessory structure.

3. **Activity controls**

   a. There shall be no exterior indication that the business activity is taking place other than the allowed signage.
   b. There shall be no exchange of merchandise of any kind on the premises except for those products produced on the premises as a direct result of the residential business.
   c. There shall be no reshipment of any goods, products or commodities received on the premises.
   d. There shall be no activities on the premises that are associated with personal service occupations such as a barber shop, beauty shop, hairdresser or similar activities unless specifically permitted as part of the special use approval.
   e. There shall be no associates or employees on the premises other than other members of the family who reside on the premises.
   f. There shall not be more than two nonresident persons on the premises at the same time in conjunction with the residential business whether they are students, clients, patients or customers.
   g. There shall be no parking spaces provided or designated specifically for the residential business.
   h. Wall signs on the property shall be limited to one sign no larger than one square foot in area.
   i. There shall be no exterior lighting of the building or property that is not in character with a residential neighborhood.
   j. The residential business shall not be open to the public between the hours of 10:00 p.m. and 7:00 a.m. each day except Sunday. On Sunday, the residential business shall not be open before 11:00 a.m. or after 10:00 p.m.

**P. Hotel or motel**

1. **Minimum lot size**

   Every lot containing a hotel or motel shall have an area of at least two acres.

2. **Minimum setback**

   A hotel or motel shall have a minimum setback of 100 feet from any residential district.

3. **Public safety access**

   Every hotel or motel building where guests are lodged must have a 25-foot wide corridor surrounding the building for nonexclusive access by public safety vehicles. The corridor must be separated from the exterior of the building by at least 20 feet, but not more than 50 feet.

4. **Amenities for long-term stay**

   If any unit available for occupancy by a guest within the hotel or motel contains cooking facilities, the hotel or motel shall provide recreational amenities, such as a swimming pool, dog park, or playground area.

**Q. Hunting**

It shall be unlawful for any person to hunt, shoot for sport or attempt to shoot for sport any animal anywhere within the city except within a permitted hunting area approved by the city by special land use permit. Temporary land use permits for hunting shall be valid for not more than 12 months in duration unless expressly granted for a longer period specified in the approval.

Temporary land use permits for hunting may be granted for aggregate tracts of unoccupied property not smaller than 50 acres. Every application for a hunting permit shall be accompanied by a map of the property, showing the boundaries of the proposed hunting area.

**R. Kennel and pet boarding**

Any commercial outdoor kennel, dog run, or pen shall not be located any closer than 100 feet from any residential district.

**S. Mini-warehouse (self-storage)**

Mini-warehouse and self-storage and facilities shall meet the following restrictions and design standards:

1. Storage units shall not be used for manufacturing, retail or wholesale selling, office, other business or service use, or human habitation.
2. Site access shall not be onto roadways classified as local residential streets.
3. Outdoor speakers or sound amplification systems shall be prohibited.
4. The facility may include a manager's office/apartment which is accessory to the primary use of the facility for personal warehousing purposes.
5. Adequate loading and unloading areas outside of fire lanes, required parking lanes and travel lanes shall be provided.
6. No outdoor storage of any type, other than recreational vehicles and watercraft on trailers, shall be allowed at the facility.

**T. Multiple vendor businesses**

All indoor flea markets, and all indoor commercial businesses with multiple vendors of used goods housed under one structure, shall have a central cashier area where payment for all goods sold shall be made through a single licensee; no sales shall be transacted with payments made directly from any buyer to an individual vendor.

**U. Night watchman residence**

A residence for a night watchman, otherwise allowed as an accessory use to a business or industrial operation, may be either of the following:

1. A class A or class B single-family detached dwelling; or
2. Located within a commercial or industrial structure.

**V. Outdoor display**

1. Outdoor display of merchandise or goods. Merchandise or goods may be on display outdoors for the purpose of customer selection or direct sale or lease to customers only as follows:

    a. The following merchandise or goods may be located in outdoor display areas on a permanent basis (where the use is otherwise permitted):

        1) Motorized vehicles and trailer-style campers that are in good running condition free from exterior damage or substantial wear.
        2) Power boats and sailboats.
        3) Manufactured homes and utility buildings.
        4) Plant nursery items.

5) Light building materials such as lumber, patio pavers and decorative stone; yard furniture such as benches, swings and bird baths; and yard maintenance materials such as fertilizer, mulch, straw and seed.

b. If otherwise authorized for temporary or permanent display, merchandise and goods may be located in outdoor display areas, but only between the hours of 8:00 a.m. and 10:00 p.m. which either:

1) Are within the CBD zoning district, or
2) are an outdoor flea market.

c. Except for the goods listed in paragraph a., all outdoor display of merchandise or goods shall be conducted on a temporary basis associated with special sales promotions. Such display shall be for a period not to exceed two weeks, and shall not occur more often than three times per year, and shall require a permit from the Community Development department.

d. Merchandise or goods on display outdoors must be located outside of any street right-of-way or at least 20 feet from the driving lane, whichever is greater.

e. Trailers and tractor-trailers may not be used to hold other displayed goods outdoors.

2. Outdoor display areas are exempt from restrictions with screening. Any outdoor area where merchandise or goods are displayed for customer selection or direct sale, but which is permanently screened by a fence or freestanding wall at least six feet in height shall not be considered an outdoor display area.

### W. Outdoor Seating

Outdoor seating for restaurant service, when permitted, shall be subject to the following requirements and restrictions:

1. The perimeter of the outdoor seating area shall be outside of any public right-of-way, and may be delineated using fixtures such as walls, railings, planters or other similar decorative fixtures, and that do not present a safety hazard.
2. Tables, chairs, umbrellas, canopies, awnings and other similar fixtures shall be of uniform design and shall be made of quality materials and workmanship to ensure the safety and convenience of users and to enhance the visual quality of the urban environment.
3. Design, materials and colors shall be compatible with the abutting building for all locations, and any applicable design guidelines required under this UDO.

### X. Outdoor storage

The storage of goods, material, merchandise, vehicles, portable on-demand storage units with more than 100 square feet of floor space, shipping containers and tractor trailers not otherwise on display for customer selection or direct sale or lease to customers, where the use is otherwise permitted, is limited as follows:

#### 1. Outdoor storage in commercial zoning districts

a. Generally. In commercial zoning districts, outside storage of materials is only permitted as a special use and must be located in the rear yard. In addition, the outdoor storage area must be screened from view by an opaque fence or free-standing wall no less than eight feet in height. Trailers and tractor-trailers shall not be used for outdoor storage.

**b.** Exception for storage of plant materials and donated used goods. A maximum of four trailers per lot may be utilized exclusively for the purpose of storing plant materials such as mulch, straw and seed. Additionally, one trailer per lot may be utilized exclusively for the purpose of collection of donated used goods. Such trailers may be placed in any yard on the property. Trailers used exclusively for these purposes shall be exempt from the requirement imposed by this section to have a special land use permit.

**2.** Outdoor storage in the LI and HI zoning districts. In the LI light industrial and HI heavy industrial zoning districts, any storage use operated as a principal use or accessory use on a property shall be contained entirely within a building or shall be screened from view by an opaque fence or free-standing wall no less than eight feet in height.

### Y. Pawn shops

No pawn shop shall be located closer than 2,500 feet to another pawn shop provided that title pawn shops shall be exempt from this requirement and shall not be considered in the proximity measurement for other pawn shops.

### Z. Private use heliport

If approved as a special use, a private use heliport shall meet the following minimum standards:

**1. Compliance with FAA guidelines**

The development of a private use heliport shall be in accordance with the guidelines specified by the Federal Aviation Administration.

**2. Takeoff and landing area**

**a.** Private use heliports shall, as a minimum, have a takeoff and landing area 1 and one-half times the overall length of the largest helicopter expected to use the facility. The surface of the area shall be grassed, paved or treated as may be required to minimize dust or blowing debris.

**b.** The owner of a private use heliport shall erect a safety barrier around the peripheral area surrounding the takeoff and landing area. The safety barrier shall be a fence, wall or hedge no less than three feet in height and fully enclosed with a self-locking gate.

**c.** No commercial air services are permitted.

## AA. Quarries, Mining and Extraction

Quarries or mining operations, including the removal or extraction of dirt, sand and soil, are subject to the following requirements:

**1. Special Use approval required**

Quarries and open pit mines, and soil or sand removal or extraction operations, require a Special Land Use Permit approval by the Mayor and City Council.

**2. Application requirements**

All applications shall include the following in addition to the requirements for Special Uses under the Procedures and Permits Article of this UDO:

**a.** An operation plan containing the following must be a part of such application:

**1)** Date of commencement of the operation and its expected duration.

2) Proposed hours and days of operation.
3) The description of the method of operation, including the disposition of topsoil, overburden and by-products.
4) A description of the equipment to be used in the extraction process. The applicant shall provide an estimate of the potential noise and dust levels produced by the use and the placement of such equipment.

b. The applicant shall submit a copy of the operations plan and all documents submitted to the State of Georgia for the purpose of obtaining a State Mining Permit including the reclamation plan which shall include a description of how the excavated land will be restored, statement of intended future use of the land, and phasing and timing estimates of reclamation and rehabilitation activities. Operations and reclamation plans, if approved, shall be considered conditions of development approval.
c. A study prepared by the applicant that shall identify any state, county or city-maintained road within or adjacent to the property, and shall state any repaving, alterations, turning lanes or other additions necessary to accommodate the potential increase of traffic volume or weight occasioned by the proposed operations.
d. The applicant shall provide a statement regarding the intended use of explosives or other hazardous materials and the methods and procedures proposed for handling, use, storage and disposal of the materials.
e. The applicant shall provide a copy of the well and soil study to be completed by applicant in connection with the application submitted to the State of Georgia for a surface mining permit, which shall include all properties within 1,000 feet of the property.
f. In the event the applicant is not required to obtain a bond in connection with the surface mining permit issued by the State of Georgia, the Mayor and City Council may at its discretion require a bond calculated on a specific amount per acre for the purposes of insuring proper reclamation. Mayor and City Council shall not require a bond if the applicant is required to obtain a bond in connection with its surface mining permit.
g. The applicant shall provide documentation that it has obtained a surface mining permit from the State of Georgia and the bond required in conjunction with the surface mining permit.

3. **Restrictions**

a. This section shall not prohibit the removal of earth and rock and filling and grading in any district done for land development purposes.
b. No operation shall be allowed between the hours of 7:00 p.m. and 7:00 a.m. during the months of November, December, January, February, and March. No operation shall be allowed between the hours of 9:00 p.m. and 6:30 a.m. during the months of April, May, June, July, August, September and October. No operation shall be permitted on Sundays, New Years, Independence Day, Thanksgiving or Christmas Day. These restrictions shall not apply to routine maintenance and may be varied for special projects, including Department of Transportation projects and large commercial projects, with the mutual concurrence of the Community Development Director and the Mayor.
c. Area being excavated for stone mining and quarrying shall be entirely enclosed within a barrier fence of at least six feet high located at least 10 feet back from the edge of any excavation and such construction and height as to be demonstrably able to exclude children and animals from the quarry area. For other mining operations covered by this

section, the excavation area shall be surrounded by earthen berms of at least four feet in height covered with thorny shrubs.

**d.** Gates must be provided at all points of vehicular and pedestrian ingress and egress and shall be locked when not in regular use.

**e.** All work areas shall be sufficiently illuminated, naturally or artificially, in accordance with the form of the operation and the stated hours of operation. No direct artificial illumination resulting from the operation shall fall on any land not covered by the application.

**f.** Strict compliance with the Chapter 38, Article 3 of the City of Douglas Code of Ordinances shall be observed.

**g.** Vibration levels at the boundaries of the extraction site shall not exceed a minimum peak velocity of 1.0 inches per second, steady state and 2.0 inches per second impact state.

**h.** All gravel and pit access roads shall be maintained in accordance with state issued air quality permits.

**i.** For quarries and open pit mines, the maximum depth of excavation shall not be below existing groundwater, except in cases where the reclamation plan indicates that a lake or lakes will be a part of the final use of the land or where such plan indicates that adequate fill from overburden is to be used to refill such excavation. No excavation shall be allowed to lower the water table of the surrounding inhabited properties to the extent there are wells with potable water within 1000 feet of the excavation area.

**j.** Notices shall be posed at regular intervals along the outer limits of the property, which shall warn against trespassing and shall contain a statement pertaining to the use of explosives, if applicable.

**4. Distance requirements**

**a. Soil or sand removal or extraction operations**

Such uses shall not be established within 500 feet of a residential use or 200 feet of any other use.

**b. Quarries and open pit mines**

The operational and removal area of such uses shall not be established within 4,000 feet of a residential use and within 2,000 feet of any other use.

**5. Modification of restrictions**

The restrictions under Section 3, Restrictions, and the distance requirements under Section D may only be modified by Mayor and City Council as a condition of approval of a Special Land Use Permit for the quarry or mining operation based on competent and acceptable studies or other evidence submitted by the applicant of noise, vibration or other impacts as appropriate to the operation proposed and modification requested.

**6. State permits**

A copy of the State permit approval shall be maintained on file with the Community Development Department.

### BB. Restaurants Providing Hookah or Smoking

Restaurants providing hookah or smoking shall comply with the following:

1. Indoor seating only.
2. Minimum 2,500 sq. ft. of floor area required for customer seating
3. See International Building code for mechanical ventilation requirements. Sprinklers are required.

### CC. Solid waste transfer stations and junkyards

No solid waste transfer station or junkyard can be approved as a special use in the HI heavy industrial district if the property lies within 1,000 feet of a residential zoning district, or within 500 feet of a commercial zoning district or O-I office-institutional district. All junkyards shall be enclosed by an eight-foot high opaque fence.

### DD. Special outdoor events

Every special outdoor event on a property shall require approval of a permit by the Community Development Director and shall comply with the following:

1. Special outdoor events; frequency and duration.
   a. A special outdoor event shall not last longer than 15 days, and may not occur more often than four times in any calendar year on the same property, except on any developed non-residential lot having more than 5,000 parking spaces.
   b. Any two special outdoor events on the same property must be separated by at least 30 consecutive days, except on any developed non-residential lot having more than 5,000 parking spaces.
2. Special outdoor events; requirements.
   a. Adequate parking and traffic maneuvering space must be located on the same property as the special event.
   b. Evidence of liability insurance in an amount of $1,000,000 injury total, $500,000 bodily injury to any person and $100,000 property damage shall be submitted as part of the application for permit approval.
   c. Signage proposed for the special event must be specified and approved as a part of the permit approval.
   d. The Community Development Director may impose special stipulations of approval, including but not limited to the requirement to hire adequate security personnel and personnel to direct traffic.

### EE. Tattoo studios and body piercing establishments

No tattoo studios or body piercing establishments shall be located closer than 2,500 feet to another such establishment, as measured by a straight line connecting the closest edges of the parcels on which each such establishment would be located. Every applicant for a new occupation tax registration for such an establishment shall submit, with his application, a survey verifying that this distance requirement has been met.

### FF. Temporary sales office for a subdivision

A temporary sales office, where otherwise allowed, shall meet the following criteria:

1. **Temporary sales office; location**

   The temporary sales office shall be located on a lot within an area that has received final plat approval and has been recorded with the clerk to the superior court.

2. **Temporary sales office; restrictions**

   a. Sales shall be limited to the lots and buildings within the subdivision where the temporary sales office is located, as defined by the recorded final plat.
   b. The temporary sales office may be a manufactured home or industrialized building.

3. **Temporary sales office; removal**

   The temporary sales office shall be removed within 30 days after certificates of occupancy or connections to permanent power have been approved on 90 percent of the lots in the subdivision.

### GG. Transmission towers and antennae

1. **Purposes**

   The purposes of this section are to:

   a. Provide for the appropriate location and development of communication towers and antennae to serve the residents and businesses of the City of Douglasville;
   b. Minimize adverse visual impacts of towers and antennae through careful design, siting, landscape screening and innovative camouflaging techniques;
   c. Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures;
   d. Lessen traffic impacts on surrounding residential areas;
   e. Maximize use of any new and existing communication towers so as to minimize the need to construct new towers and minimize the total number of towers throughout the city;
   f. Maximize and encourage use of alternative tower structures as a primary option rather than construction of additional single-use towers; and
   g. Encourage and promote the location of new communication towers in areas which are not zoned for residential use.

2. **Permitted uses**

   a. **Self-supporting communication towers**

      Upon receipt of an appropriate building permit, self-supporting communication towers may be located in the following zoning districts of the city:

      1) Light industrial (LI) and heavy industrial (HI) zoning districts as a use by right; provided however, such towers satisfy all of the conditions under "general requirements" and "shared use" of this section and do not exceed 150 feet in height;
      2) General commercial (GC), neighborhood commercial (NC), regional marketplace (RMP), office-distribution (O-D), office-institutional (O-I), as a use by right; provided however, such towers satisfy all of the conditions under "general requirements" and "shared use" of this section and do not exceed the following height limitations:

**a)** For a single user, no more than 70 feet in height;
**b)** For two users, no more than 100 feet in height; and
**c)** For three or more users, no more than 150 feet in height.

**3)** General commercial (GC), neighborhood commercial (NC), regional marketplace (RMP), office-distribution (O-D), office-institutional (O-I), light industrial (LI), heavy industrial (HI), Planned Unit Development (PUD) zoning districts with a height variance when such towers do exceed the tower heights permitted as in subparagraphs 1) and 2) above; provided however, such towers also satisfy all of the requirements under "general requirements" and "shared use" of this section.

**4)** Central business (CBD), single-family detached residential (R-2), single family, duplex, and triplex residential (R-3), single-family, duplex, triplex and quadraplex residential (R-4), single-family cottage residential (R-5), planned residential development (PRD), zoning districts as a special land use: provided however, such towers shall not exceed 60 feet in height and shall also satisfy all the requirements under "general requirements" of this section.

**5)** Guyed towers shall not be permitted within the central business (CBD) zoning district.

**b. Rooftop towers and antennae**

Rooftop mounted communications towers and antennae may be located on any nonresidential buildings and alternative tower structures in the city so long as:

**1)** The setback for such tower or antenna meets the setback requirements under the general requirements of subsection GG.3.i., and the setback requirements of the zoning district in which the tower or antenna is located;

**2)** The existing freestanding nonresidential structure other than a tower on which such tower or antenna will be placed is 50 feet in height or greater and the tower and antenna will add no more than 20 feet total to the height of said existing structure;

**3)** No advertising is permitted on an antenna or tower;

**4)** No signs or illumination are permitted on an antenna or tower unless required by the FCC, FAA or other state or federal agency of competent jurisdiction in which case the Community Development Director may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding uses and views; and

**5)** The number and location of antennae, communication towers or other receiving or transmitting devices located on a single structure is not excessive and does not adversely affect adjacent properties and views.

**c. Prohibitions**

No new cell may be established if there is a technically suitable space available on an existing tower within the search area that the new cell is to serve. For the purpose of this section, the search area is defined as the grid for the placement of the antenna.

**d. Unified tower arrays**

For any unified tower array, the height of the tallest tower within the array shall be considered the height of the array. Spacing of towers within the same array is not required. Measurements for separation distances to other towers and for purposes of setbacks shall be measured from the outer perimeter of the towers included in the

array; for all purposes other than tower height and spacing of towers within an array, each tower within a unified tower array must comply with all requirements of this section.

### 3. General requirements

The requirements set forth in this subsection shall govern the location and construction of all towers, and the installation of all antennae, governed by this section.

#### a. Building codes: safety standards

To ensure the structural integrity of communication towers, the owner of a tower 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 Georgia. The results of such inspection shall be provided to the Community Development Director.

#### b. Regulatory compliance

**1)** All towers and antennae must 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 antennae. If such standards and regulations are changed then the owners of the communications towers and antennae governed by this section shall bring such communications towers and antennae into compliance with such revised standards and regulations within six months of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency.

**2)** Tower owners shall provide documentation showing that each communication tower is in compliance with all federal requirements. Evidence of compliance must be submitted every 12 months.

#### b. Security

Communication towers shall be enclosed by decay-resistant security fencing not less than six feet in height and shall be equipped with an appropriate anti-climbing device; provided, however, the Community Development Director or the governing body may waive such requirements for alternative tower structures.

#### c. Lighting

No illumination is permitted on an antenna or tower unless required by the FCC, FAA or other state or federal agency of competent jurisdiction in which case the Community Development Director may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding uses and views.

#### d. Advertising

No advertising is permitted on an antenna or tower.

**e. Visual impact**

1) Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA or other applicable federal or state agency, be painted a neutral color, so as to reduce visual obtrusiveness.
2) At a tower 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.
3) If an antenna is installed on a structure other than a tower, the antenna 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.
4) Towers clustered at the same site shall be of similar height and design.
5) Towers shall be the 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.

**f. Landscaping**

Landscaping shall be used to effectively screen the view of the tower compound from adjacent public ways, public property and residential property and shall be as follows:

1) For towers 150 feet tall or less, a buffer area no less than six feet wide shall commence at the property line.
2) For towers more than 150 feet tall, a buffer area not less than ten feet wide shall be provided at the property line, except that no vegetated buffer shall be required atop the ground system for any transmission tower.
3) The buffer zone is to consist of materials of a variety which can be expected to grow to form a densely vegetated area at least five feet in height within two years of planting.
4) 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 and staff maintenance.
5) 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 removed, and vegetation to be replanted to replace that lost, provided however, that no vegetation other than grass shall be required atop the ground system for any transmission tower.
6) 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 and/or for continued operation of existing bona fide agricultural or forest uses such as farms, nurseries and tree farms.
7) In certain locations where the visual impact of the tower would be minimal, such as remote agricultural or rural locations or developed heavy industrial areas, the

landscaping requirement may be reduced or waived by the Community Development Director.

**g. Maintenance impacts**

Equipment at a transmission facility shall be automated to the greatest extent possible to reduce traffic and congestion. Where the site abuts or has access to a collector and local street, access for maintenance vehicles shall be exclusively by means of the collector street.

**h. Principal, accessory and joint uses**

**1)** Accessory structures used in direct support of a tower shall be allowed but not be used for offices, vehicle storage or other outdoor storage. Mobile or immobile equipment not used in direct support of a tower facility shall not be stored or parked on the site of the tower, unless repairs to the tower are being made.

**2)** Towers may be located on sites containing another principal use in the same buildable area as long as all of the other siting, setback, separation and general requirements of this section are met. The minimum distance between a tower and another principal use located on the same lot for a monopole or lattice tower shall be the greater of 20 percent of the tower height or 25 feet (7.62 meters), and for a guy tower shall be equal to the height of the tower. This separation is required to assure compatibility of land uses and to provide for the health, safety and welfare of individuals and structures occupying the same site.

**3)** Joint use of a site is prohibited when a proposed or existing principal use includes the storage, distribution or sale of volatile, flammable, explosive or hazardous materials such as propane, gasoline, natural gas and dangerous chemicals.

**i. Tower lot size, setbacks and separations**

**1)** Towers may occupy a parcel as a principal use meeting the minimum lot size requirements for the zoning district in which it is located.

**2)** The site shall be of a size and shape sufficient to provide an adequate setback from the base of the tower to any property line abutting a residential district, public property, or public street. Such setback shall be sufficient to comply with all of the following:

**a)** Provide for an adequate vegetative, topographic or other buffer as required in this subsection;

**b)** Provide a setback of 50 feet between any safe-fall tower and all property lines other than those abutting residential property or property containing any existing or planned place of public assembly, or any public or private street;

**c)** Provide a setback of 50 feet plus the height of the tower between any safe-fall or non-safe-fall tower and all property lines abutting residential property or property containing any existing or planned place of public assembly, or any public or private street; and

**d)** Meet the minimum yard and setback requirements of the zoning district in which the tower is located.

**h.** Placement of more than one tower on a lot shall be permitted, provided all setback, design and landscape requirements are met as to each tower. Structures may be located

as close to each other as technically feasible, provided tower failure characteristics of the towers on the site will not lead to multiple failures in the event that one fails.

**i.** All structures and uses associated with the transmission use other than the transmission tower shall be located to meet the setbacks required in the zoning district where the tower is to be located. To encourage and accommodate shared use of a tower, the Community Development Director may waive or reduce setback requirements by up to 50 percent to accommodate the placement of additional buildings or other supporting equipment at a tower site.

**j.** No self-supporting communication tower shall be allowed within a 1,000-foot (304.80-meter) radius of an existing tower within a residential area; exceptionally, individual towers within a unified tower array may be closer than 1,000 feet to other towers within the same array.

**k.** In no case shall a tower be located in the required front yard of a residential district.

**l.** All self-supporting towers constructed after June 2, 1997, shall conform to the following minimum tower separation requirements:

***Table 2-1 Minimum Tower Separation Requirements (English measurement)***

| **Tower Heights** | **Less than 50 feet** | **50 to 100 feet** | **101 to 150 feet** | **Over 150 feet** |
|---|---|---|---|---|
| **Less than 50 feet** | 300 feet | 500 feet | 750 feet | 1,000 feet |
| **50 to 100 feet** | 500 feet | 750 feet | 1,000 feet | 1,500 feet |
| **101 to 150 feet** | 750 feet | 1,000 feet | 1,500 feet | 2,000 feet |
| **Over 150 feet** | 1,000 feet | 1,500 feet | 2,000 feet | 2,500 feet |

***Table 2-1A Minimum Tower Separation Requirements (Metric measurement)***

| **Tower Height** | **Less than 15.24 meters** | **15.24 to 30.48 meters** | **30.78 to 45.72 meters** | **Over 45.72 meters** |
|---|---|---|---|---|
| **Less than 15.24 m** | 91.44 m | 152.4 m | 228.6 m | 304.8 m |
| **15.24 to 30.48 m** | 152.4 m | 228.6 m | 304.8 m | 457.2 m |
| **30.78 to 45.72 m** | 228.6 m | 304.8 m | 457.2 m | 609.6 m |
| **Over 45.72 m** | 304.8 m | 457.2 m | 609.6 m | 762 m |

### 4. Shared use (colocation)

All new towers shall be designed to structurally accommodate the maximum number of additional users technically practicable.

**a.** Once a new tower is approved, additional antennae and accompanying accessory uses may be added to it in accordance with the approved share plan if the Community Development Director finds that the standards of this section are met.

**b.** If a new tower is approved, the owner shall be required as conditions of approval, to:

**1)** Respond in a timely, comprehensive manner to a request for information from a potential shared use applicant;

**2)** Negotiate in good faith for shared use by third parties; and

3) Allow shared use where the third party seeking such use agrees in writing to pay reasonable, pro rata charges for sharing, including all charges necessary to modify the tower and transmitters to accommodate shared use, but not total tower reconstruction, and to observe whatever technical requirements are necessary to allow shared use without creating interference.

c. Willful, knowing failure of an owner whose tower was approved after the effective date of this section, to comply with the requirement of a. through d. above shall be grounds for withholding approval of any application by such owner for a building permit or special use permit for any tower or antenna.

d. Such conditions shall run with the land and be binding on subsequent purchasers of the tower site.

**5. Removal; intra-site relocation**

**a. Removal of antennae and towers**

All towers and antennae shall be maintained in compliance with standards contained in applicable building and technical codes so as to ensure the structural integrity of such towers. If upon inspection by the building official such tower is determined not to comply with the code standards or to constitute a danger to persons or property, then upon notice being provided to the owner of the tower and the owner of the property if such owner is different, such owners shall have 30 days to bring such tower into compliance. In the event such tower or antenna is not brought into compliance within 30 days, the city may provide notice to the owners requiring the tower or antenna to be removed. The city may pursue all legal remedies available to it to ensure that communication towers and antenna not in compliance with the code standards or which constitute a danger to persons or property are brought into compliance or removed. The city may seek to have the tower or antenna removed regardless of the owners' or operator's intent to operate the tower or antenna and regardless of any permits, federal, state or otherwise, which may have been granted.

**b. Intra-site relocation**

Any approved or legal non-conforming transmission tower may be relocated within the same site, so long as all requirements of this section, including but not limited to those for required setbacks, are met or compliance is achieved by means of variance. If the height of any such relocated tower is not increased, the tower shall not require new approval for height. In addition to a building permit and an electrical permit, all intra-site relocations shall require approval of the Community Development Director for compliance with the terms of this section; the applicant shall submit a survey of the proposed relocation with any request for intra-site relocation.

**6. Abandoned towers**

a. Any antenna or tower that is not operated for a continuous period of 12 months shall be considered abandoned, whether or not the owner or operator intends to make use of the tower. The owner of an abandoned antenna or tower and the owner of the property where the tower is located shall be under a duty to remove such a tower or antenna. The city may pursue all legal remedies available to it to ensure that abandoned communication towers and antenna are removed. Delay by the city in taking action shall not in any way waive the city's right to take action. The city may seek to have the

communication tower or antenna removed regardless of the owners' or operator's intent to operate the tower or antenna and regardless of any permits, federal, state or otherwise, which may have been granted.

b. If the owner of an abandoned tower or antenna wishes to use such abandoned tower or antenna, the owner first must apply for and receive all applicable permits and meet all of the conditions of this section as if such tower or antenna was a new tower or antenna.

**7. Pre-existing towers/nonconforming uses**

a. All communications towers properly permitted and operative on June 2, 1997 shall be allowed to continue their present usage as a nonconforming use and shall be treated as a nonconforming use in accordance with this ordinance. Routine maintenance, including replacement with a new tower of like construction and height, shall be permitted on such existing towers. New construction other than routine maintenance on an existing communication tower shall comply with the requirements of this section.

b. A communication tower that has received city approval in the form of either a building permit or special use exception but has not yet been constructed or placed in operation shall be considered an existing tower so long as such approval is current and not expired.

**8. Public property**

Antennae or towers located on property owned, leased or otherwise controlled by the city shall be exempt from the requirements of this section, provided a license or lease authorizing such antenna or tower has been approved by the city council.

**HH. Small Cell Technology**

**1. Purpose**

Small cell technology provides increased capacity to a wireless communication providers network in high traffic areas through smaller, more closely spaced antenna. These regulations serve to regulate such small cell technology to the extent as provided for under Georgia State law.

**2. Access to Public ROW**

**a. Agreement**

An agreement is required to authorize installation of Communications Facilities in the Public ROW. Prior to installing in the Public ROW any Communications Facility, or any Pole built for the sole or primary purpose of supporting a Communications Facility, or any Tower, a Person shall enter into an agreement with the City of Douglasville expressly authorizing use of the Public Right of Way for the Communications Facility, Pole or Tower proposed to be installed.

**1) General Terms**

**a) Length of Term**

If applicable, the maximum term of the agreement shall be identified, including any renewals, and the basis for termination.

**b) City of Douglasville Granted Rights in the Public ROW**

The agreement authorizes the Provider's non-exclusive use of the Public ROW for the sole purpose of installing, maintaining and operating Communications Facilities, including any Pole built for the sole or primary purpose of supporting the Communications Facilities and any Tower, to provide the services expressly authorized in the agreement, subject to applicable Laws, this Section and the terms and conditions of the agreement. The agreement authorizes use only of the Public ROW in which the City of Douglasville has an actual interest. It is not a warranty of title or interest in any Public ROW and it does not confer on the Provider any interest in any location within the Public ROW. No other right or the City of Douglasville is granted except as expressly set forth in the agreement. Nothing herein shall authorize the use of the City of Douglasville's Poles, Towers, Support Structures, or other structures in the Public ROW. All use of City of Douglasville Poles, Towers, Support Structures, and other structures in the Public ROW shall require a separate agreement, and the payment of separate fees for such use.

**c) Maintenance**

The Provider shall, at its sole cost and expense, keep and maintain its Communications Facilities, Poles, Support Structures and Towers in the Public ROW in a safe condition, and in good order and repair.

**d) Insurance and indemnification**

To the fullest extent permitted by law, Provider shall at its sole cost and expense fully indemnify, defend, and save harmless the City, its officers, boards, commissions, and employees against any and all claims, loss, suits, actions, liability, and judgments for damage resulting from or arising out of the death or injury to any person(s), or the loss of or damage to any property or any other damages caused by the acts, errors or omissions on the part of the Provider, its agents, its contractors or employees while installing, operating or maintaining the Wireless Facility, whether or not the act, error or omission complained of is authorized, allowed or prohibited by the agreement or the permit.

As a condition of the permit, the Provider shall furnish and maintain insurance in the amount to be determined by the director, but in no event, an amount less than five hundred thousand dollars ($500,000.00), to protect the city against claims of third persons for personal injury, wrongful death and property damage and to indemnify the city for damage to the city property arising out of the Provider's activities and equipment. Such insurance shall show the City as an additional insured.

**e) Emergency contacts and required response to emergencies related to facilities**

In the event of any emergency related to the Wireless Facility, Provider shall contact the City Police Department and the Director.

**f) Assignment and sublicensing**

Lessees or licensees using space in ducts, conduits and on Poles must comply with the terms of this Section, unless expressly exempted by the City of Douglasville.

**2) Public ROW Construction and Installation Requirements**

All construction of Wireless Facilities in the public right of way shall comply with the requirements of City Code Chapter 74, Article VI.

**a) ROW Permit**

i. Unless expressly authorized in this Section or in writing by the City of Douglasville, no Person may construct, maintain or perform any other work in the Public ROW related to Communications Facilities, Poles built for the sole or primary purpose of supporting Communications Facilities, or Towers without first receiving a Permit to the extent required under this Section, and any other permit or authorization required by applicable Laws.

ii. The City of Douglasville shall not issue a Permit unless the Applicant, or a Provider on whose behalf the Applicant is constructing Communications Facilities, Poles or Towers, has applied for and received the agreement required by this Section, or otherwise has a current and valid franchise with the City of Douglasville expressly authorizing use of the Public ROW for the Communications Facilities, Poles or Towers proposed in the Application, and all applicable fees have been paid.

**b) Location of New Facilities.**

i. The Provider shall not locate or maintain its Communications Facilities, Poles and Towers to unreasonably interfere with the use of the Public ROW by the City of Douglasville, by the general public or by other persons authorized to use or be present in or upon the Public ROW.

ii. The required location and requirements shall be as discussed and as approved by the City of Douglasville (e.g., distance from curb/sidewalk/lot lines; line of sight for traffic; labeling requirements; noise limits; size and color; etc.).

iii. Unless otherwise agreed to in writing by the City of Douglasville or otherwise required by applicable Laws, whenever any existing electric utilities or Communications Facilities are located underground within a Public ROW, the Provider with permission to occupy the same portion of the Public ROW shall locate its Communications Facilities underground at its own expense. The City of Douglasville may, in its sole discretion, approve aboveground placement of equipment cabinets, pedestals and similar equipment. For facilities or equipment such as Wireless Facilities that cannot, by their nature, operate unless located above-ground, the Provider and City of Douglasville shall work to find a suitable location for such facilities or equipment, which may be outside the Public ROW.

**c) Construction Standards.**

In performing any work in or affecting the Public ROW, the Provider, and any agent or contractor of the Provider, shall comply with the provisions of Subsection HH.6., General Public ROW Installation Requirements, of this Section and all other applicable Laws. See above.

**d) Restoration Requirements.**

i. The Provider, or its agent or contractor, shall restore, repair and/or replace any portion of the Public ROW that is damaged or disturbed by the Provider's Communications Facilities, Poles, Towers or work in or adjacent to the Public ROW as required in Subsection HH.6., General Public Right ROW Installation Requirements, of this Section and all other applicable Laws.

ii. If the Provider fails to timely restore, repair or replace the Public ROW as required in this subsection, the City of Douglasville or its contractor may do so, and the Provider shall pay the City of Douglasville's costs and expenses in completing the restoration, repair or replacement.

**e) Removal, Relocation and Abandonment.**

i. Within 30 days following written notice from the City of Douglasville, the Provider shall, at its own expense, protect, support, temporarily or permanently disconnect, remove, relocate, change or alter the position of any of its Communications Facilities, Poles, Support Structures or Towers within the Public ROW, including relocation of above-ground Communications Facilities underground, or otherwise consistent with the provisions of this Section, whenever the City of Douglasville has determined, in its sole discretion, that such removal, relocation, change or alteration is necessary for the construction, repair, maintenance, or installation of any City of Douglasville improvement, the operations of the City of Douglasville in, under or upon the Public ROW, or otherwise is in the public interest. The Provider shall be responsible to the City of Douglasville for any damages or penalties it may incur as a result of the Provider's failure to remove or relocate Communications Facilities, Poles, Support Structures or Towers as required in this subsection.

ii. The City of Douglasville retains the right and privilege to cut or move any Communications Facility, Pole, Support Structure or Tower located within the Public ROW of the City of Douglasville, as the City of Douglasville may determine, in its sole discretion, to be necessary, appropriate or useful in response to any public emergency. If circumstances permit, the City of Douglasville shall notify the Provider and give the Provider an opportunity to move its own facilities prior to cutting or removing the Communications Facility, Pole, Support Structure or Tower. In all cases the City of Douglasville shall notify the Provider after cutting or removing the Communications Facility, Pole, Support Structure or Tower as promptly as reasonably possible.

iii. A Provider shall notify the City of Douglasville of abandonment of any Communications Facility, Pole, Support Structure or Tower at the time the decision to abandon is made, however, in no case shall such notification be made later than 30 days prior to abandonment. Following receipt of such

notice, the Provider shall remove its Communications Facility, Pole, Support Structure or Tower at the Provider's own expense, unless the City of Douglasville determines, in its sole discretion, that the Communications Facility, Pole, Support Structure or Tower may be abandoned in place. The Provider shall remain solely responsible and liable for all its Communications Facilities, Poles, Support Structures and Towers until they are removed from the Public ROW unless the City of Douglasville agrees in writing to take ownership of the abandoned Communications Facilities, Poles, Support Structures or Towers.

iv. If the Provider fails to timely protect, support, temporarily or permanently disconnect, remove, relocate, change or alter any of its Communications Facilities, Poles, Support Structures or Towers or remove any of its abandoned Communications Facilities, Poles, Support Structures or Towers as required in this subsection, the City of Douglasville or its contractor may do so and the Provider shall pay all costs and expenses related to such work, including any delay damages or other damages the City of Douglasville incurs arising from the delay.

**f) Maps and As-builts**

Maps showing location of equipment in ROW and as-builts after construction are required in a format as approved by the Community Development Director.

**g) Other Information Required**

The Community Development Director may require additional information as a part of the application process.

**b. Fees and Charges**

Fees and charges are established by City Council in the fee schedule and as identified below:

**1) Permit Application Fee**

Every Applicant shall pay a Permit application fee, as established by City Council, for each Application (one location is one Application). The fee shall be paid upon submission of the Application. Multiple Applications are permitted to be submitted simultaneously. If multiple Applications are submitted at one time, a reduction in fee may be applicable.

**2) Agreement/License Application Fee**

Every Person requesting an Licensing Agreement from the City of Douglasville shall pay an application fee, as established by City Council, which shall be paid upon submission of the Agreement.

**3) ROW Use Fee**

In exchange for the privilege of non-exclusive occupancy of the Public ROW, the Provider shall pay the City of Douglasville per installation location a fee as established by City Council. The ROW Use Fee shall be due and payable within 30 days of the issuance of the applicable Permit(s) required under this UDO and

annually thereafter. Late payments shall be subject to interest at a rate and a penalty as identified by the City of Douglasville.

**4) Other Fees**

The Applicant or Provider shall be subject to any other generally applicable fees of the City of Douglasville or other government body, such as those required for electrical permits, building permits, or street opening permits, which the Applicant or Provider shall pay as required in the applicable Laws, as well as attachment fees for the use of City of Douglasville owned Poles, Towers, Support Structures, ducts, conduits or other structures in the Public ROW, as set forth in attachment agreements authorizing such use.

**5) No Refund**

Except as otherwise provided in the Agreement, the Provider may remove its Communications Facilities, Poles or Towers from the Public ROW at any time, upon not less than 30 days prior written notice to the City of Douglasville, and may cease paying to the City of Douglasville any applicable recurring fees for such use, as of the date of actual removal of the facilities and complete restoration of the Public ROW. In no event shall a Provider be entitled to a refund of fees paid prior to removal of its Communications Facilities, Poles or Towers.

### 3. Permit Applications

#### a. Permit Required

Unless expressly authorized in this Section or in writing by the City of Douglasville, no Person may construct, install or maintain in the Public ROW any Communications Facilities, Poles built for the sole or primary purpose of supporting Communications Facilities, or Towers, including the installation or Collocation of Communications Facilities on existing Poles, Towers, Support Structures or other structures within the Public ROW, without first receiving a Permit. Notwithstanding the foregoing, in the event of an Emergency, a Provider or its duly authorized representative may work in the Public ROW prior to obtaining a Permit, provided that the Provider shall attempt to contact the City of Douglasville prior to commencing the work and shall apply for a Permit as soon as reasonably possible, but not later than 24 hours, after commencing the Emergency work. For purposes of this subsection, an “Emergency” means a circumstance in which immediate repair to damaged or malfunctioning facilities is necessary to restore lost service or prevent immediate harm to persons or property.

#### b. Permit Application Requirements

The Application shall be made by the Provider or its duly authorized representative and shall contain the following:

**1)** The Applicant’s name, address, telephone number, and e-mail address, including emergency contact information for the Applicant.

**2)** The names, addresses, telephone numbers, and e-mail addresses of all consultants, if any, acting on behalf of the Applicant with respect to the filing of the Application.

**3)** A description of the proposed work and the purposes and intent of the proposed facility sufficient to demonstrate compliance with the provisions of this Section. The Applicant shall state whether the Applicant believes the proposed work is subject to

Administrative Review or Discretionary Review and if the Permit is an Eligible Facilities Request.

**4)** If applicable, a copy of the authorization for use of the property from the Pole, Tower or Support Structure owner on or in which the Communications Facility will be placed or attached.

**5)** Detailed construction drawings regarding the proposed facility.

**6)** To the extent the proposed facility involves Collocation on a Pole, Tower or Support Structure, a structural report performed by a duly licensed engineer evidencing that the Pole, Tower or Support Structure will structurally support the Collocation (or that the Pole, Tower or Support Structure will be modified to meet structural requirements) in accordance with Applicable Codes.

**7)** For any new aboveground facilities, accurate visual depictions or representations, if not included in the construction drawings.

**c. Proprietary or Confidential Information in Application**

Applications are public records that may be made publicly available pursuant Georgia State Law and City policy. Notwithstanding the foregoing, Applicant may designate portions of its Application materials that it reasonably believes contain proprietary or confidential information as "proprietary" or "confidential" by clearly marking each portion of such materials accordingly, and the City of Douglasville shall treat the information as proprietary and confidential, subject to Georgia State Law and the City of Douglasville's determination that the Applicant's request for confidential or proprietary treatment of Application materials is reasonable. The City of Douglasville shall not be required to incur any costs to protect the Application materials from disclosure, other than the City of Douglasville's routine procedures for complying with Georgia State Law and City policy.

**d. Ordinary Maintenance and Repair**

A Permit shall not be required for Ordinary Maintenance and Repair. The Provider or other Person performing the Ordinary Maintenance and Repair shall obtain any other permits required by applicable Laws and shall notify the City of Douglasville in writing at least 24 hours before performing the Ordinary Maintenance and Repair.

**e. Material Changes**

The City of Douglasville may require payment of an additional Permit application fee in the event the City of Douglasville determines, in its sole discretion, that material changes to an Application after submission amount to a new Application and will materially increase the time and/or costs of the Permit review process.

**f. Application Fees and Bonds**

**1)** Unless otherwise provided by applicable Laws, all Applications pursuant to this Section shall be accompanied by the Fees required under Section 2.b., Fees and Charges.

**2)** Unless otherwise provided in a franchise agreement or agreed to in writing by the City of Douglasville, a performance bond or other form of surety acceptable to the City of Douglasville equal to at least one hundred percent (100%) of the estimated cost of the work within the Public ROW shall be provided before the Applicant commences work.

### g. Effect of Permit

A Permit from the City of Douglasville authorizes an Applicant to undertake only the activities in the Public ROW specified in the Application and Permit, and in accordance with this Section and any general conditions included in the Permit. A Permit does not authorize attachment to or use of existing Poles, Towers, Support Structures or other structures in the Public ROW; a Permittee or Provider must obtain all necessary approvals from the owner of any Pole, Tower, Support Structure or other structure prior to any attachment or use. A Permit does not create a property right or grant City of Douglasville to the Applicant to interfere with other existing uses of the Public ROW.

### h. Duration

**1)** Any Permit for construction issued under this Section shall be valid for a period of one year after issuance provided that the one year period may be extended for up to an additional six months upon written request of the Applicant made prior to the end of the initial one year period only if the failure to complete construction is as a result of circumstances beyond the reasonable control of the Applicant.

**2)** An Applicant may simultaneously submit no more than 10 Applications for Communications Facilities, or may file a single, consolidated Application covering such Communications Facilities, provided that the proposed Communications Facilities are to be deployed on the same type of structure using similar equipment and within an adjacent, related geographic area of the City of Douglasville. If the Applicant files a consolidated application, the Applicant shall pay the application fee calculated as though each Communication Facility were a separate Application.

## 4. Administrative Review

Review and approval may be done administratively by the Community Development Director without a public hearing. The Community Development Director may, at his/her discretion, engage other City departments, boards, commissions or City Council, to review and comment on any Application. Applications may be subject to any design criteria or design standard applicable to other similar type uses in the district in which the Application is being submitted.

### a. Permitted Use

The following uses within the Public ROW shall be permitted uses, subject to Administrative Review and issuance of a Permit as set forth in this subsection., Administrative Review. All such uses shall be in accordance with all other applicable provisions of this UDO, including without limitation, those set forth in Subsection HH.6., General Public ROW Installation Requirements and below.

**1)** Collocation of a Small Wireless Facility that does not exceed the maximum height set forth in Subsection HH.4.c., Maximum Height of Permitted Use, or a Collocation that qualifies as an Eligible Facilities Request.

**2)** Modification of a Pole, Tower or Support Structure or Replacement of a Pole for Collocation of a Communications Facility where the modification or Replacement qualifies as an Eligible Facilities Request.

**3)** Construction of a new Pole or a monopole Tower (but no other type of Tower) to be used for a Small Wireless Facility that does not exceed the maximum height set forth in Subsection HH.4.c., Maximum Height of Permitted Use, if there are existing poles

of similar height within 300 feet of either side of the proposed new Pole or monopole Tower.

**4)** Construction of a Communications Facility, other than those set forth in subsections 1), 2) or 3) in this Subsection HH.4.a. Permitted Use, involving the installation of coaxial, fiber-optic or other cabling, that is installed underground or aboveground between two or more existing Poles or an existing Pole and an existing Tower and/or existing Support Structure, and related equipment and appurtenances.

**b. Application Review**

The City of Douglasville shall review the Application and, if the Application conforms with applicable provisions of Section HH.3., Permit Applications, and this Section, the City of Douglasville shall issue the Permit, subject to the standard permit requirements published by the City of Douglasville.

**c. Maximum Height of Permitted Use**

Small Wireless Facilities, and new, modified or Replacement Poles, Towers and Support Structures in the Public Right of Way may be approved through Administrative Review as provided in Section HH.4.a., Permitted Use, only if the new, modified or Replacement Pole, Tower or Support Structure installed in the Public ROW does not exceed the average heights of existing utility poles within the same ROW.

**d. Design Standards**

All aboveground Communications Facilities, Poles built for the sole or primary purpose of supporting Communications Facilities, or Towers in the Public ROW may be approved through Administrative Review to the extent provided in Section HH.4.a., Permitted Use, only if the following design guidelines are met:

**1)** Height, size, shape, color and related requirements and/or limits for poles, towers, support structures, antennas and ground-mounted equipment.
**2)** Structure design/style (consider new/replacement use cases).
**3)** Limits on number, location or styles of poles, support structures and towers that may be installed or used.
**4)** Aesthetic approach for different types of facilities.
**5)** Construction approach per facility, including powering and metering.
**6)** Structural integrity/remediation approach per facility.
**7)** Electrical integrity/remediation approach per facility.
**8)** Setbacks for poles, towers, support structures, antennas and ground mounted equipment.
**9)** Limits on use of ground-mounted equipment for wireless facilities (e.g., may be used only to house equipment and other supplies in support of the operation of the wireless facility or required to be placed in an underground vault).
**10)** Lighting, marking and noise requirements and/or limits.
**11)** Fencing/landscaping/screening/signage requirements and/or limits.
**12)** Collocation analysis.
**13)** Alternative site analysis.
**14)** Use of decorative poles.

5. **Discretionary Review and Approval**

All other uses within the Public ROW not expressly set forth or referenced in Subsection HH.4.a.., Permitted Uses, shall require discussion with the Community Development Director.

6. **General Public ROW Installation Requirements**

a. **General Work Requirements**

a) **General safety and compliance with laws**

The Permittee shall employ due care during the installation, maintenance or any other work in the ROW, and shall comply with all safety and Public ROW protection requirements of applicable Laws, Applicable Codes, and any generally applicable City of Douglasville guidelines, standards and practices, and any additional commonly accepted safety and Public ROW-protection standards, methods and devices (to the extent not inconsistent with applicable Laws).

b) **Traffic control**

Unless otherwise specified in the Permit, the Permittee shall erect a barrier around the perimeter of any excavation and provide appropriate traffic control devices, signs and lights to protect, warn and guide the public (vehicular and pedestrian) through the work zone. The manner and use of these devices shall be described within a traffic control plan in accordance with the Uniform Manual of Traffic Control Devices. The Permittee shall maintain all barriers and other traffic control and safety devices related to an open excavation until the excavation is restored to a safe condition or as otherwise directed by the City of Douglasville.

c) **Interference**

The Permittee shall not interfere with any existing facilities or structures in the Public ROW and shall locate its lines and equipment in such a manner as not to interfere with the usual traffic patterns (vehicular or pedestrian) or with the rights or reasonable convenience of owners of property that abuts any Public ROW.

d) **Utility Locates**

Before beginning any excavation in the Public ROW, the Permittee shall contact and comply with Call 811.

b. **Compliance with Permit**

1) **State that the permittee must follow permit requirements**

All construction practices and activities shall be in accordance with the Permit and approved final plans and specifications. The City of Douglasville and its representatives shall be provided access to the work site and such further information as they may require ensuring compliance with such requirements. All work that does not comply with the Permit, the approved plans and specifications for

the work, or the requirements of this Section, shall be removed at the sole expense of the Permittee. The City of Douglasville may stop work to assure compliance with the provision of this Section.

**2) Address any needed additional permits**

In addition to obtaining a Permit for installation of a Communications Facility, Poles built for the sole or primary purpose of supporting Communications Facilities, or Towers in the Public ROW, an Applicant must obtain all other required permits.

**c. Mapping Data; insert required maps and as-builts**

The Permittee shall provide to the City of Douglasville as-builts, in a format designated by the City of Douglasville or otherwise compatible with such format, showing the location of Communications Facilities, Poles, Support Structures and Towers upon completion of the permitted work.

**7. Attachment to and Replacement of Decorative Poles**

Notwithstanding anything to the contrary in this Section, an Applicant may not install a Small Wireless Facility on a Decorative Pole, or replace a Decorative Pole with a new Decorative Pole unless the City of Douglasville has determined, in its sole discretion, that each of the following conditions has been met:

**a.** The Application qualifies for issuance of a Permit under Section HH.4.a., Permitted Use;

**b.** The attachment and/or the replacement Pole is in keeping with the aesthetics of the Decorative Pole; and

**c.** Any other condition that may be specific to the district or overlay in which the Small Wireless Facility is being proposed.

**8. Violation of this Section**

Violation of any of the provisions of this Section shall be subject to Section 12.11, Violations and Penalties, of this UDO.

**II. Vehicle Storage**

Vehicle storage, including the overnight parking, for commercial vehicles including scenic and sightseeing companies, taxi cabs, buses and similar type vehicles shall only be in the LI or HI industrial districts.

**JJ. Veterinarian**

A veterinarian clinic or office located in the O-I office-institutional district is not allowed to provide boarding of animals or outdoor kennels or runs.

**KK. Yard sales**

**1. Yard sales; defined**

A yard sale is a temporary event involving the sale of used household belongings by an individual at his principal residence or by a group of residents combining such items for a group yard sale at one of their principal residences.

2. **Yard sales; frequency and duration**

   A yard sale may be held no more often than four times in a calendar year on the same property, with each individual sale lasting no more than three consecutive days.

3. **Yard sales; restrictions**

   a. All merchandise must be the property of those holding the sale and not be purchased for the purpose of resale.
   b. See also the "sign regulations" division of this UDO for restrictions on signs related to temporary events.

## Sec. 2.06 Façade Standards

### A. Exterior siding (façades)

Exterior siding (façades) for buildings and structures shall conform to the requirements of this section.

1. **Façade requirements for principal buildings in residential districts**

   a. **Acceptable façade materials** With the limitations imposed by this subsection, the following types of building materials are permitted:

      1) **Primary materials** A minimum of 75% or more of each exterior wall shall be comprised of the following materials: Brick, stone, tilt-up concrete, architectural pre-cast concrete, and cement-based artificial wood siding.

         a) **Secondary materials.** A maximum of 25% of materials shall be comprised of and no more two of the following materials: High-grade stucco, natural wood, and shakes and shingles.

         b) **Accent only materials (less than 10%):** May be comprised of metal and vinyl.

   b. Prohibited façade materials: concrete block, split-face block, CMU, brick veneers, painted brick, painted natural stone, tile, and glass.

2. **Façade requirements for principal buildings in commercial and office districts**

   a. Acceptable façade materials. With the limitations imposed by this subsection, the following types of building materials are permitted:

      1) **Primary materials**. A minimum of 75% or more of each exterior wall shall be comprised of the following materials: Brick, stone, tilt-up concrete and architectural pre-cast concrete, and glass

         a) **Secondary materials.** A maximum of 25% of materials shall be comprised of and no more two of the following materials: High-grade stucco, masonry cement board shakes and shingles, and natural wood and cement-based artificial wood siding.

         b) **Accent only materials (less than 10%):** May be comprised of metal and vinyl.

   b. Prohibited façade materials: concrete block, CMU, split-face block, painted brick, painted natural stone, and tile.

3. **Façade requirements for principal buildings in industrial districts**

   a. Acceptable façade materials. With the limitations imposed by this subsection, the following types of building materials are permitted:

      1) **Primary materials**. A minimum of 75% or more of each exterior wall shall be comprised of the following materials: Brick, stone, tilt-up concrete and architectural pre-cast concrete, glass, high-grade stucco, shakes and shingles, natural wood and cement-based artificial wood siding.

         a) **Secondary materials.** A maximum of 25% of materials shall be comprised of and no more two of the following materials: CMU, split-face block, concrete block.

         b) **Accent only materials (less than 10%):** May be comprised of metal and vinyl.

   b. Prohibited façade materials: Painted brick, painted natural stone and tile.

4. **Accessory structures**

   In all districts, façade materials for any accessory structure shall be limited to wood, vinyl, brick, stone, stucco, and cement board siding. Exceptionally, where the existing principal structure on a lot is sided, in whole or in part, with legal nonconforming materials, then a new accessory structure may be sided with any of the same nonconforming materials.

## Sec. 2.07 Prohibited Uses

### A. Noxious manufacturing or industrial activities not allowed

1. **Prohibited noxious or hazardous products**

   A manufacturing or industrial activity that produces any of the following as products or byproducts of the manufacturing process is prohibited:

   a. Caustic or corrosive acids.
   b. Chlorine or other noxious gasses.
   c. Explosives.
   d. Fertilizer or glue.
   e. Products involving hair or fur.

2. **Prohibited noxious or hazardous processes**

   A manufacturing or industrial use that involves any of the following processes is prohibited:

   a. Tanning or finishing of leather or other hides, except taxidermy.
   b. The disposal of hazardous waste.
   c. Petroleum refining.
   d. Processing of sauerkraut, vinegar or yeast.
   e. Rendering or refining of fats and oils.
   f. Explosives, fireworks and ammunition for small arms. Establishments primarily engaged in manufacturing explosives or utilizing explosives as a component of their manufacturing process such as those manufacturing fireworks or ammunition for small arms or other industrial processes requiring explosives.

## Sec. 2.08 Nonconformities

### A. Purpose and Intent of Provisions

#### 1. Treatment of Nonconformity

This section sets out the provisions that protect uses, structures and lots that lawfully existed prior to the adoption of this UDO or a subsequent amendment, but no longer conform to the new regulations. The primary intent of the treatment of nonconformity is to allow continuation of these uses, structures, lots and signs until the end of their useful life, while encouraging conformance to the new regulations when it becomes reasonable.

#### 2. Nonconforming Development Declared Incompatible

Lawful nonconforming uses, structures and lots are declared by this ordinance to be incompatible with land uses, structures, lots and signs that conform to the requirements of the zoning districts in which the nonconformity exists. However, such nonconforming development may be "grandfathered" and may continue under the circumstances presented in this article for each type of development.

#### 3. Registration and Recording

The Community Development Director, or his/her designee, at the request of the landowner of record or an authorized representative, may issue a Certificate of Nonconformance, a Parcel of Record Certificate and/or a Merger by Contiguity Certificate to the owner of each known Nonconforming Use, Nonconforming Parcel and/or Nonconforming Structure. The Community Development Director shall then record a copy of the Certificate(s) in the office of the Clerk of Superior Court within 30 days of its issuance at the applicant's expense. No use of land or structures so registered shall be other than specified on the Certificate(s), unless said use is in conformity with the provisions of the zone district in which the parcel is located.

### B. Nonconforming Uses

#### 1. Nonconforming Uses; Defined

A nonconforming use is a use or activity that was lawfully established prior to the adoption, revision or amendment of this ordinance, but which, by reason of such adoption, revision or amendment, is no longer a use or activity permitted by right or no longer meets or conforms to the requirements of this ordinance.

#### 2. Grandfathered Nonconforming Uses

a. To avoid undue hardship, the lawful but nonconforming use of any structure or land at the time of the enactment of this ordinance or any subsequent amendment may be continued even though the use does not conform to the provisions of this ordinance, except that the nonconforming use:
b. Shall not be changed to another nonconforming use.
c. Shall not be re-established after its removal from the property or its discontinuance for six consecutive months or more.
d. Shall not be enlarged or altered in a way that increases its nonconformity.
e. If an existing use was lawfully established as a permitted use in a zoning district that is subsequently amended to require special use approval for such use, the existing use shall not require a special use permit solely as a result of the change in the law.

f. The strengthening or restoration to a safe condition of any structure or part thereof declared to be unsafe by an official charged with protecting the public safety or health shall be allowed upon order of such official.

## C. Nonconforming Structures

### 1. Nonconforming Structures; Defined

A nonconforming structure is a structure or building whose size, dimensions or location on a property were lawful prior to the adoption, revision or amendment of this ordinance, but which, by reason of such adoption, revision or amendment, no longer meets or conforms to one or more such requirements of this ordinance.

### 2. Grandfathered Nonconforming Structures

A nonconforming structure may continue to be occupied and used, except that the nonconforming structure:

a. Shall not be remodeled, repaired, rebuilt or altered to restore or maintain any nonconformity if the total gross square footage of new construction exceeds 50 percent of the gross square footage of the structure prior to destruction or alteration, unless the structure is a single-family residence.
b. Shall not be enlarged or altered in a way that increases its nonconformity.

### 3. Exceptions

a. If the public acquisition of a portion of a lot reduces any yard dimension to less than that required by this UDO, the structure shall not be considered nonconforming.
b. Any structure within the historic district may have its façade or roof repaired or maintained if a certificate of appropriateness is not required.
c. For residential lots, where any structure has encroached into a required setback and such encroachment was lawful at the time of construction, then further construction within the setback area vertical to the encroachment or parallel to the property line shall be allowed, so long as new construction does not encroach closer to the property line than the existing nonconformity. For residential lots, the remaining foundation of any partially demolished encroachment is sufficient as a "structure" to vest the nonconformity under this provision.

## D. Nonconforming Lots

### 1. Nonconforming Lots; Defined

A nonconforming lot is a lot of record whose area, frontage, width or other dimensions were lawful prior to the adoption, revision or amendment of this ordinance, and which, by reason of such adoption, revision or amendment, no longer meets or exceeds one or more such requirements of the applicable zoning district.

### 2. Grandfathered Nonconforming Lots

Where the owner of a legal lot of record at the time of the adoption of this ordinance does not own sufficient land to conform to the minimum lot size or lot width requirement of this ordinance, such lot may nonetheless be used as a building site.

### 3. Combination of Nonconforming Lots; Where Required

If the owner of two or more adjoining lots with continuous frontage, at least one of which is a nonconforming lot, decides to build on one or more of such lots, he must first combine said lots to comply with the dimensional requirements of this ordinance.

### 4. Exception

If the public acquisition of a portion of a lot reduces the lot area, frontage, width or other dimension to less than that required by this UDO, such lot shall not be considered nonconforming.

## E. Nonconforming Stream Buffer Matters

The provisions of Article 9, Natural Resource Protection of this UDO, Watershed and Stream Buffer Protection, shall not apply to the following activities:

1. Work consisting of the repair or maintenance of any lawful use of land that is zoned and approved for such use on or before April 1, 2008.
2. Existing development and on-going land disturbance activities including but not limited to existing agriculture, silviculture, landscaping, gardening and lawn maintenance, as of April 1, 2008, except that new development or land disturbance activities on such properties will be subject to all applicable buffer requirements.
3. Any land development activity that is under construction, fully approved for development, scheduled for permit approval or has been submitted for approval as of April 1, 2008.
4. Land development activity that has not been submitted for approval, but that is part of a larger master development plan, such as for an office park or other phased development that was previously approved within two years prior to April 1, 2008.

# ARTICLE 3 RESIDENTIAL DISTRICTS

ARTICLE 3 RESIDENTIAL DISTRICTS ..... 3-1

Sec. 3.01 General Provisions ..... 3-2

Sec. 3.02 Interpretation ..... 3-2

Sec. 3.03 R-2 Single Family Residential Detached ..... 3-3

Sec. 3.04 R-3 Single Family Residential Detached ..... 3-4

Sec. 3.05 R-4 Single Family Residential Detached ..... 3-5

Sec. 3.06 R-5 Single Family Cottage Residential ..... 3-7

Sec. 3.07 PRD Planned Residential Development ..... 3-9

# ARTICLE 3 RESIDENTIAL DISTRICTS

## Sec. 3.01 General Provisions

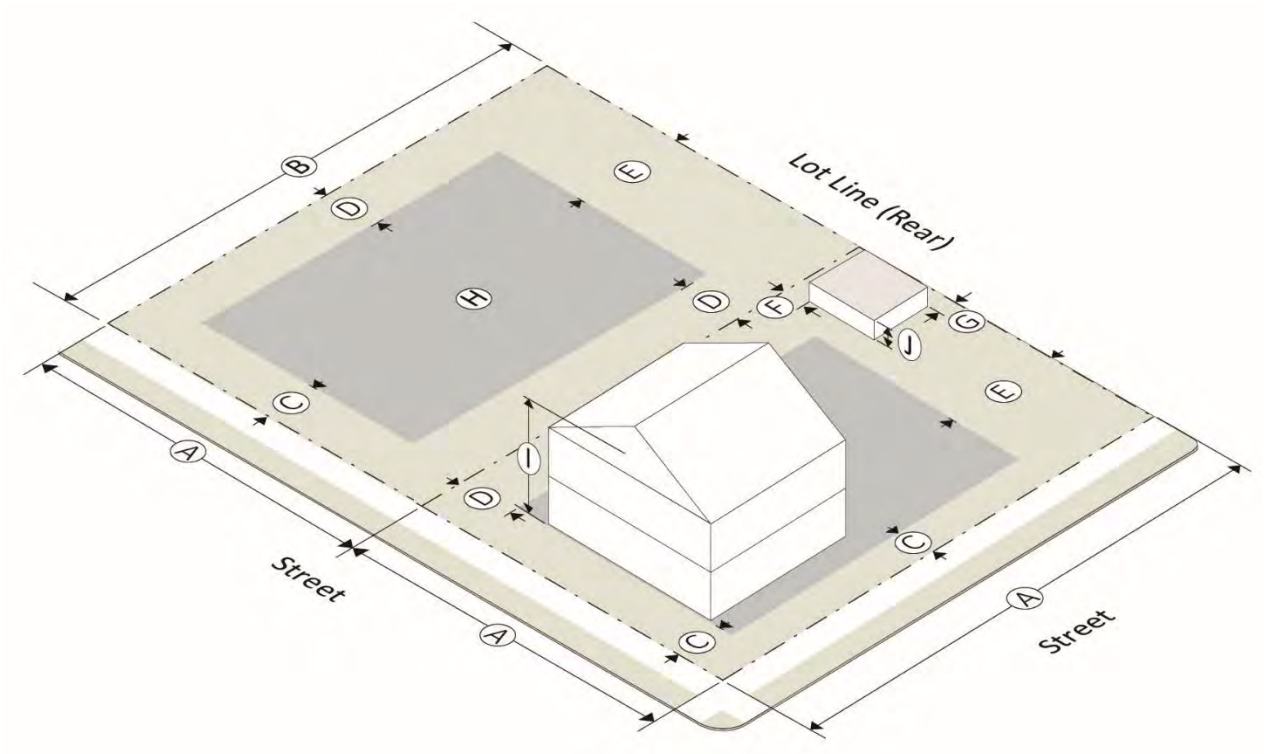
**A.** The intent of the Residential Districts is to protect established residential neighborhoods as well as promote well designed and properly located future residential developments.

**B.** The district provisions discourage any use that would substantially interfere with the residential nature of the districts. Compatible park, open space, utility and civic uses are permitted in Residential Districts as identified in Article 2, Uses, Use Regulations and Restrictions.

## Sec. 3.02 Interpretation

The following graphics depict the interpretation of lot development standards. The official definitions for these terms can be found in the Article 12, Definitions.

| | |
|---|---|
| Ⓐ Lot Width | Ⓕ Accessory Side Yard Setback |
| Ⓑ Lot Depth (Interior or Through Lot Only | Ⓖ Accessory Rear Yard Setback |
| Ⓒ Principal Building Front Yard Setback | Ⓗ Buildable Area |
| Ⓓ Principal Building Side Yard Setback | Ⓘ Principal Building Maximum Height |
| Ⓔ Principal Building Rear Yard Setback | Ⓙ Accessory Building Maximum Height |



## Sec. 3.03 R-2 Single Family Residential Detached

### A. Purpose

The R-2 zone is established to protect and promote a suitable environment for family life, to discourage any use which would generate other than normal residential area traffic on minor streets, and to protect the orderly future development of land in accordance with the land use plan for the city, at a density of not more than two units per acre.

### B. Lot Development Standards

| | |
|---|---|
| **Lot Dimensions** | |
| Minimum Lot Area | 20,000 sf |
| Minimum Lot Width | 100’ |
| Minimum Lot Frontage | 60’<br>45’ if fronting on a cul-de-sac |
| Maximum Density | 2 dwelling units/acre |
| **Minimum Setbacks** | |
| ***Principal Building*** | |
| Front | 50’ |
| Side | 15’ |
| Rear | 30’ |
| ***Accessory Building*** | |
| From Principal Structure | |
| Front | Not-Permitted |
| Side | 5’ if less than 144 sf<br>15’ if greater than 144 sf |
| Rear | |
| **Maximum Height** | |
| Principal | 35’ |
| Accessory | 24’ |
| **Minimum Floor Area** | |
| Single Family Detached | 1,500 sf |
| **Impervious Surface Coverage** | 35% |

### C. Supplemental Regulations

**1.** Traffic Study Required. A traffic study shall be required by the developer to determine the impact of the proposed development on the existing roadway system if the number of dwelling units exceeds 90 dwelling units. The report shall comply with the provisions of Sec. 10.06.H. Traffic Study.

**2.** Supplemental use regulations shall be as established in Article 2, Use Regulations and Restrictions as based on Section 2.02, Allowed Uses.

## Sec. 3.04 R-3 Single Family Residential Detached

### A. Purpose

The R-3 zone is established to protect and promote a suitable environment for family life, to discourage any use which would generate other than residential traffic on minor streets, to meet the needs and demands of single-family residences and to protect the orderly future development of land, all in accordance with the land use plan for the city. A minimum development site size of two acres is intended to assure compatibility with surrounding residential uses.

### B. Lot Development Standards

| | |
|---|---|
| **Lot Dimensions** | |
| Minimum Lot Area | 10,000 sf |
| Minimum Lot Width | 75' |
| Minimum Lot Frontage | 60'<br>45' if fronting on a cul-de-sac |
| Maximum Density | 3 dwelling units/acre |
| **Minimum Setbacks** | |
| ***Principal Building*** | |
| Front | 35' |
| Side | 15' |
| Rear | 30' |
| ***Accessory Building*** | |
| From Principal Structure | |
| Front | Not-Permitted |
| Side | 5' if less than 144 sf<br>15' if greater than 144 sf |
| Rear | |
| **Maximum Height** | |
| Principal | 35' |
| Accessory | 24' |
| **Minimum Floor Area** | |
| Single Family Detached | 1,500 sf |
| **Impervious Surface Coverage** | 40% |

### C. Supplemental Regulations

**1.** Traffic Study Required. A traffic study shall be required by the developer to determine the impact of the proposed development on the existing roadway system if the number of dwelling units exceeds 90 dwelling units. The report shall comply with the provisions of Sec. 10.06.H. Traffic Study.

**2.** Supplemental use regulations shall be as established in Article 2, Use Regulations and Restrictions as based on Section 2.02, Allowed Uses.

## Sec. 3.05 R-4 Single Family Residential Detached

### A. Purpose

The R-4 zone is established to protect and promote a suitable environment for family life, to discourage any use which would generate other than residential traffic on minor streets, to meet the needs and demands of attached and detached single-, two-, three-and four-family residences and to protect the orderly future development of land, all in accordance with the land use plan for the city. A minimum development site size of two acres and a minimum requirement that 50 percent of the units in the development be in single-family detached dwellings is intended to assure compatibility with surrounding residential uses.

### B. Lot Development Standards

| **Lot Dimensions** | |
|---|---|
| Minimum Lot Area | 10,000 sf single family<br>20,000 sf duplex<br>30,000 sf triplex<br>40,000 quadplex |
| Minimum Lot Width | 75' single family<br>100' duplex<br>125' triplex<br>150' quadplex |
| Minimum Lot Frontage | 60'<br>45' if fronting on a cul-de-sac |
| Maximum Density | 4 dwelling units/acre |
| **Minimum Setbacks** | |
| ***Principal Building*** | |
| Front | 35' |
| Side | 15' |
| Rear | 30' |
| ***Accessory Building*** | |
| From Principal Structure | |
| Front | Not-Permitted |
| Side | 5' if less than 144 sf<br>15' if greater than 144 sf |
| Rear | |
| **Maximum Height** | |
| Principal | 35' |
| Accessory | 24' |
| **Minimum Floor Area** | |
| Single Family Detached | 1,500 sf |
| Efficiency or one-bedroom unit | 750 sf |
| Two-bedroom unit | 1,050 sf |
| Three or more-bedroom unit | 1,500 sf |
| **Maximum Lot Coverage** | 40% |
| **Maximum Building Separation** | |
| Multi-Family Developments | 20' between one story buildings<br>30' between two story buildings |

## C. Supplemental Regulations

1. Traffic Study Required. A traffic study shall be required by the developer to determine the impact of the proposed development on the existing roadway system if the number of dwelling units exceeds 90 dwelling units. The report shall comply with the provisions of Sec. 10.06.H. Traffic Study.
2. Supplemental use regulations shall be as established in Article 2, Use Regulations and Restrictions as based on Section 2.02, Allowed Uses.

## Sec. 3.06 R-5 Single Family Cottage Residential

### A. Purpose

The R-5 zone is established to provide housing types that are responsive to changing household demographics including retirees and small families and to provide more opportunities for quality affordable housing in single family neighborhood settings.

### B. Lot Development Standards

| **Lot Dimensions** | |
|---|---|
| Minimum Lot Area | 5,000 sf<br>4,500 sf if common shared yard is approved |
| Minimum Lot Width | n/a |
| Minimum Lot Frontage | 50’ |
| Maximum Density | 5 dwelling units/acre |
| **Minimum Setbacks** | |
| ***Principal Building*** | |
| Front | 15’ |
| Side | 7.5’<br>5’ if common shared yard is approved |
| Rear | 30’ |
| ***Accessory Building*** | |
| From Principal Structure | |
| Front | Not-Permitted |
| Side | 5’ if less than 144 sf<br>15’ if greater than 144 sf |
| Rear | |
| **Maximum Height** | |
| Principal | 20’ |
| Accessory | 16’ |
| **Minimum Floor Area** | |
| Single Family Detached | 1,200 sf |
| **Impervious Surface Coverage** | 60% |

### C. Supplemental Regulations

**1.** Traffic Study Required. A traffic study shall be required by the developer to determine the impact of the proposed development on the existing roadway system if the number of dwelling units exceeds 90 dwelling units. The report shall comply with the provisions of Sec. 10.06.H. Traffic Study.

**2.** Supplemental use regulations shall be as established in Article 2, Use Regulations and Restrictions as based on Section 2.02, Allowed Uses.

**3.** Alley Access. If a detached garage or attached or detached carport is located in the rear yard that abuts an alley, a minimum setback of 2 feet shall be required.

**4.** Design Standards. The Community Development Director shall review and confirm the minimum design standards established below for all new dwellings in the R-5 District.

**a.** Dwelling units shall have a minimum 6:12 roof pitch. Portions of a roof with a pitch less than 6:12 shall be limited to architectural features such as dormers, porch roofs and shed roofs.

**b.** Each dwelling unit abutting a public right-of-way (not including alleys) shall have a

primary entry and covered porch a minimum of 60 square feet in size, oriented towards the public right-of-way. If abutting more than one public right-of-way, the applicant, with Community Development Director input, shall determine which right-of-way the entrance and covered porch shall be oriented towards.

**c.** Covered porches shall be a minimum of six feet deep.

**d.** As a guideline, dwelling units should not appear to exceed a ratio of one to one (ridge height to width) as viewed from off-site.

**e.** Dwelling units shall not include attached garages unless the garage abuts an alley or shared parking lot.

**f.** Detached garages and carports associated with individual dwelling units shall not exceed 400 square feet in size.

**g.** Architectural features such as roof eaves, cornices, chimneys, box or bay window may extend into the required setback a maximum of 18 inches.

**h.** Exterior building materials shall be brick, stone or wood.

## Sec. 3.07 PRD Planned Residential Development

### A. Purpose

The PRD district is established to protect and promote a suitable environment for family life and to encourage flexibility in meeting the needs of families, by attached high-density apartment dwellings in accordance with the land use plan for the city with a development site of at least two acres.

### B. Lot Development Standards

| | |
|---|---|
| **Lot Dimensions** | |
| Minimum Lot Area | 2-acre min. development site |
| Minimum Lot Width | n/a |
| Minimum Lot Frontage | 50’ |
| **Minimum Setbacks** | |
| ***Principal Building*** | |
| Front | 50’ |
| Side | 30’ |
| Rear | 30’ |
| ***Accessory Building*** | |
| From Principal Structure | |
| Front | Not-Permitted |
| Side | 5’ if less than 144 sf |
| Rear | 15’ if greater than 144 sf |
| **Maximum Height** | |
| Principal | 35’ |
| Accessory | 24’ |
| **Minimum Floor Area** | |
| One-bedroom unit | 750 sf |
| Two-bedroom unit | 1,050 sf |
| Three or more-bedroom unit | 1,500 sf |
| Townhouse | 1,500 sf |
| **Impervious Surface Coverage** | 50% |
| **Minimum Building Separation** | |
| Multi-Family Developments | 20’ between one story buildings<br>30’ between one and two or two story buildings |

### C. Supplemental Regulations

**1.** Traffic Study Required. A traffic study shall be required by the developer to determine the impact of the proposed development on the existing roadway system if the number of dwelling units exceeds 90 dwelling units. The report shall comply with the provisions of Sec. 10.06.H. Traffic Study.

**2.** Supplemental use regulations shall be as established in Article 2, Use Regulations and Restrictions as based on Section 2.02, Allowed Uses.

# ARTICLE 4 COMMERCIAL AND MIXED-USE DISTRICTS

ARTICLE 4 COMMERCIAL AND MIXED-USE DISTRICTS ..... 4-1

Sec. 4.01 General Provisions ..... 4-2

Sec. 4.02 Interpretation ..... 4-2

Sec. 4.03 PUD Planned Unit Development ..... 4-3

Sec. 4.04 O-I Office-Institutional ..... 4-8

Sec. 4.05 NC Neighborhood Commercial ..... 4-9

Sec. 4.06 CBD Central Business ..... 4-10

Sec. 4.07 RMP Regional Marketplace ..... 4-11

Sec. 4.08 GC General Commercial ..... 4-12

Sec. 4.09 PSP Public-Semi Public ..... 4-13

# ARTICLE 4 COMMERCIAL AND MIXED-USE DISTRICTS

## Sec. 4.01 General Provisions

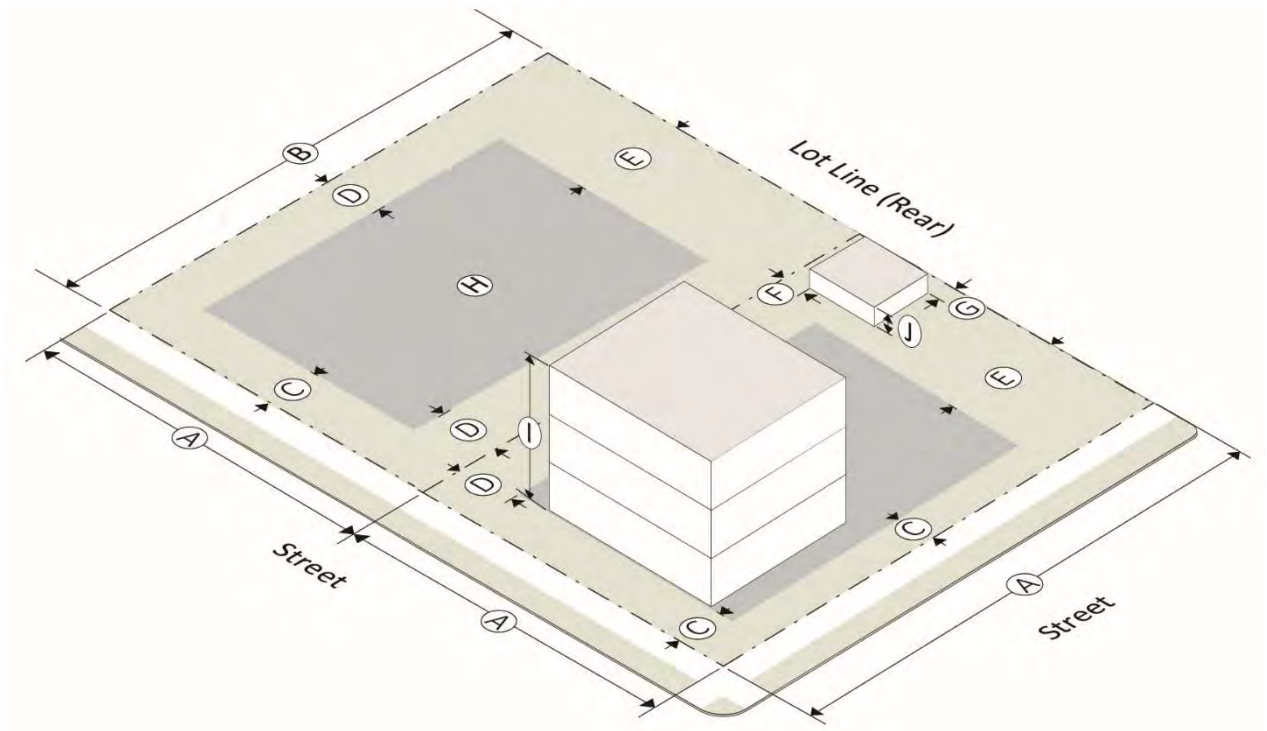
**A.** The intent of the Commercial and Mixed Use Districts is to protect established commercial and mixed use areas as well as promote well designed and properly located future developments that create minimal impact on adjacent, incompatible districts.

**B.** The district provisions discourage any use that would substantially interfere with the retail, service or office function of the districts. Compatible park, open space, utility and civic uses as well as integrated residential dwelling units are permitted in Commercial and Mixed Use Districts as identified in Article 2, Uses, Use Regulations and Restrictions.

## Sec. 4.02 Interpretation

The following graphics depict the interpretation of lot development standards. The official definitions for these terms can be found in the Article 12, Definitions.

| | |
|---|---|
| Ⓐ Lot Width | Ⓕ Accessory Side Yard Setback |
| Ⓑ Lot Depth (Interior or Through Lot Only | Ⓖ Accessory Rear Yard Setback |
| Ⓒ Principal Building Front Yard Setback | Ⓗ Buildable Area |
| Ⓓ Principal Building Side Yard Setback | Ⓘ Principal Building Maximum Height |
| Ⓔ Principal Building Rear Yard Setback | Ⓙ Accessory Building Maximum Height |



## Sec. 4.03 PUD Planned Unit Development

### A. Purpose

The purpose of a planned unit development is to encourage the best possible site plans and building arrangements under a unified plan of development, rather than under lot-by-lot regulation. The developer benefits from better land utilization, economy in the provision of roads and utilities and flexibility in design. Approval of an overall concept plan by the city council provides an opportunity to assure that the development will be in accordance with the land use plan and the character of the neighborhood in which the development is located.

It is anticipated that a pattern of creative and innovative neighborhood development, including residential and neighborhood commercial, will be developed that is distinguished from other residential zoning districts through a diversity of lot sizes, housing types and sizes to accommodate persons of a variety of stages of life in a pedestrian-oriented setting that is well integrated with the city's neighborhoods, parks, civic spaces, and supportive services.

### B. Lot Development Standards

| **Lot Dimensions** | |
|---|---|
| Minimum Lot Area | 10 acres for new development<br>2 acres for infill development projects |
| Minimum Lot Width | As established by an approved design concept plan |
| Minimum Lot Frontage | |
| Maximum Density | |
| **Minimum Setbacks** | |
| ***Principal Building*** | |
| Front | As established by an approved design concept plan |
| Side | |
| Rear | |
| ***Accessory Building*** | |
| From Principal Structure | As established by an approved design concept plan |
| Front | Not-Permitted |
| Side | 5' if less than 144 sf<br>15' if greater than 144 sf |
| Rear | |
| **Maximum Height** | |
| Principal | As established by an approved design concept plan |
| Accessory | |
| **Minimum Floor Area** | |
| Single Family Detached | 1,500 sf |
| One-bedroom unit | 750 sf |
| Two-bedroom unit | 1,050 sf |
| Three or more-bedroom unit | 1,500 sf |
| Townhouse | 1,500 sf |
| **Impervious Surface Coverage** | As established by an approved design concept plan |
| **Minimum Building Separation** | As established by an approved design concept plan |
| **Residential Density** | 8 dwelling units maximum per acre<br>10 dwelling units maximum per acre if amenities are provided (Sec. 4.03 D., Density Bonus) |

## C. Land Use Mix

A PUD must contain at least two types of land use that are not otherwise allowed together in another zoning district or two types of residential density. Each PUD development is anticipated to include a mix of land uses as identified in the table below. The intent of allowing non-residential uses is to create a node of neighborhood oriented retail and services primarily for the convenience of those in and directly adjacent to the PUD district. Non-residential development must be at a scale and type that is compatible with the residential component of the development.

| Land Use | Percentage of Land | |
|---|---|---|
| | Minimum | Maximum |
| Residential | 70% | 100% |
| Civic and Institutional | 0% | 25% |
| Commercial and Service | 0% | 25% |
| Industrial | 0% | 10% |

## D. Residential Density

1. The total number of dwelling units permitted within a PUD shall be computed by multiplying the maximum permitted density (dwelling units per acre) by the total acreage of the PUD property, excluding land within public or private road rights-of-way and public easements, flood-plain and wetland areas, and areas permanently inundated by water.

2. **Density Bonus**

   **a.** A maximum density of 8.0 dwelling units per acre shall not be exceeded unless one or more of the following are requested and approved as a part of the design concept plan as identified in the table below.

   **b.** Bonuses below are additive.

   **c.** In no case shall the overall residential density exceed 10 dwelling units per acre.

| Amenity | Residential Density Bonus |
|---|---|
| 21-25% common space | Additional 0.5 dwelling units per acre |
| 26-30% common space | Additional 0.8 dwelling units per acre |
| Over 30% common space | Additional 1.0 dwelling units per acre |
| All dwelling units located within 1,000 feet from a common area as measured in a straight line from property lines | Additional 0.5 dwelling units per acre |
| Minimum of 50% of common areas specifically used for passive parks, greenways, multi-use paths, or public squares/greens | Additional 0.5 dwelling units per acre |

## E. Open Space Required; Common Area Standards

1. Within the PUD, 20 percent of the gross land area must be set aside as common area open space, half of which must be usable for active or passive recreation.
2. The common and open space areas and facilities shall be held in common by a legally constituted association of property owners with the financial capability to maintain the open space and shall be on a recorded plat as permanent common area open space for the use of residents, workers, patrons and visitors to the development.
3. For the purposes of calculation, common open space does not include any streets or public rights-of-way, or yard areas or landscape areas located on private property. Common open space does include land and water areas that are available to all occupants of the PUD on a continuing and permanent basis, such as walking trails, community centers or clubhouses, golf courses and other recreation areas, protected flood plains or wetlands.
4. Lands dedicated to an approved public use, such as a school or fire station, shall be credited as part of the 20 percent common open space requirement.
5. Each common area or open space must comprise a contiguous area of at least 3,000 square feet.
6. Higher density dwelling units such as quadplexes, apartments and townhouses are recommended to be adjacent to, or directly across the street from a common area such as a public park, green or square.
7. A system of pedestrian pathways consisting of sidewalks or multi-use paths shall be provided linking each lot containing one or more dwelling units to at least one common area.
8. Maintenance of common areas shall be one of the following:
    a. Maintained by the city if common areas are accepted by the city as a part of a final development agreement; or
    b. By a mandatory property owner's association which shall be responsible for ownership, operation, maintenance and insurance of all land and facilities within the common areas of the development.

## F. PUD Perimeter Compatibility

Land uses developed at the perimeter of the site shall be developed in a manner that is compatible with adjacent off-site land uses or zoning, or a 100-foot wide buffer shall be provided between the uses in the PUD and the perimeter of the site. Compatibility shall be judged on the basis of similar land uses, average lot sizes, setbacks, and other development standards.

## G. Submission Requirements

1. Concept plan required, development standards.
    a. Development of the PUD shall be guided by a graphic concept plan that designates the land uses of the PUD. The concept plan may be accompanied by a development standards text, which may be approved as a condition of zoning or special use, providing development standards and uses for the project which vary, augment or limit the requirements of this UDO.
    b. To the extent that the approved concept plan and development standards for a PUD contradict the UDO, the contradictory provisions of the UDO are inapplicable to that PUD. For properties zoned to Design Concept Development (DCD) before the effective date of this UDO, to the extent that development standards are not stated with regard to

a particular land use or area, then the standards in the UDO applicable to the zoning district most consistent with the DCD approval for that land use or area shall apply, provided such standards do not contradict the concept plan for the DCD. For properties zoned to PUD on or after the effective date of this UDO, to the extent that development standards are not stated with regard to a particular area, then the standards and land uses required and permitted in the area shall be those allowed for the zoning district designated on the concept plan.

2. **Concept plan as a condition of zoning**
No changes in land use or density shall be allowed in any approved and incorporated concept plan or development standards text, except as subsequently approved pursuant to a rezoning of the property. For properties zoned to DCD concurrent with adoption of the Official Zoning Map on the effective date of this UDO, and for which development has commenced but is not complete prior to the effective date of this UDO, the individual land use plan for any such property shall serve as a concept plan, and such property shall continue to be developed in accordance with development standards applicable at the time of adoption of the land use plan, unless and until new individualized development standards are approved for such property by the Mayor and City Council. For all properties zoned to PUD subsequent to the effective date of this UDO, the land uses permitted within a DCD and the development standards applicable to each, by location, shall be established as a condition of approval by the city council at the time that the property is rezoned to PUD.
3. **Traffic study required**
The applicant shall submit a traffic study along with the zoning application for any property which:

   **a.** Has an existing zoning classification other than DCD, and for which the applicant seeks PUD zoning; or
   **b.** Is already zoned as DCD, and for which the applicant seeks a change or addition to the concept plan, development text or special stipulations, or an initial adoption of any such elements.

   The report shall comply with the provisions of Sec. 10.06.H. Traffic Study.

**H. Facade Materials for Residential Dwellings**

1. **Acceptable façade materials**

   For detached residential dwellings in PUD developments approved on or the effective date of this UDO, façade materials shall be limited to the following:

   **a.** Type A—Brick, stone, and cementitious siding (not to exceed 75 percent of any single wall surface).
   **b.** Type B—Stucco, wood and other materials listed as Type A.
   **c.** Type C—Finished concrete, glazed surface, metal (not corrugated or unfinished) and other material listed as Type A or Type B.

2. **Single dwelling calculation**

   Except as provided in paragraph 3. of this subsection, every detached residential dwelling in any PUD development approved on or after the effective date of this UDO, shall be constructed with façade materials of not less than 25 percent brick on each and every side.

3. **Multi-dwelling calculation**

For any PUD development approved on or after the effective date of this UDO, as an alternative to the requirements of paragraph 1. of this subsection, the development text may specify façade materials for all detached residential dwellings conforming to one of the following plans:

**a.** *80 percent plan.* Where every residential dwelling in the PUD development has a minimum lot size of 8,000 square feet, and a minimum dwelling size of 1,500 square feet, and where the maximum density is four units per acre, the development text may provide for:

**1)** Not fewer than 80 percent of the total number of dwellings each to have not less than 80 percent brick façade on each and every side, and
**2)** The remaining dwellings to have Type C façade material.

**b.** *50 percent plan.* Where every residential dwelling in the PUD development has a minimum lot size of 9,000 square feet, and a minimum dwelling size of 1,700 square feet, and where the maximum density is 3.5 units per acre, the development text may provide for:

**1)** Not fewer than 50 percent of the total number of dwellings each to have not less than 80 percent brick façade on each and every side, and
**2)** The remaining dwellings to have Type B façade material.

**c.** *20 percent plan.* Where every residential dwelling in the PUD development has a minimum lot size of 10,000 square feet, and a minimum dwelling size of 1,800 square feet, and where the maximum density is 3.25 units per acre, the development text may provide for:

**1)** Not fewer than 20 percent of the total number of dwellings each to have not less than 80 percent brick façade on each and every side, and
**2)** The remaining dwellings to have Type A façade material.

## I. Supplemental Regulations

**1.** Supplemental use regulations shall be as established in Article 2, Use Regulations and Restrictions as based on Section 2.02, Allowed Uses.

**2.** The PUD district is intended to encourage ingenuity and resourcefulness in land planning, to:

**a.** Assure the provision of park and recreation land and facilities for the use of the occupants of the development in order to obtain a more desirable environment, and to
**b.** Encourage a mix of uses for creation of communities where individuals can live, work and play.

**3.** A PUD district is required to include at least two types of land use that are not otherwise allowed together in another zoning district, or at least two types of residential density, in order to promote unique solutions to land development issues.

## Sec. 4.04 O-I Office-Institutional

### A. Purpose

The O-I office-institutional district is established to provide a district for offices, institutions, and limited commercial activities not involving the sale, storage, or processing of merchandise unless otherwise permitted herein, along with appropriate accessory uses, in accordance with the comprehensive plan for the city.

### B. Lot Development Standards

| **Lot Dimensions** | |
|---|---|
| Minimum Lot Area | 20,000 sf |
| Minimum Lot Width | n/a |
| Minimum Lot Frontage | 50’ |
| Maximum Density | n/a |
| **Minimum Setbacks** | |
| ***Principal Building*** | |
| Front | 50’ |
| Side | 15’ if adjacent to non-residential district<br>30’ if adjacent to residential district |
| Rear | 15’ if adjacent to non-residential district<br>30’ if adjacent to residential district |
| ***Accessory Building*** | |
| From Principal Structure | 0’ |
| Front | Not-Permitted |
| Side | 5’ if less than 144 sf<br>15’ if greater than 144 sf |
| Rear | |
| **Maximum Height** | |
| Principal | 50’ plus one foot of height for each foot of setback distance over 50’ to the closest property line of any residential district not to exceed 150” in height |
| Accessory | 15’ |
| **Impervious Surface Coverage** | 80% with a minimum of 20% maintained as open area |
| **Minimum Building Separation** | 20’ |

### C. Supplemental Regulations

1. Supplemental use regulations shall be as established in Article 2, Use Regulations and Restrictions as based on Section 2.02, Allowed Uses.
2. Lots in the historic district are exempt from lot dimension requirements.

## Sec. 4.05 NC Neighborhood Commercial

### A. Purpose

The NC neighborhood commercial district is intended to provide suitable areas for the retailing of goods and services to surrounding residential neighborhoods and at the same time protect the residential neighborhoods from intrusive traffic and parking congestion in accordance with the land use plan for the city.

### B. Lot Development Standards

| **Lot Dimensions** | |
|---|---|
| Minimum Lot Area | 20,000 sf |
| Minimum Lot Width | n/a |
| Minimum Lot Frontage | 50’ |
| Maximum Density | n/a |
| **Minimum Setbacks** | |
| ***Principal Building*** | |
| Front | 50’ |
| Side | 15’ if adjacent to non-residential district<br>50’ if adjacent to residential district |
| Rear | 15’ if adjacent to non-residential district<br>50’ if adjacent to residential district |
| ***Accessory Building*** | |
| From Principal Structure | |
| Front | Not-Permitted |
| Side | 5’ if less than 144 sf<br>15’ if greater than 144 sf |
| Rear | |
| **Maximum Height** | |
| Principal | 30’ |
| Accessory | 15’ |
| **Impervious Surface Coverage** | 75% |
| **Minimum Building Separation** | 20’ |
| **Maximum Floor Area** | 20,000 sf<br>50,000 sf for a multi-tenant building |

### C. Supplemental Regulations

1. Supplemental use regulations shall be as established in Article 2, Use Regulations and Restrictions as based on Section 2.02, Allowed Uses.
2. Lots in the historic district are exempt from lot dimension requirements.
3. Any business in this district that contains other businesses within the same primary use and occupying the same space, such as a grocery store with a branch bank or fast food restaurant inside, shall be considered a single business establishment.

## Sec. 4.06 CBD Central Business

### A. Purpose

The CBD, central business district is intended to protect and promote a suitable pedestrian friendly area for office, institutional, entertainment and commercial uses which benefit from proximity to each other, to encourage the eventual elimination of uses inappropriate to a central business area, and to encourage the intensive development of a central business district for the City of Douglasville, in accordance with the land use plan for the city. Residential uses are appropriate in the central business district when combined with nonresidential uses in mixed-use buildings, as long as the nonresidential uses occupy at least the ground floor area.

### B. Lot Development Standards

| **Lot Dimensions** | |
|---|---|
| Minimum Lot Area | None |
| Minimum Lot Width | None |
| Minimum Lot Frontage | 50’ |
| Maximum Density | As approved by a Special Land Use Permit |
| **Minimum Setbacks** | |
| ***Principal Building*** | |
| Front | None, however buildings shall be setback a maximum of 10’ from the sidewalk |
| Side | None if adjacent to non-residential district<br>30’ if adjacent to residential district |
| Rear | None’ if adjacent to non-residential district<br>30’ if adjacent to residential district |
| ***Accessory Building*** | |
| From Principal Structure | |
| Front | Not-Permitted |
| Side | 5’ if less than 144 sf<br>15’ if greater than 144 sf |
| Rear | |
| **Maximum Height** | |
| Principal | 50’ plus one foot of height for each foot of setback distance over 50’ to the closest property line of any residential district not to exceed 150’ in height |
| Accessory | 15’ |
| **Impervious Surface Coverage** | 100% |
| **Minimum Building Separation** | 10’ |
| **Maximum Floor Area** | 5,000 sf<br>25,000 sf for a multi-tenant building |
| **Maximum Dwelling Unit Bedrooms** | Mixed use buildings shall not contain more than two bedrooms per dwelling unit |

### C. Supplemental Regulations

Supplemental use regulations shall be as established in Article 2, Use Regulations and Restrictions as based on Section 2.02, Allowed Uses.

## Sec. 4.07 RMP Regional Marketplace

### A. Purpose

The RMP Regional Marketplace district is a district for planned shopping centers designed to accommodate general retail and personal service activities conducted in a unified development and designed to serve a regional area. This type of development is characterized by upscale specialty stores and services with dining and entertainment in an outdoor, multi-story, walkable setting. RMP's can incorporate limited high density residential.

### B. Lot Development Standards

| **Lot Dimensions** | |
|---|---|
| Minimum Lot Area | 50 acres |
| Minimum Lot Width | None |
| Minimum Lot Frontage | 50' required on a major thoroughfare |
| Maximum Density | Depending on an approved development plan if residential is incorporated |
| **Minimum Setbacks** | |
| ***Principal Building*** | |
| Front | 50' from the major thoroughfare applies to all structures including service areas and access drives.<br>0' from internal road network |
| Side | 15' if adjacent to non-residential district at external lot line<br>50' if adjacent to residential district at external lot line<br>0' from Internal side yard setbacks |
| Rear | 15' if adjacent to non-residential district<br>50' if adjacent to residential district |
| ***Accessory Building*** | |
| From Principal Structure | 0' |
| Front | Not-Permitted |
| Side | 5' if less than 144 sf<br>15' if greater than 144 sf |
| Rear | |
| **Maximum Height** | |
| Principal | 50' plus one foot of height for each foot of setback distance over 50' to the closest property line of any residential district not to exceed 150" in height |
| Accessory | 15' |
| **Impervious Surface Coverage** | 100% contingent upon WSA approval , however open spaces and pedestrian gathering spaces are encouraged |
| **Minimum Building Separation** | 20' |
| **Maximum Floor Area** | None |

### C. Supplemental Regulations

Supplemental use regulations shall be as established in Article 2, Use Regulations and Restrictions as based on Section 2.02, Allowed Uses.

## Sec. 4.08 GC General Commercial

### A. Purpose

The GC general commercial district is intended to provide areas for those business and commercial uses that are a higher intensity than neighborhood commercial districts or for the central business district, in accordance with the land use plan for the city.

### B. Lot Development Standards

| | |
|---|---|
| **Lot Dimensions** | |
| Minimum Lot Area | None |
| Minimum Lot Width | None |
| Minimum Lot Frontage | 50' |
| Maximum Density | n/a |
| **Minimum Setbacks** | |
| ***Principal Building*** | |
| Front | 50' from the major thoroughfare applies to all structures including service areas and access drives.<br>0' from internal road network |
| Side | 15' if adjacent to non-residential district at external lot line<br>50' if adjacent to residential district at external lot line<br>0' from Internal side yard setbacks |
| Rear | 15' if adjacent to non-residential district<br>50' if adjacent to residential district |
| ***Accessory Building*** | |
| From Principal Structure | 0' |
| Front | Not-Permitted |
| Side | 5' if less than 144 sf<br>15' if greater than 144 sf |
| Rear | |
| **Maximum Height** | |
| Principal | 50' plus one foot of height for each foot of setback distance over 50' to the closest property line of any residential district not to exceed 150" in height |
| Accessory | 15' |
| **Impervious Surface Coverage** | 90% |
| **Maximum Floor Area** | 500,000 sf |

### C. Supplemental Regulations

1. Supplemental use regulations shall be as established in Article 2, Use Regulations and Restrictions as based on Section 2.02, Allowed Uses.
2. Lots in the historic district should comply with the setback requirements of the Historic District per Chapter 48 of the City of Douglasville Code of Ordinances.
3. Properties over five contiguous acres in size may be required to provide additional landscaping and buffering and may also be required to ensure appropriate connectivity to surrounding streets and pedestrian walkway systems.

## Sec. 4.09 PSP Public-Semi Public

### A. Purpose

The PSP Public-Semi Public district is established to provide a district for public and semi-public uses including government buildings, schools and publicly owned parks and recreation facilities, in accordance with the comprehensive plan for the city.

### B. Lot Development Standards

The City of Douglasville is exempt from all lot development standards, but are subject to a concept plan approval.

### C. Supplemental Regulations

Supplemental use regulations shall be as established in Article 2, Use Regulations and Restrictions as based on Section 2.02, Allowed Uses.

# ARTICLE 5 INDUSTRIAL DISTRICTS

ARTICLE 5 INDUSTRIAL DISTRICTS ..... 5-1

Sec. 5.01 General Provisions ..... 5-2

Sec. 5.02 Interpretation ..... 5-2

Sec. 5.03 OD Office Distribution ..... 5-3

Sec. 5.04 LI Light Industrial District ..... 5-4

Sec. 5.05 HI Heavy Industrial District ..... 5-5

# ARTICLE 5 INDUSTRIAL DISTRICTS

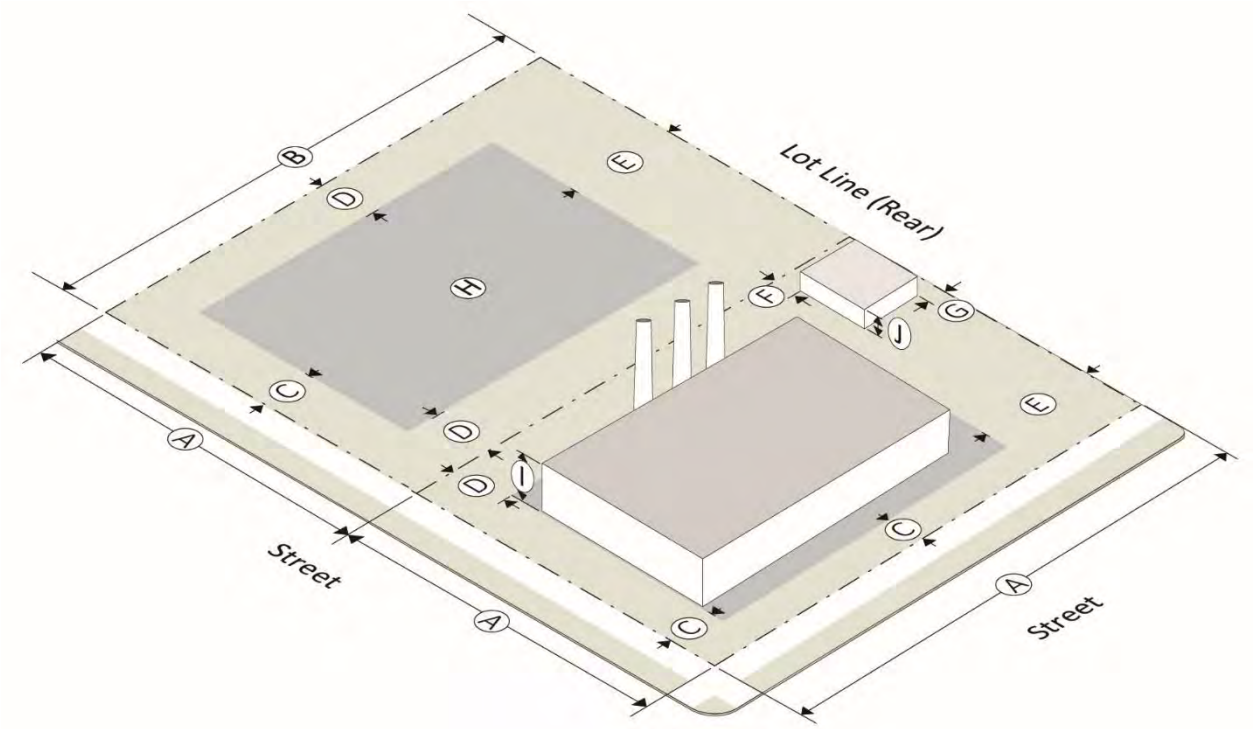
## Sec. 5.01 General Provisions

The intent of the Industrial Districts is to protect established industrial areas as well as promote well designed and properly located future developments that create minimal impact on adjacent, incompatible uses.

## Sec. 5.02 Interpretation

The following graphics depict the interpretation of lot development standards. The official definitions for these terms can be found in the Article 13, Definitions.

| | |
|---|---|
| Ⓐ Lot Width | Ⓕ Accessory Side Yard Setback |
| Ⓑ Lot Depth (Interior or Through Lot Only) | Ⓖ Accessory Rear Yard Setback |
| Ⓒ Principal Building Front Yard Setback | Ⓗ Buildable Area |
| Ⓓ Principal Building Side Yard Setback | Ⓘ Principal Building Maximum Height |
| Ⓔ Principal Building Rear Yard Setback | Ⓙ Accessory Building Maximum Height |



## Sec. 5.03 OD Office Distribution

### A. Purpose

The OD office distribution district is established to encourage a suitable environment for uses that require both office and distribution facilities at the same site, as well as related and compatible commercial uses and appropriate accessory uses, in accordance with the land use plan for the city.

### B. Lot Development Standards

| | |
|---|---|
| **Lot Dimensions** | |
| Minimum Lot Area | 2 acres |
| Minimum Lot Width | None |
| Minimum Lot Frontage | 50’ |
| Maximum Density | n/a |
| **Minimum Setbacks** | |
| ***Principal Building*** | |
| Front | 50’ |
| Side | 15’ if adjacent to non-residential district<br>100’ if adjacent to residential district |
| Rear | 15’ if adjacent to non-residential district<br>100’ if adjacent to residential district |
| ***Accessory Building*** | |
| From Principal Structure | 0’ |
| Front | Not-Permitted |
| Side | 5’ if less than 144 sf<br>15’ if greater than 144 sf |
| Rear | |
| **Maximum Height** | |
| Principal | 50’ |
| Accessory | 15’ |
| **Impervious Surface Coverage** | 80% with a minimum of 20% maintained as open area |
| **Maximum Floor Area** | 250,000 sf |

### C. Supplemental Regulations

Supplemental use regulations shall be as established in Article 2, Use Regulations and Restrictions as based on Section 2.02, Allowed Uses.

## Sec. 5.04 LI Light Industrial District

### A. Purpose

The LI light industrial district is established to protect and promote a suitable environment for light industrial purposes, including accessibility to major transportation facilities, availability of adequate utilities and other public services, and availability of large quantities of suitable land. Uses compatible with light industrial development are to be encouraged insofar as they are in accordance with the comprehensive plan for the city.

### B. Lot Development Standards

| **Lot Dimensions** | |
|---|---|
| Minimum Lot Area | 1 acre site |
| Minimum Lot Width | None |
| Minimum Lot Frontage | 50’ |
| Maximum Density | n/a |
| **Minimum Setbacks** | |
| ***Principal Building*** | |
| Front | 50’ |
| Side | 15’ if adjacent to non-residential district<br>100’ if adjacent to residential district |
| Rear | 15’ if adjacent to non-residential district<br>100’ if adjacent to residential district |
| ***Accessory Building*** | |
| From Principal Structure | |
| Front | Not-Permitted |
| Side | 5’ if less than 144 sf<br>15’ if greater than 144 sf |
| Rear | |
| **Building Height** | |
| Principal | 50’ maximum<br>16’ first floor minimum |
| Accessory | 20’ maximum |
| **Impervious Surface Coverage** | 100% |
| **Maximum Floor Area** | 1,000,000 sf |

### C. Supplemental Regulations

**1.** Traffic Study Required. A traffic study shall be required by the developer to determine the impact of the proposed development on the existing roadway system if the floor area is 500,000 sf or more. The report shall comply with the provisions of Sec. 10.06.H. Traffic Study.

**2.** Supplemental use regulations shall be as established in Article 2, Use Regulations and Restrictions as based on Section 2.02, Allowed Uses.

## Sec. 5.05 HI Heavy Industrial District

### A. Purpose

The HI heavy industrial district is established to protect and promote a suitable environment for heavy industrial purposes, including accessibility to major transportation facilities, availability of adequate utilities and other public services and availability of large quantities of open land. Uses compatible with light and heavy industrial development are to be encouraged insofar as they are in accordance with the comprehensive plan for the city and are compatible with surrounding properties or the impact on surrounding properties can be sufficiently mitigated.

### B. Lot Development Standards

| **Lot Dimensions** | |
|---|---|
| Minimum Lot Area | 1 acre lot<br>5 acre site |
| Minimum Lot Width | None |
| Minimum Lot Frontage | 50' |
| Maximum Density | n/a |
| **Minimum Setbacks** | |
| ***Principal Building*** | |
| Front | 50' |
| Side | 15' if adjacent to non-residential district<br>100' if adjacent to residential district |
| Rear | 15' if adjacent to non-residential district<br>100' if adjacent to residential district |
| ***Accessory Building*** | |
| From Principal Structure | |
| Front | Not-Permitted |
| Side | 5' if less than 144 sf<br>15' if greater than 144 sf |
| Rear | |
| **Building Height** | |
| Principal | 50' maximum<br>16' first floor minimum |
| Accessory | 20' maximum |
| **Impervious Surface Coverage** | 100% |
| **Maximum Floor Area** | 1,500,000 sf |

### C. Supplemental Regulations

1. Traffic Study Required. A traffic study shall be required by the developer to determine the impact of the proposed development on the existing roadway system if the floor area is 500,000 sf or more. The report shall comply with the provisions of Sec. 10.06.H. Traffic Study.
2. Supplemental use regulations shall be as established in Article 2, Use Regulations and Restrictions as based on Section 2.02, Allowed Uses.

# ARTICLE 6 OVERLAY DISTRICTS

ARTICLE 6 OVERLAY DISTRICTS ..... 6-1

Sec. 6.01 General Provisions ..... 6-2

Sec. 6.02 H Historic ..... 6-2

Sec. 6.03 FH Flood Hazard ..... 6-3

Sec. 6.04 E Environmental ..... 6-16

Sec. 6.05 QGD Quality Growth Development ..... 6-23

# ARTICLE 6 OVERLAY DISTRICTS

## Sec. 6.01 General Provisions

**A.** The intent of the Overlay Districts is to provide additional standards and protections for special or unique areas in the city.

**B. Annexation**

When property in a designated overlay district is annexed into the city, the property shall be rezoned to the most similar city district and overlay, if applicable. The official zoning map depicting the boundaries of the overlay district shall be amended to include the newly annexed property.

## Sec. 6.02 H Historic

**A. Purpose**

The purpose of the H historic district overlay is to preserve and enhance the historic qualities of both historic residential and downtown areas through the application of guidelines meant to convey a sensitive and thoughtful approach to the preservation of locally designated historic areas.

**B. Applicability**

Historic guidelines, the establishment of districts, and the process and procedure for review and approval shall be as established in the document, "City of Douglasville Historic Preservation Guidelines", Chapter 48, Historic Preservation, and as identified in this section.

1. The historic district guidelines apply to exterior changes to buildings within any locally designated historic district.
2. The property owner should consult with the Community Development Director to determine the appropriate process and procedures for approval and to determine whether a Certificate of Appropriateness is required.
3. Interior changes and paint colors do not require approval from the Historic Preservation.
4. Design guidelines are outlined in the document "City of Douglasville Historic Preservation Guidelines", Section V., Building Design and Rehabilitation Guidelines.
5. When a property is rezoned, it shall remain in the Historic Overlay district.

**C. Permittable Historic Residential Land Uses**

Regardless of the principal zoning, any lot within the H Historic Overlay District may be used for single-family detached residential if:

1. The lot has not more than one existing principal structure; and
2. The lot has a front set back of not less than 10 feet, and the front yard is primarily grass or landscaping.

**D. Murals**

Murals shall not be painted or affixed on any exterior wall in the H Historic Overlay District unless such a mural is duplicating a historic mural previously painted on that building or it is to preserve an existing mural currently on a wall or as permitted by an action of the Historic Preservation Commission.

## Sec. 6.03 FH Flood Hazard

### A. Purpose

The FH flood hazard district is comprised of lands that are subject to periodic flooding. The intent of the regulations within this zoning district is to limit the use of such floodplain lands to prevent flood damage to persons and properties and minimize expenditures for flood relief programs, flood control projects and flood damage repair; preserve drainage courses that will be adequate to carry storm water runoff from existing and future land developments; prohibit landfills or other obstructions to the flow of floodwaters; permit uses that are appropriate on floodplains and utilize effectively this valuable resource.

### B. Restrictions on use within the FH flood hazard overlay district

#### 1. Flood hazard overlay district takes precedence over zoning districts

Notwithstanding the uses permitted for the zoning district applying to the property, no building or structure or land shall hereafter be used or occupied as herein provided and no building or structure or part thereof shall be erected, constructed, reconstructed, removed or altered except in conformity with the requirements of this section when such lands fall within the flood hazard overlay district. Where this overlay district coincides with any other overlay district, the most restrictive requirements shall apply.

#### 2. Uses permitted in flood hazard areas

Within the FH flood hazard overlay district the following uses are permitted if otherwise permitted within the zoning district:

**a.** Agriculture, including forestry and livestock raising, requiring no structure within the flood hazard area except structures for temporary shelter, and including agriculture and forestry access roads.

**b.** Dams, provided they are constructed in accordance with specification of the U.S.D.A. Soil Conservation Service, or the U.S. Army Corps of Engineers.

**c.** Public parks and recreation areas and facilities including, but not limited to, boat ramps, docks, parking areas, and recreation facilities: private and commercial recreation developments, and campgrounds.

**d.** Fences having sufficient open area to permit the free flow of water and debris.

**e.** Roads and parking areas constructed in such a manner as to permit the free flow of floodwaters.

**f.** Public utility poles, towers, pipelines, sewers, streets, and similar facilities, provided they are constructed in such a manner as to permit the free flow of floodwaters.

**g.** Signs, provided they permit the free flow of water.

**h.** Other uses may be permitted by special use permit provided they are in accordance with all provisions of this UDO. Such uses include, but are not limited to the following: landing field or heliport; extraction or removal of sand, gravel, earth, clay or other natural resources; greenhouse; plant nursery or truck garden; radio, television or similar towers; accessory parking areas; temporary sawmill or similar; outdoor recreation or amusement; fairs, expositions, and the like.

## C. Floodplain Management and Flood Damage Prevention Standards (From Section)

### 1. General Provisions

#### a. Purpose and Intent

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, wetlands 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 of Douglasville.

#### c. Designation of Administrator

The development official or his designee is hereby appointed to administer and implement the provisions of this Section, 6.03, FH Flood Hazard.

#### d. Basis for Area of Special Flood Hazard—Flood Area Maps and Studies

For the purposes of this section, the following are adopted by reference:

**1)** The flood insurance study (FIS), dated August 18, 2009, with accompanying maps and other supporting data and any revision thereto are hereby adopted by reference. For those land areas acquired by the City of Douglasville through annexation, the current effective FIS and data for Douglas County, dated August 18, 2009, with accompanying maps and other supporting data and any revision thereto are hereby adopted by reference.
**2)** Other studies which may be relied upon for the establishment of the base flood elevation or delineation of the 100-year floodplain and floodprone areas include:

**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 of Douglasville; or
**b)** Any base flood study authored by a registered professional engineer in the State of Georgia which has been prepared by FEMA approved methodology and

approved by the City of Douglasville.

**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 include:

**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 of Douglasville; or

**b)** Any future conditions flood study authored by a registered professional engineer in the State of Georgia which has been prepared by FEMA approved methodology approved by the City of Douglasville.

**4)** The repository for public inspection of the FIS, accompanying maps and other supporting data is located at the office of the Douglasville Development Official.

**e. Compatibility with Other Regulations**

This section is not intended to modify or repeal any other ordinance, rule, regulation, statute, easement, covenant, deed restriction or other provision of law. The requirements of this UDO are in addition to the requirements of any other ordinance, rule, regulation or other provision of law, and where any provision of this section imposes restrictions different from those imposed by any other ordinance, rule, regulation or other provision of law, whichever provision is more restrictive or impose higher protective standards for human health or the environment shall control.

**f. Severability**

If the provisions of any section, subsection, paragraph, subdivision or clause of this section shall be adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision or clause of this UDO.

**g. 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 article 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 section shall not create liability on the part of the City of Douglasville 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.

**2. Permit Procedures and Requirements**

**a. Permit Application Requirements**

No owner or developer shall perform any development activities on a site where an area of special flood hazard is located without first meeting the requirements of this section prior to commencing the proposed activity. Unless specifically excluded by this section, any landowner or developer desiring a permit for a development activity shall submit to the City of Douglasville a permit application on a form provided by the City of

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

**b. Floodplain Management Plan Requirements**

An application for a permit authorized by this UDO with any area of special flood hazard located on the site will be required to include a floodplain management/flood damage prevention plan. This plan shall include the following items:

**1)** 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 above by a registered professional engineer or surveyor.

**2)** 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 subsection 6.03.C.4.b.2)., Nonresidential buildings;
- **d)** For enclosures below the base flood elevation, location and total net area of foundation openings as required in subsection 6.03.C.4.a.5)., Elevated buildings.
- **e)** Design plans certified by a registered professional engineer or architect for all proposed structure(s).

**3)** Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development;

**4)** Hard copies and digital files of computer models, if any, copies of work maps, comparison of pre- and post-development conditions base flood elevations, future conditions flood elevations, flood protection elevations, special flood hazard areas and regulatory floodway widths, flood profiles and all other computations and other information similar to that presented in the FIS;

**5)** Copies of all applicable state and federal permits necessary for proposed development; and

**6)** All appropriate certifications required under this article.

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 use and occupancy certificates or permits may be revoked at any time if the construction and development activities are not in strict accordance with approved plans.

**c. Construction stage submittal requirements**

**1)** For all new construction and substantial improvements on sites with a floodplain management/flood damage prevention plan, the permit holder shall provide to the development official 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.

**2)** A final elevation certificate shall be provided after completion of construction including final grading of the site.

**3)** Any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same.

**4)** When floodproofing is utilized for nonresidential structures, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same.

Any work undertaken prior to approval of these certifications shall be at the permit holder's risk. The development official shall review the above referenced certification data submitted. Deficiencies detected by such review shall be 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 shall because to issue a stop-work order for the project.

**d. Duties and responsibilities of the development official**

Duties of the development official shall include, but shall not be limited to:

**1)** Review all development applications and permits to assure that the requirements of this section have been satisfied and to determine whether proposed building sites will be reasonably safe from flooding;

**2)** Require that copies of all necessary permits from governmental agencies from which approval is required by federal or state law, including but not limited to Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334, be provided and maintained on file;

**3)** When base flood elevation data or floodway data have not been provided, then the development official shall require the applicant to obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other sources in order to meet the provisions of sections 6.03.C.3. and 6.03.C.4.;

**4)** 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;

**5)** Review and record the actual elevation, in relation to mean sea level to which any substantially improved structures have been floodproofed;

**6)** When floodproofing is utilized for a nonresidential structure, the development official shall obtain certification of design criteria from a registered professional engineer or architect;

7) Notify affected adjacent communities and the Georgia Department of Natural Resources prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency (FEMA);
8) 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) the development official shall make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this section. Where floodplain elevations have been defined, the floodplain shall be determined based on flood elevations rather than the area graphically delineated on the floodplain maps; and,
9) All records pertaining to the provisions of this section shall be maintained in the office of the development official and shall be open for public inspection.

**3. Standards for development**

**a. Definition of Floodplain Boundaries**

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

**b. Definition of floodway boundaries**

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

**c. General standards**

1) No development shall be allowed within the future conditions floodplain that could result in any of the following:

   a) Raising the base flood elevation or future conditions flood elevation;
   b) Reducing the base flood or future conditions 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 development area; or
   d) Creating hazardous or erosion producing velocities or resulting in excessive sedimentation.

2) Any development within the future conditions floodplain allowed under (a) above 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 condition flood

elevation for the future conditions flood and lie either within the boundaries of ownership of the property being developed and shall be within the immediate vicinity of the location of the encroachment. Acceptable means of providing required compensation include lowering of natural ground elevations within the floodplain or lowering of adjoining land areas to create additional floodplain storage. In no case shall any required compensation be provided via bottom storage or by excavating below the elevation of the top of the natural (predevelopment) stream channel unless such excavation results from the widening or relocation of the stream channel;

**b)** Cut areas shall be stabilized and graded to a slope of no less than 2.0 percent;

**c)** Effective transitions shall be provided such that flow velocities occurring on both upstream and downstream properties are not increased or decreased;

**d)** Verification of no-rise conditions, flood storage volumes, and flow characteristics shall be provided via a step-backwater analysis meeting the requirements of subsection 6.03.C.3.d., Engineering study requirements for floodplain encroachments.

**e)** Public utilities and facilities, such as water, sanitary sewer, gas, and electrical systems, shall be located and constructed to minimize or eliminate infiltration or contamination from floodwaters; and

**f)** Any significant physical changes to the base flood floodplain shall be submitted as a conditional letter of map revision (CLOMR) or conditional letter of map amendment (CLOMA), whichever is applicable. The CLOMR submittal shall be subject to approval by the City of Douglasville using the community consent 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 shall be the responsibility of the applicant. Within six months of the completion of construction, the applicant shall submit as-built surveys 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/or floodways for which the provisions of 6.03.C.3.d., Engineering study requirements for floodplain encroachments, apply. This study shall be prepared by a currently registered Professional Engineer in the State of Georgia and made a part of the application for a permit. This information shall be submitted to and approved by the City of Douglasville prior to the approval of any permit which would authorize the disturbance of land located within the future conditions floodplain. Such study shall include:

**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 City of Douglasville. 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;
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 floodway. 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 shall not result in any increase to the pre-project base flood elevations, floodway elevations, or floodway widths during the base flood discharge. A registered 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 shall be issued by the City of Douglasville until an affirmative conditional letter of map revision (CLOMR) is issued by FEMA and no-rise certification is approved by the City of Douglasville.

**f. Maintenance requirements**

The property owner shall be responsible for continuing maintenance as may be needed within an altered or relocated portion of a floodplain on his property so that the flood-carrying or flood storage capacity is not diminished. The City of Douglasville may direct the property owner (at no cost to the City of Douglasville) 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 City of Douglasville.

**4. Provisions for flood damage reduction**

**a. General standards**

In all areas of special flood hazard the following provisions apply:

1) New construction of principal buildings (residential or nonresidential), including manufactured homes, shall not be allowed within the limits of the future conditions floodplain, unless all requirements of subsections 6.03.C.3.c., General Standards, 6.03.C.3.d., Engineering study requirements for floodplain encroachments, and 6.03.C.3.e., Floodway encroachments, have been met;

**2)** New construction or substantial improvements of existing structures shall be anchored to prevent flotation, collapse or lateral movement of the structure;

**3)** New construction or substantial improvements of existing structures shall be constructed with materials and utility equipment resistant to flood damage;

**4)** New construction or substantial improvements of existing structures shall be constructed by methods and practices that minimize flood damage;

**5)** Elevated buildings. All new construction and substantial improvements of existing structures that include any fully enclosed area located below the lowest floor formed by foundation and other exterior walls shall be designed so as to be an unfinished and flood resistant enclosure. The enclosure shall be 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 professional engineer or architect or meet 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 shall be 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 and flood resistant enclosure shall solely 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 partitioned or finished into separate rooms.

**6)** All heating and air conditioning equipment and components (including ductwork), all electrical, ventilation, plumbing, and other service facilities shall be 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 shall be anchored to prevent flotation, collapse, or 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 shall be in addition to and consistent with applicable state requirements for resisting wind forces;

**8)** New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;

**9)** New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters;

**10)** On-site waste disposal systems shall be located and constructed to avoid impairment to them, or contamination from them, during flooding; and,

**11)** Any alteration, repair, reconstruction or improvement to a structure which is not compliant with the provisions of this article, shall be undertaken only if the nonconformity is not furthered, extended or replaced.

**12)** If the proposed development is located in multiple flood zones or multiple base flood elevation cross the proposed site, the higher or more restrictive base flood elevation or future condition elevation and development standards shall take precedence.

**b. Building standards for structures and buildings within the future conditions floodplain**

The following provisions, in addition to those in subsection 6.03.C.4. shall apply:

**1) Residential buildings**

**a)** New construction. New construction of principal buildings, including manufactured homes shall not be allowed within the limits of the future conditions floodplain unless all requirements of subsections 6.03.C.3.c., General Standards, 6.03.C.3.d., Engineering study requirements for floodplain encroachments, and 6.03.C.3.e., Floodway encroachments, have been met. If all of the requirements have been met, all new construction 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 equalize the hydrologic flood forces on exterior walls and to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of subsection 6.03.C.4.a.5)., Elevated buildings.

**b)** Substantial improvements. Substantial improvement of any principal structure or manufactured home 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 a structure, openings sufficient to equalize the hydrologic flood forces on exterior walls and to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of subsection 6.03.C.4.a.5)., Elevated Buildings.

**2) Nonresidential buildings**

**a)** New construction. New construction of principal buildings, including manufactured homes shall not be allowed within the limits of the future-conditions floodplain unless all 6.03.C.3.c., General Standards, 6.03.C.3.d., Engineering study requirements for floodplain encroachments, and 6.03.C.3.e., Floodway encroachments, have been met. New construction that has met all of the requirements 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 registered 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 development official.

**b)** Substantial improvements. Substantial improvement of any principal nonresidential structure located in A1-30, AE, or AH flood hazard zones, may be authorized by the development official to be floodproofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be water tight 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 registered 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 development official.

**3) Accessory structures and facilities**

Accessory structures and facilities (i.e., barns, sheds, gazebos, detached garages, parking lots, recreational facilities and other similar uninhabitable structures and facilities) which are permitted to be located within the limits of the floodplain shall be constructed of flood resistant materials and designed to pass all floodwater in accordance with subsection 6.03.C.4.a.5)., Elevated buildings. and be anchored to prevent flotation, collapse or lateral movement of the structure.

**4) Standards for recreational vehicles**

All recreational vehicles placed on sites must either:

**a)** 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

**b)** The recreational vehicle must meet all the requirements for residential buildings—Substantial improvements (subsection 6.03.C.4.b.1).b).), including the anchoring and elevation requirements.

**5) Standards for manufactured homes**

**a)** New manufactured homes shall not be allowed to be placed within the limits of the future conditions floodplain unless all requirements 6.03.C.3.c., General Standards, 6.03.C.3.d., Engineering study requirements for floodplain encroachments, and 6.03.C.3.e., Floodway encroachments, have been met.

**b)** Manufactured homes placed and/or substantially improved in an existing manufactured home park or subdivision shall be elevated so that either:

i. 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

ii. 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.

**c)** All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement in accordance with standards of subsection 6.03.C.4.a.7).

**c. Building standards for structures and buildings authorized adjacent to the future conditions floodplain**

**1) Residential buildings**

For new construction or substantial improvement of any principal residential building or manufactured home, the elevation of the lowest floor, including basement and access to the building, shall be at least three feet above the base flood elevation or one foot above the future conditions flood elevation, whichever is higher.

**2) Nonresidential buildings.**

For new construction or substantial improvement of any principal nonresidential building, the elevation of the lowest floor, including basement and access to the building, shall be at least one foot above the level of the base flood elevation or at least as high as the future conditions flood elevation, whichever is higher.

**d. Building standards for residential single—Lot developments 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 development official shall review and reasonably utilize any available scientific or historic flood elevation data, base flood elevation and floodway data, or future conditions flood elevation data available from a federal, state, local or other source, in order to administer the provisions and standards of this section. 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 50 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 of existing structures 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. Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with subsection 6.03.C.4.a.5)., Elevated buildings.

**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 to three feet above ground, with no clearly defined channel. In these areas the following provisions apply:

1) All 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 in feet 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, shall be elevated at least three feet above the highest adjacent grade. Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of subsection 6.03.c.2.a.1)
2) 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 water tight 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 registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice; and
3) Drainage paths shall be provided to guide floodwater around and away from any proposed structure.

**f. Standards for subdivisions**

1) All subdivision proposals shall identify the special flood hazard area 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 subsection 6.03.C.2.b, Floodplain Management Plan Requirements.
4) All subdivision proposals shall be consistent with the need to minimize flood damage;
5) All subdivision proposals shall have public utilities and facilities such as water, sanitary sewer, gas, and electrical systems located and constructed to minimize or eliminate infiltration of floodwaters, and discharges from the systems into floodwaters; and
6) All subdivision proposals shall include adequate drainage and stormwater management facilities per the requirements of the City of Douglasville to reduce potential exposure to flood hazards.

## Sec. 6.04 E Environmental

### A. Purpose

Environmental districts are established for the following purposes:

1. To promote health, safety and general welfare, and to minimize public and private losses due to erosion, siltation and water pollution.
2. To create vegetation buffer areas adjacent to rivers, creeks and streams, and to protect wetlands and groundwater recharge areas.

### B. Restrictions on use within the environmental overlay districts

#### 1. Authority

The Official State of Georgia Department of Natural Resources Rules for Environmental Planning Criteria (Chapter 391-3-16), established pursuant to O.C.G.A. section 12-2-8, the Metropolitan River Protection Act (O.C.G.A. sections 12-5-440 through 12-5-457), and other relevant rules and statutes.

#### 2. Characteristics of environmental overlay districts

These districts shall overlay the base zoning of properties so that all land within the various environmental overlay districts shall also have a base zoning classification. Each parcel within these overlay districts shall be subject to the regulations of both the base zoning district and the overlay district(s) within which it lies. If there is a conflict or redundancy between the regulations and standards of the zoning district and the overlay zone, the more restrictive regulation shall govern.

#### 3. Districts

##### a. Groundwater recharge area protection district (GW)

The GW district is established to protect the quality of groundwater by regulating land uses within significant groundwater recharge areas. This is necessary to protect the public health, safety, and welfare, particularly those persons and communities who rely on groundwater as their source of potable water supply.

The GW district is mapped on the Official Zoning Map of Douglasville corresponding to the areas mapped as significant recharge areas by the Georgia Department of Natural Resources in Hydrologic Atlas 18, 1999 edition.

**1)** No construction may proceed on a building or mobile home to be served by a septic tank unless the Douglas County Health Department first approves the proposed septic tank installations as meeting the requirements of the Georgia Department of Human Resources for On-Site Sewage Management (DHR Manual), and Sections 6.04 B.3.a.2) and 6.04 B.3.a.3).

**2)** New homes served by a septic tank/drain field system shall be on lots having at least 110 percent of the subdivision minimum lot size calculated based on application of Table MT-1 in the DHR Manual. The minimums set forth in Table MT-1 may be increased further based on consideration of other factors set forth in Sections A—F of the DHR Manual. However, any lot of record approved prior to the adoption of these regulations is exempt from this requirement.

**3)** New mobile home parks shall be served by sanitary sewer.

4) New agricultural waste impoundment sites shall be lined if they exceed 50 acre-feet. As a minimum, the liner shall be constructed of compacted clay having a thickness of one foot and a vertical hydraulic conductivity of less than five × 10-7cm/sec. or other criteria established by the Natural Resource and Conservation Service.
5) New above-ground chemical or petroleum storage tanks, having a minimum volume of 660 gallons, shall have secondary containment for 110 percent of the volume of such tanks or 110 percent of the volume of the largest tank in a cluster of tanks. Such tanks used for agricultural purposes are exempt, provided they comply with all federal requirements.
6) New facilities that handle hazardous materials of a type and amounts requiring a permit from the Department of Natural Resources or that require disposal at a hazardous materials facility by a hazardous materials handler permitted or licensed by the Department of Natural Resources, shall perform their operations on impermeable surfaces having spill and leak collection systems. Such spill and leak collection systems shall be shown on the development plan in detail and must be approved as part of the development plan

**b. Wetlands protection district (WP)**

The WP district is established to promote the protection of wetlands in Douglasville, which are indispensable, fragile natural resources with significant development constraints due to flooding, erosion, and soils limitations. Furthermore, they provide habitat areas for fish, wildlife, and vegetation; water quality maintenance and pollution control; flood control; erosion control; opportunities for study and education; and open space and recreational opportunities.

Wetlands are commonly lost or impaired by draining, dredging, filling, excavating, building, pollution, and other acts. Piecemeal and cumulative losses will have the effect of destroying additional wetlands over time. Damaging or destroying wetlands threatens public safety and the general welfare.

The WP district shall comprise the following two categories: all lands mapped as wetland areas by the U.S. Fish and Wildlife Service National Wetlands Inventory Maps (Generalized Wetlands Map); and all lands that, in the course of development review, are determined by Douglasville to have significant evidence of wetlands.

The generalized wetlands map is hereby adopted by reference and declared to be a part of this UDO, together with all explanatory matter thereon and attached thereto. The generalized wetlands map cannot serve (and therefore should not be used) as a substitute for a delineation of jurisdictional wetland boundaries by the U.S. Army Corps of Engineers, as required by Section 404 of the Clean Water Act, as amended. Any action by Douglasville under this UDO does not relieve the landowner from federal or state permitting requirements.

1) No activity which will, or which may reasonably be expected to, result in the discharge of dredged or fill material in waters of the U.S. (excepting those activities exempted in section 404 of the Federal Clean Water Act) will be permitted within the WP district without written permission or a permit from Douglasville.
2) A wetlands delineation by the U.S. Army Corps of Engineers shall be required in the following circumstances:

**a)** If the area proposed for development is located within 100 feet of an area delineated as wetlands by the generalized wetlands map as determined by city staff.

**b)** If an area within a development site is determined by city staff to have significant evidence of wetlands.

**3)** If the corps determines that wetlands are present on a proposed development site, the local permit or permission will not be granted until a Section 404 Permit or Letter of Permission is issued.

**4)** Permitted uses. The following uses shall be allowed as of right within the wetlands protection district to the extent that they are not prohibited by any other ordinance or law, including laws of trespass, provided they do not require structures, grading, fill, draining, or dredging except as provided herein, and provided they have no impact on a navigable waterway that would necessitate acquisition of a Section 404 permit or a permit under Section 10 of the Rivers and Harbors Act.

**a)** Conservation or preservation of soil, water, vegetation, fish and other wildlife, provided it does not affect waters of Georgia or of the United States in such a way that would require an individual 404 Permit.

**b)** Outdoor passive recreational activities, including fishing, bird watching, hiking, boating, horseback riding, and canoeing.

**c)** Forestry practices applied in accordance with best management practices approved by the Georgia Forestry Commission and as specified in Section 404 of the Clean Water Act.

**d)** The cultivation of agricultural crops. Agricultural activities shall be subject to best management practices approved by the Georgia Department of Agriculture.

**e)** The pasturing of livestock, provided that riparian wetlands are protected, that soil profiles are not disturbed, and the approved agricultural best management practices are followed.

**f)** Education, scientific research, and nature trails.

**5)** Prohibited uses. The following uses are prohibited within the wetlands protection district.

**a)** Receiving areas for toxic or hazardous waste or other contaminants;

**b)** Hazardous or sanitary waste landfills;

**c)** Any other use not specifically exempted as noted above or properly approved by Douglasville and relevant state and federal agencies.

### c. Watershed protection districts

In order to provide for the health, safety, welfare, and quality of life of the public within Douglasville and surrounding communities, it is essential that the quality of public drinking water be assured. Land disturbance and development can increase erosion and sedimentation that decreases the storage capacity of reservoirs. In addition, stormwater runoff, particularly from impervious surfaces, can introduce toxins, nutrients, and sediment into drinking water supplies, making water treatment more complicated and expensive and rendering water resources unusable for recreation.

The purpose of these districts is to establish measures to protect the quality and quantity of the present and future water supply of Douglasville, as well as the City of East

Point and jurisdictions downstream from Douglas County; to minimize the transport of pollutants and sediment to the water supply; and to maintain the yield of water supply watersheds.

These district regulations are designed for compliance with O.C.G.A. § 12-2-8 and the Official Georgia Department of Natural Resources Rules for Environmental Planning, as well as for consistency with the goals of the Douglasville Comprehensive Plan.

All land within incorporated Douglasville is regulated by one of the watershed protection districts. The districts are established and designated on the Official Zoning Map of Douglasville corresponding to the topographical features that delimit the drainage basins of the respective creeks, rivers and reservoirs.

**1) General regulations for all watershed protection districts**

**a)** Required stream buffers (but not regulated streams or wetlands) may be included in the gross land area for purposes of calculation of the percentage of a site's impervious surface area.

**b)** All property within watershed protection districts may be developed or re-developed as permitted by its base zoning, provided the development is also in compliance with these watershed protection regulations.

**c)** The following uses are exempt from watershed protection district regulations (with some limitations and conditions as noted):

i. Development and land use legally established prior to the adoption of these regulations.

ii. Mining activities permitted by the Department of Natural Resources under the Surface Mining Act (outside of stream buffer areas).

iii. Specific forestry and agricultural activities (outside of stream buffer areas) that are consistent with best management practices established by the Georgia Forestry Commission / Department of Agriculture and do not impair the quality of streams.

**d)** Watershed Protection Regulations Table

| | **Stream buffer width from bank of perennial stream [1]** | **Minimum setback for regulated activities [2] from bank of regulated stream** | **Maximum impervious surface [4] area** (with sewer) | **Maximum impervious surface [4] area** (no sewer) |
|---|---|---|---|---|
| **Dog River** | 200′ | 250′ | 15% | 15% |
| **Bear Creek** | 50′ | 50′ | 65% | 65% |
| **Anneewakee Creek (sub-watershed A)** | 50′ | 50′ | 65% | 65% |
| **Anneewakee Creek (sub-watershed B)** | 50′ | 50′ | 65% | 65% |
| **Sweetwater Creek** | 50′ | 50′ | 65% | 65% |
| **Beaver Run Creek Sub-Watershed** | 50′ | 50′ | 65% | 65% |
| **Gothards Creek Sub-Watershed** | 50′[3] | 50′[3] | 65% | 65% |
| **Other Watersheds** | 50′ | 50′ | 65% | 65% |

Table footnotes:

1. See definition of "stream, perennial" Article 13, Definitions.
2. Regulated activities include all impervious surfaces, septic tanks, drain fields, and animal/livestock pasturing, keeping, or grazing.
3. Measured from edge of wetlands where present.
4. See definition of "impervious surface", Article 13, Definitions. For most development, impervious surface calculations shall be required on a lot-by-lot basis. However, in master planned communities, the maximum percentage can be met on a project-wide basis provided that the project is planned in detail and adequate controls are established (through deed restrictions, zoning plans and conditions, or other mechanisms) to ensure compliance.

**e) Regulatory requirements for stream buffers**

All stream buffer areas shall be maintained with appropriate indigenous plant species for the maintenance of groundcover and limitation of erosion.

Undisturbed natural vegetation is the preferred, optimum state of a stream buffer. In the alternate, careful re-establishment of indigenous vegetation and ground cover is encouraged.

No construction, grading, clearing, grubbing, excavating, filling, or other land disturbing activity shall be permitted within the stream buffer. As an exception to this rule, the following limited uses may be established within the buffer provided that: land disturbance and impact in the stream buffer is minimized to the greatest extent possible; proper soil erosion and sedimentation control is established and maintained; and the disturbed area is stabilized and appropriately revegetated as soon as possible following the completion of approved work within the buffer.

i. Sanitary sewer lines may be located along and across stream buffers, if it is determined by Water and Sewer Authority (WSA) that no reasonable design alternative exists.
ii. Other utility lines may cross stream buffers, when it is determined by the utility provider that no reasonable design alternative exists.
iii. Private driveways and public roads may cross stream buffers as near as possible to 90 degrees when necessary and as approved by Douglasville in the subdivision or development review process.
iv. Recreational amenities (such as trails, wildlife observation stands, and other low impact uses) when approved by Douglasville as an element of a development plan.
v. Cutting and clearing (with handheld tools) of live trees less than two inches in caliper measure at a point four and one-half feet above grade, and dead trees, provided the stumps and root structure of trees are left in place to ensure minimal soil erosion potential.

**f)** Regulatory requirements for reservoir buffers

i. Buffers around public water supply reservoirs shall be maintained as required in the watershed management plans for the respective reservoirs. In no case shall the required buffer be less than 150 feet in width.
ii. Buffers around private reservoirs shall meet the same criteria as for stream buffers in subsection 6.04 B.3.c.1)e), Regulatory Requirements for Stream Buffers. However, all improved areas within the required buffers of existing private reservoirs (such as lawns, docks, patios, etc.) may continue to be maintained as they exist at the time of the adoption of these regulations.

**2) Dog River watershed**

This is a small water supply watershed that contains a reservoir. An intake for the Douglasville Douglas County Water and Sewer Authority (WSA) is located on this reservoir. The watershed management plan for the Dog River Reservoir drainage basin has been established by WSA to protect this water system. The following regulations are established to further protect the watershed.

**a)** Stream buffer widths, setbacks from streams, impervious surface limits, and maximum residential density shall be regulated as specified in the table located in subsection 6.04 B.3.c.1)d), Watershed Protection Regulations.

**b)** Applications to rezone property to industrial classifications within the Dog River watershed shall not be accepted for consideration by the staff nor be approved by the Mayor and City Council.

**3) Bear Creek watershed**

This is a small water supply watershed that contains a reservoir. An intake for WSA is located on this reservoir. The watershed management plan for the Bear Creek Reservoir drainage basin has been established by WSA to protect this water system. The following regulations are established to further protect the watershed.

**a)** Stream buffer widths, setbacks from streams, impervious surface limits, and maximum residential density shall be regulated as specified in the table located in subsection 6.04 B.3.c.1)d), Watershed Protection Regulations.

**b)** Applications to rezone property to industrial classifications within the Bear Creek watershed shall not be accepted for consideration by the staff nor be approved by the Mayor and City Council.

**4) Anneewakee Creek watershed (including subwatersheds A and B)**

This is a small water supply watershed that does not contain a reservoir. An intake for WSA is located on this creek. The following regulations are established to protect the watershed.

**a)** Stream buffer widths, setbacks from streams, impervious surface limits, and maximum residential density shall be regulated as specified in the table located in subsection 6.04 B.3.c.1)d), Watershed Protection Regulations.

**b)** Within subwatershed A, new facilities which handle hazardous materials of the types listed in Section 312 of the Resource Conservation and Recovery Act of 1976 (excluding underground storage tanks) and amounts of 10,000 pounds or more on any one day, shall perform their operations on impervious surfaces and in conformance with any applicable federal spill prevention requirements or the requirements of the standard fire prevention code.

**5) Sweetwater Creek watershed (including Beaver Run and Gothards Creek subwatersheds)**

This is a large water supply watershed. An intake for the City of East Point is located on this creek. This watershed also contains the Sparks Reservoir, an embayment of Beaver Run Creek, which is owned and managed by the City of East Point. A watershed management plan has been established to protect the reservoir. The following regulations are established to further protect the watershed.

**a)** Stream buffer widths and setbacks from streams shall be regulated as specified in the table located in subsection 6.04 B.3.c.1)d), Watershed Protection Regulations.

**b)** New facilities located within seven miles of a water supply intake or reservoir, which handle hazardous materials of the types listed in Section 312 of the Resource Conservation and Recovery Act of 1976 (excluding underground

storage tanks) and amounts of 10,000 pounds or more on any one day, shall perform their operations on impervious surfaces and in conformance with any applicable federal spill prevention requirements or the requirements of the standard fire prevention code.

**6) Other watersheds**

Streams within areas of the city that are not classified as small or large water supply watersheds (such as the Chattahoochee River direct drainage basin and the Hurricane Creek watershed) are also worthy of protection for the welfare and safety of the public. The following regulations are established to protect these watersheds.

Stream buffer widths shall be regulated as specified in the table located in subsection 6.04 B.3.c.1)d), Watershed Protection Regulations.

**d. Chattahoochee River protection district (CRP)**

**1)** All lands within 2,000 feet of the Chattahoochee River are protected by the Metropolitan River Protection Act (MRPA) as established in O.C.G.A. sections 12-5-440 through 12-5-457. MRPA requires a 50-foot undisturbed vegetative buffer and 150-foot impervious surface setback on the Chattahoochee and its impoundments and a 35-foot undisturbed vegetative buffer (all measured from the edge of the water) on perennial tributary streams in a Corridor extending 2,000 feet from either bank of the river and its impoundments. The Corridor extends from Buford Dam to the downstream limits of the Atlanta region (Douglas and Fulton Counties). Streams in the basin of the Corridor are required to be protected by buffers. The CRP district is depicted on the Douglasville Zoning Map coincident with the corridor of protection established by MRPA.

**2)** All land disturbance, land use, and development within the CRP must be reviewed by the Atlanta Regional Commission (ARC) as required by MRPA. No land use or development permit shall be approved by the city prior to the necessary review and approval by ARC pursuant to the requirements of MRPA.

## Sec. 6.05 QGD Quality Growth Development

### A. Purpose

The quality growth development overlay district is established to promote high quality development in areas of the city that are largely undeveloped but in the path of rapid, substantial residential, commercial, or industrial development that is anticipated will radically change the character of the lands within the district boundaries. This district is designed to encourage high quality development by establishing restrictions and standards to protect the natural environment, promote optimum development, and so that investment values will be maximized and will not be endangered by unsightly, undesirable, or incompatible developments springing up on adjacent properties in the foreseeable future.

### B. Scope of Regulations

Any multi-family residential, commercial, office, office distribution, or industrial use within the quality growth development overlay district, in addition to meeting all requirements and

standards of this UDO and of the district within which it is located, shall also comply with the minimum standards and restrictions of this section.

**C. Intent**

1. The quality growth development overlay district overlays other zoning districts so that all lands lying within the quality growth development overlay district also are included within other zoning districts. Each parcel of land within the quality growth development overlay district shall be subject to the provisions, regulations, standards, and restrictions of both the quality growth development overlay district and of the other zoning districts within which it lies. If there is a conflict between the provisions of the underlying zoning district and the provisions of the quality growth development overlay district, the more stringent provisions shall govern.
2. The primary goals of the quality growth development overlay district are to provide a positive climate for high quality investment and development, to provide a sense of place and orientation, to provide an attractive and functional environment, to ensure a harmony of uses and development, and to provide a comfortable, secure, and harmonious developed environment.

**D. Prohibited Uses**

The following uses are prohibited in the quality growth development overlay district:

1. Rooming/Boarding houses
2. Industrial launderers
3. Lumber yards
4. Automotive repair and maintenance to include buses and trucks
5. Automotive parking lots as principal uses to include buses and trucks
6. All automotive parts/accessory/tire stores
7. Outdoor storage as a principal use
8. Fueling for trucks and buses

**E. Site design requirements**

**1. Landscaping requirements**

a. Generally. Any multi-family residential, commercial, office, office distribution, or industrial use within the quality growth development overlay district, in addition to meeting all requirements and standards of sections 6.03, 6.04 and 9.01 of the Unified Development Ordinance, shall also comply with the landscaping requirements of this subsection.
b. Landscaping requirements. The location and detail of all required landscaping shall be depicted on the site landscaping plan (see the landscaping requirements of Sec. 8.02 of this UDO.)

1) Minimum required landscaped area. Each site shall have a minimum landscaped area of 25 percent. The calculated landscaped area may include tree islands within required parking areas.
2) Frontage landscaping strip. A minimum 25-foot wide landscaped strip adjacent to the street right-of-way shall be provided. Every 100-foot linear of landscape strip must include a minimum of three canopy trees, three understory trees, two evergreen coniferous trees, and 18 shrubs. Planting standards may be reduced up to 50

percent with the provision of a five-foot tall earthen berm running the entire length of the landscape strip.

**3)** Side and rear yard landscaping. Unless otherwise required by section 8.02.G.1of the UDO, all required side and rear yards shall be landscaped in accordance with the requirements of this subsection.

**4)** Other landscaping areas. All land surfaces other than those covered by permitted buildings, structures, paving, or other required site elements shall be landscaped with well-maintained grass, flowers, shrubs, or other suitable plant materials.

**9. Screening**

**a.** Generally. Any multi-family residential, commercial, office, office distribution, or industrial use within the quality growth development overlay district, in addition to meeting all requirements and standards of sections 2.05.A, 2.05.X and 2.05.GG of this UDO, and sections 8.01 and 10.05, shall also comply with the screening requirements of this subsection.

**b.** Requirements for loading areas, service equipment, outdoor storage areas. All loading areas, outdoor service equipment, and outdoor storage areas, including those for trucks, buses, automobiles, or the storage of any other vehicles or equipment shall be screened from street or adjacent property view by an attractive solid masonry wall finished on the exterior side by the same material used for the façade of the building. Such wall shall be not less than five feet in height and no more than eight feet in height. Specific height, as dictated by all applicable ordinance provisions, shall be determined during the site plan review process.

**c.** Exceptions for loading areas, service equipment and outdoor storage areas.

**1)** Exceptionally, no screening shall be required to separate adjacent uses which are the same or similar.

**2)** A portion of the required screening not to exceed 25 percent may be substituted in the form of a natural or structural buffer.

**d.** Building landscaping screening. For any building structure which:

**1)** Faces a public street or is directly adjacent to a residentially zoned property, and

**2)** Has less than 25 percent glazing or openings (doors, windows, and service entries) on the façade facing the public street or residentially zoned property, the lot for such building structure must include a landscaping screen between the building structure and the residentially zoned lot in addition to any buffers required by the UDO. Such screen must be a minimum of 15 feet in width and run the entire length of the subject building façade except where there are breaks for building access. Every 100 feet linear of building landscaping screen must include: six canopy trees (three of which must be evergreen), two understory trees, three evergreen coniferous trees, and 18 shrubs. Canopy trees shall be no less than three inches in caliper and no less than 15 feet in height at the time of planting with a mature height of no less than 25 feet. Understory trees shall be any deciduous or evergreen trees that have the potential to grow to a mature height of less than 40 feet.

10. **Utilities and service equipment**

    a. All industry standard grade utilities shall be located underground. All manholes, utility boxes, entry fixtures and other service equipment shall be located in side or rear yards and away from walkways. These fixtures shall be adequately screened as provided in this subsection.
    b. All service equipment including but not limited to air conditioning units and other utility or mechanical equipment that will be located on a rooftop shall be screened from ground level view behind a parapet wall or other architectural extension, equal in height to the unit requiring screening. Such parapet or extension shall be compatible to, in design, and integrated architecturally to the building. A parapet or extension of up to eight feet in height will not be included when calculating building height. Ground level view shall be defined as any view of the structure from the property line in any front yard of the property.

11. **Outdoor storage**

    a. Outdoor storage of merchandise or inventory (other than motor vehicles) may be permitted as outlined in section 2.05.X, Outdoor Storage, of this UDO regarding outdoor storage. Such outdoor storage shall be screened as required in this subsection.
    b. Outside storage of motor vehicles may be permitted only in paved areas shown on the site plan.

12. **Sign regulations**

    a. Number and size. Except for lots in the RMP regional marketplace district, only one principal freestanding sign of not more than 60 square feet per street frontage is permitted. Corner lots may use a total of 120 square feet with a maximum of two signs, one per frontage.
    b. Materials. All signs shall be composed of wood, stone or other similar materials.

13. **Decorative fences and walls**

    a. Materials permitted. Any fences or walls not required for screening under this subsection shall be composed of, stone, decorative iron, or decorative block. If located parallel to a street and within 30 feet of that street, these fences or walls shall comply with the requirements for street-side screening in this subsection.
    b. Prohibited materials; exception. Chain link, unfinished concrete or cinderblock, plastic or fiberglass, barbed or razor wire, and wood fences are prohibited. Paint shall not be used as a finish material. Exceptionally, the above prohibited materials may be utilized on a security fence if located inside an approved screening fence, wall, or other screening element as specified in this subsection.

## F. Building design requirements

1. **Bulk and setback requirements**

    a. Maximum building coverage. Except for one-story warehouse, storage, or distribution buildings which are limited to a maximum building coverage ratio of 45 percent, the ratio of building coverage to the total lot area shall in no case exceed a ratio of 55 percent.
    b. Floor area ratio. The ratio of total floor area of all buildings on a lot to the total lot area (floor area ratio) shall not exceed a ratio of 150 percent (or one and one-half times the total lot area).

2. **Building finishes, wall planes and roof planes**

   **a.** Prohibited finish materials. All exterior finish materials such as aluminum, steel, vinyl, mirrored or reflective glass, cinderblock, unfinished concrete, fiberglass or plastic are prohibited, except that architectural detailing and decorative trim of not more than 15 percent of any one façade may be of a substitute material.

   **b.** Wall planes and roof planes. Any building facing a public street or directly adjacent to a residentially zoned lot shall not have wall planes exceeding 30 feet in length without a change in plane by means such as a vertical recess, projection, change in material or color, or pilaster. Changes in roof plane shall occur at locations with changes in wall planes.

   **c. Permitted finish materials for front façades**

      **1) Principal materials**

      All exterior finish materials visible from any public street shall be any of the following:

      **a)** Brick or brick face;
      **b)** Natural stone including granite, marble, sandstone, field stone, or any other natural stone;
      **c)** Manufactured stone including imitation field stone, marble terrazzo, and any other manufactured architectural finish stone;
      **d)** Clay tile with baked-on enamel finish;
      **e)** Architecturally treated decorative concrete block;
      **f)** Fiber cement/cementitious siding (board or plank)

      **2) Windows and glass doors**

      All front façades shall have a minimum of 25 percent glass windows and glass doors on each floor visible from a public street unless directly screened by an adjacent building landscaping screen.

   **d. Side and rear façades**

   All exterior finish materials for side and rear façades shall be any of the following:

      **1)** Brick or brick face;
      **2)** Natural stone including granite, marble, sandstone, field stone, or any other natural stone;
      **3)** Manufactured stone including imitation field stone, marble terrazzo, and any other manufactured architectural finish stone;
      **4)** Clay tile with baked-on enamel finish;
      **5)** Architecturally treated decorative concrete block;
      **6)** Architecturally treated slabs or block either fluted or with exposed aggregate; or
      **7)** Stucco on lathe or an imitation stucco material or an acceptable substitute.

## G. Other requirements

1. Buildings and required screens, landscaping and walls shall be well maintained and repaired or replaced in a timely manner should damage or deterioration occur. Any damage or deterioration shall be corrected within 60 days.
2. There shall be no outdoor loudspeaker systems utilized; or
3. Lots which include required landscaped yards, setbacks, buffers, or screens, the developer shall submit a maintenance plan as part of project approval, showing proper maintenance and irrigation of landscaped areas, and providing for dead and underperforming plant material to be removed and appropriately replaced.

# ARTICLE 7 SIGNS


ARTICLE 7 SIGNS ..... 7-1

Sec. 7.01 Findings and purpose of sign regulations ..... 7-2

Sec. 7.02 Scope of regulations; compliance required ..... 7-2

Sec. 7.03 Sign permits ..... 7-3

Sec. 7.04 Exemptions from permitting ..... 7-4

Sec. 7.05 Prohibited signs ..... 7-5

Sec. 7.06 General requirements applying to all signs ..... 7-6

Sec. 7.07 Measurement of sign area and height ..... 7-7

Sec. 7.08 Regulation of specific types of permanent signs ..... 7-11

Sec. 7.09 Permanent signs allowed, by land use category ..... 7-17

Sec. 7.10 Temporary Signs ..... 7-20

Sec. 7.11 Flags ..... 7-22

Sec. 7.12 Variances ..... 7-22

Sec. 7.13 Uniform sign plan ..... 7-22

Sec. 7.14 Nonconforming signs ..... 7-23

Sec. 7.15 Enforcement ..... 7-24

Sec. 7.16 Definitions ..... 7-25

# ARTICLE 7 SIGNS

## Sec. 7.01 Findings and purpose of sign regulations

Regulation of the location, size, placement, and certain features of signs is necessary to allow for the free expression of ideas and information, to enable the public to locate goods, services, and facilities in the City without difficulty and confusion, to improve the general attractiveness of the City, to take advantage of the beauty of the City's natural environment, to ensure the orderly flow of traffic, and to protect property values therein. Such regulation is also necessary to facilitate and aid in the identification and location of businesses in the City in the event of police, fire, or other emergencies and to avoid confusion and delay in response to such emergencies. Accordingly, it is the intention of the City to establish regulations governing the display of signs that will:

**A.** Promote and protect the public health, safety, morals and general welfare.

**B.** Provide for the expression of commercial and noncommercial speech by citizens and businesses in the City.

**C.** Enhance the economy of the City and the success of business and industry by promoting the reasonable, orderly, and effective display of signs.

**D.** Restrict signs and lights that increase clutter, or which increase the probability of traffic accidents by obstructing or confusing the vision of drivers, bicyclists, or pedestrians.

**E.** Ensure that signs are designed, constructed, installed and maintained according to minimum standards to safeguard life, health, property, and public welfare.

**F.** Ensure that signs reflect and support the desired ambience and development patterns of the various zoning districts and promote an attractive built environment.

## Sec. 7.02 Scope of regulations; compliance required

**A.** This Article provides for the types of signs that may be placed on a property, and regulates the physical characteristics of signs, such as their size, number, placement, and timing (for temporary signs). The regulations and requirements of this Article apply to all signs that are or are intended to be viewed from a public right-of-way or adjacent property, or that are intended to be viewed from outdoor areas of public property, except as otherwise exempt under this Article.

**B.** Signs placed on any property, building or other structure within the City shall conform with this Article.

**C.** The regulations of this Article shall be in addition to any required provisions of state law, applicable building codes and other ordinances of the City. In the event of conflict between the provisions of this Article and other laws or ordinances, the most restrictive provision shall prevail and be controlling.

**D.** Notwithstanding any other restrictions in this Article, any sign authorized under this Article can contain any commercial or non-commercial message, other than messages containing obscenity as defined by Georgia law, or other than a sign that advertises an activity that is illegal under Georgia or federal laws.

## Sec. 7.03 Sign permits

**A.** Except as exempted from obtaining a permit as provided in section 7.04, Exemptions from Permitting, no sign shall be erected, reconstructed, expanded or replaced without first securing a permit from the director. Every such application shall be granted, denied or rejected for incompleteness in writing within 10 business days of submission of the application. All applications meeting the requirements of this Article shall be granted. If an application fails to meet the standards of this Article, the denial shall identify the standards that are not meant by the application. Any application rejected for incompleteness shall identify the reasons further action cannot be taken. If the director fails to act on a completed application within 10 business days of submission, it shall be deemed approved, subject to the requirements and provisions of this Article.

**B.** Nonconforming signs require registration with the director.

**C.** A permit and fee is required for the following signs:

1. All permanent freestanding signs.
2. All permanent building signs.
3. Temporary signs as provided by section 7.10, Temporary Signs.
4. Directional signs.

**D.** Each application for a sign permit for a permanent sign shall be in writing and in the form prescribed by the director and shall contain the following information:

1. Name, address and telephone number of the sign erector and sign owner, with written consent of the property owner.
2. Location of the building, structure, or lot upon which the sign is to be attached or erected.
3. A site plan showing setback from all adjacent streets, structures and property lines, as well as all existing signs upon the lot and the distance of a proposed freestanding sign to the nearest freestanding sign.
4. Prints or drawings of the plans and specifications and structural details of construction and attachment to a building or in the ground (a single submission may be permitted for any standardized signs).
5. The estimated cost of construction of the sign.
6. An application for a planned center or for any commercial or industrial use having more than 100,000 square feet of gross floor area, must be accompanied by a uniform sign plan consistent with the standards of section 7.13, Uniform Sign Plan.
7. A performance bond or cash deposit, if for a temporary permit.
8. An application fee as set from time to time by the Mayor and City Council.
9. Any other information as may be reasonably required by the zoning official to determine compliance with all provisions of this Article.

**E.** Each application for a permit for a temporary sign shall be in writing and in the form prescribed by the director and shall contain the following information:

1. A description of each temporary sign to be placed on the property, including its proposed location.
2. Written designation of the time period during which the sign will be placed on the property, consistent with the durations allowed under section 7.10, Temporary Signs.

3. For portable signs, banners and festoons, written and graphic evidence of compliance with all requirements of section 7.10, Temporary Signs. An application for portable signs shall be accompanied by a bond in the amount of $500 or cash deposit in the same amount to assure prompt and complete removal of such signs within 24 hours of the expiration of the permit.
4. A scaled drawing with dimensions and specification, specifying materials, illumination, character sizes, colors, and support systems for each proposed sign.
5. Written consent of the property owner.
6. Any other information as may be reasonably required by the director to determine compliance with all provisions of this Article.

**F.** No permit and no fee are required for routine maintenance of a sign, repainting, repairs or cleaning, including replacement of the sign face, provided no structural change is made to the sign and the sign is not increased in size or height nor location changed. This exemption from permit and fee applies only to the owner of the sign. Change of sign owner necessitates a new permit for change of sign face.

**G.** No permit or fee is required for the erection of yard signs meeting the standards of this Article.

**H.** No permit or fee is required for the erection of temporary window signs.

**I.** An applicant may appeal the denial of a sign permit as an appeal of an administrative decision to the Planning Commission. Such appeals must be filed with the director within five business days of the denial of the sign permit. In hearing an appeal, the Planning Commission is bound by the standards of this Article in rendering its determination. All appeals shall be heard within 30 days of filing and decision shall be reached no later than 30 days from date of hearing.

**J.** Numbered decals shall be issued with permit numbers on the decal corresponding to the numbers on the approved permit application. The issued numbered decal must be affixed to the lower right-hand corner of the area of the sign. The numbered decals are not transferable from one sign to another and must be placed on the sign described and permitted in the corresponding numbered permit application at all times.

1. Failure to have decal on a sign shall be *prima facie* evidence that the sign is not lawfully permitted.
2. It shall be unlawful for any person to attach a sign decal to any sign for which it was not issued, or to remove a decal from any sign.

**K.** A sign permit shall expire if the sign for which the permit was issued has not been substantially completed (to the extent of at least 60% completion based on the estimated cost of construction from the permit application) within six months of issuance. One 6-month extension may be approved by the director for circumstances deemed extenuating and reasonable.

## Sec. 7.04 Exemptions from permitting

The following are exempt from obtaining a permit under this Article:

**A.** Window displays of goods available on a site and temporary window signs.

**B.** Brand names or logos on products, product containers, or product dispensers (such as but not limited to a soft drink machine or gasoline pump) that are an integral part of the product or the product's packaging.

**C.** Property address numerals not exceeding four inches in height in residential districts and eight inches in height in non-residential districts.

**D.** Holiday decorations and displays erected during the winter holiday period from November 1 through January 5.

**E.** Incidental signs.

**F.** Yard signs on residential properties meeting the standards of this Article.

**G.** Yard signs on non-residential properties meeting the standards of this Article.

**H.** Temporary window signs meeting the standards of this Article.

**I.** Public and private recreational signs meeting the standards of this Article.

## Sec. 7.05 Prohibited signs

**A.** The following types of signs are prohibited in all locations:

1. Animated signs.
2. Signs that are painted on or attached to trees, fence posts, utility poles, or rocks or other natural features.
3. Signs that are dilapidated or in such condition as to create a hazard, nuisance or to be unsafe.
4. Signs containing obscene messages, as obscenity is defined by federal and Georgia law.
5. Signs obstructing any fire escape, window, door, opening usable for fire prevention or suppression, or that prevents free passage from one part of a roof to any other part thereof or interferes with any opening required for ventilation.
6. Signs placed on vehicles not regularly used in the normal course of business and parked in such manner as to attract attention to a business location.
7. Any sign placed in public right-of-way; provided this prohibition does not apply to signs placed by the governmental entity controlling such right-of-way, or to private contractors providing emergency repair services in such right-of-way so long as the signs conform to the Uniform Manual of Traffic Control Devices, or to marking of public utility poles located in the right-of-way by franchised utilities.
8. Signs posted on private property without the permission of the property owner.
9. Roof signs.
10. Signs imitating public warnings or traffic control devices.
11. Signs emitting smoke or sound capable of being detected on any traveled road by a person of normal hearing.
12. Signs erected within the railroad right-of-way except for official railroad signs.

**B.** In addition to those signs identified in subsection 7.05. A., Prohibited Signs, the following signs are also prohibited within the Historic District:

1. Billboards.
2. Monument entrance signs
3. Portable signs, except for A-frame signs that are permitted.
4. Signs erected on or located on any street or public right-of-way, curbs, curbstone, hydrant, lamp post, tree, barricade, or temporary walk.
5. Signs painted directly on the exterior wall of any building or structure.
6. Signs with revolving or rotating beams of light.

7. Signs placed upon a structure in any manner so as to disfigure or conceal any window opening, door or significant architectural feature or detail of the building.
8. Signs with any visible element of plastic or similar manufactured materials, excluding temporary signs, background faces of sign changeable portions of wall copy signs, and yard signs.
9. Signs with visible elements made of interior grade wood.

## Sec. 7.06 General requirements applying to all signs

### A. Conformance to building codes

1. In addition to any sign permit required under this Article, a building permit shall be obtained from the director prior to installation or placement of any freestanding sign having a sign face area greater than 15 square feet or any building sign having a sign face area greater than six square feet. All signs for which a building permit is required shall be constructed and maintained in conformity with all building code and electrical code requirements.
2. Plans required for issuance of a building permit for a sign shall be certified as to conformance with all structural and wind-load resistive standards of the building code by a qualified structural engineer or be prepared using standard drawings prepared by a structural engineer or other qualified professional meeting or exceeding all requirements of the building code.
3. All signs involving internal lights or other electrical devices, or circuits shall display a label certifying it as being approved by the Underwriter's Laboratories, Inc.
4. All electrical service to a sign shall comply with the electrical code.
5. Clearance from all electrical power lines shall be in conformance with the requirements of the electrical code.

### B. Conformance to state law

The following applies to any sign located or to be located within 660 feet of the nearest edge of the right-of-way of an Interstate, U.S. or State-numbered highway (or any other road designated as a "primary highway" by the State of Georgia and approved by the U.S. Department of Transportation), or located or to be located beyond 660 feet of such highway but visible and intended to be read from such highway:

1. Such sign shall comply with all requirements of the Georgia Outdoor Advertising Act, O.C.G.A. 32-6-70 *et seq*.
2. Such sign shall comply with all requirements of this Article. Between the Georgia and Douglasville regulations, such sign must comply with the most restrictive requirements with respect to each and every item of regulation.

### C. Sign maintenance

1. All signs, together with all their supports, braces, guy wires, and anchors shall be kept in good repair and, unless constructed of galvanized or noncorroding metal, shall be given a protective coating as necessary to maintain a clean appearance and safe condition.
2. All signs shall be maintained in accordance with all city regulations, including any regulations concerning nuisances and vegetation.

### D. Minimum sign setback

1. Sign installations on state and federal highways must meet set back and clear zone distance criteria based on the latest edition of the *Roadside Design Guide,* by the American Association of State Highway and Transportation Officials.
2. No portion of a sign shall be located less than 12 feet from any back of curb or from street paving on streets with no curb.
3. No sign or sign structure of any kind shall be located less than 10 feet from a side or rear property line or within a required landscape strip.

### E. Ground clearance under signs

Signs extending over sidewalks or walkways shall maintain a minimum clearance of eight feet above such sidewalk or walkway.

### F. Visibility clearance area

Any portion of a sign located within 20 feet of the intersection of the right-of-way lines of streets, or within 20 feet of the intersection of the edge of a driveway and the right-of-way line of a street, shall be no more than 30 inches in height, nor shall such sign otherwise obstruct visibility or pose a threat to traffic safety.

## Sec. 7.07 Measurement of sign area and height

### A. Computation of sign area

To determine compliance with the maximum allowable sign areas permitted under this Article, the following shall establish how sign areas are measured.

#### 1. Sign face area

a. The area of a sign face shall be computed as the area within the smallest rectangle enclosing the limits of a sign face, or the combination of the areas of all such rectangles delimiting each sign module, together with any frame or material, texture, or color forming an integral part of the sign face or used to differentiate the sign face from the structure upon which it is placed.
b. For signs that have no identifiable frame or border, the smallest rectangle that includes all the sign's words, letters, figures, symbols, logos, fixtures, colors, or other design elements intended to convey the sign's message shall establish the area of the sign's face.
c. For signs applied to a kiosk or other cylindrical sign structure, the area of the sign face shall be computed as the largest rectangular area achieved from any one view of the sign. Measurements shall be made as a flat plane rectangle projected on the sign

**d.** The computation of the area of a sign face shall not include the structure, supports, or uprights on which the sign face is placed or any portions of a sign structure that are not intended to contain any message or idea and are purely structural or decorative in nature, other than those portions contained within the rectangle that delimits the sign face or a sign module

**e.** Changeable copy signs.

For any sign on which any of the words, letters, figures, symbols, logos, fixtures, colors, or other design elements are routinely changed or are intended to be changed from time to time, the sign face area shall include the entire area within which any words, letters, figures, symbols, logos, fixtures, colors, or other design elements may be placed, together with any frame or material, texture, or color forming an integral part of the sign face or used to differentiate the sign face from the structure upon which it is placed. Both changeable and fixed elements of signs with changeable copy signs are counted toward a single sign face area.

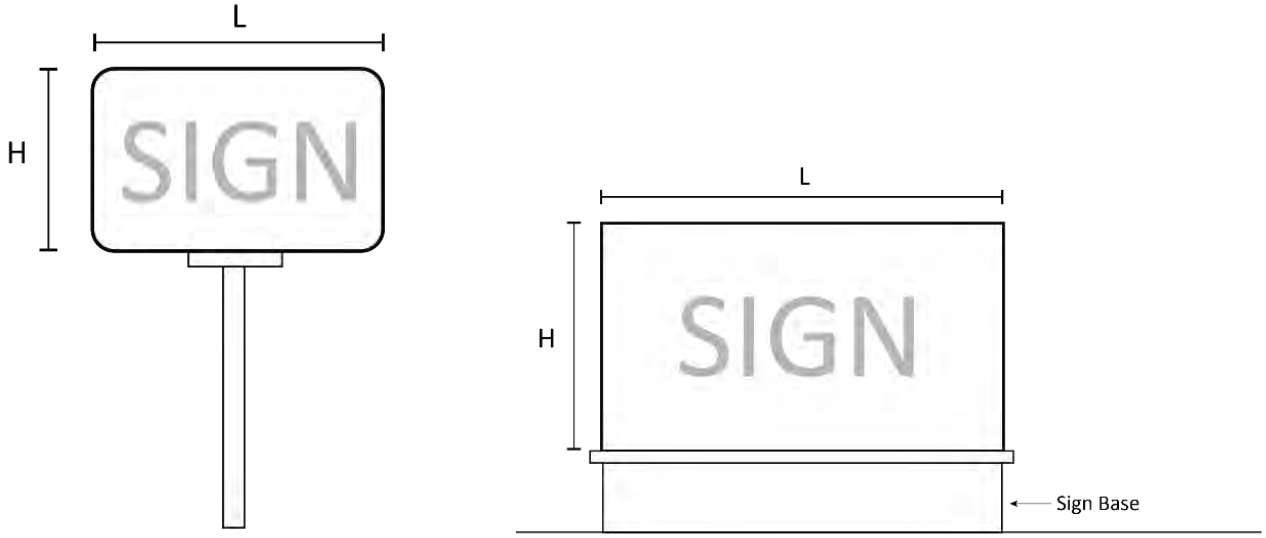



***Figure 7-1 Sign Area Measurement Freestanding Sign***

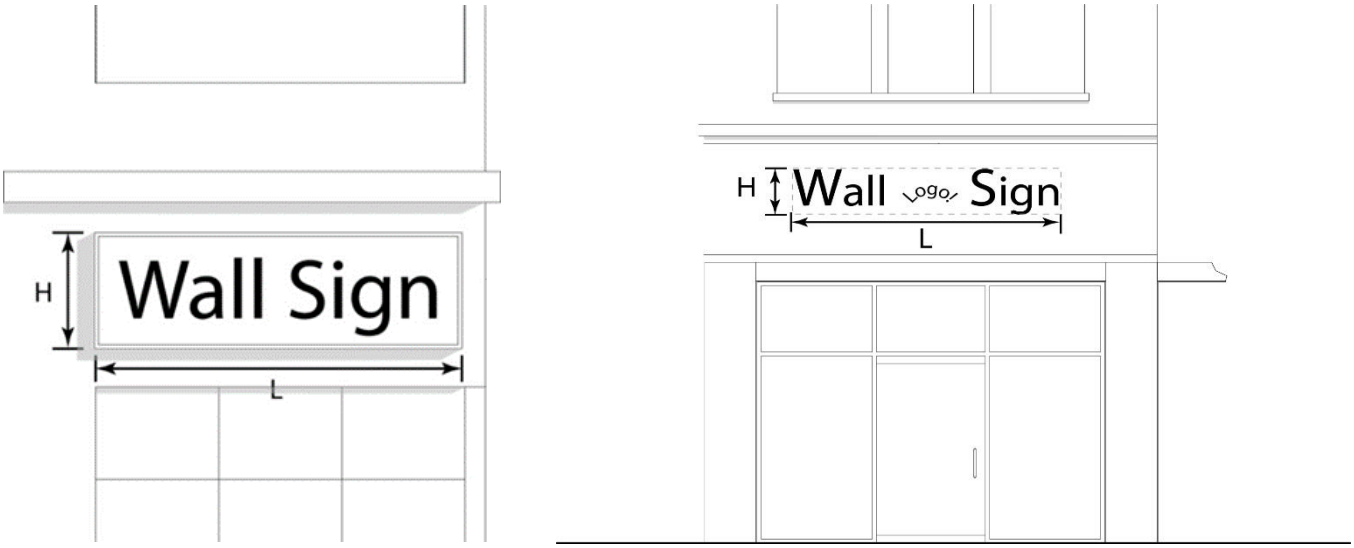



***Figure 7-2 Sign Area Measurement Wall Sign***

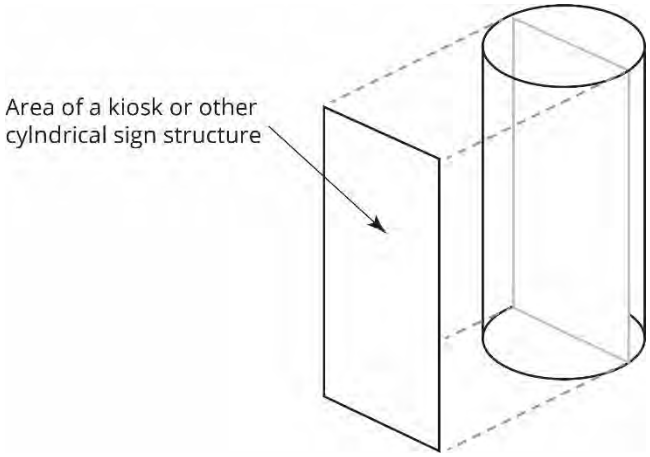



***Figure 7-3 Sign Area Measurement Wall Sign Cylindrical or Kiosk Sign***

**2. Treatment of open spaces**

Any open space contained within the limits of the rectangle delimiting the sign face, sign module, or sign structure shall be included in the computation of the area of such sign face, sign module, or sign structure.

## B. Multi-faced signs

### 1. Double-faced signs

For double-faced signs, when the sign face surfaces are parallel (back-to-back), or where the smallest angle formed between the two faces is 60 degrees or less, the area of the sign shall be taken as the area of the largest side. For double-faced signs where the interior angle formed by the faces is more than 60 degrees, the area of the sign shall be the total area of all sides.

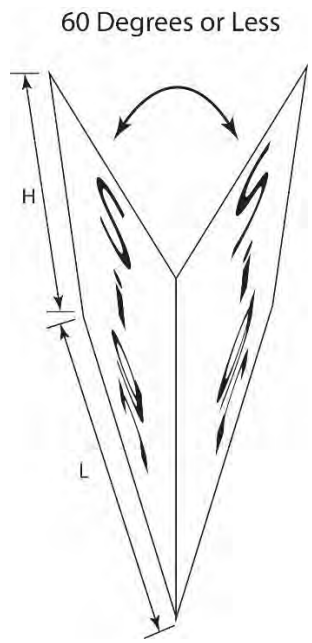



***Figure 7-4 Sign Area Measurement Double-Faced Sign***

### 2. Signs with three or more faces

For sign structures having only three faces and the interior angle formed between all of the faces is 60 degrees, the area of the sign shall be taken as the area of the largest side. For all other multi-faced signs with three or more sides, the area of the sign shall be the largest total of all faces that are joined by an interior angle of more than 60 degrees that can be viewed from any one direction.

## C. Measurement of sign height and distance

### 1. Sign height

The height of a sign shall be equal to the vertical distance from the average grade at the base of the sign, or from the crown of the roadway of the nearest street within 100 feet of any portion of the sign, to the highest point of any portion of the sign, whichever results in the greater sign height. Any earthen berms and elevated foundations supporting signs, signposts or other sign supports shall be included in the height of the sign.

2. **Measurement of distance**

Minimum distances required hereunder shall be measured along the shortest straight line from the nearest point on a sign structure to the nearest point on a property line, sign structure, building or structure to which the minimum distance requirement applies.

## Sec. 7.08 Regulation of specific types of permanent signs

### A. Freestanding signs

1. **Distance between**

Each freestanding sign having an area of 75 square feet or less shall be located at least 50 feet from any other freestanding sign on the same side of the street. Each freestanding sign having an area of between 75 and 300 square feet shall be located at least 100 feet from any other freestanding sign on the same side of the street. The director may reduce the distance if it cannot be met due to the location of existing signs on separate but adjoining lots. Such reduction shall be the minimum required to maintain the greatest separation possible from such existing signs.

2. **Interior signs**

Interior signs are allowed as accessory uses on a property occupied by a planned center or by any multi-family, commercial or institutional, or industrial use exceeding five acres if each sign complies with all of the following:

a. One interior sign not to exceed 64 square feet in area nor more than eight feet in height may be located on the property for each principal building on the lot of a planned center, located at least 100 feet from any street right-of-way line.
b. Other miscellaneous interior signs are allowed beyond the minimum front yard setback on a property developed for multi-family, commercial or institutional, or industrial use, provided that such signs shall have no more than three square feet in sign face area nor more than three feet in height (except signs that are required by law to be higher than three feet high, such as those marking a handicapped parking space).

3. **Entities with drive-through lanes**

In addition to any other freestanding sign authorized by this section, if property contains a commercial or industrial building or structure where materials are delivered at a drive through delivery point located other than on the front side of the building, then one additional freestanding sign per drive through lane shall be allowed to be located on the property in the side or rear yard; no such sign shall exceed 32 square feet in area nor 8 feet in height.

4. **Vacant properties**

Vacant parcels of land zoned to non-residential classifications may contain one freestanding sign limited to 32 square feet in sign area with a sign permit.

5. **Monument entrance signs**

a. **Location**

Monument entrance signs are signs located at an entrance into a residential subdivision, into a multi-family development, or into an office, commercial or industrial park

consisting of two or more lots. Each monument entrance sign shall not exceed the number, area or height limitations shown on Table 7-1, Permitted Freestanding Signs—By Land Use Category.

**b. Placement of signs in the right-of-way**

When the owner or developer of a residential development or of an office or industrial park desires a divided roadway entrance to the development with a landscaped island in the right-of-way, the director may approve a monument entrance sign within the island provided that the sign will not be internally illuminated, that it be in scale with the landscaping and overall design of the entrance, and that the placement of the sign will not be a hazard to traffic.

**c. Maintenance**

Douglasville shall not be responsible to maintain any such monument entrance sign, where allowed, within or out of the street right-of-way. If a monument entrance sign within an island in the street right-of-way is allowed to become dilapidated, the city may require removal of such sign.

**6. Billboards**

In lieu of a freestanding sign authorized by Table 7-1, Permitted Freestanding Signs—By Land Use Category, any property located within 500 feet of Interstate Highway 20 may contain one billboard which complies with the following:

**a. Location**

All portions of the face and support members of any billboard shall be located within 500 feet of interstate Highway 20.

**b. Setback**

All portions of the face and support members of any billboard shall be set back from all buildings, structures, and property lines at least 75 feet.

**c. Sign area**

The sign area of any billboard shall not exceed 14 feet in height and 48 feet in length, with or without trim, for a total size of 672 square feet.

**d. Illumination**

Externally illuminated billboards shall use base-mounted fluorescent or mercury vapor lights and shall be activated by photoelectric cells. Digital lighting of billboards, including LED and other electronic forms of lighting, is permitted only as set out in this paragraph. For billboards erected as of right within 500 feet of Interstate Highway 20 or erected pursuant to a limited exchange allowed by section 7.14, digital lighting is permitted so long as:

**1)** All requirements of O.C.G.A., Section 32-6-75 are met. Where the standards of state law and this UDO vary, the most stringent standards shall be met.

**2)** Each message remains unchanged for its full display duration. No fading, scrolling or other simulated movement of the sign copy is permitted.

3) No digital lighting shall be utilized within 150 feet of any single family residence or any property zoned for single family use.

4) Digital billboards are limited as of right to commercially or industrially zoned propertied within 500 feet of the right-of-way of Interstate Highway 20.

5) No digital billboard shall be erected within 5000 feet of another digital billboard on the same side of the roadway.

6) The display or message of a digital billboard may not change more frequently than once every 10 seconds, with a transition period of one second or less.

7) All digital billboards shall have installed an ambient light monitor which shall continuously monitor and automatically adjust the brightness level of the display based on ambient light conditions consistent with the terms of this article. Maximum brightness levels for digital billboards shall not exceed three-tenths (0.3) foot-candles over ambient light levels measured within one hundred fifty (150) feet of the sign. Certification shall be provided to the City demonstrating that the sign has been preset to automatically adjust the brightness to these levels or lower and that the sign operates within such standards.

8) All billboards shall be designed in such a manner that any malfunction shall result in the sign going completely dark.

**e. Height above interstate grade**

All billboards on property adjacent to the Interstate Highway 20 shall be a minimum of 10 feet above the adjacent interstate pavement measuring from the lowest portion of the sign face.

**f. Extrusions prohibited**

Extrusions beyond the face of any billboard, excluding aprons are prohibited.

**g. Location and number of signs**

Only one billboard shall be allowed per lot. No billboard shall be placed on any lot that contains any other freestanding sign. Billboards shall be no less than 1,000 feet apart measured from the two closest points, and only one sign face shall be allowed to face the same direction per location. This allows back-to-back of "V" formation signs but prohibits two signs (side by side or over and under) facing the same direction.

**h. Spacing on interstate**

Billboard locations on property adjacent to Interstate Highway 20 shall be no less than 1,000 feet apart, measuring from the two closest points of each sign. Electronic billboards shall be no less than 5,000 feet apart, measuring from the two closest points of each sign.

**i. Spacing at interchanges**

Only four billboards shall be allowed per interchange adjacent to the interstate highway. All billboards at interstate highway interchanges are restricted to an area 1,200 feet long beginning 500 feet from the point where the pavement widens on the main traveled way to accommodate the longest exit/entrance ramp.

**j. Height**

Billboards shall not exceed 100 feet in height. Two billboards in the same location, back-to-back or in a "V" formation shall be the same height above the interstate surface.

**7. Interstate signs**

One interstate sign is permitted on lots located within 500 feet of an interchange for Interstate Highway 20, so long as no other free-standing sign is located on the lot. The 500-foot measurement commences and ends at the beginning and ending point of entrance ramps onto and from the interstate and extends 500 feet perpendicular to such ramps.

**B. Projecting signs**

1. Projecting signs shall not project more than 42 inches beyond the face of the building.
2. Projections shall be at a ninety-degree angle to the building face.
3. All sides of a projecting sign shall be finished.

**C. Directional signs**

Directional signs may be located within three feet of driveways that provide access into or from the property. There shall be no more than two such signs per driveway and each such sign shall not exceed two square feet in sign area nor be more than 30 inches in height. Such signs shall be no less than six feet from the back of curb (or edge of pavement, whichever is greater).

**D. Standards for signs not requiring building permits**

1. Nonpermanent but water-resistant construction materials may be used, such as but not limited to poster board, foam core board or illustration board.
2. Except for portable signs allowed under section 7.10, Temporary Signs, the words, letters, figures, symbols, logos, fixtures, colors, or other design elements that convey the sign's message shall be permanently applied to the sign's face. Automatic changeable copy signs shall not be allowed. No illumination of such signs is allowed.

**E. Changeable copy signs**

1. Manual changeable copy signs are permitted in all commercial districts and for institutional entities in all districts. Electronic changeable copy signs are permitted only in highway commercial districts.
2. In the historic district where the changeable copy portion of a sign face is limited to six square feet.
3. Electronically controlled changeable copy signs shall comply with the following:
   a. The sign shall comply with industry intensity standards for brightness.
   b. The sign shall display static advertising messages and will not have animation or motion within the messages that might be distracting to drivers.
   c. The sign shall contain a default mechanism that will cause the sign to revert immediately to a black screen if the sign malfunctions.
   d. Transition from one message to another shall be instantaneous.
   e. The sign message shall remain fixed for a "hold time" of at least 10 seconds or the most current regulations promulgated by the Georgia Department of Transportation, whichever is more restrictive.
   f. Each sign message shall be complete within itself and shall not continue onto subsequent sign messages.

g. The sign company shall participate in the national amber alert program and FBI and Emergency alert broadcasting program to bring emergency messages to the public as needed.

h. The City of Douglasville Police department shall have the ability to submit emergency messages to the sign company for immediate broadcast should the Chief of Police determine an emergency situation warrants warning the public.

## F. Illuminated signs

### 1. Types of illumination

a. Externally-illuminated sign. An externally-illuminated sign, when permitted, shall have concealed wiring and controls, and shall have shielded and screened external light sources.

b. Internally-illuminated sign. Internally-illuminated signs, where permitted, must completely shield the source of light from direct view. Internally channeled or reverse-channeled letters are permitted only in instances of wall signs affixed to buildings with a front setback of more than 100 feet.

c. Each parcel housing a monument sign may utilize automatic changeable copy compromising not more than 50 percent of the sign face, subject to the following standards:

1) Each message remains unchanged for its full display duration. No fading, scrolling, or other simulated movement of sign copy is permitted.

2) No automatic changeable copy shall be utilized within 150 feet of any single family residence or any property zoned for single family use.

3) The automatic changeable copy may not change more frequently than once evert 10 seconds, with a transition period of one second or less.

4) All automatic changeable copy shall have installed an ambient light monitor which shall continuously monitor and automatically adjust the brightness level of the display based on ambient light conditions consistent with the terms of this article. Maximum brightness levels for such copy shall not exceed three-tenths (0.3) foot-candles over ambient light levels measured within one hundred fifty (150) feet of the right. Certification shall be provided to the City demonstrating that the sign has been preset to automatically adjust the brightness to these levels or lower and that the sign operates within such standards.

5) All automatic changeable copy shall be designed in such a manner that any malfunction shall result in the changeable copy portions of the sign going completely dark.

### 2. Traffic Control

No sign illumination device shall resemble an official traffic control or warning sign, nor shall it hide from view or distract from any traffic or street sign or signal.

### 3. Hazards

Illumination devices shall be placed, filtered, and shielded so direct rays will not be cast into the eyes of drivers or pedestrians.

4. **Light Pollution**

   Sign illumination shall not cast light directly upon adjacent properties or roadways. No illuminated signs are allowed within 100 feet of any residential zoning district or property occupied by a single- or two-family dwelling.

5. **Exposed Wires**

   No sign may have exposed electrical wires.

6. **Strings of Bulbs**

   Strings of bulbs are not permitted, except during the winter holiday period of November 1 through January 5.

7. **Hours of Illumination**

   No sign shall be illuminated between 11 p.m. and 6 a.m. except for those hours during which the premises on which the sign is located is open for business or employees are on the premises.

**G. Under-canopy signs**

Under-canopy signs of greater than 4 square feet shall be rigidly mounted.

**H. Yard signs**

1. All residentially zoned properties in the city are permitted the use of yard signs conforming to the standards of this article without permit. Each yard sign shall measure no more than four and one-half square feet in sign area and be erected to a height of no more than three feet. No yard sign shall be illuminated, contain fluorescent or Day-Glo colors or ink, or contain extrusions beyond a rectangular face. One yard sign may be permitted at any time, provided that an unlimited number of yard signs are allowed during a political election, between the date of close of filing for qualification of candidates and final determination on each ballot issue or candidate.
2. For all nonresidential zoned properties, one yard sign measuring no more than 16 square feet in sign area and at a height of no more than eight feet is allowed, without permit, located so that the stake is not closer than 12 feet to the back of curb or from the edge of the pavement on streets with no curbing, and no part of the placard is closer than 12 feet to the back of the curb or from the edge of the pavement on streets with no curbing. Exceptionally, an unlimited number of yard signs with sign area faces of 16 square feet or less and eight feet in height or shorter are allowed during a political election between the date of close of filing for qualification of candidates and final determination on each ballot issue or candidate, and permits shall not be required for these signs.
3. No yard sign shall be illuminated.

**I. Window signs**

Window signs are permitted without restriction, so long as:

1. The aggregate sign area of all building signs, including window signs, does not exceed the limitations set out in Table 7-2, Permitted Building Signage—By Land Use Category.
2. Window signage cannot cover more than 50% of the window and shall count towards the total square footage for allowable wall coverage area.

## Sec. 7.09 Permanent signs allowed, by land use category

**A.** Tables 7-1 and Table 7-2 on the following pages present the maximum number, size, height, and other restrictions relating to permanent signs that are allowed by right in each land use category. Additional signage is allowed under other sections of this Article.

1. For single-occupancy buildings, the maximum allowed area for all building signs shall be calculated based on the percentage of the entire area of said wall, including all windows and doors.
2. For multi-tenant planned center buildings, the maximum allowed area for all building signs for each tenant shall be calculated based on the percentage of the area of the wall, including all windows and doors, of that portion of the structure occupied by the tenant.
3. Additional wall signage is allowed for each tenant (up to a maximum of three signs per street-facing wall) when the tenant meets one or more of the following conditions: a) the tenant occupies more than 50,000 square feet of floor area (add one sign); b) the tenant occupies more than 100,000 square feet of floor area (add one additional sign).
4. Projecting and under-canopy signs shall be limited to no more than one per tenant on a property, and each tenant shall have no more than 1 projecting sign or under-canopy sign, for each street that the tenant faces.

### *Table 7-1 Permitted Freestanding Signs—By Land Use Category*

| | Historic District (Commercial uses) | Single- or Two-Family Residential Uses | Nonresidential Uses within Residential Districts | Commercial District Single Use[1] | Industrial Districts Single Use | Planned Centers |
|---|---|---|---|---|---|---|
| **Freestanding Sign:** | | | | | | |
| **Max. Number** | 1 per lot | 1 per lot[2] | 1 per street frontage | 1 per street frontage | 1 per street frontage | 1 per 300 ft. street frontage of planned center |
| **Maximum area of each sign** | 75 sq. ft. | 6 sq. ft. | 16 sq. ft. | 75 sq. ft. | 75 sq. ft. | 1 sq. ft. of frontage to max. of 300 sq. ft. |
| **Maximum height** | 6 ft. | 6 ft. | 12 ft. | 20 ft. | 20 ft. | 25 ft. |
| **Illumination** | External only | Not allowed | External only | Internal or External | Internal or External | Internal or External |
| **Monument Entrance Sign:** | | | | | | |
| **Max. Number** | n.a. | 2 per entrance drive[3] | n.a. | n.a. | n.a. | 2 per entrance drive |
| **Maximum sign face or sign structure area** | n.a. | 48 square feet | n.a. | n.a. | n.a. | 48 sq. ft. |
| **Maximum height** | n.a. | 12 feet | n.a. | n.a. | n.a. | 25 ft. |
| **Illumination** | n.a. | Internal or External | n.a. | n.a. | n.a. | Internal or External |

[1] Multi-family districts are treated as commercial properties.

[2] Residential properties are permitted one freestanding sign or, alternatively, one building sign, not both.

[3] One monument entrance sign is permitted for residential subdivisions at their entrance from a public street.

### *Table 7-2 Permitted Building Signage—By Land Use Category*

| | Historic District | Single- or Two-Family Residential Districts | Commercial Districts Single Use | Industrial Districts Single Use | Planned Centers |
|---|---|---|---|---|---|
| **Wall, awning, under-canopy, projecting & permanent window signs on a building:** | | | | | |
| **Maximum number of building signs except under canopy and projecting signs** | 1 | 1 | 1 per tenant for each of the tenant's walls facing a street | 1 per tenant for each of the tenant's walls facing a street | 1 per tenant for each of the tenant's walls facing a street |
| **Maximum sign face area—total for each tenant** | 25% of the area of the wall facing a street | 16 sq. ft. [4] | 25% of the area of the wall facing a street | 25% of the area of the wall facing a street | 25% of the area of the wall facing a street |
| **Maximum sign face area for each sign** | n.a. | n.a. | 100 square feet per sign | 200 square feet per sign | 200 square feet per sign |
| **Additional Under-Canopy Sign or Projecting Sign** | Not Allowed | Not Allowed | 1 per tenant, up to 6 sq. ft. in area | 1 per tenant, up to 6 sq. ft. in area | 1 per tenant, up to 6 sq. ft. in area |
| **Illumination** | n.a. | n.a. | Internal or External | Internal or External | Internal or External |
| **Signs on a freestanding canopy:** | | | | | |
| **Max. number of all canopy signs** | Not Allowed | Not Allowed | 1 per canopy face | 1 per canopy face | 1 per canopy face |
| **Maximum sign face area** | | | 10% of the area of each canopy face | 10% of the area of each canopy face | 10% of the area of each canopy face |
| **Maximum sign face area of largest sign** | | | 9 sq. ft. | 9 sq. ft. | 9 sq. ft. |
| **Illumination** | | | | Internal Only | Internal Only |

[4] Residential districts are permitted one freestanding sign or one wall sign, not both.

### B. Planned developments

For signs in a planned unit development (PUD) or master planned development, each property or individual development project within the planned development shall conform to the sign regulations established as part of the zoning approval for the planned development. If no such regulations exist, each property or individual development project within a planned development shall conform to the provisions of this Article in accordance with the land use category of said property or individual development.

## Sec. 7.10 Temporary Signs

### A. Short-term freestanding signs

1. For all nonresidential zoned properties, one additional short term freestanding sign measuring no more than 16 square feet in sign area and at a height of no more than 12 feet is allowed, without permit, located so that the stake is not closer than 12 feet to the back of curb or from the edge of the pavement on streets with no curbing, and no part of the placard is closer than 12 feet to the back of the curb or from the edge of the pavement on streets with no curbing.
2. No short-term freestanding sign shall be erected on the same premises as a permanent freestanding sign. Exceptionally, an unlimited number of freestanding signs with sign area faces of 16 square feet or less and 12 feet in height or shorter are allowed during a political election between the date of close of filing for qualification of candidates and final determination on each ballot issue or candidate, and permits shall not be required for these signs.

### B. Setbacks, locations and limitations for temporary signs.

1. All signs shall have a minimum setback of 10 feet from the rear and side property lines. For front setback, the sign must be 3 feet from a public right-of-way or more than 12 feet from any street paving or curb line, whichever is greater. However, in no case will a sign be allowed to obscure vision at a street or driveway intersection, or railway crossing nor, will a temporary sign be allowed to obscure a permitted permanent sign. For traffic safety, signs shall not be located within the triangular area on a corner lot formed by measuring 20 feet along both street side property lines from their intersection.
2. A temporary sign shall be erected and maintained only with the permission of the owner of a property upon which the sign is located.
3. No temporary sign shall be placed within the right-of-way of any street.
4. No temporary sign shall be illuminated.

### C. Portable signs, inflatable signs, banners and festoons

Portable signs, inflatable signs, banners and festoons and other temporary signs are allowed as temporary signs on a property in nonresidential zoning districts, subject to the following additional restrictions.

#### 1. Portable or inflatable signs

One portable or inflatable sign per developed lot or business is allowed under the following conditions and requirements:

a. Prior to the erection or placement of these signs or devices, all required fees and taxes shall be paid by the owner of the sign.

**b.** The maximum number of portable or inflatable sign permits to be issued to a single location or site at any given time shall be one such sign permit, either for a portable or an inflatable sign, but not both simultaneously. Permits may be issued no more often than once every 90 days, and for a duration not to exceed 30 calendar days.

**c.** No individual business in a planned center shall be allowed a portable or inflatable sign or be issued such a permit.

**d.** The maximum size allowance for these devices and signs shall not exceed 16 square feet per sign face for a portable sign and 200 square feet for an inflatable sign. Said sign shall not have arrows, directional arrows, or flashing lights.

**e.** The sign must be placed on the site in accordance with the setback requirements pertaining to temporary signs.

**f.** To prevent wind damage to the sign or other property, the sign must be securely anchored to the site in a manner acceptable to the director.

**g.** All electrical connections to the sign must be in compliance with the electrical codes as adopted by the City and must be inspected prior to use.

**h.** The maximum height of any portable sign shall be four feet.

**2. Banners and festoons**

**a.** The director is authorized to issue a temporary permit for pennants, banners, fringes, twirling, streamers, and feather flags. The maximum number of such temporary permits issued shall be one temporary permit every three-month period. Each temporary permit will be for a period not to exceed 30 calendar days for each issuance.

**b.** When allowed as temporary signage, a banner shall be allowed only as wall or window signage and shall be placed flush upon the wall or window to which it is attached. Banners shall not be hung as under-canopy signs, flown as flags, or used as any other form of sign.

**c.** Such banners shall not be in addition to the maximum limitation on building signage for a tenant as shown on Table 7-2, Permitted Building Signage—By Land Use Category.

**d.** A banner may be placed on an individual business within a planned center.

**3. A-Frame signs**

**a.** A-frame signs constitute a form of signage that is granted by a permit, but which is utilized only during active hours for which the commercial entity is open. Where permitted in the Central Business District, A-frame signs are allowed on sidewalks in the public right-of-way. Where permitted elsewhere in the city, A-frame signs shall be located entirely on private property.

**b.** A-frame signs shall not be illuminated.

**c.** Plastic, dry erase boards, or unfinished plywood are prohibited materials for A-frame signs.

**d.** A-frame signs shall be located on or adjacent to sidewalks in such manner that they do not encroach upon a required four-foot accessible pedestrian path.

**e.** The base of an A-frame sign shall not be located more than 18 inches from the façade of the commercial entity responsible for the sign.

**f.** A-frame signs may only be displayed during business hours and shall be removed when the commercial entity is closed.

**g.** A-frame signs shall be composed of stained or painted wood with a sign face composed of wood or slate (chalk) board with a maximum height of 30 inches and a sign face area of no greater than 6 square feet.

**h.** Permits are required for A-frame signs and may be issued on an annual basis.

## Sec. 7.11 Flags

Flags are allowed in all zoning districts and may be flown without permit in accordance with the following standards:

**A.** No more than two (2) flags shall be permitted per lot.

**B.** No flag shall exceed 24 square feet in area on any lot used for single and/or two-family residential use or 60 square feet when flown on a lot with a primary use other than single or two-family residential.

**C.** Flags shall not be flown from a pole, the top of which is higher than 25 feet on a single or two-family residential lot or 40 feet in height on lots with a primary use other than single or two-family residential.

**D.** Any flag not meeting any one or more of these standards shall be considered a banner and shall be subject to being permitted as such.

## Sec. 7.12 Variances

There shall be no variances from the sign regulations of this Article.

## Sec. 7.13 Uniform sign plan

**A.** A uniform sign plan is required for any planned center, such as a shopping center with three or more establishments, before any signs for the planned center or the center's tenants may be erected on the property.

**B.** The uniform sign plan shall govern the placement and design of all signs within the planned center as to their location, materials, size, letter style, and color.

**C.** A uniform sign plan shall be submitted and approved as follows:

**1.** The uniform sign plan shall consist of such drawings and specifications as may be required to clearly illustrate the location, materials, size, letter style, and color of each and every sign to be placed as freestanding and building signs within the development.

**2.** The uniform sign plan is to be submitted to the director. The uniform sign plan shall be approved upon a finding by the director that:

**a.** The plan provides that signs of a similar type and function within the development shall have a consistency of size, lettering style, color scheme, and construction materials to present a unified design concept while respecting the differences between tenant types and occupancies.

**b.** The signs proposed in the uniform sign plan shall comply with the requirements of this Article, such as number, location, and size restrictions.

**3.** All tenants of the planned center, whether an owner, lessee, subtenant, purchaser, or other occupant, shall comply with the approved uniform sign plan.

## Sec. 7.14 Nonconforming signs

**A.** In all use districts, signs which on the effective date of this Article become nonconforming with respect to the requirements set forth in this Article may continue in existence so long as the size is not increased beyond that existing as of the effective date of this Article and no change is made in the technology of the sign other than as provided in subsection (F) of this section, provided that no portable sign shall be considered a nonconforming sign.

**B.** Existing signs which were legally erected but which have become nonconforming and do not meet the setback requirements of this Article due to a road widening project may be moved to meet the setback requirements of this Article but shall not be increased in size, shape or changed in any manner except as to meet the requirements of this Article, provided, however, this subsection shall not allow the relocation of any sign for which the value has been paid to the owner by an government or government agency in conjunction with a road widening project. No sign shall be relocated pursuant to this subsection before such time as the sign owner shall provide to the director a signed cop of the purchase contract or condemnation documents showing transfer of the owner's land for road widening.

**C.** In all use districts, signs that were:

1. Illegally erected or maintained with respect to prior ordinances,
2. Made of paper, cloth, or nondurable materials, except yard signs,
3. Located in the public right-of-way, shall be prohibited by this Article and shall be removed by the owner. Upon failure to comply with requirements of this Article, the director may cause the removal of such signs at the expense of the owner.

**D.** 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.

**E.** Minor repairs and maintenance of nonconforming signs such as electrical repairs or lettering repairs shall be allowed. However, no structural repairs or changes in the size, shape or technology of a sign shall be permitted except to make the sign comply with the requirements of this Article. Signs damaged by fire or act of God may be restored to their original condition.

**F.** Existing billboards on state and federal highways within the city that were legally erected, but which become nonconforming as a result of this Article or prior sign ordinances are allowed to remain until purchased by the state department of transportation or the City or voluntarily removed by the owner, provided that the sign owner meets the requirements of state laws, rules and regulations governing such signs, including periodic maintenance to keep the sign from becoming dilapidated. The City finds that it is in the interest of the City that such nonconforming billboards be phased out of existence as they near the end of their useful life. The City further finds that the limited presence of some billboards along state and federal highways is useful in promoting local business, community events and other ideas within the City and the most efficient means of such promotion is through the limited use of digital billboards. The City, therefore, adopts a limited exchange program for nonconforming billboards in exchange for the right to erect one new digital billboard. The owner of any nonconforming billboard located within 150 feet of and oriented toward state or federal highways in the City may apply for a permit to replace such billboard with a new digital billboard meeting the standards of section 7.08.A.6.d. The condition for issuance of a replacement permit is the agreement by the applicant to remove, without cost to the City or State, one additional billboard also located within the City

limits of Douglasville and to reserve one message segment per sign face for community use for a minimum of four weeks per year. Such community use need not be continuous and may be spread throughout the year at the sign owner's discretion. The sign owner shall institute a system for receiving requests for community use on behalf of the citizens of Douglasville and shall be responsible for ensuring compliance with this condition.

**G.** Each nonconforming sign shall be registered with 90 days of the enactment of this Article by the owner, and if it is determined that such nonconforming sign was legally erected under the prior ordinance or resolution requirements, then a sign permit shall be issued to the sign owner and the sign so marked with the permit decal. Should the owner of a nonconforming sign fail to register such sign within 90 days from the enactment of this Article, such failure to register shall be deemed a violation of this Article, and such person shall be subject to citation in the municipal court.

**H.** Existing signs on property of newly annexed territory that were legally erected un the county ordinance which would become nonconforming under this section upon annexation by the city will be allowed to remain. Such signs shall be registered with the city within 90 days of being annexed by the city.

## Sec. 7.15 Enforcement

### A. Enforcement responsibility

The director is responsible for general administration and enforcement of this Article; the receipt, review and processing of all applications for sign permits and uniform sign plans, and of securing compliance with its terms.

### B. Citations

Any violation of this Article may be tried upon a citation issued by the director or any other authorized representative of the City pursuant to the provisions of this Article and State law. Without limitation, businesses, organizations, builders, developers, contractors, property owners, and such other parties responsible for the violation may be cited for violation of any provisions of this Article.

### C. Removal of illegal signs

The director may order the removal of any sign in violation of this Article by written notice to the permit holder; or if there is no permit holder, then to the owner of the sign; or if the sign owner cannot be found or cannot be determined, then to the sign erector and any party that procured the erection of the sign. If a permit was issued, such notice shall operate to revoke the permit. The removal order shall be issued only after the appropriate party fails to respond or otherwise comply within 10 business days after the City gives written notice of non-compliance.

#### 1. Procedure following removal order

An aggrieved party may appeal the removal order within 5 business days from the date that the notice was mailed in accordance with section 7.03(I), Sign Permit.

#### 2. Removal without notice

**a.** The director or any other agent of the city having jurisdiction under the circumstances may remove or direct the removal of any sign in violation of this Article, without giving notice to any party, if:

1) Said sign is illegally placed upon the public right-of-way or upon other public property; or
2) Said sign poses an immediate safety threat to the life or health of any members of the public.

**b.** Following such removal, the City may collect the costs as provided in the following subsection (C)(3), Costs of Removal, below.

**3. Costs of removal**

**a.** Removal of any sign found in violation shall be without liability to the City, its officers, agents, and employees. The permit holder shall be primarily responsible for the costs of removal. If there is no permit holder, then the sign owner shall be responsible. If the sign owner cannot be determined, then the costs of removal shall be the responsibility of any party that procured the erection of the sign.

**b.** If payment or arrangement to make payment is not made within 60 days after the receipt of a statement of removal costs, the director shall certify the amount thereof for collection to the City Attorney.

**c.** Costs of removal shall be charged in accordance with a fee schedule adopted by the Mayor and City Council from time to time, or at the actual cost to the City.

## Sec. 7.16 Definitions

The following words and phrases have specific meanings as used in this Article:

**A.** *A-frame sign*: A sidewalk sign, the support structure of which is not embedded in the ground, but that is constructed in such a manner that the sign stands on its own yet is not permanently installed. A-frame signs are designed as two panels, hinged at the top, with the bottom edge of both panels spread so that the overall sign forms an “A” shape.

**B.** *Animated sign:* A sign that has moving parts or includes action, motion, or color changes, or the optical illusion of action, motion, or color changes, including signs using electronic ink, signs set in motion by fans or other electrical devices, or made up of a series of sections that turn, including any type of screen using animated or scrolling; provided this definition does not include electronic changeable copy signs or digital billboards meeting the standards of this article. Animated signs also include signs that emit sound, smoke or other special effects.

**C.** *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. Awnings are often made of fabric or flexible plastic supported by a rigid frame and may be retracted into the face of the building.

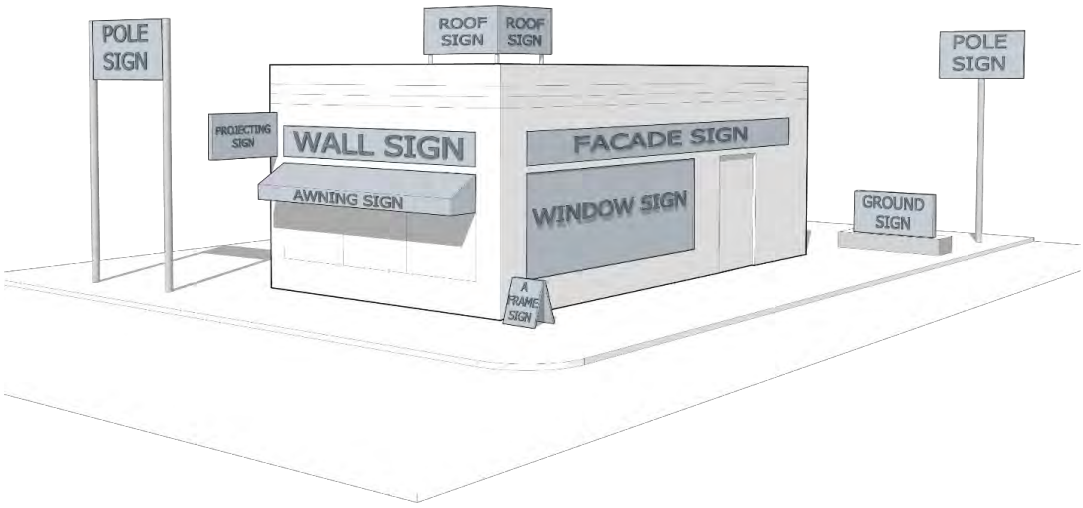
**D.** *Awning Sign:* See "Building Sign."

**E.** *Banner:* A sign, other than a flag, made of paper, cloth, thin plastic, or similar lightweight and pliable material, and usually containing a message or logo that can be mounted to a structure.

**F.** *Billboard*: A freestanding sign with a sign area of 300 square feet or greater, which is supported by one or more columns, uprights, or braces in or upon the ground and is not attached to a building and is not mobile or temporary.

**G.** *Building Sign:* A sign that in any manner is fastened to, projects from, or is placed or painted upon the exterior wall, window, door, or roof of a building. The term "building sign" includes but is not limited to the following:

1. *Awning Sign:* A sign imposed, mounted or painted upon an awning.
2. *Canopy Sign*. A sign affixed to, imposed upon, or painted on any canopy, such that the sign is mounted in such a manner that a continuous face with the canopy is formed.
3. *Channeled Letters:* Internally illuminated letters or symbols mounted individually on a raceway or power source.
   a. *Internally Channeled Letters:* Letters or other symbols with recessed surface designed to accommodate incandescent bulbs or luminous tubing.
   b. *Reverse Channeled Letters:* Letters or other symbols with raised surface designed to be lighted from behind by incandescent bulbs or luminous tubing.
4. *Mansard Sign:* A sign imposed, mounted or painted upon a mansard and not extending above the top of the mansard.
5. *Marquee Sign:* Any sign attached flat against the marquee or permanent sidewalk canopy of a building and not extending above the top of the marquee.
6. *Parapet Sign:* A sign imposed, mounted or painted on a parapet and not extending above the top of the parapet.




7. *Projecting Sign:* A sign affixed to a wall and extending more than four (4) inches from the surface of such wall, usually perpendicular to the wall surface.
8. *Roof Sign:* A sign that is mounted on, applied to, or otherwise structurally supported by the roof of a building.
9. *Under-Canopy Sign:* A display attached to the underside of a marquee or canopy and protruding over public or private sidewalks.
10. *Wall Sign:* A sign that is fastened directly to or is placed or painted directly upon the exterior wall of a building, with the sign face parallel to the wall, and extending from the surface of the wall no more than four (4) inches.
11. *Window Sign:* A sign that is placed on or behind a windowpane or glass door and intended to be viewed from outside the building.

**H.** *Canopy:* A permanent roof-like structure projecting from a building and open on at least one side for the purpose of shielding a pedestrian walkway from the elements, or a freestanding roof-like structure supported by columns intended to shield a vehicular driveway or service area from the elements.

**I.** *Canopy Sign*. See "Building Sign."

**J.** *Channeled Letters.* See "Building Sign."

**K.** *Changeable Copy Sign:*

1. *Automatic Changeable Copy Sign:* A sign on which the copy changes automatically on a lamp bank or through mechanical means, e.g., electrical or electronic control. Copy shall mean words and numbers.
2. *Manual Changeable Copy Sign:* A sign on which copy is changed manually in the field, e.g., reader boards with changeable letters. Copy shall mean words and numbers.

**L.** *Digital Billboard:* A billboard, the sign face of which is composed of LED or other electronic units that, when displayed, constitute the sign face of the sign.

**M.** *Directional Sign*: A sign mounted on a single or double pole sign that serves the purpose of guiding safe vehicular and pedestrian traffic movements onto, from, or on property, and without which there is an increased risk of incompatible traffic movements, conflict, or confusion. Such signs shall be used for the direction of traffic movement and shall not be used of purpose of advertisement.

**N.** *Double-Faced Sign:* A sign structure with two sign faces that are parallel (back-to-back) or that form an angle to one another, where each sign face is designed to be seen from a different direction and the two sign faces are separated from each other at their nearest point by no more than three feet.

**O.** *Feather flag*: A sign composed of fabric, plastic or other pliable material oriented in a vertical direction and supported by a harpoon-style pole or staff driven into the ground as its primary means of support.

**P.** *Festoons:* Strings of ribbons, tinsel, small flags, pennants, streamers, pinwheels or other pliable materials designed to move in the wind.

**Q.** *Flag*: A sign consisting of any fabric containing distinctive colors, patterns, logos or symbols, used as an official symbol of a government or any other entity or organization. Feather flags are excluded from the definition of flag.

**R.** *Freestanding Sign:* A sign permanently attached to the ground and that is wholly independent of any building or other structure. The term "freestanding sign" includes but is not limited to the following:

1. *Pole Sign:* A sign that is mounted on one or more freestanding poles, columns, or similar support such that the bottom of the sign face or lowest sign module is not in contact with the ground.
2. *Ground Sign:* A freestanding sign in which the entire bottom of the sign face or structure is in contact with the ground, providing a solid and continuous background for the sign face from the ground to the top of the sign. Also referred to as a "monument sign."

**S.** *Ground Sign*: See "Freestanding Sign."

**T.** *Illuminated Signs:*

1. *Internally Illuminated Sign:* Any sign that is illuminated by an artificial light source from within the sign structure, usually projected through a transparent or translucent sign face.

2. *Externally Illuminated Sign:* Any sign that is partially or completely illuminated at any time by an artificial light source that directly or indirectly illuminates the face of the sign from outside the sign structure.

**U.** *Incidental Sign:* A small sign, emblem, or decal no larger than one square foot. Such signs are normally located on doors, windows, and gas pumps, and are generally not readily visible or legible from public rights-of-way.

**V.** *Interior Sign:* A small sign located within the interior of a planned center or of a commercial or industrial use comprised of more than five acres, located beyond the front building setback and not readable from the public right-of-way.

**W.** *Interstate Sign*: A freestanding sign not exceeding 100 feet in height or 200 square feet in sign area located with 500 feet of an interstate highway exit or entrance ramp.

**X.** *Internally Illuminated Letters:* See "Building Sign, Channeled Letters."

**Y.** *Mansard:* A steeply sloped, roof-like façade architecturally similar to a building wall.

**Z.** *Mansard Sign:* See “Building Sign.”

**AA.** *Marquee:* A permanent roof-like structure or canopy of rigid materials supported by and extending from the façade of a building.

**BB.** *Marquee Sign:* See “Building Sign.”

**CC.** *Monument Entrance Sign:* A permanent freestanding sign located at a discernible entrance into a multi-family development, residential subdivision or a planned center from a public street not part of the development.

**DD.** *Monument Sign:* See "Ground Sign" under "Freestanding Sign."

**EE.** *Multi-Faced Sign:* A single sign structure consisting of two sign faces (see "double-faced sign") or three or more sign faces on different sides of the structure that are separated from each other at their nearest point by no more than three feet and face. Sign faces on a single sign structure that are separated by more than three feet are treated as separate signs.

**FF.** *Parapet Sign*: See Building Sign.

**GG.** *Planned Center:* For purposes of this Article, a single nonresidential property or contiguous properties, planned, developed and managed as a unit for occupancy by two or more principal tenants that are separately owned and have no corporate relationship, such as a shopping center or office complex.

**HH.** *Pole Sign*: See “Freestanding Sign.”

**II.** *Portable Sign*: A sign, excluding A-frame signs, designed to be transported or easily relocated and not attached to the ground, such as but not limited to the following:

1. A sign designed to be temporarily placed upon the ground and not otherwise permanently affixed to it as otherwise required by the building code; or
2. A sign mounted on a trailer, with or without wheels.

**JJ.** *Projecting Sign:* See "Building Sign."

**KK.** *Roof Sign:* See “Building Sign."

**LL.** *Sign:* Any structure, display, or device visible from the public right-of-way that is used to advertise, identify, direct, or attract attention to a business, institution, organization, person, idea, product, service, event, or location by any means, including words, letters, figures, design characteristics, symbols, logos, fixtures, colors, movement, or illumination. “Sign” excludes purely artistic displays or decorations.

**MM.** *Sign Face:* That portion of the surface of a sign structure where words, letters, figures, symbols, logos, fixtures, colors, or other design elements are or may be located in order to convey the message, idea, or intent for which the sign has been erected or placed. The sign face may be composed of two or more modules on the same surface that are separated or surrounded by open space or by portions of a sign structure not intended to contain any message or idea and are purely structural or decorative in nature.

**NN.** *Sign Height*: The vertical distance to the highest point of a sign structure.

**OO.** *Sign Module:* Each portion or unit of a sign face that is clearly and physically separable from other such units by virtue of the expression of a complete thought, message, logo, or idea.

**PP.** *Sign Structure:* All elements of a freestanding sign, including the sign face, background, or decorative elements related to the presentation or support of the sign's message, and the structural supports.

**QQ.** *Tenant:* For the purposes of the sign ordinance of Article 7, a natural person, business or other entity that occupies land or buildings by ownership, under a lease, or through payment of rent; an occupant, inhabitant, or dweller of a place.

**RR.** *Under-Canopy Sign:* See "Building Sign."

**SS.** *Uniform Sign Plan*: Coordinated drawings and specifications that establish a unified design concept with respect to the location, materials, size, letter style, and color of all signs to be placed on or within a planned center.

**TT.** *Wall Sign:* See under "Building Sign."

**UU.** *Window Sign:* See "Building Sign."

**VV.** *Yard Sign*: A temporary sign intended for short-term use, containing no reflective elements, flags or projections and erected on a wooden support or metal frame.

# ARTICLE 8 GENERAL SITE DEVELOPMENT STANDARDS

ARTICLE 8 GENERAL SITE DEVELOPMENT STANDARDS ..... 8-1
Sec. 8.01 Off-Street Parking and Loading ..... 8-2
Sec. 8.02 Landscaping, Buffering and Screening ..... 8-27
Sec. 8.03 Site Lighting ..... 8-51
Sec. 8.04 Building and Construction ..... 8-53

# ARTICLE 8 GENERAL SITE DEVELOPMENT STANDARDS

## Sec. 8.01 Off-Street Parking and Loading

### A. Purpose

It is the purpose of these off-street parking and loading regulations to:

1. Reduce the congestion on streets due to excessive use for parking and loading of motor vehicles;
2. To prevent excessive amounts of off-street parking and loading through the appropriate control of the siting and number of spaces permitted.
3. To prevent traffic congestion and hazard due to the movement of vehicles and pedestrians on private property.

These requirements apply uniformly to all buildings and uses, regardless of the districts in which they are located.

### B. Vehicle parking; when required

Off-street parking and/or loading shall be provided for every new, enlarged or modified building or use in connection with every use as applicable, in accordance with the requirements specified in this Section.

### C. Number of parking spaces to be provided

1. At the applicant's option, parking spaces may be provided in accordance with the guidelines contained in this Section. The guidelines establish the minimum number of spaces to be provided. An increase or decrease in the number of spaces can only be allowed through approval of an alternate parking plan.
2. The number of parking spaces to be provided for a particular use or development may be established through administrative approval of an alternate parking plan. Use of an alternate parking plan is encouraged in order to tailor the parking to the particular needs of the use or development and to allow introduction of operational solutions such as ride-sharing programs or remote employee parking lots.
3. Downtown area exemption. Off-street parking is not required for any nonresidential use located in the CBD zoning district. At the owner's option, parking may be provided up to but not exceeding the number of spaces allowed by the guidelines for vehicle parking in Table 8-1, Number of Parking Spaces Required, in this Section. A larger number requires approval of an alternate parking plan.
4. During any outdoor event where parts of the off-street parking areas are utilized for such event, the organizer shall ensure that adequate parking still exists for any businesses open during that special event.

### D. Alternate parking plan

#### 1. Alternate parking plan; contents

A request for approval of an alternate parking plan is to be submitted to the Community Development Director, and must be supported by the following information:

a. A parking demand study or other data that establishes the number of spaces required for the specific use. Such a study or data may reflect parking for the same use existing at

a similar location or for similar uses at other locations. References to published studies or to the guideline standards of this section are acceptable.

**b.** If shared parking is proposed for a mixed-use development, the sum of peak parking demands by use category shall be accommodated for day and night hours on weekdays and weekends. The guidelines for shared parking contained in this section may be used in lieu of a separate study.

**c.** If a remote or off-site parking lot is proposed to meet any portion of the parking required, the site and its current zoning classification must be identified, along with the method to transport parking patrons to the use. Written permission from the property owner, including the terms and conditions of the agreement, shall be included with the application. The remote site shall be no further than 500 feet from the use to be served.

**d.** If more parking spaces are proposed than would be allowed under the guidelines for vehicle parking of this article, a landscaping plan shall be submitted that illustrates compliance with the parking lot landscaping requirements of the "landscaping, buffers and tree protection" section of this Code.

### 2. Alternate parking plan; if approved

**a.** Following approval by the Community Development Director, the requirements of the approved alternate parking plan shall be in writing and recorded by the owner in the office of the Clerk of Superior Court in the form of a covenant or deed restriction running with the land for not less than 20 years, prior to issuance of a certificate of occupancy for the development, and shall be included in any sale, lease, or other transfer of right of occupancy affecting any part of the development.

**b.** All tenants of the property or development, whether an owner, lessee, subtenant, purchaser, or other occupant, shall comply with the approved alternate parking plan.

## E. Guidelines for vehicle parking

### 1. Guidelines; vehicle parking by land use

In lieu of establishment under an alternate parking plan, the number of parking spaces to be provided for each type of land use shall be determined by Table 8-1, Number of Parking Spaces Required, rounded to the nearest whole space. Developments containing two or more of the uses listed on the table shall provide the number of spaces required for each use (except as may be reduced under Section 8.01 F., Shared Parking).

### 2. Dedication to parking use

Parking spaces provided to meet the minimum requirements of this section, along with the aisles and driveways necessary to provide access to those spaces, shall not be used for any other purpose than the temporary parking of vehicles except as allowed by this UDO. Specifically, no such parking area may be used for the sale, repair, dismantling or servicing of any vehicles, or for the sale, display or storage of equipment, goods, materials or supplies.

### 3. Not to exceed requirement

In order to prevent excessive lot coverage, an artificial increase in air temperature and an unnecessary increase in surface water run-off, no minimum off-street parking space requirement in Table 8-1, Number of Parking Spaces Required, shall be exceeded by more than 25% unless good cause can be shown by the applicant and approved by the Community Development Director.

a. Single family, two family and accessory dwellings are exempt from this provision.
b. If the minimum number is exceeded, all square footage in excess of the minimum shall be of pervious pavement.

4. **Units of Measurement**

For the purposes of determining off-street parking requirements, the following units of measurement shall apply:

a. Gross floor area shall include the total area of all floors, measured between the exterior walls of a building.
b. In places of public assembly such as stadiums, sports arenas, religious places of worship and other similar places of assembly, in which those in attendance occupy benches, pews or other similar seating facilities, each 30 inches of such seating facilities shall be counted as one seat for the purpose of determining off-street parking requirements under this Section. In cases where a place of assembly has both fixed seats and open assembly area, requirements shall be computed separately for each type and added together.

***Table 8-1 Number of Parking Spaces Required***

When Gross Floor Area (GFA) is identified, that relates only to an indoor facility.

| NAICS Code | Use | Number of Parking Spaces |
|---|---|---|
| **Residential** | | |
| **Family Living** | | |
| 814 | Single-Family Detached Dwelling, Site Built | 2 per dwelling unit |
| 814 | Single-Family Detached Dwelling, Class A | 2 per dwelling unit |
| 814 | Single-Family Detached Dwelling, Class B | 2 per dwelling unit |
| 814 | Duplex Dwelling | 2 per dwelling unit |
| 814 | Triplex Dwelling | 2 per dwelling unit |
| 814 | Quadraplex Dwelling | 2 per dwelling unit; plus<br>1 additional space for every 4 dwelling units |
| 814 | Townhouse Dwelling | 2 per dwelling unit; plus<br>1 additional space for every 4 dwelling units |
| 814 | Multi-Family Dwelling | 2 per dwelling unit; plus<br>1 additional space for every 4 dwelling units |

| NAICS Code | Use | Number of Parking Spaces |
|---|---|---|
| 814 | Mixed-Use Dwelling | 2 per dwelling unit; plus<br>1 additional space for every 4 dwelling units |
| **Group Living** | | |
| 6232 | Congregate Personal Care Home (13 or more) | 1 per each resident bed |
| 6233<br>6243 | Convalescent Home | 1 per each resident bed |
| 6233<br>6243 | Family Child Care Learning Home | 1 per each resident bed |
| 6233<br>6243 | Family Personal Care Home (2 to 6) | 1 per each resident bed |
| 6232 | Group Day Care Home | 1 per each resident bed |
| 6233<br>6243 | Group Personal Care Home (7 to 12) | 1 per each resident bed |
| 7213 | Membership Dwelling (Fraternity, etc.) | 1 per 2 residents of design capacity |
| 6233 | Nursing Home | 1 per each resident bed |
| 6233 | Retirement Community | 2 per dwelling unit |
| 7213 | Rooming and Boarding House | 1 per guest room |
| **Commercial and Services** | | |
| 5412 | Accounting, Auditing or Bookkeeping Office | 1 per 400 sf GFA |
| | Adult Entertainment | 1 per 3 seats |
| 5418 | Advertising Agency | 1 per 400 sf GFA |
| 7111 - 7131 | Amusement or Recreational Attraction—Indoor (except Fortune Teller) | 1 per 400 sf GFA; or<br>1 per 3 seats in a fixed seating facility |
| 7111 - 7131 7139 | Amusement or Recreational Attraction—Outdoor (except Special Outdoor Events) | 1 per 1,000 sf; or<br>1 per 4 seats in a fixed seating facility; or<br>1 per 250 sf of playing field area |
| 713110 | Amusement Park | 1 per 2,000 sf |
| 713120 | Amusement Parlor | 1 per 400 sf GFA |
| 448 | Apparel and Accessory Stores | 1 per 400 sf GFA |
| 7115 | Artist's Studio (no sales) | 1 per 200 sf GFA |

| NAICS Code | Use | Number of Parking Spaces |
|---|---|---|
| 425120 | Automobile Broker | 2 per 1,000 sf GFA of indoor sales area; plus<br>1 for each 2,500 sf outdoor sales area |
| 447 | Automobile Service Station | 2 per service bay plus 1 for every 200 sf retail space |
| 4413 | Automotive Parts and Supply Store | 1 per 400 sf GFA |
| 53211 | Automotive Rental Agency Cars | 1 per 400 sf GFA |
| 53212 | Automotive Rental Agency Trucks or Trailers | 1 per 400 sf GFA |
| 8111 | Automotive Repair Shop | 1 per 400 sf GFA |
| 4411 | Automotive Sales and Service: New & Used Cars | 2 per 1,000 sf of indoor sales area; plus<br>1 for each 2,500 sf outdoor sales area; plus<br>2 each service bay |
| 441229 | Automotive Sales and Service: Trucks & Heavy Equip. | 2 per 1,000 sf of indoor sales area; plus<br>1 for each 2,500 sf outdoor sales area; plus<br>2 each service bay |
| 81111 | Automotive Tune-Up Service | 1 per 400 sf GFA |
| 81299 | Bail Bondsmen | 1 per 400 sf GFA |
| 45111 | Bait and Tackle Shop | 1 per 300 sf GFA |
| 445291 | Bakery, Retail | 1 per 300 sf GFA |
| 52211 - 52213 | Bank, Savings and Loan or Credit Union | 1 per 400 sf GFA |
| 812111 | Barber Shop | 1 per 300 sf GFA; or<br>2 per barber chair, whichever is greater |
| 812112 | Beauty Shop, Hairdresser | 1 per 300 sf GFA; or<br>2 per stylist chair, whichever is greater |
| 721191 | Bed and Breakfast Inn | 1 per guest room |
| 42481 | Beer and Ale Wholesales | 1 per 800 sf GFA |
| 44121 | Boat Dealers | 2 per 1,000 sf of indoor sales area; plus<br>1 for each 2,500 sf outdoor sales area |
| 451211 | Book Store | 1 per 300 sf GFA |
| 71213<br>71219 | Botanical or Zoological Gardens | 1 per 2,500 sf |
| 71395 | Bowling Center | 4 per bowling alley lane |

| NAICS Code | Use | Number of Parking Spaces |
|---|---|---|
| 52311 - 52314 52321 - 52393 523991 523999 | Brokerage for Securities or Commodities | 1 per 400 sf of GFA |
| 5617 | Building Maintenance or Pest Control Service | 1 per 400 sf of GFA |
| 6114 - 6115 | Business or Vocational School | 20 per classroom of design capacity |
| 511 - 519 541 | Business Service Establishment, Miscellaneous | 1 per 400 sf of GFA |
| 813 | Business, Professional or Trade Membership Organization Office | 1 per 400 sf of GFA |
| 515 517 | Cable Television Operation | 1 per 400 sf of GFA |
| 4431 | Camera and Photographic Supply Stores | 1 per 300 sf of GFA |
| 56174 | Carpet & Upholstery Cleaners | 1 per 400 sf of GFA |
| 811192 | Carwash | None required except for sufficient stacking space to prevent circulation issues |
| 4541 | Catalog Sales or Direct Selling Office | 1 per 300 sf of GFA |
| 72232 | Catering Service | 1 per 400 sf of GFA |
| 81222 | Cemetery, Commercial or Animal | 1 per 100 sf GFA used for indoor assembly |
| 62441 | Child Care Learning Center (13 or more) | 1 per 400 sf of GFA |
| 54143 | Commercial Art or Graphic Design Service | 1 per 400 sf of GFA |
| 442 - 446 448 | Commercial Sales & Services | 1 per 300 sf of GFA |
| - | Community Garden | None required |
| 7139 | Community Recreation Facility | 1 per 400 sf GFA |

| NAICS Code | Use | Number of Parking Spaces |
|---|---|---|
| 5415 | Computer Programming, Repair or Data Processing Service | 1 per 400 sf GFA |
| 23 | Construction Contractor—Office Only (No machinery, equipment or storage) | 1 per 400 sf GFA |
| 44711 | Convenience Gas Station | 1 per 200 sf GFA |
| 71391 | Country Clubs | 1 per 200 sf GFA; plus<br>4 per hole for golf course |
| 52229 | Credit Agency or Loan Establishment | 1 per 400 sf GFA |
| 56145 | Credit Reporting or Collection Agency | 1 per 400 sf GFA |
| 61161 | Dance Studios or Schools | 1 per 50 sf GFA |
| 54186 | Direct Mail Advertising Service | 1 per 400 sf GFA |
| 72241 | Drinking Places (Alcoholic Beverages) that also serve food | 1 per 100 sf GFA |
| 62221 | Drug Addiction Rehabilitation Center | 1 per 2 residents of design capacity |
| 44611 | Drug Store | 1 per 300 sf GFA |
| 81232 | Dry Cleaning & Laundry Pick-up (excludes plants) | 1 per 400 sf GFA |
| 3342 - 3359 | Electronic Equipment and Components (except Computer Equipment) | 1 per 400 sf GFA |
| 8112 | Electronic Equipment Repair Shops (except Computers) | 1 per 400 sf GFA |
| 5613 | Employment or Personnel Agency | 1 per 400 sf GFA |
| 5413 | Engineering, Architectural or Surveying Services | 1 per 400 sf GFA |
| 5323 | Event Centers | 1 per 3 seats in a fixed seating facility; or<br>1 per 25 sf GFA in largest assembly room |
| 44221 | Floor Covering Stores | 1 per 400 sf GFA |
| 81299 | Fortune Teller, Astrologer | 2 per seat |
| 8122 | Funeral Home | 1 per 100 sf GFA used for assembly |

| NAICS Code | Use | Number of Parking Spaces |
|---|---|---|
| 81222 | Funeral Home Crematories | 1 per 400 sf GFA |
| 337 | Furniture and Fixtures | 1 per 1,000 sf GFA |
| 735 | Furniture or Equipment Rental Establishment | 1 per 500 sf GFA |
| 5411 | General Business Office | 1 per 400 sf of GFA |
| 452 | General Merchandise Store | 1 per 300 sf GFA |
| 45322 | Gift, Novelty and Souvenir Shops | 1 per 300 sf GFA |
| 71391 | Golf Course | 4 per hole |
| 44511 | Grocery or Specialty Food Store, except Bakery | 1 per 300 sf GFA |
| 44511 | Grocery Store with Gasoline Pumps | 1 per 300 sf GFA plus 2 spaces per each pump |
| 812910 | Grooming, Pet | 1 per 300 sf GFA |
| 62441 | Group Day Care Home, Group (7 to 12) | 1 per 2 residents of design capacity |
| 44413 | Hardware Store | 1 per 300 sf GFA |
| 71394 | Health Club or Fitness Center | 1 per 150 sf GFA |
| 621 | Health Services Facility | 1 per 300 sf GFA |
| 45112 | Hobby, Toy and Game Shops | 1 per 300 sf GFA |
| 44221<br>44229 | Home Furniture or Furnishings Store, except Floor Coverings | 1 per 1,000 sf GFA |
| 62161 | Home Health Care Company | 1 per 400 sf GFA |
| 72111 | Hotel or Motel (except Bed & Breakfast Inn) | 1 per guest room; or<br>1.5 per guest room if hotel has a restaurant, lounge and/or meeting facilities |
| 443141 | Household Appliance Store | 1 per 400 sf GFA |
| 52421 | Insurance Agent, Broker & Service | 1 per 400 sf GFA |
| 524 | Insurance Company or Carrier | 1 per 400 sf GFA |
| 551111 | Investment Company or Trust | 1 per 400 sf GFA |

| NAICS Code | Use | Number of Parking Spaces |
|---|---|---|
| 44831 | Jewelry Store | 1 per 400 sf GFA |
| 62431 | Job Training & Vocational Rehabilitation Services | 20 per classroom of design capacity |
| 42393 | Junk and Salvage Yards | 1 per 2,500 sf of area |
| 89291 | Kennel | 1 per 4 kennel spaces |
| 23721 | Land Developer's Office | 1 per 400 sf GFA |
| 54132 | Landscape Architecture and Counseling | 1 per 400 sf GFA |
| 81231 | Laundry & Dry Cleaning, Coin-Operated | 1 per 400 sf GFA |
| 56173 | Lawn and Garden Services | 1 per 400 sf GFA |
| 54111 | Legal Services Office | 1 per 400 sf GFA |
| 812331 | Linen Supply | 1 per 1,000 sf GFA |
| 44531 | Liquor Store | 1 per 300 sf GFA |
| - | Lockbox Retailer | 1 per 20 lockboxes |
| 448320 | Luggage and Leather Goods Stores | 1 per 300 sf GFA |
| 44411 | Lumber and Other Building Materials Dealers | 1 per 2,000 sf GFA |
| 54182 | Management and Public Relations Service | 1 per 400 sf GFA |
| 45393 | Manufactured Home Sales Lot | 4 per lot |
| 6215 | Medical or Dental Laboratory | 1 per 400 sf of GFA |
| 6211 - 6212 | Medical or Dental Offices or Clinics (not veterinary) | 1 per 300 sf of GFA |
| 51211 | Motion Picture or Video Tape Production | 1 per 500 sf GFA |
| 512131 | Motion Picture Theater (except Drive-in) | 1 per 4 seats |
| 441228 | Motor Vehicle Dealers, Miscellaneous | 2 per 1,000 sf of indoor sales area; plus<br>1 for each 2,500 sf outdoor sales area; plus<br>2 each service bay |

| NAICS Code | Use | Number of Parking Spaces |
|---|---|---|
| 441228 | Motorcycle Sales and Service | 2 per 1,000 sf of indoor sales area; plus<br>1 for each 2,500 sf outdoor sales area; plus<br>2 each service bay |
| 5611 | Offices, Professional or Administrative | 1 per 400 sf of GFA |
| 44412 | Paint, Glass or Wallpaper Store | 1 per 1,000 sf GFA |
| 45931 | Pawnshop | 1 per 300 sf GFA |
| 71111 | Performing Arts Theater | 1 per 3 seats in a fixed seating facility; or<br>1 per 25 sf GFA in largest assembly room |
| 6114 - 6117 | Personal Enrichment School or Tutoring | 1 per 200 sf of GFA |
| 81149 | Personal Household Goods Repair Shops, | 1 per 400 sf of GFA |
| 812199 | Personal Services—Massage Only | 1 per 300 sf of GFA |
| 812199 | Personal Services—Tattoo studios and body piercing Only | 1 per 300 sf of GFA |
| 812199 | Personal Services—Other | 1 per 300 sf of GFA |
| 561439 | Photocopying and Duplicating Services | 1 per 400 sf GFA |
| 541921 | Photographic Studio, Portrait | 1 per 50 sf GFA |
| 541922 | Photography Service, Commercial | 1 per 400 sf GFA |
| 44420 | Plant Nursery, Lawn and Garden Supplies | 1 per 500 sf GFA |
| 81394 | Political Organization Office | 1 per 400 sf GFA |
| 711212 | Racetrack | 1 per 4 fixed seats |
| 5151 | Radio or TV Broadcast Station-Studio | 1 per 400 sf GFA |
| 443142<br>45114 | Radio, Television, Consumer Electronics & Music Store | 1 per 300 sf GFA |
| 53121 | Real Estate Office | 1 per 400 sf GFA |

| NAICS Code | Use | Number of Parking Spaces |
|---|---|---|
| 44121 | Recreational Vehicle Dealer | 2 per 1,000 sf of indoor sales area plus 1 for each 2,500 sf outdoor sales area plus 2 each service bay |
| 722511<br>722514 | Restaurant, Custom Service (not fast food) | 1 per 100 sf GFA |
| 722513 | Restaurant, Fast Food, Drive-in | 1 per 75 sf GFA |
| 713990 | Restaurants, providing Hookah, or smoking | 1 per 75 sf GFA |
| 453998 | Retail Stores, Miscellaneous | 1 per 300 sf GFA |
| 48711 | Scenic and Sightseeing Transportation | 1 per 1,000 sf GFA |
| 561492 | Secretarial or Court Reporting Service | 1 per 400 sf GFA |
| 45113 | Sewing, Needlework and Fabric Stores | 1 per 400 sf GFA |
| 81143 | Shoe Repair Shop | 1 per 300 sf GFA |
| 453991 | Smoke Shop - Retail | 1 per 300 sf GFA |
| 62431 | Social Services, Other | 1 per 200 sf GFA; plus<br>1 per 4 beds of design capacity |
| 45111 | Sporting Goods Store or Bicycle Shop, except bait shops | 1 per 300 sf GFA |
| 71399 | Sports and Recreation Clubs (Members Only) | 1 per 400 sf GFA; or<br>1 per 1,000 sf |
| 711211<br>71399<br>81399 | Sports Facility, Commercial (except Racetracks) | 1 per 500 sf; or<br>1 per 4 seats in a fixed seating facility; or<br>1 per 250 sf of playing field area |
| 45321 | Stationery Store | 1 per 400 sf GFA |
| | Swimming Pool in Subdivision, Public | 6 per adult pool plus one space per every 15 dwellings over 60 dwellings in the subsivision |
| 81149 | Tailors & Other Garment Services | 1 per 400 sf GFA |
| 517311 | Wired Telecommunications Carriers Telegraph Office | 1 per 400 sf GFA |
| 23611 | Temporary Sales Office for a Subdivision | 4 per office |

| NAICS Code | Use | Number of Parking Spaces |
|---|---|---|
| 7113 | Theatrical Production Agencies | 1 per 3 seats in a fixed seating facility; or<br>1 per 25 sf GFA in largest assembly room |
| 5615 | Travel Agency, Tour Operator or Airline Ticket Office | 1 per 400 sf GFA |
| 45331 | Used Merchandise (except Pawnshop), Flea Market | 1 per 400 sf GFA |
| 54194 | Veterinarian | 2 per treatment room |
| 44831 | Watch, Clock or Jewelry Repair Shop | 1 per 400 sf GFA |
| 5611 | Wholesale Trade—Administrative or Sales Office Only | 1 per 400 sf GFA |
| 42 | Wholesale Trade—Sales Operation including Storage and Transfer, except Junk and Salvage Yards | 1 per 400 sf GFA |
| 42482 | Wine and Distilled Alcoholic Beverage Sales | 1 per 300 sf GFA |
| **Industrial and Manufacturing** | | |
| 335312 | Armature Rewinding Manufacturing | 1 per 1,000 sf GFA |
| 32412 | Asphalt Paving & Roofing Materials Mfg. | 1 per 1,000 sf GFA |
| 313 | Apparel and Other Fabric Products Mfg. | 1 per 1,000 sf GFA |
| 311812 | Bakery, Industrial | 1 per 1,000 sf GFA |
| 3114 | Canned/Frozen & Preserved Fruit, Veg. & Food Specialties Manufacturing. | 1 per 1,000 sf GFA |
| 3121 | Beverage Manufacturing | 1 per 1,000 sf GFA |
| 3251 | Chemicals and Allied Products Manufacturing | 1 per 1,000 sf GFA |
| 334 | Computer and Office Equipment Manufacturing | 1 per 1,000 sf GFA |
| 327320 | Concrete Manufacturing | 1 per 1,000 sf GFA |
| 23 | Construction Contractor—with Machinery, Equipment or Storage | 1 per 1,000 sf GFA |

| NAICS Code | Use | Number of Parking Spaces |
|---|---|---|
| 3115 | Dairy Products Manufacturing | 1 per 1,000 sf GFA |
| 518210<br>541513 | Data Processing | 1 per 1,000 sf GFA |
| 31213 | Distilled and Blended Liquors Manufacturing | 1 per 1,000 sf GFA |
| 83212 | Dry Cleaning Plant | 1 per 1,000 sf GFA |
| 332 | Fabricated Metal Products (except Machinery and Transportation Equipment) Mfg. | 1 per 1,000 sf GFA |
| 3119 | Food Product Manufacturing, Miscellaneous | 1 per 1,000 sf GFA |
| 3112 | Grain Mill Products Mfg. | 1 per 1,000 sf GFA |
| 333 | Industrial and Commercial Machinery Mfg., except Computer and Office Equipment | 1 per 1,000 sf GFA |
| 812332 | Industrial Launderers | 1 per 1,000 sf GFA |
| 33991<br>33993<br>339992 | Jewelry, Musical Instruments, Toys & Miscellaneous Products Mfg. | 1 per 1,000 sf GFA |
| 7211 | Laundry, Family & Commercial Power Plant | 1 per 1,000 sf GFA |
| 316998 | Leather Products Mfg. (not including Tanning & Finishing) | 1 per 1,000 sf GFA |
| 11331 | Logging | 1 per 1,000 sf GFA |
| 45431 | LP Gas or Fuel Oil Dealer | 1 per 1,000 sf GFA |
| 31212 | Malt Beverages Manufacturing | 1 per 1,000 sf GFA |
| 311612<br>-<br>311615 | Meat Products Mfg. | 1 per 1,000 sf GFA |
| 31212 | Microbrewery, brewpub | 1 per 1,000 sf GFA; plus<br>1 per 200 sf GFA in tasting areas |
| 321<br>33711 | Millwork, Plywood, Cabinetry Mfg. | 1 per 1,000 sf GFA |
| 2122-<br>2131 | Mining & Quarrying | 1 per 1,000 sf GFA |
| 51212 | Motion Picture or Video Tape Distributor | 1 per 1,000 sf GFA |
| 512110 | Motion Picture Studio | 1 per 1,000 sf GFA |

| NAICS Code | Use | Number of Parking Spaces |
|---|---|---|
| 48849 | Motor Freight Truck Terminal | 1 per 1,000 sf GFA |
| — | Outdoor Storage Yard, Equipment | 1 per 1,000 sf GFA |
| 488991 | Packing, Crating & Other Incidental Transportation Services | 1 per 1,000 sf GFA |
| 3222 | Paper and Allied Products (except sanitary paper products) | 1 per 1,000 sf GFA |
| 42471 | Petroleum Bulk Stations & Terminals | 1 per 1,000 sf GFA |
| 324199 | Petroleum Related Industries (except Refining) | 1 per 1,000 sf GFA |
| 812320 | Power Laundry | 1 per 1,000 sf GFA |
| 3345 | Precision Instruments Mfg. | 1 per 1,000 sf GFA |
| 331 | Primary Metal Industries | 1 per 1,000 sf GFA |
| 323111 511 | Printing and Publishing Plants | 1 per 1,000 sf GFA |
| 532411 | Railroad Car Rental & Services | 1 per 1,000 sf GFA |
| 482111 - 482112 | Railroad Yards and Switching Stations | 1 per 1,000 sf GFA |
| 3219 | Reconstituted Wood Products | 1 per 1,000 sf GFA |
| 562212 | Refuse or Garbage Disposal, Recycling, Composting & Landfills | 1 per 1,000 sf GFA |
| 5417 | Research & Development or Testing Service | 1 per 750 sf GFA |
| 81142 | Reupholster or Furniture Repair Shop | 1 per 750 sf GFA |
| 212319 | Rock Crushing | 1 per 1,000 sf GFA |
| 326 | Rubber and Plastics Products Mfg. | 1 per 1,000 sf GFA |
| 322291 | Sanitary Paper Products Mfg. | 1 per 1,000 sf GFA |

| NAICS Code | Use | Number of Parking Spaces |
|---|---|---|
| 321113 | Sawmills and Planning Mills | 1 per 1,000 sf GFA |
| 327 | Stone, Clay, Glass and Concrete Products, Mfg. | 1 per 1,000 sf GFA |
| 3113 | Sugar & Confection Products Mfg. | 1 per 1,000 sf GFA |
| 517 | Telecommunications Switching Station | 1 per station |
| 313 | Textile Mill | 1 per 1,000 sf GFA |
| 3122 | Tobacco Products Mfg. | 1 per 1,000 sf GFA |
| 325620 | Toiletries and perfumes Preparation Manufacturing | 1 per 1,000 sf GFA |
| 336 | Transportation Equipment Mfg. | 1 per 1,000 sf GFA |
| 484 | Trucking and Courier Services (except Air Courier or Refuse & Garbage Collection) | 1 per 1,000 sf GFA |
| 221 | Utility Company Substation | 1 per substation |
| 4931 | Warehousing or Indoor Storage Facility (including Mini-Warehouses) | 1 per 1,000 sf GFA; or<br>1 per 10 units for mini-warehouses |
| 5621 - 5622 | Waste Facility | 1 per 1,000 sf GFA |
| 22131 | Water Supply Plant | 1 per 1,000 sf GFA |
| 81131 | Welding Repair Shop | 1 per 500 sf GFA |
| 31213 | Wines, Brandy and Brandy Spirits Production Plant | 1 per 1,000 sf GFA |
| 321991 - 321992 | Wood Buildings & Manufactured Homes Plant | 1 per 1,000 sf GFA |
| 321920 | Wood Containers Mfg. | 1 per 1,000 sf GFA |
| 321114 | Wood Preserving Mfg. | 1 per 1,000 sf GFA |
| 321999 | Wood Product Manufacturing, Miscellaneous | 1 per 1,000 sf GFA |

| NAICS Code | Use | Number of Parking Spaces |
|---|---|---|
| **Public or Semi-Public** | | |
| 81311 | Religious Institution or Place of Worship | 1 per 3 seats in a fixed seating facility |
| 81341 | Civic, Social or Fraternal Association | 1 per 200 sf GFA |
| 2211 - 2212 | Electric or Gas Utility Office | 1 per 400 sf GFA |
| 2211 - 2212 | Electric or Gas Utility Substations | 1 per substation |
| 62211 | Hospital, except Drug Addiction Rehabilitation | 1 per bed of design capacity |
| 51912 | Library | 1 per 400 sf GFA |
| 71211 | Museum or Art Gallery, Non-profit | 1 per 500 sf GFA |
| 61111 | School (Charter—Private) | 2 per classroom |
| 61121<br>61131 | School, College | 20 per classroom |
| 61111 | School, Kindergarten, Elementary and Secondary | 2 per classroom for kindergarten, elementary and junior high school;<br>6 per classroom for high school |
| 624 | Social Services, Individual & Family | 1 per 200 sf GFA; plus<br>1 per 4 beds of design capacity |
| 6115 | Vocational Schools, Non-profit | 20 per classroom |
| **Transportation and Communication** | | |
| 4812 | Air Charter and Other Air Services, Nonscheduled | 1 per 250 sf GFA of terminal building |
| 492 | Air or Ground Courier Drop-Off Station | 1 per 400 sf GFA of office space |
| 481112 | Airline or Air Courier Company—Storage, Transfer or Maintenance Facility | 1 per 400 sf GFA of office space |
| 48811 | Airport | 1 per 250 sf GFA of terminal building |
| 81293 | Automobile Parking Lot, Commercial | None required |
| 81293 | Automobile Storage Lots | 2 per office |
| 48521 | Bus Terminal | 1 per 250 sf GFA of terminal building |

| NAICS Code | Use | Number of Parking Spaces |
|---|---|---|
| 488510 | Freight Agency or Shipping Coordinator | 1 per 400 sf GFA of office space |
| 488119 | Private Use Heliport | 1 per 400 sf GFA of office space |
| 488991 | Services Incidental to Transportation, Misc. | 1 per 400 sf GFA of office space |
| 485310 | Taxicab Dispatch Services | 1 per 400 sf GFA of office space |
| 517 | Transmission Tower-Radio, TV & Telecommunications | 1 per tower location |

## F. Shared parking

The parking spaces provided for separate uses may be combined in one lot but the required spaces assigned to each use may not be assigned to another use, except as follows:

### 1. Shared parking between day and night users

One-half of the parking spaces assigned to a church, theater or assembly hall whose peak attendance will be at night or on Sundays may be assigned to a use that will be closed at night or on Sundays.

### 2. Mixed use developments

Parking spaces may be shared by more than one use if the Community Development Director finds that the total number of spaces will be adequate at the peak hours of the uses they serve. The following ratios may be used in determining the maximum number of spaces will be needed by the uses served by the shared parking facility based on the parking requirements of each use by time of day and the day of the week.

***Table 8-2 Percentage of Required Parking Spaces by Time Period***

| | **Weekdays** | | **Weekends** | | **Nighttime** |
|---|---|---|---|---|---|
| | **6 a.m. - 5 p.m.** | **5 p.m. - 1 a.m.** | **6 a.m. - 5 p.m.** | **5 p.m. - 1 a.m.** | **1 a.m. - 6 a.m.** |
| **Office** | 100% | 10% | 10% | 5% | 5% |
| **Retail** | 60% | 90% | 100% | 70% | 5% |
| **Hotel** | 75% | 100% | 75% | 100% | 75% |
| **Restaurant** | 50% | 100% | 100% | 100% | 10% |
| **Entertainment/Recreation** | 40% | 100% | 80% | 100% | 10% |
| **Church/Place of Worship** | 10% | 25% | 100% | 100% | 10% |

### 3. Availability of shared spaces

Parking spaces that are proposed to be shared among two or more uses must be clearly available to each use and not appear in any way to be serving a particular use, either through signage dedicating the spaces or through design techniques that would tend to orient use of the spaces to a particular business or building.

### 4. Recordation of shared parking arrangement

Shared parking arrangements must be committed to writing in the form of a covenant or deed restriction running with the land for not less than 20 years and approved by the owners of each of the affected properties. The approved instrument shall be recorded, and a copy of the recorded document must be supplied to the Community Development Director.

## G. Handicap accessible parking spaces

### 1. Method of Computation

Handicap accessible parking spaces shall be counted as part of the total number of parking spaces provided under this Section.

### 2. Handicap accessible spaces; required

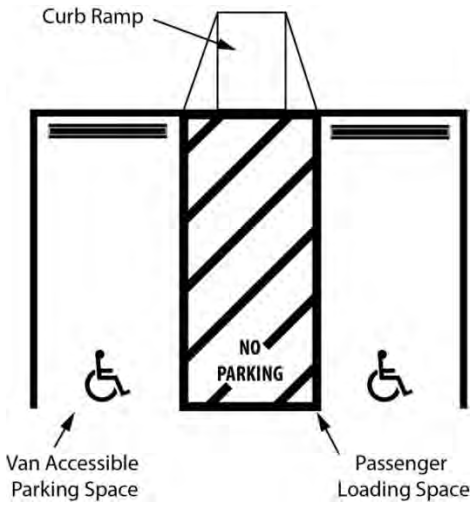
Handicap accessible spaces shall be provided in each parking lot in the following ratio to the total number of spaces required for the use:

***Table 8-3 Handicap Accessible Spaces Required***

| Spaces Required for Use | Minimum Number of Handicap Spaces |
|---|---|
| 1 to 25 | 1 |
| 26 to 50 | 2 |
| 51 to 75 | 3 |
| 76 to 100 | 4 |
| 101 to 150 | 5 |
| 151 to 200 | 6 |
| 201 to 300 | 7 |
| 301 to 400 | 8 |
| 401 to 500 | 9 |
| 501 to 1,000 | 2% of total |
| 1,001 and over | 20, plus one for each 100 over 1,000 |

### 3. Design criteria for handicap accessible spaces

**a.** Handicap accessible parking spaces shall have an adjacent aisle five feet wide, and one in every eight handicapped spaces shall be adjacent to an aisle eight feet wide and the space shall be signed "van accessible." Handicapped parking space aisles shall be clearly demarcated by lines painted on or otherwise applied to the parking lot surface.



**b.** Handicap accessible parking spaces shall be located on a surface with a slope not exceeding one vertical in 50 horizontal (1:50).

**c.** Accessible parking spaces shall be located with the shortest accessible route of travel to an accessible facility entrance. Where buildings have multiple accessible entrances with adjacent parking, the accessible parking spaces shall be dispersed and located closest to the accessible entrances.

**4. Compliance with federal requirements**

In addition to the requirements of this section, all handicapped parking shall comply with the requirements of the federal Americans with Disabilities Act.

## H. Proximity of off-street parking spaces to use

### 1. Location of parking spaces

Unless otherwise provided under an approved alternate parking plan, all parking spaces required to meet the guideline standards of this Section shall be located in proximity to the use the spaces serve, as follows:

***Table 8-4 Location of Parking Spaces***

| Use | Parking Location |
|---|---|
| Single-Family or Duplex-Family Residence | On the same lot of the residence the parking spaces are required to serve. |
| Townhouse Development | Each required parking space must be within 100 feet of an entrance to the dwelling unit that it serves, as measured along the most direct pedestrian route. |
| Other Multi-Family Developments | Each required parking space must be within 300 feet of an entrance to the building that it serves, as measured along the most direct pedestrian route. |
| Church, Hotel or Motel, Hospital, Nursing Home, Membership Dwellings and similar uses | Each required parking space must be within 300 feet of an entrance to the building that it serves, as measured along the most direct pedestrian route. |
| Retail Sales or Retail Services Establishment, other than a Shopping Center | Each required parking space must be within 400 feet of an entrance to the building or use that it serves, as measured along the most direct pedestrian route. |
| Shopping Center, Office or Industrial Use, or any other use not specified above. | Each required parking space must be within 500 feet of an entrance to the building or use that it serves, as measured along the most direct pedestrian route. |

2. **Off-site parking**

If required parking spaces are not located on the same lot as the particular use, building or establishment they are intended to serve, the following shall apply:

a. The parking spaces must be set aside solely for the particular use, building or establishment, or be established as "shared parking" under the provisions for such under this Section.
b. The parking spaces must be located on a property that has the same zoning classification as the property that the spaces serve, or a less restrictive zoning classification. In no case shall a non-residential land use in an adjacent zoning district develop or use an off-street parking lot in a residentially zoned district.
c. No required parking spaces may be located across any State or US highway from the use they are intended to serve.
d. The parking spaces must meet the "location of parking spaces" requirements of this section, or adequate vehicular transportation must be provided that is acceptable to the development official.

I. **Design requirements for parking lots**

The provisions of this section apply to all off-street parking spaces and parking areas, whether the parking meets or exceeds the number of spaces required to serve a particular use or the parking lot is operated as a principal use on a property and not dedicated to serving a particular use.

1. **Orientation to street**

Except for parcels of land devoted to one-family, two-family or townhouse residential uses, all areas devoted to off-street parking shall be so designed and be of such size that no vehicle is required to back into a public street to obtain access.

2. **Off-street parking spaces**

a. No parking spaces shall be accessible from an access driveway within the first 20 feet of the driveway, back from the street right-of-way line.
b. Every parking space shall provide a useable area as follows:

***Table 8-5 Off-street parking useable area***

| Dimension | 0º Parallel | 45º Diagonal | 60º Diagonal | 90º Perpendicular |
|---|---|---|---|---|
| **Space Width (feet)** | 9 | 9 | 9 | 9 |
| **Space Length (feet)** | 20 | 20 | 20 | 18 |

c. Compact spaces may be permitted if reviewed and approved by the Community Development Director.

1) Compact spaces shall not be less than 8 feet in width and 16 feet in length and shall not comprise more than 20% of any parking lot.
2) Compact spaces shall be designated by signage identifying the compact parking spaces.

3. **Access and circulation**

   a. Access aisles shall not encroach into the parking space area. Access aisles in parking lots shall meet the minimum requirements:

***Table 8-6 Access aisle requirements***

| Dimension | 0º Parallel | 45º Diagonal | 60º Diagonal | 90º Perpendicular |
|---|---|---|---|---|
| **One Way Drive (feet)** | 12 | 14 | 14 | 14 |
| **Two Way Drive (feet)** | 20 | 24 | 24 | 24 |

   b. Minimum turning radius shall be 32 feet. One-way traffic aisles must be clearly marked with directional arrows on the pavement at each intersection with another aisle.
   c. Ingress and egress to parking areas shall be by means of paved driveways from the adjoining street. Driveway width, for the purpose of this section, shall include only the pavement and not the curbs and gutters. Access shall be so designed that vehicle are travelling in a forward motion.
   d. The distance from a parking area access drive to the intersection of two streets, and the distance between driveways at the street, shall be based on the driveway requirements in the "project design standards" Section of this UDO.

4. **Setback requirements**

   a. Off-street parking for single-family and two-family residential uses shall be setback a minimum of two feet from the adjacent property line.
   b. Off-street parking for all other uses, including multi-family residential, commercial, industrial, and institutional uses, shall be setback from front and rear property lines by at least 10 feet and 15 feet from a side yard property line.
   c. The area between the front property line and the parking area shall be used for landscaping and/or screening as required in the "landscaping, buffers and tree conservation" Section of this Code.

5. **Lighting of parking areas**

   Any lights used to illuminate the parking area shall be arranged, located, shielded or screened to direct light away from any adjoining residential use or public right-of-way.

6. **Improvement of parking areas**

   a. **Permit required**

      Construction of a new parking lot or expansion of an existing parking lot requires issuance of a development permit from the engineering department. A permit is not required for resurfacing an existing parking area. A driveway permit is required for customary driveways for single-family and two-family residential dwellings.

   b. **Surfacing and curbing**

      All off-street parking areas and all access drives shall be improved with a permanent and durable dust-free paved surface.

**c. Maintenance**

Off-street parking areas shall be maintained in proper repair, including signage and pavement markings, with a durable and dust-free surface.

**d. Drainage facilities**

For any use that will require a parking area to be newly constructed, added to, or altered in such a way as to affect drainage either on or off the site, stormwater drainage plans, including grading plans, shall be submitted to and approved by the Water and Sewer Authority, prior to the issuance of a building permit or occupational license. Alternative methods of drainage, including the use of bio-swales, pervious pavement and pavers may be submitted as part of the stormwater drainage plan for consideration.

**e. Space and Directional Arrow Markings**

All designated parking spaces, other than those for single and two-family dwellings, shall be clearly marked on the surface of the parking area with paint or permanent marking materials and maintained in a clearly visible condition. This includes the marking of parking stall spaces and directional arrows.

**f. Curbs and Wheel Stops**

**1)** All off-street parking areas shall include a perimeter curb, a minimum of six inches in height.

**2)** All parking spaces shall include a wheel stop at the rear end of the parking space to prevent continued motion into landscaping islands.

**g. Interior Design and Landscaping**

Interior design and landscaping shall be required as established in Section 8.02, Landscaping, Buffering and Screening.

**h. Screening**

Screening shall be required as established in Section 8.02, Landscaping, Buffering and Screening.

**7. Time limit**

All required off-street parking areas shall be ready for use, including the above surfacing requirement, before the occupancy of the use (in the case of a new building or addition) or within 45 days after the issuance of an occupational license (in the case of a change of occupancy in an existing building). An extension of time may be granted by the development official due to adverse weather conditions.

## J. Restrictions on vehicle parking

**1. Restrictions in residential zoning districts**

**a.** Parking shall not be permitted within the front yard in any single-family residential lot, except within a driveway, or in a roofed carport or enclosed garage. Within any single-family residential district not more than 35% of the total area between the street right-of-way line and the front of the principal building shall be paved. On any lot where adequate width exists meet the geometric design standards of the Institute of Traffic Engineers, a circular driveway shall be permitted, subject to the total driveway coverage

authorized herein. However, no parking spaces or parking bays shall be established within any such front yard.

**b.** In districts zoned for residential use, no person shall park or store any vehicle or trailer over 10,000 pounds gross weight or 24 feet in length except for the purpose of loading or unloading such vehicle or trailer. The loading or unloading of such vehicle or trailer shall be done within a reasonable time, but not to exceed 48 hours in and 15-day period.

**c.** No trailer or recreational vehicle shall be parked in front of the principal structure, within 10 feet of the side yard lot line, or within 20 feet of the rear lot line, unless it is parked or stored completely within an enclosed garage or roofed carport.

**d.** No recreational vehicle or trailer may be occupied for human habitation exceeding 14 consecutive days while parked within a residential district.

**e.** No recreational vehicle, trailer or storage container may be parked on a lot that does not contain a permanent dwelling unit or other structure intended for permanent human habitation as its principal use within any residential district.

**f.** No truck body, trailer, or truck tractor, or part thereof may be parked or stored within the districts herein described unless specifically authorized by this UDO or a permit is issued by the Community Development Director. If such a permit is issued, it shall be for one year and specific to the vehicle and location specified in the permit. Application shall be made to the Community Development Director by the owner of the property where the vehicle is to be parked or stored. The application shall be accompanied by a nonrefundable application fee as set from time to time by the city council. Factors to be considered in issuing such a permit may include, but not be limited to the following: adequate screening from roadways and adjacent property, availability of rear yard parking, hours of vehicle parking and operation, size and type of vehicle.

**g.** Nothing herein shall exempt any vehicle from the requirements of this UDO prohibiting the storing, parking or leaving of dismantled or other such motor vehicles.

**2. Inoperable vehicles**

Inoperable vehicles must be removed, garaged or stored in accordance with Article IV (Abandoned or Dismantled Automobiles) of Chapter 82 of the City Code of Ordinances.

**3. Construction equipment and construction vehicles**

In districts other than the Industrial zoning districts, construction equipment and construction vehicles may not be stored or repaired on the premises (other than in enclosed garages), except as follows:

**a.** When being utilized for construction activities on the premises pursuant to a valid permit issued by the city for construction work necessitating use of such equipment, or when used for permitted work on the public right-of-way; or

**b.** When the equipment is used as an accessory use customarily associated with an allowable primary business use, for example, forklifts used by some businesses to move merchandise; or

**c.** When construction equipment and vehicles storage and repair are an intrinsic part of an allowable primary use, such as an equipment rental business.

## K. Off-street loading and unloading space

### 1. Generally

In addition to the parking requirements of this section, every lot with any building or structure hereafter constructed and used for business, trade, or industry, with the exception of the downtown area, shall provide and maintain space as indicated herein for the loading and unloading of vehicles, materials or merchandise, off the public right-of-way. Such space shall be in conformance with the following requirements:

**a.** The loading and unloading area shall have access to a public alley or street and shall be so arranged that no vehicle is required to back onto a public street, road or highway in order to leave the premises or using the loading and unloading area.

**b.** The size of each loading area shall be a minimum of 500 square feet with a minimum width of 12 feet and a minimum height clearance of 14 feet.

**c.** All loading areas shall be graded as necessary and improved with extra duty asphalt or concrete and shall be provided with adequate drainage per plans approved by the Community Development Director.

**d.** Loading and unloading shall be done into and from doors, loading docks, loading areas, or other parts of the building which is at least 80 feet from any street or into or from any approved outside storage areas.

**e.** Such loading and unloading areas shall be attractively screened from all streets or public rights-of-way by any dense planting of evergreens or by an attractive solid wall or fence or combination thereof or as approved by the Community Development Director.

**f.** Off-street loading areas shall be on the same lot as the specific use(s) served.

**g.** Exterior lighting shall be designed and maintained so that glare is not cast on adjacent properties, regardless of use, or on adjacent public rights-of-way. All lighting structures shall be cut-off types which include shields or other similar devices.

### 2. Minimum requirements for specific uses

Off-street space requirements for the following named use classifications shall be equal in area to at least the minimum requirements for the specific use set forth below. In the case of mixed uses, the total requirement for off-street loading facilities shall be the sum of the various uses computed separately.

***Table 8-7 Number of Required Loading and Unloading Spaces***

| Gross Floor Area of Structure (square feet) | Office | Commercial | Industrial | Truck and Bus Terminal |
|---|---|---|---|---|
| 0 - 5,000 | 0 | 1 | 1 | Sufficient space to accommodate the maximum number of busses or trucks expected to be at the location at any one time |
| 5,001 - 9,999 | 0 | 1 | 1 | |
| 10,000 - 19,999 | 1 | 2 | 2 | |
| 20,000 - 49,999 | 1 | 3 | 3 | |
| 50,000 - 99,999 | 2 | 4 | 4 | |
| 100,000 - 499,999 | 2 | 4 | 4 | |
| 500,000 or more | 3 plus 1 per each additional 100,000 sq. ft. in excess of 500,000 | 4 plus 1 per each additional 100,000 sq. ft. in excess of 500,000 | 4 plus 1 per each additional 100,000 sq. ft. in excess of 500,000 | |

### L. Prohibited uses of off-street parking and loading/unloading spaces

1. The display for sale of all types of vehicles shall be prohibited within any required off-street parking area, except for a private individual selling a personal vehicle from a residence.
2. The display, sales, or storage of any goods, wares, or merchandise shall not be permitted within any areas designated for required off-street parking, circulation and loading.

## Sec. 8.02 Landscaping, Buffering and Screening

### A. Purpose

The purpose of this Section is to improve the aesthetic qualities of the City and to protect and preserve the appearance, character and value of its neighborhoods and business areas by:

1. Providing for quality and consistency in the design of landscaping and screening.
2. Providing for the separation of incompatible types of land use.
3. Providing for the conservation of existing trees and the planting of new trees in pace with the land development process.
4. Providing for the improvement of air quality and water quality and a higher standard of environmental living.

## B. Benefits of landscaping and tree conservation

The benefits to the City of Douglasville derived from tree protection and replanting include:

1. Improved control of soil erosion.
2. Moderation of stormwater runoff and improved water quality.
3. Interception of airborne particulate matter and the reduction of some air pollutants.
4. Enhanced habitat for desirable wildlife.
5. Reduction of noise and glare, and the establishment of wind breaks.
6. Production of oxygen and reduction in the level of carbon monoxide in the air.
7. Purification of the air through transpiration.
8. Climate moderation.
9. Aesthetics and scenic amenity enhancement.
10. Increased property value.

## C. Applicability

### 1. General

a. No building permit for the construction, reconstruction, enlargement, extension or alteration of any building or structure, or change in the classification of use of land or for building occupancy be granted until required landscaping, screening or buffer yard has been provided in accordance with the provisions of this UDO. This section shall not apply to single family or two-family dwellings.

b. If a building or structure covers the entire lot, an alternative must be proposed and approved which meets the purpose and spirit of this section.

### 2. New development or redevelopment

Any new development or redevelopment of land shall be in full compliance with the regulations and standards of the is section.

### 3. Additions and enlargements

#### a. Renovations or repairs

If a building renovation or repair involves an increase in the gross floor area of the building, or structure or an increase on the improvement of a lot (e.g. increase in off-street parking lot area), then additional landscaping, screening or buffer yards must be provided. .

#### b. Additions and increases in gross floor area

1) When a building, structure or accessory building or lot is increased in size up to 25%, landscaping, screening or buffer yards shall be required for the addition.

2) When a building, structure or accessory building or lot is increased in size over 25%, the entire lot must conform to the requirements of this UDO.

4. **Change in use**

Any change in use that increases the intensity or density of the building or lot shall fully comply with these regulations. For the purposes of this section, a change in use includes:

**a.** A residential use to a multi-family use.

**b.** A residential use to a non-residential use.

**c.** A commercial use to an industrial use.

**d.** An industrial use to a commercial use.

**D. Landscaping, Buffering and Screening; where required**

1. **Residential subdivisions, single-family or two-family lots**

Landscaping, buffering and screening requirements are required for any residential subdivision for single-family or two-family development, or on the lot when a single-family or two-family dwelling is to be constructed, only to the extent required under this UDO.

2. **Multifamily and nonresidential uses**

A suitable combination of landscaping, buffering and screening shall be installed on the property of any multifamily or nonresidential use or development as a condition of site plan approval, or issuance of a development permit or building permit, whichever occurs first. Plans shall be provided in accordance with the requirements of this Article, section 8.02. G, Plans, Installation and Maintenance, which includes the following:

**a.** Within the yard areas of the property, in landscape strips along the street frontages, and within the minimum side and rear principal building setbacks.

**b.** Within parking lots containing five or more parking spaces and between such lots and streets from which they are visible.

**c.** As buffers between incompatible land uses and zoning districts.

**d.** As replacement trees for those removed during construction, or as a supplement, in order to achieve the tree conservation requirements of this UDO.

**E. Landscaping of yard areas**

1. **Minimum requirements**

**a.** The front yard of every single-family and two-family residential lot shall have a minimum of two hardwood trees, each of which shall be at least two and one-half inches in diameter.

**1)** Every single-family and two-family residential lot shall have a minimum of one tree unit, the calculation for which may include the individual trees required in the front yard.

**2)** The tree units required by this subsection may be counted toward compliance with the requirement for the tree density standard for the development.

**b.** The minimum landscaping requirement for all uses is two shrubs per 1,000 square feet of total lot area.

2. **Open yard areas**

   All portions of the site not covered with pavement or buildings shall be landscaped. Open areas not covered with other materials shall be covered with turf or ground cover. Turf or ground cover utilized on all slopes in excess of 25 percent (one foot of rise in four feet of run) must be specifically selected to stabilize the slope.

3. **Screening of trash receptacles, storage areas and loading docks**

   All storage areas, loading docks or areas, trash and recycling receptacles, equipment storage, and service vehicles which are visible from any public right-of-way shall be screened from all streets or public rights-of-way by any dense planting of evergreens or by a solid wall or fence or combination thereof.

4. **Landscape strips along front lot lines**

   a. **Landscape strips along front lot lines; where required**

      A minimum 10-foot-wide frontage landscape strip shall be provided along the full length of any street frontage of a multifamily or nonresidential development with the exception of the historic district.

   b. **Location of structures in frontage landscape strip**

      Frontage landscape strips shall contain no structures, parking areas, patios, stormwater detention facilities or any other accessory uses except for the following:

      **1)** Retaining walls or earthen berms constructed as part of an overall landscape design.

      **2)** Pedestrian-oriented facilities such as sidewalks.

      **3)** Underground utilities including all above ground utility cabinets.

      **4)** Driveways required to access the property.

5. **Landscaping required in frontage landscape strips**

   **a.** All portions of a frontage landscape strip shall be planted with trees, shrubs, flowers, grass or approved ground cover, except for those ground areas that are mulched or covered by permitted structures.

   **b.** Trees shall be provided within the frontage landscape strip at the rate of one tree unit for every 75 feet of length of street frontage, or portion thereof. Such trees shall be hardwood and must be of a type that is suitable to local growing conditions and that will normally reach a height of at least 15 feet upon maturity.

   **c.** Upon planting, new trees shall have a caliper of no less than two and one-half inches, and may be clustered for decorative effect following professional landscaping standards for spacing, location, and design.

6. **Landscape strips alongside and rear lot lines**

   a. **Landscape areas along side and rear lot lines; where required**

      All portions of a lot containing a multifamily or nonresidential use, between a side or rear lot line and the minimum required side or rear setback line for principal buildings, shall be landscaped as required by this section. Buffers, where required under 8.02. G,

Buffers Between Incompatible Land Uses, shall be installed in lieu of the landscaping required under this subsection.

**b. Location of structures in side or rear landscape areas**

Side and rear yard landscaping areas shall contain no structures, parking areas, patios, stormwater detention facilities or any other uses except for the following:

**1)** Retaining walls or earthen berms constructed as part of an overall landscape design.

**2)** Underground utilities.

**3)** Driveways or other types of drives required in order to access neighboring property.

**7. Landscaping required in side and rear landscaping areas**

**a.** All portions of a side or rear landscaping area shall be planted with trees, shrubs, grass or approved ground cover, except for those ground areas that are mulched or covered by permitted structures.

**b.** With the exception of single family and two family uses, trees shall be provided within the side yard landscape strip at the rate of at least one tree unit for every 75 feet of length or portion thereof, or the side yard landscape strip may be planted in a continuous hedge or junipers (except for approved access drives and utility easements).

**F. Parking Lot and Loading Area Landscaping**

**1. Parking lot trees**

**a. Parking lot trees; where required**

Hardwood trees shall be provided within any parking lot designed or intended to accommodate five cars or more, in accordance with the requirements of this section.

**b. Parking lot trees; minimum standards**

**1)** Hardwood trees shall be provided within the parking lot at a ratio of at least one tree for every 15 parking spaces, or portion thereof. Each tree shall be located within the parking lot in reasonable proximity to the spaces for which the tree was required. Trees provided to meet the minimum requirements of any landscape strip or buffer under this Section may not be counted toward this requirement.

**2)** New trees shall have a caliper of no less than two and one-half inches upon planting and may be clustered for decorative effect following professional landscaping standards for spacing, location, and design.

**2. Parking lot interior islands and planting areas**

**a.** As a minimum, a landscaping island shall be located at the end of every parking bay between the last parking space and an adjacent travel aisle or driveway. The island shall be no less than eight feet wide for at least one-half the length of the adjacent parking space. The island shall be planted in trees, shrubs, grass, or ground cover except for those areas that are mulched.

**b.** Tree planting areas shall be no less than eight feet in width and shall provide at least 100 square feet of planting area per tree. No tree shall be located less than two and one-half

feet from the back of curb. All parking lot landscape islands, strips or other planting areas shall be curbed with minimum six-inch high rolled or vertical curbs.

**c.** Landscaping islands and tree planting areas shall be well drained and contain suitable soil and natural irrigation characteristics for the planting materials they contain.

**3. Street-side screening for parking and loading areas**

**a. Parking lot and loading area screening; when required**

Any parking lot designed or intended to accommodate five cars or more, and any area set aside for loading or unloading of trucks or vans, that are visible from a street right-of-way, must provide a visual screen of the parking lot or loading area that meets the requirements of this subsection.

**b. Street-side screening; minimum standards**

**1)** Screening must be provided along the edge of the parking lot or loading area closest to and parallel to the street, and along any edge closest to and within 30 degrees of being parallel to the street.

**2)** A driveway to the parking lot or loading area may encroach into the landscaping.

**3)** The screening shall be decorative and opaque to a height of two and one-half feet above the elevation of the parking lot or loading area or the street, whichever is highest.

**c. Street-side screening; techniques**

Parking lot or loading area screening may be provided in any of the following ways:

**1) Planted only**

A hedge consisting of at least 12 shrubs per 40 linear feet that will spread into a continuous visual screen within two growing seasons. Shrubs must be at least 18 inches tall at the time of planting and be certified by a registered Landscape Architect to be of a species that will normally exceed two and one-half feet in height at maturity and are suitable for the parking lot application.

**2) Earthen berm**

An earthen berm constructed to a height of two and one-half feet above the adjacent elevation of the street or loading area, wherever is highest, shall not exceed a slope of one vertical in two horizontal (1:2) and shall have a crown of at least two feet. The berm shall be planted in ground covers or other plant materials to achieve a decorative effect.

**3) Wall**

A wall of brick, stone or finished and textured concrete may be constructed to the required height and opacity and landscaped with plant material to achieve a decorative effect.

#### 4) Combination

Any combination of hedge, berm or wall that effectively provides a visual screen of the parking lot or loading area to a height of two and one-half feet and achieves a decorative effect through appropriate use of landscaping and plant material.

#### 5) Street-side screening; location

The loading area screening treatment may be located within the frontage landscape strip required under this Section.

## G. Buffers Between Incompatible Land Uses

Buffers are intended to eliminate or reduce conflict between potentially incompatible, but otherwise permitted land uses on adjoining lots.

### 1. Land use buffers; where required

A land use buffer shall be required in any multifamily or nonresidential development project along a side or rear lot line that abuts a less intense land use, as follows:

***Table 8-8 Situations Where Land Use Buffer Required***

| | **Provide a Buffer on the Lot of This Use** | | | |
|---|---|---|---|---|
| **Along a Side or Rear Lot Line Next to This Use or Zoning** | 1 or 2 Family Residential | Multi-Family | Office or Commercial | Industrial |
| 1 or 2 Family Residential | | X | X | X |
| Multi-Family | | | X | X |
| Office or Commercial | | | | X |
| Light or Heavy Industrial | | | | |

### 2. Buffer design standards

#### a. General

Buffer areas shall contain no driveways, parking areas, patios, stormwater detention facilities, or any other structures or accessory uses except for a fence, wall, or earthen berm constructed to provide the visual screening required to meet the standards of this UDO. Utilities may be permitted to cross a buffer if the screening standards of this UDO will be subsequently achieved. Vehicular access through a buffer may be allowed only as a condition of rezoning, special use or planned development approval by the city council.

#### b. Minimum Required Screening

Minimum required screening shall consist of a natural buffer utilizing existing vegetation or, if existing vegetation is inadequate to provide an opaque screen, a structural buffer, in order to achieve an opaque continuous visual screen to a height of six feet, or any

combination of existing and replanted vegetation which can reasonably be expected to create an opaque visual screen six feet high within two growing seasons.

**c. Natural buffers**

**1)** Width. A natural buffer shall have a minimum width of 50 feet, or greater as required to achieve an opaque visual screen.

**2)** Natural buffers may contain deciduous or perennial vegetation but shall contain evergreen shrubs and trees suitable to local growing conditions that will provide an opaque visual screen during all seasons of the year.

**d. Structural buffers**

Structural buffers shall meet the following criteria:

**1)** Width. A structural buffer shall have a minimum width of 25 feet, or greater as required to achieve an opaque visual screen.

**2)** Structural buffers shall be vegetated throughout the minimum area required for the buffer around any fences or walls and upon any earthen berms, which may include grass, ground covers, shrubs, and trees.

**a)** All earthen berms shall have a maximum side slope one vertical of rise to two horizontal (2:1). Earthen berms shall not be constructed within the drip line of any existing trees that will remain on the property.

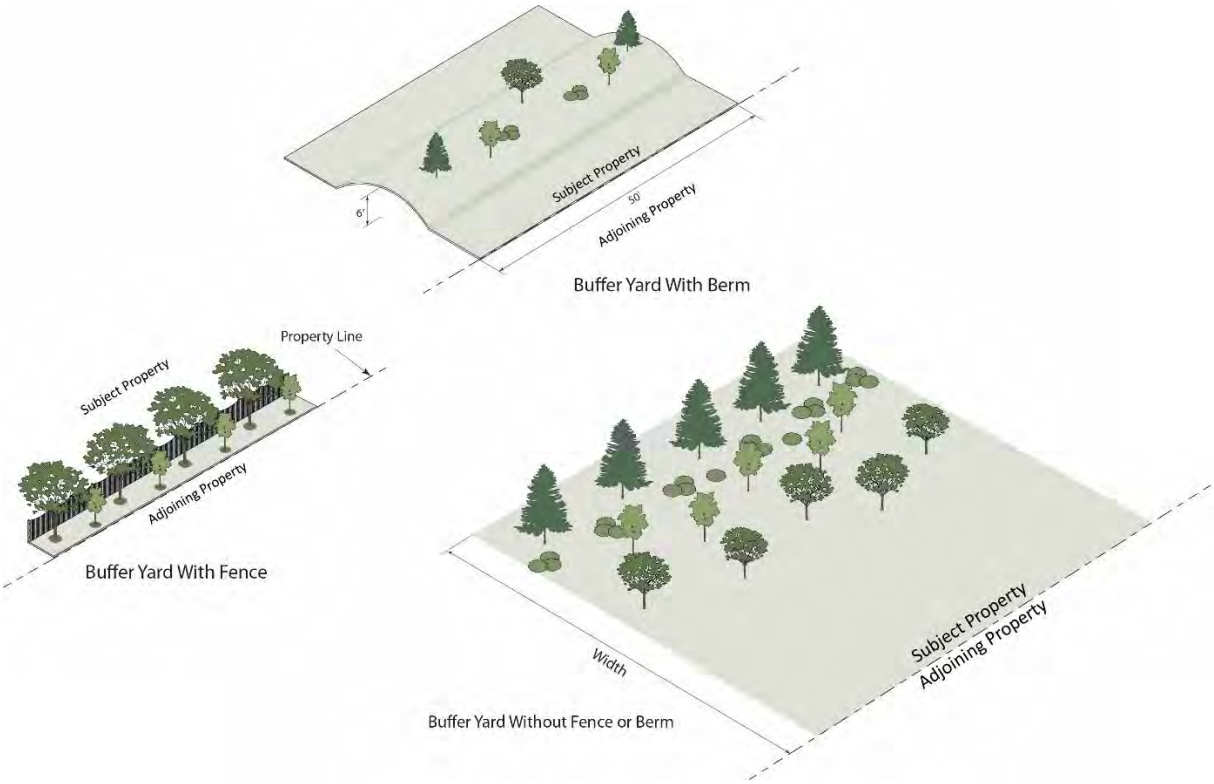
**b)** Trees shall be located or planted within any structural buffer at a density of no less than one tree unit for each 30 feet of buffer length or portion thereof. New trees shall have a caliper of no less than two inches upon planting and may be clustered for decorative effect following professional landscaping standards for spacing, location, and design.

**c)** Fences and freestanding walls shall present a finished and decorative appearance to the abutting property and shall be located no closer to the property line than two feet. Shrubs, ground covers, or other vegetation shall be provided between the fence or wall and the adjoining property line so as to provide a decorative effect, following professional landscaping standards for spacing, location and design.

**d)** Fences used in buffers must be made of rot-resistant material or protected from deterioration with waterproofing material. All hardware used shall also be of a durable weather resistant material.

**e. Examples of Buffers**

The accompanying illustration provides examples of natural and structural buffers. Other solutions meeting the minimum requirements of this section are also acceptable.




**f. Maintenance of buffers**

Every buffer and every fence required by this UDO or by special stipulations of zoning shall be maintained by the property owner. Every buffer required by this Section shall be maintained by the owner of the property where the buffer is located, so as to provide an opaque continuous visual screen to a height of six feet on a continuous, year-round basis.

**g. Buffer modifications**

If a structural buffer is provided that creates an opaque screen to a height of no less than eight feet (instead of six), the buffer may be reduced to a width of no less than 15 feet.

**h. Location of buffers**

Buffers may be relocated on the site to best achieve the screening required.

## H. Plans, Installation and Maintenance

### 1. Site landscaping plans; where required

**a.** Landscaping, buffer and tree conservation plans are required upon application for a development permit or for a building permit for new construction of buildings in any development to which landscaping, screening, buffer or tree conservation requirements apply.

**b.** In cases where approval of the landscaping, buffer and tree conservation plans would cause harmful delay to the start of construction, the Community Development Director may authorize footing and foundation permits for the project so that construction may proceed.

**c.** Permits for construction beyond the footing and foundation shall not be issued until the landscaping, buffer and tree conservation plans have been submitted and approved.

**2. Site landscaping, screening and buffer plans; criteria**

The technical specifications for landscaping, buffer and tree conservation plans are found under the "plans and permits" Section of this UDO. However, the following must be identified on the plan:

**a.** Adjacent land uses.

**b.** The species and size of all existing trees two inches in diameter or greater, showing those proposed for removal and those proposed for retention.

**c.** The species and size of all proposed trees at maturity.

**d.** The species, size and quantities of all other proposed plantings including shrubs and ground cover indicating common names, scientific names.

**e.** All proposed man-made barriers such as berms, fences or walls that are to be used for screening or buffering purposes.

**f.** Proposed grading, drainage and erosion control measures.

**g.** Description of proposed method of protecting existing trees during construction.

**h.** Proposed irrigation system, if any.

**i.** Maintenance plan.

**3. Exemptions from site landscaping plan requirements**

**a.** The provisions of this section shall not apply to structures for which site landscaping plans have previously been submitted and approved unless there is a substantial change to the development or plant material proposed.

**b.** Site landscaping plans shall be required for only that phase of development for which the development permit or building permit is being requested.

**4. Plant materials; standards**

**a. Acceptable plant materials**

The following are the minimum plant sizes and conditions to be used in satisfying the requirements of this Section. Acceptable plant materials for landscaping, screening buffers and tree replacement shall be as approved by a registered Landscape Architect.

**1)** New plant materials

**a)** Medium shrubs, 18—24 inch balled and burlapped or 2-gallon container.

**b)** Large shrubs, 24—30 inch balled and burlapped or 5-gallon container.

**c)** Ground cover, two and one-half inch peat pot.

**d)** Trees as required to meet the requirements of the tree conservation plan.

**2)** The "American Standard for Nursery Stock," published by the American Association for Nurserymen, may be referred to for the determination of plant standards.

3) Existing trees that are to be retained to satisfy the requirements of this UDO shall meet the following standards:

a) For evergreen trees, the height shall be at least six feet at time of installation.

b) For deciduous trees, the tree shall be a minimum diameter of two and one-half inches at time of installation.

c) Trees shall be free from mechanical injuries, insect infestations and disease.

d) Trees shall be protected from injury to roots, trunks and branches during grading and construction. Protective fencing, tree wells, or retaining walls shall be utilized where necessary to insure tree vigor upon completion of construction.

**b. Approval of plant materials**

Approval of proposed plant materials shall be subject to a determination by a registered Landscape Architect that the proposed material is the most appropriate for:

1) The specific location, given surrounding land uses and the type of screening used on nearby properties, and

2) The specific topography, soil, existing vegetation, USDA Plant Hardiness Zone, and other factors that may influence the effectiveness of a screen material.

**5. Installation and maintenance of plant materials**

**a. Installation of plant materials**

Plant materials, as required by the provisions of this Section, shall be installed by the date specified on the approved site landscaping plan. The Community Development Director may allow one planting season in a 12-month period in which the installation of plant materials shall be completed. For the purposes of this UDO, there shall be two planting seasons, which are from February 15 through May 31, and September 15 through November 30. Buffers, if proposed or required, shall be installed before an occupancy permit is granted; except where the weather is not suitable for planting, and escrow provisions are made in accordance with guidelines of the engineering department.

**b. Maintenance of required plant materials**

1) Residential landscaping shall conform to any care of premise or nuisance ordinance identified in the City Codified Ordinance.

2) The owner, tenant and their agent, if any, shall be jointly responsible for the maintenance of the plant materials in good condition used to meet the minimum requirements of this Section for landscaping, screening, buffer or tree conservation. The plant materials shall be kept free from refuse and debris.

3) Plants that are not in sound growing condition, or which are dying or dead, shall be removed and replaced with a plant of the same species, variety or cultivator, as acceptable to the Community Development Director. Such plant material shall meet the minimum requirements identified in section 8.02. G.2.a, Acceptable plant material.

4) Other landscape materials shall be maintained in proper repair and shall be kept clear of refuse and debris.

## I. Tree Conservation

### 1. Tree conservation; where required

#### a. Application to new development or disturbed areas

The requirements of this UDO shall apply to any activity on real property within the City of Douglasville, including, but not limited to, the following:

1) Single-family and two-family lots. Single-family and two-family lots which are new or expanded.
2) All new commercial, office, institutional, industrial, and/or manufacturing development and expansion of existing commercial, office, institutional, and/or manufacturing development into undisturbed areas;
3) All new residential subdivisions and expansion of existing subdivisions (new units and/or phases);
4) All new mixed-use developments and expansion of existing mixed-use developments into undisturbed areas;
5) All new multifamily developments and expansion of existing multifamily developments into undisturbed areas; and
6) All new townhouse developments and expansion of existing townhouse developments into undisturbed areas.

#### b. Residential subdivisions

1) Residential subdivisions shall identify on the plats/plans the total tree density required by the completion of infrastructure under this Section upon completion of infrastructure construction. At a minimum, the subdivider must fully meet the tree density requirements of this Section prior to approval of a final plat or commit to such achievement through performance surety for tree planting.
2) No Certificate of Occupancy shall be issued until the tree density requirements have been achieved as identified on the residential site plans.

#### c. Nonresidential subdivisions

New commercial and industrial subdivisions are subject to a two-staged review process by the Community Development Director (for the infrastructure and later for each individual lot). For this reason, these subdivisions may base density calculations on the net disturbed site area defined by the limits of clearance and construction. The phase 1 plan shall address the method and timing of ultimate compliance with this Section.

#### d. Nonresidential out-lots

Out-lots and separate parcels of a phased development must collectively meet minimum requirements for site density; however, in no case may an individual out-lot have less than 14 tree units per acre.

**e. Additions to existing projects**

For additions to existing projects, the density requirements may be met in either of the following two ways:

**1)** Calculate the area of any new land-disturbance and/or improvements and add replacement trees based on that area (existing trees elsewhere on the site may not be counted with this option); or

**2)** Base density requirements on the total site area and count any existing trees on the site, exclusive of zoning buffers and stream buffers.

**f. Phased projects and reduced net site areas**

Where development is going to occur in phases (by design or by implication), density calculations must be based on a site area defined by an established or estimated phase line.

Similarly, a reduced net site area may be achieved by using only the area of actual site disturbance (new projects only), provided that a limits of construction line is clearly shown on the plan (existing trees elsewhere on the site may not be counted with this option).

In both instances, the following criteria are applied regarding existing trees:

**1)** Existing trees to be counted toward meeting the density requirements should be within the phase line or limits of construction.

**2)** If the tree save areas must be established outside these areas, they must be located where future development will not impact them.

The trees in areas outside the phase line or limits of construction may not be counted toward the density requirement of subsequent phases or new projects.

**g. Alternative calculations**

Calculations for alternative compliance to tree density requirements shall be made according to the guidelines set forth at Section 8.02. J. 6, Alternative Compliance to Tree Density Requirements.

**h. Exemptions from tree conservation requirements**

The tree conservation requirements shall not apply to the following:

**1) Horticultural or agricultural**

Horticultural or agricultural operations, as follows.

**a)** All plant or tree nurseries, Christmas tree farms, and botanical gardens shall be exempt in relation to those trees that are being grown for relocation and continued growth in the ordinary course of business, or for some public purpose.

**b)** All orchards of trees in active commercial operation shall be exempt for bona fide agricultural purposes.

**c)** Land clearing or clearing and grubbing activities for clearly agricultural purposes. Clearing or grubbing conducted as part of the land development process may be

authorized only in accordance with the issuance of a land-disturbance permit under the requirements and provisions of this Section. A development permit may not be issued on any property that has been cleared or grubbed as an exempt agricultural activity within the past 12 months, unless approved by the Mayor and City Council.

**d)** Timber harvesting (selective cutting or clear cutting) for pulpwood or sawtimber shall be exempt when conducted as a bona fide agricultural activity. Timber harvesting conducted as part of the land development process may be authorized only in accordance with the issuance of a land-disturbance permit under the requirements and provisions of this Section. A development permit may not be issued on any property that has had its timber harvested as an exempt agricultural activity within the past two years.

**2) Removal of disease or infestation**

Removal of diseased or infested trees, upon the verification of the Community Development Director or other qualified forestry professional acceptable to the Community Development Director, is exempt.

**3) Imminent hazards to property owners**

Removal of trees that have become, or threaten to become, a danger to human life or property, upon the verification of the Development Services Director or other qualified forestry professional acceptable to the Director of Development Services, are exempt.

**4) Roadway construction**

Land clearing for designated roadway projects of the Georgia Department of Transportation and the City of Douglasville is exempt.

**5) Exemptions**

**a)** The removal of trees from detention ponds and drainage easements is exempt.

**b)** Public utility companies and government agencies conducting operations on public and utility rights-of-way and easements or on sites for electric power substations and similar facilities, which operations are for the purpose of assuring uninterrupted utility and governmental services and unobstructed passage on public streets, are exempt.

**c)** Summary of applicability and exemptions. Table 8-9 summarizes the circumstances under which tree conservation requirements apply to specific projects.

***Table 8-9 Summary: Applicability and Exemptions***

| | |
|---|---|
| Agricultural Operations | Land clearing for bona fide agricultural purposes including timber harvesting, plant or tree nurseries, orchards, tree farms and botanical gardens |
| Diseased or Infected Trees | Removal upon verification of Community Development Director |
| Imminent Hazards | Removal based upon danger to life or property upon verification of Community Development Director |
| Roadway Construction | Land clearing for roadway projects |
| Detention Pond | Removal of trees from detention ponds and drainage easements |
| Public Utilities | Removal conducted by public utilities or government agencies to assure uninterrupted service |

**d)** No land-disturbance or development permit may be issued within two years of agricultural clearing, clearing and grubbing or timber harvesting on a property unless variance pursuant to the UDO is approved.

**i. Trees to be provided or retained**

**1) Number of tree units upon completion of development**

**a) Minimum standard**

On each property for which a tree protection plan is required by this Section, existing trees may be retained and new trees shall be planted such that the property shall attain or exceed a tree density, standard meeting section 8.02. J. 3, Minimum Standards. The trees, both existing and new, where feasible shall be reasonably distributed throughout the site, with emphasis on tree groupings to achieve aesthetic results following professional landscaping standards. Trees may be retained or planted for credit within a public right-of-way if granted approval by the Community Development Director.

**b) Tree density standard calculation**

The tree density standard shall be calculated by summing the following credits and dividing by the total acreage of the project included within the limits of the permit application.

i. Credit for existing trees to be retained shall be calculated by multiplying the number of trees (by diameter) times the units assigned in Table 8-8 for existing trees. Credit shall be given all trees retained on a property having a diameter at breast height (DBH) of three inches or more, except for those trees retained to create a land use buffer required under section 8.02. G. 1., Land Use Buffers; Where Required.

ii. Credit for new trees proposed on the site shall be calculated by multiplying the number of trees (by diameter) times the units assigned in the Table 8-9 for new trees. Credit shall be given all new trees on a property, except for new trees of less than one inch in caliper and those trees provided to create a land use buffer required under section 8.02. G. 1., Land Use Buffers; Where Required.

iii. Additional credits shall be granted under the following circumstances:

(a) A total tree density credit not to exceed twice the units shown on Table 8-8, may be granted by the Community Development Director, under the standards set forth in this Section, for existing trees to be retained which have greater value as outstanding specimen trees or having historic value or being a rare or unique species.

(b) Existing trees to be retained within a 100-year floodplain shall be granted a bonus of 50 percent of the units assigned in Table 8-8.

**2) Retention of specimen trees**

Existing specimen trees (as defined in this UDO) shall not be removed from property other than single-family residential property, unless development would cause irreparable damage to the critical root zones.

**j. Protection of existing trees**

The following guidelines and standards shall apply to existing trees proposed to be retained for credit toward meeting the minimum required tree density standard on a property:

**1) Tree protection area**

The root system within the dripline is generally considered to be the critical root zone. To protect these critical root zones, a tree protection area shall be established around each tree or group of trees to be retained.

**a)** The tree protection area shall include, as a minimum, the total area within the dripline plus an additional three feet.

**b)** Layout of the project site utility and grading plans shall avoid disturbance of the tree protection areas.

**c)** All construction activities are prohibited within the tree protection area. Construction site activities such as parking, materials storage, concreted washout, burn-hole placement, etc., shall be arranged so as to prevent disturbances within the tree protection area.

**d)** Once tree protection areas are established and approved, no changes shall be made without first obtaining approval from the Community Development Director of the change, subject to the standards set forth in this Section.

2) **Protective barriers**

a) **Protection**

Tree protection devices are to be installed as shown on the plan or otherwise completely surrounding the tree protection area. The plan shall indicate whether the tree protection device is to be active or passive. Active protection is required where tree protection areas are located in proximity to construction activity. The locations of all tree protection devices will be verified by the Community Development Director prior to the issuance of the construction permit for clearing and/or grading. Active tree protection shall consist of chain-link, orange laminated plastic, wooden post and rail fencing or other equivalent restraining material.

b) **Signage**

All tree protection areas shall be designated as such with "Tree Protection Area" signs. These signs are intended to inform subcontractors of the tree protection process. Such signs shall be a minimum of 16 square feet in sign face area and shall state with minimum three-inch lettering "Attention Subcontractors. You must observe Tree Protection Area - No Construction or Equipment Encroachment. You are responsible for damages" or similar wording. Signs requiring subcontractor cooperation and compliance with the tree protection standards shall be posted visibly at sight entrances.

c) **Erosion and sedimentation control**

All tree protection areas must be protected from soil erosion and sedimentation intrusion through the use of silt screens or other acceptable measures placed up-slope from the tree protection area. All erosion and sedimentation control measures shall be installed in a manner that will not result in the accumulation of sediment in a tree protection area.

d) **Inspection**

All tree protection devices and erosion control barriers shall be installed prior to any clearing, grubbing, grading or any land-disturbance activity. The Community Development Director must inspect the installation of tree protection and erosion and sedimentation control devices prior to the issuance of the development permit. Tree protection must remain in functioning condition throughout all phases of development but is to be removed prior to issuance of a certificate of occupancy.

3) **Encroachment or Removal**

If encroachment into a tree protection area occurs that causes irreparable damage to the trees, the Tree Conservation Plan shall be revised by the permittee to compensate for the loss, and the revised plan must be accepted by the Community Development Director, subject to the standards set forth in this Section. Under no circumstances shall the developer be relieved of responsibility for compliance with the provisions of this Section, nor shall plan revision activities estop the department from instituting action for violation of this Section.

**4) Damage prohibited to specimen trees**

**a)** No person shall cut, carve, or otherwise damage or remove any specimen tree on nonresidential property or deface or damage any tree on residential property except in accordance with the provisions of this UDO.

**5) Prohibited activities**

**a)** Compaction prohibited. All building materials, vehicles, construction equipment, dirt, debris, or other objects likely to cause soil compaction or aboveground damage shall be kept outside the tree protection area. Where a limited amount of encroachment is unavoidable, the tree protection area shall first be cut cleanly, then immediately mulched with a four-inch layer of processed bark or wood chips or in a six-inch layer of straw.

**b)** Grade change prohibited. There shall be no raising or lowering of the ground level within the tree protection area. Stripping of topsoil in the tree protection area shall not be permitted. Where necessary, the use of moderate fill is permitted only with prior installation of an aeration system. Deposition of sediment in the tree protection area shall be prevented by placement of sediment barriers, which shall be backed by two inch by four-inch wire mesh in areas of steep slope.

**c)** Ditches prohibited. No person shall excavate any ditch within the tree protection area. Where such encroachment is unavoidable, ditches or trenches shall be located as to minimize root damage. Any such excavation in a tree protection area shall require protective measures designed by a certified arborist and approved by the Community Development Director. If roots must be cut, they must be cut cleanly and immediately mulched.

**d)** Paving prohibited. No person shall pave with concrete, asphalt, or other impervious material within the tree protection area.

**6) Purpose of tree protection devices**

Tree protection devices required by this Section ameliorate the effects of activities detrimental to trees including, but not limited to:

**a)** Soils compaction in the tree protection area resulting from heavy equipment, vehicular or excessive pedestrian traffic, or storage of equipment or materials;

**b)** Root disturbance due to cuts, fills or trenching;

**c)** Wounds to exposed roots, trunks or limbs by mechanical equipment;

**d)** Other activities such as chemical storage, cement truck cleaning, fire, or other activities that will damage the critical root zone.

**7) Other specifications**

Clearing. Where clearing has been approved, trees shall be removed in a manner which does not adversely impact the trees to be preserved. Felling trees into tree protection areas or disturbing roots inside the protection areas is prohibited. Roots shall be cut cleanly before tree removal.

### k. Tree replacement standards

New trees proposed to be planted for credit toward meeting the minimum required tree density standards on a property shall comply with the following guidelines and standards:

#### 1) Placement and quality

**a)** The spacing of new trees must be compatible with the spatial site limitations and with responsible consideration towards species size when mature.

**b)** Species selected for planting must be ecologically compatible with the specifically intended growing site. When practical, the replanted trees shall be of the same or similar species as those removed. Standards for transplanting shall be in compliance with those established by the International Society of Arboriculture, as included in the Tree and Shrub Transplanting Manual, latest edition or similar publication. Unless otherwise approved by the Community Development Director pursuant to the standards set forth in this Section, trees selected for replanting must be on the tree planting list in Table 8-10.

**c)** Trees selected for planting must be free from injury, pests, disease, nutritional disorders or root defects, and must be of good vigor so as to assure a reasonable expectation of survivability.

***Table 8-10 Approved Species List for Proposed New Trees***

| **Large Trees** | | **Small to Medium Trees** | |
|---|---|---|---|
| Silver Linden | Sycamore Rad Oak | Claudia Wannamaker Magnolia | Chaste Tree |
| Black Gum | Nuttal Oak | Chinese Evergreen Oak | Little Gem Magnolia |
| Cryptomeria | Shumard Oak | Saucer Magnolia | Creep Myrtle |
| Southern Magnolia | Scarlet Oak | Foster Holly | American Holly |
| D.D. Blanchard Magnolia | Overcup Oak | Savannah Holly | Emily Bruner Holly |
| Japanese Zelkova | Pin Oak | Wax Myrtle | Mary Nellie Holly |
| Dawn Redwood | Willow Oak | Nellie Stevens Holly | Fringetree |
| Bald Cypress | Water Oak | American Yellowwood | Dogwood |
| Florida Maple | Swamp Chestnut Oak | Japanese Maple | Flowering Cherry |
| Red Maple | Lacebark Elm | Deodar Cedar | |
| October Glory Maple | Athena Elm | | |
| Red Sunset | Maple Hybrid Elm | | |
| Autumn Flame Red Maple | River Birch | | |
| American Beach Tulip Tree | | | |

**2) Deferred planting**

In the event that new trees proposed to be planted to achieve the tree density standard are not installed upon application for a certificate of occupancy or a final plat approval, then a performance bond or other acceptable surety in an amount equal to 125 percent of the value of the new trees and their installation shall be posted in accordance with the performance bonding requirements and provision of this UDO. Such request for deferred planting shall be in writing and the language must be satisfactory and acceptable to the City Attorney prior to permitting deferred planting.

#### 3) Warranty for new plant materials

Upon final installation of new trees planted under the requirements of this Section and following acceptance by the Community Development Director, the owner shall warrant the new trees and provide for replacement of those which do not survive for a period of no less than two years.

## J. Calculation of tree units

### 1. Use of tree units

Where the requirements of this UDO with regard to the preservation or planting of trees are not expressed in terms of number of trees, they are expressed in terms of "tree units". This approach provides the developer with wide latitude of choice as to the number and sizes of trees to be planted, and their distribution following aesthetic landscaping practices, while achieving a common standard on all properties.

### 2. Establishment of tree unit values

The diameter of a tree's trunk establishes the "tree unit" value of an existing tree, as shown on Table 8-11, Tree Unit Values for Existing Trees, or for a newly planted tree as shown on Table 8-12, Tree Unit Values for New Trees. The values assigned to trees of the same size are different for existing and new trees, as indicated in the tables. One "unit" is not the same as one "tree." Actual tree diameters or calipers are to be rounded to the nearest whole number for the calculation of tree unit values (e.g., 4.5 inches in diameter = 5 inches).

***Table 8-11 Tree Unit Values for Existing Trees***

| Tree Diameter (DBH) in Inches | Tree Units | Tree Diameter (DBH) in Inches | Tree Units | Tree Diameter (DBH) in Inches | Tree Units |
|---|---|---|---|---|---|
| Seedlings | 0.0 | 13 | 2.5 | 26 | 5.8 |
| 1 | 0.0 | 14 | 3.0 | 27 | 6.0 |
| 2 | 0.0 | 15 | 3.3 | 28 | 6.2 |
| 3 | 0.0 | 16 | 3.6 | 29 | 6.4 |
| 4 | 0.6 | 17 | 4.0 | 30 | 6.6 |
| 5 | 0.8 | 18 | 4.2 | 31 | 7.2 |
| 6 | 1.0 | 19 | 4.4 | 32 | 7.8 |
| 7 | 1.2 | 20 | 4.6 | 33 | 8.4 |
| 8 | 1.4 | 21 | 4.8 | 34 | 9.0 |
| 9 | 1.6 | 22 | 5.0 | 35 | 10.0 |
| 10 | 1.8 | 23 | 5.2 | 36 | 11.0 |
| 11 | 2.0 | 24 | 5.4 | 37 or Greater | 12.0 + 1.0 for each inch in diameter over 37 |
| 12 | 2.3 | 25 | 5.6 | | |

***Table 8-12 Tree Unit Values for New Trees***

| Tree Diameter (DBH) in Inches | Tree Units | Tree Diameter (DBH) in Inches | Tree Units |
|---|---|---|---|
| Seedlings | 0.0 | 9 | 1.3 |
| 1 | 0.0 | 10 | 1.5 |
| 2 | 0.3 | 11 | 1.7 |
| 3 | 0.4 | 12 | 1.9 |
| 4 | 0.5 | 13 | 2.2 |
| 5 | 0.6 | 14 | 2.5 |
| 6 | 0.7 | 15 | 2.8 |
| 7 | 0.9 | 16 | 3.1 |
| 8 | 1.1 | 17 or Greater | 3.5 + 0.5 for each inch in diameter over 17 |

### 3. Minimum standards

On each property for which a Tree Conservation Plan is required by this UDO, existing trees may be retained and new trees shall be planted so that the property shall attain or exceed the required tree density standard for the proposed use, exclusive of any acreage within a zoning buffer area (as required under this Section) or a stream buffer. Existing tree retention, as opposed to tree clearing and replanting, is encouraged by this UDO. The minimum required tree density standard shall be as follows:

**a.** Residential - 18 tree units per acre.

**b.** Office/Commercial - 20 tree units per acre.

**c.** Industrial - 15 tree units per acre.

### 4. Proposed project's tree density calculation

The proposed project's tree density shall be calculated by summing the credits for trees to be retained and trees to be planted and dividing that number by total acreage of the project (excluding zoning buffer and stream buffer acreage). Table 8-13 identifies an example.

***Table 8-13 Example Calculation of Tree Units Required***

| Example: 24.6 acre commercial project with 3.2 acres in zoning buffers and 2.6 acres in stream buffers on the site. | |
|---|---|
| Total Property | 24.6 acres |
| Area in Zoning Buffers | -3.2 acres |
| Area in Stream Buffers | -2.6 acres |
| Net Area Subject to Tree Conservation | 18.8 acres |
| Times Minimum Tree Units Per Acre | X 20.0 |
| Total Number of Tree Units in Development | 376 Tree Units |

5. **Achieving tree density required**

   Every reasonable effort must be made to achieve the minimum required tree density standard on each development site. However, this UDO contemplates that, due to topographic or other conditions, the exact number of tree units required by the proposed project's tree density calculation may not be able to be planted and still meet professional standards for spacing and survival. A method of alternative compliance, therefore is provided.

6. **Alternative compliance to tree density requirements**

   a. **Overview**

      The intent of the tree conservation requirements is to ensure that the required density of trees is maintained on all developed sites. Occasionally, this intent cannot be met because a project site will not bear the required density of trees. To provide a viable alternative for such cases, the developer may be allowed to contribute to the City of Douglasville Tree Replacement Fund. The Community Development Director must review and approve all requests for alternative compliance to ensure that physical compliance with established standards cannot be achieved due to site considerations. As many trees as can reasonably be expected to survive must be planted on the site in question. In no instances shall more than 50 percent of the required tree site density be met through alternative compliance.

   b. **Number**

      The number of newly planted trees that can reasonably be expected to survive on a site shall be determined from the following criteria:

      **1)** Overstory Trees - 200 square feet of pervious root zone.

      **2)** Understory Trees - 75 square feet of pervious root zone.

   c. **Plan**

      Developers are required to plan their projects in such a manner as to comply with the standards provided by this UDO. Overdevelopment of a lot will not be recognized by the City as a criteria allowing use of the alternative compliance method. Site characteristics permitting use of alternative compliance are limited to those physical features outside the control of the owner and/or developer, such as the presence of rock, unusually steep grades, or ravines.

   d. **Land Disturbance Permit**

      The land-disturbance permit will only be issued after the Community Development Director has verified entitlement to use the alternative compliance under the standards of this section.

   e. **Tree Replacement Fund**

      If, in the determination of the Community Development Director, conditions do not allow for the planting of the required tree units on site due to physical characteristics of the lot outside the owner/developer's control, the permit holder may pay the City 125 percent of the total cost of purchase, delivery and installation (including a 2-year warranty) of trees at 2" (two inch) caliper, and the City will use this money to plant trees on public

property for landscape design, planting and maintenance. Actual fees shall be set by the City Council from time to time pursuant to the Administration and Enforcement Article of this UDO regarding schedules and fees.

**1) Example: Calculating Contribution Amounts**

How to determine the fee amount if there is a deficit of tree density on a parcel of land:

**a) A 4.0-acre commercial development project site has the following requirements as required in this UDO:**

i. A required Tree Density Factor of 80.0 (20 tree units per acre x 4.0 acres).

ii. Existing trees that will remain total 36.0 tree units.

iii. There is enough room on the property to accommodate approximately 32.0 tree units.

iv. Substantiation that sufficient open acreage exists to meet the ordinance standards, but physical features of the site preclude installation of the remaining required tree units.

**b) Determine the Tree Density Deficit as follows:**

80.0 tree units are required, minus 36.0 existing tree units on site, minus 32.0 new tree units = a deficit of 12.0 tree units that cannot be physically accommodated on site.

**c) Determine the acceptable contribution as follows:**

The calculation for acceptable tree unit deficit contribution is calculated in the following manner:

(Deficit of tree units' x tree unit credit calculation (Table 8-9)) x fee = contribution amount. Example:

i. There is a deficit of 12.0 tree units

ii. The minimum diameter tree required is a 2-inch tree unit for a tree unit credit of 0.3 per tree (Table 8-13)

iii. The fee required is the cost of purchase, delivery, installation and 2 year warranty of a 2 inch caliper (DBH) x 125%.

In this example, (12.0 x 0.3) x $FEE = 36 x $FEE = contribution amount.

**f. Fund Administration**

The City of Douglasville Tree Replacement Fund will be maintained by the Finance Director. A report for the City of Douglasville Tree Replacement Fund will be made available to the City Council no less often than annually. Use of funds from the Tree Replacement Fund shall be approved by City Council.

**g. Specimen trees**

The City of Douglasville strongly advocates the preservation of specimen trees. In order to encourage the preservation of specimen trees and the incorporation of these trees into the design of projects, the following shall apply:

**1)** All specimen trees shall be located on the grading plan and the landscaping, buffers, tree conservation, and land-disturbance plans, whether or not the trees are proposed to be retained.

**2)** The tree unit values shown on Table 8-11 may be increased by 100 percent for an existing tree that meets the definition of a "specimen tree" or for a "specimen tree stand" as defined herein, provided that extraordinary measures as needed are taken to protect the tree and assure its survival. Such measures may include, but are not limited to, the provision of tree wells, retaining walls, aeration, or supplementary irrigation, as applicable to the site of the tree and as approved by the Community Development Director according to the provisions of this Section.

**3)** Removal of specimen trees. Specimen trees may not be removed from property other than single-family residential property for any reason not specifically enumerated as an exemption in section I.1.H. without first obtaining a variance. Such variance must be granted by the City Council under the standards set for in section 10.03 of this UDO.

## Sec. 8.03 Site Lighting

### A. Purpose

The purpose of Section is to:

1. Minimize the adverse offsite impacts of lighting such as light trespass and obtrusive light and glare.
2. Establish regulations for safe nighttime outdoor lighting.
3. Limit the degradation of the nighttime visual environment.
4. Conserve energy and resources to the greatest extent possible.

### B. Outdoor lighting

All outdoor light sources on private property must be energy efficient, stationary and shielded or adequately recessed to ensure that all light is directed away from adjacent properties or the adjacent public rights-of-way. This includes the following types of lighting sources:

1. Canopy
2. Perimeter
3. Pole
4. Flood
5. Security

### C. Maximum height

1. The maximum height of any light, canopy, pole or wall mounted, shall not exceed 20 feet above the adjacent grade.
2. Applicants who propose lighting that exceeds 20 feet in height may request an administrative variance from the Community Development Director. Appeals to the Community Development Director's decision may be taken to the Board of Adjustment and Appeal.

### D. Lighting Plan Required

A lighting plan, to scale, is required identifying the following:

1. Pole Height,
2. Type of Luminaire to be installed
3. Site coverage with the average maintained footcandle
4. Uniformity of coverage including the maximum and minimum footcandles on site and at the property line

### E. Nonconforming lighting

#### 1. Permitted to continue

Any lawful lighting fixture established at the effective date of this UDO that does not conform to the provisions of this section may continue, provided that the lighting remains in conformance with the regulations of this subsection D., Nonconforming lighting.

#### 2. Maintenance and repair

Normal maintenance and repair, including the replacement of light bulbs, cleaning or routine, minor repair of a legal nonconforming light fixture shall not be trigger loss of lawful status as described in subsection 3. Loss of nonconforming status, unless the repair or maintenance increases the nonconforming aspects of the lighting fixture.

#### 3. Loss of nonconforming status

a. Legal nonconforming status shall cease under one or more of the following conditions:

   1) Any lighting fixture not functional or used for a period of 12 months or longer shall be deemed abandoned and shall not be reestablished; or
   2) Any lighting fixture structurally altered that it increases its nonconformity; or
   3) Any lighting fixture relocated or replaced; or
   4) Any lighting fixture damaged and the cost of repair exceeds 50% of its replacement value.

b. Upon the event of any of the aforementioned issues in the subsection above, the lighting fixture(s) shall be immediately brought into full compliance with this section or the lighting fixture shall be removed.

### F. Removal of lighting

Any lighting or lighting fixture that is determined to be in clear violation of these standards can be noticed and cities by the Community Development Director or his/her designee.

### G. Maintenance of lighting

All lighting fixtures shall be maintained in good, working order. Any lighting fixtures where all bulbs or lighting elements are not 100% functional shall be immediately repaired or turned off until the light bulb or element is replace.

## Sec. 8.04 Building and Construction

### A. General

#### 1. Title

These regulations shall be known as the Building Code of the City of Douglasville, hereafter referred to as "this code".

#### 2. Scope

a. The provisions of this code shall apply to the construction, alterations, relocation, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenance connected or attached to such buildings or structures.

b. **Exception:** Detached one and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade plan in height with a separate means of egress and their accessory structures shall comply with the International Residential Code.

#### 3. Appendices

Provisions in the appendices shall not apply unless specifically adopted.

#### 4. Intent

The purpose of this code is to establish the minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation and safety to life and property from fire and other hazards attributed to the built environment and to provide safety to firefighters and emergency responders during emergency operations.

#### 5. Referenced codes

The following codes, as adopted by the Georgia Department of Community Affairs, are adopted by reference as ordinances of the City as fully as though set out at length herein. Copies of the codes listed below shall be maintained on file in the office of the City Clerk where it shall be available for inspection by the public.

##### a. Building

The International Building Code, as adopted by the Georgia Department of Community Affairs, is adopted by reference as an ordinance of the City as fully as though set out at length herein. A copy of the International Fuel Building Code shall be maintained on file in the office of the City Clerk where it shall be available for inspection by the public.

The provisions of the International Building Code shall apply to the construction, alteration, relocation, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures.

**b. Residential Building**

The International Residential Code for One- and Two- Family Dwellings, as adopted by the Georgia Department of Community Affairs, is adopted by reference as an ordinance of the City as fully as though set out at length herein. A copy of the International Residential Code for One- and Two-Family Dwellings shall be maintained on file in the office of the City Clerk where it shall be available for inspection by the public.

The provisions of the International Residential Code for One- and Two-family Dwellings shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of detached one- and two-family dwellings and townhouses separated by a 2-hour fire-resistance-rated wall assembly, not more than three stories above grade plane in height with a separate means of egress and their accessory structures.

**c. Existing Building**

The International Existing Building Code, as adopted by the Georgia Department of Community Affairs, is adopted by reference as an ordinance of the City as fully as though set out at length herein. A copy of the International Existing Building Code shall be maintained on file in the office of the City Clerk where it shall be available for inspection by the public.

The provisions of the International Existing Building Code shall apply to the repair, alteration, change of occupancy, addition to and relocation of existing buildings.

**d. Gas**

The International Fuel Gas Code, as adopted by the Georgia Department of Community Affairs, is adopted by reference as an ordinance of the City as fully as though set out at length herein. A copy of the International Fuel Gas Code shall be maintained on file in the office of the City Clerk where it shall be available for inspection by the public.

The provisions of the International Fuel Gas Code shall apply to the installation of gas piping from the point of delivery, gas appliances and related accessories as covered in this code. These requirements apply to gas piping systems extending from the point of delivery to the inlet connections of appliances and the installation and operation of residential and commercial gas appliances and related accessories.

**e. Mechanical**

The International Mechanical Code, as adopted by the Georgia Department of Community Affairs, is adopted by reference as an ordinance of the City as fully as though set out at length herein. A copy of the International Mechanical Code shall be maintained on file in the office of the City Clerk where it shall be available for inspection by the public.

The provisions of the International Mechanical Code shall apply to the installation, alterations, repairs and replacement of mechanical systems, including equipment, appliances, fixtures, fittings and/or appurtenances, including ventilating, heating, cooling, air-conditioning and refrigeration systems, incinerators and other related systems.

### f. Plumbing

The International Plumbing Code, as adopted by the Georgia Department of Community Affairs, is adopted by reference as an ordinance of the City as fully as though set out at length herein. A copy of the International Plumbing Code shall be maintained on file in the office of the City Clerk where it shall be available for inspection by the public.

The provisions of the International Plumbing Code shall apply to the installation, alteration, repairs and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system. The provisions of the International Private Sewage Disposal Code shall apply to private sewage disposal systems.

### g. Property Maintenance

The International Property Maintenance Code, as adopted by the Georgia Department of Community Affairs, is adopted by reference as an ordinance of the City as fully as though set out at length herein. A copy of the International Property Maintenance Code shall be maintained on file in the office of the City Clerk where it shall be available for inspection by the public.

The provisions of the International Property Maintenance Code shall apply to existing structures and premises; equipment and facilities; light, ventilation, space heating, sanitation, life and fire safety hazards; responsibilities of owners, operators and occupants; and occupancy of existing premises and structures.

### h. Fire Prevention

The International Fire Code, as adopted by the Georgia Department of Community Affairs, is adopted by reference as an ordinance of the City as fully as though set out at length herein. A copy of the International Fire Code shall be maintained on file in the office of the City Clerk where it shall be available for inspection by the public.

The provisions of the International Fire Code shall apply to matters affecting or relating to structures, processes and premises from the hazard of fire and explosion arising from the storage, handling or use of structures, materials or devises; from conditions hazardous to life, property or public welfare in the occupancy of structures or premises; and from the construction, extension, repair, alteration or removal of fire suppression, automatic sprinkler systems and alarm systems or fire hazards in the structure or on the premises from occupancy or operation.

### i. Energy

The International Energy Conservation Code, as adopted by the Georgia Department of Community Affairs, is adopted by reference as an ordinance of the City as fully as though set out at length herein. A copy of the International Energy Conservation Code shall be maintained on file in the office of the City Clerk where it shall be available for inspection by the public.

The provisions of the International Energy Conservation Code shall apply to all matters governing the design and construction of buildings for energy efficiency.

#### j. Electrical

The National Fuel Gas Code, as adopted by the Georgia Department of Community Affairs, is adopted by reference as an ordinance of the City as fully as though set out at length herein. A copy of the National Electrical Code shall be maintained on file in the office of the City Clerk where it shall be available for inspection by the public.

The provisions of the National Electrical Code shall apply to all matters relating to the installation, alteration, repair, replacement and modification of electrical distribution systems in all buildings, structures and premises.

#### k. Pool and Spa

The International Pool and Spa Code, as adopted by the Georgia Department of Community Affairs, is adopted by reference as an ordinance of the City as fully as though set out at length herein. A copy of the International Pool and Spa Code shall be maintained on file in the office of the City Clerk where it shall be available for inspection by the public.

The provisions of the International Pool and Spa Code shall apply to all matters affecting or relating to health, safety and general welfare of public and private swimming pools and spas.

## B. Applicability

### 1. General

Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern.

### 2. Other Laws

a. The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.
b. Additional regulations concerning buildings and building regulations maybe found in other chapters of the Douglasville City Code.
c. Every lot developed after November 15, 2010 and having a ground irrigation system, shall have a rain sensor shut-off switch and a backflow preventer.

### 3. Referenced codes and standards

The codes and standards referenced in this code shall be considered part of the requirements of this code to the prescriber extent of each such reference and as further regulated in subsections 3.a and 3.b.

#### a. Conflicts

Where conflicts occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply.

#### b. Provisions in referenced codes and standards

Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code or the International Codes listed in Section

A.5, as applicable, shall take precedence over the provisions in the referenced code or standard.

4. **Partial invalidly**

   If any part or provision of this code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.

5. **Existing Structures**

   The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code, the International Property Maintenance Code or the International Fire Code, or as is deemed necessary by the building official for the general safety and welfare of the occupants and the public.

**C. Building Division**

1. **Creation of enforcement agency**

   The Building Division is hereby created and the official in charge thereof shall be known as the building official.

2. **Deputies**

   In accordance with the prescribed procedures of the City and with the concurrence, of the Community Development Director, the building official shall have the authority to hire a deputy-building official, the related technical personnel, inspectors, plans examiners and other employees. Such employees shall have the powers and duties as delegated by the official job description for said position.

**D. Duties of the Building Official**

1. **General**

   The building official is hereby authorized and directed to enforce the provisions of this code. The building official shall have the authority to render interpretations of this code and to adopt policies and procedures to clarify the application of its provisions. Such interpretations, policies and procedures shall comply with the intent and purpose of this code. Such policies and procedures shall comply with the intent and purpose of this code. Such policies and procedures shall not have the effect of waving requirements specifically provided for in this code.

2. **Applications and permits**

   The building official shall receive applications, review construction documents and issue permits for the erection, alteration, demolition and moving of buildings and structures, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.

3. **Notices and orders**

   The building official shall issue all necessary notices or orders to ensure compliance with this code.

4. **Inspections**

   The building official shall make all the required inspections, or the building official shall have the authority to accept reports of inspections by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency. The building official may engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the City's elected officials.

5. **Identification**

   The building official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

6. **Right of entry**

   Where it is necessary to make an inspection to enforce the provisions of this code, or where the building official has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of this code which makes the structure or premises unsafe, dangerous or hazardous, the building official is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such structure or premises be occupied, the building official shall make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry.

7. **Department records**

   The building official shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the period required for retention of public records.

8. **Modifications**

   The building official shall have the authority to grant modifications for individual cases, upon application of the owner or owner's representative, provided the building official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and such modification does not lessen health, accessibility, life and fire safety, or structural requirements. The details of action granting modification shall be recorded and entered in the files of the department.

   a. **Flood hazard areas**

      The building official shall not grant modifications to any provision required in flood hazard areas.

9. **Alternative materials, design and methods of construction and equipment**

   An alternative material, design or method of construction shall be approved where the building official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code in quality, strength, effectiveness, fire resistance, durability and safety.

**a. Research reports**

Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from approved sources.

**b. Tests**

Whenever there is insufficient evidence of compliance with the provisions of this code, the building official shall have the authority to require tests as evidence of compliance to be made at no expense to the City. Test methods shall be specified in this code or by other recognized test standards. Tests shall be performed by an approved agency. Reports of such tests shall be retained for a period required for retention of public records.

## E. Permits

### 1. Required

Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change occupancy of a building or structure, or to erect, install, enlarge, alter, repair remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

### 2. Work exempt from permit

Exemptions from permit requirements of this code shall be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

**a. Building**

**1)** One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area is not greater than 100 square feet.
**2)** Fences that are not over 6 feet in height.
**3)** Retaining walls that are not over 4 feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or IIIA liquids.
**4)** Water tanks supported directly on grade if the capacity is not greater than 5,000 gallons and the ratio of height to diameter or width is not greater than 2:1.
**5)** Sidewalks and driveways not more that 30inches above the adjacent grade and not over any basement or story below and are not part of an accessible route.
**6)** Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
**7)** Temporary motion picture, television and theater stage sets and scenery.
**8)** Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches deep, are not greater than 5,000 gallons and are installed entirely above ground.
**9)** Shade cloth structures constructed for nursery or agricultural purposes.
**10)** Swings and other playground equipment accessory to R-3 occupancies.
**11)** Window awnings in R-3 and U occupancies, supported by an exterior wall that does not project more than 54 inches from the exterior wall and does not require additional support.

12) Non-fixed and moveable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches in height.

**b. Electrical**

1) Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.
2) Provisions of this code do not apply to electrical equipment used for radio and television transmissions but do apply to equipment and wiring for a power supply and the installations of towers and antennas.
3) Temporary system required for the testing or servicing of electrical equipment or apparatus.

**c. Gas**

1) Portable heating appliances.
2) Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

**d. Mechanical**

1) Portable heating appliance.
2) Portable ventilation equipment.
3) Portable cooling unit.
4) Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
5) Replacement of any part that does not alter its approval or make unsafe.
6) Portable evaporative cooler.
7) Self-contained refrigeration system containing 10 pounds or less of refrigerant and actuated by motors of 1 HP or less.

**e. Plumbing**

1) The stopping of leaks in drains, water, soil, waste or vent pipes, provided that if any are a concealed trap, drain pipe, water, soil, waste or vent pipe that becomes defective and it becomes necessary to remove and replace with new material such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.
2) The cleaning of stoppages or the repairing of leaks in pipes, valves or fixtures and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

### 3. Emergency repairs

Where equipment replacements and repairs must be performed in an emergency, the permit application shall be submitted within the next working business day to the building official.

### 4. Repairs

The replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles is not required. Such repairs shall not include the cutting away of wall structural beam or load-bearing support, or the removal or change

of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include additions to, alterations of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting health or safety.

**5. Application for permit**

**a. Application Contents**

To obtain a permit, the applicant shall first file an application in writing on a form furnished by the department for that purpose. Such application shall:

**1)** Identify and describe the work to be covered by the permit for which the application is made.
**2)** Describe the land on which the purposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.
**3)** Indicate the use and occupancy for which the proposed work is intended.
**4)** Be accompanied by construction documents and other information as required in Section 8.04.G.
**5)** State the valuation of the proposed work.
**6)** Be signed by the applicant, or the applicant's authorized agent.
**7)** Give such other data and information as required by the building official.

**b. Action on application**

The building official shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of pertinent laws, the building official shall reject such application in writing, stating the reasons therefor. If the building official is satisfied that the proposed work conforms to the requirements of this code and laws and applicable ordinances, the building official shall issue a permit as soon as possible.

**c. Time limitation of application**

An application for a permit for any purposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the building official is authorized to grant one or more extensions of time for additional periods not exceeding 90 days each. The extension shall be requested in writing and justifiable cause demonstrated.

**6. Validity of permit**

The issuance of a permit shall not be construed to be a permit for, or an approval of, any violation of any provisions of this code or of any ordinance of the City. The issuance of a permit based on construction documents and other data shall not prevent the building official from requiring the correction of errors in the construction documents or other data. The building official is also authorized to prevent occupancy or use of a structure where in violation of this code or any other ordinances of the City.

7. **Expiration**

   Every permit shall become invalid unless the work on the site authorized by such permit commences within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The building official is authorized to grant, in writing one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

8. **Suspension or revocation**

   The building official is authorized to suspend or revoke a permit issued under the provisions of this code wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this code.

9. **Placement of permit**

   The building permit shall be on the site of the work and be visible from the public right of way until the completion of the project.

**F. Floor and Roof Load Designs**

1. **Live loads posted**

   Where the live loads for which each floor or portion thereof of a commercial or industrial building is or has been designed to exceed 50 psf, such design live loads shall be conspicuously posted by the owner in the part of each story in which they apply, using durable signs. It shall be unlawful to remove or deface such notices.

2. **Issuance of the certificate of occupancy**

   A certificate of occupancy required by subsection K shall not be issued until the floor load signs, required by subsection F.1 have been installed.

3. **Restrictions on loading**

   It shall be unlawful to place, or cause or permit to be placed, on any floor or roof of a building, structure or portion thereof, a load greater than is permitted by this code.

**G. Submittal Documents**

1. **General**

   a. Submittal documents consisting of construction documents, statement of special inspections, geotechnical reports and other data shall be submitted in two or more sets with each permit application. The construction documents shall be prepared by a registered design professional where required by Georgia state statutes. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional.
   b. **Exception:** The building official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of work applied for is such that a review of the construction documents is not necessary to obtain compliance with this code.

## 2. Construction documents

Construction documents shall be in accordance with Sections G.2.a. through G.2.e.

### a. Information on construction documents

Construction documents shall be dimensioned and drawn upon plain paper of which the minimum dimensions shall be 11”x17” in size. Electronic media documents are permitted to be submitted when approved by the building official. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and shown in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations, as determined by the building official.

### b. Fire protection system shop drawings

Shop drawings for the fire protection systems shall be submitted to indicate conformance to the construction documents, the International Fire Code and NFPA 13 and shall be approved prior to the start of system installation. Shop drawings shall contain all information as required by the referenced installation standards.

### c. Means of egress

The construction documents shall show in sufficient detail the location, construction, size and character of all portions of the means of egress including the path of the exit discharge to the public way in compliance with the provisions of the NFPA 9.

### d. Exterior wall envelope

Construction documents for all buildings shall describe the exterior wall envelope in sufficient detail to determine compliance with this code. The construction documents shall provide details of the exterior wall envelope as required, including flashing, intersections with dissimilar materials, corners, end details, control joints, intersections at roof, eaves or parapets, means of drainage, water-resistive membrane and details around openings.

The construction documents shall include manufactures installation instructions that provide supporting documentation that the proposed penetration and opening details described in the in the construction documents maintain the weather resistance of the exterior wall envelop. The supporting documentation shall fully describe the exterior wall system that was tested.

### e. Site plan

The construction documents submitted with the application for permit shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site, distances from lot lines, the established street grades and proposed finished grades and, if applicable the flood hazard areas, floodways, and design flood elevations; and it shall be drawn in accordance with an accurate boundary line survey. In case of demolition, the site plan shall show construction to be demolished and the location and size of existing buildings that are to remain.

#### 1) Design flood elevations

Where design flood elevations are not specified, they shall be established in accordance with the UDO and this code.

### 3. Examination of documents

The building official shall examine or cause to be examined the accompanying submittal documents and shall ascertain whether the construction indicated and described is in accordance with the requirements of this code and other pertinent laws or ordinances.

#### a. Approval of construction documents

When the building official issues a permit, the construction documents shall be approved, in writing or by stamp as "Reviewed for Code Compliance". One set of construction documents shall be retained by the building official. The other set shall be returned to the applicant, shall be kept at the site of work and shall be open to inspection by the building official or a duly authorized representative.

#### b. Phased approval

The building official is authorized to issue a permit for the construction of foundations or any other part of a building or structure before the construction documents for the whole building or structure have been submitted, provided that adequate information and detailed statements have been filed complying with the pertinent requirements of this code. The holder of such permit for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the building operation and without assurance that a permit for the entire structure will be granted.

#### c. Design professional in responsible charge

When it is required that documents be prepared by a registered design professional, the building official shall be authorized to require the owner to engage and designate on the building permit application a registered design professional in responsible charge. If the circumstances require, the owner shall designate a substitute registered design professional in responsible charge who shall perform the duties of the original registered design professional in responsible charge. The building official shall be notified in writing by the owner if the registered design professional in responsible charge is changed or is unable to continue the duties. The design professional in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building.

#### d. Deferred submittals

For the purposes of this section, deferred submittals are defined as those portions of the design that are not submitted at the time of the application and that are to be submitted to the building official within a specified period. Deferral of any submittal items shall have the prior approval of the building official. The registered design professional in responsible charge shall list the deferred submittals on the construction documents for review by the building official. The deferred submittal items shall not be installed until those documents have been approved by the building official.

### 4. Amended construction documents

Work shall be installed in accordance with the approved construction documents, and any changes made during construction that are not in compliance with the approved

construction documents shall be resubmitted for approval as an amended set of construction documents.

5. **Retention of construction documents**

   One set of approved construction documents shall be retained by the building official for the life of the building or structure.

## H. Temporary structures and uses

1. **General**

   The building official is authorized to issue a permit for temporary structures and temporary uses. Such permits shall be limited as to time of service but shall not be permitted for more than 180 days. The building official is authorized to grant extensions for demonstrated cause.

2. **Conformance**

   Temporary structures and uses shall conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation and sanitary requirements of this code as necessary to ensure public health, safety and general welfare.

3. **Termination of approval**

   The building official is authorized to terminate such permit for temporary structure or use and to order the temporary structure or use to be discontinued.

4. **Temporary power**

   The building official is authorized to give permission to temporary supply and use power in part of an electrical installation before such installation has been fully completed and the final certificate of completion has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat or power in NFPA 70.

## I. Fees

1. **Payment of fees**

   A permit shall not be valid until fees prescribed by law have been paid, nor shall an amendment to a permit be released until the additional fee, if any, has been paid.

2. **Schedule of permit fees**

   On buildings, structures, electrical, gas, mechanical and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the schedule as established by the Mayor and City Council.

3. **Building permit valuation**

   The applicant for a permit shall provide an estimated permit value at the time of application. Permit valuation shall include total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems. If in the opinion of the building official, the valuation is underestimated on the application, the building official shall utilized the valuation table established by ICC.

### 4. Work commencing before permit issuance

Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a fee at a rate of two times the original permit fee.

### 5. Related fees

The payment of the fee for the construction, alteration, removal or demolition for work done in connection to or concurrently with the work authorized by a building permit shall not relieve the applicant or holder of the permit from payment of other fees that are prescribed by law.

### 6. Bond and letter of credit

It shall be the duty of every contractor or builder, to give good and sufficient bond to be approved by the building official, conditioned to conform to the regulations and ordinances of the city, Douglas County and the State of Georgia. The amount of said bond for residential building shall be $10,000.00 per contractor, regardless of the number of residential buildings under construction within a subdivision; for commercial buildings, separate bonds shall be posted for each building and the amount of each bond shall be equal to ten percent of the estimated cost of construction, but not less than $10,000.00 per building and not more than $50,000.00 per building. In lieu of a bond, a contractor or builder may obtain an irrevocable letter of credit from a financial institution licensed by the State of Georgia in the appropriate amount in favor of the City of Douglasville to be approved by the building official.

### 7. Refunds

The building official is authorized to refund fees required for the issuance of a building permit provided work for such permit has not commenced.

## J. Inspections

### 1. General

Construction or work for which a permit is required shall be subject to inspection by the building official and such construction or work shall remain accessible and exposed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or to give authority to violate or cancel the provisions of this code or other ordinances of the City. Inspections presuming to give authority to violate or cancel the provisions of this code or other ordinances of the City shall not be valid. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the building official nor the City shall be liable for expenses entailed in the removal or replacement of any material required to allow inspection.

### 2. Preliminary inspection

Before issuing a permit, the building official is authorized to examine or cause to be examined buildings, structures and sites for which an application has been filed.

### 3. Required inspections

The building official, upon notification, shall make the inspections set forth in Sections J.3.a through J.3.j.

**a. Footing and foundation inspection**

Footing and foundation inspections shall be made after excavations for footing are complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspection. Materials for the foundation shall be on the job, except where concrete is ready mixed in accordance with ASTM C 94, the concrete need not be on the job.

**b. Concrete slab and under floor inspection**

**1)** Concrete slab and under floor inspections shall be made after in slab or under floor reinforcing steel and building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor.

**2)** Minimum reinforcing steel in slab at grade or above grade is 6”x 6”, 10-gauge WWF and footing is #4 rebar with 2500 PSI soil bearing capacity.

**c. Lowest floor elevation**

In flood hazard areas, upon placement of the lowest floor, including the basement, and prior to further vertical construction, the elevation certification required by the UDO and this code shall be submitted to the building official.

**d. Frame inspection**

Framing inspections shall be made after the roof deck or sheathing, all framing, fire blocking and bracing are in place and pipes, chimneys and vents to be concealed are complete and the rough electrical, gas, mechanical, plumbing, low voltage wires, pipes, ducts and draft stopping are approved.

**e. Gypsum board inspection of rated fire or smoke assemblies**

Gypsum board inspections shall be made after gypsum board, interior and exterior, is in place, but before any gypsum joints and fasteners are taped and finished.

**1) Exception:** Gypsum board that is not part of a rated assembly or shear wall.

**f. Fire and smoke resistant penetrations**

Protection of joints and penetrations in fire-resistance-rated assemblies, smoke barriers and smoke partitions shall not be concealed from view until inspected and approved.

**g. Energy efficiency inspection**

Inspections shall be made to determine compliance with the IECC and shall include, but not be limited to, inspections for: envelope insulation R- and U-values, fenestration U-value, duct system R-value, and water heating and mechanical equipment efficiency.

**h. Other inspections**

In addition to the inspections specified in Sections J.3.a through J.3.g, the building official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws that are enforce by the City.

**i. Special inspections**

For special inspections, see Chapter 17 of the International Building Code (IBC).

**j. Final inspections**

The final inspection shall be made after all work required by the building permit is completed.

**1) Flood hazard documentation**

If located in a flood hazard area, documentation of the elevation of the lowest floor is required by this UDO and shall be submitted to the building official prior to the final inspection.

**4. Inspection agencies**

The building official is authorized to accept reports of approved inspection agencies, provided such agencies satisfy the requirements as to qualifications and reliability.

**5. Inspection requests**

It shall be the duty of the holder of the building permit or the duly authorized agent to notify the building official when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such work that are required by this code.

**6. Approval required**

Work shall not be done beyond the point indicated in each successive inspection without first obtaining approval of the building official. The building official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactorily completed, or notify the permit holder or agent wherein the same fails to comply with this code. Any portion that does not comply shall be corrected and such portion shall not be covered or concealed until authorized by the building official.

## K. Certificate of Occupancy

**1. Use and occupancy**

No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made, until the building official has issued a certificate of occupancy. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or other ordinances of the City.

**2. Certificate issued**

After the building official inspects the building or structure and finds no violations of the provisions of this code or other laws that are enforced by the City, the building official shall issue a certificate of occupancy that contains the following:

**a.** The building permit number.
**b.** The address of the structure.
**c.** The name of the owner.
**d.** A description of that portion of the structure for which the certificate is issued.
**e.** The name of the building official.
**f.** The edition of the code under which the permit was issued.

g. The use and occupancy, in accordance with the provisions of Chapter 3 of the International Building Code (IBC).
h. The type of construction as defined in Chapter 6 of the International Building Code (IBC).
i. The design occupant load.
j. Any special stipulations and conditions of the building permit.

**3. Temporary occupancy**

The building official is authorized to issue a temporary certificate of occupancy before completion of the entire work covered by the permit, provided that such portions shall be occupied safely. The building official shall set a time during which the temporary certificate of occupancy is valid.

**4. Revocation**

The building official is authorized to, in writing, suspend or revoke a certificate of occupancy, or completion issued under the provisions of this code wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure or portions thereof is in violation of any ordinance or regulation or any of the provisions of this code.

## L. Service Utilities

**1. Connection of service utilities**

No person shall make connections from a utility, source of energy, fuel or power to any building or system that is regulated by this code for which a permit is required, until released by the building official.

**2. Temporary connection**

The building official shall have the authority to authorize the temporary connection of the building or system to the utility source of energy, fuel or power for a period not exceeding 90 days. On new construction projects on lots where the building or structure is not substantially complete, a permit may be granted by the building official for a temporary pole to be set and used, provided that no electrical line shall be run or maintain above ground across any public street or across property owned or occupied by any person other than the user of the temporary pole. The building may require an affidavit prior to granting of any permit for temporary electrical or gas service. The building official may terminate temporary electrical or gas service upon the expiration of any temporary utility permit, upon the discovery of any unsafe condition related to use of the utility, upon issuance of a stop work order or permit suspension, or in other appropriate circumstances.

**3. Authority to disconnect service utilities**

The building official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards set forth in Section A.5 in case of emergency where necessary to eliminate an immediate hazard to life or property or when such utility connection has been made without the approval required by Section L.1 or L.2. The building official shall notify the serving utility, and wherever possible the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to

disconnecting, the owner or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter.

## M. Board of Adjustments & Appeals

### 1. General

In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, there shall be and is hereby created a Board of Adjustments and Appeals. The Board of Adjustments and Appeals shall consist of no less than four members of city council and shall be appointed by the mayor, to serve for annual terms and at the pleasure of the mayor. Any councilmember chosen to serve as a member of a Board of Adjustments and Appeals need not hold the qualifications set forth for such post in this code. Three members of such board shall constitute a quorum, but no fewer than two affirmative votes shall be required to carry a motion. The board shall meet promptly after the filing of any appeal at a time to be designated by the building official or the chairman of such board. The board shall adopt rules of procedure for conducting its' business.

### 2. Limitations on authority

An application for appeal shall be based on a claim that the intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The board shall have no authority to waive requirements of this code.

## N. Violations

### 1. Unlawful acts

It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

### 2. Notice of violation

The building official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of this code, or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

### 3. Prosecution of violation

If the notice of violation is not complied with promptly, the building official is authorized to request the legal counsel for the City to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this code.

### 4. Violation penalties

Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in

violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law.

### O. Stop Work Order

#### 1. Authority

Whenever the building official finds any work regulated by this code being performed in a manner either contrary to the provisions of this code or dangerous or unsafe, the building official is authorized to issue a stop work order.

#### 2. Issuance

The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the condition under which the cited work will be permitted to resume.

#### 3. Unlawful continuance

Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove the violation or unsafe condition, shall be subject to penalties as prescribed by law.

### P. Unsafe Structures and Equipment

#### 1. Conditions

Structures or existing equipment that are or hereafter become unsafe, insanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be taken down and removed or made safe, as the building official deems necessary and as provided for in this section. A vacant structure that is not secured against entry shall be deemed unsafe.

#### 2. Record

The building official shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

#### 3. Notice

If an unsafe condition is found, the building official shall serve on the owner, agent or person in control of the structure, a written notice that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or that requires the unsafe structure to be demolished within a stipulated time. Such notice shall require the person thus notified to declare immediately to the building official acceptance or rejection of the terms of the order.

#### 4. Method of service

Such notice shall be deemed properly served if a copy is (a) delivered to the owner personally; (b) sent by certified or registered mail addressed to the owner at the last known

address with the return receipt requested; or (c) delivered in any manner as prescribed by local law. If the certified or registered letter is returned showing that the letter was not delivered, a copy of the letter shall be posted in a conspicuous place in or about the structure. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.

**5. Restoration**

The structure or equipment determined to be unsafe by the building official is permitted to be restored to a safe condition. To the extent that repairs, alterations or additions are made or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions or change of occupancy shall comply with the requirements of Section E.2 and Chapter 34 Existing Buildings and Structures of the International Building Code.

## Q. Application of Building and Fire Code to Existing Historic Buildings

**1. Purpose**

The purpose is to encourage the sensitive rehabilitation, restoration, stabilization, or preservation of existing buildings throughout the historic district of the city to any historic properties designated pursuant to Chapter 48 of the City Code, and to encourage the preservation of buildings and structures deemed to be historic in total or in part; provided, however, such rehabilitation and preservation efforts should provide for the upgrading of the safety features of the building or structure to provide a practical level of safety to the public and surrounding property. It is the further purpose of this section to provide guidance regarding acceptable alternative solutions and to stimulate use of alternative compliance concepts wherever practical to permit the continued use of existing buildings and structures.

**2. Definitions**

As used in this section, the term:

**a.** *Building system* means any utility, mechanical, electrical, structural, egress, or fire protection/safety system.
**b.** *Capacity* means the maximum number of persons who may be reasonably expected to be present in any building or on any floor thereof at a given time according to the use which is made of such building. The building official shall determine the capacity for each use.
**c.** *City* means the City of Douglasville, Georgia or its building official.
**d.** *Enforcement authority* means the City of Douglasville Building Official, Douglas County Fire Marshal or the State of Georgia Fire Marshal.
**e.** *Existing building or structure* means any completed building or structure which has been placed in service and was originally constructed prior to January 1, 1975.
**f.** *Local enforcement authority* means the City of Douglasville or its building official.
**g.** *State enforcement authority* means the State of Georgia Fire Marshal.

**3. Scope and jurisdiction**

The provisions of this section shall only apply to buildings and structures located within the commercial historic district of the city, and to any individual properties designated pursuant to Chapter 48 of the City Code, but the provisions of this section shall not be applicable to new construction built after January 1, 1975, except as specifically provided herein.

Where an existing building or structure falls within the jurisdiction of both state and local enforcement authorities, the final review of any part of the project which is under the jurisdiction of both such enforcement authorities shall occur with the state authority; provided, however, no compliance alternative for any building may be approved by the state enforcement authority absent a written agreement with the building official for that building.

**4. Alteration or repair without total compliance with new construction requirements**

The provisions of this section authorize the enforcement authorities to permit the repair, alteration, addition or change of use or occupancy of existing buildings without total compliance with any rule, regulation, code or standard for new construction requirements under the following conditions:

**a.** All noted conditions hazardous to life, based on the provisions of applicable state and local codes for existing buildings, and outlined in Q.5, shall be corrected to a reasonable and realistic degree as set forth in this section.
**b.** The existing building becomes the minimum performance standard; and
**c.** The degree of compliance of the building after changes must not be below that existing before the changes. Nothing in this section will require nor prohibit compliance with requirements more stringent than those provided in this section.

**5. Identification and correction of certain conditions or defects**

With reference to existing buildings, enforcement authorities shall assure that any of the conditions or defects described in this section are identified and corrected as deemed appropriate by the enforcement authority having jurisdiction and through the utilization of appropriate compliance alternatives:

**a.** Structural. Any building or structure or portion thereof which is in imminent danger of collapse because of but not limited to the following factors:

**1)** Dilapidation, deterioration, or decay;
**2)** Faulty structure design or construction;
**3)** The removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; or
**4)** The deterioration, decay or inadequacy of the foundation.

**b.** Number of exits. Less than two approved independent, remote and properly protected exit ways serving every story of a building, except where a single exit is permitted by the applicable state or local fire or building code or life safety code;
**c.** Capacity of exits. Any required door, aisle, passageway, stairway or other means of egress which is not so arranged as to provide a safe and adequate means of egress to a place of safety; and
**d.** Mechanical systems. Utilities and mechanical systems not in conformance with the codes in affect at the time of construction of a building which create a serious threat of fire or threaten the safety of the occupants of the building.

**6. Additions to existing buildings**

Additions to existing buildings shall comply with the applicable requirements of state and local laws, rules, regulations, codes and standards for new construction. Such additions shall not impose loads either vertical or horizontal which would cause the existing building to be subject to stresses exceeding those permitted under new construction. If an existing building

does not comply with the standards provided in this section and the authorized enforcement authority find that the addition adversely affects the performance of the total building, the authorized enforcement authority may require:

a. The new addition to be separated from the existing structure by at least a two-hour fire wall with protected openings; or
b. A one-hour fire wall with protected openings and the installation of an approved automatic fire suppression system; or
c. Other remedies which may be deemed appropriate by the enforcement authority.

7. **Minor alterations and new mechanical systems**

Minor alterations and repairs to an existing building which do not adversely affect the performance or safety of the building may be made with the same or like materials. Existing buildings which, in part or, as a whole, exceed the requirements of any applicable construction or fire safety code, may, in the course of compliance with this section, have reduced or removed, in part or in total, features not required by such code for new construction; provided, however, that such features were not a condition of prior approval. Existing buildings and structures which, in part, or as a whole, do not meet the requirements of the applicable code for new construction may be altered or repaired without further compliance to any such code by utilizing the provisions of this section, provided their present degree of compliance to any applicable construction or fire safety code is not reduced. Any new mechanical system installed in an existing building shall conform to the applicable codes for new construction to the fullest extent practical as approved by the authorized enforcement authority.

8. **Continued use**

The legal occupancy of any building or structure may be continued without change, except as may be provided otherwise by this section or as may be legally provided for by any applicable state or local law, ordinance rule, regulation, code or standard.

9. **Change of use**

a. A total change in the use or occupancy of an existing building which would cause a greater hazard to the public shall not be made unless such building is made to comply with the requirements of the applicable state and local rules, regulations, codes and standards for the new use or occupancy; provided, however, the compliance alternative provisions of this section may be utilized by the authorized enforcement authorities where total or strict compliance with the applicable state or local rules, regulations, codes or standards is not practical.
b. When the proposed use is of equal or lesser hazard as determined by an authorized enforcement authority, further compliance with any code for new construction is not required unless otherwise provided in the section. Alterations or repairs to an existing building or structure which do not adversely affect the performance of the building may be made with like materials. Any proposed change to the existing building or change in type of contents of the existing building shall not increase the fire hazard to adjacent buildings or structures. If the fire hazard to adjacent buildings or structures increased, then requirements of applicable construction or fire safety codes for exterior walls shall apply.

c. Exceptionally, for buildings located within the historic district and lying south of Veterans Memorial Highway, north of Church Street, east of Club Drive and west of Campbellton Street, installation of automatic fire sprinkler systems shall not be required.

**10. Change of use of a portion of a building**

a. If a portion of a building is changed to a new use or occupancy and that portion is separated from the remainder of the building with vertical and horizontal fire separations complying with applicable state or local rules regulations, codes or standards or compliance alternatives, then the portion changed shall be made to comply to the applicable requirements for the new use or occupancy to the extent noted in Section Q.9

b. If a portion of the building is changed to a new use or occupancy and that portion is not separated from the remainder of the building as noted in the section above, then the provisions of the applicable state and local rules, regulations, codes and standards applying to each use or occupancy of the building shall apply to the entire building to the extent noted in Section Q.9; provided , however, if there are conflicting provisions in requirements for the various uses or occupancies, the authorized enforcement authority shall apply the strictest requirements

c. Exceptionally, for buildings located in the historic district and lying south of Veterans Memorial Highway, north of Spring Street, east of Club Drive and west of Duncan Street, installation of automatic fire sprinkler systems shall not be required.

**11. Floor loading**

Any proposed change in the use or occupancy of an existing building or portion thereof which could increase the floor loading should be investigated by a Georgia registered professional engineer to determine the adequacy of the existing floor system to support the increased loads. If the existing floor system is found to be inadequate, it should be modified to support the increased loads, or the proposed allowable floor loading shall be reduced by and posted by the appropriate enforcement authority. With the requirements

**12. Documentation**

Whenever any compliance alternative pursuant to this article is requested, the applicant shall submit complete architectural and engineering plans and specifications consistent with the requirements of this article. Whenever action is taken on any existing building to repair, make alterations, or change the use or occupancy of an existing structure and, when said action proposes the use of compliance alternatives, the authorized enforcement authority shall ensure that at least one copy of the accepted compliance alternatives approved, including applicable plans, test data, or other data submitted for evaluation, be maintained on file in the office of the building official. If any structure also falls under the jurisdiction of a state level enforcement authority, at least one copy of the same material shall be maintained on file with that authority.

**13. Compliance Alternatives**

Sections Q.13.a through Q.13.e contain generally acceptable compliance alternatives illustrating principles which shall be applied to the rehabilitation of existing buildings by enforcement authorities in the city. It is recognized for purposes of this section that all building systems interact with each other; therefore, any consideration of compliance alternatives should take into account all existing and proposed conditions to determine their

acceptability. The compliance alternatives are not all-inclusive and do not preclude consideration and approval of other alternatives by any enforcement authority.

**a.** Compliance alternatives for inadequate number of exits include, but are not limited to, the following:

**1)** Provide connecting fire-exit balconies acceptable to the enforcement authority between buildings;
**2)** Provide alternate exit or egress facilities leading to safety outside the building or to a place of safe refuge in the building or an adjoining building as acceptable to the enforcement authority;
**3)** Provide an exterior fire escape or escapes as acceptable to the enforcement authority where the providing of enclosed interior or enclosed exterior stairs is not practical; or
**4)** Install early fire warning and fire suppression systems.

**b.** Compliance alternatives for excessive travel distance to an approved exit include, but are not limited to, the following:

**1)** Install an approved smoke detection system throughout the building;
**2)** Install an approved automatic fire suppression system;
**3)** Subdivide the exit travel route with smoke-stop rated doors acceptable to the enforcement authority;
**4)** Increase the fire resistance rating of corridor walls and doors; or
**5)** Provide additional approved means of escape.

**c.** Compliance alternatives for unenclosed or improperly enclosed exit stairways or vertical shafts include, but are not limited to, the following:

**1)** Improve enclosure of exit stairway;
**2)** Add a partial fire suppression system acceptable to the enforcement authority;
**3)** Add a sprinkler draft curtain; or
**4)** Add a smoke detection system.

**d.** Compliance alternative for inadequate or total lack of fire partitions or fire separation walls shall be set forth in subsection Q.13.c.

**e.** Compliance alternatives for a lack of required protection of openings in exterior walls where fire exposure is a risk include, but are not limited to, the following:

**1)** Improve fire resistance of existing openings and protect them with fire-rated windows or doors as appropriate;
**2)** Seal the openings with fire-rated construction as approved by the enforcement authority; or
**3)** Install an approved fire suppression system.

### 14. Appeals and interpretations

Should any applicant disagree with a decision of the building official based on this article, an appeal may be made to the Board of Adjustments and Appeals in writing and filed with the building official within 30 days of the decision. Should the building official desire an interpretation of any provision of this article, he may request an interpretation from the Board of Adjustments and Appeals in writing any time. Should any applicant be dissatisfied

with any ruling or decision on the state fire marshal pursuant to the provisions of this article, the applicant is granted to appeal to the commissioner as provided in O.C.G.A. 8-2-221.

**15. Liability provisions**

Nothing in this UDO shall be construed to constitute a waiver of the sovereign immunity of the city or any officer or employee thereof in carrying out the provisions of this article. Further, no action shall be maintained against the city, or any duly authorized elected or appointive officer or duly authorized employee thereof, for damages sustained because of any fire or hazard covered by this article by reason of inspection or other action taken or not taken pursuant to this article. Nothing in this article shall be construed to relieve any property owner or lessee or person in charge thereof from any legal duty, obligation or liability incident to the ownership, maintenance or use of such property.

# ARTICLE 9 NATURAL RESOURCE PROTECTION

ARTICLE 9 NATURAL RESOURCE PROTECTION ..... 9-1

Sec. 9.01 Stream Buffer Protection ..... 9-2

Sec. 9.02 Soil Erosion, Sedimentation and Pollution Control ..... 9-4

Sec. 9.03 Soil Conservation and Timber Harvesting ..... 9-16

# ARTICLE 9 NATURAL RESOURCE PROTECTION

## Sec. 9.01 Stream Buffer Protection

### A. Findings

Whereas, the City of Douglasville finds that buffers adjacent to streams 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 in urban stormwater;
3. Reducing erosion and controlling sedimentation;
4. Protecting and stabilizing stream banks;
5. Providing for infiltration of stormwater runoff;
6. Maintaining base flow of streams;
7. Contributing organic matter that is a source of food and energy for the aquatic ecosystem;
8. Providing tree canopy to shade streams and promote desirable aquatic habitat;
9. Providing riparian wildlife habitat;
10. Furnishing scenic value and recreational opportunity; and
11. Providing opportunities for the protection and restoration of greenspace.

### 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 zones along the streams of the city for the protection of water resources; and
2. Minimize land development within such buffers by establishing buffer zone requirements and by requiring authorization for any such activities.

### C. Applicability; compatibility with other buffer regulations

This Division 5 shall apply to all land development activity on property containing a stream protection area as defined in this UDO. These requirements are in addition to, and do not replace or supersede, any other applicable buffer requirements established under state law or as may be prescribed under this UDO, 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. This section is not intended to interfere with, abrogate or annul any other ordinance, rule or regulation, statute or other provision of law. The requirements of this section should be considered minimum requirements, and where any provision of this UDO imposes restrictions different from those imposed by any other ordinance, rule, regulation or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall be considered to take precedence.

## D. Exemptions

The following specific activities are exempt from section 9.01, Stream Buffer Protection. Exemption of these activities does not constitute an exemption for any other activity proposed on a property.

1. Activities for building one of the following:
   a. A stream crossing by a driveway, transportation route or utility line;
   b. Public water supply intake or public wastewater outfall structures;
   c. Intrusions necessary to provide access to a property;
   d. Public access facilities that must be on the water including boat ramps, docks, foot trails leading directly to the river, fishing platforms and overlooks;
   e. Unpaved foot trails and paths;
   f. Activities to restore and enhance stream bank stability, vegetation, water quality and/or aquatic habitat, so long as native vegetation and bioengineering techniques are used.
2. Public sewer line easements paralleling the creek, except that all easements (permanent and construction) and land disturbance should be at least 25 feet from the top of the bank. This includes such impervious cover as is necessary for the operation and maintenance of the utility, 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 D.1.
3. Land development activities within a right-of-way existing on April 1, 2008 or approved under the terms of this division or by variance.
4. Within an easement of any utility existing at the time this UDO takes effect or approved under the terms of this UDO, land disturbance activities and such impervious cover as is necessary for the operation and maintenance of the utility, including but not limited to manholes, vents and valve structures.
5. 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 zoning official 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 zoning official 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 protection area.
6. 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 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 years after the end of the activities that intruded on the buffer.

## E. Buffer and setback requirements

All land development activity subject to this UDO shall meet the following requirements:

1. An undisturbed natural vegetative stream buffer shall be maintained for 50 feet, measured horizontally, on both banks (as applicable) of the stream as measured from the top of the stream bank.

2. An additional stream setback shall be maintained for 25 feet, measured horizontally, beyond the undisturbed 50 foot natural vegetative buffer, in which all impervious cover shall be prohibited along the banks of all perennial and intermittent State waters. Grading, filling and earthmoving shall be minimized within the setback.
3. No septic tanks or septic tank drain fields shall be permitted within the stream buffer or the stream setback.

## Sec. 9.02 Soil Erosion, Sedimentation and Pollution Control

### A. Exemptions

1. This section shall apply to any land-disturbing activity undertaken by any person on 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 clearing for such quarrying;
   c. Such minor land-disturbing activities as home gardens and individual home landscaping, repairs, maintenance work, fences, and other related activities which result in minor soil 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 of development or sale with a planned disturbance of equal to or greater than one acre and not otherwise exempted under this paragraph; provided, however, that construction of any such residence shall conform to the minimum requirements as set forth in section 5.04 and this paragraph. For single-family residence 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 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 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. The minimum requirements of subsection B.2.b of this section and the buffer zones provided by this paragraph shall be enforced by the local issuing authority;
   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 paragraphs 5.04.03. O. and P. of this

article, 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; 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 bank of any state waters, and for purposes of this paragraph, "State Waters" excludes channels and drainageways which have water in them only during and immediately after rainfall events and intermittent streams which do not have water in them year-round; provided, 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 city from regulating any such project which is not specifically exempted by paragraphs section a-j of this subsection;

**i.** Construction or maintenance projects, or both, undertaken or financed in whole or in part, or both, by the 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 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 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 city, the city 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 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 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 city 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.

## B. Minimum requirements for erosion, sedimentation and pollution control using best management practices

### 1. General provisions

Excessive soil erosion and resulting sedimentation can take place during land-disturbing activities if requirements of the article and the NPDES General Permit are not met. Therefore, plans for those land-disturbing activities which are not exempted by this article 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 subsections B.2. or B.3. 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 article and the NPDES General Permit.

### 2. Minimum Requirements/BMPs

**a.** Best management practices as set forth in sections b. and c. of this section shall be required or all land-disturbing activities. Proper design, installation, and maintenance of best management practices shall constitute a complete defense to any action by the development official or to any other allegation of noncompliance with paragraph b. of this subsection 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 subsection 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).

**b.** 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 director. 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.

**c.** Failure to properly design, install, or maintain best management practices shall constitute a violation of any land-disturbing permit issued by the city 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.

**d.** The development official may require, in accordance with regulations adopted by the board, reasonable and prudent monitoring of the turbidity level of receiving waters into which discharges from land-disturbing activities occur.

**3. Additional requirements**

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:

**a.** Stripping of vegetation, regrading and other development activities shall be conducted in a manner to minimize erosion;
**b.** Cut-fill operations must be kept to a minimum;
**c.** Development plans must conform to topography and soil type to create the lowest practicable erosion potential;
**d.** Whenever feasible, natural vegetation shall be retained, protected and supplemented;
**e.** The disturbed area and the duration of exposure to erosive elements shall be kept to a practicable minimum;
**f.** Disturbed soil shall be stabilized as quickly as practicable;
**g.** Temporary vegetation or mulching shall be employed to protect exposed critical areas during development;
**h.** Permanent vegetation and structural erosion control practices shall be installed as soon as practicable;
**i.** To the extent necessary, sediment in run-off water must be trapped using 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.;
**j.** Adequate provisions must be provided to minimize damage from surface water to the cut face of excavations or the sloping of fills;
**k.** Cuts and fills may not endanger adjoining property;
**l.** Fills may not encroach upon natural watercourses or constructed channels in a manner to adversely affect other property owners;
**m.** 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;
**n.** 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 subsection B.2.b;
**o.** Except as provided in paragraph 9.02 B.3.p. of this subsection, 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 development official determines to allow a variance that is at least as protective of natural resources and the environment, where otherwise allowed by the development

official 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 ground-water table year round; for which ground water 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 O.C.G.A. at. tit. 12, ch. 5, art. 5, pt. 6, the "Georgia Water Quality Control Act", shall remain in force unless a variance is granted by the development official as provided in this paragraph. The following requirements shall apply to any such buffer:

**1)** 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 stream bed; provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his or her 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 stream bed; and

**2)** 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: (1) Stream crossings for water lines; or (2) Stream crossings for sewer lines; and

**p.** 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 O.C.G.A. tit. 12, ch. 5, art. 2, 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, 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 city 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:

**1)** 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 stream bed: provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his or her 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 stream bed; and

**2)** 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: (a) Stream crossings for water lines; or (b) Stream crossings for sewer lines.

**4. Exceeding minimum requirements**

Nothing contained in O.C.G.A. § 12-7-1 et seq. shall prevent any City from adopting rules and regulations, ordinances, or resolutions which contain stream buffer requirements that exceed the minimum requirements in subsection B.2 Minimum requirements/BMPs and B.3, Additional requirements.

**5. Presumption of violation**

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 article or the terms of the permit.

## C. Application/permit process

**1. Generally**

The property owner or operator, developer and designated planners and engineers shall design and review before submittal the general development plans. The city shall review the tract to be developed and the area surrounding it. They shall consult the zoning code, the development code, this article, and any other ordinances, rules, regulations or permits, which regulate the development of land within the jurisdictional boundaries of the city. However, the owner or the operator is the only party who may obtain a permit; every application shall be accompanied by written proof that the applicant is the owner or operator of the subject property.

**2. Application requirements**

**a. Permit Required**

No person shall conduct any land-disturbing activity within the jurisdictional boundaries of the City of Douglasville, Georgia, without first obtaining a permit from the city to perform such activity and providing a copy of notice of intent submitted to EPD, as applicable.

**b. Application**

The application for a permit shall be submitted to the development official 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 subsection 5.05.03 of this section. 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 subsections 5.05.02 and 5.05.03 of this section will be met. Applications for a permit will not be accepted unless accompanied by seven 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. Additional copies of the applicant's erosion, sedimentation and pollution control plans may also be submitted directly to EPD, as specified by the development official.

**c. Fees**

The city assesses local permitting fees and state-mandated fees. All applicable fees shall be paid prior to issuance of the land disturbance permit. A fee, as identified in the fee schedule for the City of Douglasville, shall be charged for each acre or fraction thereof in the project area. In addition to the local permitting fees, state-mandated fees shall also be assessed pursuant to O.C.G.A. § 12-5-23(a)(5), and regulations adopted thereunder by EPD. In the case of a subdivision or other larger common plan of development or sale, "per disturbed acre" includes all acreage to be disturbed in the entire development. Fees for the city shall be submitted to the city including primary and secondary permittees. Fees for the state shall be submitted to the state on EPD forms available at http://www.gaepd.org. However, 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.

**d. Review and Approval**

Immediately upon receipt of an application and plan for a permit, the city shall refer the application and plan to the district for its review and approval or disapproval concerning the adequacy of the erosion, sedimentation and pollution control plan. The district shall approve or disapprove a plan within 35 days of receipt. Failure of the district to act within 35 days shall be considered an approval of the pending plan. The results of the district review shall be forwarded to the city. No permit will be issued unless the plan has been approved by the district, and any variances required by paragraphs B.3.o. and p. has been obtained, all fees have been paid, and bonding, if required as per this section, have been obtained. Such review will not be required if the city and the district enter into an agreement which allows the city to conduct such review and approval of the plan without referring the application and plan to the district.

**e. Violations**

If a permit applicant has had two or more violations of previous permits, this article, or the Erosion and Sedimentation Act, as amended, within three years prior to the date of filing the application under consideration, the city may deny the permit application.

**f. Bond**

The city or WSA 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 city may call the bond 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. The development official may release a portion of the letter of credit, for the land-disturbing amount, after final stabilization is complete and all permanent vegetation and stabilization measures are in place. If the permit holder believes it is not in violation of this article such that the surety should not be drawn against, the permit holder may appeal any notice to comply to the city's Mayor and City Council as provided in Article 12, Administration and Enforcement and section H., Administrative appeal/judicial review. Appeal shall be made by filing a written notice of appeal within 30 days of any notice to comply with the development official, stating the basis for the appeal. The mayor and city council shall consider the appeal at the next scheduled public meeting. Except in emergency situations, the surety shall not be drawn against until the appeal is considered. The decision of the mayor and city council shall be final.

### D. Plan Requirements

1. Plans must be prepared to meet the minimum requirements as contained inthis UDO, or using 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 article. 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 his or her 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.

### E. Permits

1. Permits shall be issued or denied as soon as practicable but, in any event, not later than 45 days after receipt by the city 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.
2. No permit shall be issued by the city unless the erosion, sedimentation and pollution control plan has been approved by the district and the city has affirmatively determined that the plan is in compliance with this article, any variances required by paragraphs 5.04.03 O. and P. are obtained, bonding requirements, if necessary, as per subparagraph 5.05.02 E. (2) are met and all ordinances and rules and regulations in effect within the jurisdictional boundaries of the city are met. If the permit is denied, the reason for denial shall be furnished to the applicant.

3. Any land-disturbing activities by a local issuing authority shall be subject to the same requirements of this article, and any other ordinances relating to land development, as are applied to private persons and the division shall enforce such requirements upon the local issuing authority.
4. If the tract is to be developed in phases, then a separate permit shall be required for each phase.
5. The permit may be suspended, revoked, or modified by the city, 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 article. 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.
6. The city 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, as per O.C.G.A. § 12-7-7(f)(1). The development official 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 article or with the conditions of the permit after issuance, the 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.

**F. Inspection and enforcement**

1. The city and Douglasville-Douglas County Water and Sewer Authority (WSA) 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 city and WSA 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 article, 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 article.
2. The city and WSA shall have the power to conduct such investigations as they may reasonably deem necessary to carry out duties as prescribed in this article, and for this purpose to enter at reasonable times upon any property, public or private, for investigation and inspecting the sites of land-disturbing activities.

3. No person shall refuse entry or access to any authorized representative or agent of the city, WSA, 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.
4. 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 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.
5. 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.

## G. Penalties and incentives

### 1. 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 article without first obtaining said permit, the person shall be subject to revocation of his business license, work permit or other authorization for the conduct of a business and associated work activities within the jurisdictional boundaries of the city.

### 2. Stop-work orders

a. For the first and second violations of the provisions of this article, the director or the city shall issue a written warning to the violator. The violator shall have five days to correct the violation. If the violation is not corrected within five days, the director or the city shall issue a stop-work order requiring that land-disturbing activities be stopped until necessary corrective action or mitigation has occurred; provided, however, that, if the violation presents an imminent threat to public health or waters of the state or if the land-disturbing activities are conducted without obtaining the necessary permit, the director or the city shall issue an immediate stop-work order in lieu of a warning;
b. For a third and each subsequent violation, the director or the city shall issue an immediate stop-work order; and
c. All stop-work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred.

d. When a violation in the form of taking action without a permit, failure to maintain a stream buffer, or significant amounts of sediment, as determined by the city or by the director or his or her designee, have been or are being discharged into state waters and where best management practices have not been properly designed, installed, and maintained, a stop-work order shall be issued by the city or by the director or his or her 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 except for the installation and maintenance of temporary or permanent erosion and sediment controls.

### 3. 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 article and, in addition to other penalties, shall be deemed to have forfeited his performance bond, if required to post one under the provisions of section 5.05. The city 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.

### 4. Monetary penalties

Any person who violates any provisions of this article, or any permit condition or limitation established pursuant to this article, or who negligently or intentionally fails or refuses to comply with any final or emergency order of the director issued as provided in this article shall be liable for a civil penalty not to exceed $2,500.00 per day. For the purpose of enforcing the provisions of this article, notwithstanding any provisions in the City Charter to the contrary, the Douglasville Municipal Court shall be authorized to impose penalty not to exceed $2,500.00 for each violation. Each day during which violation or failure or refusal to comply continues shall be a separate violation.

## H. Administrative appeal/judicial review

### 1. Administrative remedies

The suspension, revocation, modification or grant with condition of a permit by the issuing authority upon finding that the holder is not in compliance with the approved erosion and sediment 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 city council within 30 days after receipt by the issuing authority of written notice of appeal submitted to the development official.

### 2. Judicial review

Any person, aggrieved by a decision or order of the issuing authority, after exhausting his administrative remedies, shall have the right to appeal de novo to the Superior Court of Douglas County.

## I. Education and certification

1. 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.
2. 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.
3. 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 article.
4. 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 paragraph.

## J. Validity and liability

### 1. Validity

If any section, paragraph, clause, phrase, or provision of this article shall be adjudged invalid or held unconstitutional, such decisions shall not affect the remaining portions of this article.

### 2. Liability

a. Neither the approval of a plan under the provisions of this article, nor the compliance with provisions of this article shall relieve any person from the responsibility for damage to any person or property otherwise imposed by law nor impose any liability upon the city or district for damage to any person or property.
b. 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 article or the terms of the permit.
c. No provision of this article 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.

## Sec. 9.03 Soil Conservation and Timber Harvesting

### A. Notice of timber harvesting

All persons or firms harvesting standing timber, whether for delivery as pulpwood, logs, poles or wood chips for delivery to any woodyard or processing plant, or for any "agriculture" purpose as defined by Official Code of Georgia Annotated subsection 1-3-3(4.1), shall provide notice to the development official prior to cutting any such timber.

### B. Requirements of notice

Notice shall be provided for each separate tract to be harvested and shall include the following:

1. A map of the area which identifies the location of the tract to be harvested and, as to those trucks which will be traveling to and from such tract for purposes of picking up and hauling loads of cut forest products, the main point of ingress to such tract from a public road and, if different, the main point of egress from such tract to a public road;
2. A statement as to whether the timber will be removed pursuant to a lump sum sale, per unit sale, or owner harvest for purposes of ad valorem taxation under Official Code of Georgia Annotated section 48-5-7.5;
3. The name, address, and daytime telephone number of the timber seller if the harvest is pursuant to a lump sum or per unit sale or of the timber owner if the harvest is an owner harvest; and
4. The name, business address, business telephone number, and nighttime or emergency telephone number of the person or firm harvesting such timber.

### C. Submission of notice

Notice may be submitted in person, by transmission of an electronic record via telefacsimile or by mail.

### D. Bond or letter of credit

Prior to cutting any such timber, the owner of such property or such persons or firms harvesting standing timber shall deliver to the development official a bond or letter of credit the amount of $5,000.00 protecting the city against any damage caused by such person or firm. If a bond is given for this purpose, it shall be a valid surety bond, executed by a surety corporation authorized to transact business in this state. If a letter of credit is given for this purpose, it shall be a valid irrevocable letter of credit issued by a bank or savings and loan association, as defined in Official Code of Georgia Annotated section 7-1-4. For purposes of this division, any such surety bond or letter of credit shall be valid only for the calendar year in which delivered. The notice required by this division shall not be or remain effective for such harvesting operations during any time period while the required bond or letter of credit is not valid and on file with the city.

### E. Effective period for notice

Notice shall be effective for such harvesting operation on such tract within the city upon receipt of the same by the development official and upon compliance with the requirements of section 6.24 and until such time as the person or firm giving such notice has completed the harvesting operation for such tract; provided, however, that any subsequent change in the facts required to be provided for purposes of such notice shall be reported to the development official within three business days after such change.

### F. Penalties

Violation of the notice requirements of any ordinance or resolution adopted pursuant to this Code section shall be punishable by a fine not exceeding $500.00.

### G. Notification to county

Upon receipt of any notice required by this division regarding timber harvesting operations to be conducted in whole or in part within the city, the development official shall transmit a copy of such notice to Douglas County Board of Commissioners or their designated agent.

### H. Driveway permit not required

No driveway permit shall be required solely for purposes of timber harvesting.

# ARTICLE 10 PLANS AND PERMITS


ARTICLE 10 PLANS AND PERMITS ..... 10-1

Sec. 10.01 General Applicability ..... 10-2

Sec. 10.02 Developments of Regional Impact ..... 10-2

Sec. 10.03 Required Submittal Components by Permit Type ..... 10-2

Sec. 10.04 Effect ..... 10-3

Sec. 10.05 Land Development ..... 10-3

Sec. 10.06 Civil Design and Construction Plans ..... 10-8

Sec. 10.07 Development Permit ..... 10-16

Sec. 10.08 Driveway Permit ..... 10-20

Sec. 10.09 Building Permit ..... 10-20

Sec. 10.10 Certificate of Occupancy ..... 10-21

# ARTICLE 10 PLANS AND PERMITS

## Sec. 10.01 General Applicability

The following article provides information on the process and procedure for the various plans, permits and certificates required for development in this Unified Development Ordinance.

## Sec. 10.02 Developments of Regional Impact

Any development of regional impact (DRI) as defined under state law shall be submitted to the Atlanta Regional Commission (ARC).

### A. Types of approvals covered

The provisions of this section apply to any type of governmental action requested by a private party related to a development project, such as project approval, issuance of a development or building permit, or hook-up to a public utility. No permits shall be given until the DRI process is complete.

### B. Submission to ARC

Any development of regional impact (DRI) shall be submitted by the city to the Atlanta Regional Commission (ARC) when there is an application for a permit or approval to the city. Once the ARC has accepted the completed form and has made an official determination that the project is a DRI, the 45-day review period officially begins. The applicant will be responsible for providing the city with all background information for the DRI application.

### C. Final action by the city

Approval of the first request for governmental action by the city shall not be made on a development of regional impact until either:

1. A report has been received from the ARC reflecting its findings and recommendations, if any; or,
2. Said report is not received within 60 days of submittal of the application to the ARC.

## Sec. 10.03 [RESERVED]

## Sec. 10.04 Effect

### A. Effect on pre-existing uses

For a property on which a use, building, structure or other improvements existed in conformity with this unified development ordinance prior to the effective date of a zoning change affecting the property, any such use, building, structure or other improvements no longer in conformance shall be governed under the provisions for nonconforming development in Article 11, Administration and Enforcement, of this unified development ordinance.

### B. Effect on pre-existing permits

Construction of any use, building, structure, or other improvements for which a building permit has been issued in conformity with this unified development ordinance prior to the effective date of a zoning change affecting the property may continue to completion as though no change had occurred and, upon completion, shall be governed under the provisions for nonconforming development in article I of this unified development ordinance, as applicable.

## Sec. 10.05 Land Development

The following presents a summary of the plans and procedures involved in the land development approval and construction regulation process.

### A. Overview

#### 1. Land Development with public improvements

The division of land into two or more lots that will require the construction or extension of public streets, water or other public facilities (other than the direct connection of buildings to existing facilities) shall be conducted as follows:

**a.** Development plan approval is granted by the Community Development Director upon review and formal acceptance of a development plan. This approval is valid for six months from the date of approval and will expire at the end of this time period unless one of the following approvals are secured prior to its expiration:

**1)** A land-disturbance permit is granted (See Article 9, Natural Resource Protection);
**2)** A development permit is granted (See Section 10.07, Development Permit);
**3)** A driveway permit is granted (See Section 10.08, Driveway Permit); or
**4)** A building permit is granted (See Section 10.09, Building Permit)

Further, if no development activity occurs on the site pursuant to one of the above referenced permits or approvals during the 12 months immediately following issuance, or if development begins but then ceases for a period of 12 months, then the development plan approval shall expire.

**b.** The preliminary plat shall conform to the design and layout shown in the approved development plan. Any significant deviation from the approved development plan shall be cause for rejection of the preliminary plat.

**c.** A development permit is issued by the community development department based on review and approval of a preliminary subdivision plat and the subsequent approval of the civil design and construction plans for construction of the subdivision.

d. Receipt and approval by the community development department of accurate surveys of the as-built condition of public improvements is required in order to allow filing of a final plat.
e. Approval of a final subdivision plat by the Mayor and City Council will authorize recordation of the plat with the clerk of superior court.
f. After recordation of the final plat, the lots may be sold and building permits on the lots may be obtained.
g. No sooner than one year after recordation or 75% of build out, all public improvements shall be completed and will be inspected by the city for permanent dedication.

**2. Land Development not requiring public improvements**

The division of land into two or more lots, each of which will be adequately served by existing public streets, water and other public facilities, shall be conducted as follows:

a. Approval of a final subdivision plat by the Mayor and City Council will authorize recordation of the plat with the clerk of superior court.
b. After recordation of the final plat, the lots may be sold and building permits on the lots may be obtained.

**3. Multi-family and nonresidential projects**

a. A development permit is issued by the community development department based on review and approval of a site plan and civil design and construction plans for construction of the project.
b. The site plan shall conform to the design and layout shown in the approved development plan. Any significant deviation from the approved development plan shall be cause for rejection of the site plan.
c. A building permit is issued by the building official based on review and approval of architectural plans. Buildings falling under the authority of the state fire marshal shall be approved by the fire department prior to issuance of the building permit.
d. Receipt by the community development department of accurate surveys of the as-built condition of all public improvements is required in order to authorize permanent water and service.
e. Permanent electric power and occupancy of the building is authorized by the building official based on final inspection and issuance of a certificate of occupancy.

**4. Phased Development**

When a development is planned and developed in phases, the amenities of the development shall be accommodated for, proportionately, in each phase. A performance bond is required by the City for all amenities.

## B. Project approval

A site plan for development of a multi-family or nonresidential project shall be approved by the community development department prior to the issuance of a development permit or initiation of any land-disturbing or construction activities in order to assure compliance with all zoning requirements and conditions of zoning approval.

1. **Development plan approval required**

   No site plan shall be approved by the community development director or his/her designee until the Planning Commission has approved a development plan. Every development plan shall show the following:

   **a.** Name and address of the property owner.
   **b.** Name, address, and telephone number of the applicant.
   **c.** Date of survey, north point and graphic scale, source of datum, date of plan drawing, and revision dates, as appropriate.
   **d.** Proposed use of the property, if known.
   **e.** Location (land district and land lot) and size of the property in acres (or in square feet if less than an acre).
   **f.** Location sketch of the property in relation to the surrounding area with regard to well-known landmarks such as arterial streets or railroads. Location sketches may be drawn in freehand and at a scale sufficient to show clearly the information required, but not less than one inch equal to 2,000 feet. U.S. Geological Survey maps may be used as a reference guide for the location sketch.
   **g.** Zoning district classification of the subject property and all adjacent properties, and zoning district boundaries as appropriate.
   **h.** Manmade features within and adjacent to the property, including existing streets and names, city and county political boundary lines, and other significant information such as location of bridges, utility lines, existing buildings to remain, and other features as appropriate to the nature of the request.
   **i.** The proposed project layout including the approximate outline and location of all buildings, and the location of all minimum building setback lines, outdoor storage areas, buffers, individual parking spaces and driveways.
   **j.** A statement as to the source of domestic water supply.
   **k.** A statement as to the provision for sanitary sewage disposal.
   **l.** The approximate location of proposed stormwater detention facilities.
   **m.** A rendering or elevation or photographs representative of similar structures, such that facade materials can be determined, printed on paper no smaller than standard letter size.
   **n.** Such additional information as may be useful to permit an understanding of the proposed use and development of the property.

2. **Responsibility for project approval**

   **a.** The community development director or his/her designee is responsible for administering the review and approval process for preliminary subdivision plats and site plans.
   **b.** The Planning Commission shall approve all development plans of residential and nonresidential projects.
   **c.** A preliminary plat or site plan may be prepared by a professional engineer, a registered land surveyor, or a landscape architect.

3. **Procedure for project approval**

   **a.** An application for project approval may be processed independently or in conjunction with an application for issuance of a development permit.

**b.** An application for project approval shall be submitted to the community development department. The application shall include:

**1)** The name and address of the person requesting review.
**2)** A properly completed application form, as furnished by the community development department, requesting review for project approval.
**3)** Seven copies of the preliminary subdivision plat or site plan showing the entire ownership drawn to the specifications of this section.
**4)** Payment of the applicable application and review fees as established by the Mayor and City Council from time to time.

**c.** The community development department will review the application for completeness within ten business days of submission. Incomplete applications will be returned to the applicant.
**d.** Following receipt of the application, the community development department will indicate on the drawing or in writing all comments related to compliance with this development code.
**e.** The owner is responsible for compliance with all codes, regulations and zoning requirements and for the satisfaction of all the noted and written comments.
**f.** The community development department shall not approve any preliminary subdivision plat or site plan that shows a lot or situation that would clearly require a variance in order to be reasonably usable, whether due to the presence of flood plain, unusual configuration, zoning compliance, or lack of public utilities, without explicit grant of a variance.
**g.** When the community development department has determined that the preliminary subdivision plat or site plan is in compliance with the requirements, purpose and intent of this development code, it will be approved. The community development director or his/her designee will sign and date the certificate of project approval stamped or printed on a reproducible copy of the preliminary subdivision plat or site plan. One copy of the approved drawing will be transmitted to the applicant and one copy will be retained by the community development department.
**h.** The certificate of project approval will remain in effect for a period of one consecutive year after which time it will become null and void and a new certificate may be required if no permit has been issued or no development activity has begun.

**4. General standards for project approval**

**a.** The proposed name of the development and proposed street names shall not duplicate or too closely approximate, phonetically, the name of any other development or street in the city or Douglas County. If shown to the contrary, the Mayor and City Council may refuse to accept such development or street names. The development may use letter designations in place of proposed street names at the option of the applicant.
**b.** The preliminary plat or site plan shall be prepared on a boundary survey of the entire tract to be eventually subdivided or developed showing the location of the boundaries and dimensions of the tract to be developed.
**c.** The preliminary subdivision plat or site plan shall be clearly and legibly drawn at a standard engineering scale of not less than 100 feet to one inch (100:1). Sheet size may not exceed 48” x 36” inches nor be less than 8½” x 11”; however, the community

development director or his/her designee may approve other sheet sizes and graphic scales as appropriate.

**d.** In subdivisions of over 100 acres, preliminary plat specifications may be modified to exclude information relating to contours, and ground elevations, if in the judgment of the community development director or his/her designee, presentation of detailed data relating thereto is not necessary to evaluate the entire subdivision proposal. In such cases, however, a long-range development schedule for the entire development and a preliminary plat in accordance with the specifications for the sections of the subdivision not excepted shall be submitted. It is the intent of this provision that in all cases sufficient information shall be provided for an adequate evaluation of the public service needs in the area.

**5. Site plan requirements**

A site plan must contain the following:

**a.** Proposed name of development and its acreage.
**b.** Name and address of the property owner and subdivider or developer.
**c.** Name, address, and telephone number of the applicant.
**d.** Date of survey, north point and graphic scale, source of datum, date of plan drawing, and revision dates, as appropriate.
**e.** Proposed use of the property.
**f.** Location (land district and land lot) and size of the property in acres (or in square feet if less than an acre).
**g.** Location sketch map of the property in relation to the surrounding area with regard to well-known landmarks such as arterial streets, railroads or others. Sketches may be drawn in freehand and at a scale sufficient to show clearly the information required, but not less than one inch equal to 2,000 feet (1:2,000). US. Geological Survey maps may be used as a reference guide for the location sketch.
**h.** Name and boundary of former approved subdivision if any or all of the land in the preliminary subdivision plat or site plan has been previously subdivided, showing boundaries of the lots to be re-subdivided.
**i.** Zoning district classification of the subject property and all adjacent properties, and zoning district boundaries as appropriate.
**j.** Rezoning or special use application number, date of approval, and conditions of approval, as applicable.
**k.** Zoning variances obtained on the property by application number, date of approval, and conditions of approval, as applicable.
**l.** Natural features. Natural features within the property, shall be indicated, including:

**1)** Ground elevations on the tract based on field surveys or photogrammetric methods from aerial photographs. The basis for the topographic information shall be shown. Contour lines shall be drawn at intervals of not more than two feet. Contour lines shall be based on a datum plane as approved by the community development department.
**2)** Drainage channels, bodies of water, wooded areas and other significant natural features such as rock outcroppings and wetlands.

3) On all watercourses leaving the property, the direction of flow shall be indicated, and for all watercourses entering the tract, the direction and acreage of the drainage area above the point of entry shall be noted.
4) A notation clearly stating the water surface elevation of the 100-year flood in relation to mean sea level as approved and accepted by the community development department. Any lands below this elevation shall be designated on the plat by a heavy contour line, depicting the one hundred-year flood level.

**m.** Manmade features. Manmade features within and adjacent to the property, including street right-of-way and pavement widths, names of existing streets, all easements, city and county political boundary lines, and other significant information such as location and dimensions of bridges, utility lines and structures, existing buildings to remain, culverts and other features.

**n.** The proposed project layout including:

1) **For land developments:**

a) Lot lines and street right-of-way lines, with proposed street names or letter designations and right-of-way widths;
b) The front principal building setback line and the dimension of its length on each lot (i.e., the lot width); and
c) Land to be reserved for public uses.

2) **For multi-family and nonresidential development:**

a) Site plans;
b) The outline and location of all buildings; and
c) The location of all minimum building setback lines, outdoor storage areas, buffers, parking areas, driveways, curb cuts, and designated fire lanes.

**o.** The proposed phasing of the development if it is proposed to be built in sections.

**p.** A statement as to the provision for sanitary sewage disposal. For those properties that will not be served by a public sanitary sewerage system, location and results of percolation tests as required and approved by the county health department are to be shown.

**q.** The approximate location of proposed stormwater detention facilities.

**r.** The location and width of all sidewalks.

**s.** Such additional information as may be reasonably required to permit an adequate evaluation of the development activity proposed in the application.

## Sec. 10.06 Civil Design and Construction Plans

### A. General requirements

1. Persons seeking to undertake development activity shall not commence or proceed until civil design and construction plans are approved and a development permit is issued by the community development department. The process for approval of a development permit is presented in the following section, below.
2. The civil design and construction plans for a project shall conform in all respects with the requirements of this development code, and shall include each of the plans in this section as appropriate to the project. These include:

a. Erosion and sedimentation control plan;
b. Grading plan;
c. Stormwater management plan;
d. Street improvement plan; and
e. Landscaping, buffer and tree conservation plans.
f. Public utility plans.

3. All civil design and construction plans and supporting studies shall be prepared by or under the supervision of a professional engineer registered in the state, except that the landscaping, buffer and tree conservation plans are to be prepared by or under the supervision of a professional landscape architect.

**B. Erosion and sedimentation control plan**

Soil erosion and sedimentation control shall follow the regulations of Article 9, Natural Resource Protection.

**C. Grading plan**

1. Grading plans shall identify existing and proposed topographic contour lines at two-foot intervals.
2. Grading plans shall outline any area that is required to remain undisturbed, such as a natural buffer or tree protection area (as provided under Article 7, General Development Standards Applicable to All Districts or Article 9, Natural Resource Protection and shall identify and describe the protective fencing, staking or ribbon to be placed surrounding such area.
3. If the property contains any area of special flood hazard (the 100-year flood plain), grading plans in and around the flood plain shall be designed in conformance to all requirements relating to flood damage prevention under the "project design standards" article of this development code.

**D. Stormwater management plan**

The stormwater management plan shall conform to the regulations in Article 9, Natural Resource Protection, as applicable and shall include sufficient information to evaluate the environmental characteristics of the affected areas, the potential impacts of the proposed development on water resources, and the effectiveness and acceptability of measures proposed for managing stormwater runoff. The developer shall certify on the drawings that all clearing, grading, drainage, construction, and development shall be conducted in strict accordance with the plan. The minimum information submitted for support of a stormwater management plan shall be as follows:

**1. Site plan**

Provide a site plan drawn to a scale of not less than one inch equals 50 feet (1'=50') with the following characteristics and information:

a. Graphic scale, north arrow, and date. The north arrow shall be identified as magnetic, true, or grid north.
b. Vicinity map showing the site location relative to surrounding landmarks, highway intersections, rivers and streams.
c. Topography showing existing and proposed elevations in accordance with the following:

1) For sites smaller than one and one-tenth acres in size (47,916 square feet), show the direction of drainage and spot elevations at all breaks in grade and along drainage channels or swales at selected points not more than 100 feet apart.
2) For sites of one and one-tenth acres and larger, show channels or scales at selected points not more than 100 feet apart.
3) For sites of one and one-tenth acres and larger with slopes of more than two percent, show contours with an interval of not more than two feet.
4) Elevations shall be based on the datum plane established by the United States Coastal and Geodetic Survey.

**d.** Delineation of property lines and deed record names of adjacent property owners.
**e.** Location and right-of-way of streets, roads, railroads and utility lines, either on or adjacent to the property to be developed. Specify whether utility lines are in easements or rights-of-way and show the location of towers and poles.
**f.** Size and location of existing sewers, water mains, drains, culverts or other underground facilities within the tract or within the right-of-way of streets or roads adjoining the tract. Grades and invert elevations of sewers shall be shown.
**g.** Location of existing buildings and other improvements.
**h.** Proposed conditions:

1) Layout of proposed streets, roads, alleys, drives, paved areas and public crosswalks, with widths and road names or designations.
2) Storm sewer system improvements with grade, pipe size and location of outlet.
3) Location of proposed buildings and other improvements.

**2. Stormwater management plan**

The location and size of all proposed drainage improvements shall be designed in accordance with and meet all standards relating to stormwater drainage under the "project design standards" article of this development code. The stormwater management plan shall include:

**a.** Location and profiles of all storm drainage pipes and slopes of receiving channels. Hydraulic grade lines to be shown on all pipes that cross streets and on all detention basin outfalls.
**b.** Storm sewer profile sheets shall include:

1) Existing ground profile.
2) Finished ground profile.
3) Slope of pipe.
4) Pipe size and material.
5) Scales (horizontal and vertical).
6) Structure type and number (C.B. No. 1, D.A. No. 2, etc.).
7) Drainage area and flow of structure.

**c.** Stormwater detention facility design and construction details.
**d.** Location and typical construction details of all inlets and catch basins, headwalls and other drainage structures.
**e.** The 100-year ponding limits above each street cross drain.
**f.** The stormwater management plan must also include:

1) The hydrologic and hydraulic analysis required for the system design under the "project design standards" article of this development code.
2) When required by the community development director or his/her designee, provide a soils investigation for all sites proposed as ponds or impoundments or for stormwater detention.
3) Provide a reconstruction schedule for both temporary and permanent facilities. Reference the schedule to other development activities such as clearing, rough grading, construction, final grading and vegetation establishment.
4) Provide a plan for maintenance of the stormwater facilities. Describe specific actions and a recommended schedule of maintenance required to maintain the facilities at a satisfactory level of service.
5) Provide a cost estimate for construction of the stormwater management facilities. Provide a separate estimate of the annual cost for maintenance of the proposed facilities.

**E. Street improvement plan**

1. Street plan and profile sheets of all proposed streets shall be required, shown complete in both plan view and profile at the same horizontal scale. Profiles shall be drawn on standard plan and profile sheet with plan section showing street layout, pavement and right-of-way width, curvature, and required drainage facilities. Typical street sections shall be provided for street widenings.
2. The following shall be included on each plan and profile sheet:

   **a. Plan:**

   1) Street width (back of curb to back of curb);
   2) Curve data (including P.I.'s, P.C.'s and P.T.'s);
   3) Drainage structures;
   4) Centerline stationing;
   5) Lot numbers;
   6) R.O.W. dimensions;
   7) Street names;
   8) North arrow and scale.

   **b. Profile:**

   1) Existing ground profile;
   2) Finished street profile;
   3) Finished grade elevations every 50 feet;
   4) Percent of grade;
   5) Vertical curves;
   6) Storm drains in the street;
   7) Sanitary sewer lines in the street (may be shown on separate sheet);
   8) Vertical and horizontal scales.

3. Where sanitary sewer or stormwater sewers are to be installed within a street, the grade, size, location and bedding class of pipe, and the location and invert elevation of manholes shall be indicated on the street profile.
4. Center line profiles covering streets that are extensions of existing streets shall include elevations at 50-foot intervals for such distance as may be adequate to provide continuity

consistent with the standards required by this UDO for street improvements, but no less than 200 feet.

5. All plan elevations shall be coordinated and sited into U.S. Coast and Geodetic Survey or Georgia Department of Transportation bench marks where feasible or into reference monuments established by the Federal Emergency Management Agency.
6. A street striping plan, showing striping in accordance with the Manual on Uniform Traffic Control Devices, latest edition as published by the Federal Highway Administration, shall be prepared for any street newly constructed or widened to four or more lanes.

**F. Landscaping, buffer, tree conservation, and land-disturbance plans**

**1. Land-disturbance plans; in general**

a. All proposed landscaping as required by the "landscaping, buffering and Screening" section of this UDO (in Section 8.02), and trees to be retained or planted as required by the tree conservation provisions of Article 9, Natural Resource Protection, shall be illustrated.
b. The plans may be consolidated on one sheet or drawn separately. Each plan is to include:

1) Project name, land district, land lot and parcel number, north arrow and scale.
2) Developer's name, address, and telephone number.
3) The name, address and telephone number of the professional landscape architect or urban forester responsible for preparation of the plan and the seal or statement of professional qualifications of said person.

**2. Site landscaping plan**

Landscaping shall conform to the regulations of Article 7, General Development Standards. A site landscaping plan shall be prepared whenever any frontage landscaping strip, side or rear yard landscaping area, parking lot landscaping or street-side landscaping is required by this UDO or conditions of zoning approval. The site landscaping plan is to show:

a. Scale at one inch = 20 feet (1" = 20') unless otherwise approved by the community development director or his/her designee.
b. North reference.
c. The location and size of all utilities on the site.
d. The location of all existing and proposed parking areas, sidewalks and other paved surfaces.
e. The location of all existing and proposed buildings and structures.
f. The boundaries of each required landscape strip or area.
g. A planting plan showing the location, size and common name of proposed plant materials.
h. The location, size and common name of all existing plant materials to be retained that contribute to meeting the minimum requirements of this Code for landscaping.

**3. Buffer plan**

Buffering and screening shall conform to the regulations of Article 7, General Development Standards. A buffer plan shall be prepared for any structural buffer required in accordance with the specifications and standards contained in this development code. Plans shall not be

required for natural buffers, which are to be shown on the grading plan, but must be delineated on the buffer plan sheet. The buffer plan shall show:

**a.** The boundaries of each required buffer area.
**b.** All grading and construction details for earthen berms, walls and fences that are proposed as part of the visual screen.
**c.** A planting plan showing the location, size and type of proposed plant materials.
**d.** The location, size and common name of all existing plant materials to be retained that contribute to meeting the minimum requirements of this Code for buffers.
**e.** Typical cross-sections of the buffer illustrating the improvements proposed and typical location of vegetation. At least one cross-section shall be provided for each buffer.

**4. Tree conservation plan**

Tree conservation plans shall conform to the regulations of Article 9, Natural Resource Protection and shall be submitted as follows:

**a.** A Tree Conservation Plan must be submitted along with the other required documents for the issuance of a land-disturbance, construction, or other applicable permit by the Community development director or his/her designee. Tree Conservation Plans must be prepared by a professional Landscape Architect, Urban Forester or Arborist, in accordance with the Plans and Permits Article of this Development Code.
**b.** The Tree Conservation Plan must be shown on a copy of the preliminary plat or site plan, drawn to the same scale as the other plan documents prepared for a land-disturbance permit on the property, and shall cover the same area.
**c.** The Tree Conservation Plan shall comply with the Community Planting and Establishment Guidelines of the Georgia Forestry Commission, current edition, as applicable.
**d.** The Tree Conservation Plan shall show the following:

**1)** The extent of the development site or disturbed area.
**2)** Specimen trees.

**a)** All specimen trees (as defined in this development code) that are proposed to be removed.
**b)** All specimen trees that will remain on the development site and be protected during construction.

**3)** Utility lines

**a)** Locations of proposed on-site underground utility lines.
**b)** Locations of other on and off-site utility lines. Indicate areas where trees cannot be planted because of interference with:

i. Existing or proposed utilities on public rights-of-way or on utility rights-of-way or easements; and
ii. Existing utilities on adjoining properties.

**4)** Delineation of all minimum yard areas, buffers, and landscape areas as required by this unified development ordinance, or conditions of zoning approval.
**5)** Total acreage of the site and total acreage.
**6)** Delineation of all areas located within the 100-year floodplain.
**7)** Existing trees to be retained in tree protection areas:

**a)** Trunk location and size (to the nearest in diameter at four and one-half feet above the ground) of individual trees proposed to remain for credit toward meeting the minimum tree density standard on the property.

**b)** Groups of three or more trees whose dripline combine into a single tree protection area may be outlined as a group and their number, by diameter, shown on a summary table.

If the number and size of all existing trees to remain on the site exceeds the required tree density standard for the entire site, only those trees required to meet the minimum tree density standard must be shown. All tree protection areas are to be outlined and labeled.

**8)** Tree protection measures:

**a)** A detail or description of the protective tree fencing or staking and the location of such measures, which at a minimum shall follow the dripline of all trees to be retained along the adjoining areas of clearing, grading, or other construction activity.

**b)** Measures to be taken to avoid soil sedimentation intrusion into tree protection areas and the location of such devices.

**c)** Proposed location of temporary construction activities such as equipment or worker parking, material storage, burn holes, equipment wash-down areas and entrance pads.

**d)** Proposed type and location of any tree save area signs or other pertinent signage.

**9)** If new trees are proposed to be planted in order for the property to achieve the required tree density standard, the new trees shall be shown and their spacing and diameter identified, to the extent needed to achieve the minimum requirements. Trees grouped together in tree planting areas may be listed on the summary table by total number in the grouping, by size.

**10)** A summary table of the number of existing trees to remain and new trees to be planted, by diameter to the nearest inch shall be shown along with calculations showing the tree density achieved for the site. Additional credits shall be noted where applicable. Groupings of trees in tree protection areas and areas for new tree planting may be keyed to the summary table by area rather than having each tree individually labeled on the plan.

## G. Public utility plans

### 1. Water system plan

If connection to a public water system is proposed or required, the domestic water supply plan shall depict all water system improvements, water mains, fire hydrants, valves and other appurtenances, and other information as may be required by the community development director or his/her designee, including:

**a.** Size and material of water main construction.

**b.** Location of all valves, fire hydrants, fittings, thrust blocks, etc.

**c.** Location of all service lines.

**d.** Street rights-of-way with street names.

**e.** Lots and lot numbers.

**f.** Existing mains being tied into and nearest existing fire hydrant or distance to nearest existing fire hydrant.
**g.** Easements if off of right-of-way.
**h.** Location and layout of any recycled water systems .
**i.** Stormwater collection systems (e.g. rain barrels, cisterns, bio swales, rain gardens)

**2. Sewage disposal plan**

**a.** If a connection to a public system is proposed, sewage disposal plans are to include sanitary sewerage plans, including profiles of all mains and outfalls, lift station and force main details, typical manhole construction details, and other information as may be required by the community development director or his/her designee, such as:

**1)** Existing ground profile.
**2)** Finished ground profile.
**3)** Slope of pipe.
**4)** Pipe size and material.
**5)** Scales (horizontal and vertical).
**6)** Plan view of the line.
**7)** Manhole designations.
**8)** Invert elevations in and out of each manhole.

**b.** For projects approved to be served by on-site sewage disposal systems, location of septic tank, extent of drain field and attendant structures, location and results of percolation tests, and other information shall be shown as required by the county health department.

## H. Traffic Study

Where a traffic study is required by this UDO, a written report for specified property prepared and stamped by a professional engineer must include the following:

**1.** A vicinity map showing the location of the proposed development in relation to the transportation system;
**2.** A description of proposed development including size and nature of the entire proposed development and proposed site access points;
**3.** A proposed site plan;
**4.** A description of adjacent land uses and roadway network including road names, classifications, lane configurations, traffic control and pedestrian, bicycle and transit facilities;
**5.** Traffic volumes on existing roads at proposed access point measured within the last 12 months;
**6.** Operational analysis including average delay, level of service, volumes/capacity ratios, and queue length analysis of intersection of site access and main road and any additional study intersection(s);
**7.** Accident data summary and analysis (data may be obtained from the City);
**8.** Safety analysis of proposed site access including stopping sight distance, intersection sight distance, and operational characteristics;
**9.** Growth factor based on historical count data in the area;
**10.** Future no build base year volumes and performance evaluation;

11. Future no build horizon year (5 year beyond base year) volumes and performance evaluation;
12. Any assumptions including pass-by and internal capture;
13. Trip generation from ITE latest edition;
14. Trip distribution show distribution percentages and volumes;
15. Access location and spacing;
16. Turn lane warrants and analysis;
17. Driveway analysis including lane configuration, queue lengths, throat length and channelization;
18. Future build base year volumes and performance evaluation;
19. Future build conditions horizon year (5 year beyond base year) volume and performance evaluation;
20. Parking needs, required and provided spaces;
21. Description and analysis of mitigation measures; and
22. Appendix to include applicable raw count data, calculation sheets, computer software output of performance evaluation, and warrant worksheets.

## Sec. 10.07 Development Permit

### A. Responsibility for development actions

1. No person shall conduct any land-disturbing activity, including grading, clearing and grubbing, tree clearance, land development or project construction without first obtaining a development permit from the community development department to perform such activity. Such permit shall be on a form as provided by the city and shall include all information as identified in this subsection. The application shall be authorized by the property owner.
2. The community development department is responsible for administering the review and approval process for issuance of development permits. The department shall forward a copy of the development permit application, including the civil design and constructions drawings for the project, to other departments, the Soil and Water Conservation Commission District, the Georgia Department of Transportation or others as appropriate, for their review and comment. The comments shall be sent to the applicant for resolution, and shall issue the development permit when all requirements of this UDO are met.
3. Approval of plans by the community development department shall not imply or transfer acceptance of responsibility for the application of the principles of engineering, architecture, landscape architecture or any other profession, from the professional, corporation or individual under whose hand or supervision the plans were prepared.
4. The Planning Commission shall approve all development plans for nonresidential projects.
5. The completion of inspections and authorization for work continuation shall not transfer responsibility for the quality of the work performed or materials used from the owner, nor imply or transfer acceptance of responsibility for project design or engineering from the professional, corporation or individual under whose hand or supervision the plans were prepared.
6. No development permit shall be interpreted to relieve any owner of the responsibility of maintaining full compliance with all applicable codes, ordinances and other regulations. Any development permit issued in error or in contradiction to the provisions of this UDO shall be considered to have been null and void upon its issuance.

7. **Liability**

   a. The approval of an erosion and sedimentation control plan or other plans under the provisions of this development code, the issuance of a development permit, or the compliance with any other provisions of this UDO shall not relieve any person from the responsibility for damage to any person or property otherwise imposed by law nor impose any liability upon the Mayor and City Council or the Soil and Water Conservation District for damage to any person or property.
   b. The fact that any activity for which a development 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 UDO or the terms of the development permit.

**B. Development activities authorized**

A development permit shall be issued to authorize all activities associated with development activity regulated by this Code, subsequent to the issuance of a soil disturbance permit, including, but not limited to, the construction of such improvements as streets, surface parking areas and drives, stormwater drainage facilities, sidewalks, or other structures permanently placed on or in the property except for buildings, signs, or other structures requiring the issuance of a building permit.

**C. Process for approval of development permit**

An application for a development permit may proceed simultaneously with an application for a preliminary subdivision plat or site plan, but may not be issued prior to project approval of such plat or plan by the community development department.

1. The application for a development permit shall be submitted to the community development department and must include the following:

   a. Application on the form furnished by the  department, requesting review for issuance of a development permit.
   b. Six copies of:

      1) The preliminary plat or site plan requesting or reflecting project approval; and
      2) The civil design and construction drawings prepared in conformance with the specifications and standards in this development code.

   c. Payment of any development permit fee, as established from time to time by the Mayor and City Council.

2. The application will be checked for completeness within 10 business days of its submission. Incomplete applications, as determined in the sole discretion of the community development director or his/her designee, will be returned to the applicant.
3. Upon acceptance of a development permit application, the community development department shall refer the soil erosion and sedimentation control plan to the Soil and Water Conservation District for its review and approval or disapproval concerning the adequacy of the erosion and sedimentation control plan. No development permit will be issued unless the plan has been approved by the district, and any variances and bonding, if required, have been obtained.

4. The applicant may be required by the community development department to secure development approval from other agencies if they are affected by the development. Development approval may be required from but not limited to:

   a. County health department
   b. Soil and Water Conservation District
   c. Georgia Department of Transportation
   d. Georgia Department of Natural Resources
   e. US Army Corps of Engineers
   f. US Environmental Protection Agency

5. Upon receipt of comments from other departments and agencies, the community development department will indicate on a copy of the civil design and construction drawings or in writing all comments related to compliance with this development code, conditions of zoning approval, and other regulations or ordinances, as appropriate.
6. The community development department will forward its comments to the applicant.
7. The applicant will be responsible for compliance with all codes, regulations and zoning requirements and for the satisfaction of all of the comments received. The owner will also be responsible for obtaining approval from all other agencies affected by the project.
8. Civil design and construction plans rejected three successive times without completing review due to failure to comply with city standards or good engineering practice as determined by the community development director or his/her designee shall be ineligible for resubmittal for a period of not less than 90 days.
9. No development permit will be issued unless the applicant provides a statement by the county tax commissioner's office certifying that all ad valorem taxes levied against the property and due and owing have been paid.

## D. Required performance surety

### 1. Stormwater performance surety

Upon approval of the stormwater management plan, but before the issuance of a building permit or land development permit approval, the applicant shall be required to post a performance bond, cash escrow, or other acceptable form of performance security.

a. The amount of the surety shall not be less than the total estimated construction cost of the facilities required by the stormwater management plan.
b. The performance bond or other securities shall not be released until the following requirements have been met. The director of community development department shall:

   1. Perform a final inspection of the facilities and determine that they have been constructed in compliance with the stormwater management plan.
   2. Determine that all provisions of the stormwater management plan have been faithfully executed.

c. A provision may be made for partial release of the amount of the bond pro rata upon completion and acceptance of various stages of development as specifically delineated, described and scheduled in the stormwater management plan. The applicant shall notify the community development department upon completion of each stage that is ready for inspection.

2. **Erosion and sedimentation performance surety**

   Soil erosion and sedimentation control shall follow the regulations of Article 9, Natural Resource Protection.

**E. Issuance of development permit**

1. Following satisfaction of all comments, receipt of approvals from all affected agencies and receipt of all required bonds, the community development department shall issue a development permit authorizing development activities to begin based on the approved civil design and construction drawings.
2. No development permit shall be issued unless the erosion and sedimentation control plan has been approved by the Soil and Water Conservation District, project approval has been granted by the Mayor and City Council, and the community development department has affirmatively determined that the plan is in compliance with all requirements of this development code. If the development permit is denied, the reason for denial shall be furnished to the applicant.
3. If the tract is to be developed in phases, then a separate development permit shall be required for each phase.
4. Approved civil design and construction plans. Three sets of reviewed plans shall be retained by the city for record purposes. All plans on the project site for the purpose of construction by contractors, subcontractors or the developer must be plans that are the plans most recently approved by the city as part of the current development permit. No construction other than clearing or rough grading may take place prior to review of the construction plans and then only if the developer has an approved erosion control plan.
5. A holder of a development permit shall notify any successor in title to him or her as to all or any portion of the property affected by the approved plan regarding the conditions contained in the permit. Transfer of title to any permitted property, prior to termination of the permit, shall not act to release the original title and permit holder from liability for compliance with the terms of this chapter, unless and until such time as:

   a. A new permit has been issued to the successor in title; or
   b. The permit has been transferred to the successor in title as follows:

      1) The successor in title has submitted a request to the issuing authority in writing that the permit be transferred to him or her; and
      2) The successor in title has complied with the bonding requirements of this section; and
      3) The city has approved transfer of the permit in writing. Any transfer of a permit under the authority of this subparagraph shall bind the successor permit holder to the same plan, requirements, variances, and permit conditions as the former permit holder. All successors in title to permitted properties shall request in writing a transfer of the permit or shall apply for a new permit contemporaneously with their receipt of title to the permitted property, or within 20 days thereafter; failure of a successor in title to comply with this requirement, whether or not the permit of the former title holder has been terminated, shall subject the successor in title to any and all penalties prescribed by this development code.

6. Maintenance of all soil erosion and sedimentation control measures and practices, whether temporary or permanent, shall be at all times the responsibility of the owner.

7. Subsequent to issuance of a permit, and after all land-disturbing activity has ceased and the property has been stabilized to a permanent and continuous state of compliance with this chapter, the city shall inspect the property and shall terminate the permit and release the requirements for bond and/or letter of credit required by this section. The city shall make such inspections routinely in conjunction with inspections for release of paving bonds and issuance of certificates of occupancy where there is or has been construction in progress on the permitted property. For other permitted properties, inspections shall be made pursuant to request of the permit holder after payment of any required inspection fees.
8. The development permit may be suspended, revoked or modified, as to all or any portion of the land affected by the plan, upon finding that the holder or his successor in 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 development code.

**F. Deviation from or changes in plans**

1. Upon completion of review of the civil design and construction plans, no deviations or changes from the reviewed plans shall be allowed without a complete resubmittal of the plans indicating the changes with a letter of explanation as to why the changes were necessary, along with any resubmittal fee as may be set by the Mayor and City Council from time to time.

**G. Expiration of development permit**

1. A development permit shall expire if the development activity described in the permit is not begun within six months from the date of issuance.
2. Any development permit that has expired may be renewed by the community development department within six months of expiration. If a development permit has expired for more than six months, the applicant shall be required to apply for a new development permit under the development permit approval process of this unified development ordinance.

## Sec. 10.08 Driveway Permit

**A.** No driveway connecting to a public street or a public right-of-way or public property shall be repaired or installed without first having approval from the community development director or his/her designee. If the driveway connects to a State or U.S. numbered highway, approval of the Georgia Dept. of Transportation shall be required prior to city approval.

**B.** Applications shall be made to the community development department for local streets, to the Georgia Department of Transportation on State and U.S. numbered highways and other streets in instances where DOT maintains access control and/or to the county where county maintained roads exist.

**C.** A permit shall expire for work not started within six months or completed within 12 months after issuance of a permit, and a new permit shall be required before beginning or completing the work.

## Sec. 10.09 Building Permit

**A. Procedures to obtain a building permit**

A building permit issued by the building official is required in advance of the initiation of construction, erection, moving or alteration of any building or structure in accordance with the

provisions of Section 8.04 of this UDO. A building permit shall be issued only on a legal lot of record. No building permit shall be issued for a lot in a proposed subdivision before filing for recordation of the final plat, except for a single permit issued for the entire tract proposed for subdivision. All structures shall comply with the requirements of this development code, whether or not a building permit is required.

**B. Procedure for approval**

The building official is responsible for administering and enforcing the building codes of the city.

1. Prior to issuance of a building permit the owner shall have received a development permit if required by this development code.
2. Except for single-family residential dwellings in an approved subdivision for which the final plat has been filed for recordation, zoning verification shall be obtained from the community development department. The following shall be attached to the zoning verification application:
   a. For a single-family detached or two-family dwelling, a plat or other indication of the location of the lot.
   b. For a multi-family or non-residential building, the site plan for which project approval, was granted by the Mayor and City Council.

## Sec. 10.10 Certificate of Occupancy

**A.** It is unlawful to use or occupy or permit the use or occupancy of any part of a building, structure, or premises, until a certificate of occupancy has been issued stating that the building or structure or premises conforms to the requirements of the building codes and this UDO.

**B.** A certificate of occupancy is required for any of the following:

1. Occupancy and use of a building or structure constructed or enlarged;
2. Change in use of existing buildings to uses of a different classification; or
3. Any change in use of a nonconforming use, lot or building.

**C.** Permanent electric power may not be supplied to any structure until a certificate of occupancy shall have been issued and the power company contacted by the building official.

**D.** A record of all certificates of occupancy shall be maintained by the building official and a copy shall be furnished upon request to any person.

# ARTICLE 11 SUBDIVISION STANDARDS


ARTICLE 11 SUBDIVISION STANDARDS ..... 11-1

Sec. 11.01 Application of Regulations ..... 11-2

Sec. 11.02 General Requirements ..... 11-2

Sec. 11.03 Project Design Standards ..... 11-3

Sec. 11.04 Sketch Plan ..... 11-31

Sec. 11.05 Preliminary Plat ..... 11-33

Sec. 11.06 Construction Plans ..... 11-35

Sec. 11.07 Final Plat ..... 11-39

# ARTICLE 11 SUBDIVISION STANDARDS

## Sec. 11.01 Application of Regulations

### A. Subdividing Land

After the adoption of this UDO, no tract of land within the City of Douglasville shall be subdivided without prior approval of the City of Douglasville in accordance with this Unified Development Ordinance, provided however the division of land into parcels of five acres or more where no new street is involved is exempt from this requirement.

### B. Recording a Plat

No plat of a Subdivision shall be recorded in the Office of the Clerk of the Superior Court of Douglas County unless it has first been approved in compliance with the regulations of this UDO.

### C. Use of a Plat

The transfer of title or sale of land by reference to a plat of a subdivision that has not been approved by the City of Douglasville and properly recorded in compliance with the regulations set forth in this UDO is prohibited and shall not be recognized or qualified as a Subdivision under this UDO.

### D. Erection of Buildings

No building permit shall be issued, and no building shall be erected on any subdivided lot within the City of Douglasville unless that lot legally existed prior to the enactment of these Regulations, or unless that lot shall first have been created in accordance with the regulations set forth in this UDO.

### E. Dedication of Land and Facilities

No land or facilities shall be dedicated to the City of Douglasville for public ownership or use unless that dedication is made in accordance with the regulations set forth in this UDO.

## Sec. 11.02 General Requirements

### A. Suitability of the Land

Land subject to flooding, improper or inadequate drainage or erosion, if developed as proposed, and any land deemed unsuitable for development due to steep slopes, unsuitable soils, subsurface conditions or other undesirable properties, shall not be subjected to development as a lot within a Subdivision for any uses that shall or may create or continue such conditions or increase danger to health, safety, life, or property. No land identified as unbuildable area or land within any delineated floodways shall be included within the Buildable Area of any Subdivision or included within any Lot of a Subdivision. In addition, no undisturbed buffer that is required by any of the local development codes and ordinances to protect the health, safety and welfare of the community shall be included or within any Lot proposed for a Subdivision for any development.

### B. Appropriateness of Location

The Community Development Director and the Planning Commission should consider the following provisions when making a recommendation for approval of a subdivision:

1. Whether the subdivision is suitable in view of the use and development of adjacent and nearby property;
2. Whether the subdivision will adversely affect the existing use or usability of adjacent or nearby property;
3. Whether the land to be subdivided has a reasonable economic use as currently zoned and in its existing use;
4. Whether the subdivision will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools;
5. Whether the subdivision is in conformity with the policy and intent of the Comprehensive Plan and/or the Land Use Plan;
6. Whether there are other existing or changing conditions affecting the development of the property which give supporting grounds for either approval or disapproval of the subdivision;
7. Whether the subdivision can be considered environmentally adverse to the natural resources, environment and citizens of the City of Douglasville.

### C. Differences in Ordinances

Whenever there is a difference between minimum standards or requirements under the regulations set forth in this UDO and those contained in any applicable zoning regulations, development regulations, building codes or other ordinances or regulations, the most restrictive shall apply.

### D. Conformance

All proposed subdivisions must conform to the adopted Comprehensive Plan of the City of Douglasville.

### E. Access

When land is subdivided into larger parcels than ordinary building lots, such lots shall be arranged and designed to allow for the opening of future streets and to provide access to those areas not presently served by streets.

No subdivision should be designed to completely eliminate street access to adjoining parcels of land. Every development should be designed to facilitate access to adjoining properties, which are developed or anticipated to be developed in a manner compatible with or substantially similar to the subject property. Locations of inter-parcel access shall be as required by and subject to the approval of the City of Douglasville. Private streets, as may be approved under the provisions of this UDO, shall be constructed to the roadway standards of the City of Douglasville.

## Sec. 11.03 Project Design Standards

### A. Standards incorporated by reference

1. DOT standard specifications. Unless otherwise specially set forth herein, all of the materials, methods of construction, and workmanship for the work covered in reference to street construction and storm drainage construction shall conform to the latest standard specifications of the Georgia Department of Transportation.

2. AASHTO design standards. Design criteria and standards not specifically set forth herein shall conform to the latest edition of the AASHTO Policy on Geometric Design of Highways and Streets.
3. FHWA traffic control standards. Traffic control signs and devices, and street striping shall conform to the "Manual on Uniform Traffic Control Devises for Streets and Highways," latest edition, published by the Federal Highway Administration of the U.S. Department of Transportation.

## B. General Design Standards

### 1. Blocks

The length, width and shape of blocks shall be determined with due regard to:

**a.** Provision of adequate building sites suitable to the special needs of the type of use contemplated.

**b.** Zoning regulations as to lot sizes and dimension.

**c.** Need for convenient access, circulation, control and safety of street traffic.

**d.** Limitations and application of topography:

**1) Length**

**a)** Blocks shall be at least 600 feet but not more than 1,800 feet in length, except as the department considers necessary to secure efficient use of land or desired features of street pattern.

**b)** In blocks greater than 1,000 feet in length, one or more public easements of not more less than 20 feet in width may be required to extend entirely across the block for pedestrian crosswalks, fire protection or utilities.

**2) Width**

Blocks shall be wide enough to allow two rows of lots, except where frontage lots on arterial streets are provided, or when prevented by topographic conditions or the size of the property, or for lots along the periphery of the subdivision, in which a single row of lots may be approved.

### 2. Lots

**a. Minimum lot dimensions and areas**
All lots proposed in a subdivision shall meet or exceed the area and dimensional requirements of the UDO for the zoning district in which the lots are located. The size, shape and orientation of every lot shall be subject to approval for the type of development and use contemplated.

**b.** No lot shall be more than six times as deep as it is wide at the building setback line, unless excepted by the development official and engineering department for reasons of topography or irregularity of the entire tract.

**c.** Authority of health department regarding septic systems and package waste water treatment systems. Nothing contained in this article shall be construed as preventing the health department, after study of the conditions existing in a proposed subdivision, from requiring that all or any portion of the area of such subdivision shall not be built upon or that the minimum lot sizes set forth in this UDO are inadequate and must be increased to ensure the protection of the public health.

**d. Adequate building sites**

Each lot shall contain a site large enough for a normal building that will meet all building setback requirements and not be subject to flood or periodic inundation. Lot remnants shall be added to adjacent lots, rather than remain as unusable parcels.

**e. Arrangement**

Insofar as practical, side lot lines shall be at right angles to straight street lines or radial to curved street lines.

**f. Corner Lots**

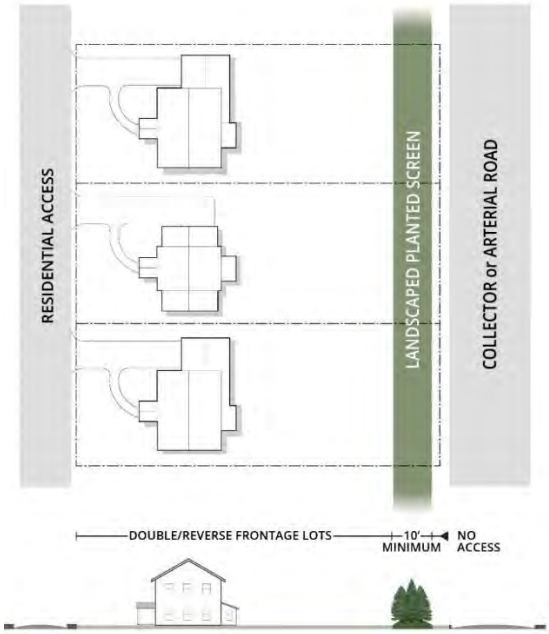
Corner lots shall be sufficiently large to permit the location of buildings so as to conform to the front building lines on both streets.

**g. Frontage on highways restricted**

Residential lots shall not be platted to front directly on the right-of-way of an existing, major thoroughfare, including a State or U.S. numbered), unless the lots are served by a frontage road or a street contained within the proposed subdivision.

**h. Double and reverse frontage lots**

Double frontage and reverse frontage lots are prohibited except where deemed to provide separation of residential development from a State or U.S. numbered highway (whether a collector or arterial street) or to overcome specific disadvantages of topography and orientation of property. An easement of at least ten feet in width, improved with a landscaped planted screen, across which there shall be no right of access, shall be provided along the line of lots abutting any such highway or a disadvantaged use.



#### i. Properties adjacent to lakes

The subdividing of land adjacent to or surrounding an existing or proposed lake, shall be such that lots abutting the lake shall be drawn to the centerline of the lake. Such requirements may be waived upon submittal to the development official and department of an acceptable method for the maintenance of the lake and any recreational operations.

### 3. Inter-parcel access requirements

#### a. Internal Access Easements Required

For any office or retail sales or services use, the property owner shall grant an access easement as described in this section to each adjoining property that is zoned or used for an office or retail sales or services use. The purpose of the easement is to facilitate movement of customers from business to business without generating additional turning movements on the public street.

#### b. Access Easement Provisions

**1)** The easement shall permit automobile access from the adjoining property to driveways and parking areas intended for customer or tenant use; but parking spaces may be restricted to use by the owner's customers and tenants only.

**2)** The granting of such easement shall be effective upon the granting of a reciprocal easement by the adjoining property owner.

**3)** Upon the availability of access to driveways and parking areas of the adjoining lot, the pavement or other surfacing of the owner's driveways and parking areas shall be extended to the point of access on the property line.

#### c. Relief

Where the proposed land use is such that adverse impact of the required easement on use of the property would outweigh the reduced impact on the public street provided by the reciprocal easements, the department may waive the requirement for access easements, in whole or in part, administratively.

### 4. *Easements*

Easements shall be required in connection with subdivisions or developments for the following purposes, among others:

#### a. Utility Easements

Whenever it is necessary or desirable to locate a public utility line outside of the street right-of-way, the line shall be located in an easement dedicated to the city (or other appropriate public entity) for such purpose. Easements for water and sanitary sewers shall be a minimum of 20 feet wide, and may be required to be wider depending on the depth of cut.

#### b. Water Course and Drainage Easements

**1)** A publicly dedicated stormwater easement or drainage easement is to be provided along any drainage channel, stream or water impoundment within a development located outside a street right-of-way. The easement is to be substantially centered on

the watercourse or surround the high water line of the impoundment, and shall be of such width as the development official deems necessary for adequate access by maintenance equipment. All easements shall be no less than 20 feet wide when used as an open ditch. Piped storm drainage shall have a minimum easement width of 15 feet wide.

**2)** Drainage easements off the street right-of-way shall be clearly defined on the plat and deed of the individual property owner, and such property owner shall keep the easement free of obstructions and maintain that part of the easement within the property owner's boundary line so that free and maximum flow is maintained at all times.

**c. Overlapping Easements**

Easements for water and sanitary sewers and drainage purposes shall not overlap unless approved by the department.

## C. Required improvements

### 1. Minimum requirements

The following improvements shall be provided by the developer or at the developer's expense in every subdivision or development in accordance with the standards contained in this article.

**a.** Survey monumentation of the public streets and lot lines in a subdivision.

**b.** Public streets providing access to a development and to all lots in a subdivision, including the extension of streets required to provide access to adjoining properties.

**1)** Public streets contained wholly within a subdivision shall be improved to the full standards contained in this article. Existing streets that adjoin a development shall be improved to the minimum standards from the centerline of the street along the development's frontage. (Half streets are not allowed).

**2)** Public streets in nonresidential areas or serving a multi-family development shall be improved to "collector" street standards. In residential subdivisions, streets that serve 100 dwelling units or more shall be improved to "collector" street standards, while those serving fewer than 100 dwelling units shall be improved to "local" street standards.

**3)** The city may participate in sharing the costs of construction and installation to the extent that improvements are needed to bring the street to a higher level of classification than required to exclusively serve the subdivision or development.

**4)** Curb and gutter along all roadways.

**c.** All drainage structures, including channels, shall be in place, inspected by the Douglasville Douglas County Water Sewer Authority (WSA) and functioning properly prior to the start of any building construction on any lot served or adjacent to the stormwater sewer and easement.

**d.** Sidewalks shall be required as provided in section 11.02, F. Streets. The development official or the Mayor and City Council may require additional sidewalks and wider sidewalks within a distance of up to one mile on streets leading to or going through commercial areas, school sites, places of public assembly, and other congested areas.

**e.** Street name signs, stop signs and traffic control signs shall be installed by the city at the developer's expense.

**f.** Public water service, where in the written opinion of the development official, a public water supply is within a reasonable distance, shall be provided to every lot in a subdivision and to every development for both domestic use and fire protection. Water mains shall be connected to the existing public water system and extended past each lot. A contractor approved by the WSA shall install all elements of the water system, including mains, valves and hydrants at the developer's expense. The WSA may participate in sharing the costs of construction and installation to the extent that pipe sizes are needed in excess of that size required to exclusively serve the subdivision or development.

**g.** Where a public water supply is not available, each lot in a subdivision shall be furnished with a water supply system approved by the development official and the Douglas County Health Department.

**h.** Fire hydrants shall be located along the streets in every subdivision served by a public water system and within every development project.

**i.** Every lot in a subdivision and every development shall be connected to a public sanitary sewerage system unless on-site disposal is allowed by the health department. Sewer lines shall be connected to an existing sanitary sewerage system and extended past each lot. Every element of the sanitary sewer system, including mains, lift stations, outfalls, and laterals, shall be installed at the developer's expense by a contractor approved by WSA.

**j.** Every commercial conveyor car wash permitted and constructed after August 15, 2012, regardless of the water source, shall install and maintain in good working condition a recycled water system, wherein a minimum of 50 percent of water utilized will be recycled.

**2. Gated communities**

Improvements in gated communities shall meet all requirements and standards that apply to public subdivisions.

**3. Guarantee in lieu of completed improvements**

No final subdivision plat shall be approved by the city or accepted for recordation by the clerk of superior court until one of the following conditions has been met:

**a.** All required improvements have been constructed in a satisfactory manner and approved by the director, or

**b.** The city council has received in escrow 110 percent of the estimated cost of installation of the required improvements, and has approved an executed contract for installation of the improvements by a qualified contractor. Such improvements shall be limited to final topping course on the street, sidewalks, streetlights, grassing of shoulders and deferred landscaping and all other right-of-way amenities as required by this UDO. The executed contract shall call for completion of the improvements within two year of approval of the final subdivision plat.

## D. Survey monuments

A two-inch iron pipe 16 inches in length shall be placed at all corners of the exterior boundaries of the subdivision being developed and shall be set flush or up to six inches above the finished grade. Existing permanent monuments that, in the professional opinion of a registered land surveyor, are of sufficiently durable construction may be maintained in lieu of new monuments as described above. All other street or lot corners or angle points and points of curve in each street shall be

marked with an iron pipe at least three-quarters inch by 16 inches and set two inches above the finished grade. All such monuments shall be properly set in the ground and shown on the final plat and shall be approved by a registered land surveyor prior to the time of final plat approval.

## E. Streets

### 1. Access

**a.** A publicly approved street meeting the requirements of this article shall serve every development and every lot within a subdivision, except for gated communities.

**b.** Every development and every subdivision shall have access to the public street system via a paved roadway.

**c.** When land is subdivided into larger parcels than ordinary building lots, such parcels shall be arranged and designed so as to allow for the opening of future streets and to provide access to those areas not presently served by streets.

**d.** No subdivision or development shall be designed in a way that would completely eliminate street access to adjoining parcels of land.

**e.** Reserve strips controlling access to streets, alleys or public grounds shall be prohibited.

**f.** Development along State and U.S. numbered highways.

**1)** Where a residential subdivision abuts or contains a State or U.S. numbered highway, the department shall require a street approximately parallel to and on each side of such right-of-way shall be constructed as a frontage road to provide access to the lots, deep lots with rear service drives or double frontage lots shall be provided (see "lots" above). Residential lots in a subdivision shall have no direct access to a State or U.S. numbered highway.

**2)** Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the department may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land, as for park purposes in residential districts, or industrial purposes in appropriate districts. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations as determined by the Georgia Department of Transportation.

**3)** Subdivision streets that intersect a State or U.S. numbered highway shall do so at intervals of not less than 800 feet, or as required by the Georgia Department of Transportation, whichever is greater.

### 2. Street classifications

Streets are classified according to the function that they serve, the type, speed, and volume of traffic they will carry and the required standards of design. The classifications of streets and roads are shown in the comprehensive plan.

### 3. Relation to present and future street system

**a.** The street pattern character, extent, width, grade and location within a development or subdivision shall provide for the continuation or appropriate projection of the existing street pattern and planned streets at the same or greater width, but in no case less than the required minimum width in the section of the community involved, unless the department deems such extension undesirable. In a situation where topography or other

conditions make continuous or conformance to existing streets impossible, conformance to a plan for a neighborhood approved by the development official shall be required.

**b.** Existing streets that adjoin a development or subdivision boundary shall be deemed a part of the subdivision. The proposed street system within a subdivision shall have the right-of-way of existing streets extended no less than the required minimum width. Subdivisions that adjoin only one side of an existing street shall dedicate one-half of the additional right-of-way needed to meet the minimum width requirement for the street. If any part of the subdivision includes both sides of an existing street, all of the required additional right-of-way shall be dedicated.

**c.** Where, in the opinion of the department, it is necessary to provide for street access to adjoining property, proposed streets shall be extended by dedication of right-of-way to the boundary of such property through the development.

**4. Design standards for streets**

**a. Arterial streets**

All State or U.S. numbered highways, and other thoroughfares classified as arterials, shall meet all design requirements of the Georgia Department of Transportation.

**b. Collector streets**

A collector street that is a State or U.S. numbered highway shall meet all design requirements of the Georgia Department of Transportation. All other collector streets shall comply with the design and construction requirements of this UDO, except collector streets shall be improved to local street standards in subdivisions devoted to single family use with lots of 20,000 square feet or larger.

**c. Local streets and cul-de-sacs**

All local streets and cul-de-sacs shall comply with the design and construction requirements of this UDO.

**d. Minimum width of right-of-way**

Minimum width of right-of-way measured from lot line to lot line shall be as follows:

***Table 11-1 Minimum Right-of-Way Width***

| Street Classification | Width of Right-of-way |
|---|---|
| Arterial street | Per Georgia DOT for State and U.S. numbered highways |
| Collector street | |
| A | 80 feet |
| B | 60 feet |
| Local street and Cul-de-Sacs | 50 feet |
| Alley | 20 feet |

**e. Additional Right-of-Way**

Subdivisions which include an existing platted street or road that does not conform to the minimum right-of-way requirements of this UDO and is identified as a transportation improvement project in the transportation plan shall provide additional width along one or both sides of such street or road so that the minimum right-of-way required by this article is established. Subdivisions abutting only one side of such a street or road shall provide a minimum of one-half measured from the center of the existing right-of-way, of the right-of-way required by these regulations.

**f. Vertical alignment of streets**

**1)** Grades on Arterials shall not exceed four percent; grades on collectors shall not exceed 8; grades on local streets shall not exceed 14. Grades between 12 and 14 percent shall not exceed a length of 150 feet. The grade across a cul-de-sac in all directions shall not exceed 1.5 percent. All streets shall have a minimum grade of one percent. Major and minor thoroughfare profile grades, unless specified by GDOT, shall be connected by vertical curves of minimum length in feet equal to 20 times the algebraic difference between rates of grade expressed in feet per 100; for all other streets, including local streets and alleys, not less than ten times.

**2)** All changes in grade shall be connected by a vertical curve so constructed as to afford a minimum sight distance, said sight distance being measured from the driver's eyes, which are assumed to be 3.5 feet in height above the pavement surface, to an object six inches high on the pavement. The minimum sight distance shall be as follows:

***Table 11-2 Minimum Sight Distance***

| Design Speed | Distance in Feet |
|---|---|
| 25 | 150 |
| 30 | 200 |
| 35 | 250 |
| 40 | 275 |
| 45 | 400 |
| 50 | 475 |
| 55 | 550 |

**g. Horizontal alignment of streets**

Where a deflection angle of more than ten degrees in the alignment of a street occurs, the radius of curvature of the center line of said street shall be not less than as follows:

***Table 11-3 Horizontal Alignment***

| Street Classification | Minimum Radius of Curvature of Center Line |
|---|---|
| Arterial street | Per Georgia DOT for State and U.S. numbered Highway |
| Collector street** | 500 feet |
| Local street | 200 feet |
| Cul-de-Sac & loops | 100 feet |

**h.** The minimum horizontal midblock visibility measured on centerline shall be determined by the Georgia DOT or 500 feet for arterials; 300 feet for collectors and 200 feet for local streets.

**1)** Curved streets shall have a minimum tangent of 100 feet at intersections as measured from the centerline of cross streets. A tangent of a least 250 feet in length shall be shall be introduced between reverse curves on arterials, 100 feet on collector streets, and 50 feet on local streets.

**2)** Adjoining street intersections shall be spaced at least 200 feet apart measured from edge of right-of-way to edge of opposing right-of-way.

**3)** Street jogs with centerline offsets of less than 125 feet on local streets shall not be allowed.

**4) Intersections**

The centerline of no more than two streets shall intersect at any one point. All streets shall intersect at no less than 60 degrees, and as near a right angle as possible. The angle of intersection is to be measured at the intersection of the street centerlines. Such intersecting streets shall provide an uninterrupted line of sight from the center point of the intersection for not less than the minimum sight distance required in accordance with this UDO. Details designs of intersections may be required.

**a)** In approaches to intersections, there shall be a suitable leveling of the street at a grade not exceeding three percent and for a distance of less than 50 feet from the nearest line of the intersecting street.

**b)** Curb line radius at street intersections shall be at least 25 feet and where the angle of street intersection is less than 90 degrees, the city council may require a greater radius.

**c)** At an intersection where traffic is to be controlled by stop signs on the minor road, the minor road shall be designed to intersect the major road in accordance with the standards imposed by the Georgia Department of Transportation where applicable; and where not applicable, the minor road shall intersect at such location as will provide minimum sight distance in either direction along the major road as follows: 650 feet for an arterial, 600 feet for a minor thoroughfare, 400 feet for a collector street and 350 feet for a local street.

**5)** Islands at intersections shall be subject to individual approval by the development official. In no case shall anything extend more than 30 inches above the back of the curb within the right-of-way of the intersecting street.

**6)** Intersecting street right-of-way lines shall parallel the back of curb or edge of pavement of the roadway, and shall be rounded with a radius of no less than four feet.

**i. Dead-end streets (cul-de-sacs)**

**1)** A cul-de-sac shall be no more than 600 feet long unless necessitated by topographic or other conditions and approved by the department, but in no case exceed 800 feet in length. Cul-de-sacs shall terminate in a circular turnaround having a minimum right-of-way of at least 100 feet in diameter for residential and 150 feet for commercial and industrial, and a paved turnaround with a minimum outside diameter of 80 feet. Such a street shall be provided at the closed end with a turnaround having the following right-of-way and roadway dimensions:

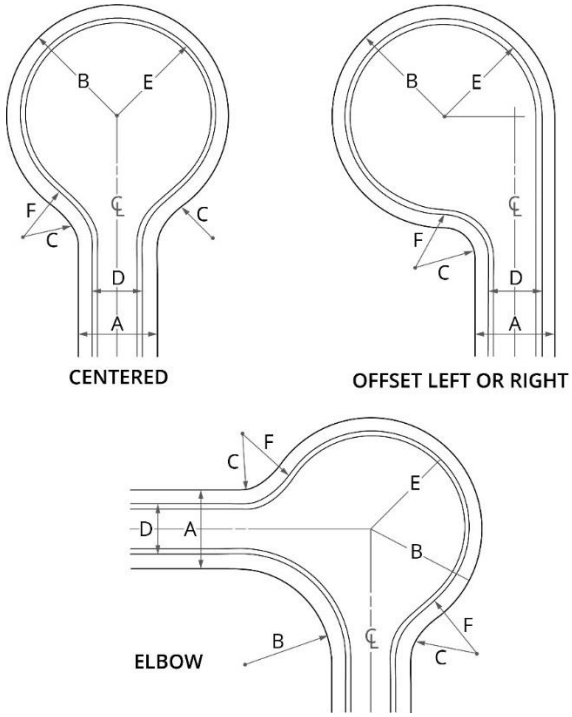


***Figure 11- 1 Cul-de-Sac Types***

***Table 11-4 Cul-de-Sacs***

| | Right-of-way (feet) | | | Roadway (feet) | | |
|---|---|---|---|---|---|---|
| Street Type | A | B | C | D | E | F |
| Residential section | 50 | 50 | 30 | 28 | 40 | 40 |
| Com. & Ind. Section | 75 | 75 | 45 | 28 | 60 | 60 |

**2)** Where a subdivision contains a dead-end street, other than a cul-de-sac, the department may require the subdivider to provide a temporary vehicular turnaround within the right-of-way, when the development official or department considers such to be necessary for effective traffic circulation.

**3)** A dead-end street other than a cul-de-sac shall not be allowed except as a temporary stage of construction of a street that is intended to be extended in a later stage of construction. Such a temporary dead-end street shall be provided with a temporary turnaround having a roadway radius of 40 feet if:

**a)** One or more lots front exclusively on the street; and,

**b)** Extension of the street is not under construction when the final plat is submitted for recording.

**c)** Dead-end streets shall be designed to connect to future development and shall not be blocked with a private lot.

**4)** Temporary turnarounds shall consist of a tack coat and one inch of asphalt.

**j.** Alleys and service drives. Alleys or service drives may be required on any lot used for multifamily, commercial or industrial, but shall not be provided in residential blocks except where the subdivider produces evidence satisfactory to the development official or department of the need for alleys or service drives. Where an alley has been specifically authorized or required by the department, it shall comply with the following minimum design standards:

**1)** The roadbed width shall be no less than 20 feet, containing a paved roadway of no less than 20 feet exclusive of gutters.

**2)** Dead-end alleys shall be provided with a turn-around having a radius of at least 40 feet.

**3)** An apron of 30 feet is required. No variance shall be granted for a reduced apron.

**k. Street names**

**1)** Proposed streets that are obviously in alignment with others already existing and named shall bear the names of existing streets. In no case shall the name for a proposed street duplicate or too closely approximate, phonetically, existing street names in the city or Douglas County, irrespective of the use of the "suffix" street, avenue, boulevard, road, pike, drive, way, place, court or other derivatives.

**2)** Property address numbers shall be provided by the department.

**3)** Street names shall be reviewed and approved by Douglas County E-911.

**l. Half streets prohibited**

Half streets are prohibited. Whenever a street is planned adjacent to the proposed subdivision tract boundary, the entire street right-of-way shall be platted within the proposed subdivision.

**m. Split Level Streets and One-way Streets**

Streets which are constructed so as to have two trafficways, each at a different level with the same right-of-way, shall provide a paved traffic surface of at least 20 feet on each level and a slope between the two trafficways of not less than three to one. One-way streets and split streets will be allowed when:

**1)** Topographic conditions are such that alternatives to the typical street construction would be more desirable.
**2)** The shape and size of the parcel could be more efficiently developed.

In either case, approval must be obtained from the department.

**5. Street Improvements**

Street improvements shall be reviewed and approved by the Director or their designee.

**a. Minimum width of roadway**

The minimum roadway width, measured from back of curb to back of curb (or edge of pavement to edge of pavement for a swale ditch section) shall be as follows:

***Table 11-5 Minimum Roadway Width***

| Street Classification | Width of Roadway |
|---|---|
| Arterial | Per Georgia DOT for State and U.S. numbered highways |
| Collector** | 40 feet |
| 4-lane 12-foot median | 60 feet |
| 2-lane no median | 24 feet |
| Local street | 24 feet |
| Alley | 20 feet |

**b. Curb and gutter**

**1)** Curb and gutter are required on all streets.
**2)** Local residential street curbs shall be six-inch × 24-inch vertical or roll back type 3000 psi Portland cement concrete at 28 days. Roll back type is allowed in residential subdivisions with prior written approval of the department.
**3)** Curbs along collectors and local commercial or industrial street curbs shall be six-inch × 24-inch vertical type only, 3,000 psi Portland cement concrete at 28 days.
**4)** Curbing along streets shall meet the following standards:

**a)** Developer's engineer or surveyor shall set line and grade.

**b)** One-half inch expansion joints of pre-molded bitumastic expansion joint material shall be provided at all radius points and at intervals not to exceed 50 feet in the remainder of the curb and gutter.

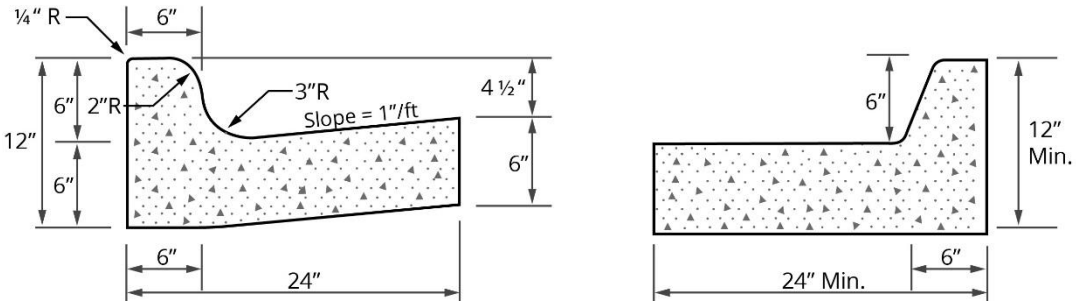



***Figure 11- 2 Curb and Gutter***

**c)** The development official and department shall individually approve special curbing design (center islands, etc.).

**d)** Curb and gutter shall be set true to line and grade and finished by skilled workers to the section shown on the plans.

**e)** Inferior workmanship or construction methods resulting in unsightly curb and gutter will be cause for rejection of the finished work.

**f)** Adequate storm drainage structures shall be provided. The curb and gutter shall be constructed so as to present a smooth, even line both horizontally and vertically.

**5)** Valley gutters shall not be allowed across streets at street intersections.

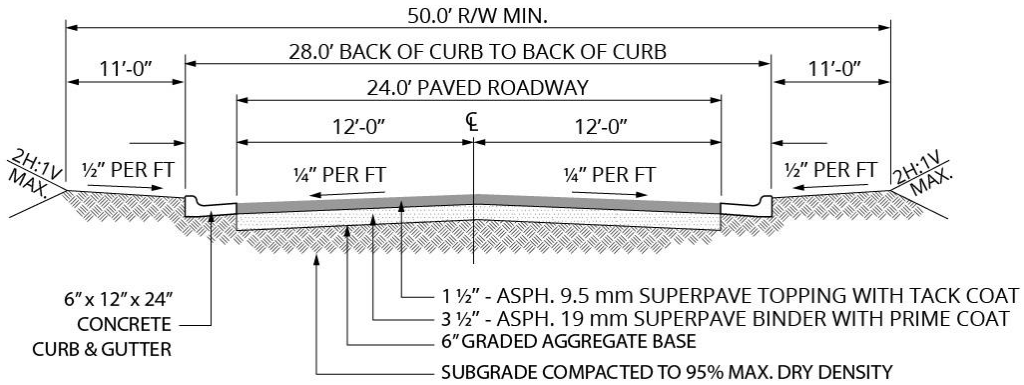
**c. Slopes and Shoulder Improvements**

**1)** On streets with curb and gutter, the shoulders shall slope one-fourth inch to the foot toward the roadway for at least seven feet from back of curb, and no more than one-half inch to the foot for the remainder of the right-of-way width.

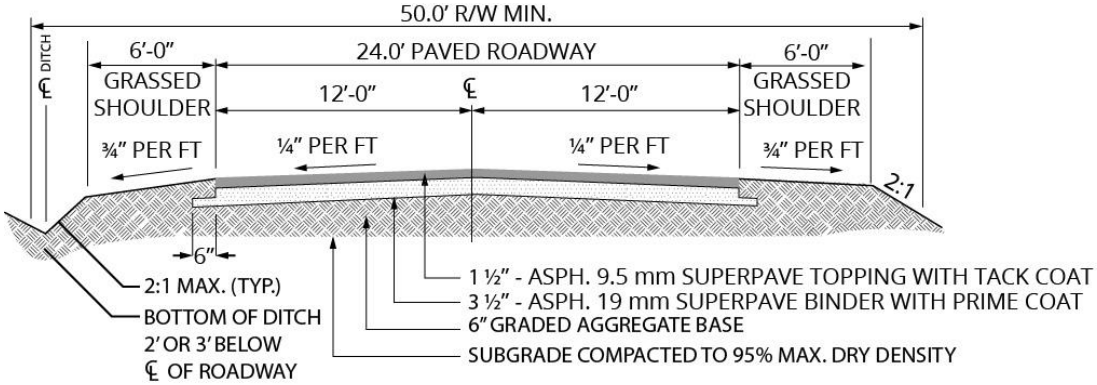
**2)** On streets with swale ditch drainage, the shoulders shall slope three-quarters inch to the foot away from the roadway for at least five feet to the drainage channel. The maximum slope for the drainage channel shall be two feet of run for each one foot of fall, with a minimum 2-foot wide channel at the bottom of the swale.

**3) Typical Street Sections**

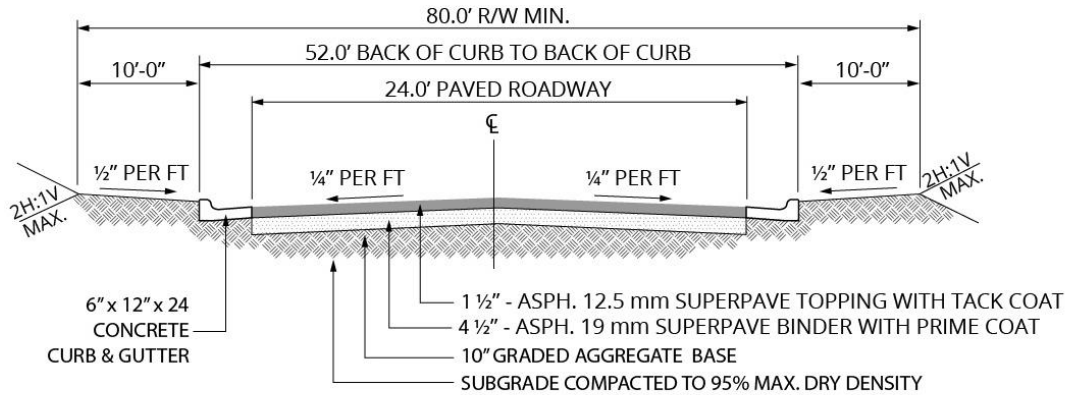
**a) Curbed Local Street**



**b) Uncurbed Local Street**




**c) Curbed Commercial Street**




NOTE:
COMMERCIAL PAVING WIDTH FOR 4-LANE STREET WITH TURN LANE = 64'

COMMERCIAL PAVING WIDTH FOR 2-LANE STREET WITH TURN LANE = 40'

### d. Turning lanes

Turning lanes may be required at all entrances to subdivisions and industrial, office and commercial developments that front on arterial and collector streets. Turning lanes shall be 12 feet in width (including curb and gutter if required) for a minimum distance of 200 feet measured from the intersection of the right-of-way lines or the edge of the driveway.

### e. Street name and traffic control signs

Street name signs of a type approved by the city are to be placed at all intersections. Traffic control signs shall be placed by the city at the developer's expense and conform to the *U.S. Manual* on *Uniform Traffic Control Devices,* latest edition.

### f. Sidewalks

**1)** Sidewalks shall be provided along all curb and gutter streets other than alleys and interstate highways, as follows:

**a)** Along both sides of all arterial streets and collector streets;

**b)** Along one side of all local streets and cul-de-sac.

2) Sidewalks shall be located not less than one foot from the property line to prevent interference of encroachment by fencing, walls, hedges, or other planting or structures placed on the property line at a later date.
3) Sidewalks shall be no less than five feet in width, constructed of concrete no less than four inches in depth; exceptionally, sidewalks on interior streets in residential subdivisions with driveways spaced no more than 200 feet apart shall be not less than four feet in width and constructed of concrete no less than four inches in depth.
4) Sidewalks must be offset at least 18 inches from the back of curb, and the offset area shall be filled with stamped concrete or like material approved by the development official, except adjacent to residential property where the offset area may be backfilled and grassed. Areas adjacent to sidewalks and opposite the offset shall be backfilled and grassed.
5) Sidewalks shall be constructed of concrete, except where alternate materials are approved by variance granted by the Mayor and City Council. Concrete shall be 3,000 psi at 28 days' strength.
6) Curb ramps shall be provided at all street intersections and street crosswalks.
7) Sidewalks shall be constructed in compliance with the Federal Americans with Disabilities Act.

**g. Streetlights**

All developers of residential subdivisions with lots less than five (5) acres in size, and all developers of shopping centers, industrial parks and similar such developments, shall be required to provide streetlights in the public rights of way in such developments. Such developers, at the time of submission of the preliminary plat of the development, or at the time of application for a building permit, which ever shall first occur, shall present a proposed streetlight layout, acceptable to the development official, which details the proposed streetlights for the development.

**6. Location of utilities in streets**

**a.** All developers of residential subdivisions with lots less than five acres in size, and all developers of shopping centers, industrial parks and similar such developments, shall be required to provide underground utilities in such developments. Such developers, at the time of the submission of the preliminary plat of the development, or at the time of application for a building permit, whichever shall first occur, shall present a proposed underground utility layout, acceptable to the development official, which details the proposed underground utilities within the right-of-way for the development.

1) All utilities beneath pavement shall be installed and the ditch backfilled and thoroughly compacted before any pavement or base is installed, or the pipes shall be bored if installed after street construction.
2) All utility manholes and valve boxes shall be brought to the finished grade within the roadway section.
3) All private utilities that will cross under pavement shall be installed completely throughout the subdivision prior to any roadway base being applied. Installation of approved utility sleeves shall be considered as an alternate.

**b.** Above-Ground Utilities. Where above-ground utilities are existing or otherwise allowed, telephone poles, street light poles, telephone junction boxes and other public or private utility structures placed above ground within a street right-of-way must be at least eight

feet back from the back of the street curb (or edge of pavement) and one foot back from the edge of any sidewalk, whichever is farthermost from the roadway.

7. **Pavement Cuts**

   **a.** Pavement cuts for the installation of utilities shall be avoided whenever possible. Utility crossings shall be bored across any arterial, subject to the approval of the Georgia DOT, and across any collector unless a pavement cut is approved by the director or their designee.

   **b.** All utility street cuts within public rights-of-way shall be reviewed and approved by the department before construction begins.

   **c.** Pavement cuts across local streets shall be permitted, provided the road is repaired with at least six inches of 3000 psi Portland cement and topped with at least two inches of E or F hot plant mix asphaltic cement. The top of the concrete pad shall not exceed the elevation of the aggregate base course of the original road construction.

   **d.** Pavement cuts across local streets shall conform to the following:

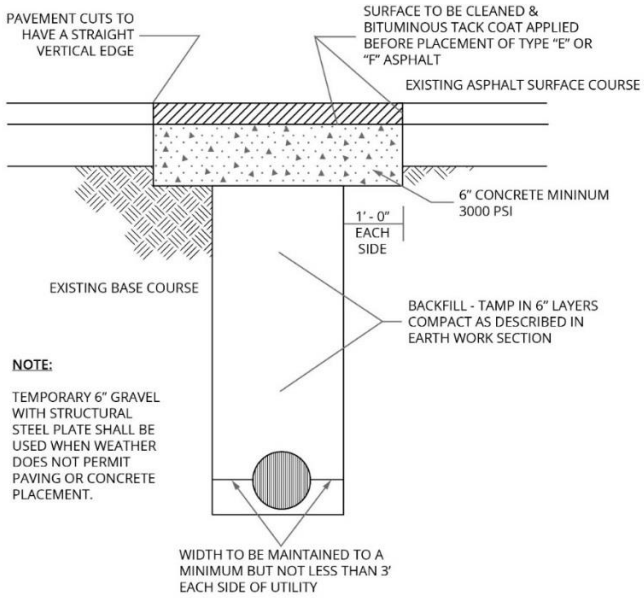



***Figure 11- 3 Pavement Cuts***

## F. Driveways

1. **Approval required**

   **a.** No driveways shall be connected to a public street and no curbs or medians on public streets or rights-of-way shall be cut or altered for access without a driveway permit issued by the department.

   **b.** Requirements of the Georgia DOT shall apply whenever more restrictive than the standards in this UDO.

2. **Driveway connections**

### a. Vehicular access

Vehicular access from properties to streets shall comply with the following dimensional requirements, measured at the right-of-way line:

***Table 11-6 Driveway Width Requirements***

| | Maximum Driveway Width [1] | Minimum Driveway Width | |
|---|---|---|---|
| | | Two-Way | One-Way |
| **Single-Family Residence** | 25 feet | 8 feet | 8 feet |
| **Multi-Family Residential and manufactured home parks** | 36 feet | 26 feet | 12 feet [2] |
| **Commercial & Industrial Uses** | 36 feet | 30 feet | 16 feet [2] |

[1] Includes divided entrances with center islands.
[2] At least one driveway for every lot shall be a minimum of 20 feet wide, unobstructed for fire apparatus accessibility.

### b. Driveway aprons

Driveway connections shall be provided between the edge of pavement or back of curb to the right-of-way line. No property may be afforded access from a public street except as follows:

**1)** Curb and gutter streets shall be provided with a driveway apron constructed of 3000 psi concrete at least six inches thick. Sidewalks, where provided, shall be warped to the driveway apron and are to be identified across the driveway apron by construction joints or control joints.

**2)** All driveway aprons shall have a radius connecting the driveway to the curb line or pavement edge as follows:

***Table 11-7 Driveway Apron Radii***

| Land Use | Minimum Driveway Radius |
|---|---|
| Single-Family Residential | 5 feet |
| Commercial, Multi-Family or Residential Alley | 15 feet |
| Industrial | 25 feet |

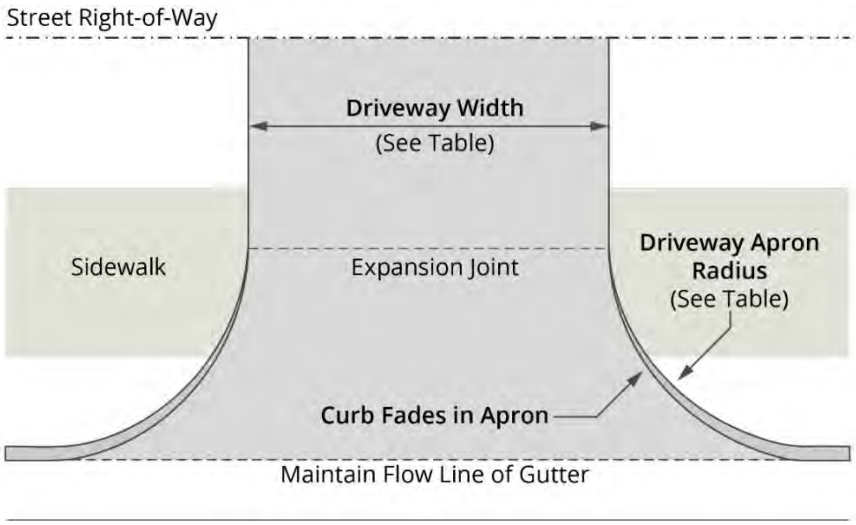



***Figure 11- 4 Driveway Apron Radii***

**c. Intersection spacing**

The distance from a driveway to the intersection of two streets, and the distance between driveways along a street, shall be based on the type of street the driveway connects to, in accordance with the following table. All measurements shall be taken along the right-of-way lines.

***Table 11-8 Driveway Separations***

| | Type of Street | | |
|---|---|---|---|
| | **Arterial** | **Collector** | **Local** |
| **Intersection: ROW to Edge of Driveway** | 150' | 100' | 20' |
| **Between Driveways (edge to edge)** | 200' | 50' | 20' |

**d. Apron design**

The driveway apron shall be constructed such that no water shall enter from the street.

**e. Number of driveways limited along major streets**

**1)** Along all arterial streets and any other State or U.S. numbered highway, no more than one point of vehicular access from a property shall be permitted for each 300 feet of lot frontage, or fraction thereof.

**2)** Along collector streets that are not State or U.S. numbered highways, no more than two points of vehicular access from a property to each abutting public street shall be permitted for each 400 feet of lot frontage, or fraction thereof; provided however, that lots with less than 100 feet of frontage shall have no more than one point of access to any one public street. The department shall determine whether the points of access may be unrestricted or will have to be designed for right-in, right-out traffic flow.

## G. Sight triangle at street and driveway intersections

1. A sight visibility triangle shall be located at every street intersection with another street or a private driveway.

   a. At public street intersections, the sight visibility triangle is delineated by the two intersecting street right-of-way lines and a line connecting the right-of-way lines at the points indicated in the Sight Triangle Table. The connecting points shall be measured from the right-of-way lines extended to their point of intersection.

   b. At private driveway intersections with public streets, the edge of the driveway's pavement or back of curb will be used for the sight triangle measurements along the driveway.

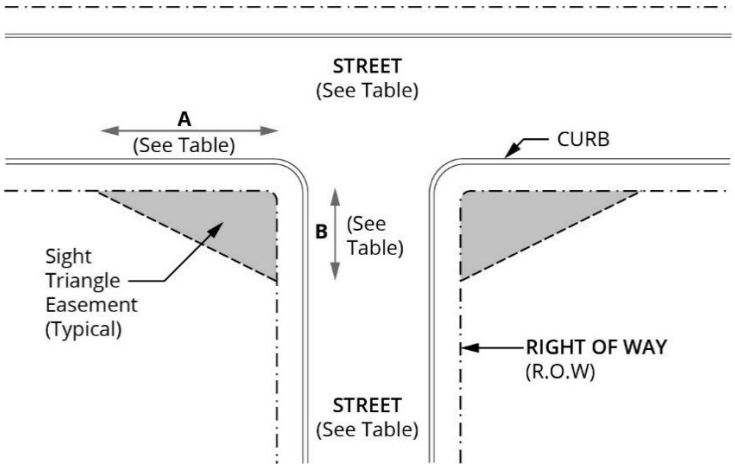



***Figure 11- 5 Sight Triangle***

***Table 11-9 Sight Visibility Triangle Table (See Drawing)***

| "B" Distance in Feet | "A" Distance in Feet | | |
|---|---|---|---|
| | **Local Street** | **Collector** | **Arterial** |
| **Private Drive - 25** | 25 | 50 | 100 |
| **Local Street - 30** | 30 | 100 | 150 |
| **Collector - 100** | 30 | 100 | 150 |
| **Arterial - 150** | 30 | 100 | 150 |

2. The planting of trees or other vegetation or the location of structures exceeding 30 inches in height that would obstruct the clear sight across the sight visibility triangle shall be prohibited.
3. No commercial driveway shall be constructed within 150' of the ROW corner of an intersection. Section 11.02. I., Storm drainage.

## H. Storm drainage

### 1. Applicability and exemptions

   a. An adequate drainage system, including necessary ditches, pipes, culverts, drains, inlets, bridges, etc., shall be provided for the proper drainage of all surface water.

**b.** All persons proposing development or construction in the city shall prepare a stormwater management plan. No final subdivision plat shall be approved and no development or building permit shall be issued until and unless the stormwater management plan has been reviewed and approved by the WSA, except as exempt below.

**c.** Exemptions from Storm Drainage Requirements. The following development activities are exempt from the provisions of this section and the requirement of providing a stormwater management plan:

**1)** Agricultural land management.
**2)** Additions or modifications to existing single-family detached dwellings.
**3)** Residential development consisting of single-family houses, each on a lot of less than one-half acre.

**I. System design**

**1.** Analyses shall be performed in accordance with the publication entitled *Manual for Erosion and Sediment Control in Georgia* published by the Soil and Water Conservation Commission.
**2.** All drainage facilities shall be so designed as to serve the entire drainage area in which these facilities are located.
**3.** All drainage features shall be in accordance with standards and specifications of Douglasville and no extension shall be made from the street drainage through abutting property without approval of the city.
**4.** Improvements, such as widening, deepening, relocating, clearing, protecting, or otherwise improving existing lake and shore lines, stream beds and other watercourses for the control of mosquitoes and public health nuisances, shall be provided by the developer in accordance with standards and requirements of Douglas County Health Department.
**5.** Any water impoundment structure shall be constructed so as to minimize mosquito breeding and other nuisance hazards. The outside toe of any dam to be constructed within the city shall require the approval of the city, and shall be constructed in accordance with standards and specifications as determined by the city.
**6.** No land subject to flooding as determined by the city shall be platted or improved for residential or other use which may be endangered by floods, unless such land shall be raised four feet above existing or forecast flood level with fill dirt taken from within that part of the subdivision within the floodplain, unless a greater height is specified by the city; such filling operations shall not deepen the floodplain below its lowest level or reduce the cross-section of the floodplain. Provided further that all existing natural cover shall be replaced in kind after cutting and filling operations are complete.
**7.** In order to obtain a Development Permit, a hydrology report shall be prepared that includes appropriate calculations for the two year, 10-year, 25-year, and 100-year design frequency storms as defined by the National Weather Service. The report shall show detailed calculations indicating the formula used, along with the co-efficient of runoff, the time of concentration, the rainfall intensity, the discharged velocity, and the source of all data used.
**8.** The hydrology report shall include a map outlining the areas and showing the acreage of all on-site and off-site drainage basins contributing flow through the project for both the pre and post development conditions.
**9.** The hydrology report shall include calculations for the runoff peak rate of discharge to determine the configurations and sizes of pipes, channels and other routing or flow control structures; and the runoff volume to determine the necessity for and sizing of stormwater

detention facilities. The peak runoff rate at the point or points of discharge for the ten-year, 24-hour storm.

10. Runoff peak rate of discharge for drainage areas less than 20 acres in size may be calculated using the Rational Method, with a minimum time of concentration of five minutes. Flows from drainage areas larger than 100 acres in size shall be calculated using the SCS Method or other approved methodology, calculations done using the (bow string method) shall not be accepted.
11. Rainfall intensities used in hydrologic analyses shall not be less than those shown by applicable rainfall curves published by the National Oceanic and Atmospheric Administration (NOAA) for the city and the county area. Those curves are on file and available for inspection in the department.
12. Runoff coefficients used for pre- and post-development activity shall reflect the eventual maximum development of the parcel under the existing zoning conditions for the Rational Method shall be consistent with local conditions. For the SCS method, the runoff curve numbers found in *the Manual for Erosion and Sediment Control in Georgia* shall be used. Talbot's Formula shall use 0.80 runoff index or the equivalent.
13. Hydraulic capacity for open channel or closed conduit flow shall be determined using the Manning Equation. Values used for "n" shall be 0.021 for corrugated metal pipe and 0.013 for reinforced concrete.
14. All stormwater shall be conveyed from point of collection to a natural waterway by a stormwater conveyance structure. For the purpose of this policy, a natural waterway shall be defined as a stream, creek, branch, etc., which experiences constant year-round flow of such a degree as to exhibit a defined channel of the magnitude required to accommodate discharge from storm sewers during normal rainfall occurrences. A stormwater conveyance structure shall be a culvert, pipe, spillway, or channel.
15. The stormwater flow velocity at the site's downstream property line shall not exceed the pre-development activity velocity.
16. All free flowing storm drainage systems shall be designed to accommodate the runoff generated by a 100-year design storm utilizing the available head at the entrance.
17. The controlled release of stormwater runoff shall be required for all developments or construction in order to prevent an increase in the predevelopment rate of runoff in excess of ten percent, or one cubic foot per second for a ten-year frequency 24-hour storm, whichever is greater. Such releases shall prevent any increase in the predevelopment rate of runoff of less frequent storms up to and including the 100-year storm.

### J. Street cross drains

1. Pipe size for culverts under streets (street cross drains) shall be determined by design runoff and hydraulic capacity. The minimum allowable street cross drain diameter shall be 18 inches, with a minimum slope of one percent.
2. Street cross drains shall be constructed of Class III reinforced concrete.
3. Street cross drains shall be sized to handle the runoff of a 100-year, 24-hour storm. Cross drains shall be designed to handle the peak rate of discharge associated with a 100-year storm with at least 1-foot of freeboard from the top of the roadway shoulder.
4. Velocity at design flow shall be sloped so as to maintain a minimum velocity of at least three feet per second but not more than the velocity that would cause erosion damage to the conduit.
5. Street cross drain design is to be in accordance with the methods contained in the State Highway Standard 1030D, latest edition.

6. Street cross drains carrying live streams shall extend to where the crown of the pipe intersects the street embankment slope and shall have flared end sections with a one-foot-wide collar of six-inch-thick concrete.
7. Maintain full shoulder width across all cross drains as the minimum length.
8. Street water shall be limited to a maximum distance as follows: 400 feet on grade up to seven percent; 300 feet on grades from seven to ten percent; 250 feet on grade over ten percent.
9. Bridges shall be designed on a 100-year storm frequency.
10. Junction boxes having access to the pipe shall be constructed to meet the requirements of Georgia DOT Standard 1030D (or most current).

### K. Traffic and erosion

1. Before any traffic over a storm drain is allowed, the developer shall provide an adequate depth and width of compacted backfill to protect the structure from damage or displacement acceptable to the development official. Where the developer chooses to leave the drain open and same is crossed by a driveway, the size of pipe shall be determined by the development official, and no building permit will be approved unless the installation meets the requirements of the city.
2. The developer shall remove any debris or silt that constricts the flow through a pipe as often as necessary to maintain drainage.
3. All pipe structures shall be cleaned before the work is accepted. Any damage or displacement that may occur due to traffic or erosion shall be repaired or corrected at the developer's expense.
4. The developer's obligation to clean and repair pipes ceases after acceptance of the system by the proper authority at the end of the one-year maintenance period.

### L. Inlets and catch basins

1. Inlets and catch basins shall be designed in accordance with the Georgia Department of Transportation's *Drainage Manual for Highways,* latest edition.
2. Frames and grates shall be as selected by the development official and department based upon site conditions.
3. Stormwater catch basins shall be spaced so that the spread in the street for a 10-year design peak rate of discharge shall not exceed eight feet, as measured from the face of the curb.
4. Catch basins shall be located at all low points of streets and shall be located so as to service no more than four acres.

### M. Piped systems

1. Design runoff and hydraulic capacity shall determine pipe size. The minimum allowable pipe diameter shall be 24 inches under a street and 18 inches under a driveway.
2. Minimum Clearances. Minimum clearances are: one foot between the bottom of the roadway base and the exterior crown of the culvert, and a minimum of six inches between underground utilities and exterior crown of culverts.
3. Trench Construction. Trench construction for storm drainage pipe shall be in accordance with standard drawings.
4. Storm drainpipes shall be constructed of Class III reinforced concrete or aluminized Type II corrugated culvert.

    **a. Concrete Pipe**

1) Concrete pipe shall be reinforced within the right-of-way but may be plain pipe outside of the right-of-way.
2) Flat bottom and circular pipe sections shall be laid in a prepared trench with the socket ends pointing upstream. Sections shall be joined in accordance with manufacturer's recommendations.

**b. Corrugated Aluminum or Pipe**

Corrugated aluminum pipe and pipearches sections shall be laid in a prepared trench with outside laps of circumferential joints pointing upstream and with longitudinal joints at the sides. Coupling bands, fastened by two or more bolts, shall join the sections. The space between adjoining sections shall be not more than the width of one corrugation.

**c. Elongation**

Elongation of metal pipes shall be as shown on the plans. The contractor shall order the elongation of the vertical axis of the pipe to be done in the shop. Corrugated metal pipe shall be shipped with wire-tie in the pipe ends. Wire-ties shall be removed as soon as possible after the fill is completed.

5. The design of piped stormwater collection systems shall be based upon conveyance of the peak rate of discharge associated with a 100-year, 24-hour storm.
6. Stormwater pipes that do not carry live streams shall extend at least 50 feet beyond the front building setback lines, and may be required to extend farther where necessary to provide an adequately protected building site on the property.
7. Any storm drainage pipe dedicated to the public that extends outside of the street right-of-way shall be located within a minimum 20-foot wide easement.
8. All storm drainage pipes shall be at least 18 inches below the surface and shall have a slope of at least one per cent. Subdrainage will be installed to control the surplus groundwater by intercepting sidehill seepage or by lowering or regulating the groundwater level where such conditions exist.
9. Pipe bedding shall be provided as specified in *Design and Construction of Sanitary and Storm Sewers,* prepared by the American Society of Civil Engineers (Manuals and Reports on Engineering Practice No. 37), latest edition.
10. Development storm drain outlet systems shall connect to a public stormwater conveyance system or to a free-flowing stream. The developer shall be required to provide evidence of acceptable capacity to receive additional flow.
11. Under no circumstances shall structures be constructed over an existing or proposed storm drain, whether public or private.
12. Maximum continuous length of pipe shall be 300 feet.

## N. Headwalls

1. Headwalls or flared end sections with concrete collars are required at the inlet and outlet on all street cross drains and storm drain pipes.
2. Headwalls are to be precast concrete, stone masonry with reinforced concrete footings, or poured-in-place, reinforced concrete with reinforced concrete footings.
3. Flared end sections shall be constructed of the same material as the drainage pipe to which they are being connected.
4. High water elevation contour is to be based on a 100-year storm at the entrance of each head wall.

5. Energy dissipation devices, such as splash pads, riprap, stilling basins, etc., shall be provided at the outlet of every street cross drain and storm drainpipe.

**O. Open channels**

1. The plat must be marked and an easement shown for a 15-foot easement for the drain.
2. All stormwater channels shall be designed to carry at least the 100-year frequency storm with one foot of freeboard.
3. Velocity at design flow shall be six and one-half feet per second. A higher velocity may be allowed if actions are taken that would avoid erosion or scouring of the channel.
4. All stormwater channels must be designed to retain natural design characteristics and to convey flows that prevent dwelling flooding, property damage, or public access and/or utility interruption.
5. The development official may determine that the expected long-term maintenance of a surface drainage system could prove impractical, and a stormwater pipe collection system may be required.
6. Any storm drainage channel that extends outside of the street right-of-way shall be located within a 20-foot wide easement.
7. In cases in which a subdivision or development is traversed by a stream, there shall be provided a conservation easement extending 25 feet from each side of the stream bank.
8. All drainage easements, natural ditches, and drainage areas shall have a flat bottom construction of rip rap of appropriate size. Side slopers shall have a maximum slope of 3:1 and shall be stabilized with grass and/or riprap as necessary to control erosion.
9. Cross drains under driveways shall meet the standards for street cross drains.

**P. Stormwater detention**

1. Stormwater management plan required.

   All persons proposing development or construction shall prepare a stormwater management plan. No final subdivision plat shall be approved and no development or building permit shall be issued until and unless the stormwater management plan has been reviewed and approved by the director, except as exempted below.

   a. Stormwater detention facilities providing for the storage and controlled release of runoff shall be required if stormwater cannot be conveyed to a natural waterway or that the increase in runoff due to development may create problems of downstream flooding, overloading of existing structures or other problems directly attributable to the development of a parcel of land. The release rate (quantity and velocity) of stormwater shall be no greater than the calculated point discharge prior to development.

   b. All stormwater detention facilities shall be designed to control the runoff volumes associated with storms having 2-year, 10-year, 25-year and 100-year return frequencies, considered individually.

   c. Detention shall be provided such that the peak rate of flow from the site after development will not exceed the corresponding flow that would have been created by the same return frequency storms prior to development.

   d. Reservoir routing methods shall be used for all detention facility design.

   e. The drainage system being developed shall have adequate capacity to bypass through the development the flow from all upstream areas for a storm of 100-year design frequency for

the land off site and upstream under existing development. The bypass flow rate shall be not less than the 100-year flow rate of record or computed using a runoff coefficient of not less than 0.50.

**f.** The live detention storage to be provided shall be calculated on the basis of the 100-year frequency rainfall as published by the National Weather Service for the affected areas. The detention volume required shall be that necessary to handle the runoff of a 100-year rainfall, for any and all durations, from the proposed development less that volume discharged during the same duration at the approved release rate as specified above.

**g.** The development official may permit several developers to construct joint facilities. The development official shall approve or disapprove the waiver of on-site drainage or detention facilities on the basis of the engineering feasibility of a combined facility. No use of land or occupancy of buildings within the properties served by these facilities shall be permitted until completion of the retention and drainage structures, except upon specific approval.

**h.** The department shall be authorized to approve alternative methods of stormwater detention based on appropriate engineering studies that do demonstrate equal or better performance in accordance with accepted stormwater management practices. Approved alternatives may include well maintained and landscaped lakes that may be provided to act jointly as detention reservoirs and recreation facilities or aesthetic focal points within forest preserve areas, public or private parks, housing developments, shopping centers, and industrial parks. Other control methods to regulate the rate of stormwater discharge which may be acceptable include, but not be limited to, detention on flat roofs, parking lots, streets, lawns, underground storage, and oversized storm drains with restricted outlets.

**i.** Detention facilities and drainage structures shall, where possible, use natural topography and natural vegetation. In lieu thereof these shall have planted trees and vegetation such as shrubs and permanent ground cover on their borders. All on-site facilities shall be properly maintained by the owner in such a way that they do not become nuisances. Nuisance conditions shall include: improper storage resulting in uncontrolled runoff and overflow; stagnant water with concomitant algae growth, insect breeding, and odors; discarded debris; and safety hazards created by the facility's operation. Private facilities are the perpetual responsibility of the landowner

**j.** Principal outlets such as weirs shall be constructed of concrete block or reinforced concrete with watertight joints. Outlet pipes shall be at least six inches in diameter. Riser pipes, if used, shall be at least eight inches in diameter.

**k.** No portion of any detention facility shall be located in any required buffer, street right-of-way or within a flood hazard area.

**l.** The 100-year ponding limits of a detention facility shall not encroach upon a public street.

**m.** An easement at least 25 feet in width shall be required to provide access to the detention facility from a street.

**n.** Every detention facility shall be completely enclosed within a drainage easement. The drainage easement shall extend at least ten feet beyond the ponding limits of the 100-year storm.

**o.** Detention facilities shall be enclosed with a minimum four-foot high black powder-coated chainlink fence around all facilities having a maximum water or undercut depth of more than four feet or a bank slope greater than 1.5 to 1 and shall be equipped with a minimum eight-foot wide access as necessary for maintenance. Fencing may be waived by the development official and department in other than areas zoned residential and where the pond is more than 500 feet from a residential district.

**p.** Developments that adjoin and flow directly into a river are exempt from stormwater detention requirements.

## Q. Public utilities

### 1. Sanitary sewerage

**a.** No septic tanks shall be allowed if public sewerage is available, as determined by the Water and Sewer Authority. The subdivider or developer shall provide sanitary sewer services to each lot within the bounds of the subdivision. The layout and specifications of the system shall be in accordance with the specifications of the providing agency.

**b.** In a drainage basin which, at the time of plat approval is scheduled for a public sewerage system within three years, all subdivisions shall be provided with a temporary commercial sewer disposal system, as approved by the Environmental Protection Division of the Department of Natural Resources, State of Georgia. Such system shall include permanent sewerage outfall lines plus a temporary treatment system to be installed by subdivider.

**c.** Whenever installation of a sanitary sewer is required as provided by these regulations, no new street shall be paved without such sewer being first installed in accordance with the requirements of the Public Health Division, Georgia Department of Human Resources sewer specifications for private disposal systems and the WSA for public disposal systems.

**d.** When the sewer is located in a street right-of-way and it will be necessary to cut into the street to serve the abutting lots, a connection shall be stubbed out to the property line to serve each lot prior to surfacing the street.

**e.** Where connection to the sanitary sewerage system is not feasible in the view of the development official, the lot shall contain adequate area for the installation and safe operation of a septic tank and disposal field, as approved by the health department.

**f.** Prior to the construction of any private community sewerage disposal system, the location, size, plans and specifications of such a facility shall be approved by the development official and department, the health department and the State Department of Natural Resources, Environmental Protection Division. Adequate space must be provided for a complete, secondary community sewerage disposal system.

### 2. Public water

**a.** Each subdivision or development shall connect to the public water system, where available within a reasonable distance of service, and shall provide service to each lot or the development as a whole, as appropriate, at the expense of the developer.

**b.** The layout and specifications of the system shall be in accordance with city specifications, and shall be installed by a contractor approved by the city.

**c.** Fire hydrants in subdivisions shall be spaced no more than 400 feet apart, and meet all requirements of the fire department.

**d.** When the water main is located in the street right-of-way and it will be necessary to cut into the street surface to serve the abutting lot, a connection shall be stubbed out to the property line and a meter box installed to serve each lot prior to surfacing the street. Alternatively, lines may be bored at the builder's expense.

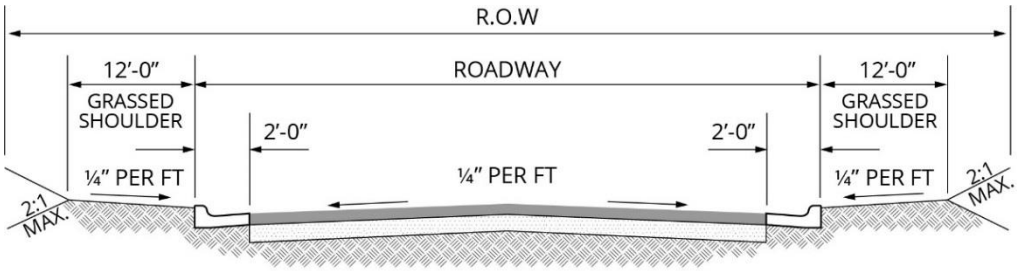



***Figure 11- 6 R.O.W. Design Parameters***

***Table 11-10 Design Parameters***

| Design Parameters | Collector Street* | Local Residential Street |
|---|---|---|
| Right-of-Way Width | 60 ft. | 50 ft. |
| Roadway Width | 28 ft. | 28 ft. |
| Cul-de-sac Turnaround – R.O.W. | N/A | 50 ft. radius |
| Cul-de-sac Turnaround – Back of Curb | N/A | 45 ft. radius |
| Maximum/Minimum Grade – Street | 8% / 1% | 14% / 1% |
| Maximum Grade – Across Cul-de-sac | N/A | 1½ % |
| Minimum Center Line Radius | 500 ft. | 200 ft. |
| Minimum Tangent | 100 ft. | 500 ft. |
| Curb Line Radius at Intersections | 15 ft. | 15 ft. |
| Minimum Street Jog Separation | 125 ft. | 125 ft. |

*Per Georgia DOT for State and U.S. numbered highways.

## Sec. 11.04 Sketch Plan

### A. Purpose of Sketch Plan

The purpose of a Sketch Plan review is to provide a developer with an economical way to work with the planning staff and elected officials in reaching a general agreement as to the nature of a proposed land subdivision project, its impact on the community, and its conformance with the codes, ordinances, plans and policies. For the Sketch Plan review, the developer will not need detailed architectural and engineering drawings.

### B. Sketch Plan Specifications

As a minimum, the following information and materials should be provided as a part of the Sketch Plan application package:

1. One (1) copy of an accurate and up-to-date survey of the property proposed for subdivision;
2. One (1) copy of a vicinity map at a scale of 1:600 showing the property in relation to the general area of the jurisdictional limits in which it is located;
3. Ten (10) copies of a schematic plan drawn clearly and accurately by a design professional at a scale appropriate for the nature of the project, to include:
   - **a.** Scale, North Arrow, and Date of Preparation;
   - **b.** Approximate Topography;
   - **c.** All primary and secondary conservation areas;
   - **d.** Significant Existing Man-Made Features on the Property;
   - **e.** Proposed streets, lots, public areas, open spaces, greenbelts, buffers, amenity areas, and other significant proposed improvements;
   - **f.** Zoning setbacks, and the approximate area of each lot;
   - **g.** Any other features that will be important in the design and development of the project; and
   - **h.** Any off-site improvements that may be needed to properly develop the property.
4. One (1) copy of a reduced 11inches x17 inches copy of the Sketch Plan suitable for distribution;
5. One (1) copy of the Stormwater Management Sketch Plan
6. Typical floor plans and elevations of the houses that are planned for the proposed subdivision; and
7. A Sketch Plan review fee

## C. Sketch Plan Review Process

Step 1: The developer of a proposed subdivision shall meet with the City of Douglasville Community Development Director or designee to discuss what is required for Sketch Plan approval in terms of documents, fees, and schedules.

Step 2: The developer shall submit to the City of Douglasville Community Development Director a complete Sketch Plan application package including all items specified under Section 2 of this Article, and any other matter appropriately required by the City of Douglasville.

Step 3: The Sketch Plan Application Package is carefully checked by the City of Douglasville Community Development Director or designated administration assistant to determine whether it is complete. If it is incomplete it will be returned to the developer with an explanation of why it is incomplete and what must be done to make it complete. The developer will then begin the process again with Step 2 and no additional fee will be required.

Step 4: If the Sketch Plan Application Package is complete, it will be accepted by the City of Douglasville Community Development Director or designee; the date of acceptance will be noted. For every submittal, the City of Douglasville Community Development Director or designee shall have at least 14 working days for review and comments.

Step 5: If the City of Douglasville Community Development Director concludes the Sketch Plan is not acceptable, the Sketch Plan shall be returned to the developer with an explanation of why it was found to not be acceptable, and with instructions as to what needs to be done to make it acceptable. The developer will then begin the process again at Step 2, and a new plan review fee will be required.

Step 6: If the City of Douglasville Community Development Director approves the Sketch Plan, the developer will be authorized to proceed with the preparation of a Preliminary Plat that will be based on the approved Concept and be in accordance with all conditions and agreements included in the action to approve the Concept.

## Sec. 11.05 Preliminary Plat

### A. Purpose of Preliminary Plat

The purpose of a Preliminary Plat is to provide a review of a proposed subdivision at an intermediate point between the Concept Plat and a full set of Construction Plans. It is intended that this review will help assure that the plans which are being prepared are in accordance with all applicable development codes and ordinances and with the conditions set forth in the approval of the Concept Plat.

### B. Preliminary Plat Specifications

The Preliminary Plat for a subdivision shall be clearly and legibly drawn at a scale of not less than 100 feet to one inch. The sheet size shall not exceed 36 inches by 48 inches, provided, however, a scale of 200 feet to one inch may be used to avoid sheets more than 36 inches by 48 inches. The minimum sheet size shall be 17 inches by 22 inches. The Preliminary Plat application package shall, at a minimum, contain the following:

1. Proposed name of the subdivision.
2. Names, addresses, and telephone numbers of the property owner of record and the developer or subdivider.
3. Name, address, and telephone number each professional firm associated with the preparation of the Preliminary Plat.
4. Date of survey, North Arrow, and graphic scale.
5. Subdivision location including land lot(s) and land district(s), area in acres, internal and abutting zoning, proposed number of lots with minimum lot size, and proposed phasing, if any.
6. A location sketch or vicinity map positioning the subdivision in relation to the surrounding area with regard to recognized permanent landmarks. The location sketch scale shall be at a scale of 600 feet to the inch.
7. Boundary lines of the overall property perimeter showing bearings in degrees, minutes and seconds and distances in feet and hundredths of a foot along all lines and the bearing and distances to an existing street intersection or other recognized permanent landmark. The source of boundary information shall be shown.
8. Current field-run topography with mean sea level contours at intervals no greater than five feet. The source of topographic information shall be shown.
9. Accurate locations of all-natural features such as lakes, ponds, streams, creeks, State Waters, Wetlands, floodplain boundaries, riparian buffers, Wildlife and Priority Habitats (as identified by Department of Natural Resources), and other significant features, and notations designating any federal, state, or local regulatory agency permits or approvals that are or may be required relative to development of or around such features. The source of floodplain information shall be shown. If applicable, the petitioner must provide a copy of the Wetland Delineation that has been approved by the US Army Corps of Engineers, or at a minimum, a delineation prepared by a qualified wetland scientist.
10. Primary and Secondary Conservation Areas
11. Approved Stormwater Management Plan
12. Accurate locations of all cultural features such as all existing historic resources, public recreational facilities, cemeteries, rights-of-way, easements, pavements (including widths), bridges, culverts and storm drains, utility lines, appurtenances and structures, municipal,

County, or other political subdivision jurisdictional limits, land lot and district lines, zoning districts and limits and other significant features.

13. Proposed layout including lot lines with preliminary dimensions, lot numbers, block letters, street rights-of-way with names and widths, easements, public use facilities, facilities exclusively for subdivision use and all relevant conditions of zoning.
14. Location of all known existing or previous landfills.
15. Proposed method of water supply and sewage disposal.

### C. Preliminary Plat, Supplemental Information.

The following supplemental information shall be required for each submittal of a Preliminary Plat:

1. A written summary of the proposed Subdivision giving information as to the overall development plan including, as appropriate, the type and square footage of structures, number of housing units, types of land uses, anticipated traffic generation, and other pertinent information so that the effects and conformance of the Subdivision as to the purposes and requirements specified in Article V, Section 1 can be considered by the City of Douglasville Community Development Director or designated development coordinator.
2. Description of the anticipated utility systems required to serve the proposed subdivision including projected average and peak demands or flows for potable water (Water Availability Report), fire protection, sewerage, and electrical power.
3. Description of proposed stormwater management practices for the subdivision including the ownership and proper maintenance provisions of all stormwater detention facilities within the subdivision.
4. Such additional information as may be reasonably required to obtain an adequate understanding of the subdivision.

### D. Preliminary Plat Review Process

Step 1: The developer of a proposed Subdivision shall meet with the Community Development Director or their representative to discuss what is required for Preliminary Plat Approval in terms of documents, fees, and schedules.

Step 2: The developer shall submit to the Community Development Department two complete sets of the Preliminary Plat Application Package.

Step 3: The Preliminary Plat Application Package shall be carefully checked to determine whether it is complete. If it is incomplete, it will be returned to the developer with an explanation of why it is incomplete and what must be done to make it complete. The developer will then begin the process again with Step 2, and no additional fee will be required.

Step 4: If the Preliminary Plat Application Package is complete, it will be accepted; the date of acceptance will be noted. For every submittal, the Community Development Department and the Building Division shall have at least 14 working days for review of the Preliminary Plat, and preparation of review comments.

Step 5: If it is concluded that the Preliminary Plat is not acceptable, the Preliminary Plat shall be returned to the developer with an explanation of why it was found to not be acceptable, and with instructions as to what needs to be done to make it acceptable. The developer will then begin the process again at Step 2 and a new plat review fee will be required.

Step 6: After the Preliminary Plat Application has been reviewed, the Preliminary Plat submittal shall then be placed on the Agenda for the next regularly occurring meeting of the Planning Commission for approval. The Planning Commission shall have the authority to impose conditions and agreements on any plat approval as will ameliorate the negative effects of the proposed development on internal or surrounding properties.

Step 7: If the Preliminary Plat is approved by the Planning Commission, it shall be forwarded to the developer and he will be authorized to proceed with the preparation of construction plans. The construction plans will be based on the approved Preliminary Plat and be in accordance with all conditions and agreements included in the action to approve the Preliminary Plat.

## Sec. 11.06 Construction Plans

### A. Purpose of Construction Plans

The purpose of the Construction Plans is to provide all the detailed engineering information necessary to build the proposed subdivision in accordance with the approved Preliminary Plat and all the other development codes and ordinances of the city. It shall be the responsibility of the Community Development Director or their designee to approve the format and content of the plans and specifications, and to determine what supplemental information shall be required to assure proper construction of the project.

### B. Construction Plans and Specifications

The Construction Plans for a subdivision shall be clearly and legibly drawn at a scale of not less than 100 feet to one inch. The sheet size shall not exceed 36 inches by 48 inches, and the minimum sheet size shall be 17 inches by 22 inches. The Construction Plans shall include the following information:

1. Name of Subdivision;
2. Name, Address and Telephone Numbers of the Owner/Developer of the Property;
3. Name, Address and Telephone Number of the Professional Engineer who prepared the plans;
4. Name, Address and Telephone Number of the designated 24-hour contact person for the project;
5. Date plans were prepared, North Arrow and Graphic Scale on all appropriate sheets.
6. Location Map at a scale of 600 feet to the inch;
7. An accurate list of all conditions relative to the zoning or development of the property as a Subdivision and the approval of the Concept Plat and Preliminary Plat;
8. Pertinent Site Development Data;
9. A copy of each permit or approval that shall be required from any federal, state or local regulatory agency for or in connection with the proposed subdivision, or any portion thereof, or a copy of a pending application for any such permit or approval.
10. Detailed Limits of Clearing and Tree-Save Plans;
11. Detailed Limits all undisturbed buffers and open space;
12. Erosion and Sediment Control Plans;
13. Detailed Stormwater Management Plans;
14. Detailed Electric and Natural Gas Utility Plans;
15. Detailed Roadway Plans;
16. Detailed Grading Plans;

17. Detailed Water Supply/Utility Plans;
18. Detailed Sanitary Sewer Plans; and
19. Such other Information as may be required by the City of Douglasville to fully evaluate and review the Project.

## C. Construction Plan Review Process

Step 1: The developer of a proposed subdivision shall meet with the Community Development Department to discuss what is required for Construction Plan Approval in terms of documents, fees, and schedules.

Step 2: The developer shall submit two complete sets of the Construction Plan Application Package.

Step 3: The Construction Plan Application Package shall be carefully checked by the Community Development Department to determine whether or not it is complete. If it is incomplete it will be returned to the developer with an explanation of why it is incomplete and what must be done to make it complete. The developer will then begin the process again with Step 2, and no additional fee will be required.

Step 4: If the Construction Plan Application Package is complete, it will be accepted by the Community Development Department and the date of acceptance will be noted. For every submittal, the Community Development Department shall have at least 30 working days for review of the Construction Plans and to prepare comments.

Step 5: The Community Development Department shall review and approve two identical sets of plans, one for the developer and one for the city. The developer shall then make five copies of the approved set for the Community Development Department , along with one 11 inch x 17 inch set. The developer shall keep one copy of the approved set on the construction site at all times.

Step 6: Upon request, after approval on the Construction Plans and receipt of all permits and approvals, which shall become a part of the developer's Construction Plans, the Community Development Department shall issue a Land Disturbing Activity or Development permit to install the erosion control facilities and the tree-save fence in accordance with the approved plans. A fee is required for this permit in accordance with the fee schedule set by City Council.

Step 7: Upon request, the staff shall inspect the property to determine whether the erosion control facilities and tree-save fence were installed properly. This inspection shall take place within three working days of the request.

Step 8: If the installation is not approved, the developer shall be informed in writing of what needs to be done to secure approval, and then begin the process again with Step 7. A re-inspection fee shall be required.

Step 9: After approval of the erosion control facilities and tree-save fence, the developer may request that the Community Development Department issue a permit to clear and grade the property in accordance with the approved plans. A fee may be required for this permit in accordance with the fee schedule set by City Council.

Step 10: Upon request, the staff shall inspect the property to determine whether the clearing and grading were done properly. This inspection shall take place within five working days of the request.

Step 11: If the clearing and grading are not approved, the developer shall be informed in writing of what needs to be done to secure approval, and then begin the process again with Step 13. A re-inspection fee may be required in accordance with the fee schedule set by City Council.

Step 12: The Community Development Department or designee may periodically inspect the property to determine whether the site is developed in accordance with the approved plans. Also, the developer shall submit for review and approval all test results, documentation, and certifications that are required to demonstrate satisfactory construction and adherence to all federal, state, or local regulatory agency permits and approvals, all codes, ordinances and development standards.

Step 13: Upon request, the Community Development Department shall make a final inspection of the construction. Based on the site inspection and the review of the supporting documentation, the Community Development Department ] shall determine whether the construction work is acceptable. This determination shall be made within ten working days of the request. If it is determined that the construction is satisfactory, the Community Development Department will authorize the preparation of a Final Plat.

Step 14: If the construction is not approved, the developer shall be informed in writing of what needs to be done to secure approval, and then begin the process again with Step 13. A re-inspection fee shall be required.

Note: If the developer wishes to make any substantive change to the Construction Plans at any time during the process, that change must first be approved by the Community Development Department in accordance with the Construction Plan Review Process.

Note: Staff inspections will be performed on a regular basis during the construction process to assure conformance with the approved plans and specifications.

## D. Construction Plans Certification

### 1. Construction plans, engineer's certification of design

The following certification statement from the design professional of record shall appear in the approved Construction Plans package:

I hereby certify that the design of stormwater and drainage facilities including culverts, drainage structures and detention or retention ponds and appurtenances; the design of roadways and streets; and the design of water system facilities including pipelines, fire hydrants, valves and appurtenances, sanitary sewerage facilities including gravity sewer pipelines, force mains, manholes and appurtenances was prepared under my direct supervision and is in strict accordance with all applicable federal, state, and local regulatory permits and approvals, and all applicable local codes, ordinances and regulations.

_____ _____

Signature of Engineer of Record Date

_____ _____

Name (Printed) (Seal)

### 2. Construction plans approval, Community Development Director

The following certification statement from the Community Development Director shall appear in the approved Construction Plans:

All requirements of the City of Douglasville relative to the preparation and submission of these plans and specifications have been fulfilled and approval is hereby granted subject to the conditions stipulated below:

_____ _____

Community Development Director Date

### 3. Construction Plans Approval, Community Development Director

The following certification statement from the City of Douglasville Community Development Director shall appear in the approved Construction Plans:

These Construction Plans have been reviewed and found to be in accordance with the approved Concept Plat and the approved Preliminary Plat, and any zoning conditions that may have been previously imposed on the property.

_____ _____

Community Development Director Date

## Sec. 11.07 Final Plat

### A. Purpose of the Final Plat

The purpose of the Final Plat of a subdivision is to present an accurate depiction of the layout of the subdivision that has been constructed so that it can be properly recorded and then used as a permanent reference for the sale of the property included within the Subdivision.

### B. Final Plat Specifications

1. The Final Plat shall be clearly and legibly drawn in black ink on suitable permanent reproducible material. The scale of the Final Plat shall be 100 feet to one inch or larger. Sheet size shall be 18 inches by 24 inches.
2. The Final Plat shall be based on a certified boundary survey delimiting the entirety of the property contained within the Final Plat and tied to a city-established monument with the same degree of accuracy as the boundary itself. The survey shall have an accuracy of no less than 1 in 10,000 and shall meet all requirements of Georgia Law regarding the recording of maps and plats. The Final Plat shall be submitted as hard copy and electronically in a format acceptable to the city.
3. The Final Plat shall conform to the approved Sketch Plan and Preliminary Plat and it may constitute only a portion of the approved Sketch Plan, which the subdivider proposes to record at any one time, provided that such portion conforms to the requirements of these regulations, and said portion is not inconsistent with the public health, safety, or welfare. Any substantial deviation from the approved Sketch Plan or Preliminary Plat shall require revision and reapproval of both the Sketch Plan and Preliminary Plat. The Final Plat shall contain the following information:

    a. Name of the subdivision and unit or phase number, if any.
    b. Names, addresses, and telephone numbers of the property owner of record and the developer or subdivider.
    c. Name, address, and telephone number each professional firm associated with the portion of the subdivision depicted on the Final Plat.
    d. Date of plat and survey, North Arrow and graphic scale.
    e. Subdivision location including land lot(s) and land district(s), area in acres, internal and abutting zoning, proposed number of lots and area represented in tabular format showing associated square footage.
    f. A location sketch or vicinity map positioning the subdivision in relation to the surrounding area regarding recognized permanent landmarks. The location sketch scale shall be drawn at a scale of 600 feet to the inch.
    g. Field-run boundary survey of the subdivision property perimeter showing actual bearings in degrees, minutes and seconds and distances in feet and hundredths of a foot along all lines and the bearing and distances to an existing street intersection or other recognized permanent landmark. The boundary information shall be tied and related to the State Plane Coordinates System, 1983 North American Datum, Georgia, East zone.
    h. Municipal or county jurisdictional lines tied to the lines of the subdivision by distance and angles when such lines traverse or adjoin the subdivision; land lot or land district lines traversing or adjoining the subdivision shall also be indicated.
    i. Locations, widths, and names of all streets within and immediately adjoining the plat and all other public or utilities easements or rights-of-way.

**j.** Street centerlines showing angles of deflection and standard curve data including radii, chord lengths, and bearings, lengths of arcs and tangents, and points of curvature and tangency.

**k.** Lot lines with complete dimensions to the nearest one-hundredth of a foot and bearings to the nearest second, and radii, arc and chord lengths, and chord bearings of rounded corners.

**l.** Building setback lines with dimensions. When lots are located on a curve or when side lot lines are at angles other than ninety degrees, the lot width at the building line shall be shown.

**m.** Lots numbered in numerical order, blocks lettered alphabetically, and addresses as established by the city.

**n.** Location, material and size of all drainage pipes, location and type of all drainage system appurtenances such as catch basins, headwalls and inlets, location and extent of detention ponds with 100-year event level noted, the location, material and size of all water and sewer mains and appurtenances, the location of all fire hydrants, and the location, width and purpose of any easements, including slope easements.

**o.** Location of any areas to be reserved, donated, or dedicated to public use with notes stating their purpose and limitations. Location of any areas to be reserved by private deed covenant for common use of all property owners or dedicated to a homeowner's association.

**p.** A statement of restrictive covenants or conservation easements, if any, and if they are brief enough to be put directly on the Final Plat; otherwise, if covenants are separately recorded, a statement as follows:

> "This plat is subject to the covenants set forth in the separate document(s) attached hereto dated [insert date], which hereby become a part of this plat, and which were recorded on [insert date]."

**q.** Accurate location, material, and description of property corner or line monuments or markers. All monuments and markers shall be in place prior to approval of the Final Plat.

**r.** Extent and elevation of the regulated floodplain within the subdivision. When floodplain is present, a chart giving the areas within and outside of the floodplain for each lot containing any portion of the floodplain shall be on the Final Plat. The origin of the floodplain data shall be indicated. The minimum finished floor elevation for sites adjacent to the floodplain shall be indicated on the plat for each lot.

**s.** Individual lots, which are deemed by the Community Development Department as requiring site plans, shall be designated in a readily identifiable manner. No part of any Lot shall contain State Waters, conservation easements or other permanently protected areas, or the required undisturbed buffers for those areas.

**t.** Certificates and statements specified in these Regulations.

## C. Final Plat, Supplemental Information

The following supplemental information shall be required for each Final Plat:

1. A maintenance bond warranting workmanship and covering damages for a period not less than five years from the date the Final Plat is recorded.
2. As-built construction plans in both a paper and electronic format, showing all infrastructure installation details, and certified by the engineer of record.

## D. Final Plat Review Process

Step 1: The developer of a proposed subdivision shall meet with the Community Development Department to discuss what is required for Final Plat Approval in terms of documents, fees, and schedules.

Step 2: The developer shall submit two complete Final Plat Application Packages.

Step 3: The Final Plat Application Package shall be carefully checked by the Community Development Department or designee to determine whether or not it is complete. If it is incomplete it will be returned to the developer with an explanation of why it is incomplete and what must be done to make it complete. The developer will then begin the process again with Step 2 and no additional fee will be required.

Step 4: If the Final Plat Application Package is complete, it will be accepted by Community Development Department or designee; the date of acceptance will be noted. For every submittal, the Community Development Department shall have at least 15 working days for review of and comments on the Final Plat.

Step 5: If the Community Development Department concludes the Final Plat is not acceptable, the Final Plat shall be returned to the developer with an explanation of why it was found to not be acceptable, and with instructions as to what needs to be done to make it acceptable. The developer will then begin the process again at Step 2 and a new plat review fee will be required.

Step 6: Prior to recording the Final Plat, the developer shall complete all required improvements, including the installation of the Landscape Plan for the public areas, and those improvements must all be inspected and approved by the Community Development Department. If for any reason, it is not possible or practical for the developer to be able to complete this work within a reasonable period, the developer may post a cash bond, the amount of which shall be determined by the Community Development Department. pending the satisfactory completion of the work.

Step 7: Prior to recording the Final Plat, the developer must post an acceptable Maintenance bond to guarantee the quality and workmanship of the required improvements for a period of not less than two years following the date the Final Plat is recorded.

Step 8: Once the developer has completed Steps 6 and 7, and the Community Development Department. has approved the Final Plat, the developer shall provide to the Community Development Department a complete and accurate set of as-built drawings in both paper and electronic format acceptable to the city. The as-built drawings must also be approved by the Community Development Department.

Step 9: Record the final plat.

## E. Final Plat Certifications

### 1. Final Plat Surveyor's Certification

The following certification statement from the Surveyor of Record shall appear in the approved Final Plat Package:

It is hereby certified that this plat is true and correct and was prepared from an actual survey of the property made by me or under my supervision; that all monuments shown hereon actually exist or are marked as "future" and their location, size, type, and material are correctly shown: This plat conforms to all requirements of the Georgia Plat Act. By:

_____ _____

Signature of Registered Georgia Land Surveyor Date

_____ _____

Name (Printed) No. (Seal)

### 2. Engineer's Certification

The following certification statement from the Engineer of Record shall appear in the approved Final Plat Package:

I hereby certify that this subdivision was constructed in accordance with the construction plans and specifications which were approved by the City of Douglasville Community Development Director, as well as any approved revisions thereto, and that all applicable engineering requirements of the applicable development and zoning ordinances have been fulfilled, except as noted below:

_____ _____

Signature of Engineer of Record Date

_____ _____

Name (Printed) No. (Seal)

### 3. Final Plat Approval Certification

The following certification statement from the Community Development Director shall appear in the approved Final Plat Package:

This Final Plat has been prepared in accordance with the approved Sketch Plan, the approved Preliminary Plat, the approved Construction Plans, and the other applicable development codes and ordinances, and has been approved by the City of Douglasville for recording in the Office of the Clerk of the Superior Court of Douglas County.

| | |
|---|---|
| Engineer | Date |
| City Clerk | Date |
| Community Development Director | Date |

**4. Maintenance Guarantee**

The undersigned, and all of its successors assigns to its interest in the subject property and, hereby warrant and guarantee to the City of Douglasville the full and complete maintenance of a certain improvement known as _____ and more particularly shown in plat book _____, page(s) _____, of the _____County Records.

This warranty and guarantee is made in accordance with the applicable subdivision and development regulations of the City of Douglasville. This guarantee includes not only paving but also all other appurtenant structures and amenities lying within the right-of-way of any said road and in the buffer areas, including but not limited to all curbing, drainage pipes, culverts, catch basins, drainage ditches, and pedestrian walks. Utilities owned and operated by a governmental body or public utility company shall be the responsibility of said governmental body or public utility company and not the developer.

The developer shall correct and repair or cause to be corrected and repaired all damages to said improvements. In the event the developer fails to correct any damages within 30 calendar days after written notice thereof, then said damages may be corrected by the City of Douglasville and all costs and charges billed to and paid by the developer; but this remedy shall not limit the City of Douglasville, and it shall also have any remedies available to it as approved by law.

The terms of this agreement shall be for a period of five years beginning on the date of written acceptance of said improvements by the City of Douglasville as evidenced by the final plat approval of said completed improvements.

After the termination of said five-year period the City of Douglasville shall be responsible to the citizens for the maintenance of said improvements as provided by law. Provided, however, any damages which occurred prior to the end of said five-year period and which still are unrepaired at the termination of said period shall remain the responsibility of the developer (written notice of said damages must be given prior to the time the five year period ends).

IN WITNESS WHEREOF, the developer has caused this Agreement to be executed by its duly authorized officers this _____ day of _____,_____.

| | |
|---|---|
| _____ | _____ |
| Owner/Developer | Date |
| _____ | _____ |
| Title | (Seal) |

_____

Notary Public State of Georgia (Seal)

## 5. Certificate of Dedication

State of Georgia

County of Douglas

The owner of the land shown on the attached final plat (the "Plat") acknowledges that the Plat was made from an actual survey, and for value received, the sufficiency of which is hereby acknowledged, does hereby convey in fee simple to the City of Douglasville, Georgia, and further dedicates to the use of the public forever all streets and rights-of-way, pedestrian walks, watercourses, drains, easements, greenbelts and public places shown on the Plat, except those easements designated on this plat as other utility company easements, and except those streets specifically designated on the Plat as private streets.

In consideration of the approval of this Plat and other valuable considerations, the owners do hereby agree to hold the City of Douglasville, Georgia, harmless for a five year period from any and all liabilities arising from any and all claims, damages, or demands arising on account of the design and construction of the improvements shown on the Plat, to include but not limited to, the roads, streets, fills, embankments, ditches, cross drains, culverts and bridges within the proposed right-of-way shown, resulting from any and all causes other than by an act of the City of Douglasville, Georgia.

And further, the owner warrants that he owns fee simple title to the property shown on the Plat and agrees that the City of Douglasville shall not be liable to the undersigned or subsequent owners in title for a period of five years for any claim of damages resulting from negligence in exercising engineering techniques and due caution in the construction of cross drains extension, drives, structures or buildings, the changing of courses of streams and rivers, flooding from natural creeks and rivers and any other matter whatsoever on private property. All monetary liability arising from the property shown on the Plat during the term of the five-year hold harmless period specified herein shall be the liability of the owner, or its successors and assigns in interest. I further warrant that I have the right to convey said land according to this plat and do hereby bind myself and the owners subsequent in title to defend the covenants and agreements set out.

IN WITNESS WHEREOF, I have hereunto set by hand and affixed my seal this_____day of__ _____, 20____.

| | |
|---|---|
| _____ | _____ |
| Owner/Developer | Date |
| _____ | _____ |
| Title | (Seal) |
| _____ | _____ |
| Notary Public State of Georgia | (Seal) |

# ARTICLE 12 ADMINISTRATION AND ENFORCEMENT


ARTICLE 12 ADMINISTRATION AND ENFORCEMENT ..... 12-1

Sec. 12.01 Purpose ..... 12-2

Sec. 12.02 What is Subject to UDO Review ..... 12-2

Sec. 12.03 Review Summary ..... 12-2

Sec. 12.04 Review Bodies ..... 12-3

Sec. 12.05 Common Review Provisions ..... 12-7

Sec. 12.06 Public Hearings for Zoning in conjunction with Annexation ..... 12-11

Sec. 12.07 Rezoning ..... 12-12

Sec. 12.08 Review Procedures ..... 12-13

Sec. 12.09 Schedule and Fees ..... 12-22

Sec. 12.10 Administrative and Judicial Review ..... 12-22

Sec. 12.11 Inspection and Enforcement ..... 12-22

Sec. 12.12 Violation and Penalties ..... 12-25

# ARTICLE 12 ADMINISTRATION AND ENFORCEMENT

## Sec. 12.01 Purpose

This article sets out the structure for administering and enforcing this Unified Development Ordinance (UDO), including amendments to the text of this UDO and the responsibilities and procedures of the Community Development Director in carrying out enforcement activities.

## Sec. 12.02 What is Subject to UDO Review

**A.** Generally, all changes in the use of property and improvements to property must be reviewed by the Department of Community Development for compliance with the UDO. This includes land use changes initiated by a rezoning, temporary land use permit, development permit, land disturbance permit, building permit, sign permit, special land use permit, variance or certificate of appropriateness, annexation requests or text and zoning map changes to the UDO.

**B.** Applications for UDO review can be obtained in person at the Department of Community Development or downloaded at the city's website at https://www.douglasvillega.gov/ under the Documents tab in the Community Development section.

**C.** Whenever in this UDO a permit or certificate is required an application shall be made to the Community Development Department. Obtaining approvals required by such application shall be the responsibility of the applicant. Issuance of permits or certificates and the collection of fees shall be the responsibility of the Community Development Department.

## Sec. 12.03 Review Summary

The following table provides a summary of the certificates and permits issued in the city and the applicable review and decision making bodies as it relates to this UDO, in order of review and approval.

***Table 12-1 Review and Approval Sequence by Certificate and Permit Type***

| | Building Official | Community Development Director | Planning Commission | Board of Adjustments and Appeals | City Council | Historic Preservation Commission |
|---|---|---|---|---|---|---|
| **Annexation** | | 1 | | | 2 | |
| **Building Official Appeals and Interpretations** | | | | 1 | | |
| **Building Permit** | 1 | | | | | |
| **Certificate of Appropriateness** | | 1 | | | | 2 |
| **Certificate of Occupancy** | 1 | | | | | |
| **Development Permit** | | 1 | 2 | | 3 | |
| **Future Land Use Plan Amendment** | | 1 | | | | |
| **Land Disturbance Permit** | 2 | 1 | | | | |
| **Rezoning** | | 1 | 2 | | 3 | |
| **Sign Permit** | | 1 | | | | |

| | Building Official | Community Development Director | Planning Commission | Board of Adjustments and Appeals | City Council | Historic Preservation Commission |
|---|---|---|---|---|---|---|
| **Special Land Use Permit** | | 1 | 2 | | 3 | |
| **Temporary Land Use Permit** | | 1 | 2 | | 3 | |
| **UDO Text Amendment** | | 1 | 2 | | 3 | |
| **Variance, Administrative** | | 1 | | 2 | | |
| **Variance, Dimensional** | | 1 | | | 2 | |

## Sec. 12.04 Review Bodies

### A. Building Official

#### 1. General

The Building Official conducts plan review and inspections of building and development throughout the city for commercial and residential projects and may exercise any and all powers prescribed by Georgia and local law.

#### 2. Approval Authority

The Building Official is responsible for reviewing and authorizing building permits, certificates of occupancy and land disturbance permits.

### B. Community Development Director

#### 1. General

The Community Development Director conducts plan and zoning review for projects and provides support to the Planning Commission, Historic Preservation Commission and to the Mayor and City Council, as needed.

#### 2. Approval Authority

The Community Development Director is responsible for reviewing and processing applications for annexations, certificates of appropriateness, development permits, future land use plan amendments, land disturbance permits, rezoning's, sign permits, Special Land Use Permits, temporary land use permits, UDO text amendments, and variances (administrative and dimensional).

### C. Planning Commission

#### 1. General

The Planning Commission, as established in Chapter 34, Article II, Planning Commission of the Douglasville Code of Ordinances, shall exercise all powers granted to Planning Commissions under the former General Planning Enabling Act of 1957, as amended, and shall serve as the planning and zoning commission for the city.

### 2. Approval Authority

The Planning Commission is responsible for the review and authorization of development permits, rezonings, Special Land Use Permits and UDO text amendments.

## D. Board of Adjustments and Appeals

### 1. General

The Board of Adjustments and Appeals serves to address unique or unusual situations or appeals to decisions that may arise from the strict interpretation or enforcement of this UDO.

### 2. Approval Authority

The Board of Adjustments and Appeals is responsible for hearing appeals on administrative decisions, and for the review and authorization of variances to this UDO.

### 3. Establishment

**a.** A Board of Adjustments and Appeals is hereby established. Said board, who is appointed by and serve at the pleasure of the Mayor and City Council, shall be no fewer than three members, who shall be citizens of the city. Board members should be engaged in a field that is familiar with zoning and development including, but not limited to: architects, engineers, real estate agents and developers.

**b.** When a position becomes vacant before the end of a term, the Mayor and City Council shall appoint a new member for the duration of the term remaining.

**c.** Members shall serve without pay but may be reimbursed for any authorized travel expenses incurred while representing the board.

### 4. Proceedings of the Board of Adjustments and Appeals

**a.** The Mayor and City Council appoints the chair and a vice-chair from among its members, who shall serve at the pleasure of the mayor. The vice-chair shall preside at meetings in the absence of the chair.

**b.** The chair or, in their absence, the vice-chair or other member designated to conduct an official meeting, may administer oaths and allow the cross-examination of witnesses.

**c.** The Board of Adjustments and Appeals may adopt such by-laws, rules or procedures as appropriate and not in conflict with this UDO.

**d.** The Board of Adjustments and Appeals hall meet in accordance with its schedule of meeting dates, times and places unless there is no business to conduct. Other meetings of the Board of Adjustments and Appeals shall be held at the call of the chairman if there is business to be brought before it, or at such other times as the board of adjustments and appeals may determine. All meetings of the Board of Adjustment and Appeals shall be open to the public.

**e.** Where there is an even number of board members, half shall constitute a quorum. The affirmative vote of at least a quorum of the members of the Board of Adjustments and Appeals shall be necessary to approve any decision or recommendation.

**f.** The Community Development Director shall serve as secretary to the board of adjustments and appeals. The secretary shall cause minutes of its proceedings to be

kept, showing the vote of each member on each question, or if absent or failing to vote, indicating such fact, and shall cause records of its examinations and other official actions to be kept, all of which shall be of public record. Minutes and agenda shall be prepared and maintained in accordance with the Open Records Act.

**5. Powers and Duties of the Board of Adjustments and Appeal**

**a.** The Board of Adjustments and Appeals shall have the duty and responsibility to conduct a meeting and to make a recommendation in accordance with the procedures and provisions of this UDO on each application for an appeal from an administrative decision, variances, or an interpretation.

**b.** The board, in the execution of the duties for which appointed, may subpoena witnesses and in case of contempt may certify such fact to the Superior Court.

**c.** The Board of Adjustments and Appeals shall also have such other powers, duties or responsibilities as assigned to it by the mayor or as contained in other ordinances adopted by the city.

**d.** In exercising its powers regarding an appeal of an administrative decision, the Board of Adjustments and Appeals may, in conformity with the provisions of this UDO, reverse or affirm, wholly or partly, or may modify the order, requirements, decisions or determination of the administrative official, and to that end shall have the power to direct issuance of a permit.

## E. City Council

### 1. General

City Council serves to address review and authorization matters regarding zoning and development regulations in the city.

### 2. Approval Authority

City Council is responsible for reviewing and authorizing annexation, development permits, rezoning's, special land use permit, UDO text amendments and dimensional variances.

## F. Historic Preservation Commission

### 1. General

The historic preservation commission shall be created and assume all responsibilities as established in Section 48-3, Creation of a Historic Preservation Commission, of the Douglasville Code of Ordinances.

### 2. Approval Authority

The Historic Preservation Commission is responsible for reviewing and authorizing certificates of occupancy. The following Table 12-2 identifies project types that require and do not require Historic Preservation Commission approval.

***Table 12-2 Historic Preservation Commission Review Authority by project type***

| **Type of Project** | **Major Projects** (Requires HPC Approval) | **Minor Projects** (Requires Administrative Approval) | **Ordinary Maintenance** (Does not require approval) |
|---|---|---|---|
| **1)** Painting or repainting or repair with like materials | | | ■ |
| **2)** Replacement (except entire structure of entire rooms) with like materials | | | ■ |
| **3)** Accessibility Features (stairs, steps, fire escapes, handicap ramps, etc.) | | | |
| **a)** Addition or enlargement visible from the public right-of-way | ■ | | |
| **b)** Addition or enlargement not visible from the public right of way | | | ■ |
| **c)** Removal, reduction, other changes | | | ■ |
| **4)** Non-structural elements (Columns, dormers, chimneys, gutters, shutters, etc.) | | | |
| **a)** Addition or removal | ■ | | |
| **b)** Change of style, size, shape, material, other | ■ | | |
| **5)** Other non-structural elements (drainage, utility meters, exhaust/supply/plumbing vents, fences/gates/screening walls, HVAC, exterior lighting, rails, awnings, skylights, decorative elements, etc.) | | | |
| **a)** Addition or removal | | ■ | |
| **b)** Change of style, size, shape, material, other | | ■ | |
| **6)** Roofs | | | |
| **a)** Change in shape or pitch | ■ | | |
| **b)** Change in type of materials | ■ | | |
| **7)** Wall siding, foundation: Change in Materials | ■ | | |
| **8)** Windows and Doors | | | |
| **a)** Addition of new windows | ■ | | |
| **b)** Change in material or style, other changes of existing windows | | ■ | |
| **9)** Porches, decks, carports: addition, removal, change of material, enclosure | ■ | | |
| **10)** Principal or Accessory Structures, entire structures or room(s): addition, enlargement, reduction, relocation, demolition | ■ | | |

## Sec. 12.05 Common Review Provisions

### A. Applicability

1. The following requirements are common to the procedures in this Article and apply to all applications submitted under its provisions. Generally, the procedures for all applications have six common elements:

   **a.** Pre-application inquiry or conference.

   **b.** Submittal of a complete application, including fee payments and appropriate information and studies;

   **c.** Review of the submittal by appropriate staff, commissions, and boards after proper pubic notice has be made, if necessary;

   **d.** A decision to approve, approve with conditions, or deny together with a description of the actions authorized and the time period for exercising those development rights;

   **e.** If necessary, amending or appealing the decision; and

   **f.** Recording the decision.

### B. Common Application Requirements

#### 1. Pre-application inquiry or conference

When an applicant desires to undertake a development project or improvement to their property, they make inquiries to the Community Development Department about the approval process. Based on the nature of the proposal, staff either schedules a pre-application conference or provides the applicant with the proper forms for Administrative Review. Any application requiring a legislative or quasi-judicial review process involves site or building plan approval will require a pre-application conference before submittal. At the pre-application conference, the applicant will be informed of a preliminary determination of which review authorities will examine the application if it is to be approved. Each application is unique and special circumstances may come to light later over the course of processing the application that will require the involvement of additional review authorities.

**a.** If the application is for a project that qualifies as a Development of Regional Impact (DRI), and is the first request for City action or is a revision to a previous DRI the proposal must be transmitted to the Atlanta Regional Commission for review, refer to Section 10.02 Developments of Regional Impact for details and procedures.

**b.** If the subject property in the application is not appropriately zoned, improvements to uses on the property are limited by the grandfathered use provisions of the UDO (see Sec. 2.08) or a request for rezoning or approval of a Special Use must be approved prior to development or construction.

2. **Application Submittal**

   a. All applications must be filed with the Community Development Department and must be submitted on forms and in such numbers as required by the Community Development Director.

   b. Application forms can be obtained from the Community Development Department offices and on the city website, and each form lists the information that must be submitted with the application.

   c. Fees

      1) Application fees have been established by the Mayor and City Council and are listed on an official fee schedule kept on file by the Community Development Department and available on the City Website.

      2) Before review of an application, all application fees must be paid in full.

   d. **Completeness Determination**

      1) All applications must be complete before they can be filed and processed by the City.

      2) An application is considered complete when it contains all of the information necessary to decide whether or not the application will comply with all of the applicable requirements of the UDO.

      3) The presumption is that all the information listed as required in the City's application forms is necessary to satisfy the requirements of this UDO. However, it is recognized that each application is unique, and more information may be required according to the specifics of an application. The applicant may rely on the Community Development Director to determine whether more or revised information must be submitted after application intake.

      4) No application will be considered complete if it fails to meet the requirements of Sec. 12.05.B.7. Lapse of Time Requirement for Reapplication and will not be accepted.

3. **Application intake and initial administrative review**

   a. Complete applications must be submitted in accordance with the schedule established by the Community Development Director. Application schedules indicating submittal dates are developed each year and made available on-line on the City's website and to the public at the Community Development offices.

   b. In reviewing the application, the Community Development Director or the Zoning Official may determine that some of the application materials need to be revised or additional information, such as impact studies, is needed to determine if the application is in compliance with city land use policies and the provisions of the UDO, and will inform the applicant of these additional application requirements.

   c. Once an application has been filed, the Community Development Director or the Zoning Official will assign a case number and review the application and attached information and determine what review authorities will initially examine it. The Zoning Official will confirm with the applicant the proposed schedule for related upcoming meetings and hearings. Refer to the appropriate sections of this Article for procedures pertinent to each type of application.

4. **Revised Application Materials**

   a. All revised application materials must be submitted to the Community Development Department who will route the materials to the appropriate review bodies.

   b. No revised plans may be sent directly to any of the Boards or Commission of this Chapter, or the Mayor or City Council by an applicant.

   c. No revised application materials, either hard copy or electronic, may be submitted to the Community Development Department less than 3 days prior to a scheduled public meeting or public hearing.

5. **Withdrawal of an Application**

   a. Any application may be withdrawn at any time at the discretion of the applicant by providing written notice to the Zoning Administrator.

   b. No portion of a required application fee will be refunded after the case has been advertised on any application withdrawn.

   c. For applications for Legislative Review, if a public hearing has been held by the Mayor and City Council, the withdrawn application will be announced at the hearing, and the application is subject to a refiling delay, as required in Sec. 12.05.B.7. Lapse of Time Requirement for Reapplication.

   d. For applications for Legislative Review, if a public hearing has not been held by the Mayor and City Council, the withdrawn application is not subject to the refiling delay in Sec. 12.05.B.7. Lapse of Time Requirement for Reapplication.

6. **Notice of decision and recording**

   a. Within 5 working days after a decision is made, a copy of the decision must be sent to the applicant by the Community Development Director. In the case of permit issuance, the permit constitutes written notice of the decision.

   b. A record of the action taken on each application will be kept on file in the offices of the Community Development Department and are a matter of public record.

7. **Lapse of Time Requirement for Reapplication**

   The following shall apply to the reapplication for a Legislative Review Application:

   a. No application or reapplication for any zoning map amendment affecting the same land or any portion thereof shall be acted upon within 12 months from the date of last action by the Mayor and City Council that defeated a previous rezoning application unless such 12-month period is waived by the Mayor and City Council, and in no case may such an application or reapplication be reconsidered in less than six months from the date of last action by the Mayor and City Council that defeated a previous rezoning application.

   b. No application or reapplication for the same type of Variance or Special Land Use Permit affecting the same land or any portion thereof shall be acted upon within 12 months from the date of last action by the Mayor and City Council or Board of Adjustments and Appeals, as appropriate, that defeated a previous Variance or Special Land Use Permit application unless such 12 month period is waived by the Mayor and City Council or Board of Adjustments and Appeals, as appropriate, and in no case may such an

application or reapplication be reconsidered in less than six months from the date of last action by the Mayor and City Council or Planning Commission of Appeals, as appropriate, that defeated a previous Variance or Special Use Perming application.

**C. Public Notice Requirements**

**1.** The notice requirements for each type of application are prescribed in the individual subsections of this Article.

**2.** When a public notice or hearing is required, the fact that the notice is not received due to an error that was not the fault of the City does not prevent the public hearing from happening, change any decision made at the public hearing, or prevent the application from continuing to move forward through the review process.

**3.** There are four basic types of public notice:

a. **Published Notice**

Where published notice is required, notice of the public hearing must be published by the Community Development Director at least once in a newspaper generally circulated within the City at least 15 calendar days, but not more than 45 calendar days, prior to the date of the public hearing, or meeting.

**b. Mailed Notice**

Where a mailed notice required, the City will notify by mail all owners of property included in the proposed application and all owners of property within 300 feet on all sides, as shown on the Gwinnett County tax records. Notice must be mailed at least 15 calendar days, but not more than 45 calendar days, prior to the date of the public hearing or meeting.

**c. Web Notice**

Where web notice is required, notice of the public hearing or public meeting must be posted on the City's website at least 15 calendar days, but not more than 45 calendar days, prior to the date of the public hearing or meeting. A copy of the notice must be posted until the proceeding has been completed.

**d. Posted Notice (Signage)**

Where posted notice is required, a sign must be posted on the in a conspicuous location on the property. In the case of multiple parcels, sufficient signs must be posted to provide reasonable notice to interested persons. Signs must be posted by the Community Development Department as per specifications approved by the City Council at least 15 calendar days prior to the date of the public hearing, or meeting, and will be removed within 3 days of the date of final action by the City Council.

4. **Content of Notice**

   Required notice of a public hearing must provide at least the following:

   **a.** A case number;

   **b.** The address of the subject property (if available);

   **c.** The general location of the land that is subject of the application, which may include a location map;

   **d.** A description of the action requested;

   **e.** In the case of a proposed zoning map amendment, the current and proposed zoning districts;

   **f.** The time, date and location of the public hearing or meeting;

   **g.** A phone number and e-mail address to contact the Community Development Department; and

   **h.** A statement that interested parties may appear at the public hearing or meeting.

5. The notice requirements for certain types of public hearings are established in the Table 12-3:

***Table 12-3 Notice Requirements***

| Type of Public Hearing | Published | Mail | Web | Posted (Sign) |
|---|---|---|---|---|
| Amendments to the Comprehensive Plan or the text of the UDO | Yes | No | Yes | No |
| Rezoning, SLUP, Variance and Annexation | Yes | Yes | Yes | Yes |
| Appeals to Administrative Decision [1] | Yes | Yes | Yes | No |
| Structure Removal or Demolition [2] | Yes | Yes | Yes | Yes |
| Commercial Filming Permit [3] | No | No | Yes | Yes |

Notes:

1. Includes Board of Adjustments and Appeals hearings
2. In the Historic District
3. Commercial filming permit - A minimum notice of three days must be delivered to all businesses and/or residences by the applicant in the immediate vicinity of the proposed filming site. The notice may be given by mobile illuminated signs, leaflets, mailed notice, by temporary signage in the public right-of-way or any other means designed to effectuate the notice requirements of this subsection. The method of giving such notice shall be subject to the approval of the Community Development Director.

## Sec. 12.06 Public Hearings for Zoning in conjunction with Annexation

**A.** Where required, public hearings must be held within 90 days of receipt of a complete application unless the hearing is waived in the manner described below. Public hearings for annexations shall not be held to the 90-day requirement, but shall instead be heard at the earliest date possible based on the approval process following state law.

**B.** Notice of the hearing must be published as per Georgia Code and city requirements and must be sent to all persons entitled to notice by regular mail.

**C.** The hearings shall be conducted pursuant to the rules of procedure established by the decision-making body. All rules of procedures must provide that the property owner, the applicant, all interested persons, and all persons affected have an opportunity to speak at the hearing.

**D.** The decision-making body must make a final decision on an application within the prescribed time period following the close of the hearing on the application. The decision-making body may impose on its decision any conditions it deems necessary to protect the public health, safety, and general welfare. The decision must be provided in writing to the Applicant.

**E.** For applications requesting administrative relief from a numerical, dimensional, or locational UDO regulation, the decision-making body may waive the public hearing requirement, provided:

**1.** That the applicant or the property owner obtains the written consent of the owners of all properties abutting the subject property.

**2.** Notwithstanding the foregoing, the decision-making body may not waive the public hearing requirement for applications related to the use of real property or concerning regulations established under an overlay district including Historic District regulations.

## Sec. 12.07 Rezoning

### A. Application Requirements

**1.** An application for rezoning approval shall be submitted to the Planning and Zoning Division on official forms. A non-refundable fee shall accompany the application when applicable.

**2.** An application for rezoning approval must include the following:

**a.** Letter of Request

**b.** The applicant's response to each of the standards for approval for the rezoning;

**c.** A legal description of the property proposed to be used (deed, warranty deed);

**d.** The names and addresses of the owners of the subject property and their agents if any;

**e.** Notarized consent of the owner if applicant is not owner;

**f.** The present and proposed zoning classification for the subject property;

**g.** A map of the property sought to be rezoned showing its location in the City and its relationship to abutting properties, public facilities, and public services including the zoning classification of all abutting properties;

**h.** A recent survey plat showing the dimensions and location of the subject property prepared by a land surveyor whose state registration is current and valid and whose seal is affixed to the plat;

**i.** Information regarding the demand that will be placed on public facilities and services by any contemplated development, including but not limited to increased population density, traffic volume, school enrollment, drainage, traffic, and utility facilities;

**j.** Proof that all City, County, and State ad valorem taxes due upon the property have been paid in full;

**k.** Campaign contribution disclosure report by the applicant and the applicant's attorney, if applicable, in accordance with O.C.G.A 36-67A-1.

**B. Withdrawal**

**1.** An Applicant may withdraw an application for a zoning change at any time prior to final action by the City Council.

**2.** Refund of filing fees shall be guided by the following:

**a.** If the request for withdrawal is received by the Community Development Director prior to publication of the public notice for the application (or when publication is irrevocably set), all fees paid for filing such application shall be returned to the applicant.

**b.** If the request for withdrawal is received by the Community Development Director after publication of the public notice for the application (or after such publication is irrevocably set), all fees paid for filing such application shall be retained by the City.

## Sec. 12.08 Review Procedures

**A. Amendment to the Text or Zoning Map of this UDO**

**1. Initiation and Hearing of Text or Zoning Map Amendment**

**a.** The city council by resolution, the mayor individually, the Planning Commission by majority vote, or any city official designated by the Mayor and City Council may initiate an amendment to the text or zoning map of this UDO, including the adoption of a new ordinance or zoning map to replace this UDO in whole.

**b.** Before the city council may take final action on a proposed text or map amendment, the Planning Commission shall hold a public hearing on the proposal.

**c.** Construction of any use, building, structure, or other improvements for which a development permit or building permit has been issued in conformity with this UDO prior to the effective date of a text amendment may continue to completion as though no change had occurred as long as the permit remains valid.

**2. Public Notice**

At least 15 days but not more 45 days prior to each public hearing, notice shall be published in a newspaper of general circulation within the city. The Community Development Department shall prepare such notice, which shall state the time, place and purpose of the hearing.

**3. Planning Commission Public Hearing**

The public hearing held by the Planning Commission for an amendment shall be conducted in the following manner:

**a.** The public hearing shall be convened at the scheduled time and place by the chairperson, the vice-chairperson or the Planning Commission's designee, who shall act as the presiding official.

**b.** The presiding official shall call for each proposed amendment to be presented to the Planning Commission.

**c.** No person in attendance shall speak unless first formally recognized by the presiding official.

**d.** At the public hearing concerning the amendment, any parties in support of or in opposition to the amendment shall be allowed to present testimony.

**e.** For each amendment, the proponents of the amendment shall have no less than 10 minutes for presentation of data, opinions and evidence at the public hearing, and opponents of the amendment shall likewise have a minimum of 10 minutes for presentation. The proponents of each amendment shall have a collective maximum of 20 minutes for their presentations, and the opponents of each amendment likewise shall have a collective maximum of 20 minutes for their presentations, unless these time limitations are waived at the discretion of the presiding official.

**f.** Hearsay testimony shall not be considered and shall be ruled out of order.

**g.** At the public hearing on the amendment or at their next regular meeting, the Planning Commission shall make its recommendation or take such other action as it may deem appropriate.

**1)** A motion to recommend approval or denial of an amendment must be approved by an affirmative vote of a quorum of a majority of those members present and voting for the motion to be approved.

**2)** If a motion to recommend approval of an amendment fails, the amendment is automatically recommended for denial. If a motion to recommend denial of an amendment fails, another motion would be in order.

**3)** The chairman shall not be a voting member of the board. However, in the case of a tie vote on any motion, the chairman shall have a vote to break the tie.

**4)** If no action is taken on an amendment, it will go forward to the city council with no recommendation.

**4. City Council Public Hearing**

**a.** The city council shall consider a proposed amendment at their first or second scheduled meeting following the recommendation of the Planning Commission.

**b.** The presiding official shall call for each proposed amendment to be presented to the city council.

**c.** No person in attendance shall speak unless first formally recognized by the presiding official.

**d.** At the public hearing concerning the amendment, any parties in support of or in opposition to the amendment shall be allowed to present sworn testimony.

**e.** For each amendment, the proponents of the amendment shall have no less than 10 minutes for presentation of data, opinions and evidence at the public hearing, and opponents of the amendment shall likewise have a minimum of 10 minutes for presentation. The proponents of each amendment shall have a collective maximum of 20 minutes for their presentations, and the opponents of each amendment likewise shall have a collective maximum of 20 minutes for their presentations, unless these time limitations are waived at the discretion of the presiding official.

**f.** Hearsay testimony shall not be considered and shall be ruled out of order.

**g.** For each application, the applicant or his representative shall speak first. The applicant and proponents of the application shall have no more than 30 minutes collectively for presentation of data, opinions and evidence at the public hearing, unless these time limitations are waived at the discretion of the presiding official, and the applicant may speak for the entire time allotted to the proponents, leaving no time for other proponents to speak. Opponents of the application shall likewise have no more than 30 minutes collectively for their presentations, unless these time limitations are waived at the discretion of the presiding official. Each individual, other than the applicant or the applicant's representative or witness, at a public hearing shall have not more than ten minutes to speak, unless these time limitations are waived at the discretion of the presiding official. No speaker may yield his speaking time to another person, and no person may reserve the right to speak a second time. Any time spent speaking in response to a question by an elected official shall not count against the speaker's allotted speaking time.

**h.** After the public hearing and presentation by the Community Development Department, action shall be considered by vote of the city council.

**1)** A motion to approve or deny an amendment must be approved by an affirmative vote of city council as established in the city charter.

**2)** If a motion to approve an amendment fails, the amendment is automatically denied. If a motion to deny an amendment fails, another motion would be in order.

**3)** In the event of a tie vote, the mayor may cast a vote. If there is a tie vote with the mayor's vote, or in the absence of the mayor on a motion for approval of an amendment shall be deemed a denial of the amendment. A tie vote on any other motion shall be deemed to be no action, and another motion would be in order.

**4)** If no action is taken on an amendment, it shall be considered tabled and action deferred to the next regular meeting of the city council.

**i.** In taking action on an amendment, each city council may:

**1)** Approve, approve with changes, or deny the proposal; or,

**2)** Table the proposal for consideration at a later meeting; or,

**3)** Refer the amendment back to the Planning Commission for further consideration.

**j.** No request shall be tabled more than twice, nor tabled for a cumulative period exceeding 45 days.

**5. Standards for Amendments**

The Planning Commission and the city council shall consider the following standards in considering any proposal that would result in a change to the text or map of this UDO, giving due weight or priority to those factors that are appropriate to the circumstances of each proposal:

**a.** Is the proposed amendment consistent with the purpose and intent of this UDO as stated under Article I, Introductory Provisions?

**b.** Does the proposed amendment further or is it compatible with the purpose and intent of the most recent Comprehensive Plan?

**c.** Is the proposed amendment required to adequately address new or changing conditions or to properly implement the most recent Comprehensive Plan?

**d.** Does the proposed amendment reasonably promote the public health, safety, or general welfare?

**6. Effect**

**a.** For a property on which a use, building, structure or other improvements existed in conformity with this UDO prior to the effective date of a text amendment affecting the property, any such use, building, structure or other improvements no longer in conformance shall be governed under the provisions for Nonconforming Uses in Article 2, Use Regulations and Restrictions, of this UDO.

**b.** Construction of any use, building, structure, or other improvements for which a building permit has been issued in conformity with this UDO prior to the effective date of a text amendment may continue to completion as though no change had occurred and, upon completion, shall be governed under the provisions for nonconforming uses in Article 2, Use Regulations and Restrictions, of this UDO, as applicable.

## B. Dimensional and Locational Variances

**1.** The Board of Adjustments and Appeals may authorize variance from the terms of this UDO that are not contrary to the public interest where, due to special conditions and not to the intentional conduct of the applicant, the literal enforcement of the provisions of this UDO would result in an unnecessary hardship.

**2.** A variance from the terms of this UDO shall not be granted by the Board of Adjustments and Appeals unless and until:

**a.** A complete application for a variance is submitted demonstrating that:

**1)** Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.

**2)** The special conditions and circumstances did not result from the actions of the applicant.

**b.** No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings on other districts shall be considered grounds for the issuance of a variance;

**3.** Notice of a public hearing shall be given as required in Section 12.05, Public Hearing.

**4.** Where the strict application or literal enforcement of the requirements of this UDO would result in the applicant suffering practical difficulties, the Board of Adjustments and Appeals shall have power to authorize a variance from the terms of this UDO so as to relieve such difficulties.

**5.** In granting a variance, the Board of Adjustments and Appeals may impose such conditions as may be necessary to comply with the factors herein to reduce or minimize potential

injurious effects of such variance upon neighboring properties and to carry out the general purpose and intent of this UDO. In making such determination, the Board of Adjustments and Appeals shall consider all of the following factors whether:

**a.** The property in question will yield a reasonable return or whether there can be any beneficial use of the property without a variance;

**b.** The variance is substantial;

**c.** The essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;

**d.** The variance would adversely affect the delivery of government services (i.e., water, sewer, garbage);

**e.** The property owner purchased the property with knowledge of the zoning restriction;

**f.** The property owner's predicament feasibly can be obviated through some method other than a variance;

**g.** The spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance; and

**h.** Any other relevant factor to assist the Board of Adjustments and Appeals in weighing and balancing the public and private benefits and harms of the requested relief is necessary.

**6.** In granting any variance, the Board of Adjustments and Appeals may prescribe appropriate conditions and safeguards in conformity with the intent of this UDO.

**7.** In granting any variance, the Board of Adjustments and Appeals shall only authorize the minimum variance that it deems necessary and adequate that will provide adequate relief.

**8.** Financial hardship is not a valid reason for requesting and receiving approval of any variance.

**9.** Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this UDO and punishable under the provisions of this UDO.

**10.** Under no circumstances shall the Board of Adjustments and Appeals grant a variance to allow a use not permitted under the terms of this UDO in the district involved, or any use expressly, or by implication, prohibited by the terms of this UDO in the district where the variance is being considered.

## C. Appeal of Administrative Review

### 1. Hearings, Appeals, Notice

**a.** Appeals to the Board of Adjustments and Appeals concerning interpretation or administration of the Community Development Director or their designee may be taken by any person, board, commission, council or body aggrieved by any decision rendered.

**b.** Appeals shall be taken within a reasonable time, not to exceed 30 days or such lesser period as may be provided by the rules of the board by filing with the Board of Adjustments and Appeals a notice of appeal specifying the reasons for the appeal.

**c.** The Community Development Director or their designee shall provide to the Board of Adjustments and Appeals all documents constituting the record upon which the action appealed from was taken. The Board of Adjustments and Appeals shall fix a reasonable time for the hearing of an appeal, give due notice thereof to all parties in interest, and after hearing, decide the same within a reasonable time. At the hearing, any party in interest may appear in person, or by agent or attorney, and be heard.

**2. Stay of Proceedings**

**a.** An appeal stops all decisions from proceeding unless the Community Development Director, their designee or other person or board from whose action the appeal is taken certifies to the Board of Adjustments and Appeals that a stay would cause imminent peril to life and property.

**b.** In such case, proceedings may be stayed by a restraining order issued by the Board of Adjustment and Appeal, or by a court of record, on application, on notice to the parties of interest and for good cause shown.

**3. Hearing of Appeal**

**a.** The Board of Adjustments and Appeals shall conduct a public hearing as described in Section 12.06, Public Hearing.

**b.** The Board of Adjustments and Appeals shall have the power to reverse or affirm, wholly or partly, or to modify the order, requirement, decision, or determination to be made, and shall have the powers of the Building Official or other person or board from whom the appeal is taken.

**c.** The concurring vote of a majority of members present shall be necessary to reverse any order, requirement, decision, or determination from which the appeal was made, or to decide in favor of the applicant on any matter upon which it is required to pass under this UDO, or to affect any variation in the application of the ordinance.

**4. Board of Adjustments and Appeals Decisions**

**a.** All Board of Adjustments and Appeals decisions shall be in writing and shall contain findings of facts and conclusions of law.

**b.** Decisions shall be mailed to the applicant, and any interested parties who make a written request for a copy of the written decision without unreasonable delay after the close of the hearing.

**c.** Where an application has been denied, no new application based substantially on the same facts shall be filed within six months of the date the previous denial, unless the Board of Adjustment and Appeal, for good cause shown by the applicant, grants permission to do so.

**5. Appeals from the Board of Adjustment and Appeal**

**a.** Any person, aggrieved by a decision of the Board of Adjustments and Appeals after exhausting his/her administrative remedies, shall have the right to petition for certiorari to the Superior Court of Douglas County.

**b.** An appeal shall be filed within 30 days from the date of the decision of the Board of Adjustment and Appeal.

**c.** Failure to file the appeal within 30 days shall render the decision of the Board of Adjustments and Appeals final; provided, however, that such an appeal will be limited to determining whether the Board of Adjustments and Appeals arbitrarily or capriciously abused its discretion in exercising the powers granted herein.

## D. Special Land Use Permit (SLUP) and Temporary Land Use Permit (TLUP)

### 1. Procedure

The Planning Commission shall review and make recommendation to the Mayor and City Council regarding Special Land Use Permits (SLUPs) and Temporary Land Use Permits as regulated in this Section.

**a.** The Planning Commission shall conduct a public hearing as described in Section 12.05, Public Hearing.

**b.** The Planning Commission shall consider the nature and condition of all adjacent uses and structures and in recommending approval of a special use or temporary land use and may impose requirements and conditions, in addition to those expressly stipulated in this UDO, as it may deem necessary for the protection of adjacent properties and the public interest.

**c.** The Planning Commission shall not recommend a special use or temporary land use unless it, in each specific case, makes specific findings of fact directly based upon credible evidence as to all of the following:

**1)** The establishment, maintenance or operation of the use will not be detrimental to or endanger the public health, safety or general welfare;

**2)** The use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, or will not substantially diminish and impair property value within the neighborhood;

**3)** In the case of multi-tenant parcel or buildings, multiple special use or temporary land use permits may need to be submitted and reviewed for approval;

**4)** The establishment of the use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district;

**5)** Adequate utilities, access roads, drainage and other necessary facilities have been or are being provided;

**6)** Adequate measures have been or will be taken to provide ingress and egress so designed to minimize traffic congestion in the public streets; and

**7)** The special use or temporary land use will be located in a district where such use is permitted and that all requirements set forth in this UDO and applicable to such conditional use will be met.

In addition, the following questions may be required to be addressed by the applicant:

**1)** Will the proposed special use cause an unsafe increase in traffic congestion in the surrounding area?

**2)** Are nearby railroad crossings adequate to safely handle any resulting increases in heavy trucks and heavy equipment?

3) Will the proposed special use generate unreasonable pollution or negative environmental effects, including but not limited to dust, noise, contamination of surface water or water table, or unreasonable level of light at night?

4) Will the proposed special use generate unreasonable levels of vibration which may damage structures or business operations in the surrounding area?

5) Will the effects of proposed special use cause or contribute to devaluation of property in the surrounding area for future use of the property as currently zoned or used?

6) Will the effects of proposed special use cause or contribute to devaluation of existing businesses in the surrounding area?

**2. Decisions of the Planning Commission**

a. The Planning Commission may, by a vote by an affirmative vote of a quorum of a majority of those members present to:

1) Recommend to city council that the special use or temporary land use be approved as requested; or

2) Recommend to city council that the special use or temporary land use be approved with conditions; or

3) Recommend to city council denial of the special use or temporary land use.

b. The recommendation shall be forwarded in writing to city council within 30 days of the Planning Commission's vote, after which a public hearing shall be held by city council in accordance with its rules of procedure.

c. A special use shall become null and void at the end of six months from date on which city council approves the special use, unless within such time period the applicant applies for and obtains a certificate of occupancy from the Building Official.

d. A temporary land use shall be come null and void after the end date listed on the application.

**3. Voluntary Termination of a Special use or Temporary Land Use Permit**

a. The owner of the property approved for a special use or temporary land use permit may voluntarily request termination of the use permit by notifying the Community Development Director in writing. The Director shall notify city council and the Planning Commission of voluntary terminations as they occur.

b. The approval of a special use or temporary land use permit for a specific use which may be operated by a lessee under a private agreement with a lessor in any zoning district shall not obligate city council to be responsible for or be required to resolve any disputes which may arise out of the voluntary termination of the Special Land Use Permit by the property owner.

**4. Change in Conditions or Modification of a Special use or Temporary Land Use Permit**

Changes to the conditions or modification of an approved Special Land Use Permit shall be subject to the same application, review and approval process as a new application, including the payment of relevant fees.

5. **Establishment of Special Uses: Administrative Reviews**

**a.** The staff of the Community Development Department shall conduct an administrative review of all Special Land Use Permits within one (1) year from the date of approval of such Special Land Use Permit. The administrative review shall be set forth in writing and shall advise the Planning Commission and City Council of staff's determinations as to whether or not the use has been established and, if so, if it has been established in conformance with any conditions placed upon the approval. Staff may modify or change the conditions of approval where such conditions have been satisfied or, due to the passage of time and the happening of circumstances, are no longer applicable. Any such change or modification may be reviewed and changed or eliminated by the Planning Commission or City Council conducting an administrative review. If the use has not been established, staff shall so advise the Planning Commission and City Council, but shall also advise whether the applicant is proceeding with due diligence in establishing the use in accordance with the conditions placed upon the Special Land Use Permit approval.

**b.** Upon receipt of the administrative review conducted by staff, the Planning Commission may receive the report on the record at a Public Meeting and give staff such direction as it, in its sole discretion, deems necessary. Alternatively, if the Planning Commission, in its discretion, determines that the applicant is not proceeding with due diligence to establish the Special Land Use Permit in accordance with the conditions placed on the approval, then it may direct staff to so advise the applicant of its concerns and, further, to schedule a hearing pursuant to notice in accordance with this Chapter ordering the applicant to show cause why the Special Land Use Permit should not be revoked for a failure to establish the use or to proceed with due diligence in establishing the use in accordance with the conditions placed on the approval.

**c.** A Special Land Use Permit may, after a public hearing conducted pursuant to notice, be revoked if:

**1)** In the judgment of the Planning Commission the applicant has failed to establish the use or has failed to proceed with due diligence in establishing the use, in accordance with the conditions placed on the approval; or

**2)** If the use was established but has been discontinued. In no event shall a previously granted Special Land Use Permit be revoked prior to the expiration of one year from the date of its original grant.

**d.** Notwithstanding the provisions of the preceding paragraphs of this Section, a special use which has not been established or which has been established but thereafter discontinued for a period of one (1) or more years shall be deemed abandoned and, thereafter, upon the request of staff, the Planning Commission, acting in its administrative capacity, may issue a Declaration of Abandonment of the Special Land Use Permit or the Planning Commission may, in its discretion, continue the Special Land Use Permit for an additional period certain.

## Sec. 12.09 Schedule and Fees

From time to time, the city council may adopt fees for the submission of applications and such other activities and authorizations as regulated by this UDO, and may adopt schedules of dates, times and places as appropriate and necessary to regulate the application, review and hearing processes required by this UDO.

## Sec. 12.10 Administrative and Judicial Review

### A. Administrative Review Generally

1. Issuance of any stop-work order shall be issued in writing, or the suspension, revocation, modification, or grant with condition of a permit by the city upon finding that the property conditions are not in compliance with:

   a. The approved erosion and sedimentation control plan;

   b. Permit conditions; or

   c. This or any other ordinance;

   shall entitle the person submitting the plan or holding the permit to written notice of the same.

2. Within 10 days of the issuance of such notice, the recipient shall have a right to make a written request for and to be heard at a review hearing before the Board of Adjustments and Appeals on a date to be scheduled and held within ten days after the date the written request is received by the Community Development Director or the Building Official.

### B. Administrative Review Hearing

1. At such hearing, the Board of Adjustments and Appeals shall entertain the matter. Upon finding that:

   a. The conditions specified granting a permit are reasonably necessary for compliance with this chapter, if such conditions are in issue; or

   b. That the property is not in compliance with the approved plan, permit conditions, or this or any other ordinance;

   then the board may confirm or modify the initial action of the issuing authority and shall specify the nonconformity or reason for its decision. In the absence of such a finding, said action shall stand revoked and terminated.

2. If the appealing party is still aggrieved after the decision of the board, then he/she may file a written appeal to the city council within 10 days of receiving said adverse decision. Upon appeal to the city council, that body shall apply the same standards for review as those applicable to the board.

## Sec. 12.11 Inspection and Enforcement

### A. Code Compliance Officer

1. The code compliance officer shall have the power to conduct such investigations as may be reasonably deemed necessary to assure or compel compliance with the requirements and provisions of this UDO, and for this purpose to enter at reasonable times upon any property for the purpose of investigation and inspection.

2. No person shall refuse entry or access to any authorized representative or agent of the city, the Georgia Soil and Water Conservation Commission, the U.S. Army Corps of Engineers, or the Georgia Environmental Protection 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.

**B. Inspection**

If the code compliance officer or his designee finds that a provision of this UDO or a condition of approval established in connection with a grant of a variance or zoning change is being violated, the code compliance officer shall notify the person responsible for such violation in writing, indicating the nature of the violation and ordering the action necessary to correct it. Upon continuing non-compliance, or initially in the case of an immediate threat to the public health or safety, the city's code compliance officer or his/her designee shall have authority to issue citations and to prosecute violations before a court of competent jurisdiction.

**C. Cease and desist orders**

The code compliance officer shall order discontinuance of illegal use of land, buildings or structures; removal or relocation of illegal buildings or structures or of illegal additions, alterations or structural changes; discontinuance of illegal work being done; or shall take any other appropriate or necessary action to ensure compliance with or to prevent violation of the provisions of this UDO.

**D. Enforcement for Floodplain Matters**

Any action or inaction which violates the provisions of Article 9, Section 9.4, Floodplain Management/Flood Damage Prevention of this UDO, or the requirements of an approved stormwater management plan or permit, may be subject to the enforcement actions outlined in this subsection. 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. The imposition of any of the penalties described below shall not prevent such equitable relief.

1. 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 UDO, they shall issue a written notice of violation to such applicant or other responsible person. Where a person is engaged in activity covered by this UDO without having first secured a permit therefor, the notice of violation shall be served on the owner or the responsible person in charge of the activity being conducted on the site. The notice of violation shall contain:

   a. The name and address of the owner or the applicant or the responsible person;

   b. The address or other description of the site upon which the violation is occurring;

   c. A statement specifying the nature of the violation;

   d. A description of the remedial measures necessary to bring the action or inaction into compliance with the permit, the stormwater management plan or this UDO and the date for the completion of such remedial action;

   e. A statement of the penalty or penalties that 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 Board of Adjustments and Appeals 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).

**2.** Administrative 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 administrative penalties may be taken or assessed against the person to whom the notice of violation was directed, in addition to any civil or criminal penalties authorized by this UDO. Before taking any of the following actions or imposing any of the following penalties, the City 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 shall be 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 City may take any one or more of the following actions or impose any one or more of the following administrative penalties:

**a.** *Stop-work order.* The City may issue a stop-work order which shall be 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.

**b.** 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.

**c.** Suspension, revocation or modification of permit. The City may suspend, revoke or modify the permit authorizing the 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.

### E. Enforcement for Other Matters

Stop-work orders, permit modifications and suspensions. The Community Development Director and the Building Official shall have the authority to issue the following:

1. A stop-work order stopping work indefinitely for an entire project; or
2. A cease and desist order stopping any activity within the project or to stop work on any portion of the project for a definite or indefinite period;
3. Where work on any project is being done contrary to the provisions of this UDO, contrary to the provisions of the permit or in a dangerous or unsafe manner, and the permit, if any, shall be suspended or modified. All cease and desist orders issued for a duration of more than three days, and all stop-work orders, shall be issued in writing and shall be delivered to any responsible party present at the property, and shall state the conditions under which work may be resumed. Failure of personal delivery of the notice shall not constitute grounds for termination of the order. Said written notice shall further be mailed by certified mail to the owner within three working days of issuance of the order. Orders may be terminated by the Community Development Director or Building Official upon confirmed satisfaction of the stated conditions for resumption or for other good cause.

   Where in the opinion of the Community Development Director or the Building Official an emergency exists, no written notice shall be required.

## Sec. 12.12 Violation and Penalties

### A. Penalties for Violation of this UDO

Any person violating any of the terms or provisions of this UDO shall be tried in the Municipal Recorders Court of the City and, upon conviction, shall be punished as provided in Article IV of the charter. Each day such violation continues shall be deemed a separate offense. Penalties for violations are as follows:

1. **Failure to Obtain a Permit for Land-Disturbance or Development Activity**

   If any person commences, or any property owner allows commencement, of any land-disturbing or development activity requiring a land-disturbing or development permit without first obtaining said permit, they shall be subject to revocation of his business license, work permit or other authorization for the conduct of a business and associated work activities at the site of the property.

2. **Civil Penalties**

   Any person violating any provisions of this ordinance, permit conditions, or stop-work order shall be liable for civil penalties consistent with this UDO, the City Code, the City Charter and applicable state laws. Each day the violation continues shall constitute a separate offense.

3. **Bond forfeiture**

   If, through inspection, it is determined that a person engaged in any land-disturbing or development activity has failed to comply with the approved plan, a written notice to comply shall be furnished to such person. The notice shall set forth the requirements necessary to achieve compliance with the plan and shall state the time within which such requirements must be completed. If the person engaged in the land-disturbing or other development activity fails to comply within the time specified, he/she shall be deemed in violation of this

ordinance and, in addition to other penalties, shall be deemed to have forfeited his performance bond or irrevocable letter of credit. The city may call the bond or letter of credit or any part thereof to be forfeited and may use the proceeds to stabilize the site and bring it into compliance.

**4. Additional remedies**

Nothing contained in this section shall prevent the city from taking such other lawful actions as are necessary to prevent or remedy any violation, such as injunction, mandamus or other appropriate action.

**B. Penalties for Floodplain Violations**

**1. 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 City shall deem appropriate (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours' notice shall be sufficient) after the City has taken one or more of the actions described above, the City may impose a penalty not to exceed an amount as prescribed by city ordinance for each day the violation remains unremedied after receipt of the notice of violation.

**2. Criminal Penalties**

For intentional and flagrant violations of this UDO, the City 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 punished by a fine not to exceed an amount as prescribed by city ordinance or imprisonment for 60 days or both. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

**C. Additional Remedies**

Nothing contained in this section shall prevent the city from taking such other lawful actions as are necessary to prevent or remedy any violation, such as injunction, mandamus or other appropriate action.

# ARTICLE 13 GLOSSARY OF DEFINITIONS

ARTICLE 13 GLOSSARY OF DEFINITIONS ..... 13-1

Sec. 13.01 General Meaning of Words and Terms ..... 13-2

Sec. 13.02 Defined Terms ..... 13-2

# ARTICLE 13 GLOSSARY OF DEFINITIONS

## Sec. 13.01 General Meaning of Words and Terms

**A.** For the purposes of the Douglasville UDO, words and phrases defined in this Article shall have the meanings attributed to them; additional definitions may be located in other articles of this UDO as necessary.

**B.** Any word or term not specifically defined in this article shall have its commonly accepted meaning.

## Sec. 13.02 Defined Terms

## A

**Abutting Properties:** Abutting properties are those that have contiguous lot lines at any point.

**Academic School:** See under "School."

**Access:** A way or means of approach to provide physical entrance to a property.

**Accessory Structure Setback Line:** A line delineating the minimum allowable distance between a property line or the right-of-way line of an abutting street and an accessory structure or building on a lot.

**Accessory Use or Structure:** A use or structure that is permitted on a property in conjunction with a principal use. An accessory use is incidental to the principal use and would not exist independent of the principal use.

**Addition**: Any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by an independent perimeter load-bearing wall shall be considered new construction.

**Administrative Review:** means ministerial review of an Application by the City of Douglasville relating to the review and issuance of a Permit, including review by the appropriate City staff to determine whether the issuance of a Permit is in conformity with the applicable provisions of this UDO.

**Agricultural Operations:** Operations as defined by O.C.G.A. §48-8-3.3 (a)(2), Agricultural Operations.

**Alley or Service Drive:** A minor, permanent, public service way which is used primarily for vehicular service access to the back or the side or properties otherwise abutting on a street.

**Alteration:** Any change in the supporting members of a building (such as bearing walls, beams, columns or girders) except such change as may be required for its safety; any addition to a building; any change in use from that of one district classification to another; or of a building from one location to another.

**Alternative Tower Structure:** Man-made structures such as clock towers, bell towers, church steeples, water towers, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennae and towers.

**Amusement or Recreational Attraction:** A business establishment offering leisure time activities such as a billiard or pool hall, bingo parlor, go-cart track, miniature golf, golf driving range, judo or karate instruction, softball field, batting cage or skating rink.

**Amusement Park:** A business establishment that groups together a number of leisure time activities such as mechanical rides, amusement devices, refreshment stands and picnic grounds.

**Amusement Parlor:** A business establishment providing leisure entertainment utilizing video games, pinball machines or other coin-operated amusement devices.

**Antenna:** Any exterior apparatus designed for telephonic, radio, or television communications through the sending and/or receiving of electromagnetic waves; or communications equipment that transmits and/or receives electromagnetic radio frequency signals used in the provision of Wireless Services. This definition does not apply to broadcast antennas, antennas designed for amateur radio use, or satellite dishes for residential or household purposes.

**Appeal:** A request for a review of the Community Development Director's interpretation of any provision of this UDO.

**Applicable Codes:** uniform building, fire, safety, electrical, plumbing, or mechanical codes adopted by a recognized national code organization to the extent such codes have been adopted by the City of Douglasville, including any amendments adopted by the City of Douglasville, or otherwise are applicable in the jurisdiction.

**Applicant:** A property owner or their authorized representative who has petitioned the city for approval of a zoning change, hardship variance, land-disturbance permit, development permit, building permit, special exception or appeal, or any other authorization for the use or development of their property under the requirements of this ordinance.

**Application:** A petition for approval of a zoning change, land-disturbance permit, development permit, building permit, hardship variance, special exception or appeal, or any other authorization for the use or development of a property under the requirements of this ordinance.

**Aquifer:** Any stratum or zone of rock beneath the surface of the earth capable of containing or producing water from a well.

**Area of Shallow Flooding:** A designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet, and/or where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

**Area of Special Flood Hazard:** The land subject to a one percent or greater chance of flooding in any given year. This includes all floodplain and flood prone areas at or below the base flood elevation (including A, A1-30, A-99, AE, AO, AH, and AR on the Flood Hazard Boundary Map (FHBM) or the FIRM), all floodplain and flood prone areas at or below the future conditions flood elevation, and all other flood prone areas as referenced in subsection 8.01.04. All streams with a drainage area of 100 acres or greater shall have the area of special flood hazard delineated.

**Arterial Street:** See "Street Classifications."

**As-Built Survey Drawings:** Drawings specifying the dimensions, location, capacities, and operational capabilities of structures and facilities as they have been constructed.

**Automobile Parking Lot, Commercial:** An area or structure dedicated to the temporary storage of automobiles or other vehicles for periods of less than 24 hours for a fee, operated as the principal use of the property or structure.

**Automobile Sales and Service:** The use of any building or premises for the display and sale of new or used automobiles, panel trucks, vans or busses, and which may include any repair service conducted as an accessory use. See also "Boat Dealers," "Motorcycle Sales and Service," and "Recreational Vehicle Dealer."

**Automobile Storage Lot, Wrecker Service:** Lots, premises or buildings, other than junkyards and salvage yards, where:

**A.** Any automobiles are stored or held for a fee; or
**B.** Wrecked, inoperable or dismantled automobiles are towed in a state of disrepair and held for repair or other disposition at another location; or
**C.** The premises contains a business listed on the wrecker towing list for any state or local government.

**Automobile Service Station:** Buildings and premises where gasoline or diesel fuel is dispensed at retail for automobiles, recreation vehicles and motorcycles, and where in addition at least one of the following services is also rendered: sale, replacement, or servicing of spark plugs, oil, water hoses, batteries, ignition components, tires, carburetors, brakes, fuel pumps, or similar service items.

Uses permissible at an automobile service station do not include major mechanical and bodywork, straightening of body parts, painting, welding, or storage of automobiles not in mechanically operable condition. See "Automotive Repair Shop" where major mechanical and bodywork activities are allowed.

**Automotive Repair Shop:** The use of a building or premises for the repair of automobiles or other motorized vehicles, or the installation or repair of equipment or parts on motorized vehicles such as mufflers, brakes, tires, radios, transmissions, glass, and engines or engine parts. Automotive Repair Shops also include:

**A.** Automotive Paint or Body Shop: The use of a building or premises for the repair of automotive bodies and/or major mechanical works, straightening of body parts, painting, welding, or storage of automobiles not in operable condition.
**B.** Tire Sales or Repair Shop: The use of a building or premises for the selling or repairing of automotive tires, with or without automotive tune-up services.

**Available Head:** The depth of water that is present at the entrance to a pipe during a 100-year storm.

**Awning:** A roof-like cover that projects from the wall of a building for the purpose of shielding a doorway, walkway, or window from the elements. Awnings are often made of fabric or flexible plastic supported by a rigid frame, and may be retracted into the face of the building.

**Awning Sign:** See " Sign Types."

## B

**Bank, Savings and Loan or Credit Union:** A financial depository institution or related banking facility that accepts money for deposit into accounts from the general public or other financial institutions, and may include personal or business loans, wire transfers and safe deposit boxes as accessory uses. Institutions such as payday loan, checks cashed and car title loan establishments are not considered as banks, savings and loan or credit unions.

**Banner:** See “Sign Types”.

**Banquet Hall:** A commercial meeting hall establishment where food and drink may be provided to guests by staff, by the lessee/host, or by independent caterers, for pre-planned events only, and not for walk-in customers; a banquet hall is not a restaurant.

**Base Flood:** The flood having a one percent chance of being equaled or exceeded in any given year, also known as the 100-year flood.

**Base Flood Elevation:** The highest water surface elevation anticipated at any given point during the base flood.

**Basement:** That portion of a building having its floor subgrade (below ground level) on two or more sides.

**Bed and Breakfast Inn:** A business establishment operated within a dwelling by the owner-occupant, offering temporary lodging and one or more meals to the traveling public while away from their normal places of residence.

**Berm:** A mound of earth, or the act of pushing earth into a mound.

**Billboard:** See “Sign Types”.

**Block:** An area of land surrounded by streets.

**Boarder:** An individual who lives in a part of a dwelling unit at the behest of the resident family and is provided lodging or lodging and meals for pay or other consideration on a temporary basis.

**Boarding House:** See "Rooming or Boarding House."

**Boat Dealer:** The use of any building or premises for the display and sale of new or used motorboats or other watercraft, and which may include the sale of marine supplies or outboard motors and repair service conducted as accessory uses.

**Bond:** A bond, letter of credit or approved surety method approved by the city attorney.

**Breakaway Wall:** A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

**Buffer:** An area of natural vegetation or man-made construction which is intended to provide a visual and dimensional separation between dissimilar land uses.

**A.** Natural Buffer: A visual screen created by existing vegetation (and as may be supplemented with additional plantings) of such density so as to present an opaque visual separation when viewed from one side to the other throughout the year.
**B.** Structural Buffer: A visual screen created through construction of a solid wooden fence, decorative masonry wall, earthen berm, or combination of fence or wall with an earthen berm,

which may be supplemented with vegetation, so as to present an opaque visual separation when viewed from one side to the other throughout the year.

**C.** Undisturbed Buffer: A natural buffer.

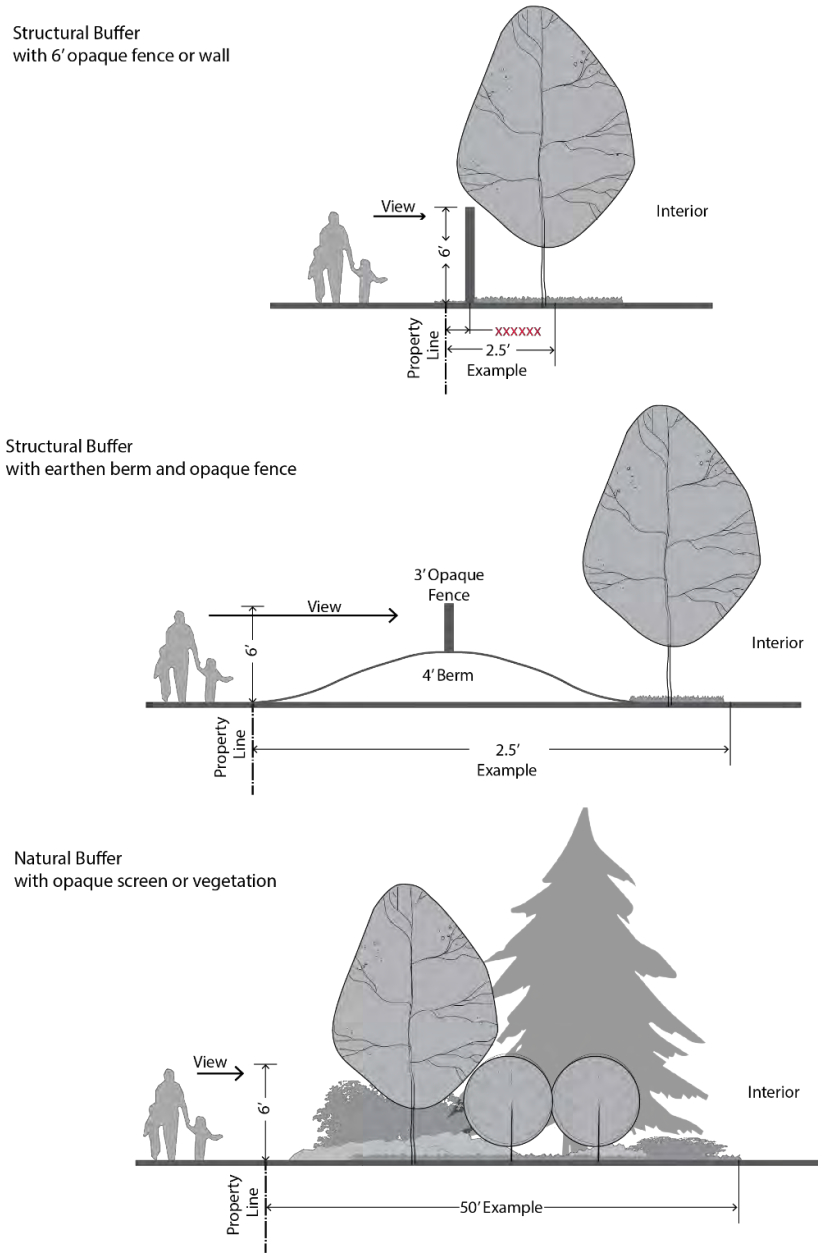



***Figure 13- 1 Buffer Types***

**Building:** Any structure over 100 square feet in size permanently affixed to the ground, having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind.

**Building Floor Area:** The total floor area of all heated spaces within a building as measured within the outside of the exterior walls, exclusive of uncovered porches, terraces, and unheated stairwells, storage areas, garages and loading docks.

**Building Height:** The vertical distance measured to the eaves of the highest habitable floor of a building from the average finished grade across those sides of a building that face a street.

**Building Materials Sales:** An establishment offering lumber or other construction materials used in buildings for sale to contractors or the general public.

**Building Sign:** See “Sign Types”.

**Building System:** Any utility, mechanical, electrical, structural, egress, or fire protection safety system.

**Business or Vocational School:** See under "School."

**Business, Professional or Trade Association:** A private organization that promotes the interests of business groups, such as the Chamber of Commerce; professions, such as the Bar Association; or members of a trade, such as a labor union.

**Business Service:** The use of a building or premises primarily for rendering a service to other business establishments on a contract or fee basis, such as advertising, credit reporting, computer programming, photocopying, and employment services.

## C

**Caliper:** The diameter of a tree (usually nursery stock) measured at a point six inches above the ground or top of root ball for up to and including 4-inch caliper trees, and at a point 12 inches above the ground or top of root ball for larger sizes.

**Canopy:** A roof-like structure supported by columns or projecting from a building and open on at least three sides.

**Canopy Tree:** A species of tree that normally reaches a height at maturity in excess of 50 feet and is used primarily for shade, such as Red Oak, Shumark Oak, Chinese Elm, River Birch, White Oak, Water Oak, American Elm, Trident Maple, Pin Oak, American Beech, Pecan, Southern Magnolia, Sweetgum and Willow Oak.

**Capacity:** The maximum number of persons who may be reasonably expected to be present in any building or on any floor thereof at a given time according to the use which is made of such building. The authority having jurisdiction shall determine and by rule declare the formula for determining capacity for each of the uses described in this section.

**Carnival:** See "Special Outdoor Event."

**Car Wash:** The use of a building or premises primarily for washing automobiles, recreation vehicles and motorcycles, whether by hand or mechanical means.

**A.** Conveyor car wash: A commercial car wash where the car moves on a conveyor belt during the wash. The driver of the vehicle can remain in the vehicle or wait outside of the vehicle.
**B.** In-bay automatic car wash: A commercial car wash where the driver pulls into the bay and parks the car; the vehicle remains stationary while a machine moves back and forth over the vehicle to clean it, instead of the vehicle moving through the tunnel.
**C.** Self-service car wash: A commercial car wash where the customers wash their cars themselves with spray wands and brushes.

**Cellular Tower or Antenna:** See "Transmission Tower."

**Cemetery:** A facility for the burial of deceased human beings or animals.

**Center Line:** That line connecting the succession of midpoints between the identifiable limits of any improvements on the ground or of any easement, or between the banks of any river, creek or stream.

**Charitable organization**: means an organization that is exempt from taxation pursuant to Section 501(c)(3) of the Internal Revenue Code, 26 USC 501(c)(3).

**Church or Place of Worship:** An establishment used primarily for worship and other religious ceremonies including religious education, rectories, parsonages, offices, social services and faith based community outreach programs.

**City:** The City of Douglasville, Georgia.

**City Arborist:** The Community Development Director or his/her designee responsible for the administering the provisions of this Unified Development Ordinance with respect to trees and landscaping.

**Civic, Social or Fraternal Association:** An organization dedicated to public activities of a civic and non-profit nature, such as an alumni association, American Legion, Hibernian Society, Masonic Lodge or Oddfellows.

**Clearing:** The removal of vegetation from a property, whether by cutting or other means.

**Collector Street:** See "Street Classifications."

**Collocate:** To install or mount a Small Wireless Facility in the Public ROW on an existing Support Structure, an existing Tower, or on an existing Pole to which a Small Wireless Facility is attached at the time of the Application. “Collocation” has a corresponding meaning.

**Common Open Space:** See "Open Space."

**Communications Facility:** Collectively, the equipment at a fixed location or locations within the Public ROW that enables Communications Services, including: (i) radio transceivers, Antennas, coaxial, fiber-optic or other cabling, power supply (including backup battery), and comparable equipment, regardless of technological configuration; and (ii) all other equipment associated with any of the foregoing. A Communications Facility does not include the Pole, Tower or Support Structure to which the equipment is attached.

**Communications Service:** Cable service, as defined in 47 U.S.C. § 522(6); information service, as defined in 47 U.S.C. § 153(24); or telecommunications service, as defined in 47 U.S.C. § 153(53).

**Communications Service Provider**

**Comprehensive Plan:** The text, maps and other data adopted in accordance with the Georgia Comprehensive Planning Act (O.C.G.A. 36-70-1 et seq.) and as officially amended from time to time.

**Condition of Zoning Approval:** A requirement adopted by the city council at the time of approval of a rezoning or special use, placing greater or additional requirements or restrictions on the property than provided in this UDO in order to reduce an adverse impact of the rezoning or special use and to further the protection of the public health, safety, or general welfare.

**Congregate Personal Care Home:** See "Personal Care Home."

**Construction:** Any building or erection of a structure or preparation of a property for same.

**Construction Contractor:** An establishment engaged in the construction of buildings, engaged in heavy construction (such as streets, bridges or utilities), or specialized in such construction trades as plumbing, heating and air-conditioning, electrical wiring, masonry, roofing or gutters, well drilling, or house painting.

**Construction Sign:** See “Sign Types”.

**Convalescent Home:** An intermediate care facility primarily engaged in providing inpatient nursing or rehabilitative services to residents who require watchful care or medical attention or treatment, but not on a continuous basis, although staff is on duty 24-hours per day.

**Convenience Gas Station:** A building or premises where gasoline, diesel fuel and oil may be dispensed at retail with no automobile repair facilities. Uses permissible also include the sale of cold drinks, packaged foods, tobacco and similar household convenience goods for station customers.

**Critical Root Zone:** The land area circular in shape and centered on the trunk of a tree, the radius of which circle is determined by the farthest extent of the drip line from the trunk.

**Crosswalk:** A right-of-way or public easement within a block dedicated to public use, ten feet or more in width, intended primarily for pedestrians and from which motor-propelled vehicles are excluded.

**Cul-de-Sac:** A dead-end street that terminates in a permanent turnaround and not intended for future extension.

**Curb Break or Curb Cut:** Any interruption or break in the line of a street curb for the purpose of connecting a driveway to a street, or otherwise to provide vehicular access to abutting property.

**Creek:** See "Stream".

**Custom Service Restaurant:** See "Restaurant, Custom Service."

**Cut:** A portion of land surface or area from which earth has been removed or will be removed by excavation; the depth below original ground surface to excavated surface. Also known as "excavation."

**Cutting:** The removal of any soil or other solid material from a natural ground surface.

## D

**Day Care Facility:** The use of a building or premises for the care and supervision of children or elderly adults who do not reside on the property, for periods of less than 24 hours.

**A.** Child Care Learning Center: Any place operated by a person, society, agency, corporation, institution, or group wherein are received for pay for group care for less than 24 hours per day, without transfer of legal custody, seven or more children under 18 years of age; provided, however, that this term shall not include a private school which provides kindergarten through grade 12 education, meets the requirements of O.C.G.A Section 20-2-690, and is accredited by one or more of the entities listed in subparagraph (A) of paragraph (6) of O.C.G.A. Section 20-3-519 and which provides care before, after, or both before and after the customary school day to its students as an auxiliary service to such students during the regular school year only.

**B.** Family Child Care Learning Home: A private residence operated by any person who receives therein for pay for supervision and care less than 24 hours per day, without transfer of legal custody, at least three but not more than six children under 13 years of age who are not related to such person and whose parents or guardians are not residents in the same private residence; provided, however, that the total number of unrelated children cared for in such home, for pay and not for pay, may not exceed six children under 13 years of age at one time.

**C.** Group Day Care Home: Any facility that is operated and maintained for and is qualified to furnish care and training to individuals with developmental disabilities on less than a 24-hour basis.

**Dead-End Street:** A street connected to another street at only one end.

**Dead Plant or Tree:** Any living plant material that has lost 33 percent or more of its branches or leaves, shall be considered dead.

**Decorative Pole:** A Pole that is specially designed and placed for aesthetic purposes.

**Deflection Angle:** The angle between a deviation in the direction of the center line of a street and the extension of the center line along a straight course from the point from which the center line changed direction.

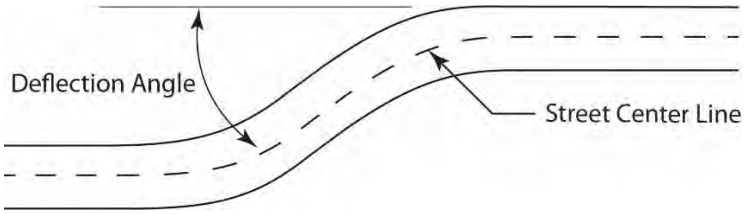



***Figure 13- 2 Deflection Angle***

**Density**:

**A.** Residential—The number of dwelling units per acre within a development or defined area;

**B.** Nonresidential—The number of square feet of building floor area per acre.

**Department**: Department means the Community Development Department of Douglasville, Georgia.

**Detention Facility:** See "Stormwater Detention Facility."

**Developer:** The person, corporation or other legal entity that undertakes the subdivision of property, the alteration of land or vegetation in preparation for construction activity, or the construction of streets, utilities, buildings or other improvements required for the habitation or use of property.

**Development:**

**A.** For purposes of Floodplain Management and Flood Damage Prevention only, any manmade change to improved or unimproved real estate including but not limited to buildings or other structures, mining, dredging, filling, clearing, grubbing, grading, paving, any other installation of impervious cover, excavation or drilling operations or storage of equipment or materials;

**B.** For all other purposes of this UDO:

1. A land development project involving the construction of streets, utilities, buildings, or other improvements required for the habitation or use of property, such as a residential neighborhood, an apartment complex, a store, or a shopping center;
2. Any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of materials or equipment;
3. The act of constructing or carrying out a land development project, including the alteration of land or vegetation in preparation for construction activity.

**Development Permit:** The authorization necessary to carry out the planned development of land and construction of such site improvements as streets, utilities, drainage structures and parking lots, and which may include authorization to initiate and conduct such land-disturbing activities as clearing, grubbing and grading. See also "Land-disturbance Permit."

**Development Site:** That portion of a tract of land that will be dedicated to a proposed development, including the land containing trees that will be counted toward satisfying the requirements of these provisions.

**Diameter Breast Height (DBH):** The diameter of a tree trunk (usually a mature tree) measured at a height of four and one-half feet above the ground. If a tree splits into multiple trunks below four and one-half feet, the trunk is measured at its narrowest point beneath the split.

**Director:** Means Director of the Community Development Department of the City of Douglasville or designee.

**Directional Sign:** See “Sign Types”. .

**Donation bin:** Means any unattended container, receptacle, or similar device that is located on any property within the city used for soliciting and collecting donations of clothing or other salvageable personal property. This term does not include recycle bins for the collection of recyclable materials governed or regulated by the City of Douglasville Code of Ordinances or this UDO.

**Drainage:** A general term applied to the removal of surface or subsurface water from a given area either by gravity or by pumping; most commonly applied to surface water.

**Drainage Structure:** A device composed of a virtually 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 it to a release point for stormwater management, drainage control or flood control purposes.

**Drainage System:** The surface and subsurface system for the removal of water from the land, including both the natural elements of streams, marshes, swales and ponds, whether of an intermittent or continuous nature, and the manmade element which includes culverts, ditches, channels, detention facilities and the storm sewer system.

**Drip Line:** A line on the ground established by a vertical plane extending from a tree's outermost branch tips down to the ground (i.e., the line enclosing the area directly beneath the tree's crown from which rainfall would drip).

**Drive-in Motion Picture Theater:** See "Theater."

**Duplex:** A two-family dwelling (see "Dwelling, Two-Family Dwelling").

**Drug Addiction Rehabilitation Center:** A halfway house, drug rehabilitation center or any other facility for treatment of drug dependency.

**Dwelling:** A building or portion of a building arranged or designed to provide living quarters for one or more persons on a permanent or long-term basis.

**A.** Single-Family Dwelling: A residential building, whether site-built or a manufactured home or an industrialized building, designed for occupancy by one family.

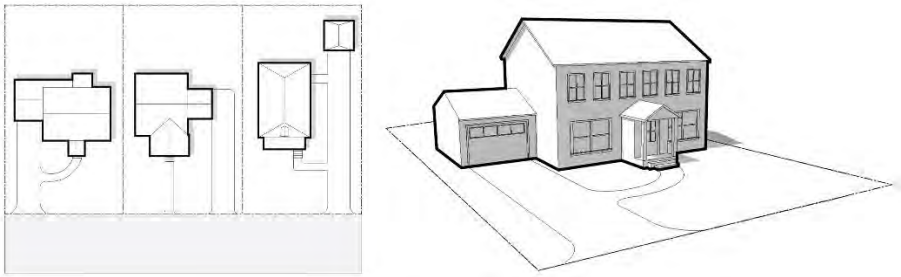


***Figure 13- 3 Single Family Detached Dwelling***

1. Site-Built Single-Family Detached Dwelling: A single-family detached dwelling constructed on the building site from basic materials delivered to the site, and which is constructed in accordance with all requirements of the building codes as adopted by the city.
2. Class A Single-Family Detached Dwelling: A site-built single-family detached dwelling, a one-family manufactured home or a one-family industrialized home that meets or exceeds the standards for single-family and two-family dwellings under this Code.
3. Class B Single-Family Detached Dwelling: A site-built single-family detached dwelling, a one-family manufactured home or a one-family industrialized home that does not meet the standards for single-family and two-family dwellings under this Code.
4. Single-Family Attached Dwelling: A single-family dwelling in which the dwelling units may adjoin one another only at the vertical walls and no dwelling unit may be located above another.

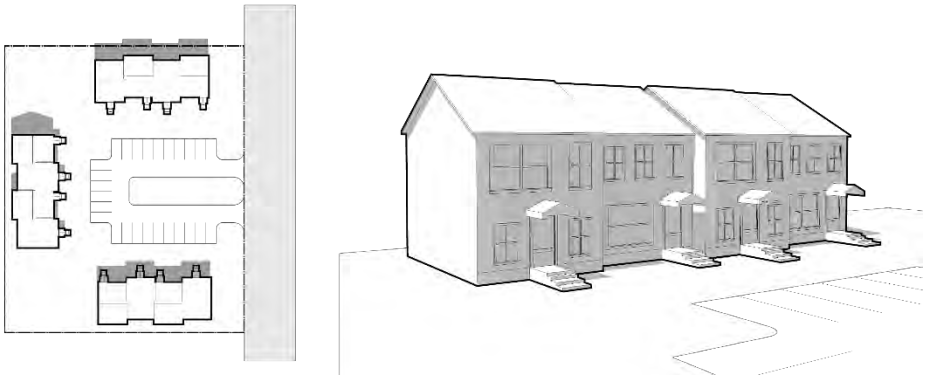


***Figure 13- 4 Single Family Attached Dwelling***

**B.** Two-Family Dwelling: A residential building designed exclusively for occupancy by two families in separate dwelling units living independently of each other.

1. Site-Built Two-Family Dwelling: A two-family dwelling constructed on the building site from basic materials delivered to the site, and which is constructed in accordance with all requirements of the building codes as adopted by the city.
2. Class A Two-Family Dwelling: A site-built two-family dwelling, a two-family manufactured home or a two-family industrialized home that meets or exceeds the standards for single-family and two-family dwellings under this Code.
3. Class B Two-Family Dwelling: A site-built two-family dwelling, a two-family manufactured home or a two-family industrialized home that does not meet the standards for single-family and two-family dwellings under this Code.

**C.** Multi-Family Dwelling: A residential building designed exclusively for occupancy by three or more families in separate dwelling units living independently of each other.

1. Multi-Family Apartment Building: A multi-family dwelling in which a dwelling unit may be located above another, such as in a garden apartment building.

***Figure 13- 5 Multi-Family Apartment Building***

2. Quadraplex: A residential building designed exclusively for occupancy by four families in separate dwelling units living independently of each other.

3. Triplex: A residential building designed exclusively for occupancy by three families in separate dwelling units living independently of each other.

**D.** Multi-Use Dwelling: A dwelling unit located within a building that is also designed for or occupied separately by nonresidential uses, such as shops or offices.

**Dwelling Unit:** One or more rooms connected together and constituting a separate, independent housekeeping establishment with complete provisions for cooking, eating, sleeping, bathing and personal hygiene, and physically set apart from any other dwelling unit in the same structure.

## E

**Easement:** A strip of land on which the property owner has granted to another entity the right to use such land for specific purposes.

**Elevated Building:** A building, without a basement, built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

**Eligible Facilities Request:** An eligible facility request as set forth in 47 C.F.R. Section 1.40001(b)(3), as that section may be amended from time to time.

**Enforcement authority:** The City of Douglasville Community Development Director, Building Official or the State of Georgia Fire Marshal.

**Erosion:** The process by which land surface is worn away by the action of wind, water, ice or gravity.

**Erosion and Sedimentation Control Plan:** A plan for the control of soil erosion and sedimentation resulting from a land-disturbing activity.

**Event Center:** A public or private facility used for the purposes of private receptions or parties or similar types of gatherings.

**Excavation:** The mechanical removal of earth material.

**Existing building or structure:** any completed building or structure which has been placed in service for a minimum of 25 years and was originally constructed prior to January 1, 1975.

**Existing Grade:** See "Grade."

## F

**Family:** An individual or two or more persons living together as a household.

**Family Day Care Home:** See "Day Care Facility."

**Family Personal Care Home:** See "Personal Care Home."

**Fast Food Restaurant:** See "Restaurant, Fast Food."

**FCC:** The Federal Communications Commission of the United States

**FEMA:** The Federal Emergency Management Agency.

**Fence:** An artificially constructed barrier of wood, wire, wire mesh, or decorative metal erected to enclose, screen or separate portions of a lot.

**Fill:** A portion of land surface to which soil or other solid material has been added; the depth above the original ground.

**Filling:** The placement of any soil or other solid material, either organic or inorganic, on a natural ground surface or excavation.

**Finished Grade:** See "Grade."

**Flood or Flooding:** A general and temporary condition of partial or complete inundation of normally dry land areas from:

**A.** The overflow of inland or tidal waters; or
**B.** The unusual and rapid accumulation or runoff of surface waters from any source.

**Flood Hazard Boundary Map (FHBM):** An official map of a community, issued by the Federal Insurance Administration, where the boundaries of areas of special flood hazard have been defined as Zone A.

**Flood Insurance Rate Map (FIRM):** An official map of a community, issued by the Federal Insurance Administration, delineating the areas of special flood hazard and/or risk premium zones applicable to the community.

**Flood Insurance Study ():** The official report by the Federal Insurance Administration evaluating flood hazards and containing flood profiles and water surface elevations of the base flood.

**Floodplain:** (with regard to stream buffer protection) Any land area susceptible to flooding, which would have at least a one percent probability of flooding occurrence in any calendar year based on the basin being fully developed as shown on the current land use plan (i.e., the regulatory floodway).

**Floodproofing:** Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

**Flood-Resistant Materials:** Building materials capable of withstanding direct and prolonged contact with floodwaters without sustaining significant damage. The term "prolonged contact" means at least 72 hours, and the term "significant damage" means any damage requiring more than low-cost cosmetic repair (such as painting). See FEMA Technical Bulletin 2-93, and subsequent revisions thereto.

**Floodway or Regulatory Floodway:** The channel of a stream or other watercourse and the adjacent areas of the floodplain which is necessary to contain and discharge the base flood flow without cumulatively increasing the base flood elevation more than one foot.

**Floor:** The top surface of an enclosed area in a building, including basement (e.g. top of slab in concrete slab construction or top of wood flooring in wood frame construction). The term does not include the floor of a garage used solely for parking vehicles or storage, or the floor area of an attic used exclusively for storage.

**Floor Area, Building:** See "Building Floor Area."

**Floor Area, Gross:** See "Gross Floor Area."

**Flowering Ornamental Tree:** A tree, other than a canopy tree, that produces seasonal flowers and blossoms and is used primarily for aesthetic or ornamental purposes.

**Free-flowing Creek, Stream, or River:** See "Stream".

**Freight Agency or Shipping Coordinator:** An establishment primarily engaged in the remote arrangement of freight or cargo transportation, and not located where the freight or cargo is handled, stored or transported.

**Frontage or Street Frontage:** The width in linear feet of a lot where it abuts the right-of-way of any street from which access may be directly gained.

**Functionally Dependent Use:** A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water.

**Funeral Home:** A building used for the preparation of deceased human beings for burial or cremation and for conducting funeral ceremonies, and where cremations may be conducted as an accessory use.

**Furniture or Equipment Rental Establishment:** A business establishment that rents or leases items of personal property such as furniture, tools, medical equipment, appliances and construction equipment to the general public, but not including automobiles or trucks.

**Future Conditions Flood:** The flood having a one percent chance of being equaled or exceeded in any given year based on future conditions hydrology. Also known as the 100-year future conditions flood.

**Future Conditions Flood Elevation:** The flood standard equal to or higher than the base flood elevation. The future conditions flood elevation is defined as the highest water surface anticipated at any given point during the future conditions flood.

**Future Conditions Floodplain:** Any land area susceptible to flooding by the future conditions flood.

**Future Conditions Hydrology:** The flood discharges associated with projected land-use conditions based on the city's zoning map, comprehensive land-use plan, and/or watershed study projections, and without consideration of projected future construction of flood detention structures or projected future hydraulic modifications within a stream or other waterway, such as bridge and culvert construction, fill, and excavation.

## G

**Garden Apartment Building:** See under "Dwelling."

**Garment Services:** A business establishment engaged primarily in such activities as linen supply, dressmaking, custom tailoring, or fur cleaning and storage.

**Gated Community:** A subdivision approved as such, which may be served by private streets.

**General Business Office:** See under "Office."

**General Merchandise Store:** A retail establishment that sells a number of lines of merchandise, such as dry goods, apparel, furniture, small wares, hardware and boutique foods (i.e. "department stores," "variety stores" and "country general stores.").

**Grade:** The level of the surface of the ground.

**A.** Existing Grade: The original elevation of the ground surface prior to cutting or filling.
**B.** Finished Grade: The final elevation and contour of the ground after cutting or filling and conforming to the proposed design.

**C.** Highest Adjacent Grade: The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a building. If fill has been placed, it refers to the original ground level beneath the fill.

**Grading:** Altering the shape of ground surfaces to a predetermined condition; this includes stripping, cutting, filling, stockpiling and shaping, or any combination thereof, and shall include the land in its cut or filled condition.

**Grading Permit:** Authorization necessary but limited to the initiation and conduct of a land-disturbing activity on a property.

**Grandfathered Use, Structure or Lot:** A use, structure or lot that was legally established prior to the imposition of current regulations and that does not conform to the requirements of those regulations. Also known as a "Nonconforming" use, structure or lot.

**Greenhouse:** A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of plants.

**Greenway:** An area along the course of any state waters to be maintained in an undisturbed and natural condition.

**Gross Floor Area:** The total area of all floors of a building, measured from the outside planes of the exterior walls.

**Ground Cover:** A low growing plant, other than turf grass, which forms a continuous cover over the ground surface.

**Ground Elevation:** See under "Grade."

**Group Day Care Home:** See under "Day Care Facility."

**Group Home for the Elderly:** See "Retirement Community."

**Group Personal Care Home:** See under "Personal Care Home."

**Growler:** A bottle made of glass or other material customary to the malt beverage industry, provided that the bottle is capable of being sealed with a screw cap or flip top and then sealed for the purpose of complying with open container laws, and further provided that the bottle does not exceed 64 ounces and is filled by a licensee or employee of the licensed establishment with beer from a keg.

**Guest House:** An accessory use to a dwelling designed and intended for the temporary housing of visitors to property residents for no fee or other consideration, and meeting or exceeding the Standards for Single-Family and Two-Family Dwellings under this Code.

**Guy Tower:** See under "Transmission Tower."

## H

**Handicapped Parking Space:** A space laid out and designated by signage in accordance with the requirements of the Federal Americans with Disabilities Act.

**Hardwood Tree:** Any leaf-bearing (not needle-bearing) tree that is not coniferous (cone-bearing).

**Health Club or Fitness Center:** A business that provides facilities for aerobic exercises, such as running and jogging tracks, exercise equipment, game courts, gymnasium, or swimming facilities.

**Health Services Facility:** An establishment primarily engaged in outpatient health services and counseling, such as a kidney dialysis center, blood bank, or childbirth preparation center, but specifically excluding a "Drug Addiction Rehabilitation Center."

**Height:** See "Building Height." "Sign Height." "Structure Height" and "Transmission Tower Height."

**Heavily Landscaped Area:** An area planted with a combination of shade and flowering trees, deciduous and evergreen shrubs, and flowering perennials such that the entire area is covered with landscape materials.

**Highest Adjacent Grade:** See “Grade”.

**Historic Structure:** For purposes of Floodplain Management and Flood Damage Prevention only, any structure that is:

**A.** Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
**B.** Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
**C.** Individually listed on a state inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or
**D.** Individually listed on the local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:

  **1.** By an approved state program as determined by the Secretary of the Interior, or
  **2.** Directly by the Secretary of the Interior in states without approved programs.

**Home Occupation:** Any activity carried out for profit by the resident and conducted as an accessory use in the resident's dwelling unit.

**A.** Home Office: A home occupation that is limited to an office use and does not involve visits or access by the public, suppliers or customers, and does not involve the receipt, maintenance, repair, storage or transfer of merchandise at the home.
**B.** Residential Business: A home occupation that is limited to the office use of a practicing professional, an artist or a commercial representative, and may involve very limited visits or access by clients or customers, but does not involve the maintenance, repair, storage or transfer of merchandise received at the home.

**Hospital:** The use of a building or premises for the provision of diagnostic health services and medical or surgical care to inpatients and out-patients suffering from illness, disease, injury, deformity and other physical or mental afflictions, and including as an integral part of the institution, related facilities such as laboratories, outpatient facilities or training facilities.

**Hotel or motel:** A business establishment offering temporary lodging to the traveling public while away from their normal places of residence, and often including a restaurant as an accessory use.

**Household:** An individual living alone or a group of individuals living together in a single dwelling unit, sharing common use of and access to all living and eating areas, bathrooms, and food preparation areas, who mutually combine their efforts and share responsibilities for domestic chores such as child rearing, cleaning and cooking in a permanent and long-term relationship, as contrasted to one in a transient relationship who pays for lodging such as a boarder.

**Hunting:** The activity of catching and/or killing wild animals or game, especially for food or sport.

## I

**Illuminated signs:** See "Sign Types"

**Impermeable:** Something that water cannot pass through or be absorbed by, such as a layer of rock.

**Impervious Surface or Impervious Cover:** Man-made structures, improvements and surfaces that prevent or significantly limit the infiltration of stormwater. Examples of impervious structures and improvements are: buildings, structures, roads, driveways, parking lots, decks, swimming pools, patios, and sidewalks. Examples of impervious materials often used to construct such improvements are asphalt, concrete, gravel, brick, stone, wood, asphalt shingles, metal, and composite materials.

**Improvements:** The physical addition and changes to land that may be necessary to produce usable, desirable and acceptable lots or building sites.

**Industrialized (or Modular) Home:** A dwelling manufactured in accordance with the Georgia Industrialized Building Act (O.C.G.A. Title 8, Chapter 2, Article 2, Part 1) and the Rules of the Commissioner of the Georgia Department of Community Affairs issued pursuant thereto. State approved buildings meet the State Building and Construction Codes and bear an insignia of approval issued by the commissioner.

**Intersection:** Shall mean:

**A.** The place where two streets cross;
**B.** The point at which the centerline of a street intersects the center line of another street or railway.

## J

**Junkyard or Salvage Yard:** A building or premises used primarily for the collecting, storage or sale of waste paper, rags, scrap metal or other discarded material; or for the collecting, dismantling, storage, or salvage of machinery or vehicles not in running condition and not awaiting eminent repair, or for the sale or reuse of parts removed from such machinery or vehicles.

## K

**Kennel:** A shelter where dogs or cats are bred, raised, trained or boarded as a business, which commonly include outside facilities.

## L

**Land Development:** Any land change, including but not limited to clearing, grubbing, stripping, removal of vegetation, dredging, grading, excavating, transporting and filling of land, construction, paving and any other installation of impervious cover.

**Land Development Activity:** Those actions or activities which comprise, facilitate or result in land development.

**Land Disturbance:** Any land or vegetation change, including, but not limited to, clearing, grubbing, stripping, removal of vegetation, dredging, grading, excavating, transporting and filling of land, that do not involve construction, paving or any other installation of impervious cover.

**Land-Disturbing Activity:** Any activity that may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands within the state, including, but not limited to, clearing, dredging, grading, excavating, transporting and filling of land but not including agricultural practices that are exempt under the "erosion and sedimentation control" article of this development code.

**Land Disturbance Permit:** Any permit other than a building permit issued by the city that authorizes clearing or grading activities or any other land-disturbing activity on a site or portion of a site. Said permit may be a clearing, clearing and grubbing or grading permit as defined and authorized under any regulations of the city. See also "Development Permit."

**Landscape Materials:** Any combination of living plant materials and nonliving materials such as rock, pebbles, wood chips, mulch and pavers, and decorative features, including sculpture, patterned walks, fountains, and pools.

**Landscape Plan:** A component of a development plan on which it is shown The proposed landscaping for a development pursuant to the requirements of Article 8.

**Landscaping:**

**A.** An expanse of natural scenery;
**B.** Lawns, trees, plants, and other natural materials, such as rock and wood chips, and decorative features, including sculpture, patterned walks, fountains, and pools.

**Lattice Tower:** See under "Transmission Tower."

**Laws:** Collectively, any and all Federal, State, or local law, statute, common law, code, rule, regulation, order, or ordinance.

**Live Detention:** The quantity of water capable of being effectively contained by a stormwater detention facility for a specified period of time.

**Livestock:** Animals used for the production of food or products, such as all animals of the equine, bovine and swine classes, including goats, sheep, mules, horses, hogs, cattle and other grazing animals; poultry, such as chickens, turkeys, geese, ducks and guinea fowl; and all ratites, such as ostriches, emus and rheas.

**Lot:** A parcel or tract of land held in single ownership.

**A.** Corner Lot: Any lot bounded by two streets at their intersection.
**B.** Double-Frontage Lot: A lot bounding on two or more streets, but not at their intersection, so that it is not a corner lot.
**C.** Interior Lot: A lot having frontage on only one street.

**D.** Panhandle Lot (Flag Lot): A lot which utilizes a narrow strip of land, which does not meet frontage requirements, to provide access to a street. The strip of land is not counted towards calculating the lot area. Panhandle lots are not permitted in the city.

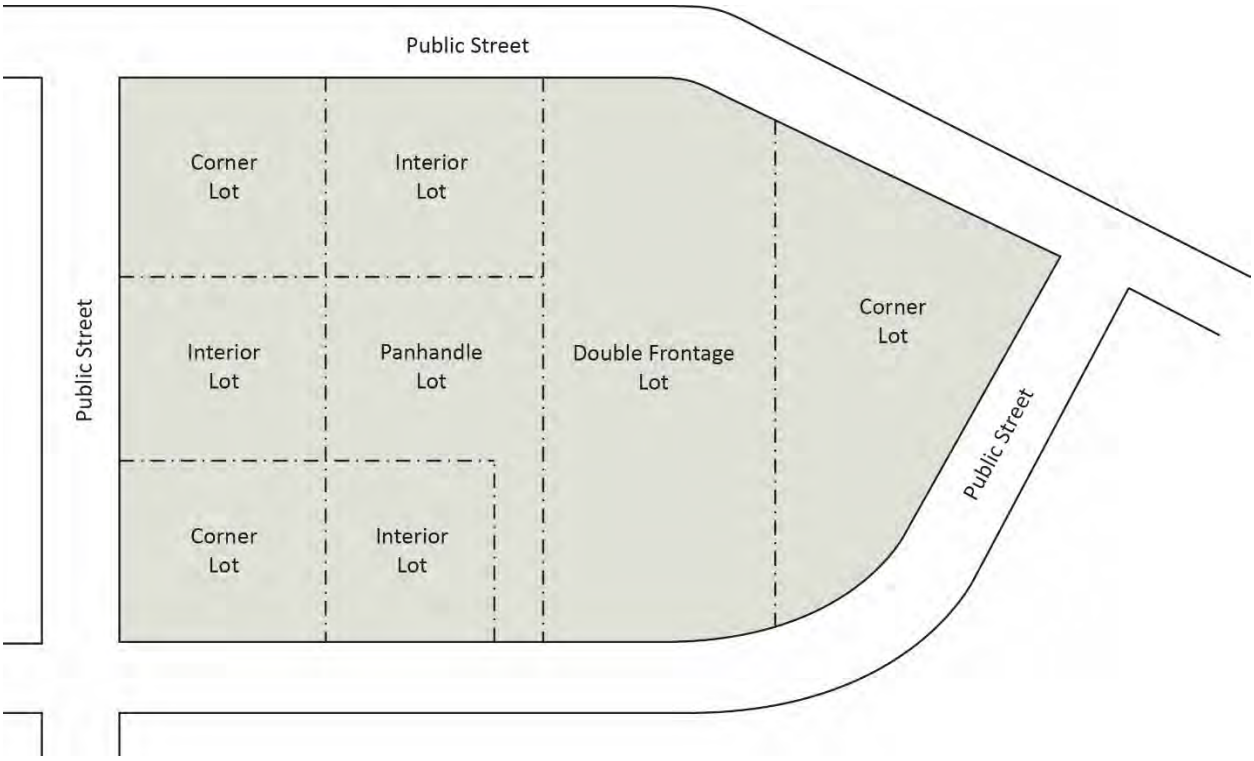



***Figure 13- 6 Types of Lots***

**Lot Area:** The total horizontal area included within lot lines.

**Lot Coverage:** The portion of a lot that is occupied by structures that create an impervious surface on the ground, such as buildings, parking lots, loading areas, driveways, patios, plazas, recreation courts, and paved outdoor storage or display areas.

**Lot Line:** The boundary dividing a given lot from the street or adjacent lots; the boundary defining the limit of ownership of a property.

**A.** Front Lot Line: Any boundary line of a lot that abuts a street right-of-way line. A lot adjacent to more than one street will have more than one front lot line.

**B.** Rear Lot Line: Any boundary line of a lot that does not intersect with a street right-of-way line and is not a front lot line.

**C.** Side Lot Line: Any boundary line of a lot that intersects with a street right-of-way line and is not a front lot line.

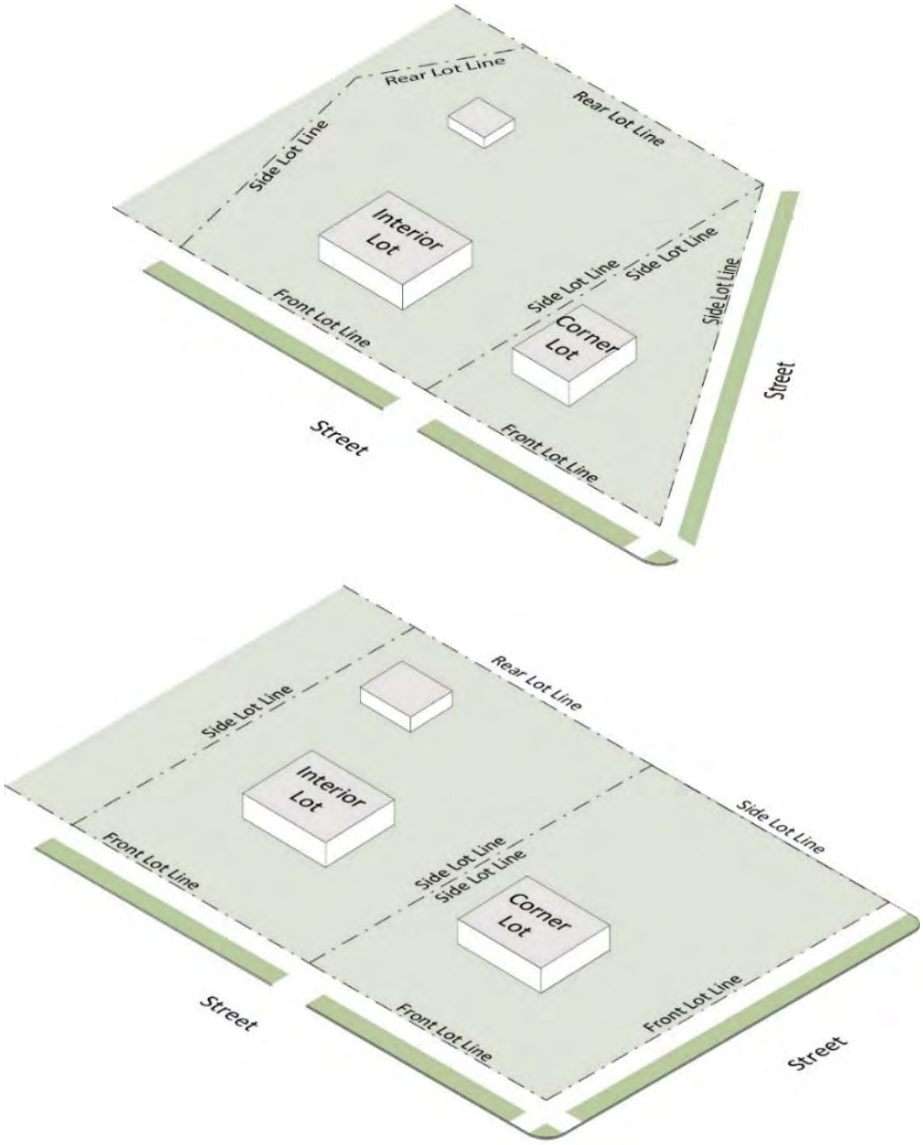



***Figure 13- 7 Types of Lot Lines***

**Lot of Record**: A lot which is part of a subdivision recorded in the Office of the Clerk of the Superior Court, the description of which has been so recorded.

**Lot Width:** The distance measured along the front principal building setback line between intersecting lot lines. The lot width shall be measured along a straight line between such points of intersection.

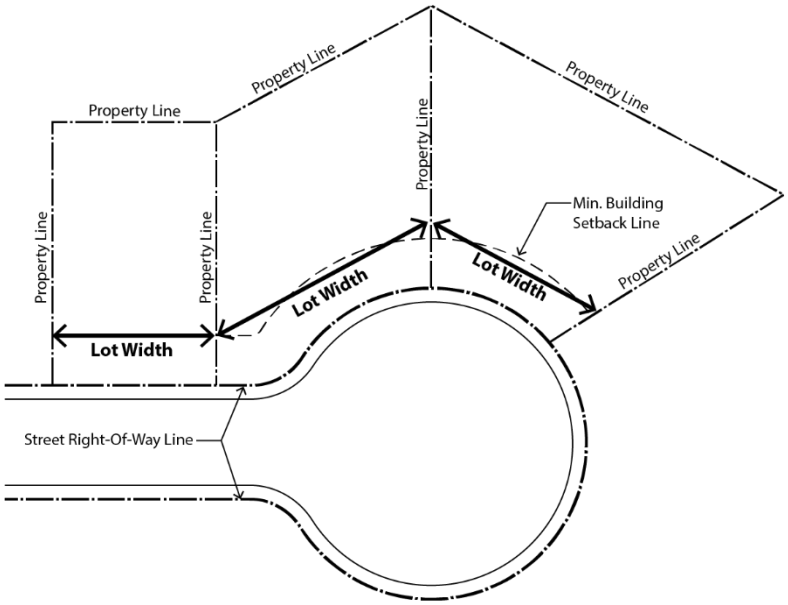



***Figure 13- 8 Lot Width Measurements***

**Lowest Floor:** The lowest floor of the lowest enclosed area, including basement. An unfinished or flood-resistant enclosure, used solely for parking of vehicles, building access, or storage, in an area other than a basement, 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 this UDO.

## M

**Major Street:** A street, thoroughfare or highway classified as an arterial or collector in the comprehensive plan.

**Manual for Erosion and Sediment Control in Georgia:** A publication of the same name published by the Georgia Soil and Water Conservation Commission, and as amended or supplemented from time to time.

**Manufactured Home:** A dwelling fabricated in an off-site facility for installation or assembly at the building site, bearing a label certifying that it is constructed in compliance with the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. 5401, et seq.), which first became effective on June 15, 1976. The term "manufactured home" includes a structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length or, when erected on site, is 320 or more square feet in floor area, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; except that such term includes any structure which meets all the requirements of this definition except the size requirement and with respect to which the manufacturer voluntarily files a certification required by

the Secretary of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. 5401, et seq.

**Manufactured Home Park:** Any lot or parcel under single ownership on which two or more manufactured homes are to be located or intended to be located for purposes of residential occupancy.

**Manufactured Home Sales Lot:** A premises on which manufactured homes are displayed for sale.

**Manufacturing:** The creation of finished goods from raw materials or intermediate component parts.

**A.** Heavy Manufacturing: The extraction of natural resources or the transformation of raw materials through mechanical or chemical means into basic products for subsequent assembly, fabrication or use in the production of finished goods.
**B.** Light Manufacturing: The finishing, fabrication or assembly of previously manufactured parts into a final product or component products ready for retail sale. Light manufacturing is characterized by no emissions of noxious odors, dust, fumes, gas, noise, or vibration outside of any building.

**Marquee sign**. See "Sign Types, Building Sign."

**Medical or Dental Office:** See under "Office."

**Mean Sea Level:** The average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of article VIII the term is synonymous with National Geodetic Vertical Datum (NGVD) and/or the North American Vertical Datum (NAVD) of 1988.

**Membership Dwelling:** A dwelling occupied by a group of people related through membership in a particular organization (as opposed to blood, adoption or marriage), such as a fraternity, sorority or convent.

**Membership Organization:** An organization that operates on a membership basis for the promotion of the members' interests. Examples of membership organizations include:

**A.** Business, Professional or Trade Association: See “Business, Professional or Trade Association.
**B.** Church or Place of Worship: See “Church or Place of Worship”.
**C.** Civic, Social or Fraternal Association: See “Civic, Social or Fraternal Association”.
**D.** Political Organization: See “Political Organization”.

**Microbrewery:** A brewery that produces small amounts of beer, typically much smaller than large-scale corporate breweries, and is independently owned. Such breweries are generally characterized by their emphasis on quality, flavor and brewing technique.

**Mini-Warehouse:** A structure containing separate storage spaces of varying sizes leased or rented on an individual basis to the general public.

**Mixed Use:** A type of development that combines residential, commercial, cultural, institutional, or entertainment uses, where those functions are physically and functionally integrated.

**Mobile Home:** A dwelling manufactured prior to June 15, 1976, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length or, when erected on site, is 320 or more square feet in floor area, and which is built on a

permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air-conditioning, and electrical systems contained therein. See “Manufactured Home” for dwellings manufactured after June 15, 1976.

**Mobile Home Court:** See "Manufactured Home Park."

**Modular Home:** See "Industrialized Home."

**Monopole Tower:** See “Transmission tower."

**Monument sign.** See "Freestanding Sign."

**Motel:** See "Hotel or Motel."

**Motion Picture Theater:** See "Theater."

**Motor Freight Truck Terminal:** A building or premises where trucks load and unload cargo and freight and where the cargo and freight may be broken down or aggregated into smaller or larger loads for transfer to other vehicles or modes of transportation.

**Motor Vehicle Dealers, Miscellaneous:** A business establishment primarily engaged in the sale of motorized vehicles and related equipment other than automobiles, motorboats, motorcycles or recreation vehicles, such as aircraft, dune buggies, go-carts, snowmobiles and utility trailers, and which may include a repair service conducted as an accessory use.

**Motorcycle Sales and Service:** The use of any building or premises for the display and sale of new or used motorcycles, scooters or mopeds, and which may include any repair service conducted as an accessory use.

**Mulch:** Pine straw, pine bark, pebbles, lava rock, or processed trees. By-products of unprocessed grinding operations may not be used for mulching under landscaped plants or trees.

**Multi-Faced Sign:** See “Sign Types”.

## N

**National Geodetic Vertical Datum (NGVD):** As corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

**Natural Ground Surface:** The ground surface in its original state before any grading, excavation or filling.

**New Manufactured Home Park or Subdivision:** For purposes of Floodplain Management and Flood Damage Prevention only, a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after May 5, 1994.

**Non-Safe-Fall Tower:** See under "Transmission Tower."

**North American Vertical Datum (NAVD) of 1988:** A vertical control used as a reference for establishing varying elevations within the floodplain.

**Nursery School:** See "Day Care Facility."

**Nursing Home:** A skilled nursing care facility primarily engaged in providing full-time convalescent or rehabilitative care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves and require continuous care under the direction of a physician. See in contrast "Convalescent Home."

## O

**Office:** The use of any building or premises primarily for conducting the affairs of a business, profession, service, industry, or government, and generally furnished with desks, tables, files, and communication equipment.

**A.** General Business Office: An office used primarily for the administrative or legal affairs of a company.
**B.** Medical or Dental Office: An office occupied and maintained for the provision of services by a person licensed by the State of Georgia to practice in the healing arts for humans, such as a physician, surgeon, dentist, or optometrist, but not including veterinary services.
**C.** Professional Office: An office occupied by a member of a recognized profession and maintained for the provision of professional services, such as a lawyer, architect, city planner, landscape architect, interior designer, or engineer.

**One-Hundred-Year Flood:** A 100-year frequency flood that has the probability of occurring once every 100 years and thus has a one percent chance of occurring each year.

**One-Hundred-Year Flood Plain:** A land area adjoining a river, stream, watercourse or lake that has a probability of being flooded up to and including the 100-year flood.

**Opaque:** Impenetrable to view, or so obscuring to view that features, buildings, structures, and uses become visually indistinguishable.

**Open Space:** An area of land or water that is permanently set aside through dedication, designation or reservation to remain in a natural and unimproved state or that may be improved only for active or passive recreation or enjoyment (if such use is otherwise allowed).

**A.** Common Open Space: Land or water areas within a development project that are available to or benefit all occupants of the development on a continuing and permanent basis, such as walking trails, community centers or clubhouses, golf courses and other recreation areas, protected flood plains or wetlands, and fishing or boating lakes. Common open space does not include any streets or public rights-of-way, or yard areas or landscape areas located on private property.

**B.** Public Open Space: Land reserved for preservation, leisure or recreational use but dedicated in fee simple to a governing body or agency to be responsible for operation and maintenance. Public open space may not be reserved for or dedicated to the exclusive use of the residents of a particular development.

**Operator**: means a person, entity, association or organization who places, maintains or operates unattended donation box(es) to solicit donations of salvageable personal property.

**Ordinary Maintenance and Repair:** Inspections, testing and/or repair that maintain functional capacity, aesthetic and structural integrity of a Communications Facility and/or the associated Support Structure, Pole or Tower, that does not require blocking, damaging or disturbing any portion of the Public ROW.

**Outdoor Display Area:** An outdoor portion of a lot where merchandise, goods or other items are placed in public view for the purpose of customer selection or direct sale or lease to customers.

**Outdoor Seating:** A permitted seating area on a public sidewalk or pedestrian oriented area or outside of a food or drink establishment that is used for seating purposes to consume the purchased items on-site.

**Outdoor Storage:** The keeping within an unroofed area of any goods, material, merchandise or vehicles in the same place for more than 24 hours for the primary purpose of storage.

**Outparcel:** A lot deeded separately from a larger tract for individual development, but generally sharing access with the larger tract. Outparcels are most generally associated with shopping centers.

**Overlay Zone:** A zoning district which may be placed on property in addition to its primary zoning district.

**Overstory Tree:** Any deciduous or evergreen tree that has the potential to grow to a mature height of 40 feet or more.

**Owner:** A person having or controlling a majority fee simple interest in a property, or their authorized representative.

## P

**Parking Aisle:** The traveled way, which is not the public right-of-way, by which cars enter and depart parking spaces.

**Parking Area:** Any public or private area at grade or within a structure used for the express purpose of temporarily parking automobiles and other vehicles otherwise in operation for personal or business use.

**Parking Bay:** Three or more parking spaces adjacent to one another and aligned side-by-side.

**Pawn Shop:** A type of used merchandise store in which merchandise is offered as collateral for obtaining loans, and (for other than title pawn) wherein such merchandise is offered for sale in recompense for default of loan repayment; see also "Title Pawn".

**Parcel:** Any plot of land or acreage shown as a unit with a metes and bounds description on the latest county tax assessment records.

**Performing Arts Theater:** See "Theater."

**Permanent Subdivision Sign:** See “Sign Type”.

**Permit:** The first permit issued by the city required for undertaking any land development activity.

**Permittee**: means the applicant who is issued a permit authorizing placement of unattended donation box(es).

**Person:** Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, city, county or other political subdivision of the State, any interstate body or any other legal entity.

**Personal Care Home:** Any dwelling, whether operated for profit or not, which undertakes through its ownership or management to provide or arrange for the provision of housing, food service, and one or more personal services for two or more adults who are not related to the owner or administrator by blood or marriage. This term shall not include host homes, as defined in paragraph (18) of subsection (b) of O.C.G.A. Section 37-1-20.

**Personal Enrichment School:** See "School."

**Personal Service Establishment:** A business primarily engaged in providing a service generally to individuals, such as a laundry, portrait photographic studio, or beauty or barber shop.

**Pervious Surfaces:** Surfaces capable of being significantly infiltrated by stormwater.

**Pet:** An animal most commonly kept for personal enjoyment or companionship, such as a dog or a cat.

**Place of Public Assembly:** Any building, structure or parcel of land were people congregate for such purposes as celebration, worship, amusement, entertainment, or deliberation.

**Planned Commercial Center:** Three or more commercial establishments that are planned, developed, and managed as a unit and which provide parking facilities on one lot or contiguous lots.

**Plant Nursery:** Land or greenhouses used to raise flowers, shrubs, trees, and other plants for sale to distributors or for subsequent replanting by the owner, a landscape company or others.

**Pole:** A legally constructed pole, such as a utility, lighting, traffic, or similar pole made of wood, concrete, metal or other material, located or to be located within the Public Right of Way. A Pole does not include a Tower or Support Structure and does not include a pole or structure that supports electric transmission lines.

**Political Organization:** An organization established to promote the interests of a local, state or national political party or candidate.

**Political Season:** The time between the date of close of filing for qualification of candidates and final determination on each ballot issue or candidate.

**Premises:** An area of land with its appurtenances and buildings which, because of its unity of use, is one unit of real estate.

**Principal Building:** A building in which is conducted a principal use.

**Principal Building Setback Line:** A line delineating the minimum allowable distance between a property line or the right-of-way line of an abutting street, and a principal building on a lot.

**A.** Front Building Setback: The minimum allowable distance between the right-of-way line of any abutting street and any part of a principal building on a lot. The front setback distance is applied along the full length of the right-of-way line and is parallel to it.

**B.** Rear Building Setback: The minimum allowable distance between a rear lot line and any part of a principal building on a lot. The rear building setback extends along and parallel to the full length of the rear lot line.

**C.** Side Building Setback: The minimum allowable distance between a side lot line and any part of a principal building on a lot. The side building setback extends along and parallel to the side lot line between the front building setback and a rear building setback (if any).

**Principal Use:** The specific, primary purpose for which land or a building is used.

**Professional Engineer:** An engineer licensed and registered to perform the duties of a Professional Engineer (P.E.) by the State of Georgia.

**Professional Office:** See "Office."

**Professional Services:** A business conducted for profit which primarily offers services to the general public, such as shoe repair, watch repair, barber shops, beauty parlors, dry cleaners, tax preparation and similar activities.

**Prohibited Use:** A use that is not permitted in a zoning district.

**Project:** The entire proposed development project regardless of the size of the area of land to be disturbed.

**Project Entrance Sign:** See “Sign Type”.

**Projecting Sign:** See "Sign Type, Building Sign."

**Property or Parcel of Land:** See "Lot."

**Property owner**: means the person, entity, association or organization who owns the real property where the unattended donation box(es) are or are proposed to be located.

**Protection Area, or Stream Protection Area:** The combined areas of all required buffers and setbacks applicable to such stream.

**Provider:** A Communications Service Provider or a Wireless Services Provider and includes any Person that owns and/or operates within the Public ROW any Communications Facilities, Wireless Facilities, Poles built for the sole or primary purpose of supporting Communications Facilities, or Towers.

**Public Improvement:** The construction, enlargement, extension or other construction of a facility intended for dedication to the public, including but not limited to a street, curb and gutter, sidewalk, cross drain, catch basin, traffic control and street name sign, or other roadway appurtenance other than a driveway apron connection; domestic water supply system main, fire hydrant, valve or other appurtenance other than a supply line to a building; or sanitary sewerage main or outfall, lift station, force main, manhole or other appurtenance other than a drain line from a building.

**Public Open Space:** See "Open Space."

**Public Right of Way or Public ROW:** The area on, below, or above property that has been designated for use as or is used for a public roadway, highway, street, sidewalk, alley or similar purpose, and for purposes of this Section shall include Public Utility Easements, but only to the extent the City of Douglasville has the City of Douglasville to permit use of the area or Public Utility Easement for Communications Facilities or Poles, Towers and Support Structures that support Communications Facilities. The term does not include a federal interstate highway or other areas that are not within the legal jurisdiction, ownership or control of the City of Douglasville.

**Public Utility:** A utility owned and operated by a government or public authority.

**A.** Public Sewerage System: A sanitary sewerage system for the collection of water-borne wastes complete with a sewage treatment plant that is owned and operated by a public agency or authority.

**B.** Public Water System: A system for the intake, treatment and distribution of potable water that is owned and operated by a public agency or authority.

**Public Utility Easement:** unless otherwise specified or restricted by the terms of the easement, the area on, below, or above a property in which the property owner has dedicated an easement for use by utilities. Public Utility Easement does not include an easement dedicated solely for City of Douglasville use, or where the proposed use by the Provider is inconsistent with the terms of any easement granted to the City of Douglasville.

## Q

**Quadraplex:** See under "Dwelling, Multi-Family Dwelling."

**Quasi-Public:** A use that performs a government or public function but is under private ownership or control.

## R

**Recharge Area:** Any portion of the earth's surface, where water infiltrates into the ground to replenish an aquifer.

**Recreation Facility, Community:** A swimming pool, tennis court, or other recreation facility owned by or provided for the use of the residents of a subdivision, apartment project, or other residential development.

**Recreation Facility, Private:** An accessory use to a dwelling designed and equipped for the conduct of personal leisure time activities such as a swimming pool, tennis court, deck, or patio. See also "Community Recreation Facility."

**Recreational Vehicle:** A motorized camper, converted bus, tent trailer, motor home, or other similar vehicular or portable structure used or designed for temporary portable housing or occupancy while on vacation or other recreational trip and provided with sleeping accommodations.

**Recreational Vehicle Dealer:** The use of any building or premises for the display and sale of new or used recreational vehicles, and which may include any repair service conducted as an accessory use.

**Recycled Water System:** A water system that captures and reuses water previously used in wash or rinse cycles.

**Recycling Center:** A use operated exclusively for the collection and temporary storage of used paper, glass, metal, and similar materials suitable for reprocessing, which are transported elsewhere for separating, processing, or storage.

**Registered Land Surveyor:** A land surveyor licensed and registered to perform the duties of a registered land surveyor (R.L.S.) by the State of Georgia.

**Regulated Stream:** See "Stream ".

**Repair Shop, Miscellaneous:** A business establishment primarily engaged in specialized repair services such as bicycle repair, leather goods repair, lock and gun repair, musical instrument repair, septic tank cleaning, furnace cleaning and taxidermists.

**Replace or Replacement (in connection with an existing Pole):** Support Structure or Tower, to replace (or the replacement of) same with a new structure, substantially similar in design, size and scale to the existing structure and in conformance with this Section and any other applicable City of Douglasville [charter/code regulations], in order to address limitations of the existing structure to structurally support Collocation of a Communications Facility.

**Reserve Strip:** A strip or tract of land reserved for the purpose of controlling or limiting access from properties to abutting streets.

**Residential Business:** See under "Home Occupation."

**Residential district**: includes residential zoning districts as established pursuant to this UDO, as defined in Article 3.

**Restaurant, Custom Service:** An establishment where food and drink are prepared to individual order, ordered and served at the table, and consumed primarily within the principal building or in established outdoor dining areas, as contrasted to a fast food restaurant. Any restaurant that provides drive-in or drive-through service to customers in their cars is considered a "fast food" restaurant.

**Restaurant, Family:** A Custom Service Restaurant primarily oriented to sit-down service, occasionally with take-out service but no drive-in or drive-through facilities, and having an average turnover rate generally of less than one hour. Family restaurants are usually moderately priced and frequently belong to chains such as Denny's, Pizza Hut and Shoney's.

**Restaurant, Fast Food:** Any establishment, building or structure where food or drink are served for consumption, either on or off the premises, by order from or service to persons either over an interior counter, outside the structure or from an outdoor service window or automobile service window, or by delivery. This definition shall not include otherwise permitted restaurants where outdoor table service is provided to customers in established outdoor dining areas or where take-out service is provided incidental to a custom service restaurant.

**Restaurant, Quality:** A Custom Service Restaurant primarily oriented to fine dining and often associated with a particular cuisine. Quality restaurants are characterized by table settings of better silverware, china, glassware and cloth tablecloths, and have average turnover rates generally of one hour or more.

**Retail Store:** An establishment principally engaged in offering a category of similar goods or products for sale to the general public, such as a grocery store, hardware store, pharmacy, clothing shop, home furnishings store, office supplies store, and the like.

**Retirement Community:** An age-restricted residential development that offers significant services and facilities for the elderly, including social and recreational activities, personal care services, or health facilities limited to use by the development's residents.

**Right-of-Way:** Land reserved for and immediately available for use as a street or other public purpose.

**River:** A natural, free-flowing watercourse that is typically of greater volume than a stream or creek.

**Riparian:** (with regard to stream buffer protection) belonging or related to the bank of a river, stream, lake, pond or impoundment.

**Roadbed:** That portion of a street improved for vehicular travel, including the curbs and shoulders.

**Roadway:** The paved portion of a street improved for vehicular travel, measured from back of curb to back of curb, or from edge of pavement to edge of pavement for swale ditch roads.

**Roadway Drainage Structure:** A device such as a bridge, culvert or ditch, composed of a virtually non-erodible material such as concrete, steel, plastic or other such material that conveys water under a roadway by intercepting the flow on one side of a traveled way consisting of one or more defined lanes, with or without shoulder areas, and carrying water to a release point on the other side.

**Roof Sign:** See "Sign Type, Building Sign."

**Rooming or Boarding House:** A dwelling within which a resident family or resident manager offers lodging or lodging and meals to two or more persons not under the resident's parental or protective care in exchange for monetary compensation or other consideration.

**Runoff:** The portion of precipitation on the land that reaches the drainage system.

**Runoff Rate Coefficient:** The numerical factor which, when multiplied with the average slope for a particular site, will give the release rate of water from that site.

## S

**Safe-Fall Tower:** See under "Transmission Tower."

**School:** A facility used for education or instruction in any branch of knowledge.

**A.** Academic School: A private educational facility offering instruction following the same curriculum used in a public kindergarten, elementary, secondary, trade or technical, or higher education facility, and accredited to award diplomas as such.

**B.** Business or Vocational School: A business establishment offering courses of instruction oriented to improving business skills or securing employment in a specific field, such as data processing, secretarial or office services, banking, commercial art, nursing, real estate, truck driving, or other trade or vocation.

**C.** Personal Enrichment School: A business establishment offering courses in the arts or personal skills, not necessarily related to employment, such as automobile driving, drama, ceramics, cooking, diction, languages, modeling, music, public speaking or reading.

**Sediment:** Solid material, both organic and inorganic, that is in suspension, is being transported or has been moved from its site of origin by air, water, ice or gravity as a product of erosion.

**Sedimentation:** The process by which eroded material is transported and deposited by the action of water, wind, ice or gravity.

**Semi-Public Use:** A use owned or operated by a nonprofit, religious, or charitable institution for the purpose of providing educational, cultural, recreational, religious, or social services to the general public.

**Service Station:** See "Automobile Service Station."

**Setback:** The shortest straight-line distance between a street right-of-way or lot line and the nearest point of a structure or building or projection therefrom (excluding roof overhangs of 18 inches or less).

**Setback, Minimum:** The shortest distance allowed between a street right-of-way line or any other lot line and any principal or accessory building on a lot. Minimum setback requirements for buildings are associated with the type of lot line from which the setback is taken; for instance, a "side yard setback" is measured from a side lot line.

**Shade Tree:** A broadleaf hardwood tree having an average height at maturity of at least 20 feet and having a broad spread relative to its height (excluding trees with pyramidal, conical, or columnar crowns) and a dense canopy, so as to provide shade to structures or parking areas in the summer months.

**Short Term Rental:** Any residential dwelling rented out for personal use for a period not exceeding 30 days at a time and as further described in Section 2.04, Residential Use Standards.

**A.** Accessory Short Term Rental: The short term rental of an accessory dwelling unit.

**B.** Temporary Short Term Rental**:** The short term rental of a primary residential structure.

**Siding Type A Material:** Material used for the finish for exposed exterior walls, and limited to the following permitted materials: face, brick, granite, stone, marble, terrazzo, concrete panels cast with patterns and textures, EIFS, stucco, wood siding, fiber-cement siding, limestone or insulated window wall panels; metal siding is prohibited.

**Siding Type B Material:** Material used for the finish for exposed exterior walls, and limited to the following permitted materials: metal panels with a baked-on or acrylic finish which must be expected to retain its appearance without substantial maintenance for a period of ten years, plain reinforced concrete slabs, plain concrete block with sculptured treatment or stack bond with raked joints, T-111 plywood, aluminum siding, stainless steel, porcelain treated steel, or anodized or other permanently finished aluminum.

**Siding Type C Material:** Material used for the finish for exposed exterior walls, and limited to the following permitted materials: steel and aluminum without finish prescribed as Type B, plain concrete block, masonite, particle board, vinyl siding and sheet wafer board.

**Significant Recharge Area:** Those areas mapped by the Georgia Department of Natural Resources in Hydrologic Atlas 18 (1989 edition).

**Single-Family Detached Dwelling:** See under "Dwelling."

**Site:** The parcel of land being developed, or the portion thereof on which the development project is located.

**Slope:** The degree of deviation of a surface from the horizontal, usually expressed in percent or degree.

**Small Wireless Facility:** A Facility that meets both of the following qualifications: (i) each Antenna could fit within an enclosure of no more than 5 cubic feet in volume and (ii) all other wireless equipment associated with the Antenna, including the Provider's preexisting equipment, is cumulatively no more than 24 cubic feet in volume.

**Soil and Water Conservation District Approved Plan:** An erosion and sediment control plan approved in writing by the Soil and Water Conservation District.

**Soils:** The upper layer of earth that can be dug or plowed; the loose surface material of the earth in which vegetation normally grows.

**Solid Waste Transfer Station:** A facility where refuse and garbage, but no hazardous waste, is delivered for compaction or aggregation and loaded on trucks for shipment to a remote landfill or other disposal facility.

**Special Outdoor Event:** An event which is conducted in the open air or within a tent or other temporary structure and is produced for a limited time, and is:

**A.** A festival, carnival or exhibition where:

1. Unpackaged food is served, sold or transferred to members of the public, or
2. Motorized amusement devices, a tent or an outdoor stage is used; or

**B.** Any temporary commercial event conducted on residential property, other than a yard sale; or

**C.** Any temporary event conducted on residential property where more than 100 guests or attendees are expected on any one day; or

**D.** Any outdoor sales or commercial activity by a peddler or transient merchant on non-residential property, other than a licensed flea market.

**E.** Provided, however, that "special outdoor event" excludes the following:

1. Any event conducted on property owned by any government entity if authorized by the property owner; and
2. Any event conducted on the grounds of any developed lot whose principle use is one of public assembly, such as a church, school, library, park or membership organization.

**Special Land Use:** A use generally compatible with other uses in a zoning district, but which requires individual review of its location, design, configuration, operation and/or density or intensity that may merit the application of conditions to ensure the appropriateness of the use at that particular location.

**Specimen tree:** Any tree which qualifies for special consideration for preservation due to size, type and condition as follows:

**A.** Any tree in fair or better condition which equals or exceeds the following diameter breast height (DBH) sizes:

1. 20-inch DBH - Overstory hardwoods such as oaks, hickories, yellow poplars, sweetgums, etc.
2. 30-inch DBH - Overstory softwoods such as pines, etc.
3. 4-inch DBH - Understory small trees such as dogwoods, redbuds, sourwoods, etc.

**B.** A tree in fair or better condition must meet the following minimum standards:

1. A life expectancy of greater than 15 years.
2. A structurally sound trunk, not hollow and having no extensive decay, and less than 20 percent radial trunk dieback.

3. No more than one major and several minor dead limbs (hardwoods only).
4. No major insect or pathological problem.

**C.** A lesser-sized tree can be considered a specimen tree if it is a rare or unusual species, or of exceptional or unique quality, subject to approval of the Community Development Director pursuant to the standards set forth in this UDO.

**D.** A lesser-sized tree can be considered a specimen tree if it is specifically used by a builder, developer, or design professional as a focal point in a landscape project, subject to approval of the Community Development Director pursuant to the standards set forth in this UDO.

**Specimen Tree Stand:** A contiguous grouping of trees which has been determined to be of high value in the opinion of the Community Development Director. Determination is based upon the following criteria:

**A.** A relatively mature, even-aged stand.
**B.** A stand with purity of species composition or of a rare or unusual nature.
**C.** A stand of historical significance.
**D.** A stand with exceptional aesthetic quality.

**Sports Facility, Commercial:** The use of any building, structure or premises for the conduct of a professional or semi-professional sport, such as a boxing pavilion, track and field racetrack, stadium or sports field, where admission is charged in order to pay the players or fund a prize purse.

**Start of Construction:** The date the permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of the structure such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation, and includes the placement of a manufactured home on a foundation. Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of buildings appurtenant to the permitted structure, such as garages or sheds not occupied as dwelling units or part of the main structure. (NOTE: Accessory structures are not exempt from any ordinance requirements). For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**State Waters:** Any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the State which are not entirely confined and retained completely upon the property of a single individual, partnership or corporation. "State Waters" excludes channels and drainage ways which have water in them only during and immediately after rainfall events and intermittent streams which do not have water in them year-round.

**Storage:** The placement, keeping, or retention of vehicles, equipment, materials, goods, or products on a temporary basis for intermittent use or subsequent distribution or transfer.

**Stormwater Detention Facility:** A facility that provides storage and controlled release of stormwater runoff during and after a flood or storm.

**Story:** That portion of a building comprised between a floor and the ceiling or the floor next above. The first floor of a two or multi-story building shall be deemed the story that has no floor

immediately below it that is designed for living quarters or for human occupancy, other than a basement.

**Stream:** A natural, free-flowing watercourse with either constant or intermittent flow sufficient to wrest the vegetation and form a defined channel.

**Stream, Perennial:** (with respect to watershed protection) a stream that has normal stream flow consisting of base flow (discharge that enters the stream channel mainly from groundwater or both base flow and direct runoff during any period of the year.

**Stream Bank:** (with regard to stream buffer protection) the sloping land that contains the stream channel and the normal flows of the stream. The land forming the bank is considered part of the stream buffer.

**Stream Buffer:** a strip of natural indigenous vegetation (of width determined by the watershed protection regulations and the stream buffer protection regulations) adjacent to the bank of a stream designed to preserve and improve the quality if water within the stream and its watershed. A stream setback does not include the adjacent stream buffer.

**Stream Channel:** (with regard to stream buffer protection) means the portion of a watercourse that contains the base flow of the stream.

**Stream Setback:** (with regard to stream buffer protection) the area established by Division 5. extending beyond any buffer applicable to the stream, and within which certain activities and structures are prohibited.

**Street:** An improved way for the conveyance of motor driven, rubber-tired vehicles, such as automobiles and trucks.  For the purposes of this UDO, the term “street” shall include “alley”.

**Street Classifications:** Streets and roads are shown in the Comprehensive Plan according to their classification.

**Street Jog:** the incidence where two streets or two portions of a single street are separated by a relatively short distance, usually at their intersection with another street.

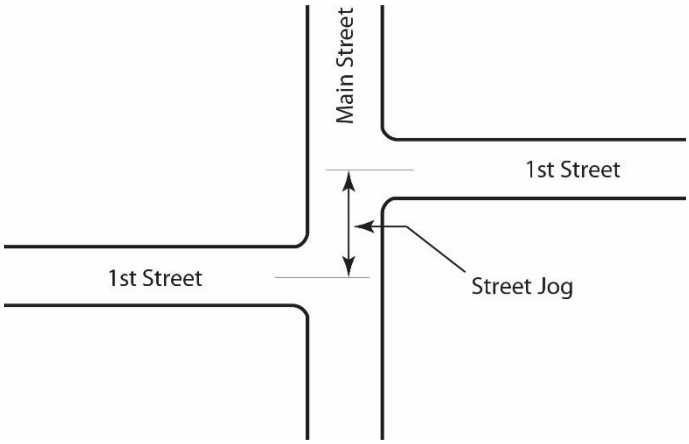



***Figure 13- 9 Examples of a Street Jog***

**Structure:** Anything above ground constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. Among other things, structures include but are not limited to buildings, walls, signs and fences other than rear-yard fences on residential lots.

**Subdivider:** Any person dividing or proposing to divide land under their ownership into two or more tracts or lots, including any agent of the property owner.

**Subdivision:**

**A.** For purposes of article VIII and related definitions only, the division of a tract or parcel of land resulting in one or more new lots or building sites for the purpose, whether immediately or in the future, of sale, other transfer of ownership or land development, and includes divisions of land resulting from or made in connection with the layout or development of a new street or roadway or a change in an existing street or roadway;

**B.** For all other purposes of this UDO:

1. The division of a property or tract of land into two or more tracts or lots; or
2. A land development project in which two or more lots are created, along with the streets and utilities needed to support construction of buildings on the lots.

**Substantial Damage:** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**Substantial Improvement:** Any combination of repairs, reconstruction, alteration, or improvements to a building, taking place during a ten-year period, in which the cumulative cost equals or exceeds 50 percent of the market value of the structure prior to the improvement. The market value of the building means (1) the appraised value of the structure prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. This term includes structures which have incurred "substantial damage" regardless of the actual amount of repair work performed. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include those improvements of a building required to comply with existing health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, which have been pre-identified by this ordinance, and not solely triggered by an improvement or repair project.

**Substantially Improved Existing Manufactured Home Park or Subdivision:** Where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

**Support Structure:** A structure in the Public ROW other than a Pole or a Tower to which a Wireless Facility is attached at the time of the Application.

## T

**Tangent:** the straight-line distance between the ending of one curve of a line (center line of a street) and the beginning of another curve of the same line (center line).

**Temporary Land Use:** A use which requires review and approval by the city which is not permanent or has a limited duration time frame as a condition of approval.

**Ten-Year, 25-Year and 100-Year Storms:** Rainfall events having a probability of occurrence once every 10, 25 or 100 years, respectively, or a ten percent, four percent or one percent chance of occurring each year, respectively.

**Tenant:** One who possesses or occupies land or buildings by title, under a lease, or through payment of rent; an occupant, inhabitant, or dweller of a place.

**Theater:** A building or interior space devoted to showing motion pictures, or for live dramatic or musical performances.

**A.** Motion Picture Theater: A building primarily used for the exhibition of movies or other prerecorded productions to the general public in an indoor setting.
**B.** Performing Arts Theater: A building primarily used for the presentation of live performances of plays or music.

**Theater, Drive-in:** An open lot with its appurtenant facilities devoted primarily to the showing of motion pictures or other prerecorded productions to patrons seated in automobiles.

**Tire Retreading or Repair Shop:** See under "Automotive Repair Shop."

**Title Pawn:** A type of pawn shop in which the only type of merchandise accepted as collateral for obtaining loans is merchandise having a motor vehicle title issued by a state government; no merchandise shall be offered for sale on the premises, and no inventory shall be stored on premises for longer than 24 hours.

**Townhouse:** See "Dwelling."

**Transmission Tower:** A structure, such as a self-supporting tower, lattice tower, guy tower, monopole tower, a safe-fall tower, or a non-safe-fall tower constructed as a free-standing structure or in association with a building, or other permanent structure or equipment, on which is located one or more antennae intended for transmitting or receiving television, AM/FM radio, digital, microwave, cellular, telephone or similar forms of electronic communication. The term includes radio and television transmission towers, microwave towers, common carrier towers, and cellular telephone towers. The term excludes any tower and antenna under 70 feet in total height and owned and operated by an amateur radio operator licensed by the Federal Communications Commission, and satellite earth station antennae one meter in diameter or less which receive only home television transmissions, and any satellite earth station antennae two meters or less in diameter which is located in a commercial or industrial zoning district.

**A.** Guy Tower or Guyed Tower: A self-supporting transmission tower that is supported, in whole or in part, by guy wires and ground anchors.
**B.** Lattice Tower: A communications tower that has open-framed supports on three or four sides and is constructed without guy wires and ground anchors.
**C.** Monopole Tower: A communications tower consisting of a single pole, constructed without guy Wires or ground anchors.
**D.** Non-Safe-Fall Tower: Any tower other than a safe-fall tower as defined by this UDO, including but not limited to all guy towers and all monopole towers.
**E.** Safe-Fall Tower: A self-supporting tower whose cross-sectional area diminishes with increasing height and which is certified by its manufacturer that any failure shall result in a collapse that will fall entirely or substantially within the base of the tower.
**F.** Self-Supporting Tower: A transmission tower with its base located on the ground, as distinguished a rooftop tower.
**G.** Unified Tower Array: A group of two or more self-supporting towers located on a single lot and functioning as one broadcasting antenna.

**Transmission Tower Height:** When referring to a transmission tower, antennae or other structure, means the distance measured vertically from the highest point when positioned for operation to the lowest point which is defined as the bottom of the base of the structure being measured at either roof or ground level, whichever is applicable. The height of a tower shall include the height of any antennae positioned for operation attached or which may be attached to the highest point on the tower.

**Travel Trailer:** See "Recreational Vehicle."

**Tree:** Any self-supporting woody perennial plant, usually having a main stem or trunk and many branches, and at maturity normally attaining a trunk diameter greater than three inches at any point and a height of over ten feet.

**Tree Conservation Plan:** A plan that identifies tree protection areas, existing trees to be retained and proposed trees to be planted on a property to meet minimum requirements, as well as methods of tree conservation to be undertaken on the site and other pertinent information.

**Tree Density Standard:** The minimum number of tree density units per acre that must be achieved on a property after development.

**Tree Diameter:** The cross-sectional dimension of a tree trunk measured at four and one-half feet above the ground for existing trees or at the ball for newly planted trees. If a tree has more than one trunk, only the largest trunk shall be used to establish the tree diameter for the tree.

**Tree Protection Area:** Any portion of a site wherein are located existing trees which are proposed to be retained in order to comply with the requirements of this article. The tree protection area shall include no less than the total area beneath the tree canopy as defined by the dripline of the tree or group of trees collectively, plus an additional three feet.

**Tree Replacement Fund:** An account, maintained by the Finance Director of the City of Douglasville, of funds contributed from developers as a form of alternative compliance to the tree density requirements set forth in this article. Funds from the Tree Bank are to be used solely for the purchase and planting of trees on public property.

**Tree Save Area:** An area designated for the purpose of meeting tree density requirements, saving natural trees, preserving the root system of natural trees and/or preserving natural buffers.

**Triplex:** See "Dwelling, Multi-Family Dwelling."

**Truck Loading Docks:** A portion of a building designed for the loading and unloading of trucks.

**Truck Terminal:** See "Motor Freight Truck Terminal."

**Two-Family Dwelling:** See "Dwelling."

## U

**Under Canopy Sign:** See "Sign Type, Building Sign."

**Understory Tree:** Tree that grows beneath the overstory and will generally reach a mature height of under 40 feet.

**Uniform Sign Plan:** Coordinated drawings and specifications that establish a unified design concept with regard to the location, materials, size, letter style, and color of all signs to be placed on a property.

**Use:** The specific purpose for which land or a building or other structure is designed or arranged, or for which it is occupied. See also "Principal Use", “Special Use”, “Temporary Land Use” and "Accessory Use or Structure."

**Used Merchandise Store:** The use of a building or premises primarily for the retail sale of used merchandise or secondhand goods, such as used clothes, antiques, secondhand books or rare manuscripts, or items of architectural salvage, but not including used cars or other motorized vehicles. A pawn shop is a type of used merchandise store.

**Utilities:** All public and private, above or below ground, infrastructure systems providing water, stormwater, sewer, gas, telephone or cable television, and any other service controlled by the Georgia Public Services Commission.

**Utility Company:** A private business providing electricity, natural gas, telephone, or other services under the regulation of the Georgia Public Services Commission.

**Utility Company Substation:** A facility used for the transmission or distribution of services provided by a utility company, such as an electrical transformer station, telephone junction box, cable television box or natural gas regulator station.

## V

**Variance:** A grant of relief from the requirements of this UDO which permits construction in a manner otherwise prohibited by this UDO.

**Vegetation:** All plant growth, such as trees, shrubs, mosses and grasses.

**Veterinarian:** A hospital or clinic providing medical care and treatment for livestock or pets.

**Violation:** For purposes of Floodplain Management and Flood Damage Prevention and related provisions only, the failure of a structure or other development to be fully compliant with the City of Douglasville's floodplain management regulations. A structure or other development without the elevation certificate, other certificates, or other evidence of compliance required in article VIII is presumed to be in violation until such time as that documentation is provided to adopt provisions of the Model Floodplain Management/Flood Damage Prevention Ordinance.

## W

**Wall Sign:** See "Sign Type, Building Sign."

**Warehouse or Indoor Storage Facility:** A building used primarily for the storage of goods and materials. See also "Mini-Warehouse."

**Watercourse:** Any natural or artificial watercourse, stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows either continuously or intermittently and which has a definite channel, bed and banks, and including any area adjacent thereto subject to inundation by reason of overflow or floodwater.

**Watershed:** The total area of land that is drained by a river or stream and its tributaries.

**Wetlands:** Those areas that are 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. Wetlands generally include swamps, marshes, bogs, and similar areas. 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.

**Wetlands, Jurisdictional:** An area that meets the definitional requirements for wetlands as determined by the U.S. Army Corps of Engineers.

**Wireless Facility:** The equipment at a fixed location or locations in the Public ROW that enables Wireless Services. The term does not include: (i) the Support Structure, Tower or Pole on, under, or within which the equipment is located or Collocated; or (ii) coaxial, fiber-optic or other cabling that is between Communications Facilities or Poles or that is otherwise not immediately adjacent to or directly associated with a particular Antenna. A Small Wireless Facility is one type of a Wireless Facility.

**Wireless Services:** Any wireless services using licensed or unlicensed spectrum, whether at a fixed location or mobile, provided to the public.

**Wholesale Trade Establishment:** A place of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

**Window Sign:** See "Sign Type, Building Sign."

## X

*None*

## Y

**Yard:** An area that lies between the principal building on a lot and the nearest lot line.

**A.** Front Yard: A yard situated along any public street right-of-way or private street easement.
**B.** Rear Yard: A yard situated along a rear lot line.
**C.** Side Yard: A yard situated along a side lot line, but not extending into a front or rear yard.

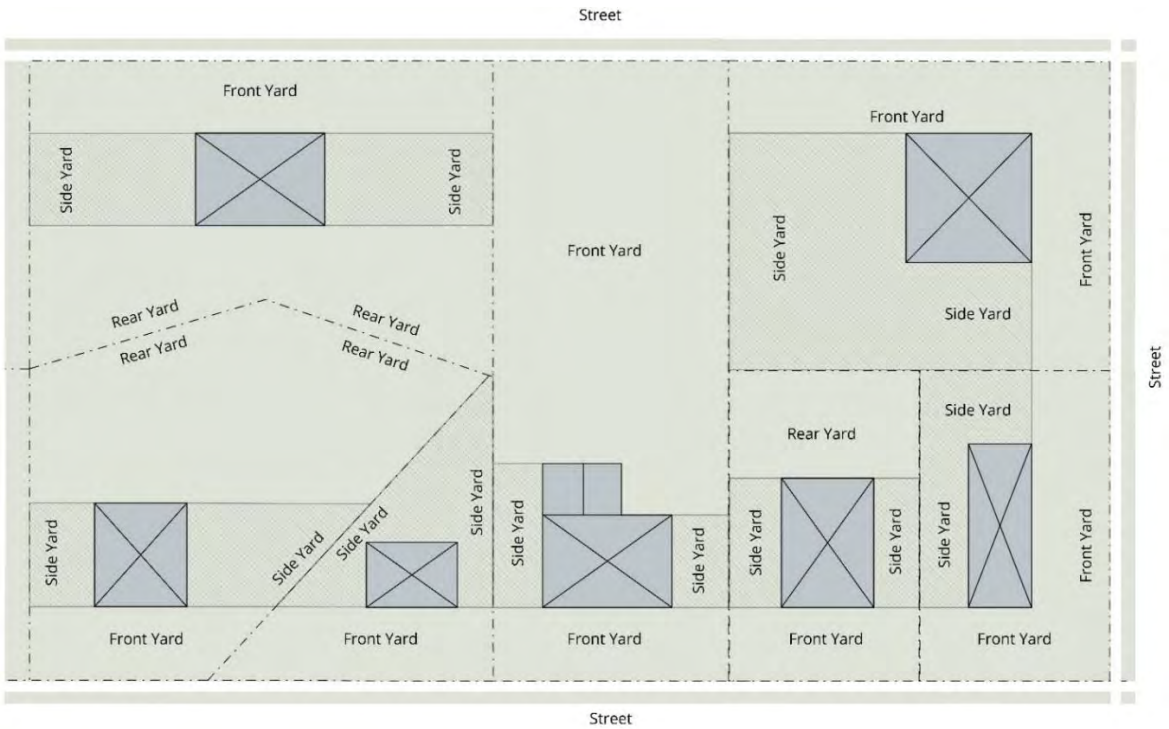



***Figure 13- 10 Types of Yards***

**Yard Sale:** The offering of household items and personal possessions for sale at the residence of the owner.

## Z

**Zoning Change:** An amendment to the Zoning Map (rezoning), approval of a special use, or approval of a change in the conditions of approval associated with a rezoning or special use.

DOUGLASVILLE
GEORGIA

Community Development Department | 6701 Church Street, Douglasville, GA 30134 | 678.449.3180

JACOBS