



UNIFIED DEVELOPMENT ORDINANCE

Adopted May 4, 2023

Last amended August 17, 2023





Mayor and Council

Edward Johnson*	Mayor
Niyah Glover	Mayor Pro-Tem
Richard Hoffman*	Council Member
Darryl Langford	Council Member
Scott Stacy	Council Member
Joe Clark*	Council Member

Paul Oddo	Council Member (former)
Kathaleen Brewer*	Council Member (former)
Harlan Shirley	Council Member (former)

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Sarah Murphy*	Chairman
Kenneth Collins*	Vice-Chairman
Debi Renfroe*	
Toby Spencer	
David Hilderbrandt	
Kelly Brown	

Brett Nolan*	Commissioner (former)
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**denotes participation on UDO Advisory Committee*

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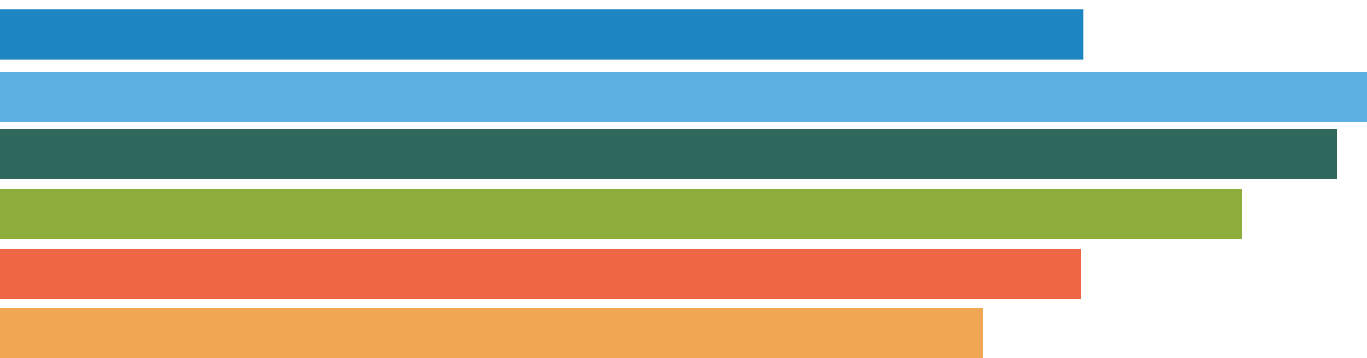
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APPENDIX



CHAPTER

1000

**ADMINISTRATIVE
PROVISIONS**

ARTICLE 1. PURPOSE AND ORGANIZATION.

Sec. 101.1. Title.

This document, in its entirety, shall be known and cited as the “Unified Development Ordinance of the City of Fayetteville, Georgia” and may be referred to as the “UDO”. This UDO consists of the following chapters:

CHAPTER 100 Administrative Provisions	Establishes and implements regulations generally applicable to the City of Fayetteville and specifically addresses administrative regulations, enforcement and penalties applicable to Chapters 300, 400 and 500
CHAPTER 200 Zoning and Land Use	Serves as the City of Fayetteville Zoning Ordinance and constitutes a zoning ordinance within the meaning of Georgia Law
CHAPTER 300 Land Development	Regulates land development in the City of Fayetteville
CHAPTER 400 Site Development	Regulates site development in the City of Fayetteville
CHAPTER 500 Building and Construction	Regulates building and construction activities in the City of Fayetteville
APPENDIX A Definitions	Provides for definitions used within Chapters 100, 200, 300, 400 and 500

Chapters 100, 300, 400 and 500 are not intended to constitute a zoning ordinance or zoning regulations.

Sec. 101.2. Legal provisions.

A. Enactment clause.

This Unified Development Ordinance is enacted by the Mayor and City Council to promote the public health, safety, morals, convenience, order, prosperity, comfort, and general welfare of the present and future inhabitants, residents, businesses and visitors of the City of Fayetteville, Georgia, and is intended to achieve

the following purposes:

1. To promote desirable living conditions and the sustained stability of neighborhoods;
2. To protect property against blight and depreciation;
3. To secure economy in government expenditures;
4. To lessen congestion in the streets;
5. To secure safety from fire, panic, and other dangers;
6. To provide adequate light and air;
7. To prevent the overcrowding of land;
8. To avoid undue concentration of population;
9. To facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements;
10. To protect the value of existing properties;
11. To reduce the negative impact of mass retailers by promoting the most appropriate use of land, buildings, and structures throughout the city;
12. To implement the vision, goals, and policies of the City of Fayetteville Comprehensive Plan, and
13. To repeal conflicting ordinances and resolutions, and other matters.

B. Authority.

The Mayor and City Council are authorized to adopt this UDO under the authority of Article 9, Section 2, Paragraphs 3 and 4 of the Constitution of the State of Georgia, the Charter of the City of Fayetteville, and pursuant to the enabling authority as set forth within the Georgia Zoning Procedures Law (O.C.G.A. § 36-66-1, et. seq.) and other laws enacted by the General Assembly.

C. Applicability.

All development and redevelopment shall comply with the standards, criteria and procedures of this UDO. Development or redevelopment may not occur without official authorization pursuant to the processes and procedures of this UDO.

1. Applicability to property.

The provisions of this UDO applies to all land within the City of Fayetteville, Georgia. The application of regulations in this UDO to specific parcels of land is governed by the official zoning map which is incorporated and adopted herein by reference.

2. Compliance with UDO.

Land may not be used, divided, or subdivided, and structures may not be constructed, enlarged, altered or occupied except in compliance with the provisions of this UDO.

3. Conflicting regulations.

a. Validity of ordinances.

Whenever reference is made to a resolution, ordinance, statute, regulation, or document, it shall be construed as a reference to the most recent edition of such regulation, resolution, ordinance, statute, regulation, or document, unless otherwise specifically stated.

b. Control over less restrictive laws and regulations.

If any condition or requirement imposed by this UDO is more restrictive than a condition or requirement imposed by any other law, rule or regulation of any kind, the more restrictive condition

or requirement shall apply.

c. Control over less restrictive private agreements.

This UDO does not nullify any private agreement or covenant. However, where the UDO is more restrictive than a private agreement or covenant, the UDO shall control. The city does not and shall not enforce any private agreement or covenant.

Sec. 101.3. Severability clause.

If any section, paragraph, subdivision, clause, sentence or provision of these regulations shall be judged to be invalid or unconstitutional by a court of competent jurisdiction, such judgement shall not affect, impair, invalidate or nullify any section, paragraph, subdivision, clause, sentence or provision of these regulations which remain in full force and effect as if such portion so adjudged invalid were not originally part of the UDO.

Sec. 101.4. Interpretation.

A. Intent.

In the interpretation and application of this UDO, all provisions shall be held to be minimum requirements adopted for the promotion of the public health, morals, safety, comfort, convenience, or general welfare. This UDO is not intended to repeal, abrogate, annul, or in any way to impair or interfere with any existing provision of law or ordinance other than this UDO, or with any rules, regulation or permits previously adopted or issued or which shall be adopted or issued pursuant to the law relating to the use of buildings or premises, provided, however, that where this UDO imposes a greater restriction than is required by any existing ordinance or by rules, regulations or permits, the provisions of this UDO shall control.

Nothing in this UDO should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein; and they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety, morals and general welfare.

B. Rules applying to text.

Within this UDO, certain rules of construction apply to the text as follows unless the context of a word or phrase clearly indicates contrary:

1. The term “building” includes the term “structure”
2. The term “erected” includes the terms “constructed”, “moved”, “located” and “relocated”.
3. The term “lot” includes the term “tract”, “plot” or “parcel”.
4. The term “map” or “zoning map” means the official zoning map of the city.
5. The term “person” includes the terms “individuals”, “firms”, “partnerships”, “corporations”, “associations”, “governmental bodies”, and all other legal entities.
7. The term “used” and “occupied” include the terms “intended, arranged or designed to be used or occupied.”
8. The word “shall” is always mandatory and is never discretionary.
9. The word “may” is permissive.

C. Rules of construction.

The words, terms and phrases used in this UDO shall have the meaning assigned to them in Appendix A – Definitions, except where the context clearly indicates a different meaning.

The following rules shall apply for construing or interpreting the terms and provisions of the UDO:

1. Meanings and intent.

All provisions, terms, phrases, and expressions herein shall be construed according to the purpose statements set forth throughout this UDO. When a specific section of this UDO gives a different meaning than the general definition provided herein, the specific section's meaning and application of the term shall control.

2. Technical and non-technical terms.

Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

3. Conjunctions.

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

- a. "And" indicates that all connected items, conditions, provisions or events apply; and,
- b. "Or" indicates that one or more of the connected items, conditions, provisions or events apply.

4. Tenses, plurals and gender.

Words used in the present tense include the future tense. Words used in the singular number include the plural number and the plural number includes the singular number, unless the context of the particular usage clearly indicates otherwise. Words used in the masculine gender include the feminine gender, and vice versa.

5. Text and graphics.

Illustration, photographs and graphics are included within this UDO to illustrate the intent and requirement of the text. In the case of a conflict between the text of this UDO and any illustration, photograph or graphics, the text shall govern.

6. Lists and examples.

Unless otherwise specifically indicated, lists of items or examples that use terms "for example," "including," and "such as," or similar language are intended to provide examples and are not exhaustive lists of all possibilities.

7. Computation of time.

The time in which an act is to be done shall be computed by excluding the first business day and including the last business day. If a deadline or required date of action falls on a Saturday, Sunday, or holiday observed by the city, the deadline or required date of action shall be the next business day that is not a Saturday, Sunday, or holiday observed by the city. References to days are business days unless otherwise stated.

8. Delegation of authority.

Any act authorized by this UDO shall be carried out by the City Manager, Director of Community and Economic Development Department, City Engineer, Building Official, Fire Marshal, Director of Public Services, or their respective designee.

9. Public officials and agencies.

All public officials, bodies and agencies to which references are made are those of the City of Fayetteville, Georgia, unless otherwise indicated.

10. Measuring distance.

Unless specified otherwise, in those provisions that require separation between uses or properties, measurement of distance shall be from nearest property line to nearest property line.

Sec. 101.5. Relationship to comprehensive plan.

A. Role of comprehensive plan.

The City of Fayetteville Comprehensive Plan, consisting of its Future Land Use Map and related policies, as may be amended from time to time, is hereby established as the official policy of the city concerning designated future land uses, and as a guide to decisions regarding the appropriate manner in which property may be zoned in the incorporated areas of the city. A copy of the comprehensive plan, as may be amended from time to time, shall be maintained at the Community and Economic Development Department and be available for inspection by the public.

B. Relationship between comprehensive plan and zoning.

The comprehensive plan does not change the existing zoning districts in the city and does not itself permit or prohibit any existing or future land uses. Instead, the comprehensive plan establishes broad planning policy for current and future land uses and will be consulted as a guideline for making decisions about applications to amend the official zoning map and text of this UDO. An approval of an amendment to the comprehensive plan from the Mayor and City Council shall not have any impact on a rezoning request.

C. Consistency with comprehensive plan character areas.

Any applicant seeking to rezone property to a classification that is inconsistent with the adopted comprehensive plan and/or the future land use map must first obtain approval of an amendment to the comprehensive plan from the Mayor and City Council following the procedures in this UDO.

D. Amendments to the comprehensive plan.

The comprehensive plan shall be reviewed and updated or amended (as appropriate) according to a schedule approved by the Mayor and City Council, and as required by the Georgia Department of Community Affairs (DCA) in compliance with the Rules of DCA, Chapter 110-12-1, Minimum Standards and Procedures for Local Comprehensive Planning. Exceptions may be granted by the Mayor and City Council in between the regular review and update cycle in cases of demonstrated hardship, or in cases of large-scale developments that may provide special economic benefits to the community. Requests for exceptions shall be subject to approval by the Mayor and City Council during a regular meeting.

Sec. 101.6. Fees.

1. Fees for permits and other approvals required under this UDO shall be established from time to time by resolution of the Mayor and City Council.
2. Application and plan review fees shall be submitted with the application, and upon acceptance of said submission for review and consideration, shall not be refundable. Failure to pay a required application fee shall cause the application to be returned to the applicant without acceptance for review or consideration

by the city.

3. Permit fees, if any, shall be submitted as a prerequisite to issuance of the permit.
4. Prior to approval of a final plat or certificate of occupancy, the applicant shall pay to the city such fees and performance and maintenance bonds as shall be required by this UDO and/or established by the Mayor and City Council.

Sec. 101.7. Adoption of certain codes.

A. Adoption of technical building and construction codes.

It is the intent of the city to enforce the latest editions of the following state minimum standard codes, as adopted and amended by the Georgia Department of Community Affairs, including:

1. International Building Code (IBC).
2. International Residential Code (IRC).
3. International Fire Code (IFC).
4. International Plumbing Code (IPC).
5. International Mechanical Code (IMC).
6. International Fuel Gas Code (IFGC).
7. National Electrical Code (NEC).
8. International Energy Conservation Code (IECC).
9. International Swimming Pool and Spa Code (ISPC).
10. International Existing Building Code (IEBC).
11. International Property Maintenance Code (IPMC).

The codes identified above mean such codes as they are currently adopted by DCA, provided that any such code may hereafter be amended or revised as provided in § O.C.G.A. 8-2-3(a).

B. Georgia accessibility code compliance.

In addition to the regulations of the UDO, the Georgia Accessibility Code for buildings and facilities shall also apply. In the case of conflict between the UDO and the Georgia Accessibility Code, the more stringent provisions will govern.

C. Life Safety Code.

In addition to the regulations of the UDO, the Life Safety Code (NFPA 101) for buildings and facilities shall also apply. In the case of conflict between the UDO and the Life Safety Code, the more stringent provisions will govern.

Sec. 101.8. Repeal of ordinances.

A. Repeal.

The repeal of any language within the previously approved City of Fayetteville ordinances, or any expiration by virtue of any provision contained within said ordinances, shall not affect any right accrued, any offense committed, any penalty or punishment incurred or any proceeding commenced before the repeal took effect or the regulation expired.

B. The adoption of this UDO shall have the effect of repealing and replacing the following previously adopted City of Fayetteville Code of Ordinances in relevant part:

1. Chapter 2. - Advertising and Signs.

2. Chapter 18. - Buildings.
3. Chapter 42. - Environment.
4. Chapter 74. - Streets, Sidewalks and Other Public Places.
5. Chapter 78. - Subdivisions.
6. Chapter 94. - Zoning.

C. Amendments.

When any language which repealed another shall itself be repealed, the previous language shall not be revived without being approved as a text amendment to this UDO.

Sec. 101.9. Enactment and effective date.

In accordance with the authority granted by the Constitution of the State of Georgia as enacted by the Georgia General Assembly and Ratified by General Election, the Mayor and City Council of Fayetteville, Georgia, hereby ordains and enacts into law on **May 4, 2023** this Unified Development Ordinance of the City of Fayetteville, Georgia.

Sec. 101.10. Official zoning map.

So enacted into law is the “Official Zoning Map of Fayetteville, Georgia” as amended to reflect the zoning districts adopted as a part of this UDO.

Sec. 101.11-14. Reserved.

ARTICLE 2. ROLES AND RESPONSIBILITIES.

Sec. 102.1. General responsibility.

The provisions of this article shall be administered and enforced by the Mayor and City Council, Planning and Zoning Commission, UDO Administrators, Community and Economic Development Department, Technical Review Committee and/or their respective designees.

A. Mayor and City Council.

The Mayor and City Council are the legislative body of the city and, by law, are responsible for adopting and amending this UDO, including the Official Zoning Map and Future Land Use Map. In addition, the Mayor and City Council have the following responsibilities related to the administration and enforcement of this UDO:

1. Establish a schedule of fees, charges, and expenses and a collection procedure for building permits, certificates of occupancy, appeals, and other matters pertaining to this UDO;
2. Appoint UDO Administrators;
3. Appoint members of boards, committees, and commissions;
4. Approve annexation of new lands into the city; and,
5. Review and act upon all other requests, as specified by this article.

B. Planning and Zoning Commission.

In order to protect the public health, safety, morals, convenience, prosperity and general welfare, as well as to promote efficiency an economy in the development of the city, the Planning and Zoning Commission shall have the power and duty to:

1. Prepare a comprehensive plan or parts thereof for the development of the city;
2. Prepare and recommend for adoption to the Mayor and City Council a zoning ordinance and zoning map for the city;
3. Prepare and recommend for adoption to the Mayor and City Council regulations for the subdivision of land within the city, and to administer the regulations as applicable;
4. Prepare and recommend for adoption to the Mayor and City Council a plat or plats or an official map showing the exact location of the boundary lines of existing, proposed, extended, widened or narrowed streets, public open spaces or public building sites, together with regulations to control the erection of buildings or other structures within such lines, within the city or a specified portion thereof;
5. Review and make recommendations to the Mayor and City Council regarding the annexation and zoning classification of lands proposed for annexation into the city;
6. Review all applications for text and map amendments and all recommendations for text and map amendments referred to it by the Mayor and City Council and make recommendations thereupon to the Mayor and City Council; and,
7. Review and act upon all requests, as specified by this article, including, but not limited to, certain site development plan reviews.

C. UDO Administrators and their authority.

1. Director of Community and Economic Development.

The Director of Community and Economic Development is established as the head of the Community and Economic Development Department and has those powers and duties as expressly identified in this article and the Code of Ordinances. Though the Director of Community and Economic Development may designate UDO review and approval authority to other responsible persons in the Community and Economic Development Department, he or she remains responsible for the actions taken by the designee.

The Director of Community and Economic Development shall oversee all administrative duties related to this article, except as where another official or body is specified.

2. City Engineer.

In conjunction with the Director of Public Services, the City Engineer serves as the primary administrator of Chapters 300 and 400 of the UDO and has primary review authority over the articles in those chapters.

3. Director of Public Services.

In conjunction with the City Engineer, the Director of Public Services serves as the primary administrator of Chapters 300 and 400 of the UDO and has primary review authority over the articles in those chapters.

4. Building Official.

The Building Official serves as the primary administrator of Chapter 500 of the UDO and has the primary review authority over the articles in that chapter.

5. Fire Marshal.

The Fire Marshal serves as the primary administrator of Chapter 500 of the UDO and has the primary review authority over the articles in that chapter.

6. Community and Economic Development Department.

The Community and Economic Development Department consists of the Planning and Zoning, Building, Engineering and Code Enforcement divisions and is responsible for administering and enforcing the provisions of this article and shall, among other duties, issue all permits and notices of violations provided for herein.

In addition to the authority and duties that may be conferred by general law and the Code of Ordinances, the Community and Economic Development Department shall have the following powers and duties under this article:

- a. To examine and approve applications pertaining to the use of land, buildings, or structures when the applications conform with the provisions of the UDO;
- b. To authorize issuance by the city of all building permits and certificates of occupancy, and keeping permanent records of those permits;
- c. To inspect buildings, structures and uses of land as are necessary to determine compliance with the provisions of the UDO;
- d. To maintain permanent and current records of this UDO including maps and amendments;
- e. To enforce the provisions of this UDO;
- f. To review and decide applications for temporary use permits;
- g. To review and decide applications for sign permits;
- h. To render interpretations of this UDO;
- i. To establish application content requirements and a submission schedule for review of applications and appeals;
- j. To review and making recommendations through staff reports to the Mayor and City Council, Planning and Zoning Commission, and other boards and agencies as necessary on applications for permits and other approvals, where appropriate, and taking any other action necessary to administer the provisions of this UDO; and,
- k. To maintain the Official Zoning Map and other records and official materials that relate to the adoption, amendment, enforcement, or administration of this UDO.

6. Technical Review Committee

The Technical Review Committee (TRC) shall be a staff committee comprised of representatives from Planning and Zoning, Engineering, Building, Public Works, Fire and Police, and/or other departments as needed. The purpose of the TRC is to meet with applicants and/or their consultants to review and provide initial feedback for all conceptual site plans, development plans, preliminary plats, construction drawings, final plats, and building construction plans.

Sec. 102.2-5. Reserved.

ARTICLE 3. ADMINISTRATION.

Sec. 103.1. Procedures for administration.

It shall be unlawful for any person to commence excavation for or construction of any building or structure or moving of any existing building or structure without first obtaining a permit from the UDO Administrator. No permit shall be issued for the construction, moving, placement or alteration of any building or structure until proper approval has been granted and fees have been submitted in accordance with the provisions of this article.

Sec. 103.2. Minimum requirements.

In the interpretation and application of this article, all provisions shall be held to be minimum requirements adopted for the promotion of the public health, morals, safety, comfort, convenience, or general welfare. It is not intended by this article to repeal, abrogate, annul, or in any way to impair or interfere with any existing provision of law or ordinance other than this UDO; or with any rules, regulation or permits previously adopted or issued or which shall be adopted or issued pursuant to the law relating to the use of buildings or premises; provided, that where this article imposes a greater restriction than is required by any existing ordinance or by rules, regulations or permits, the provisions of this article shall control. Nothing in this article should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein; and they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety, morals and general welfare.

Sec. 103.4. Enforcement.

A. Enforcement authority.

It shall be the duty of the Code Enforcement Officer to enforce the provisions of this UDO under the advisement of the UDO Administrator.

B. Public nuisance.

Any building or structure which is erected, repaired, altered, or converted, or any use of premises or land which is begun or changed subsequent to the time of passage and in violation of any of the provisions of this article is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.

C. Notice of Violation (NOV).

If the UDO Administrator determines that an applicant or other responsible person has failed to comply with the terms and conditions of a permit or has failed to comply with any of the provisions of this UDO, a written notice of violation shall be served to the applicant or other responsible person. Where a person is engaged in activity covered by this UDO without having first secured a permit for that activity, the notice of violation will be served on the owner or the responsible person in charge of the activity being conducted on the site.

D. The notice of violation shall contain:

1. The name and address of the owner or the applicant or the responsible person;
2. The address or other description of the site upon which the violation is occurring;
3. A statement specifying the nature of the violation;
4. A description of the remedial measures necessary to bring the action or inaction into compliance with the permit, or with the provisions of this UDO, and the date for the completion of such remedial action;

5. A statement of the penalty or penalties that may be assessed against the person to whom the notice of violation is directed; and
6. A statement that the determination of violation may be appealed to the city 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 will be sufficient).

E. Violation.

1. Any action or inaction that violates the provisions of this UDO or violates any permit issued subject to this UDO may be cause for enforcement action.
2. No building or other structure shall be erected, moved, added to or structurally altered without a building permit issued by the city.
3. No building permit shall be issued except in conformance with the provisions of this chapter and the provisions set out under this UDO.

F. Certificate of Occupancy (CO) required.

1. A certificate of occupancy issued by the Building Official is required in advance of the use or occupancy of:
2. Any lot or a change in the use thereof; and
3. A building hereafter erected or a change in the use of an existing building.
4. No certificate of occupancy shall be issued unless the lot or building or structure complies with all the provisions of this UDO.
5. A record of all certificates of occupancy shall be kept on file in the office of the Building Official and a copy shall be furnished, on request, to any person having a proprietary or tenancy interest in the building or land involved.

Sec. 103.5. Penalties for violation.

Any building or structure that is erected, altered, converted, or maintained in violation of this article shall be subject up to the maximum fine as authorized by the city's charter. Continuance of a violation shall be considered a separate and distinct offense for each day the violation is continued. Furthermore, any structure that is in violation of this article is not eligible for petition for a variance or other zoning action and will be subject to fines until the structure is brought into compliance with this article.

Where a violation of this UDO exists with respect to the use of any building, structure, or land, the city may employ the following remedies and penalties:

A. Citation.

If the violation is by a tenant, person, corporation, firm or other entity who is not the owner of record of the building, structure or land, the city may issue a citation for the violation of the UDO to that person or entity. In addition, the city may provide written notice, either personally or by certified mail, to the owner of record of such building, structure or land. Notice must contain a description of the violation and a 30-day period within which to abate or correct the violation. If the owner of record does not bring the use of the building, structure or land into compliance within 30 days, the owner shall be cited for violation of the UDO. Each day any violation continues shall constitute a separate offense.

B. Bond forfeiture.

If, through inspection, it is determined that a person has failed to comply with an approved plan, a written notice to comply must be served upon that person. The notice must set forth the measures necessary to achieve compliance with the plan and state the time within which such measures must be completed. If the person fails to comply within the time specified, that person will be deemed in violation of the UDO and, in

addition to other penalties, will be deemed to have forfeited their performance bond, if required to post one. The local issuing authority may call the bond or any part of the bond to be forfeited and may use the proceeds to hire a contractor to bring the site into compliance.

C. Withhold permits and licenses.

If the violation is by the owner of record of the building, structure or land, or their agent, employee or representative, in addition to other remedies available, the city may refuse or deny all city permits, licenses, certificates or applications to that owner or their agent until the violation is abated or corrected.

D. 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 in the notice.

E. Suspension, revocation or modification of permit.

The city may suspend, revoke or modify any permit authorized by this UDO. 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 in the notice, provided the 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.

F. Monetary fines.

Any person who violates any provision of this UDO, or any permit condition or limitation established pursuant to this UDO, or who negligently or intentionally fails or refuses to comply with any final or emergency order of the city issued as provided herein will be liable for a fine established by the municipal court no greater than allowed by City Charter. For the purpose of enforcing the provisions of this section, the municipal court is authorized to impose a fine for each violation. Notwithstanding any limitation of law as to fines which can be assessed for violations of city ordinances except the limits established by City Charter, any magistrate court or any other court of competent jurisdiction trying cases brought as violations of this UDO under city ordinances approved will be authorized to impose penalties for such violations for each violation. Each day during which violation or failure or refusal to comply continues is a separate violation.

G. Remedies.

If any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained or if any building, structure or land is used in violation of this UDO, the Mayor and City Council, the Building Official or any adjacent or other property owner who would be damaged by the violation, in addition to other remedies, may institute injunction, mandamus or other appropriate action or proceeding to stop the violation in the case of such building, structure or land use.

Sec. 103.6. Emergency work.

A. Emergency work necessary to preserve life or property.

When emergency work is performed under this UDO, the person performing it shall report the pertinent facts relating to the work to the UDO Administrator on the next business day after commencement of the work. Within ten days thereafter, the person shall apply for a permit and perform such work within such time as may be determined by the Community and Economic Development Department.

Sec. 103.7-10. Reserved.

ARTICLE 4. REVIEW PROCESS AND PROCEDURES.

DIVISION 1. GENERAL PROVISIONS.

Sec. 104.1. Purpose.

The provisions of this article are designed to implement the policies of the comprehensive plan and to balance the city's interest in promoting the public health, safety and general welfare against the right to the unrestricted use of property.

This article identifies the process for amending this UDO, including the official zoning map; the process for amending the comprehensive plan and the future land use map; the process for reviewing special exception, variance and conditional use requests; and, the steps required for filing and processing applications for permits under this UDO.

Sec. 104.2. Zoning Procedures Law.

This article is intended to comply with the provisions of the Zoning Procedures Law (O.C.G.A. § 36-66-1 et seq.) which act is incorporated by reference in its entirety into this UDO.

Where any provision of this article conflicts with any provision of state law, the state law shall control. Where this article is incomplete in having failed to incorporate a provision necessarily required for the implementation of state law, the provision of state law must be fully complied with.

Sec. 104.3. Decision-making responsibilities.

There are three basic categories of land use decision-making responsibilities associated with this UDO:

A. Legislative review.

The legislative review process establishes land use policy for future applications. A public hearing is required, and final approval must be made by the Mayor and City Council. Examples include adoption of an ordinance, amendments to an existing ordinance, the rezoning of property from one zoning classification to another, annexation of property and amendments to the comprehensive plan and/or future land use map.

B. Quasi-judicial review.

The quasi-judicial review process involves the application of discretionary standards adopted by the Mayor and City Council and required by this UDO. They require a public hearing before the Planning and Zoning Commission and/or the Mayor and City Council, and procedural due process. Examples include review of appeals of administrative decisions made by a UDO Administrator and the granting or denial of a conditional use or variance.

C. Administrative review.

Administrative review involves the application of the standards of the UDO to an application by a UDO Administrator. A public hearing is not required. An administrative approval typically occurs late in the development process. Examples includes review and approval of conceptual site plans, development plans, preliminary plats, construction plans, final plats, building permits, certificates of occupancy and sign permits.

A summary of these review responsibilities is shown below:

Approval process	Ordinance reference	Review and approval authority		
		UDO Administrator	P&Z Commission	City Council
Key: R – Review D – Decision PH – Public Hearing PM – Public Meeting				
Legislative review				
Amendment to comprehensive plan	Sec. 104.13.A.	R	R-PH	D-PH
Amendment to future land use map	Sec. 104.13.A.	R	R-PH	D-PH
Amendment to text	Sec. 104.13.A.	R	R-PH	D-PH
Amendment to zoning map (rezoning)	Sec. 104.13.A.	R	R-PH	D-PH
Request for annexation	Sec. 104.13.A.	R	R-PH	D-PH
Quasi-judicial review				
Appeal of an administrative decision	Sec. 104.18.B.1.	R		D-PH
Conditional use	Sec. 104.18.C.	R	D-PH	
Variance	Sec. 104.18.D.	R	D-PH	
Administrative review				
Administrative Variance	Sec. 104.24.	D		
Conceptual Site Plan	Sec. 407.17.	R	D	
Construction Plans	Sec. 501.21.A.	D		
Demolition Permit	Sec. 501.21.A.4.	D		
Development Plan	Sec. 407.18.	D		
Preliminary Plat	Sec. 314.25	R	D	

Sec. 104.4–7. Reserved.

DIVISION 2. REVIEW PROVISIONS.

Sec. 104.8. Common review provisions.

A. Applicability.

The following requirements are common to the procedures within this article and apply to all applications submitted under its provisions. Generally, the submittal, review and approval procedures for all applications have six common elements:

1. Pre-application meeting;
2. Application submittal, including supporting documentation, studies and fee payments;
3. Review of the submittal by appropriate staff, the Planning and Zoning Commission and/or the Mayor and City Council after proper public notice has been made, if necessary;
4. A decision is made to approve, approve with conditions, or deny together with a description of the actions authorized and the time period for exercising those development rights;
5. If necessary, amending or appealing the decision; and
6. Recording the decision.

B. Standards governing applications.

1. Pre-application meeting.
 - a. When an applicant desires to undertake a development project or to make improvement to their property, they first make inquiries to the Community and Economic Development Department regarding the approval process. Based on the nature of the proposal, staff either schedules a pre-application meeting or provides the applicant with the proper forms for the appropriate review. Most application requests are handled by administrative review and the applicant will likely work with city staff during the review process.
 - b. Most applications requiring a legislative or quasi-judicial review or that involve site plan or building plan approval will require a pre-application meeting.
 - c. At the pre-application meeting, the applicant will be informed of a preliminary determination as to which authorities will review the application. 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, as follows:
 - i. If the property owner desires to undertake a development proposal involving a rezoning that is not consistent with the future land use map, an amendment to the future land use map must first be approved through legislative review.
 - ii. 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 (ARC) for review.
 - iii. 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 or a request for rezoning must be approved through legislative review prior to commencement of development activities.
 - iv. If the application is for an appeal of an administrative decision, then the application will be routed for quasi-judicial review.
2. Submittal requirements.
 - a. Application forms and submittal requirements for each type of review process are maintained by and available from the Community and Economic Development Department offices or from the city's website.
 - b. Application forms and supporting documentation shall be filed with the Community and Economic Development Department in such numbers as required by the UDO Administrator.
 - c. Each application shall be accompanied by a submittal fee as set forth in the schedule of fees as adopted by the Mayor and City Council. Under no circumstances shall the submittal fee or any part thereof be refunded.
3. Completeness determination.
 - a. Applications shall not be deemed complete and processed for review until all of the required information, including the submittal fee, is received.

- b. The presumption is that all information listed on the application form is necessary to satisfy the requirements of this UDO. However, it is recognized that each request is unique, and additional or revised information may be required according to the specifics of an application. The UDO Administrator shall determine what additional information may be required after the application is received.
- 4. Application acceptance and initial administrative review.
 - a. Meeting dates and submittal deadlines for Planning and Zoning Commission and Mayor and City Council meetings are established each year and maintained by the Community and Economic Development Department and available on the city's website. Applications must be submitted in accordance with the established submittal deadlines.
 - b. Once the application is ready for review, a case number will be assigned by the UDO Administrator and the information will be forwarded to the appropriate review authorities for analysis. The UDO Administrator will then notify the applicant of the proposed schedule for upcoming meetings and public hearings.
- 5. Submittal of revised application materials.
 - a. All revised application material must be submitted to the UDO Administrator who will route the materials to the appropriate review bodies.
 - b. Revised plans may not be sent directly to the Planning and Zoning Commission or to the Mayor and City Council by an applicant.
 - c. Revised application materials, either hard copy or electronic, will not be accepted within **five (5)** days prior to a scheduled public meeting or public hearing.
- 6. Withdrawal of application.
 - a. Any application may be withdrawn at any time at the discretion of the applicant by providing written notice to the UDO Administrator.
 - b. Under no circumstances shall the submittal fee or any part thereof be refunded.
 - c. For applications for legislative or quasi-judicial review, if a public hearing has been advertised by the Planning and Zoning Commission and/or the Mayor and City Council, the withdrawn application will be announced at the hearing, and the application is subject to a refiling delay as identified herein.
 - d. If a public hearing has not been held by the Planning and Zoning Commission and/or the Mayor and City Council, the withdrawn application is not subject to the refiling delay.
 - e. An application for legislative review affecting the same or any portion of property may not be refiled, except upon initiation by Mayor and City Council, for a period of at least 180 calendar days.

C. Standards governing public notice requirements.

There are two (2) basic types of public notice:

Type of Public Hearing	Published notice	Posted notice
Amendment to Comprehensive Plan	x	
Annexation	x	x
Appeal	x	
Commercial Filming Permit*		x
Comprehensive Plan amendment	x	
Conditional Use	x	x
Future land use map amendment	x	
Ordinance amendment	x	
Structure demolition		x
Telecommunications Tower Permit	x	x
Variance	x	x
Zoning map amendment (rezoning)	x	x

** The Applicant shall notify each business and residence within 300 feet of the subject property boundary of the proposed filming site no less than three (3) days in advance of the filming. 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 UDO Administrator.*

1. Preparation of Public Notice.

Notice of public hearings before the Planning & Zoning Commission and the City Council shall be prepared and presented for publication by the UDO Administrator or their designee.

2. Published Notification - Zoning Decisions.

All applications pertaining to zoning decisions as defined in O.C.G.A. 36-66-2(4) shall require a public hearing preceded by publication of a public hearing notice within a newspaper of general circulation in Fayette County at least fifteen (15), but not more than forty-five (45) days prior to the date of the public hearing. All such notices shall include, with the exception of amending the text of this Code, the application number, date, time, location, and purpose of the public hearing.

In addition, the following additional notice requirements shall be provided:

- a. Rezoning. Existing and proposed zoning classifications;
- b. Zoning Condition Amendments. The name of the project and the specific condition number being requested to be modified;
- c. Conditional Use Permits. Proposed use and existing zoning district; and
- d. Variances in conjunction with a rezoning and/or conditional use permit. Proposed Code provisions requested to be modified. Each article of this Code requested to be varied shall be separately identified.

4. Published Notification - Quasi-judicial Decisions.

All applications before quasi-judicial officers, board, or agencies as defined in O.C.G.A. 36-66-3(1.1), shall require a public hearing preceded by publication of a public hearing notice within a newspaper of general circulation in Fayette County at least thirty (30) days prior to the date of the public hearing. Such notices

shall include the application number, date, time, location, and purpose of the public hearing.

In addition, the following additional notice requirements shall be provided:

- a. Variances. Proposed Code provisions requested to be modified. Each article of this Code requested to be varied shall be separately identified in all required notices;
- b. Appeals of Administrative Decisions. Purpose of the appeal; and,
- c. Appeals of Planning & Zoning Commission's Decisions. Purpose of the appeal.

5. Public Hearing Sign(s) - Zoning Decisions.

Public Hearing signs related to zoning decisions as defined in O.C.G.A. 36-66-2(4) shall comply with the following procedures:

- a. A public hearing sign shall be placed in a conspicuous location on the subject property at least twenty-one (21), but not more than forty-five (45) days prior to the date of the scheduled hearing. The required sign shall state the time, place, and purpose of the public hearing.
- b. In the case of multiple parcels, sufficient signs shall be posted to provide reasonable notice to interested persons. Where the land owned by the applicant does not border upon a public road in order that a passersby may see the sign which provides the public notice, the required sign shall be placed on the right-of-way of a public road nearest the property in question as well as upon the subject property.
- c. Acts of vandalism or natural occurrences which may diminish the effectiveness of the public notice provided shall not void any proceedings or actions taken by any of the three boards or the UDO Administrator.
- d. By filing an application for a review process that requires placement of a sign, the property owner and/or applicant are deemed to have given consent to enter onto the subject parcel(s) for the purposes of placing, replacing, maintaining and/or removing posted signs.

6. Public Hearing Signs - Quasi-judicial Decisions.

Public Hearing signs related to hearings before quasi-judicial officers, board, or agencies as defined in O.C.G.A. 36-66-3(1.1) shall comply with the following procedures:

- a. A public hearing sign shall be placed in a conspicuous location on the subject property at least thirty (30) days prior to the date of the scheduled hearing. The required sign shall state the time, place, and purpose of the public hearing.
- b. Where the land owned by the applicant does not border upon a public road in order that a passersby may see the sign which provides the public notice, the required sign shall be placed on the right-of-way of a public road nearest the property in question as well as upon the subject property.
- c. Acts of vandalism or natural occurrences which may diminish the effectiveness of the public notice provided shall not void any proceedings or actions taken by any of the three boards or the UDO Administrator.

7. Mailed Notice.

Pursuant to O.C.G.A. § 36-66-4(g), at least thirty (30) days prior to the required public hearing for variances, sketch plats, appeals of administrative decisions and appeals of Planning and Zoning Commission decisions, applications, the UDO Administrator shall cause a notice of public hearing to be mailed and/or e-mailed to the owner whose property or interest is the subject of such hearing, as applicable.

When public notice of a 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.

D. Standards governing public hearings.

1. Disclosure of final interest.

In accordance with the provisions of O.C.G.A. § 36-67-A-2 et al., each member of the Planning and Zoning Commission and/or the Mayor and City Council shall disclose, on the record, whether or not they or any member of their family have a property interest or financial interest in any real property affected by the rezoning action under consideration.

2. Disclosure of campaign contributions.

In accordance with the provisions of O.C.G.A. § 36-67-A-2 et al., an applicant for a rezoning action or a person speaking for or against a rezoning at a public hearing who has made, within two years immediately preceding the filing of an application for said rezoning action, campaign contributions aggregating \$250.00 or more to a local government official who will consider the application, shall file a disclosure report with the city clerk.

3. General rules of procedure.

In accordance with the provisions of O.C.G.A. § 36-66-5 et al., the following policies and rules of procedure are hereby adopted to govern the calling and conducting of all Planning and Zoning Commission and the Mayor and City Council:

- a. The presiding official of the Planning and Zoning Commission meeting or hearing shall be the chairperson, or in the chairman's absence, the vice-chair. In the case of a meeting and hearing of the Mayor and City Council, the mayor will serve as the presiding official, or in the mayor's absence, the mayor-pro tem.
- b. Unless otherwise provided by ordinance, rules of procedure for meetings shall follow Robert's Rules of Order.
- c. Public hearings shall be conducted in accordance with the Georgia Open Meetings Law (O.C.G.A. § 50-14-1 et seq.) and O.C.G.A. § 36-66-1 et seq.
- d. Meetings and hearings shall be at the call of the presiding official and at such other times as the members of the Planning and Zoning Commission and/or Mayor and City Council may determine.
- e. The Planning and Zoning Commission and/or Mayor and City Council shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact. Records of its examinations and other official actions will be immediately filed in the office of the city clerk and shall be a public record.
- f. All individuals present at a public hearing shall be allowed to voice their opinions at a hearing unless there is a spokesperson representing a particular individual. The Planning and Zoning Commission and/or Mayor and City Council shall allow a maximum time period for presentation of data, evidence, and opinion by proponents of each decision and an equal maximum time period for presentation by opponents of each proposed decision, such time period shall be no less than ten minutes per side. The presiding official shall have the right to increase the maximum time limit for the presentation of data, evidence, and opinion by proponents and opponents of each decision, provided the maximum time for such presentations is the same for proponents and opponents.
- g. Prior to speaking, each speaker shall identify himself/herself and state his/her current address. Each speaker shall limit remarks to data, evidence and opinions relevant to the zoning proposal under consideration. Speakers shall address all remarks to the chair.
- h. Following the presentations, the chair shall close the public hearing with respect to the zoning proposal under consideration and the Planning and Zoning Commission and the Mayor and City Council shall proceed with appropriate action.
- i. Applications shall be considered in the order of filing. However, if such order of consideration would

- exhibit a hardship on the applicant, the Planning and Zoning Commission and/or Mayor and City Council, or the opponents, the presiding official has the authority to alter the order of consideration.
- j. In cases involving extraordinary economic development opportunities for the community, the Mayor and City Council may pass a motion to hold a joint public hearing with the Planning and Zoning Commission and any other required review boards or committees to expedite the review process.
 - k. Printed copies of these rules of policy and procedure shall be available for distribution to the general public.
4. Action by Planning and Zoning Commission.
- a. Following the public hearing, the Planning and Zoning Commission shall make a recommendation and submit its report to the Mayor and City Council prior to the date of the public hearing on such zoning proposal by the Mayor and City Council. If the Planning and Zoning Commission fails to submit a report within said period, it shall be deemed to have made no recommendation regarding the proposed change.
 - b. Applicants may submit to the UDO Administrator any conditions, alterations, changes, or amendments to an application for approval of an amendment to the zoning map, the future land use map or to the text of the UDO no less than seven days prior to the date at which the application is to be considered by the Planning and Zoning Commission. If such conditions, alterations, changes or amendments have not been submitted as required by this subsection, the Planning and Zoning Commission may, at its discretion, defer action on the application until its next regular meeting.
 - c. In reviewing text amendments to the UDO and changes to the zoning map, the Planning and Zoning Commission will make recommendations based on the zoning standards prescribed in Section 104-13.E.1. of this UDO.
 - d. In reviewing requests to amend the comprehensive plan and/or the future land use map, the Planning and Zoning Commission will make recommendations based on the standards prescribed in Section 104-13.E.2. of this UDO.
 - e. In reviewing requests for a conditional use the Planning and Zoning Commission will make recommendations based on the standards and factors governing review of Section 105.C.7. of this UDO.
5. Action by the Mayor and City Council.
- Following its public hearing, the Mayor and City Council may:
- a. Approve, by ordinance, as presented;
 - b. Approve, by ordinance, with conditions;
 - c. Approve, by ordinance, a similar or less intense use (including special uses), with or without conditions, in the case of a rezoning of property;
 - d. Deny the request in whole or in part;
 - e. Refer, by motion and majority vote, the matter back to the Planning and Zoning Commission for reconsideration;
 - f. By motion, table final action to a future regularly scheduled business session or public hearing.
6. Notification.
- a. Within five business days after a decision is made by the Planning and Zoning Commission and/or the Mayor and City Council, a copy of the decision shall be sent to the applicant by the UDO Administrator. 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 and Economic Development Department and each record of action is a matter of public record.

7. Approval subject to conditions.

In adopting an amendment to the zoning map or approving a conditional use, the Mayor and City Council may impose special conditions which they deem necessary to make the requested action acceptable and consistent with the purposes of the district(s) involved and to further the goals and objectives of the comprehensive plan. It is not the intention of the Mayor and City Council to impose restrictions or conditions which will place an unreasonable financial burden on the applicant. Such conditions may consist of, but are not limited to, the following:

- a. Restrictions as to what land uses or activities shall be permitted;
- b. Permitted hours of operation;
- c. Setback requirements from any lot line;
- d. Specified or prohibited locations for buildings, parking, loading or storage areas or other land uses;
- e. Maximum building heights or other dimensions;
- f. Architectural style, or exterior treatments;
- g. Driveway curb cut restrictions, or inter-parcel access requirements;
- h. Landscaping requirements which may include location, type and maintenance of plant materials, fences, walls, earth berms or other buffer provisions;
- i. Preservation of existing trees or other vegetation;
- j. Special measures to alleviate undesirable views, light, glare, noise, dust or odor;
- k. A requirement that the existing building(s) be removed or retained, or a limitation on exterior modifications of existing buildings;
- l. Special drainage or erosion provisions;
- m. A requirement that developers must build according to the site plans as adopted;
- n. Public facility improvements by the owner;
- o. Any other requirement that the Mayor and City Council may deem appropriate; and
- p. Any other requirement deemed appropriate and necessary as a condition of rezoning.

8. Conditions of approval.

Such conditions shall:

- a. Only be valid if they are included in the motion approving the amendment or the conditional use;
- b. Be recorded in the ordinance or resolution of the Mayor and City Council if enacted pursuant to an amendment of the text of the UDO or the zoning map;
- c. Be continually in effect, or for the period of time specified in the amendment or conditional use;
- d. Be required of the property owner and all subsequent owners as a condition of their use of the property; and,
- e. Be interpreted and continually enforced by the UDO Administrator in the same manner as any other provision of this UDO.

9. Violation of conditions.

Notwithstanding any other remedies available in this UDO and under local and state law, violations of conditions imposed pursuant to this section shall be handled in accordance with the enforcement and penalties provisions stated in the Code of Ordinances.

10. Lapse of time requirements for reapplication.

No application or reapplication for any zoning map amendment affecting the same land or any portion thereof shall be acted upon or otherwise considered by the city 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 considered in less than six months from the date of last action by the Mayor and City Council that defeated a previous rezoning application.

Sec. 104.9. Procedures specific to zoning decision to allow for multi-family development.

Notwithstanding any other provisions of this chapter to the contrary, when a proposed zoning decision relates to an amendment of the zoning ordinance to revise one or more zoning classifications or definitions relating to single-family residential uses of property so as to authorize multifamily uses of property pursuant to such classification or definitions, or to grant blanket permission, under certain or all circumstances, for property owners to deviate from the existing zoning requirements of a single-family residential zoning, such zoning decision must be adopted in the following manner:

- A. The zoning decision shall be adopted at two regular meetings of the local government making the zoning decision, during a period of not less than 21 days apart; and
- B. Prior to the first meeting provided for in subparagraph (A) of this paragraph, at least two public hearings shall be held on the proposed action. Such public hearings shall be held at least three months and not more than nine months prior to the date of final action on the zoning decision. Furthermore, at least one of the public hearings must be held between the hours of 5:00 P.M. and 8:00 P.M. The hearings required by this paragraph shall be in addition to any hearing required herein. The local government shall give notice of such hearing by:
 - 1. Posting notice at least twenty-one (21), but not more than forty-five (45) days prior to the date of the scheduled hearing on each affected premises in the manner prescribed herein; provided, however, that when more than 500 parcels are affected, in which case posting notice is required every 500 feet in the affected area; and
 - 2. Publishing in a newspaper of general circulation within the territorial boundaries of the local government a notice of each 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 authorize multifamily uses or give blanket permission to the property owner to deviate from the zoning requirements of a single-family residential zoning of property in classification previously relating to single-family residential uses. The published notice shall be at least nine column inches in size and shall not be located in the classified advertising section of the newspaper. The notice shall state that a copy of the proposed amendment is on file in the office of the clerk or the recording officer of the local government and in the office of the clerk of the superior court of the county of the legal situs of the local government for the purpose of examination and inspection by the public. The local government shall furnish anyone, upon written request, a copy of the proposed amendment, at no cost.
- D. The provisions of paragraph (1) of this subsection shall also apply to any zoning decisions that provide for the abolition of all single-family residential zoning classifications within the territorial boundaries of a local government or zoning decisions that result in the rezoning of all property zoned for single-family residential uses within 200 the territorial boundaries of a local government to multifamily residential uses of property.
- E. This subsection shall not apply to zoning decisions for the rezoning of property from a single-family residential use of property to a multifamily residential use of property when the rezoning is initiated by the owner or authorized agent of the owner of such property.

Sec. 104.10. Public notification for conceptual site plan and preliminary plat submittals.

The city shall send notification to all owners of residential property within 1,000 feet of the subject tract within ten days after a request for conceptual site plan and/or preliminary plat is submitted for review. Said notification shall include the date and time these items will be heard before the Planning and Zoning Commission.

Sec. 104.11–12. Reserved.

DIVISION 3. LEGISLATIVE REVIEW PROVISIONS.

Sec. 104.13. Legislative review.

A. Applicability.

The following requirements apply to applications subject to legislative review and action by the Mayor and City Council, including:

1. Annexations;
2. Comprehensive plan amendments;
3. Future land use map amendments;
4. Text amendments; and
5. Zoning map amendments (rezoning).

B. Initiation of a legislative review.

1. Applications for legislative review may be initiated as follows:

- a. Amendments to the zoning map, the comprehensive plan or to the future land use map may be initiated by the Mayor and City Council, the Planning and Zoning Commission or by application by the owner of the property which is the subject of the proposed amendment or his authorized agent, such authorization to be notarized and attached to the application.
- b. Amendments to the text of the UDO may be initiated by the Mayor and City Council, the Planning and Zoning Commission or by application by any citizen of the city.
- c. When amendments are initiated by the Mayor and City Council or the Planning and Zoning Commission, the required fee shall be waived.

2. Order of amendments.

- a. The text of the UDO may be amended without prior or subsequent amendment to the future land use map or the zoning map.
- b. The zoning map may be amended without an amendment to the future land use map if the proposed amendment would permit a use that is permitted by the future land use map.
- c. If a proposed amendment to the zoning map would permit a use that is not authorized within the land use category of the subject property as shown on the future land use map, the applicant must first obtain an appropriate amendment to the future land use map before applying for the rezoning.
- d. The future land use map may be amended regardless of the zoning district in which the subject property is located.
- e. Where an application to amend the future land use map and an application to amend the zoning map each affect the same property and are scheduled to be heard at the same hearing, the application to amend the future land use map shall be heard first and action authorized by this UDO taken before the application to amend the zoning map is heard and action taken with respect thereto.

3. Map amendments.

If, in accordance with the provisions of this article, changes are made in district boundaries or other matters portrayed on the official zoning map, such changes shall be entered on the official zoning map promptly after the amendment has been approved by the Mayor and City Council. The date the

amendment was adopted and the signatures of the Mayor and City Council shall be entered on the official zoning map in connection with any changes made on the map.

In the event the official zoning map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the Mayor and City Council may by resolution adopt a new official zoning map which shall supersede the prior official zoning map. The new official zoning map may correct drafting or other errors or omissions in the prior official zoning map, but no such correction shall have the effect of amending the original official zoning map. Any such replacement map shall bear the date of adoption and the signatures of the Mayor and City Council.

C. Limitation on permits related to map amendments.

1. Once a zoning map amendment is initiated, no application for a clearing, grubbing, grading, septic tank, building, development or other similar permit, and no application for a variance or conditional use for the affected property shall be accepted for processing or acted upon until final action is taken by the Mayor and City Council on the proposed map amendment.
2. If the Mayor and City Council does not take final action on the proposed map amendment within six months from the date of initiation, such other additional applications shall again be accepted and reviewed pursuant to existing zoning.
3. Other applications may be accepted during the map amendment process if the use or activity in the other application is authorized under the same conditions in both the existing and proposed zoning district.

D. Consistency with comprehensive plan character area.

1. Any applicant seeking to rezone property to a classification that is inconsistent with the adopted comprehensive plan must first obtain approval of an amendment to the comprehensive plan from the Mayor and City Council.
2. The comprehensive plan shall be routinely reviewed and possibly amended according to a set schedule approved by the Mayor and City Council.
3. Exceptions may be granted by the Mayor and City Council in between the regular review cycle in cases of demonstrated hardship, or in cases of developments that may provide extraordinary benefits to the community. Requests for exceptions shall be subject to approval by Mayor and City Council during a Mayor and City Council meeting.

E. Standards and factors governing review.

1. The following standards are relevant and shall be used in balancing the interest in promoting the public health, safety, morality, or general welfare against the right to the unrestricted use of property and shall govern the exercise of zoning power:
 - a. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property;
 - b. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;
 - c. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned;
 - d. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools;
 - e. Whether the zoning proposal is in conformity with the policy and intent of the comprehensive plan; and
 - f. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.
2. Amendments to the comprehensive plan and/or future land use map.

The following standards and factors are found to be relevant and shall be used for evaluating applications for amendments to the comprehensive plan and/or future land use map:

- a. Whether the proposed land use change will permit uses that are suitable in consideration of the use and development of adjacent and nearby property or properties;
- b. Whether the proposed land use change will adversely affect the existing use or usability of adjacent or nearby property or properties;
- c. Whether the proposed land use change will result in uses which will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities, or schools;
- d. Whether the amendment is consistent with the written policies in the comprehensive plan text and any applicable small areas studies;
- e. Whether there are potential impacts on property or properties in an adjoining governmental jurisdiction, in cases of proposed changes near municipal boundary lines;
- f. Whether there are other existing or changing conditions affecting the use and development of the affected land areas which support either approval or denial of the proposed land use change; and
- g. Whether there will be an impact on historic buildings, sites, districts or archaeological resources resulting from the proposed change.

F. Change in conditions of an approved rezoning.

Requests to change the conditions of an approved rezoning shall be subject to the same application, review and approval process as a new application, including the payment of relevant fees.

G. Revocation of zoning.

If, within 12 months from the date the rezoning was approved, the applicant fails to initiate development of the subject site in conformity with said uses and development plans, including any conditions imposed by the Mayor and City Council, the zoning granted in the ordinance of rezoning shall be subject to revocation, and the land's zoning classification reverted to the zoning classification of the land prior to the rezoning. If an annexation was granted, the site shall be subject to reversion to the zoning classification most compatible with that of the surrounding area, as determined by the Mayor and City Council. Prior to reversion the property owner shall be notified in writing at the owner's last address known to the City of the intent to revoke current zoning and date and time of public hearing. Standards governing public hearings as identified in Section 104.8.D. shall be followed. The City Council shall make the final decision.

Substantial compliance means the applicant must have initiated development of the project to the point that it is clearly in progress in accordance with the approved development plans. The applicant's final representation of the proposed use of the site, the final development plans presented to the Mayor and City Council in support of the application (and accepted by the Mayor and City Council as reflected in the zoning ordinance or the council's minutes of the proceedings), and the implementation of any conditions imposed upon the proposed use and/or development plans, shall be conditions to the continued existence of any rezoning granted by this chapter.

H. Restrictions on applications.

If the request to amend the zoning map is denied by the Mayor and Council, the same property may not be considered for a zoning map amendment until the expiration of six months following the denial of the zoning map amendment.

An application for a zoning map amendment affecting the same parcel shall not be accepted more than once every 12 months, said interval to begin with the date of a final decision by the Mayor and City Council. The 12-month interval shall not apply to applications for a zoning map amendment that is initiated by the Mayor and City Council or the Planning and Zoning Commission.

I. Procedures for annexation.

Upon accepting an application for annexation pursuant to O.C.G.A. § 36-36-21 or a petition for annexation pursuant to O.C.G.A. § 36-36-32, or upon adopting a resolution calling for an annexation referendum pursuant to O.C.G.A. § 36-36-57, the city shall give notice to Fayette County pursuant to O.C.G.A. §36-36-6 and O.C.G.A. § 36-36-111.

If the County files a proper Notice of Objection pursuant to O.C.G.A. § 36-36-113, the city shall follow the procedures of O.C.G.A. Title 36, Chapter 36, Article 7.

J. Prior to a final decision by the Mayor and City Council on any annexation action pursuant to O.C.G.A. § 36-36-21 or 36-36-32, the city shall adhere to the standards governing public notice requirements and public hearings as identified in Sections 104.8.C. and D. herein.

Sec. 104.14–17. Reserved.

DIVISION 4. QUASI-JUDICIAL REVIEW PROVISIONS.

Sec. 104.18. Quasi-judicial review.

A. Applicability.

The following requirements apply to all applications subject to quasi-judicial review and action by the Planning and Zoning Commission and/or the Mayor and City Council, including:

1. An appeal of a determination made by a UDO Administrator requires a public hearing in front of the Mayor and City Council;
2. A conditional use requires a public hearing in front of the Planning and Zoning Commission; and
3. A variance requires a public hearing in front of the Mayor and City Council.

B. Initiation of quasi-judicial review.

1. Appeal of a UDO Administrator's determination.

An appeal from a final written determination of a UDO Administrator regarding this UDO may be taken to the Mayor and City Council by any person aggrieved by such determination, or by any officer, department, board or agency of the city affected by such determination.

2. Time for filing appeal; contents of notice.

Such appeal shall be taken within ten calendar days from the date of a final written determination of the UDO Administrator by filing with the City Clerk a written notice of appeal specifying the grounds thereof. The notice of appeal shall be submitted on forms available from the City Clerk.

3. Transmission of record to the Mayor and City Council.

Upon receipt of a complete notice of appeal, the City Clerk shall forthwith transmit to the Mayor and City Council all the papers constituting the record upon which the action appealed from was taken.

4. Stay of proceedings.

An appeal stays all proceedings in furtherance of the action appealed from unless the City Clerk certifies to the Mayor and City Council, after the notice of appeal shall have been filed with the City Clerk, that by reason of facts stated in the certificate a stay would, in the City Clerk's opinion, cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Mayor and City Council or by a court of record on application with notice to the City Clerk and on due cause shown.

6. Public hearing procedures.

Refer to Section 104.8.D. of this UDO.

7. Decisions.

- a. Following consideration of all testimony, documentary evidence, and matters of record, the Mayor and City Council shall make a determination on each appeal at the conclusion of the public hearing unless an extension of time is agreed to in writing by the appealing party and the Mayor and City Council.
- b. The Mayor and City Council may reverse, defer, affirm, or modify any order, requirement, decision or determination made by the UDO Administrator and to that end shall have all the powers of the UDO Administrator from whom the appeal was taken.
- c. An appeal shall be sustained or the decision modified only upon an expressed finding by the Mayor and City Council that the UDO Administrator's action below was based on an erroneous finding of a material fact, or that said official's action was arbitrary. The action of the Mayor and City Council on an administrative appeal shall be final.
- d. Printed copies of these rules of policy and procedure shall be available for distribution to the general public.

8. Appeals from final decision of the Mayor and City Council.

Any person aggrieved by a final decision of the Mayor and City Council, or any officer, department or agency of the city affected by such decision, may appeal from such decision to the Superior Court of Fayette County, Georgia by writ of certiorari. Such appeal shall be filed within 30 days after decision of the Mayor and City Council is rendered.

9. Transmitting record.

Within the time prescribed by and pursuant to applicable state law, the UDO Administrator shall cause to be filed with the Superior Court of Fayette County, Georgia a certified copy of the proceedings had before the Mayor and City Council, including a transcript of the evidence heard before it, if any, and the decision of the board.

C. Conditional use.

1. Authority

The Planning and Zoning Commission shall have the authority to consider requests for a conditional use in accordance with the standards and procedures set forth herein.

2. Purpose

The purpose of a conditional use is to provide a process for a use that is generally compatible with the use

characteristics of a zoning district, but requires individual review of its location, design, height, intensity, configuration and public facility impact to determine the appropriateness of the use for any particular site and its compatibility with adjacent uses. A conditional use allows the Planning and Zoning Commission to approve a use on a particular parcel without changing the general zoning district.

3. Initiation

Any person, firm, corporation or agency may submit an application provided they are the owner or the owner's representative of the property for which the application is being submitted.

4. Application procedures.

Refer to Section 104.8.B of this UDO.

5. Staff report.

The UDO Administrator shall conduct a site inspection and prepare an analysis of each application. The staff report and supporting documentation shall be presented in written form to the appropriate Planning and Zoning Commission prior to the scheduled public hearing date.

6. Public Hearing procedures.

Refer to Section 104.8.D. of this UDO.

7. Standards and factors governing review of conditional use.

The following standards and factors are found to be relevant and shall be used for evaluating applications for a conditional use:

- a. Whether the policies and objectives of the comprehensive plan, particularly in relationship to the proposed site and surrounding area align and support the proposal;
- b. Whether the proposed use is suitable in view of the use and development of adjacent and nearby property;
- c. Whether the proposed use is consistent with the requirements of the zoning district in which the use is proposed to be located;
- d. Whether the proposed use results in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or other public facilities;
- e. Whether there is adequate ingress and egress to the subject property, including evaluation of the traffic impact of the proposed use relative to street capacity and safety of public streets and nearby pedestrian uses; and
- f. Whether there are other existing or changing conditions which, because of their impact on the public health, safety, morality and general welfare of the community, give supporting grounds for either approval or disapproval of the proposed use.

8. Compliance with conditional use requirements.

- a. Approval of a conditional use shall only constitute approval of the proposed use, and development of the use shall not be carried out until the applicant has secured all other permits and approvals required. The building official shall not issue a certificate of occupancy for the specific use unless all requirements of the conditional use have been fulfilled by the owner of the property.
- b. If a conditional use is granted, all conditions which may have been attached to the approval are binding on the property, and all subsequent development and use of the property shall be in accordance with the approved plan and conditions. Once established, the conditional use shall be in continuous operation. Upon discovery that the operation of the conditional use has or had

ceased for a period of 90 days or more and the owner of the property has not requested voluntary termination of the conditional use, the UDO Administrator may forward a report to the Planning and Zoning Commission which may recommend that action be taken to terminate the conditional use from the property.

- c. The UDO Administrator shall have the right to periodically examine the operation of the conditional use to determine compliance with the requirements and any conditions of approval.
- d. If the UDO Administrator determines that the requirements and conditions are being violated, a written notice shall be sent by certified mail return receipt requested to the owner of the property outlining the nature of the violation and giving the owner of the property a maximum of ten days to come into compliance. The notice shall also state that the owner has the right to appeal the determination of the UDO Administrator to the Mayor and City Council.
- e. If after ten days the violations continue to exist, the UDO Administrator shall forward a report to the Planning and Zoning Commission, which may recommend that action be taken to remove or terminate the conditional use from the property, or to exercise all other rights of enforcement permitted by law.

9. Conditional use in residential zoning districts.

A conditional use approved within a residential zoning district where the use is proposed to operate in a dwelling or as an accessory use to a dwelling shall be subject to the following requirements:

- a. The conditional use shall be valid for no more than an initial two-year period. Upon or before the expiration of the conditional use, the owner shall make application to renew the conditional use if continuance is desired. As part of the renewal of a conditional use, the Planning and Zoning Commission may waive any subsequent time limitation.
- b. The conditional use shall operate within the dwelling on the property or, if approved by the Planning and Zoning Commission, in an accessory structure.
- c. The exterior character of the dwelling shall be preserved in its residential state and there shall be no outside evidence of the operation of the conditional use to the neighborhood, except for any accessory structure approved by the Planning and Zoning Commission.
- d. The owner of the property or business shall occupy the property and shall operate any business associated with the conditional use.

10. Revisions to an approved conditional use.

Once approved, no major amendments to a conditional use shall be authorized unless such amendments have been applied for and approved in accordance with all procedural requirements identified herein. Major amendments are those that impact adjoining or nearby property in any manner other than incidentally, and shall include but not be limited to the following:

- a. Changes to another use;
- b. Increase in density or intensity;
- c. Enlarging, expanding or increasing the size or intensity of the approved use;
- d. Increase in the requirements for off-street parking spaces;
- e. Substantial change to the exterior appearance of buildings that is visible from any public right-of-way;
or
- f. The addition of outdoor equipment and machinery.

D. Variance.

1. Authority.

The Mayor and City Council shall have the authority to consider variances including reasonable accommodations from the requirements of this UDO in accordance with the standards and procedures set

forth herein.

2. Purpose.

The purpose of a variance is to provide a mechanism when, owing to special conditions, the strict application of this UDO would impose on a landowner exceptional and undue hardship that can be mitigated without conferring on the applicant special privilege.

3. Initiation.

Any person, firm, corporation or agency may submit an application provided they are the owner or the owner's representative of the property for which the application is being submitted.

4. Application procedures.

Refer to Section 104.8.B. of this UDO.

5. Staff report.

The UDO Administrator shall conduct a site inspection and prepare an analysis of each application. The staff report and supporting documentation shall be presented in written form to the appropriate Appellate Board prior to the scheduled public hearing date.

6. Public hearing procedures.

Refer to Section 104.8.D. of this UDO.

7. Standards and factors governing review of variance applications.

The following standards and factors are found to be relevant and shall be used for evaluating applications for variances:

- a. The special circumstances or conditions applying to the building or land in question are peculiar to such premises and do not apply generally to other land or buildings in the vicinity;
- b. The granting of the application is necessary for the preservation and enjoyment of a property right and not merely to serve as a convenience to the applicant;
- c. The condition from which relief or a variance is sought did not result from action by the applicant;
- d. The authorizing of the variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire, or imperil the public safety, or unreasonably diminish or impair established property values within the surrounding areas, or in any other respect impair the health, safety, comfort, morals or general welfare of the inhabitants of the city;
- e. The granting of the variance will be in harmony with the general purpose and intent of the comprehensive plan;
- f. The granting of the variance will not allow a structure or use in a district restricted against such structure or use; and
- g. Reasonable accommodations for citizens with disabilities as required by the U.S. Fair Housing Laws when such accommodation is necessary to afford individuals with disabilities an equal opportunity to housing.

8. Variances prohibited.

No variance may be granted for a use of land, building or structure that is explicitly prohibited by the UDO or which would result in a greater intensity of development on a property than would otherwise be allowed if no variance were involved.

9. Resubmittal.

When action is unfavorable on an application for variance or where the applicant withdraws the application prior to final action by the Planning and Zoning Commission, a substantially similar application may not be resubmitted for at least one year from the date of denial or withdrawal. This requirement may be waived for good cause by the UDO Administrator.

Sec. 104.19–22. Reserved.

DIVISION 5. ADMINISTRATIVE REVIEW PROVISIONS.

Sec. 104.23. Administrative review.

Permits that may be approved by a UDO Administrator through the administrative review process fall under three review sub-categories:

1. Zoning and site plan review by the UDO Administrator;
2. Engineering review by the City Engineer, and
3. Building review by the Building Official.

Specifically, review responsibilities are shown in the following table:

Approval process	Ordinance reference	Review authority			
		UDO Administrator	City Engineer	Building Official	Fire Marshal
Key: R – Review A – Approval					
Administrative Variance	Sec. 104.24.	A			
Accessory Building	Sec. 401.29.	A	A	A	A
As-built drawings		A	A	A	A
Banner Permit	Sec. 406.20.3.	A			
Building Permit	Sec. 501.21.A.1.	R		A	R
Certificate of Completion	Sec. 501.38.A.	R	R	A	
Certificate of Occupancy	Sec. 501.38.B.	R	R	A	
Change of Occupancy Certificate	Sec. 501.38.B.			A	R
Commercial Building Permit	Sec. 501.21.A.1.			A	R
Commercial Electrical Permit	Sec. 501.21.A.1.			A	
Conceptual Site Plan (site)	Sec. 407.17.	A	A	R	R
Construction Plans (subdivision)	Sec. 314.26.	A	A	R	R
Construction Trailer Permit	Sec. 501.21.			A	
Demolition Permit	Sec. 501.21.A.1.			A	
Development Plan (site)	Sec. 407.18.	A	A	R	R

Fence Permit	Sec. 401.35.	R	R	A	
Film Permit		A	A	A	A
Final plat	Sec. 314.28.	A	A	R	R
Foundation Permit	Sec. 501.21.A.4.			A	
Home Occupation Permit	Sec. 207.53	A		R	R
Land Disturbance Permit	Sec. 314.27 & 407.22.	R	A	R	R
Landscape Plan	Sec. 403.53.	A			
Low-voltage Permit	Sec. 501.21.A.1.			A	
Mechanical Permit	Sec. 501.21.A.1.			A	
Mobile Food Truck Vendor	Sec. 207.32	A		A	A
Outdoor Display Permit	Sec. 207.72.	A			R/A
Plat amendment	Sec. 314.20.	A	A	R	R
Plumbing Permit	Sec. 501.21.A.1.			A	
Pool Permit	Sec. 501.21.A.1.	R	R	A	
Preliminary Plat (subdivision)	Sec. 314.25.	R	A	R	R
Parade Permit	Sec. 207.72.	R	R		R
Parking Lot Tent Sale Permit	Sec. 301.8.	A			R
Parking waiver	Sec. 104.24.H.	A			
Re-roof Permit	Sec. 501.21.A.1.			A	
Residential Electrical Permit	Sec. 501.21.A.1.			A	
Residential New Construction Permit	Sec. 501.21.A.1.			A	
Residential Remodel Permit	Sec. 501.21.A.1.			A	
Roof Permit	Sec. 501.21.A.1.			A	
Sign Permit	Sec. 406.11.	A		A	
Special Event Permit	Sec. 207.84	A	A	A	A
Storage Trailer Permit	Sec. 401.48.	A		R	R
Temporary Sign Permit	Sec. 406.21.	A			
Temporary Use Permit	Sec. 207.84.	A			
Tent Permit	Sec. 401.49.	A		A	A
Trade Permit	Sec. 501.21.A.1.			A	
Tree Removal Permit	Sec. 403.9.	A			
Utility Encroachment Permit	Sec. 301.6.	R	R	A	
Utility Restoration Permit	Sec. 501.39.		R	A	
Zoning Compliance letter	Sec. 104.25.	A			
Zoning Verification letter		A			

Sec. 104.24. Administrative variances.

A. Power to grant administrative variances.

The UDO Administrator shall have the authority to grant administrative variances (except for density and use variances) from the development standards as established in the UDO where, in their opinion, the intent of

the UDO can be achieved, and equal performance including reasonable accommodations as defined at Section 104.18.24.I. herein obtained by granting an administrative variance.

B. Limitations on administrative variances.

The authority to grant administrative variances shall be limited to the following:

C. Setbacks.

A reduction of up to 10% of the numeric standard for a minimum building setback. Such reduction shall not alleviate minimum building separation requirements identified in the Building Code.

D. Lot coverage.

An increase of up to 10% beyond the numeric standard for lot coverage.

E. Building height.

Up to but not exceeding ten feet, provided that no increase in the height for a sign or fence may be granted nor may the variance result in an increase in the number of stories than would otherwise be allowed under the applicable zoning district. Said increase shall be limited to parapet walls or screening for roof-mounted mechanical equipment.

F. Landscape buffer.

A reduction in width by no more than 50 percent where the future land use map recommends a more compatible land use on the neighboring property than that for which said property is actually zoned, or in other situations where the intent of the required buffer can be equally or otherwise achieved. Reduction of a buffer required as a condition of a rezoning or of a grant of a conditional use shall be not permitted.

G. Sidewalk.

An elimination and/or reduction of width of a required sidewalk pursuant to the following conditions:

1. The cost of the sidewalk installation exceeds 25% of the total project cost due to project scope as well as site factors, including, but not limited to, stormwater infrastructure, topography, and existing utilities;
2. In order to provide compatibility with existing conditions on adjacent properties;
3. In order to preserve existing trees and landscape materials in the landscape and sidewalk zone;
4. In order to provide continuity with planned public improvements; and
5. Lack of existing sidewalks in the general vicinity.

H. Demarcation of parking spaces.

1. Parking spaces may be left unmarked provided all of the following conditions are present:
 - a. The parking lot must be designated to serve only a multi-family residential project which is designed and intended for rental occupancy;
 - b. The parking lots must be designed in relation to the internal circulation system such that the areas reserved for parking are easily identified and clearly distinct from the interior driveways because of their location, design, orientation, or configuration, such as in parking areas with a single interior driveway having parking spaces located perpendicular to and along the sides of the access driveway, allowing the curbing to delineate the exterior dimension of the single parking bay; and
 - c. Approval for the elimination of the striping has been obtained by the applicant in writing from the City Engineer.

2. The applicant shall demonstrate, and the UDO Administrator shall find that all of the following criteria are present when approving a request for an adjustment:

- a. There are clear and compelling reasons that are not purely financial demonstrating that the required standard cannot be met;
- b. The modification is the minimum amount necessary to meet the objectives identified above; and
- c. The requested adjustment will not contravene the public interests or negatively impact adjoining properties.

I. Application procedures.

1. Application form and documentation.

Refer to Section 104.8.B. of this UDO.

2. Standards and factors governing review of administrative variance applications

The basis for approval or denial of a request for an administrative variance shall be whether the requested changes:

- a. Meet, or fail to meet, the requirements of the UDO;
- b. Are consistent, or inconsistent, with applicable design guidelines;
- c. Are consistent, or inconsistent, with the intents or purposes of this UDO; or
- d. Would result in a development that is architecturally appropriate.

If the application is denied, the reasons for denial shall be provided in writing along with a notice that the applicant may file an appeal to the Mayor and City Council as identified herein.

Sec. 104.25. Certificates.

A. Certificate of zoning compliance.

1. No building permit shall be issued for any construction, reconstruction or alteration of a structure unless the UDO Administrator has issued a certificate of zoning compliance for such construction, reconstruction or alteration. Such certificate shall be issued only when such use complies with all provisions of this UDO.
2. No existing structure or land may be used or occupied for any purpose or use for which it is not presently being used unless a certificate of compliance shall have been applied for and issued by the UDO Administrator. Such certificate shall be issued only when such proposed change of use complies with all provisions of this UDO.

B. Certificate of appropriateness.

1. The UDO Administrator shall have the authority to grant administrative certificate of appropriateness approval for minor architectural modifications as follow:
 - a. Repairing of an existing building to a similar color;
 - b. Revisions of window or door placement;
 - c. Replacement of awnings or installation of new awnings wgen utilizing two colors or less;
 - d. New construction of a deck or modifications to an existing deck; and
 - e. Paint colors for exsisting and infill residential development.
2. The basis for approval or denial of a request for the granting of an administrative certificate of appropriateness approval for minor architectural modifications shall be whether the requested changes:

- a. Meet, or fail to meet, the requirements of the UDO;
 - b. Are consistent, or inconsistent, with applicable design guidelines;
 - c. Are consistent, or inconsistent, with the intents or purposes of this UDO; or
 - d. Would result in a development that is architecturally appropriate.
3. In deciding to approve or deny such an application, the UDO Administrator shall consult the minutes of the Planning and Zoning Commission at which prior approval took place, if applicable. If the application is denied, the reasons for denial shall be provided in writing to the applicant along with a notice that the applicant may file an application for a certificate of appropriateness to the Mayor and City Council as identified herein.

Sec. 104.26-29. Reserved.

ARTICLE 5. NONCONFORMITIES.

Sec. 105.1. Intent.

1. Within the districts established by this UDO or amendments thereto that may be later adopted there exist certain lots, buildings, structures and uses of land which were lawful before this UDO was passed or amended, but which would not be prohibited, regulated or restricted under the new terms of this article.
2. It is the intent to permit these legal nonconformities to continue until they are removed, but not to encourage their survival. It is further the intent of this UDO that nonconforming uses shall not be enlarged upon, expanded nor extended, nor be used as a basis for additional structures or uses prohibited elsewhere in the same district.
3. Variances of area, width, and yard requirements may be granted by the planning and zoning commission where necessary and where such addition does not create an unusual neighborhood building type.
4. To undo hardship, nothing in this article shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this article and upon which actual building construction has been diligently conducted.
5. Nothing in this article shall be interpreted as authorization for, or approval of, the continuance of the use of a structure or premises in violation of zoning regulation in effect at the time of adoption of this article.

Sec. 105.2. Nonconformities.

A. Lots of record.

Where a lot of record in existence at the time of adoption or amendment of this article does not meet the minimum requirements for lot width or lot area, the lot of record may be used for any permitted use in the district in which the lot is located; provided, that any building or structure constructed on the lot complies with all other requirements for the zoning district. The nonconforming lot may also be used for conditional uses, if it meets all applicable requirements of this article for those uses.

1. Side yards may be reduced by the same percentage that the width of the lot bears to the minimum district requirement, subject to the following conditions:
 - a. The side yard in no instance shall be less than five feet; and
 - b. In no case shall the side yard setback on the side street of a corner lot be reduced from that required by the zoning district.
2. If two or more vacant lots of record or combination of lots and portions of lots of record, in existence at the time of the passage of this article, or an amendment thereto, with continuous frontage and under single ownership do not meet the requirements established for lot width or lot area, the lands involved shall be considered to be an undivided parcel for the purposes of this article, and no portion of that parcel shall be used or divided in a manner which diminishes compliance with lot width and area requirements established by this article.

B. Uses.

1. A nonconforming use shall not be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this article.
2. The extension of a lawful nonconforming use throughout all portions of a building or structure existing at the effective date of this article and which was designed to house the same use as the nonconforming use occupying the other portion of the building or structure shall not be considered as an extension of a nonconforming use.

3. No part of any nonconforming use shall be moved unless that movement eliminates or reduces the nonconformity. If a nonconforming use is abandoned for any reason for a period of more than 12 months, any subsequent use shall conform to the requirements of this article. A nonconforming use shall be determined to be abandoned if one or more of the following conditions exists, and which shall be deemed to constitute an intent on the part of the property owner to abandon the nonconforming use:
 - a. Utilities, such as water, gas and electricity to the property, have been disconnected;
 - b. The property, buildings, and grounds have fallen into disrepair;
 - c. Signs or other indications of the existence of the nonconforming use have been removed;
 - d. Equipment or fixtures necessary for the operation of the nonconforming use have been removed; or
 - e. Other actions which, in the opinion of the UDO Administrator, constitute an intention on the part of the property owner or lessee to abandon the nonconforming use.
4. A nonconforming use may be changed to another nonconforming use provided all of the following determinations are made by the UDO Administrator:
 - a. The proposed use shall be as, or more, compatible with the surrounding neighborhood than the previous nonconforming use, considering factors such as hours of operation, traffic, noise and similar external impacts;
 - b. The proposed nonconforming use shall not be enlarged or increased, nor extended to occupy a greater area of land or building area than the previous nonconforming use; and
 - c. Appropriate conditions and safeguards are provided that will ensure compliance with the intent and purpose of this article.
5. A nonconforming use which is changed to a conforming use or to another nonconforming use of a more restrictive classification shall not be permitted to revert to the original or less restrictive use.
6. Uses consisting of lots occupied by storage yards, used car lots, golf driving ranges, miniature golf courses, and similar open uses, where the only buildings on the property are ancillary to the open use and where the use is nonconforming, shall be subject to the following restrictions, in addition to all other applicable provisions of this article:
 - a. When a nonconforming open use of land has been changed to a conforming use, it shall not be used again for any other nonconforming use;
 - b. Nonconforming open uses of land shall only be converted to a conforming use;
 - c. A nonconforming open use of land shall not be enlarged to cover more land than was occupied by that use when it became nonconforming;
 - d. When any nonconforming open use of land is discontinued for a period of more than six months, any future use of the land shall be limited to those uses permitted in the zoning district under which the property is governed. Vacancy and/or non-use of the land, regardless of the intent of the owner or tenant, shall constitute discontinuance under this provision.

C. Buildings or structures.

Where a lawful building or structure exists at the effective date of this article, or an amendment thereto, that does not comply with the requirements of this article because of restrictions such as lot coverage, height, setbacks, parking, or floor area, that building or structure may continue to be occupied and used so long as it remains otherwise lawful, subject to the following provisions:

1. No nonconforming building or structure may be enlarged or altered in a way that increases its nonconformity, except in cases in which the setback of a building or structure is nonconforming by 50 percent or less of the distance required by this article. In such cases, the building may be extended along the same plane as the existing nonconforming setback, provided that in so doing, the setback itself is not further reduced.

2. In the event that a nonconforming building or structure is destroyed to an extent of more than 50 percent of its replacement value, exclusive of the foundation, it shall be reconstructed only in conformity with the provisions of this article; provided, the Mayor and City Council may, upon application, permit the reconstruction of the nonconforming building or structure if all of the following conditions are met:
 - a. The prior nonconforming condition(s) shall not be increased;
 - b. All building materials and architectural details shall conform to the applicable requirements of this article;
 - c. The new building or structure shall be placed on the original foundation, unless the building or structure could be located in a way that reduces the extent of its nonconformity on the lot;
 - d. The application to reconstruct the nonconforming building or structure shall be filed with the UDO Administrator within six months of the event in which the building or structure was damaged or destroyed;
 - e. The reconstruction of the building or structure shall not be detrimental to adjacent property and the surrounding neighborhood; and
 - f. If a nonconforming building or structure is moved for any reason and for any distance, it shall be moved to a location which complies with the requirements of this article.

D. Signs.

1. The lawful use of a permanent sign existing at the time of the adoption of this UDO is derived may be continued in non-conformance with the requirement of this UDO, except that the nonconforming sign shall not be enlarged, altered, modified, improved or rebuilt. However:
 - a. A nonconforming sign may be repaired to the extent necessary to maintain it in a safe condition and neat and orderly appearance;
 - b. A change in the advertising message on the sign shall not constitute an alteration or modification of the sign; or,
 - c. Routine maintenance and changing of copy shall be permitted as long as such maintenance or changing of copy does not result in or change the shape, size or design.
2. No structural repair or change in shape, size or design, shall be permitted except to make a nonconforming sign comply with all requirements of this chapter or to render the sign structurally sound.
3. A nonconforming sign may not be removed by an act of the owner and later replaced by another nonconforming sign.
4. No sign variances for a nonconforming sign are allowed.

Sec. 105.6. Uses approved under prior special exception permits or rezoning with conditions.

Any use for which a special exception or a rezoning with conditions has been issued under a prior zoning code or ordinance shall not be deemed a nonconforming use but shall be deemed a conforming use in the district under the conditions required for the issuance and validity of the special use permit or rezoning.

Sec. 105.7. Amortization.

Certain uses of land, buildings, and structures have an adverse effect on the orderly development of the community and on the general health and welfare of the citizens. Such uses can be required to cease after a reasonable time, irrespective of the general rules governing nonconforming uses as presented in this article.

The following uses shall be removed, discontinued, or made conforming within the specified amortization period which shall commence upon the serving of written notice to the owner by the city:

1. Fences, walls and foliage which, in the opinion of the UDO Administrator, constitute a hazard by virtue of impairing sight distances at a curve or intersection shall be made conforming within 90 days.
2. Nonconforming open storage operations, such as truck parking, automobile wrecking or salvage, salvage material storage, junk yards, and similar uses shall be made conforming within two calendar years.
3. Manufactured home communities shall be brought into compliance within three calendar years.

Sec. 105.8. Repairs and maintenance.

Work may be done on any nonconforming structure, or portion of a structure, containing a nonconforming use, on ordinary repairs, or on repair or replacement of load bearing or non-bearing walls, fixtures, wiring, or plumbing, to an extent not exceeding fifty percent of the current replacement cost of the nonconforming structure or on conforming portion of the structure as the case may be, provided that the square footage or cubic content existing when it became nonconforming shall not be increased.

If a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired or rebuilt except in conformity with the regulations of the district in which it is located.

Nothing in this UDO shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

Sec. 105.9. Exceptions

A. Front yard requirements.

1. The front yard requirements of this chapter shall not apply on any lot where the average depth of the front yards of existing buildings on adjoining lots located wholly or in part within 100 feet on each side of such lot within the same block and zoning district and fronting on the same side of the street is either greater or less than the minimum required front yard depth.
2. If the average depth of the front yards is greater than the required minimum front yard depth, the depth of the front yard of such lot shall be the average of the front yards of such buildings but need not be greater than 150 percent of the required front yard depth.
3. If the average depth of the front yards is less than the required minimum front yard depth, the depth of the front yard of such lot may be less than the required front yard depth but shall not be less than the average of the front yards of such buildings.

B. Structures not completed or finished.

If a permitted construction project remains dormant for more than 12 months, the building permit and all other permits shall become null and void. The owner of such uncompleted structure may maintain the structure in its existing condition for up to 12 months while awaiting new permits. If the applicant does not receive the necessary permits within the 12-month period, the uncompleted structure shall be removed. The Mayor and City Council may grant one extension of up to 12 additional months where it is found that circumstances beyond the owner's control such as extreme weather conditions, availability of materials, or labor shortages have caused delays.

C. Errors and violations.

The issuance or granting of a permit or approval of plans or specifications shall not be considered as approval for any violation of any provision in this article. No permit presuming to give the authority to violate or cancel any provision of this article shall be valid.

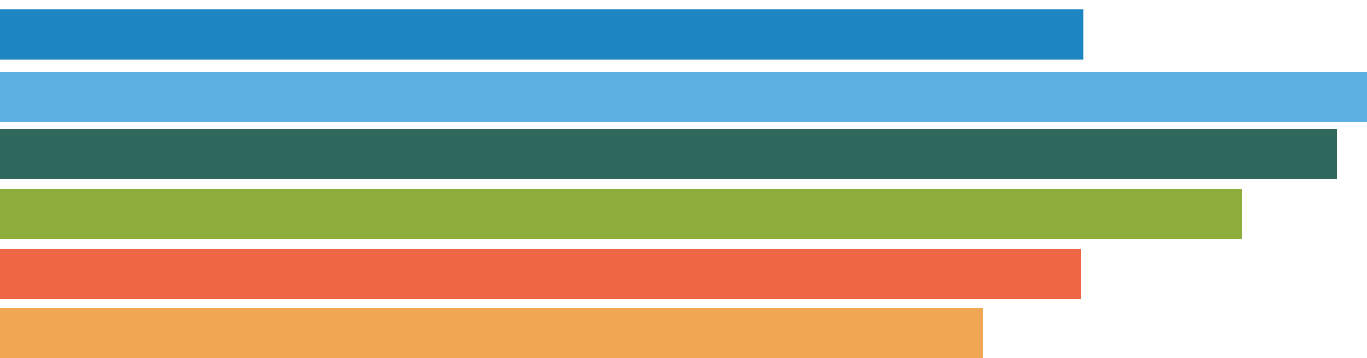
D. Illegal nonconformity.

Any lot, use, building or structure established in violation of the provisions of this article or any prior ordinance or amendment shall not be considered a legal nonconformity and shall not be entitled to the provisions, remedies and safeguards of this article.

E. Wireless telecommunications facility.

Any pre-existing antenna, tower, or telecommunication facility which does not meet the requirements of this article shall be considered nonconforming and subject to the provisions of this article. However, the installation of a new antenna on an existing tower shall be permitted; provided, it does not result in modifications to the structure or height of the existing tower or necessitate the addition of other accessory buildings or equipment.

Sec. 105.10-13. Reserved.



The background of the cover is a blue-tinted image of architectural blueprints and a spiral-bound notebook. The blueprints show various architectural drawings, including a building facade with the word 'HOTEL' visible, and a site plan with labels like 'LA S BRANCH', 'COSTA STAGE', and 'W. BRANCH'. The spiral notebook is visible on the left side.

CHAPTER

2000

ZONING AND LAND USE

ARTICLE 1. ZONING AND LAND USE.

DIVISION 1. ZONING DISTRICTS AND MAP.

Sec. 201.1. Establishment of districts.

In order to carry out the intent and purpose of this UDO, the city is hereby divided into the following zoning district and special districts:

Category	Designation	District Name	Former Designation/District
Legacy Residential	R-70	Single-family Residential	R-70 Single-family Residential
	R-40	Single-family Residential	R-40 Single-family Residential
	PCD	Planned Community Development	Planned Community Development
	PDP	Planned Development Project	Planned Development Project
Suburban Residential	R-30	Single-family Residential	R-30 Single-family Residential
	R-22	Single-family Residential	R-22 Single-family Residential
	R-15	Single-family Residential	R-15 Single-family Residential
	R-10	Single-family Residential	R-10 Single-family Residential
Urban Residential	DR-15	One- and Two-family Residential	DR-15 One- and Two-family Residential
	R-THC	Residential Townhouse Condominium	R-THC Residential Townhouse Condominium
	RMF-15	Multi-family Residential	RMF-15 Multi-family Residential
	RP	Residential Professional	RP Residential Professional
Downtown Mixed-Use	DMU-HC	Historic Core	Varies ¹
	DMU-MUC	Mixed-Use Core	
	DMU-GC	Gateway Commercial	
	DMU-MUN	Mixed-Use Neighborhood	
	DMU-BC	Boulevard Commercial	
	DMU-TR	Transitional Residential	
	DMU-NR	Neighborhood Residential	
	DMU-OS	Open Space	
Commercial and Business	NC	Neighborhood Commercial	C-1 Downtown Mixed Use
			C-2 Community Commercial
			C-3 Highway Commercial
	C-4	High Intensity Commercial	C-4 High Intensity Commercial
	PO	Professional Office	OI Office Institutional
			MO Medical Office
Industrial and Public	BP	Business Park	BP Business Park
	LI	Light Industrial	M-1 Light Manufacturing
	GI	General Industrial	M-2 Heavy Manufacturing
	PI	Public and Institutional	
Open Space	OS	Open Space	OS Open Space

¹The Downtown Mixed Use Zoning District replaces the former Main Street Architectural Overlay District (Main Street District) which encompassed the R-10 Single Family Residential, R-15 Single Family Residential, R-22 Single Family Residential, R-30 Single Family Residential, RMF Multi-Family Residential, R-THC Residential Townhouse Condominium, RP Residential Professional, MO Medical Office, DR-15 One- and Two-Family Residential, OI Office Institutional, C-1 Downtown Commercial, C-2 Community Commercial, C-3 Highway Commercial, C-3 Conditional Commercial, PDP Planned Development Project and PCD Planned Community Development districts.

Upon adoption of this UDO, land which is presently zoned within an existing zoning classification which has changed names as set forth above shall be reclassified within the applicable new zoning classifications. The boundaries for renamed zoning districts and the conditions of each zoning district remain the same, unless amended in the future in accordance with the provisions established herein.

Sec. 201.2-5. Reserved.

DIVISION 2. OFFICIAL ZONING MAP.

Sec. 201.6. General.

The zoning map designates the location and boundaries of the zoning districts established in this ordinance and shall be kept on file in the office of the city clerk and be available for public inspection during normal business hours. The original version of the official zoning map shall be identified by the signature of the Mayor and Council and attested by the city clerk.

The zoning map may be kept in either hardcopy or digital form, and shall be the final authority as to the status of the current zone district classification of land in the city.

Sec. 201.7. Amendments.

The Mayor and council may, at its discretion or upon formal application, amend the zoning map, in accordance with the amendment procedures identified herein.

Sec. 201.8. Interpretation of district boundaries.

Unless otherwise expressly stated in this ordinance, zoning district boundaries shall be considered to be lot lines or the centerline of streets, alleys, railroad rights-of-way, streams and rivers, city limit boundaries, or such lines extended.

Where district boundaries are indicated as being set back from and parallel to a street, road, highway, railroad, stream or river, those boundaries, unless otherwise specifically indicated, shall be construed to be at the scaled distance from the center line of and parallel to such street, road, highway, railroad, stream or river.

When the street or property layout existing on the ground is inconsistent with that shown on the official zoning map, the UDO administrator shall interpret the district boundaries.

Sec. 201.9. Lots divided by a zoning line.

Where a zoning line divides a lot or where two lots in different districts are combined, the entire lot shall be considered to be wholly within the more restrictive zoning district.

Sec. 201.10. Zoning of vacated areas.

Whenever any street, alley or other public way within the city is vacated by official governmental action, and when the lands within those vacated lands attach to and become a part of lands adjoining the street, alley, or public way, those lands shall automatically be subjected to the same zoning regulations as are applicable to the adjoining lands.

Sec. 201.11. Zoning of annexed property.

Any property annexed into the city shall continue to be subject to the county or city zoning district classifications and regulations as such property was subject at the time of annexation until such property is zoned by the city.

Sec. 201.12-15. Reserved.

ARTICLE 2. RESIDENTIAL DISTRICTS.

DIVISION 1. GENERAL PROVISIONS.

Sec. 202.1. Purpose.

This article outlines the Residential Zoning Districts and contains basic information pertaining to land use regulation and spatial requirements for buildings and lots.

Sec. 202.2-5. Reserved.

DIVISION 2. RESIDENTIAL CATEGORIES AND ASSOCIATED ZONING DISTRICTS.

Sec. 202.6. Legacy Residential.

The following districts are intended for single-family detached dwellings on larger rural and suburban-scale lots. In addition, they allow for limited, but complementary, civic, institutional, and recreational uses, as well as group living arrangements. The R-70 and R-40 Districts are retained as legacy districts, meaning that no other currently incorporated parcels or future annexed lands will be designated in this manner on the Official Zoning Map.

- R-70 - Single-family Residential.
- R-40 - Single-family Residential.
- PCD - Planned Community Development
- PDP - Planned Development Project

Sec. 202.7. Suburban Residential.

The following districts are intended for single-family detached dwellings on typical suburban-scale lots. They allow for limited, but complementary, civic, institutional, and recreational uses, as well as group living arrangements. Neighborhood blocks are typically larger than within these districts.

- R-30 - Single-family Residential.
- R-22 - Single-family Residential.
- R-15 - Single-family Residential.
- R-10 - Single-family Residential.

Sec. 202.8. Urban Residential.

The following districts are intended for single-family attached and/or detached dwellings on smaller urban-scale lots. They allow for limited, but complementary, civic, institutional, and recreational uses. Developments within these districts typically have a more traditional and denser urban street and block grid in an effort to promote walkability.

- DR-15 - One- and Two-family Residential.
- R-THC - Residential Townhouse and Condominium.
- RMF-15 - Multi-family Residential.
- RP - Residential Professional

Sec. 202.10-13. Reserved.

DIVISION 3. SCHEDULE OF USES.

Sec. 202.14. Permitted uses.

Land and buildings in the Residential Districts shall only be used in accordance with schedule of land uses below.

Permitted use (P). This use is authorized by-right, subject to all other applicable provisions of this ordinance.

Conditional use (C). This use is subject to the supplemental regulations identified in Article 7. and permitted in accordance with Section 207.2. of this UDO.

Not Permitted. A blank cell indicates that a use is not permitted.

Schedule of land uses: Residential Districts													
Use	Legacy Residential				Suburban Residential				Urban Residential				See Section
	R-70	R-40	PCD*	PDP*	R-30	R-22	R-15	R-10	DR-15	R-THC	RMF-15	RP	
Accommodations, hospitality and entertainment													
Golf course	C	C	*	*	C	C	C	C	C	C	C	C	207.31.
Short-term rental	C	C	*	*	C	C	C	C	C	C	C	C	207.10.
Civic and institutional													
Park	P	P	P	P	P	P	P	P	P	P	P	P	-
Place of worship	C	C	C	C	C	C	C	C	C	C	C	C	9.3 A
School (K-12), private	C	C	C	C	C	C	C	C				C	9.3 B
School (K-12), public	P	P	P	P	P	P	P	P	P	P	P	P	
Group living													
Group home	C	C			C								207.16.
Community living arrangement	C	C			C								207.19.
Industrial and infrastructure													
Essential public services and utilities	P	P	P	P	P	P	P	P	P	P	P	P	-
Small wireless facilities in the public right-of-way	C	C	C	C	C	C	C	C	C	C	C	C	Sec. 207.46.
Services													
Day care home	C	C	*	*	C	C	C	C				C	207.52.
Residential													
Accessory dwelling unit	C	C	*	*	C	C	C	C				C	207.63.
Multiple-family dwelling			*	*						P	P		-
Single-family detached dwelling	P	P	*	*	P	P	P	P				P	-
Townhome			*	*					P	P			-
Two-family dwelling			*	*					P	P			-

Schedule of land uses: Residential Districts													
Use	Legacy Residential				Suburban Residential				Urban Residential				See Section
	R-70	R-40	PCD*	PDP*	R-30	R-22	R-15	R-10	DR-15	R-THC	RMF-15	RP	
Other													
Similar uses	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	-

**For those tracts of land previously zoned PCD or PCP, refer to the approved zoning ordinance, master plan, Covenants and Restrictions and/or Development Agreements for specific uses permitted and/or not permitted, architectural standards and design guidelines, and other site-specific information as it pertains to each development.*

Sec. 202.15-18. Reserved.

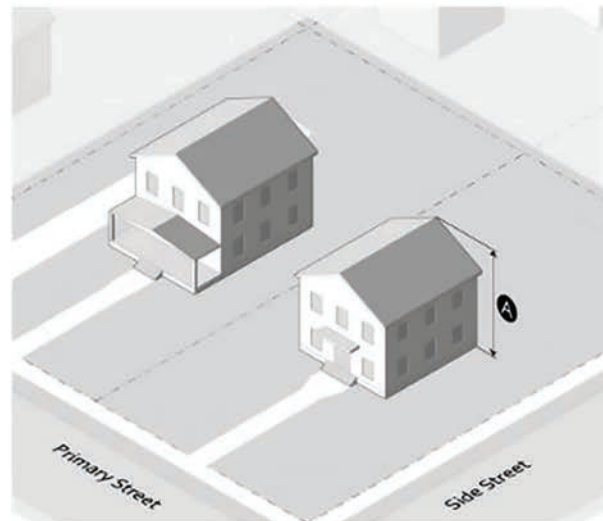
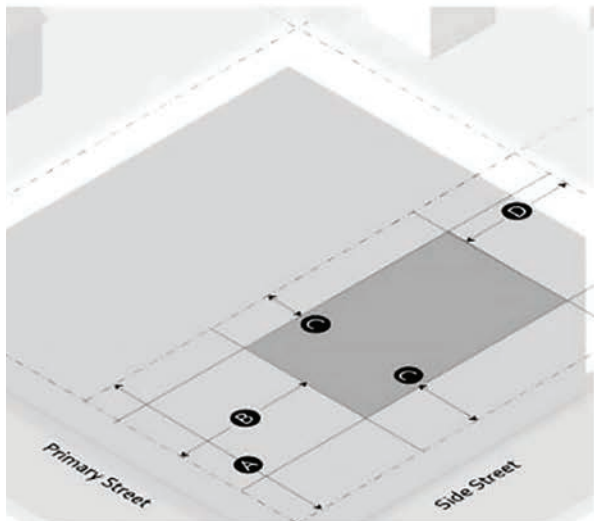
DIVISION 3. SPACIAL REQUIREMENTS.

Sec. 202.19. Legacy and Suburban residential districts.

All lots and buildings within the Legacy and Suburban residential districts shall comply with the minimum and maximum spatial requirements of this section.

Spatial requirements: Legacy and Suburban residential districts							
		Legacy Residential*		Suburban Residential			
	Requirement	R-70	R-40	R-30	R-22	R-15	R-10
Lots and building placement							
	Min. lot area (SF)	87,120	43,560	30,000	22,500	15,000	10,000
A	Min. lot width (ft.)	200	180	150	80	75	75
B	Front yard setback – major street (ft.)	70	60	60	55	50	50
B	Front yard setback – collector (ft.)	70	60	60	55	40	40
B	Front yard setback – minor street (ft.)	60	50	50	45	30	30
C	Min. side yard setback (ft.)	40	30	20	20	10	10
D	Min. rear yard setback (ft.)	50	45	30	30	30	30
	Max. impervious surface (% of lot)	75	75	75	75	75	75
	Min. front garage setback (ft.)	Twenty (20) ft. behind front property line					
Buildings							
	Min. floor area (SF)	2,000	2,300 (ground floor)	1,800 (ground floor)	1,800	1,200	1,200
	Max. height (ft.)	40	40	40	40	40	40

* Spatial requirements for previously approved PCD and PDP developments are identified in the approved zoning ordinance or on the final plat for those parcels.



Sec. 202.20.

Urban and Manufactured Home residential districts.

All lots and buildings within the Urban and Manufactured Home residential districts shall comply with the minimum and maximum spatial requirements of this section.

Spatial requirements: Urban and Manufactured Home residential districts					
		Urban Residential			
	Requirement	DR-15	R-THC	RMF-15	RP
Lots and building placement					
	Min. lot area (SF)	15,000	217,800	15,000	435,600
	Min. area per dwelling (SF)	9,000	5,445	8,000 (1 st unit) 5,000 - each add'l unit	6,050
A	Min. lot width (ft.)	100	80	100	200
B	Front yard setback – major street (ft.)	50	40	45	30
B	Front yard setback – collector (ft.)	35	35	40	30
B	Front yard setback – minor street (ft.)	25	30	35	30
C	Min. side yard setback (ft.)	15	20	15	10
D	Min. rear yard setback (ft.)	30	30	30	10
	Max. imp. surface (% of lot)	75	75	75	60
	Min. front garage setback (ft.)	Twenty (20) feet behind property line			
Buildings					
	Min. floor area (SF)	1,200 (1 st unit) 1,800 (combined)	1,200 200 (assisted living)	600 (studio) 700 (1 bdr.) 900 (2 bdr.) 1,100 (3 bdr.) 1,300 (4 bdr.)	600 200 (assisted living)
	Max. height (ft.)	35	35	40	40
	Max. units per acre			16	

* as noted on final plat



Sec. 202.21. Other requirements.

In addition to other requirements of this article, all development within the Residential Districts identified herein shall comply with the applicable requirements included elsewhere in this UDO:

1. Parking and Loading: Chapter 400, Article 2.
2. Trees, Landscaping, and Buffering: Chapter 400, Article 3.
3. Building Materials and Design: Chapter 400, Article 4.

ARTICLE 3. MIXED USE DISTRICTS.

DIVISION 1. GENERAL PROVISIONS.

Sec. 203.1. Purpose.

This article outlines the Mixed Use Zoning Districts and contains basic information pertaining to land use regulation and spatial requirements for buildings and lots.

Sec. 203.2-5. Reserved.

DIVISION 2. DOWNTOWN MIXED USE ZONING DISTRICT AND ASSOCIATED SUBDISTRICTS.

Sec. 203.6. DMU - Downtown Mixed Use.

The Downtown Mixed Use (DMU) Zoning District is established to protect and cultivate the unique environment of Fayetteville's historic downtown and surrounding residential neighborhoods. The district is envisioned as the community's commercial, civic, cultural, and transportation hub and includes spaces for public gatherings, civic and cultural events, and public art, while providing opportunities for infill development surrounding the historic downtown.

The DMU District is intended to preserve, protect, and enhance the unique character of the city's downtown neighborhoods, corridors and business districts as they complement the Courthouse Square. The district allows for a wide range of uses and encourages vertical mixed use development while providing standards related to building massing, form, architectural features, and their relationship to the public realm.

Rather than being based on principles of Euclidean zoning (i.e., separating land uses by type - residential commercial, retail, industrial, etc. with associated dimensional standards), development within the Mixed Use District achieves this by regulating building types, building envelopes, and building frontage types within 8 distinct subdistricts.

The DMU district is designed and intended to promote the goals and objectives identified within the Livable Centers Initiative (LCI) Moving Fayetteville Forward planning study (2021), the Downtown Fayetteville Visioning Plan (2022), and the 2022 Update to the city's Comprehensive Plan, each of which envisions a unique, creative and walkable mix of retail, commercial, civic and residential uses throughout the downtown core.

Sec. 203.7. Establishment of subdistricts.

The DMU District is further subdivided into eight (8) subdistricts, each of which includes an intent statement describing the general vision for the future of that subdistrict with respect to development, scale, open space and other attributes.

The following subdistricts are hereby established and are collectively referred to as the Downtown Mixed Use District:

1. Historic Core (DMU-HC)
2. Mixed-Use Core (DMU-MUC)
3. Gateway Commercial (DMU-GC)

4. Mixed-Use Neighborhood (DMU-MUN)
5. Boulevard Commercial (DMU-BC)
6. Transitional Residential (DMU-TR)
7. Neighborhood Residential (DMU-NR)
8. Open Space and Conservation (DMU-OSC)

Sec. 203.8-11. Reserved.

DIVISION 3. SCHEDULE OF USES.

Sec. 203.12. Permitted uses.

Land and buildings in the Downtown Mixed Use District shall only be used in accordance with schedule of land uses below.

Permitted use (P). This use is authorized by-right, subject to all other applicable provisions of this ordinance.

Conditional use (C). This use is subject to the supplemental regulations identified in Article 7. and permitted in accordance with Section 207.2.

Not Permitted. A blank cell indicates that a use is not permitted.

Schedule of land use: Downtown Mixed Use District									
Use	DMU-HC	DMU-MUC	DMU-GC	DMU-MUN	DMU-BC	DMU-TR	DMU-NR	DMU-OSC	Other
Accommodations, hospitality and entertainment									
Bed and Breakfast	C	C	C	C	C	C	C		Sec. 207.9.
Commercial indoor recreation facility	P	P	P	P	P				
Event center	C	C	C	C	C				Sec. 207.36.
Hotel	C	C	C						Sec. 207.8.
Maker space	P	P	P	P	P	P	P		
Microbrewery	C	C	C		C				Sec. 207.28.
Restaurant	P	P	P	P	P				
Restaurant with drive-through			C						Sec. 207.29.
Tap house/brewpub/wine bar	C	C	C	C	C	C	C		Sec. 207.28.
Theater	P	P	P	P					
Civic and institutional									
Park	P	P	P	P	P	P	P	P	
Place of public worship	C	C	C	C	C	C	C		Sec. 207.36.
School (K-12), private	C	C	C	C	C	C	C		Sec. 207.37.
School (K-12), public	P	P	P	P	P	P	P		
School, college or university	P	P	P	P	P	P	P		
Industrial and infrastructure									

Schedule of land use: Downtown Mixed Use District									
Use	DMU-HC	DMU-MUC	DMU-GC	DMU-MUN	DMU-BC	DMU-TR	DMU-NR	DMU-OSC	Other
Essential public services and utilities	P	P	P	P	P	P	P		
Wireless communications facility	C	C	C	C	C	C	C		Sec. 207.44.
Offices and services									
Adult day care			C		C	C	C		Sec. 207.51.
Animal services			P						
Child care facility			C	C	C	C	C		Sec. 207.52.
Fitness club	P	P	P	P	P	P			
Funeral home and accessory crematory			P		P				
Office, professional	P	P	P	P	P				
Personal services	P	P	P	P	P				
Retail									
Farmers market	C	C	C						Sec. 207.86.
General retail (single tenant < 16,000 SF)	P	P	P	P	P	P	P		
General retail (single tenant > 16,001 SF)			P						
General retail, outdoor display and sales	C	C	C			C			Sec. 207.72.
Nurseries and greenhouses						P			
Other									
Similar land use						P/C	P/C	P/C	Sec. 207.82.

Sec. 203.13. Specific uses not permitted within the DMU District.

The following uses shall not be permitted within the DMU District:

1. Animal daycare, boarding or kennels.
2. Any business with drive-in or drive-thru facilities.
3. Auto parts stores.
4. Automobile rental.
5. Automobile dealerships.
6. Automobile service or repair.
7. Bail bonds establishments.
8. Blood/plasma facilities.
9. Bowling alleys.
10. Convenience stores with gasoline and diesel fuel sales.
11. Dry cleaning plants and/or commercial laundry facilities without a storefront.
12. Indoor skating rinks.
13. Junkyards and/or salvage operations.
14. Pawn shops.
15. Self-storage facilities.
16. Sexually-oriented businesses.
17. Small box discount stores.
18. Small loan businesses.

19. Teen club.
20. Tire sales and/or repair.
21. Vapor cigarette sales.

Sec. 203.14. Permitted building types.

The following table identifies the building types permitted within the DMU district. A blank cell indicates that building type is not permitted. Refer to Section 203.32. for information specific to each building type.

Schedule of building types: Downtown Mixed Use District									
Building type	DMU-HC	DMU-MUC	DMU-GC	DMU-MUN	DMU-BC	DMU-TR	DMU-NR	DMU-OSC	Other
Building types - residential									
House		P		P	P	P	P		Sec. 203.41.
Carriage House		P		P	P	P	P		Sec. 203.42.
Cottage Court		P		P	P	P	P		Sec. 203.43.
Duplex		P		P	P	P	P		Sec. 203.44.
Multiplex (Fourplex)	P	P		P	P	P	P		Sec. 203.45.
Multiplex (Five to twelve units)		P							Sec. 203.46.
Townhouse (Attached)				P		P			Sec. 203.47.
Townhouse (Stacked)	P	P		P		P			Sec. 203.48.
Courtyard Building				P	P	P			Sec. 203.49.
Building types - mixed-use									
Main Street Building	P								Sec. 203.50.
Live/Work Building	P	P		P	P	P			Sec. 203.51.
Mixed Use Building		P		P					Sec. 203.52.
Building types - commercial									
Commercial House		P			P				Sec. 203.53.
Commercial Building (Small)	P	P	P		P				Sec. 203.54.
Commercial Building (Prominent)			P						Sec. 203.55.
Mixed Commercial Building		P	P						Sec. 203.56.
Flex Commercial Building			P						Sec. 203.57.
Building type - civic									
Civic Building (Small)	P	P	P	P	P	P	P		Sec. 203.58.
Civic Building (Prominent)	P	P	P	P	P	P	P		Sec. 203.59.

Sec. 203.15-16. Reserved.

DIVISION 4. DMU DISTRICT DEVELOPMENT GUIDELINES.

Sec. 203.17. How to use the DMU District Development Guidelines.

This Article is intended to be used in the following manner:

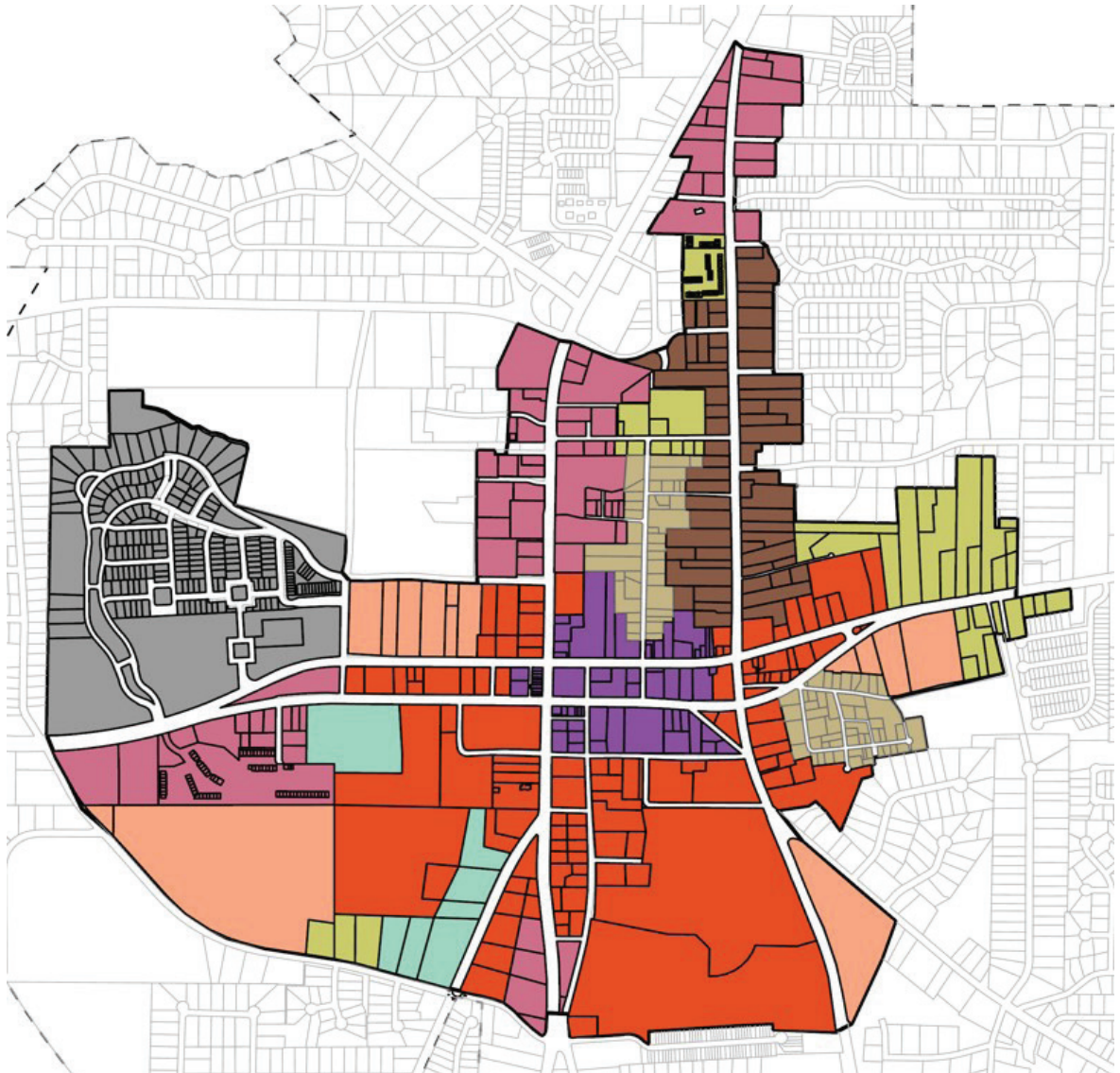
1. *Zoning.* Locate the property's subdistrict on the Regulating DMU District Map.
2. *Intent.* Review the intent statement associated with each subdistrict.
3. *Spatial requirements.* Determine dimensional standards (setbacks, step back, building height, etc.) associated with building types permitted within each subdistrict.
4. *Building types.* Determine building types allowed within each subdistrict.
5. *General building design principles.* Identify basic design principles for development within the DMU district as they relate to a building's size, scale, massing, fenestrations, rhythm, setback, materials and context.
6. *Building standards.* Identify required building standards for each building type within the DMU district, to include the principal structure as well as accessory buildings.
7. *Frontage types.* Determine frontage type requirements permitted and/or required within each subdistrict.

Sec. 203.18. Rezoning of parcels within DMU District










Refer to Section 101.10.

Sec. 203.19. DMU District and associated subdistrict boundaries.

The following graphic identifies the boundaries of the DMU District as well as the boundaries of each subdistrict. The requirements and regulating principles associated with each subdistrict are further refined in subsequent sections of this ordinance.

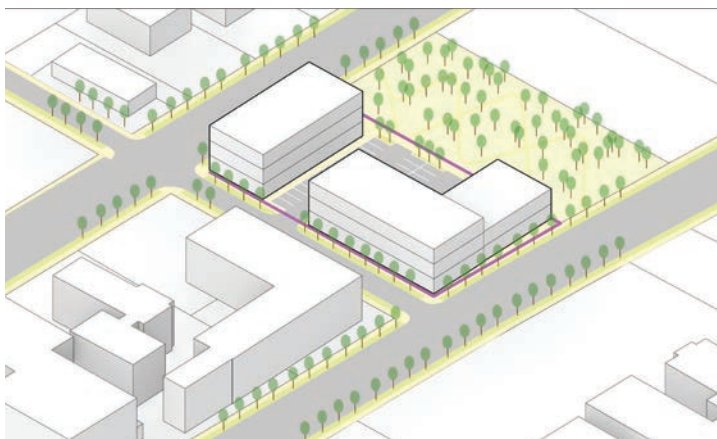


Legend

	DMU-HC	Downtown Mixed Use - Historic Core
	DMU-MUC	Downtown Mixed Use - Mixed Use Core
	DMU-GC	Downtown Mixed Use - Gateway Commercial
	DMU-MUN	Downtown Mixed Use - Mixed Use Neighborhood
	DMU-BC	Downtown Mixed Use - Boulevard Commercial
	DMU-TR	Downtown Mixed Use - Transitional Residential
	DMU-NR	Downtown Mixed Use - Neighborhood Residential
	DMU-OS	Downtown Mixed Use - Open Space
		The Villages

Sec. 203.20.

Downtown Mixed Use - Historic Core (DMU-HC).



A. Intent.

The intent of this subdistrict is to preserve the historic character and scale of the area as expressed through the form and architecture of the existing historic building stock. New development will be designed at a scale to complement the existing buildings located within downtown Fayetteville and those adjacent to the Fayette County Courthouse.

B. Use regulations.

1. Principal uses shall comply with Section 203.12.
2. Accessory uses and structures shall comply with Section 401.29.
3. Temporary uses and structures shall comply with Sections 207.83 and 207.84.

C. Building types.

The following principal building types are permitted:

1. Multiplex (Fourplex).
2. Townhouse (Stacked).
3. Main Street Building.
4. Live/Work Building.
5. Commercial Building (Small).
6. Civic Building (Small).
7. Civic Building (Prominent).

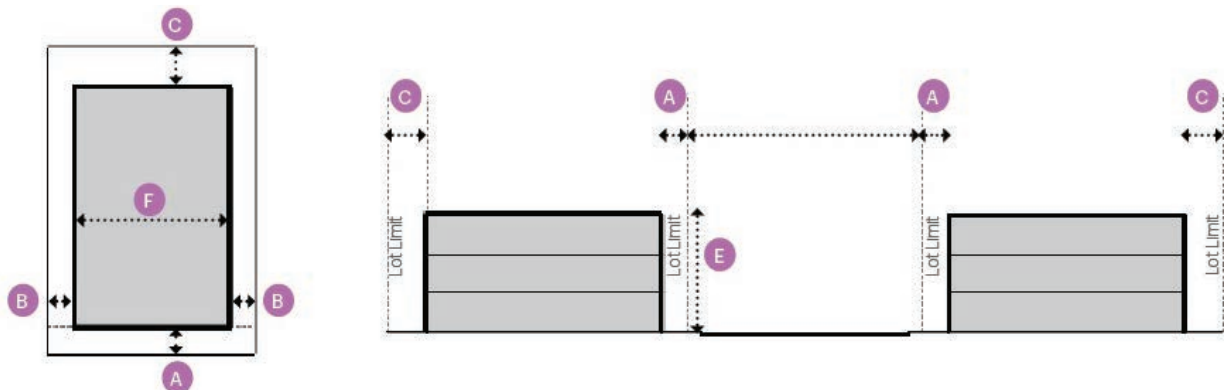
D. Design standards.

1. General site design requirements: Refer to Section 203.34.
2. General building design requirements: Refer to Section 203.36.
3. Specific building type requirements - residential: Refer to Section 203.38.
4. Specific building type requirements - commercial: Refer to Section 203.39.

E. Spatial standards.

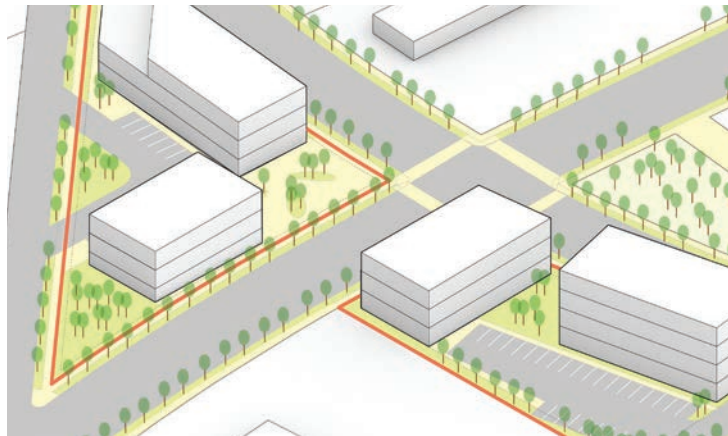
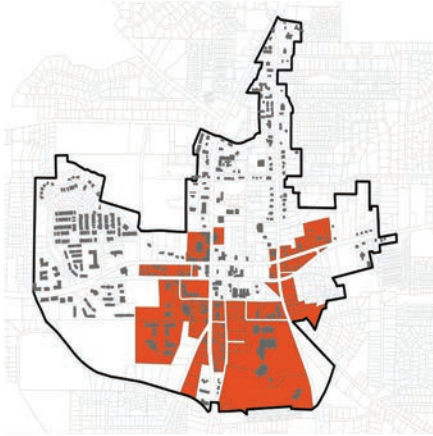
All lots and buildings within the DMU-HC district shall comply with the minimum and maximum spatial requirements of this section:

Requirement		Principal Building Type						
		Multiplex (Fourplex)	Townhouse (Stacked)	Main Street Building	Live/Work Building	Commercial Building (Small)	Civic Building (Small)	Civic Building (Prominent)
A B C	Building placement (min.)							
	Front setback	0’/10’	5’/15’	0’/10’	0’/10’	0’/10’	0’/10’	0’/10’
	Side setback	5’	5’	0’	5’	5’	10’	15’
	Rear setback	25’	25’	5’	5’	15’	10’	15’
Appurtenance encroachment into building setbacks								
	Front yard*	6’ max.						
	Side yard*	5’ max., but no closer than 5’ to property line						
	Rear yard*	15’ max., but no closer than 20’ to property line						
*Steps may encroach up to the front property line, but no closer than 5’ from rear or side property lines								
Building form								
D	Front lot line coverage (min.)	85%	N/A	90%	90%	75%	N/A	N/A
E	Building height (min./max. stories)	1/2	2/3	1/3	2/3	1/3	1/2	2/3
F	Building width (max.)	200’	80’	150’	150’	150’	N/A	N/A
	Impervious lot coverage (max.)	70%	70%	90%	90%	80%	80%	60%



Sec. 203.21.

Downtown Mixed Use - Mixed Use Core (DMU-MUC).



A. Intent.

The intent of this subdistrict is to continue the evolution of this part of downtown, in combination with the Historic Core, as the center of civic, commercial, social, cultural, and spiritual life in the city, where people can undertake a wide variety of activities, enjoy public open spaces, and walk safely and comfortably. New development in this district may be scaled slightly larger than the traditional mixed use buildings in the Historic Core and include a mix of uses with commercial activity on the ground level and residential units on upper levels.

B. Use regulations.

1. Principal uses shall comply with Section 203.12.
2. Accessory uses and structures shall comply with Section 401.29.
3. Temporary uses and structures shall comply with Sections 207.83 and 207.84.

C. Building types.

The following principal building types are permitted:

- | | |
|--------------------------------|----------------------------------|
| 1. House. | 8. Live/Work Building. . |
| 2. Carriage House. | 9. Mixed Use Building. |
| 3. Cottage Court | 10. Commercial House. |
| 4. Duplex. | 11. Commercial Building (Small). |
| 5. Multiplex (Fourplex) | 12. Mixed Commercial Building. |
| 6. Multiplex (Five to Twelve). | 13. Civic Building (Small). |
| 7. Townhouse (Stacked). | 14. Civic Building (Prominent). |

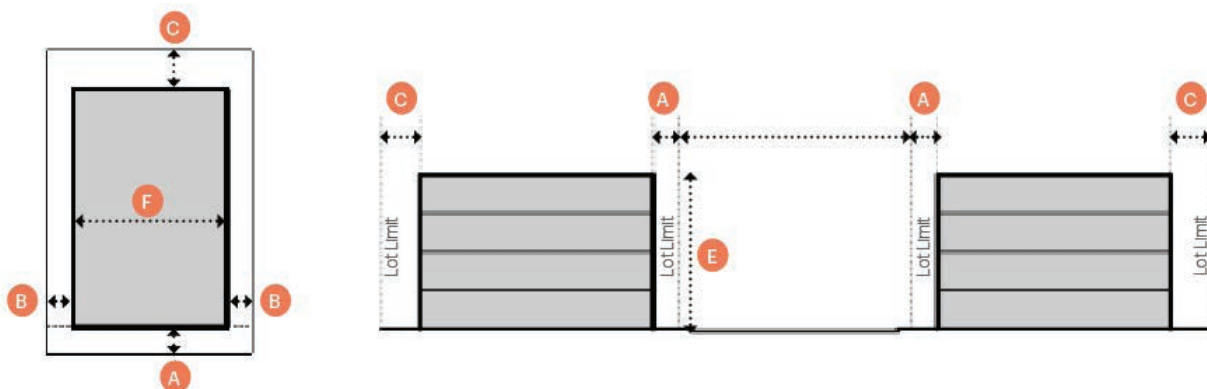
D. Design standards.

1. General site design requirements: Refer to Section 203.34.
2. General building design requirements: Refer to Section 203.36.
3. Specific building type requirements - residential: Refer to Section 203.38.
4. Specific building type requirements - commercial: Refer to Section 203.39.

E. Spatial requirements.

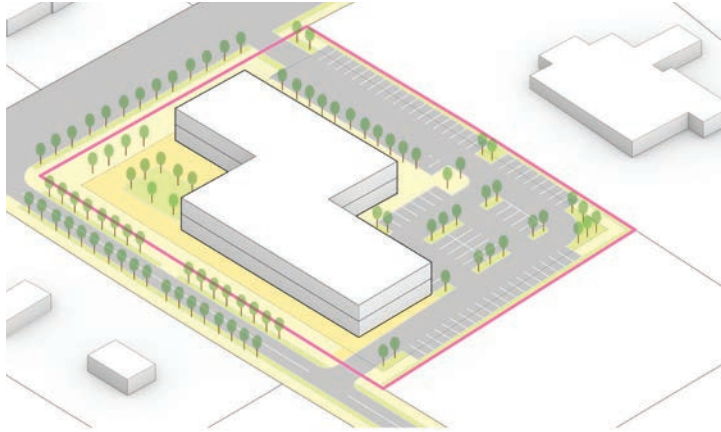
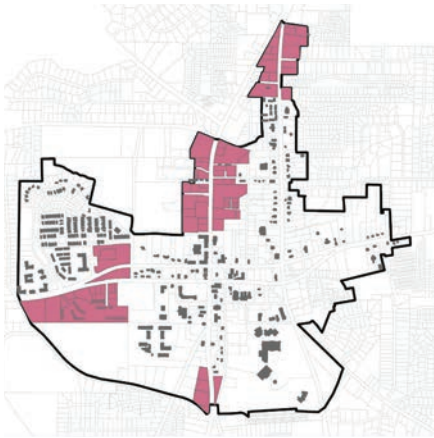
All lots and buildings within the DMU-MUC district shall comply with the minimum and maximum spatial requirements of this section:

Requirement		Principal Building Type													
A B C		House	Carriage House	Cottage Court	Duplex	Multiplex (Fourplex)	Multiplex (Five to Twelve)	Townhouse (Stacked)	Live/Work Building	Mixed Use Building	Commercial House	Commercial Building (Small)	Mixed Commercial Building	Civic Building (Small)	Civic Building (Prominent)
	Building placement (min.)														
	Front setback	20'	20'	20'	10'	10'	5'/15'	5'/15'	5'/15'	5'/15'	5'/15'	10'/20'	5'/15'	0'/10'	20'
	Side setback	10'	10'	10'	5'	5'	5'	5'	5'	10'	10'	10'	5'	10'	15'
	Rear setback	30'	25'	25'	25'	25'	25'	25'	5'	25'	25'	15'	5'	10'	5'
	Appurtenance encroachment into building setbacks														
	Front yard*	6' max.													
	Side yard*	5' max., but no closer than 5' to property line													
	Rear yard*	15' max., but no closer than 20' to property line													
	*Steps may encroach up to the front property line, but no closer than 5' from rear or side property lines														
Building form															
D	Front lot line coverage	N/A	N/A	N/A	N/A	N/A	N/A	N/A	90%	90%	N/A	N/A	75%	75%	N/A
E	Building height (min./max.)	1/3	1/2	1/2	1/2	1/2	2/4	2/3	2/3	2/4	1/2	1/3	2/4	1/3	2/3
F	Building width (max.)	50'	N/A	N/A	50'	80'	80'	200'	200'	200'	80'	200'	200'	150'	N/A
	Imp. lot coverage (max.)	70%	70%	70%	75%	75%	70%	70%	90%	90%	75%	75%	75%	80%	60%



Sec. 203.22.

Downtown Mixed Use - Gateway Commercial (DMU-GC).



A. Intent.

These subdistricts are located at or near the edges of Downtown along one of the major corridors. The intent of this subdistrict is to encourage the development of prominent buildings with attractive facades and appealing commercial uses that would create a lively ambiance as people arrive into Downtown.

B. Use regulations.

1. Principal uses shall comply with Section 203.12.
2. Accessory uses and structures shall comply with Section 401.29.
3. Temporary uses and structures shall comply with Sections 207.83 and 207.84.

C. Building types.

The following principal building types are permitted:

1. Commercial Building (Prominent).
2. Commercial Building (Small).
3. Mixed Commercial Building.
4. Flex Commercial Building.
5. Civic Building (Small).
6. Civic Building (Prominent).

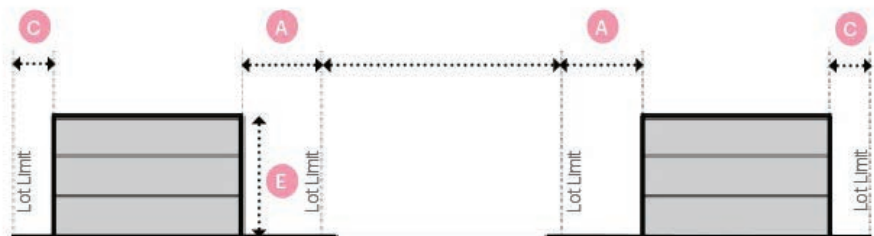
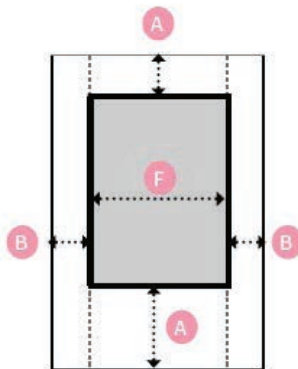
D. Design standards.

1. General site design requirements: Refer to Section 203.34.
2. General building design requirements: Refer to Section 203.36.
3. Specific building type requirements - residential: Refer to Section 203.38.
4. Specific building type requirements - commercial: Refer to Section 203.39.

E. Spatial requirements.

All lots and buildings within the DMU-GC district shall comply with the minimum and maximum spatial requirements of this section:

Requirement		Principal Building Type						
		Commercial Building (Small)	Commercial Building (Prominent)	Mixed Commercial Building	Flex Commercial Building	Civic Building (Small)	Civic Building (Prominent)	
Building placement (min.)								
A	Front setback	10'/20'	30'	30'	30'	0'/10'	20'	
B	Side setback	10'	15'	15'	15'	10'	15'	
C	Rear setback	15'	15'	15'	15'	10'	5'	
Appurtenance encroachment into building setbacks								
	Front yard*	6' max.						
	Side yard*	5' max., but no closer than 5' to property line						
	Rear yard*	15' max., but no closer than 20' to property line						
*Steps may encroach up to the front property line, but no closer than 5' from rear or side property lines								
Building form								
D	Front lot line coverage	40%	40%	40%	40%	75%	N/A	
E	Building height (min./max. stories)	1/3	1/2	2/4	1/3	1/3	2/3	
F	Building width (max.)	N/A	N/A	N/A	N/A	150'	N/A	
	Impervious lot coverage (max.)	60%	60%	60%	60%	80%	60%	



Sec. 203.23.

Downtown Mixed Use - Mixed Use Neighborhood (DMU-MUN).



A. Intent.

The intent of this subdistrict is to create pocket neighborhoods where a sufficient amount of land is available. Pocket neighborhoods are primarily residential in nature, consisting of a variety of residential building types along with some mixed use buildings with community-serving amenities, all of which are situated within a network of shared open spaces.

B. Use regulations.

1. Principal uses shall comply with Section 203.12.
2. Accessory uses and structures shall comply with Section 401.29.
3. Temporary uses and structures shall comply with Sections 207.83 and 207.84.

C. Building types.

The following principal building types are permitted:

- | | |
|--------------------------|---------------------------------|
| 1. House. | 7. Townhouse (Stacked). |
| 2. Carriage House. | 8. Courtyard Building. |
| 3. Cottage Court | 9. Live/Work Building. |
| 4. Duplex. | 10. Mixed Use Building. |
| 5. Multiplex (Fourplex). | 11. Civic Building (Small). |
| 6. Townhouse (Attached). | 12. Civic Building (Prominent). |

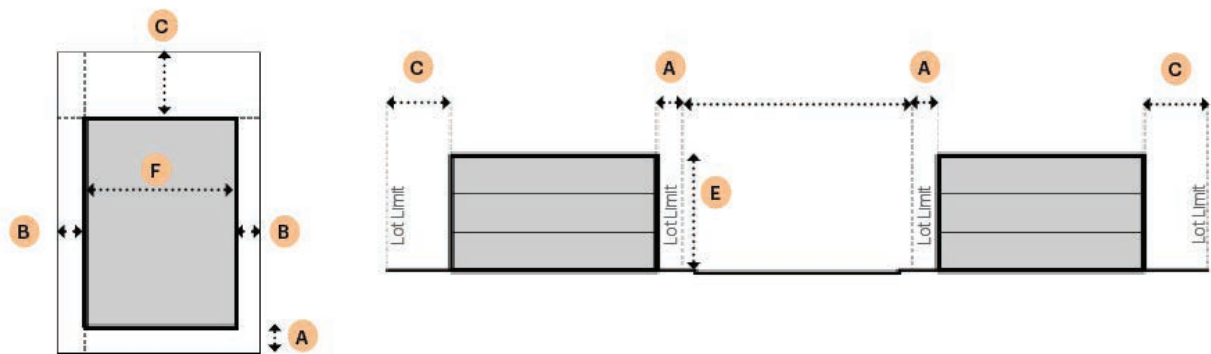
D. Design standards.

1. General site design requirements: Refer to Section 203.34.
2. General building design requirements: Refer to Section 203.36.
3. Specific building type requirements - residential: Refer to Section 203.38.
4. Specific building type requirements - commercial: Refer to Section 203.39.

E. Spatial requirements.

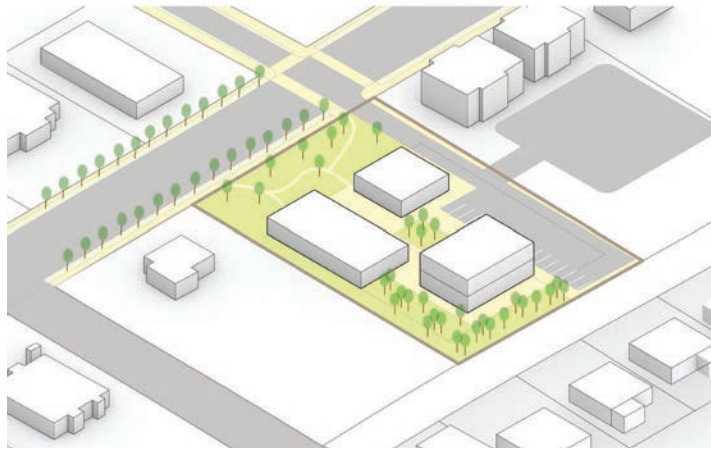
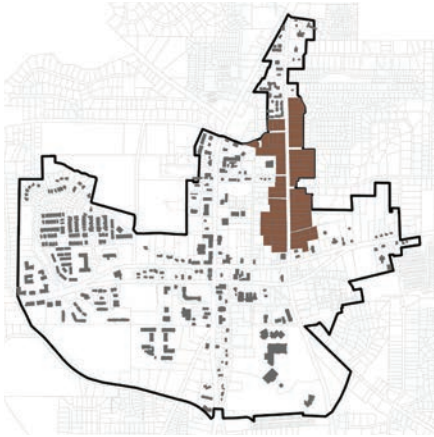
All lots and buildings within the DMU-MUN district shall comply with the minimum and maximum spatial requirements of this section:

Requirement		Principal Building Type											
		House	Carriage House	Cottage Court	Duplex	Multiplex (Fourplex)	Townhouse (Attached)	Townhouse (Stacked)	Courtyard Building	Live/work Building	Mixed Use Building	Civic Building (Small)	Civic Building (Prominent)
A B C	Building placement (min.)												
	Front setback	20'	20'	20'	10'	10'	10'	10'	10'	10'	10'	0/10	20'
	Side setback	10'	10'	10'	5'	5'	10'	10'	10'	5'	10'	10'	15'
	Rear setback	30'	25'	25'	25'	25'	25'	25'	25'	25'	25'	10'	5'
	Appurtenance encroachment into building setbacks												
	Front yard*	6' max.											
	Side yard*	5' max., but no closer than 5' to property line.											
	Rear yard*	15' max., but no closer than 20' to property line.											
	*Steps may encroach up to the front property line, but no closer than 5' from rear or side property lines												
	Building form												
D	Front lot line coverage	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	75%	N/A
E	Building hgt. (min./max. stories)	1/3	1/2	1/2	1/2	1/2	2/3	2/4	1/2	2/3	2/4	1/3	2/3
F	Building width (max.)	50'	N/A	N/A	50'	80'	150'	150'	100'	50'	150'	150'	N/A
	Impervious lot coverage (max.)	70%	70%	70%	75%	75%	75%	75%	75%	75%	75%	80%	60%



Sec. 203.24.

Downtown Mixed Use - Boulevard Commercial (DMU-BC).



A. Intent.

The intent of this subdistrict is to preserve the existing character and form of the buildings and landscapes of the section of the North Jeff Davis Drive corridor that is characterized by converted or purposebuilt buildings with residential architectural styles containing commercial uses.

B. Use regulations.

1. Principal uses shall comply with Section 203.12.
2. Accessory uses and structures shall comply with Section 401.29.
3. Temporary uses and structures shall comply with Sections 207.83 and 207.84.

C. Building types.

The following principal building types are permitted:

- | | |
|--------------------------|---------------------------------|
| 1. House. | 7. Live/Work Building. |
| 2. Carriage House. | 8. Commercial House. |
| 3. Cottage Court | 9. Commercial Building (Small). |
| 4. Duplex. | 10. Civic Building (Small). |
| 5. Multiplex (Fourplex). | 11. Civic Building (Prominent). |
| 6. Courtyard Building. | |

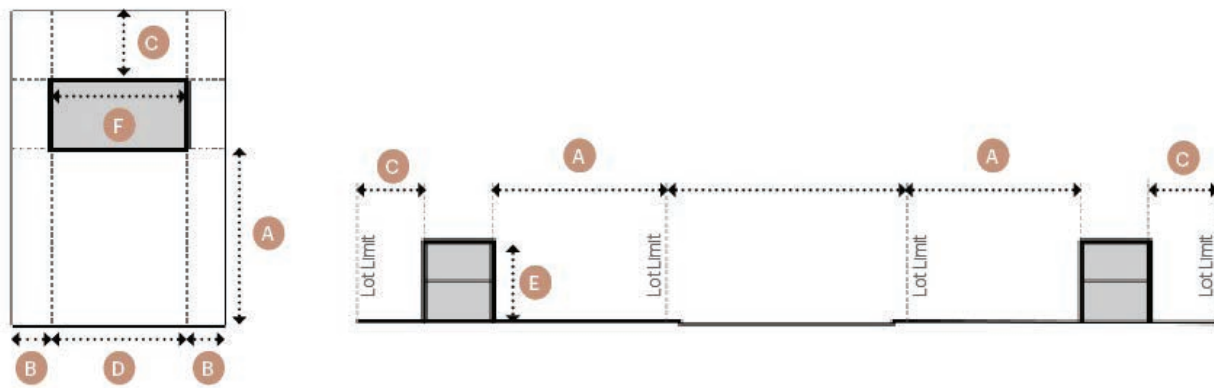
D. Design standards.

1. General site design requirements: Refer to Section 203.34.
2. General building design requirements: Refer to Section 203.36.
3. Specific building type requirements - residential: Refer to Section 203.38.
4. Specific building type requirements - commercial: Refer to Section 203.39.

E. Spatial requirements.

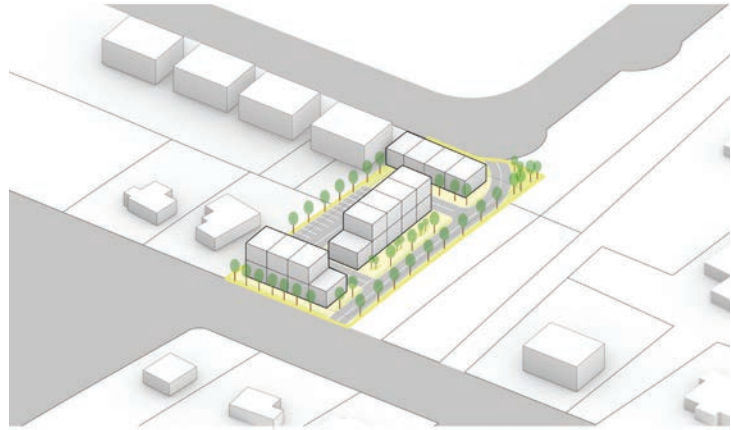
All lots and buildings within the DMU-BC district shall comply with the minimum and maximum spatial requirements of this section:

Requirement		Principal Building Type										
		House	Carriage House	Cottage Court	Duplex	Multiplex (Fourplex)	Courtyard Building	Live/work Building	Commercial House	Commercial Building (Small)	Civic Building (Small)	Civic Building (Prominent)
Building placement (min.)												
A	Front setback	20'	20'	20'	10'	10'	10'	10'	5'/15'	10'/20'	0'/10'	0'/10'
B	Side setback	10'	10'	10'	5'	5'	10'	5'	10'	10'	10'	15'
C	Rear setback	30'	25'	25'	25'	25'	25'	25'	25'	15'	10'	15'
Appurtenance encroachment into building setbacks												
	Front yard*	6' max.										
	Side yard*	5' max., but no closer than 5' to property line										
	Rear yard*	15' max., but no closer than 20' to property line										
*Steps may encroach up to the front property line, but no closer than 5' from rear or side property lines												
Building form												
D	Front lot line coverage	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	40%	N/A	N/A
E	Building hgt. (min./max. stories)	1/3	1/2	1/2	1/2	1/2	1/2	2/3	1/2	1/3	1/2	2/3
F	Building width (max.)	50'	N/A	N/A	50'	80'	100'	50'	80'	N/A	N/A	N/A
	Impervious lot coverage (max.)	70%	70%	70%	75%	75%	75%	75%	75%	60%	80%	60%



Sec. 203.25.

Downtown Mixed Use - Transitional Residential (DMU-TR).



A. Intent.

The intent of this subdistrict is to serve as a transition between a mixed use or commercial district and a low-intensity residential area through the development of multi-unit residential buildings.

B. Use regulations.

1. Principal uses shall comply with Section 203.12.
2. Accessory uses and structures shall comply with Section 401.29.
3. Temporary uses and structures shall comply with Sections 207.83 and 207.84.

C. Building types.

The following principal building types are permitted:

1. House
2. Carriage House.
3. Cottage Court.
4. Duplex.
5. Multiplex (Fourplex).
6. Townhouse (Attached).
7. Townhouse (Stacked).
8. Courtyard Building.
9. Live/work Building.
10. Civic Building (Small).
11. Civic Building (Prominent).

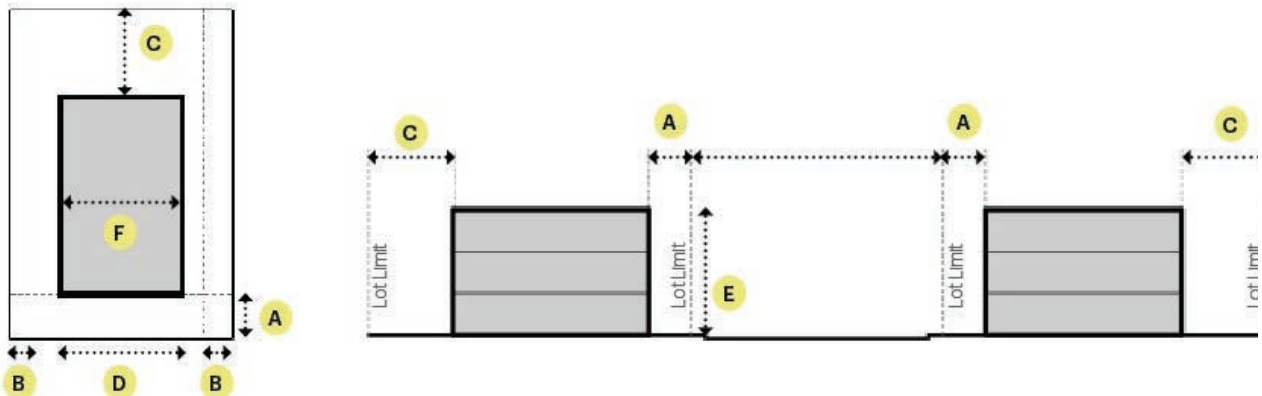
D. Design standards.

1. General site design requirements: Refer to Section 203.34.
2. General building design requirements: Refer to Section 203.36.
3. Specific building type requirements - residential: Refer to Section 203.38.
4. Specific building type requirements - commercial: Refer to Section 203.39.

E. Spatial requirements.

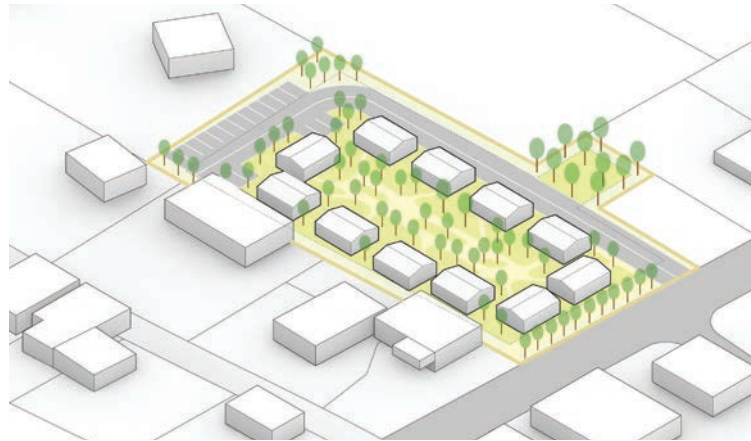
All lots and buildings within the DMU-TR district shall comply with the minimum and maximum spatial requirements of this section:

Requirement		Principal Building Type										
		House	Carriage House.	Cottage Court	Duplex	Multiplex (Fourplex)	Townhouse (Attached)	Townhouse (Stacked)	Courtyard Building	Live/work Building	Civic Building (Small)	Civic Building (Prominent)
Building placement (min.)												
A	Front setback	20'	20'	20'	15'	15'	15'	10'	10'	10'	5'/15'	0'/10'
B	Side setback	10'	10'	10'	10'	10'	10'	10'	10'	5'	10'	15'
C	Rear setback	30'	25'	25'	30'	30'	30'	25'	25'	25'	25'	15'
Appurtenance encroachment into building setbacks												
Front yard*		6' max.										
Side yard*		5' max., but no closer than 5' to property line										
Rear yard*		15' max., but no closer than 20' to property line										
*Steps may encroach up to the front property line, but no closer than 5' from rear or side property lines												
Building form												
D	Front lot line coverage	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
E	Building hgt. (min./max. stories)	1/2	1/2	1/2	1/2	1/2	2/3	2/4	1/2	2/3	1/2	2/3
F	Building width (max.)	50'	N/A	N/A	50'	50'	150'	150'	100'	50'	80'	N/A
	Impervious lot coverage (max.)	70%	70%	70%	70%	70%	70%	75%	75%	75%	75%	60%



Sec. 203.26.

Downtown Mixed Use - Neighborhood Residential (DMU-NR).



A. Intent.

The intent of this subdistrict is to preserve the character and scale of longstanding residential neighborhoods of detached houses while allowing for new residential building types including cottage houses, cottage courts, and duplexes.

B. Use regulations.

1. Principal uses shall comply with Section 203.12.
2. Accessory uses and structures shall comply with Section 401.29.
3. Temporary uses and structures shall comply with Sections 207.83 and 207.84.

C. Building types.

The following principal building types are permitted:

1. House
2. Carriage House.
3. Cottage Court.
4. Duplex.
5. Multiplex (Fourplex).
6. Civic Building (Small).
7. Civic Building (Prominent).

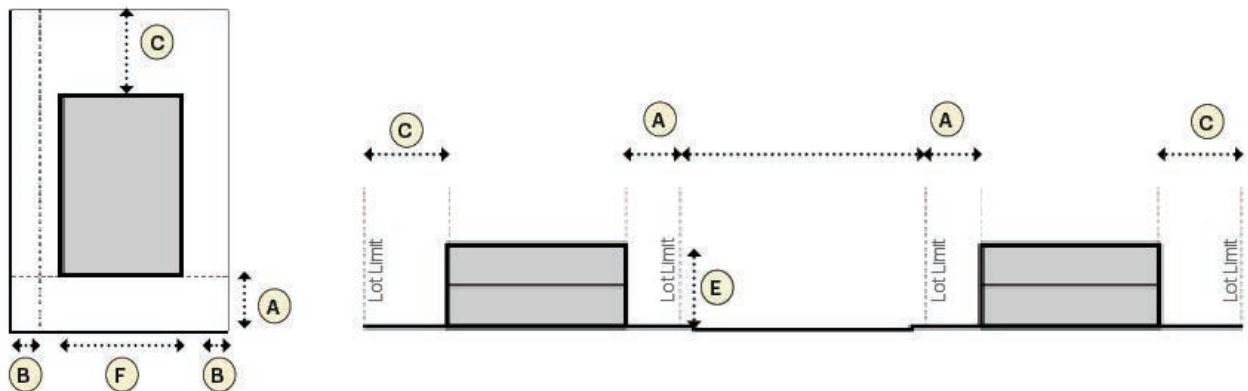
D. Design standards.

1. General site design requirements: Refer to Section 203.34.
2. General building design requirements: Refer to Section 203.36.
3. Specific building type requirements - residential: Refer to Section 203.38.
4. Specific building type requirements - commercial: Refer to Section 203.39.

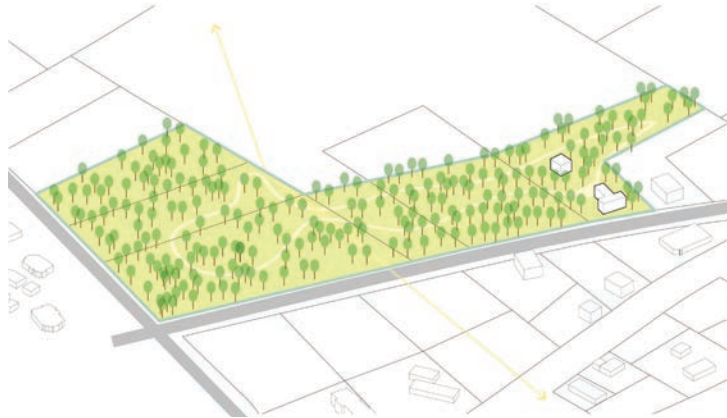
E. Spatial requirements.

All lots and buildings within the DMU-NR district shall comply with the minimum and maximum spatial requirements of this section:

Requirement		Principal Building Type							
		House	Carriage House	Cottage Court	Duplex	Multiplex (Fourplex)	Civic Building (Small)	Civic Building (Prominent)	
Building placement (min.)									
A	Front setback	20'	20'	20'	20'	15'	5'/15'	0'/10'	
B	Side setback	10'	10'	10'	10'	10'	10'	15'	
C	Rear setback	30'	25'	25'	25'	30'	25'	15'	
Appurtenance encroachment into building setbacks									
	Front yard*	6' max.							
	Side yard*	5' max., but no closer than 5' to property line							
	Rear yard*	15' max., but no closer than 20' to property line							
*Steps may encroach up to the front property line, but no closer than 5' from rear or side property lines									
Building form									
D	Front lot line coverage	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
E	Building hgt. (min./max. stories)	1/2	1/2	1/2	1/2	1/2	1/2	2/3	
F	Building width (max.)	50'	N/A	N/A	80'	50'	80'	N/A	
	Impervious lot coverage (max.)	70%	70%	70%	70%	70%	75%	60%	



Sec. 203.27. Downtown Mixed Use - Open Space (DMU-OS).



A. Intent.

This district is intended to protect and preserve valued environmental, scenic, and historic resources within the city, as well as to accommodate agricultural and horticultural uses that require areas of open land on which to operate in order to minimize potential impacts upon neighboring uses.

B. Use regulations.

1. Principal uses shall comply with Section 203.12.
2. Accessory uses and structures shall comply with Section 401.29.
3. Temporary uses and structures shall comply with Sections 207.83 and 207.84.

Sec. 203.28.- 31. Reserved.

DIVISION 4. BUILDING TYPES.

Sec. 203.32. Building types.

A. Intent.

This section is intended to identify and regulate the physical forms of buildings within each subdistrict while allowing and creating variation in the urban environment within an appropriate scale. The following regulations are in addition to the development standards specific to each subdistrict. In the case of a conflict, the more restrictive regulation shall prevail.

B. Building types allowed by subdistrict.

	Historic Core (DMU-HC)	Mixed Use Core (DMU-MUC)	Gateway Commercial (DMU-GC)	Mixed Use Neighborhood (DMU-MUN)	Boulevard Commercial (DMU-BC)	Transition Residential (DMU-TR)	Neighborhood Residential (DMU-NR)	Open Space (DMU-OS)
Residential								
House		○		○	●	○	○	
Carriage House		○		○	●	○	○	
Cottage Court		○		○	●	○	○	
Duplex		○		○	●	○	○	
Multiplex (Fourplex)	○	○		○	●	○	○	
Multiplex (Five to twelve)		○						
Townhouse (Attached)				○		○		
Townhouse (Stacked)	○	○		○		○		
Courtyard Building				○	●	○		
Mixed Use								
Main Street Building	○							
Live/Work Building	○	○		○	●	○		
Mixed Use Building		○		○				
Commercial								
Commercial House		○			●			
Commercial Building (Small)	○	○	○		●			
Commercial Building (Prominent)			○					
Mixed Commercial Building		○	○					
Flex Commercial Building			○					
Civic								
Civic Building (Small)	○	○	○	○	●	○	○	
Civic Building (Prominent)	○	○	○	○	●	○	○	

C. Overview of building types.

Residential	
	<p>House</p> <p>A small to medium-size freestanding structure on a single lot, typically located within a residential neighborhood of primarily single-family homes in a walkable urban setting or in outlying areas of the city. The structure may be accessed from an alley or from a driveway off of the public or private street. Garages may be attached or detached to the main house on the same lot.</p>
	<p>Carriage House</p> <p>An accessory structure typically located at the rear of a lot and designed as a small residential dwelling, home office or small business space located above a garage or at ground level. Carriage houses can provide affordable housing opportunities within walkable neighborhoods.</p>
	<p>Cottage Court</p> <p>A series of small, detached buildings arranged to define a shared court that is typically perpendicular to the street. This type of development is appropriately scaled to fit within primarily single unit or medium-density neighborhoods. The courtyard should be either partially or wholly open to the street.</p>
	<p>Duplex</p> <p>Two side-by-side or stacked dwelling units, both typically facing the street, within a single building mass. This type of dwelling unit has the appearance of a medium to large detached home and is appropriately scaled to fit within primary single unit neighborhoods or medium-density neighborhoods.</p>
	<p>Multiplex (Fourplex)</p> <p>A medium-size structure that consists of side-by-side and/or stacked dwelling units, typically with a shared entry. This type of structure has the appearance of a large single-family home and is appropriately scaled to fit within primarily single-family residential neighborhoods or into medium-density neighborhoods.</p>



Multiplex (Five to Twelve units)

A detached structure that consists of side-by-side and/or stacked dwelling units, typically with a shared entry from the street. This type of structure has the appearance of a medium-to-large single unit house and does not include a rear yard.



Townhouse (attached)

A small-to medium-sized attached structure that consists of multi-story dwelling units placed side-by-side. Entries are on the narrow side of the unit and typically face a street or courtyard. Where practical, the street façades have entrances and avoid garages.



Townhouse (stacked)

A detached structure that consists of side-by-side and/or stacked dwelling units, typically with a shared entry from the street. This type of structure has the appearance of a medium-to-large single unit house and does not include a rear yard.



Courtyard building

A medium- to large-sized detached structure consisting of multiple side-by-side and/or stacked dwelling units oriented around a courtyard. The courtyard replaces the function of a rear yard and is more open to the street in low-intensity neighborhoods and less open to the street in more urban settings.

Mixed Use



Main Street building

A structure intended to provide pedestrian-oriented retail and services on the ground floor. The building may be a single-story or provide for a vertical mix of uses with upper-floor residential or office space. The upper floor units are typically accessed by a common entry, preferably along the street.



Live/work building

An attached or detached structure consisting of one residential unit above or behind a fire-separated, flexible ground floor with a non-residential use.



Mixed Use building

A building with ground floor commercial use and residential units on upper floors.

Commercial



Commercial house

A converted house or purpose-built building designed like a house that contains a commercial use.



Commercial building (small)

A building containing a commercial use.



Commercial building (prominent)

A stately commercial building, typically a bank, designed with traditional architectural features.



Mixed Commercial building

A building consisting of the same or multiple commercial uses.



Flex commercial building

A building with taller ceilings than a typical commercial building that can accommodate a variety of commercial.

Civic



Civic building (small)

A minor government or institutional building.



Civic building (prominent)

A distinctive government or institutional building.

Sec. 203.33. Site and building design standards.

A. Intent.

The purpose of this section is to provide physical standards and guidelines for site and building design specific to the DMU District. Design regulations are not intended to replicate existing built form or to achieve a specific stylistic result, but to allow imaginative design that respects the neighborhood context.

It is the specific intention of this section to ensure that new development:

1. is compatible with surrounding areas;
2. supports the unique visual character and streetscapes envisioned for the DMU District;
3. utilizes architectural styles which respect the existing historic character of the downtown area;
4. spatially defines streets, squares, and parks through careful building placement and site design; and,
5. encourages walking by orienting buildings to public streets, providing easy pedestrian connections, and bringing activities and visually interesting features closer to the street.

B. Applicability.

The standards in this section shall:

1. serve as criteria for the review of new applications for development within the DMU District;
2. serve as criteria to evaluate the application and prepare an analysis for consideration by the Planning and Zoning Commission; and,
3. serve as the basis for the decision-making bodies' deliberations.

Sec. 203.34. General site design requirements.

A. Pedestrian and vehicular access.

1. The primary pedestrian entry to all storefront and workplace buildings and access to first floor retail shall face a fronting, primary street. There shall be a connecting walkway from the primary entry to the street.
2. Detached, attached, townhouse, mixed use, and multi-family buildings shall have the primary pedestrian entry facing a fronting, primary street, a central courtyard, or pedestrian way. Secondary access for all building types may be provided from parking areas located to the rear of a building.
3. Large buildings fronting more than one street shall provide multiple building entrances on each fronting street.
4. Large buildings fronting a single street should have multiple entrances on the fronting street.
5. Porte-cocheres are prohibited on the front of buildings.
6. Vehicle access from the fronting street is prohibited on lots for which access from an improved alley is available.
7. Developments that include or front on an existing street must integrate that street into the development. Vehicular access may be from existing or new streets.
8. Berms that separate development from the street are prohibited.

B. Building location and orientation.

1. Buildings must front on a public street, pedestrian way, or a dedicated public plaza that is open to a public street.
2. A building located at a street intersection shall not have parking, loading, or service areas at the corner.
3. Significant street vistas should terminate in a focal point, such as a distinct building, architectural or natural feature.

C. Building height.

Building heights shall be as described herein.

D. Fences, hedges and garden walls.

1. Fences, hedges, and/ or garden walls located in front of the building line shall be no greater than 3 feet in height. Fences shall be no more than two-thirds solid.
2. Fences, hedges, and/ or garden walls located behind the front building line shall be no greater than 6 feet in height. Chain link fencing is prohibited.
3. Fences, hedges, and/ or garden may be built on property lines or as the continuation of building walls.
4. For buildings on corner lots, both facades fronting a street shall be considered a front building line for purposes of fencing, hedges, and garden walls.

E. Retaining walls.

1. The maximum height of retaining walls in front of the building line shall be 3 feet.
2. The maximum height of retaining walls behind the front building line shall be 6 feet.
3. Taller retaining walls may be permitted if they are tiered with no less than 2' separation between walls.

F. Loading/ service areas, mechanical equipment and utilities.

1. Loading facilities, loading docks, service doors, and other service areas shall not be located along a primary street-facing façade, nor visible from a park or public open space.
2. Mechanical equipment (except small items such as fans and vents), utility meters, storage areas, solid waste containers (including dumpsters, compactors, recycling containers, and solid waste and recycling handling areas), transformers, generators, HVAC units and similar features, or other utility hardware on the building, roof, or ground shall be screened from public view with materials similar to the structure or they shall be so located as not to be visible from a primary fronting public street.
3. Screening is not required for electronic vehicle charging stations.

G. Underground utilities.

All utilities must be underground from the point of connection.

H. Encroachments.

Certain structures shall be permitted to encroach within the required minimum yards as follows:

1. Hedges, garden walls, or fences may encroach within minimum required setbacks up to the property lines.
2. Cornices may encroach up to 2 feet within any required minimum setback.
3. Detached house, attached house, and townhouse building types may have:
 - a. Rear decks that encroach up to 8 feet into the rear setback.
 - b. Balconies, stairs, stoops, open porches, bay windows, and awnings that encroach up to 5 feet into the minimum front setback area of the lot.
 - c. Outdoor swimming pools that encroach to within 5 feet of any side or rear property line.
4. Ramps for handicap accessibility and fire escapes as required by the building and/ or fire codes may encroach within any required minimum setback, but may not be closer than 3 feet to any property line.
5. Required street lighting and any landscape lighting may encroach into a minimum required setback.

I. Development plans with multiple buildings.

1. In order to encourage pedestrian activity, buildings should be grouped together or attached along the primary fronting street or along an internal network of interconnecting streets.
2. Building sites should be clustered in order to minimize their impact on the landscape and preserve views and historical features.

J. Public spaces.

Public open space shall be incorporated within all mixed-use, commercial and/or employment centers. The design and location of open space on a development site is important factor in establishing a successful pedestrian environment.

To ensure open space is well-used, it is essential to locate and design spaces carefully. To the greatest extent practicable:

1. Open space should be fronted by streets and buildings to encourage its use and its safety.
2. Open space should be located where it is visible and easily accessible from homes and public areas (building entrances, streets, sidewalks).
3. Open space should be located to take views and sun exposure into account.
4. Open space should be well-buffered from moving cars so that users can enjoy and relax in the space.
5. Open space should be visible from streets or internal drives, but should not be wholly exposed to them.
6. Open space should be partially enclosed with building walls, freestanding walls, landscaping, raised planters, or on-street parking to help buffer it and create a comfortable “outdoor room.”

K. Exceptions.

Exceptions from the site and building design standards established in this section may be approved by the planning and zoning commission as a part of the site plan review process.

Sec. 203.35. Guidelines for development or redevelopment of existing buildings.

This section is intended to ensure the compatibility of infill development and redevelopment to surrounding neighborhoods and shall apply to new construction and the expansion of existing buildings within the DMU District. As a means to provide guidance for the design of buildings that integrate well into the context of the city, this section identifies the following key features necessary to ensure compatibility.

A. Street frontage.

Street trees should be preserved.

B. Rhythm of development along the street.

Established building rhythms along street frontages should be continued. Larger buildings can be integrated into smaller-scale neighborhoods by creating repetitive bays with facade articulation.

C. Building orientation.

Main entrances, and other primary building façade elements should be oriented toward the street. Courtyard buildings should orient main entrances toward courtyards that open to the street and serve as a semi-public extension of the public realm.

D. Front setback patterns.

Established building setback patterns should be continued as practical. Deep front setbacks can compromise the pedestrian realm.

E. Building form.

Massing, proportion, scale, setbacks, spaces between buildings, and their relative positions should be used to integrate new development into existing streetscapes.

F. Density.

Density should increase closer to mixed use and commercial nodes.

G. Building design.

Buildings should be designed to respect the existing built environment, but not be explicit reproduction of past historical styles.

Sec. 203.36. General building design requirements.

This section shall apply to all buildings, excluding the detached house, and accessory structure building types.

A. Standards.

The design of buildings should be complementary with prevalent architectural features of the surrounding neighborhood, especially in areas where patterns established by recurring architectural features are well-documented and valued.

B. Building height.

1. Building height is measured as the number of stories in a building. A story is a habitable level in a building. The following elements shall not be calculated as stories:
 - a. Under-roof areas less than 7 feet clear height with dormers;
 - b. Unoccupied residential attics less than 7 feet above the eaves;
 - c. Raised basements less than 4 feet exposed at the lowest grade at the front façade or,
 - d. Mezzanines.
2. Building height is measured from the finished floor elevation of the façade facing the street to the ridgeline or the highest point of the roof (where there is no ridgeline), excluding chimneys and basements, excepting raised basements described above.

Unless specifically stated elsewhere in this ordinance, the height requirements established in this ordinance shall not apply to:

- a. Building elements (such as church spires, belfries, cupolas, domes, parapets, etc.) which are not intended for human occupancy;
 - b. Mechanical penthouses which are set back at least 20 feet from the front elevation of the building.
3. This ordinance requires buildings, excluding detached and attached house building types, to be at least 2 stories in height. The following exceptions are permitted:

- a. A one-story grocery store, not exceeding 50,000 square feet, is permitted provided it adjoins, or is separated only by a pedestrian/ vehicular plaza from, a storefront building of at least 2 fully functioning stories for a minimum of 60 feet each side of the grocery.
- b. Conference centers over 10,000 square feet, civic buildings, workplace buildings used in light manufacturing, sanctuaries, auditoriums, neighborhood clubhouses, and gymnasiums may be one-story without liner buildings with approval of the UDO Administrator.

C. Form and massing.

- 1. Franchise architecture, where buildings are stylized in an attempt to use the building itself as advertising, shall not be permitted.
- 2. For large scale buildings, the front façade shall create repetitive bays, or the façade shall be divided into an asymmetrical, yet balanced, composition.
- 3. Buildings on a corner or axial termini should be designed with additional height or architectural embellishments to emphasize their location.
- 4. Building design shall take the natural topography of the site into consideration.
- 5. Construction techniques shall be used to have the least amount of impact on sites with a slope greater than 15 percent. Examples of such techniques include avoiding excessive cut and fill on site during construction, building into the slope (if topography permits), terracing the building and site improvements to match topography as closely as possible, and controlling water runoff.
- 6. Structured parking shall be screened in such a way that cars are not visible from the sidewalk in front of the building. Locating structured parking at the interior of the block surrounded by buildings is the preferred method.
- 7. Large scale single-use buildings, such as parking garages, shall be located behind two story liner buildings or above a one story storefront.

D. Facade articulation.

All building facades visible from a public street or park/ open space shall have:

- 1. A recognizable base, distinguished from the body of the building by features such as, but not limited to:
- 2. Thicker walls, ledges or sills;
- 3. Visually heavier materials (such as brick, stone, tile or other masonry) than those used on the body of the building; and/ or,
- 4. Lighter or darker colored materials, mullions, panels or planters.
- 5. A recognizable top, occupying the highest portion of the building and distinguished from the body of the building by features such as, but not limited to:
- 6. A dimensional cornice capping the top of a building wall;
- 7. Different materials or differently colored materials;
- 8. A roof overhang with brackets; and/or,
- 9. Stepped parapets which shall be proportional to the height of the building.
- 10. Large building facades shall be modulated through the use of repetitive bays separated by piers or columns, the use of reveals or recesses in the surface of the wall itself, the placement of window and door openings, or the placement of balconies, awnings, canopies, and sunshades.

E. Facade transparency.

- 1. On the ground floor facade the required percentage of transparency applies to the area of the first floor façade of each principal building façade.
- 2. On the upper floor facades the required percentage of transparency applies to the area of the façade.
- 3. All windows and glazing used to meet the minimum first floor requirements must allow views from habitable areas within the building to the street or property line and must allow passers-by a view into the habitable area of the building. Shelves and/ or fixtures may not obstruct the view to the interior. Neither permanent nor temporary signage may reduce the window transparency requirement.

4. Windows or fixed glass areas in doorways may be used to satisfy the minimum requirements except in doorways designed for egress only.
5. Glass block, reflective or highly tinted glass, faux windows, or display windows that are not open to the habitable space beyond cannot be used to satisfy the minimum requirements.

F. Materials.

1. Materials shall be selected for suitability to the type of building and design for which they are used.
2. Piecemeal embellishment and frequent changes in material should be avoided.
3. All sides of the building should use materials consistent with those on the front if visible from public streets or neighboring properties, and should be carefully designed with similar detailing, comparable quality, and compatible materials.
4. Building materials and colors shall be:
 - a. Complementary to the materials already being used in the neighborhood; or,
 - b. If dissimilar materials are being proposed, other characteristics such as scale, proportion, form, architectural detailing, color, and texture shall be used to ensure that the building relates to the rest of the neighborhood.
5. All facades visible from a public street or park /open space shall utilize high-quality finish materials including, but not limited to:
 - a. Brick, masonry, or stone;
 - b. Integrally tinted, textured masonry block;
 - c. Wood or cementitious siding; and/ or,
 - d. Glass.
 - e. Stucco or EIFS finish systems may be used as secondary materials but shall not be greater than 25 percent of a facade.
6. Where any sloped roofs and structural canopies are used, they shall be covered with:
 - a. Asphalt shingles;
 - b. Clay tile;
 - c. Slate;
 - d. Concrete tile;
 - e. Ribbed metal; and/ or,
 - f. Wood shakes or shingles
7. The color of roof stacks, flashing, vents, power exhaust fans, and metal chimney caps shall blend with the roof colors and shall extend above the roof only the minimum required by the building code and located on the rear of the roof whenever possible.
8. Materials used only on one face of a structure are prohibited. Brick/ stone or other elements must extend along the adjoining façade no less than 12 inches.
9. Contrasting quoins are prohibited.
10. Vinyl siding is prohibited on all building types.

G. Materials

1. Windows and door openings shall be arranged and proportioned so that vertical dimensions dominate horizontal dimensions. To the extent possible, upper story windows shall be vertically aligned with the location of windows and doors on the ground level, including storefront or display windows.
2. Architectural treatments which create the appearance of false entrances facing the street are prohibited. Faux windows and doors are prohibited. Visible false fronts are prohibited.
3. Architectural elements like openings, sills, bulkheads, columns, and other architectural features shall be

used to establish human scale at the street level.

4. Fenestration shall be architecturally related to the style, materials, colors, and details of the building.
5. When a mansard roof has dormers, they shall project out from the roof.
6. The main entry to a building should be emphasized at the street level. Appropriate methods include, but are not limited to:
 - a. Recessing the door within a larger cased opening;
 - b. Flanking the door with columns, decorative fixtures or other details; or,
 - c. An awning or canopy, providing a sheltered transition to the interior.
7. Interior walls should butt to mullions rather than to exterior windows, and dropped ceilings should not obscure any portion of a window.

Sec. 203.37. Building elements.

A. Intent

The following standards are intended to ensure that certain building elements, when added to a street-facing façade, are of sufficient size to be both usable and functional and be architecturally compatible with the building they are attached to.

B. Applicability

1. This subsection applies in all zoning districts where building types are utilized.
2. This subsection also applies in other districts when indicated in district regulations.

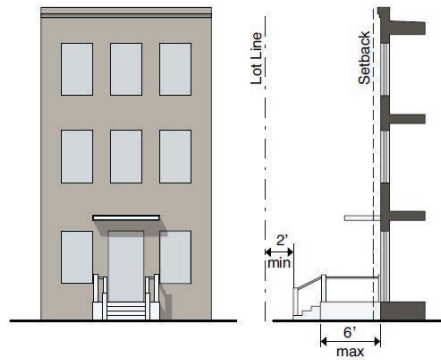
C. Front porch.

1. A raised structure attached to a building, forming a covered pedestrian entrance to a doorway.
2. A front porch must be at least 6 feet deep (not including the steps).
3. A front porch must be contiguous, with a width not less than 33% of the building façade from which it projects.
4. A front porch must be roofed and may be screened but may not be fully enclosed.
5. A front porch may extend up to 9 feet, including the steps, into a required front setback, provided that such extension is at least 2 feet from the vertical plane of any lot line.
6. A front porch must not encroach into the public right-of-way or required sidewalk.
7. Steps leading to front porches must have enclosed risers.
8. Round roof support columns must have a minimum diameter of 8 inches.
9. Square roof support columns must have a minimum width of 6 inches.



B. Stoop.

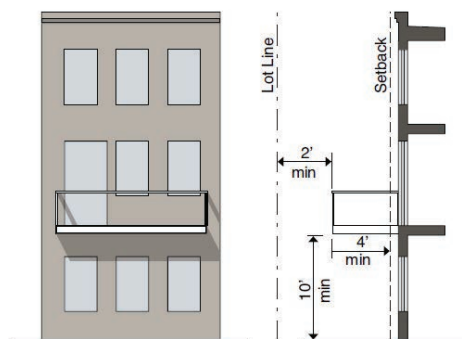
1. A small raised platform that serves as a pedestrian entrance to a building.
2. A stoop must be no more than 6 feet deep (not including the steps).
3. A stoop may be covered but may not be fully enclosed.
4. A stoop may extend up to 6 feet, including the steps, into a required setback, provided that such extension is at least 2 feet from the vertical plane of any lot line.
5. A stoop must not encroach into the public right-of-way or required sidewalk.
6. Steps leading to stoops must have enclosed risers.
7. Stoop columns, where provided, must be a minimum width of 8 inches.



C. Balcony

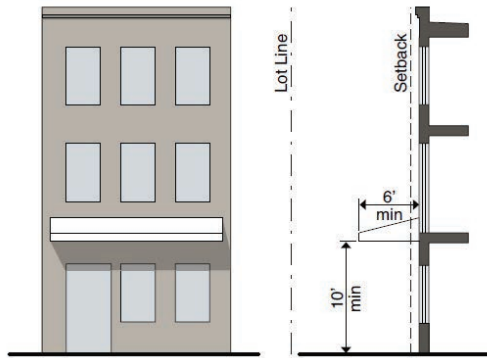
A platform projecting from the wall of an upper story of a building with a railing along its outer edge, often with access from a door or window.

1. A balcony must be at least 4 feet deep and may extend up to 6 feet into a required setback, provided that such extension is at least 2 feet from the vertical plane of any lot line.
2. A balcony must have a clear height above the sidewalk of at least 10 feet.
3. A balcony may be covered and screened but may not be fully enclosed.
4. A balcony may encroach up to 6 feet into the public right-of-way or required sidewalk but must be at least 2 feet inside the curb line or edge of the pavement, whichever is greater.
5. No signage may be affixed to a balcony.



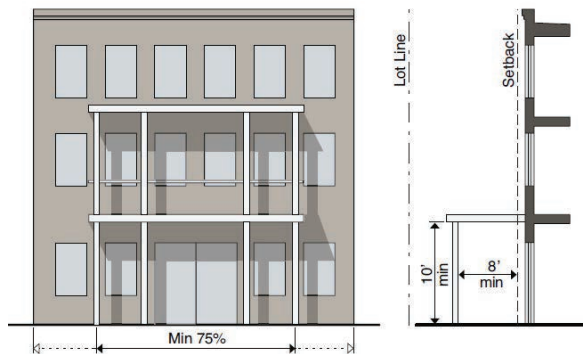
D. Awning/canopy.

1. A wall-mounted, cantilevered structure providing shade and cover from the weather for a sidewalk.
2. Awnings must be located on the ground floor.
3. An awning must be a minimum of 10 feet clear height above the sidewalk and must have a minimum depth of 6 feet.
4. An awning may extend into a required setback.
5. An awning may encroach up to 9 feet into the public right-of-way or required sidewalk but must be at least 2 feet inside the curb line or edge of the pavement, whichever is greater.
6. Awnings must be made of canvas or other woven fabric and may not be reflective or shiny.
7. Awnings must have open ends called “shed awnings” to allow views into buildings.
8. Awnings may not be internally lit nor allow light to pass through awning materials.
9. Awnings may only be externally lit from above for below.
10. Awnings may not be narrower than, nor 2 feet wider than, the door or window opening that they serve. Where multiple doors and windows are less than 2 feet apart, multiple awnings may be combined into a single awning.



E. Gallery

1. A covered passage extending along the outside wall of a building supported by arches or columns that is open on three sides.
2. A gallery must have a clear depth from the support columns to the building's façade of at least 8 feet and a clear height above the sidewalk of at least 10 feet.
3. A gallery must be contiguous and extend over at least 75% of the width of the building façade from which it projects.
4. A gallery may extend into a required setback.
5. A gallery may encroach up into the required sidewalk but not the required planter.



Sec. 203.38. Specific building type requirements - residential.

A. Applicability.

The following standards are applicable to all single-family detached and/or multifamily building types permitted within the DMU District. All residential dwelling units shall be subject to the applicable Building Codes as identified in Sec. 501.3 unless located in an area designated as a local historic district, historical district on the National Register of Historic Places, or individually designated as a local, State, or national historic landmark. Voluntary building design standards may be applied to single-family dwellings, duplexes and townhome structures upon consent by the owner at the time of zoning and/or site plan review.

B. Roofs and eaves.

1. All residential buildings shall have sloped roofs. Flat and shed roofs may be used for the main roof, dormers or above porches in the DMU-HC or DMU-MUC District if approved by the UDO Administrator.
2. Main roofs on residential buildings shall have a pitch between 6:12 and 12:12. Monopitch (shed) roofs are allowed only if they are attached to the wall of the main building. No monopitch roof shall have a pitch less than 4:12.
3. Flush eaves shall be finished by profiled molding or gutters.
4. All rooftop equipment (except small items such as fans and vents) shall be screened from view from the public right-of-way within the block.

C. Building entrances.

1. Porches.

Usable porches and stoops are recommended to form a predominant motif of the building design and be located on the front and/or side of the building to respond to the climatic conditions and the vernacular of the area. Front porches, if provided, shall be at least 6 feet deep (not including the steps).

2. Raised entries.

To provide privacy, all residential entrances within 18 feet of the sidewalk paralleling the front property line shall be raised above the average finished grade of the sidewalk a minimum of 1½ feet.

3. Visibility/accessibility.

For residential buildings in developments designed for residents aged 55 and older, there shall be provided 1 zero-step entrance to each building from an accessible path at the front, side, or rear of each building. This does not eliminate the requirements for residential buildings to have raised front entrances unless topographic conditions present no practical alternative.

D. Garages.

1. For houses on lots of 40 feet or less in width.

Garages or off-street parking areas shall be accessed only from an alley. Driveways shall not be permitted to connect to the fronting street. Where topographic or unique site conditions preclude the use of an alley, as determined by the UDO Administrator, a driveway of no more than 12 feet in width may be used to provide access to garages or off-street parking areas.

2. For houses on lots between 40 feet and 50 feet in width.

One driveway of no more than 12 feet in width may be used to provide access to garages or off-street

parking areas.

3. Garage door setback from façade.

Garages with front loading bays shall be recessed from the front facade of the house by a minimum of 4 feet and shall be visually designed to form a secondary building volume. Garage doors shall be setback a minimum of 25 feet from the back of sidewalk.

4. Garage door width.

At no time shall the total width of an attached garage door(s) exceed 50% of the total building façade for lots more than 50 feet in width.

5. Extra bays to be turned.

All garages with more than 2 bays shall be turned such that no more than 2 bays are visible from the street.

6. Townhouses.

Unless otherwise approved by the Planning and Zoning Commission as a part of the conceptual site plan approval process, garages or off-street parking areas shall be accessed only from an alley or via a driveway leading to a detached garage or parking area behind the front facade.

E. Facade design, permeability and transparency.

At least 15% of the area of each façade that faces a public or private street lot line must be windows or main entrance doors. Windows used to meet this standard must allow views from the building to the street. Glass block or windows in garage doors do not count toward meeting this standard, but windows in garage walls do count toward meeting this standard. To count toward meeting this standard a door must be at the main entrance and facing the street property line

F. Exterior building materials

1. Building walls.

Building walls (including accessory structures greater than 144 square feet) shall be primarily clad in wood clapboard, cementitious fiber board, wood shingle, wood drop siding, primed board, wood board and batten, brick, stone, stucco, or synthetic materials similar and/or superior in appearance and durability. The primary materials used for building walls should reflect the context of the surrounding area or neighborhood.

2. Roof materials.

Residential roofs shall be clad in asphalt shingles, standing seam metal, slate or synthetic materials similar and/or superior in appearance and durability. The primary materials used for roofs should reflect the context of the surrounding area or neighborhood.

G. Material colors.

Facade colors should reflect the context of the surrounding area and should generally be of low reflectance earth tone, muted, subtle, or neutral colors. Variations in color schemes are encouraged in order to articulate entry ways and public amenities so as to give greater recognition to these features. This paragraph shall not apply to detached houses or townhomes.

H. Submittals.

Color samples shall be provided at the time of site plan review and prior to renovations, remodelings, face lift, and repainting, along with a description of how and where each color will be used. Colored renderings are also required.

Sec. 203.39. Specific building type requirements - commercial/mixed use.

A. Applicability.

The following standards are applicable to all commercial buildings within the DMU District.

B. Facade materials.

1. Materials.

Commercial building walls visible from a public street or civic space shall be primarily brick, stacked stone, stone or stone masonry units, wood clapboard, cementitious fiber board, exposed heavy timber, or architectural concrete masonry units (CMU). Glass curtain walls may be approved subject to Design Review to ensure the styling and details are appropriate for the context. Exterior insulation finishing systems (EIFS) may be used on facades not facing a public street or civic space or as a secondary building material only (less than 25% of the wall area) on primary frontage facades. Under no circumstances shall unfinished concrete block be permitted.

2. Balance of wall materials.

When 2 or more materials are used on a façade, the heavier material shall be placed below the lighter material (e.g., siding over brick) to give the sense of support and grounding.

3. Material colors.

Facade colors shall be of low reflectance earth tone, muted, subtle, or neutral colors. Building trim may feature brighter colors as an accent material. The use of high-intensity, metallic, fluorescent, day glow, or neon colors shall be prohibited. Variations in color schemes are encouraged in order to articulate entry ways and public amenities so as to give greater recognition to these features.

C. Facade articulation.

Articulation involves the horizontal and vertical variation of the façade so that walls are subdivided into bays or sections that are vertically proportioned. The following provisions for façade articulation shall apply to any façade visible from a public street or civic space. For buildings set back more than 200 feet from the street, the standards in this subsection apply only to the primary façade facing the street.

1. Horizontal articulation.

The frontage of buildings shall be divided into architecturally distinct sections or bays with each section taller than it is wide, unless otherwise noted. Sections or bays shall be visually established by architectural features such as columns, ribs, pilasters or piers, changes in plane, or an equivalent element that otherwise visually subdivides the wall through at least 50% of its height.

2. Vertical elements.

All architectural elevations of principal buildings (over 20 feet in height) visible from a public street or civic space shall have a clearly discernible base, body, and cap. The base shall occupy the lowest portion of the elevation, shall have a height of at least 3 feet, and be constructed of a masonry material. The component described as the body shall constitute a minimum of 50% of the total building height. The cap shall occupy the highest portion of the elevation, excluding the roof, and shall have a dimension that does not exceed the height of the base. The cap shall consist of a cornice, parapet, awning, canopy, eave or other architectural treatment that visually performs in the same manner. The base and cap shall be clearly distinguishable from the body through changes in color, material, pattern, profile, or texture.

3. Expression of entries.

Each entryway shall have 1 or more clearly defined, highly visible customer entrance facing the street. The entrance shall feature 1 or more of the following: canopies or porticos, arcades, arches, wing walls, and/or planters

D. Ground level detailing.

1. Minimize blank walls.

Expanses of blank walls facing streets (excluding rear access drives or alleys) or public civic spaces may not exceed 20 feet in length. (A “blank wall” is a facade that does not contain transparent windows or doors.)

2. Ground-level glazing.

Window glazing and doorways shall be the predominant features in the street-level facades. Exterior burglar bars, fixed ‘riot-shutters’ or similar security devices shall not be visible from the public right-of-way. All ground level windows shall provide direct views to the building’s interior extending a minimum of 6 feet behind the window.

3. Transparency zone.

Glazing that is transparent under all lighting conditions shall extend from a base of contrasting material (not exceeding 4 feet in height above the adjacent grade) to at least the height of the door head. However, spandrel or colored glass may be used above the height of the door head.

4. Glazing to be dispersed.

Required glazing shall not be aggregated into a single undivided area of glazing treatment. Individual glazing areas shall not span more than 15 linear feet, and must be separated by at least 1 linear foot of contrasting material.

5. Canopies/awnings.

A building canopy, awning, or similar weather protection may be provided and should project a minimum of 6 feet from the façade.

6. Ventilation rates and emergency exit doors.

Ventilation grates or emergency exit doors located at the first floor level in the building facade, which are oriented to any public street, shall be decorative. Unless otherwise required by the building code, such grates and doors shall be located away from pedestrian spaces (sidewalks and pedestrian paths).

E. Utilities.

1. Rooftop equipment.

All rooftop equipment shall be screened from view to the extent practical. If, due to the topography of the site, a physical screen would not suffice, alternative methods to minimize the negative aesthetics of the otherwise utilitarian equipment (e.g., painting the equipment to match the building) may be approved by the UDO Administrator.

2. Wall-mounted equipment.

No wall-mounted building utility service equipment (e.g., electrical house panel boxes) shall be placed on the public street right-of-way side of the building.

F. Submittals.

Color samples shall be provided to the staff at the time of site plan review and prior to renovations, remodelings, facelift, and repainting, along with a description of how and where each color will be used. Colored renderings shall also be required.

Sec. 203.40. Building type character examples.

The following sections identify schematic site layouts and associated character examples for each building type permitted within the DMU District. These images are graphic representations only and are not intended to identify specific building design or exterior materials.

Sec. 203.41. House.

A. Description.

A detached single-family house is a small to medium-size freestanding structure on a single lot. It is typically located within a residential neighborhood of primarily single-family houses in a walkable urban setting or in outlying areas of the city. A detached single-family house may be accessed from an alley or from a driveway off of the public or private street. Garages may be attached or detached to the main house on the same lot.

B. Permitted zoning districts.

1. DMU-MUC.
2. DMU-MUN.
3. DMU-BC.
4. DMU-TR.
5. DMU-NR.

C. Building type standards.

Lot requirements

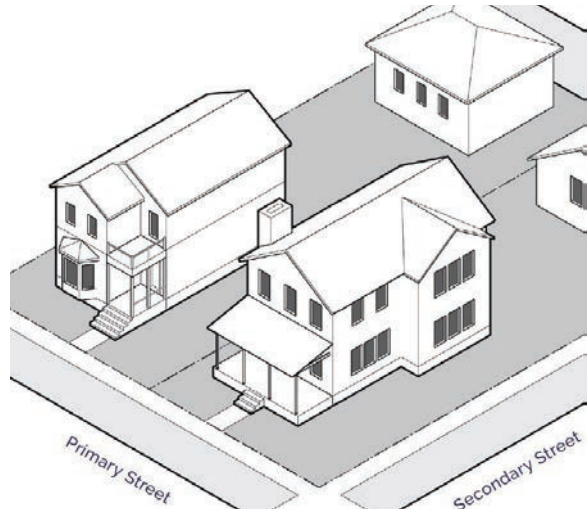
Only one house permitted per platted lot

Pedestrian access

Entrance facing street	required
Walkway width	4' (min.)
Front porch or stop	required

Parking location

No on-site parking allowed between primary structure and the street except in driveways that conform to applicable standards



Sec. 203.42. Carriage House.

A. Description.

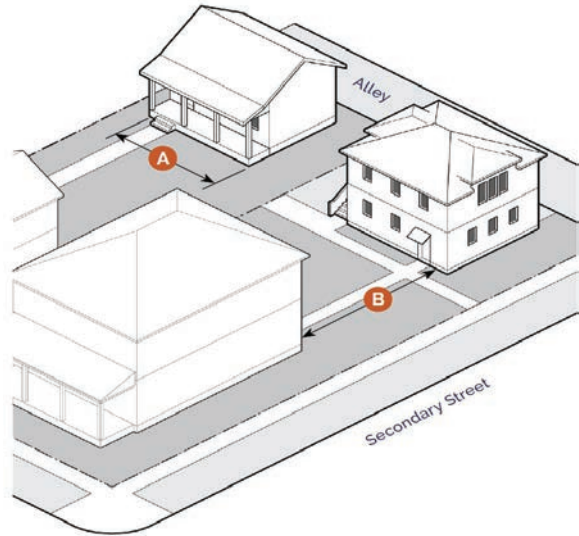
A carriage house is an accessory structure typically located at the rear of a lot, designed as a small residential dwelling, home office space, or small business space located above a garage or at ground level. Carriage Houses provide affordable housing opportunities within walkable neighborhoods.

B. Permitted zoning districts.

1. DMU-MUC.
2. DMU-MUN.
3. DMU-BC.
4. DMU-TR.
5. DMU-NR.

C. Building type standards.

Lot	
Only allowed on a lot with a primary structure	
Units	
Floor area	800 SF (max.)
Bedrooms	1 (max.)
Pedestrian access	
Entrance facing street	not required
Walkway width	not required
Parking location	
On-site parking location determined by principal dwelling unit	



Sec. 203.43. Cottage Court.

A. Description.

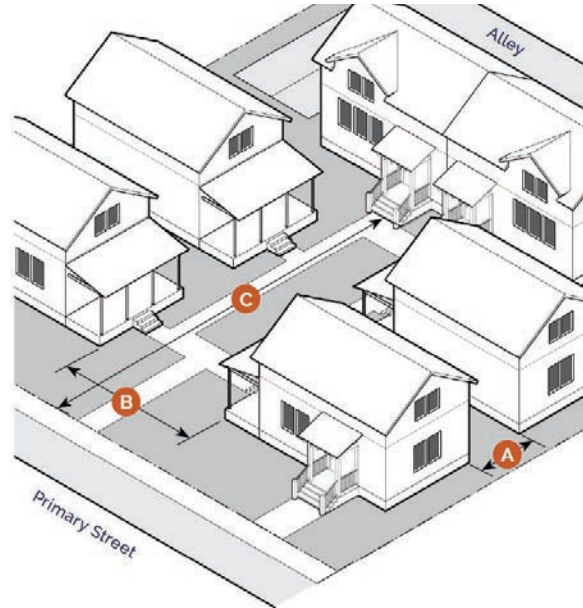
A cottage court consists of a series of small, detached buildings arranged to define a shared court that is typically perpendicular to the street. This type of development is appropriately scaled to fit within primarily single unit or medium-density neighborhoods. The courtyard should be either partially or wholly open to the street.

B. Permitted zoning districts.

1. DMU-MUC.
2. DMU-MUN.
3. DMU-BC.
4. DMU-TR.
5. DMU-NR.

C. Building type standards.

Courtyard	
Area	3,000 SF (min.)
Width	40' (min.)
Courtyard may not be used for parking or driveway unless for emergency equipment	
Pedestrian access	
Entrance facing street	Req. for units facing street
Walkway width	4'
Front porch or stoop	Required
Parking location	
No on-site parking allowed between the building and the street except in driveways that comply with applicable standards	



Sec. 203.44. Duplex.

A. Description.

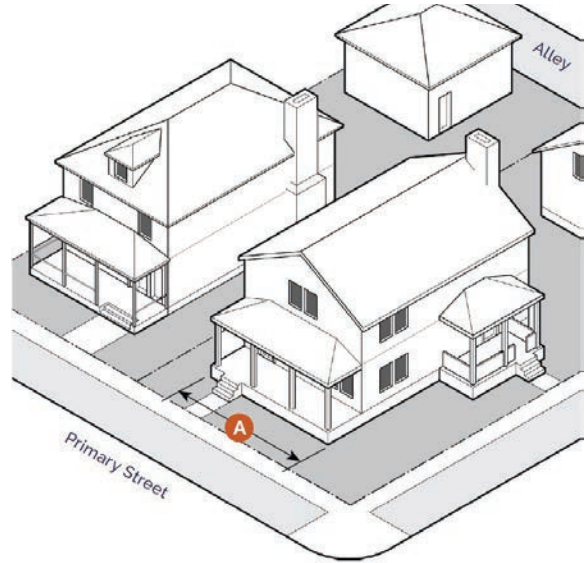
A duplex consists of two side-by-side or stacked dwelling units, both facing the street, within a single building mass. This type of dwelling unit has the appearance of a medium to large detached home and is appropriately scaled to fit within primary single unit neighborhoods or medium-density neighborhoods.

B. Permitted zoning districts.

1. DMU-MUC.
2. DMU-MUN.
3. DMU-BC.
4. DMU-TR.
5. DMU-NR.

C. Building type standards.

Lot	
Units per lot	2
Pedestrian access	
Entrance facing street	Required
Walkway width	4'
Porch or stoop	Required
Parking location	
No on-site parking allowed between the building and the street except in driveways that comply with applicable standards	



Sec. 203.45. Multiplex (fourplex).

A. Description.

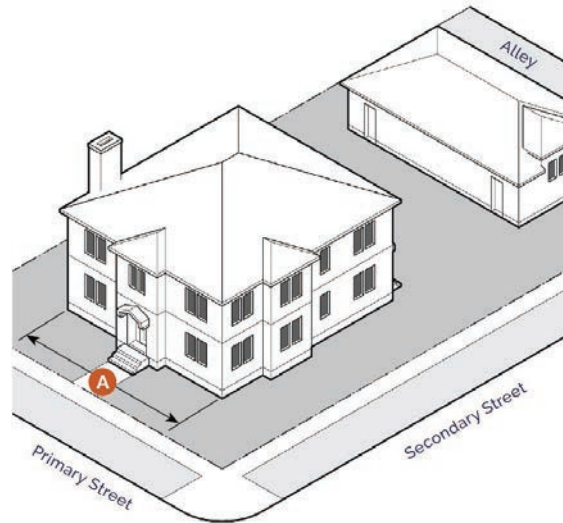
A multiplex is a medium-size structure that consists of side-by-side and/or stacked dwelling units, typically with a shared entry. This type of structure has the appearance of a large single-family home and is appropriately scaled to fit within primarily single-family residential neighborhoods or into medium-density neighborhoods.

B. Permitted zoning districts.

1. DMU-HC.
2. DMU-MUC.
3. DMU-MUN.
4. DMU-BC.
5. DMU-TR.
6. DMU-NR.

C. Building type standards.

Floor-to-ceiling height	
All stories	9' (min.)
Fenestration	
Ground floor	15%
Upper story	10% (min.)/ 40% (max.)
Blank wall area	20' (max.)
Pedestrian access	
Entrance facing street	Req. for lobby (if provided) or ground floor units along street (if no lobby)
Walkway width	4'
Front porch or stoop	Required
Parking location	
No on-site parking allowed between primary structure and the street, including in driveways that conform to applicable standards	



Sec. 203.46. Multiplex (five to twelve units).

A. Description.

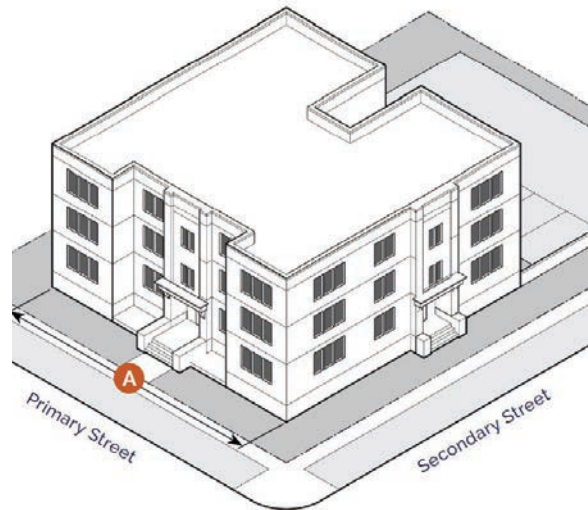
A multiplex is a detached structure that consists of side-by-side and/or stacked dwelling units, typically with a shared entry from the street. This type of structure has the appearance of a medium-to-large single unit house and does not include a rear yard.

B. Permitted zoning districts.

1. DMU-MUC.

C. Building type standards.

Floor-to-ceiling height	
All stories	9' (min.)
Fenestration	
Ground floor	15%
Upper story	10% (min.)/ 40% (max.)
Blank wall area	20' (max.)
Pedestrian access	
Entrance facing street	Req. for lobby (if provided) or ground floor units along street (if no lobby)
Walkway width	4'
Front porch or stoop	Required
Parking location	
No on-site parking allowed between primary structure and the street, including in driveways that conform to applicable standards	



Sec. 203.47. Townhouse (attached).

A. Description.

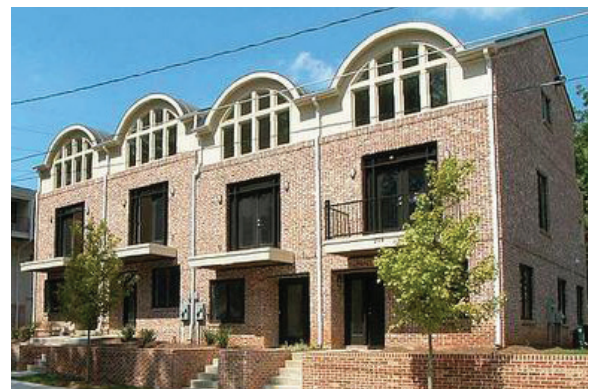
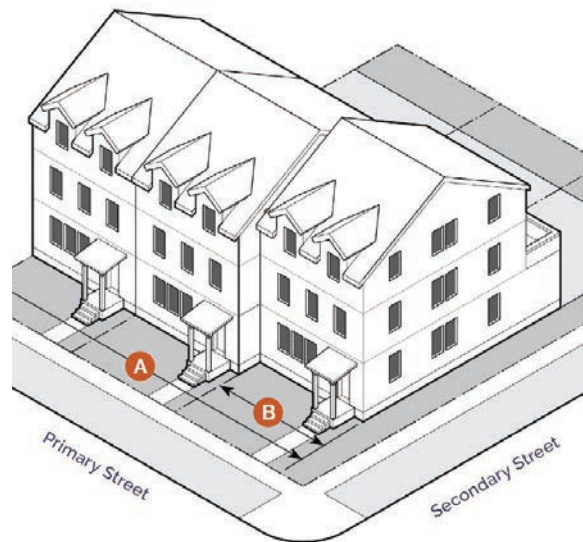
A townhouse is a small-to medium-sized attached structure that consists of multi-story dwelling units placed side-by-side. Entries are on the narrow side of the unit and typically face a street or courtyard. Where practical the street façades have entrances and avoid garages.

B. Permitted zoning districts.

1. DMU-MUN.
2. DMU-TR.

C. Building type standards.

Lot	
Townhouse units in a row	6 (max.)
Floor-to-ceiling height	
All stories	9'
Fenestration	
Ground floor	10%
Upper story	10% (min.)/ 40% (max.)
Blank wall area	20' (max.)
Pedestrian access	
Entrance facing street	Req. for units facing street
Walkway width	4'
Front porch or stoop	Required
Parking location	
No on-site parking allowed between primary structure and the street, including in driveways that conform to applicable standards	



Sec. 203.48. Townhouse (stacked).

A. Description.

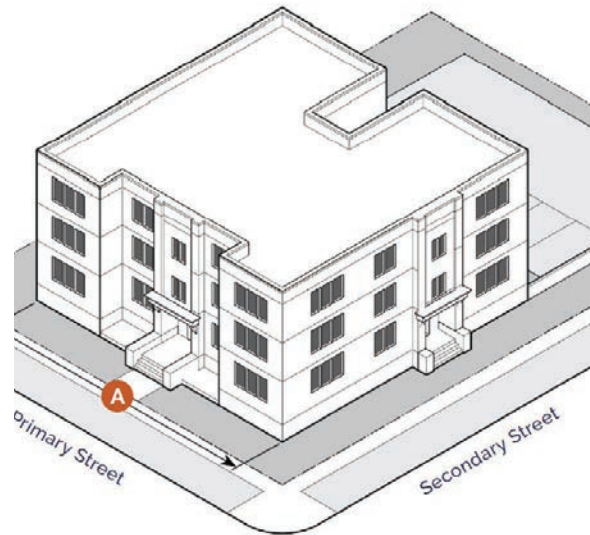
A stacked townhouse is a small-to medium-sized attached structure that consists of dwelling units placed side-by-side on multiple floors. A common entry provides access to the units on the upper floors, while entrances to the ground floor units typically face a street or courtyard. The street façades have entrances and avoid garages.

B. Permitted zoning districts.

1. DMU-HC.
2. DMU-MUC.
3. DMU-MUN.
4. DMU-TR.

C. Building type standards.

Floor-to-ceiling height	
All stories	9'
Fenestration	
Ground floor	15%
Upper story	10% (min.)/ 40% (max.)
Blank wall area	20' (max.)
Pedestrian access	
Entrance facing street	Req. for lobby (if provided) or ground floor units along street (if no lobby)
Walkway width	4'
Front porch or stoop	Required
Parking location	
No on-site parking allowed between primary structure and the street, including in driveways that conform to applicable standards	



Sec. 203.49. Courtyard building.

A. Description.

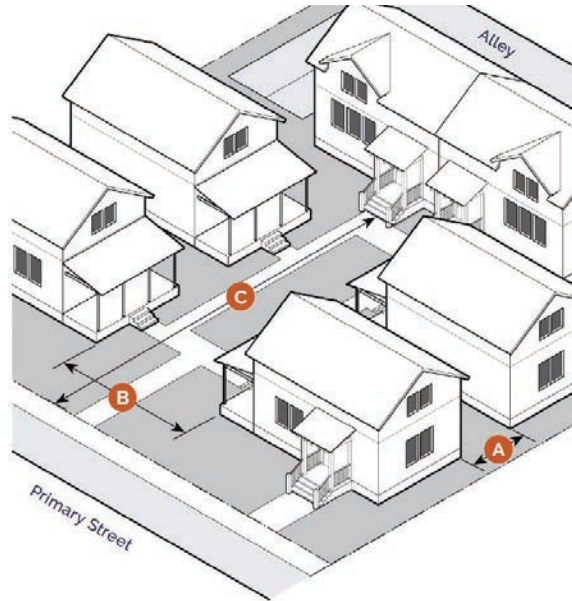
A courtyard building is a medium- to large-sized detached structure consisting of multiple side-by-side and/or stacked dwelling units oriented around a courtyard or a series of courtyards. The courtyard replaces the function of a rear yard and is more open to the street in low-intensity neighborhoods and less open to the street in more urban settings. Each unit is accessed through the courtyard and shared stairs can provide access for up to three units.

B. Permitted zoning districts.

1. DMU-MUN.
2. DMU-BC.
3. DMU-TR.

C. Building type standards.

Courtyard	
Area	3,000 SF (min.)
Width	20' (min.)
Courtyard may not be used for parking or driveway unless for emergency equipment	
Pedestrian access	
Entrance facing street	Req. for units facing street
Walkway width	4'
Front porch or stoop	Required
Parking location	
No on-site parking allowed between the building and the street except in driveways that comply with applicable standards	



Sec. 203.50. Main Street building.

A. Description.

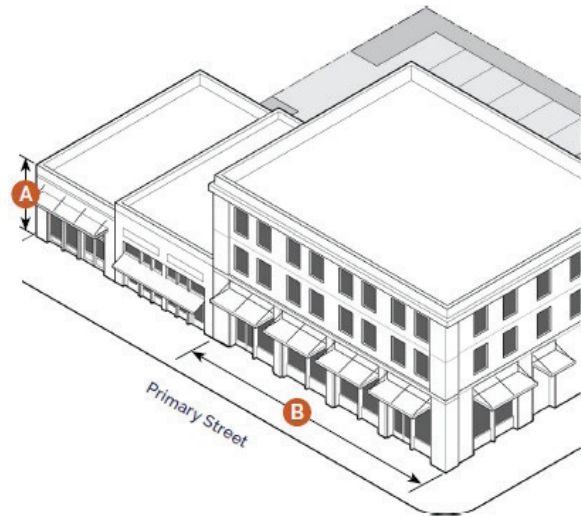
A Main Street building is a structure intended to provide pedestrian-oriented retail and services on the ground floor. The building may be a single-story or provide for a vertical mix of uses with upper-floor residential or office space. The upper floor units are typically accessed by a common entry, preferably along the street. This type of building is typically found in a downtown environment as a component of a neighborhood center and is vital to creating a walkable environment.

B. Permitted zoning districts.

1. DMU-HC.

C. Building type standards.

Building orientation	
Primary facade shall be oriented to a front lot line or open space.	
Floor to ceiling height	
Ground floor	12' (min.)
Other stories	9' (min.)
Fenestration	
Ground floor: state route/local street	30% (min.)/ 70% (min.)
Blank wall area: state route/local street	40' (max.)/ 20' (min.)
Upper story: state route/local street	10' (min.)/ 40% (max.)
Pedestrian access	
Entrance facing street	Req. every 75' of frontage
Walkway width	6' (min.)
Parking location	
No parking lot allowed between the building and the street, including within driveways	



Sec. 203.51. Live/work building.

A. Description.

A live/work building is a small- to medium-sized attached or detached structure consisting of one dwelling unit above or behind a fire-separated flexible ground floor space that can accommodate a range of non-residential use. The flex space and residential unit typically have separate street entrances. The flex space typically has a taller height (min. 10') and a shopfront frontage. This type does not include a rear yard.

B. Permitted zoning districts.

1. DMU-HC.
2. DMU-MUC.
3. DMU-MUN.
4. DMU-BC.
5. DMU-TR.

C. Building type standards.

Building orientation

Primary facade shall be oriented to a front lot line or open space.

Floor to ceiling height

Ground floor	12' (min.)
Other stories	10' (min.)

Fenestration

Ground floor: state route/local street	30% (min.)/ 70% (min.)
Blank wall area: state route/local street	40' (max.)/ 20' (min.)
Upper story: state route/local street	10' (min.)/ 40% (max.)

Pedestrian access

Entrance facing street	Required
Walkway width	6' (min.)
Front porch or stoop	Required

Parking location

No parking lot allowed between the building and the street, including within driveways



Sec. 203.52. Mixed Use building.

A. Description.

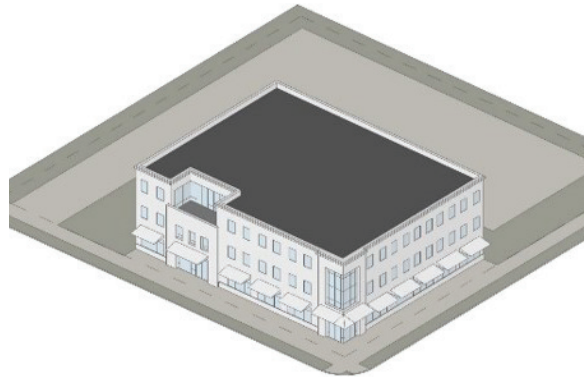
A mixed-use building typically accommodates ground floor retail, office or commercial uses with upper-story residential or office uses. These buildings may include ground floor dwelling units when such units are not along a street-facing façade.

B. Permitted zoning districts.

1. DMU-MUC.
2. DMU-MUN.

C. Building type standards.

Building orientation	
Primary facade shall be oriented to a front lot line or open space.	
Floor to ceiling height	
Ground floor	12' (min.)
Other stories	10' (min.)
Fenestration	
Ground floor: state route/local street	30% (min.)/ 70% (min.)
Blank wall area: state route/local street	40' (max.)/ 20' (min.)
Upper story: state route/local street	10' (min.)/ 40% (max.)
Pedestrian access	
Entrance facing street	Req. every 75' of frontage
Walkway width	6' (min.)
Parking location	
No parking lot allowed between the building and the street, including within driveways	



Sec. 203.53. Commercial house.

A. Description.

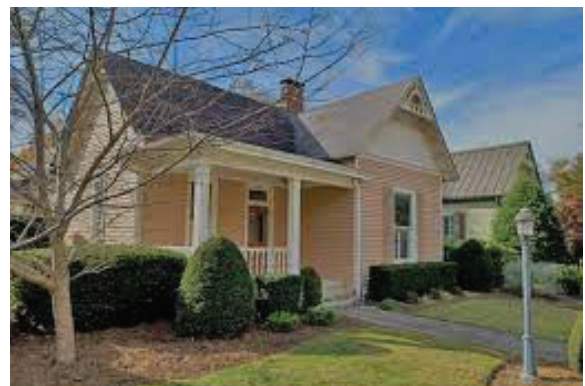
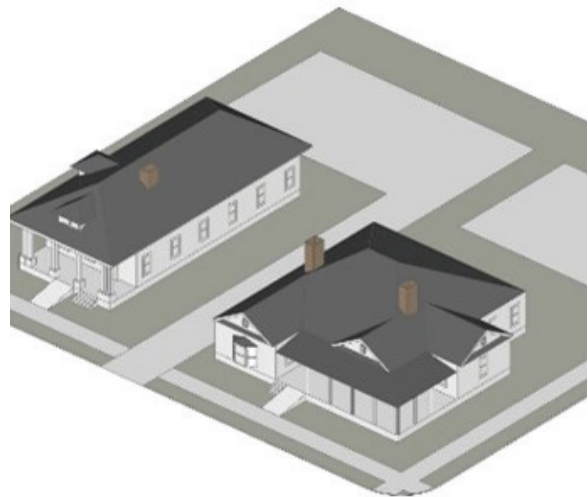
A commercial house accommodates nonresidential uses in a building that resembles a detached house. These building types are not intended for residential use.

B. Permitted zoning districts.

1. DMU-HC.
2. DMU-BC.

C. Building type standards.

Floor to ceiling height	
Ground floor	9'
Fenestration	
Ground floor	30% (min.)/ 70% (min.)
Upper story	10' (min.)/ 40% (max.)
Blank wall area	20' max.
Pedestrian access	
Entrance facing street	Req. for businesses facing street
Walkway width	6' (min.)
Front porch or stoop	Required
Parking location	
No on-site parking allowed between the building and the street, including within driveways	



Sec. 203.54. Commercial building (small).

A. Description.

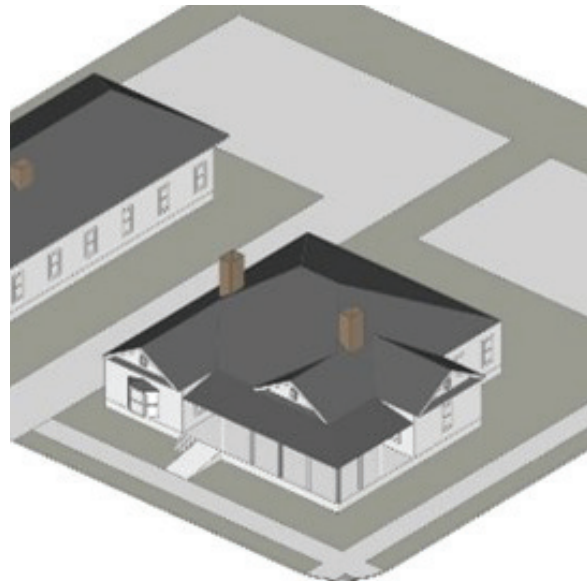
A small commercial building is a building type that accommodates single-use retail or commercial activity. These building types are not intended for residential use.

B. Permitted zoning districts.

1. DMU-HC.
2. DMU-MUC.
3. DMU-GC.
4. DMU-BC.

C. Building type standards.

Building orientation	
Primary facade shall be oriented to a front lot line or open space.	
Floor to ceiling height	
Ground floor	14' (min.)
Other stories	10' (min.)
Fenestration	
Ground floor: state route/local street	30% (min.)/ 70% (min.)
Blank wall area: state route/local street	40' (max.)/ 20' (min.)
Upper story: state route/local street	10' (min.)/ 40% (max.)
Pedestrian access	
Entrance facing street	Req. every 75' of frontage
Walkway width	6' (min.)
Parking location	
No parking lot allowed between the building and the street, including within driveways	



Sec. 203.55. Commercial building (prominent).

A. Description.

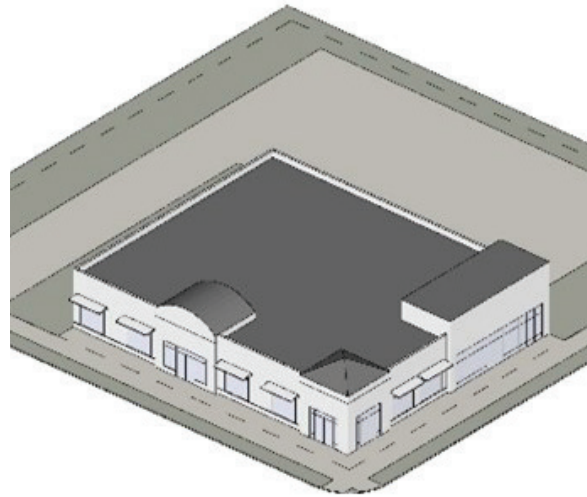
A prominent commercial building is a building that accommodates a single-use retail or commercial activity. These building types are not intended for residential use.

B. Permitted zoning districts.

1. DMU-GC.

C. Building type standards.

Building orientation	
Primary facade shall be oriented to a front lot line or open space.	
Floor to ceiling height	
Ground floor	14' (min.)
Other stories	10' (min.)
Fenestration	
Ground floor: state route/local street	30% (min.)/ 70% (min.)
Blank wall area: state route/local street	40' (max.)/ 20' (min.)
Upper story: state route/local street	10' (min.)/ 40% (max.)
Pedestrian access	
Entrance facing street	Req. every 75' of frontage
Walkway width	6' (min.)
Parking location	
No parking lot allowed between the building and the street, including within driveways	



Sec. 203.56. Mixed commercial building.

A. Description.

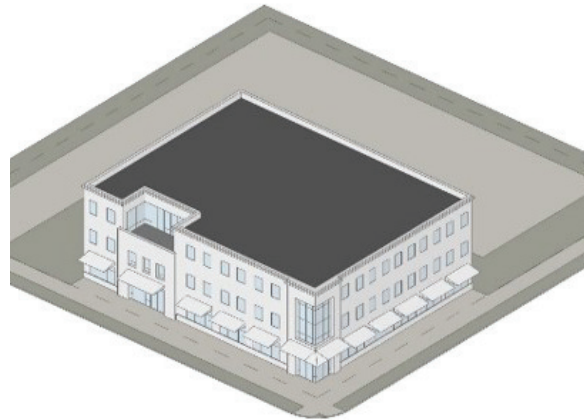
A mixed commercial building is a building that accommodates single-use retail or commercial activity. These building types are not intended for residential use.

B. Permitted zoning districts.

1. DMU-MUC.
2. DMU-GC.

C. Building type standards.

Building orientation	
Primary facade shall be oriented to a front lot line or open space.	
Floor to ceiling height	
Ground floor	14' (min.)
Other stories	10' (min.)
Fenestration	
Ground floor: state route/local street	30% (min.)/ 70% (min.)
Blank wall area: state route/local street	40' (max.)/ 20' (min.)
Upper story: state route/local street	10' (min.)/ 40% (max.)
Pedestrian access	
Entrance facing street	Req. every 75' of frontage
Walkway width	6' (min.)
Parking location	
No parking lot allowed between the building and the street, including within driveways	



Sec. 203.57. Flex commercial building.

A. Description.

A flex commercial building is a building type that accommodates nonresidential uses such as industrial, hotel or office uses on all stories. These building types are not intended for residential use.

B. Permitted zoning districts.

1. DMU-GC.

C. Building type standards.

Building orientation	
Primary facade shall be oriented to a front lot line or open space.	
Floor to ceiling height	
Ground floor	14' (min.)
Other stories	9' (min.)
Fenestration	
Ground floor: state route/local street	20% (min.)/ 50% (min.)
Blank wall area: state route/local street	40' (max.)/ 20' (min.)
Upper story: state route/local street	20' (min.)/ no max.
Pedestrian access	
Entrance facing street	Req. every 150' of frontage
Walkway width	6' (min.)
Parking location	
No parking lot allowed between the building and the street, including within driveways	



Sec. 203.58. Civic building (small).

A. Description.

A small civic building is a building type that accommodates civic uses. These building types are not intended for commercial, retail, office, or residential uses.

B. Permitted zoning districts.

1. DMU-HC.
2. DMU-MUC.
3. DMU-GC.
4. DMU-MUN.
5. DMU-BC.
6. DMU-TR.
7. DMU-NR.

C. Building type standards.

Building orientation

Primary facade shall be oriented to a front lot line or open space.

Fenestration

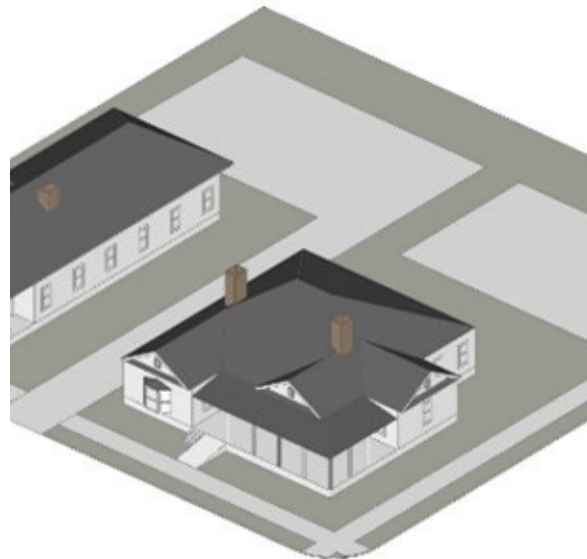
Ground floor	15% (max.)
Blank wall area	60' (max.)
Upper story	15% min.

Pedestrian access

Entrance facing street	Required
Walkway width	6' (min.)

Parking location

No parking lot allowed between the building and the street, including within driveways'



Sec. 203.59. Civic building (prominent).

A. Description.

A prominent civic building is a building type that accommodates civic uses. These building types are not intended for commercial, retail, office, or residential uses.

B. Permitted zoning districts.

1. DMU-HC.
2. DMU-MUC.
3. DMU-GC.
4. DMU-MUN.
5. DMU-BC.
6. DMU-TR.
7. DMU-NR.

C. Building type standards.

Building orientation

Primary facade shall be oriented to a front lot line or open space.

Fenestration

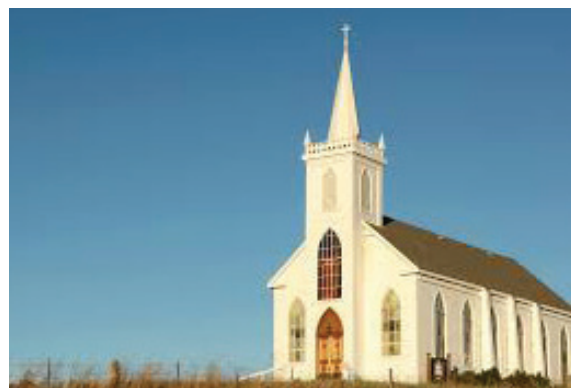
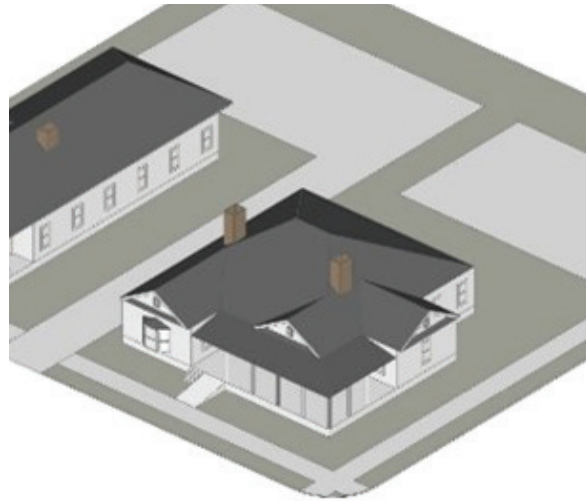
Ground floor	15% (max.)
Blank wall area	60' (max.)
Upper story	15% min.

Pedestrian access

Entrance facing street	Required
Walkway width	6' (min.)

Parking location

No parking lot allowed between the building and the street, including within driveways



ARTICLE 4. COMMERCIAL AND BUSINESS DISTRICTS.

DIVISION 1. GENERAL PROVISIONS.

Sec. 204.1. Purpose.

This article outlines the Commercial and Business Zoning Districts and contains basic information pertaining to land use regulation and spatial requirements for buildings and lots.

Sec. 204.2-5. Reserved.

DIVISION 2. COMMERCIAL AND BUSINESS ZONING DISTRICTS.

Sec. 204.6. NC – Neighborhood Commercial.

The Neighborhood Commercial District is established to create a strong emphasis on development and redevelopment of commercial, retail and residential land uses at a higher intensity than historically created in the Downtown Mixed Use District. This district is intended to provide and protect areas for community shopping and service facilities convenient to residential neighborhoods, to delineate the boundary of the neighborhood commercial and retail districts, and to promote infill development that creates vibrant, pedestrian-friendly streetscapes through a variety of commercial uses.

Sec. 204.7. C-4 – High Intensity Commercial.

The High Intensity Commercial District is established to provide employment opportunities and commercial and retail services for residents and regional travelers. These commercial nodes will accommodate the high volume of regional traffic along the city's major corridors and shall abut a minimum of two, four-lane state highways. The four-lane section of the highway shall be no less than five miles in length.

The district is intended for retail businesses with a gross floor area greater the 75,000 square feet. Individual retail tenants or developments that include these retail tenants must comply with a higher level of development regulations.

Sec. 204.8. PO – Professional Office.

The Professional Office District is established to protect existing businesses and encourage the development, redevelopment and expansion of support services. The district is intended to provide places of employment in which business, processional, educational and institutional and similar compatible uses can be located in close proximity to residential land uses. The district serves as an appropriate transitional zone between residential and more intense non-residential uses.

Sec. 204.9. BP – Business Park.

The Business Park District is established to foster the development of employment-based uses such as corporate offices, light manufacturing and other uses that contribute to the creation of a regional employment center. Because of the presence of a high number of employees, these developments should be designed in a manner that accommodates pedestrian, bicycle and other modes of alternate transportation.

This district is intended to provide for the establishment of planned, mixed-use developments along major thoroughfares. Access onto these thoroughfares should be kept to a minimum in order to protect the vitality of the roadway; to establish a positive first impression for persons entering the city; and to maintain a quality appearance which will stabilize or increase property values.

Sec. 204.10-14. Reserved.

DIVISION 3. SCHEDULE OF USES.

Sec. 204.15. Commercial and business districts.

Land and buildings in the Commercial and Business Districts shall only be used in accordance with the following table:

Permitted use (P).	This use is authorized by-right, subject to all other applicable provisions of this ordinance.
Conditional use (C).	This use is subject to the supplemental regulations identified in Article 7 and permitted in accordance with Section 207.2.
Not Permitted.	A blank cell indicates that a use is not permitted.

Schedule of land use: Commercial and Business Districts					
Use	NC	C-4	PO	BP	Other
Accommodations, hospitality and entertainment					
Banquet or meeting hall/event center	P	P	P	P	
Commercial indoor recreation facility	P	P			
Hotel	P	P	P	P	
Microbrewery	P	P			Sec. 207.28.
Restaurant	P	P	P	P	Sec. 207.29.
Restaurant with drive-through	C	C			Sec. 207.29.
Tap house/brewpub/wine bar	P	P			Sec. 207.28.
Theater	P	P			
Civic and institutional					
Community oriented cultural facility	P	P	P	P	
Government facility	P	P	P	P	
Park	P	P	P	P	
Place of public worship and general places of assembly (including event centers)	C	C	C	C	Sec. 207.36.
School, college or university		P	P	P	
School (K-12), private		C	C	C	Sec. 207.37.
School (K-12), public		P	P	P	
School, specialized training	P	P	P	P	
Group living					
Community living arrangement					Sec. 207.16.
Group home	C		C		Sec. 207.17.

Schedule of land use: Commercial and Business Districts

Use	NC	C-4	PO	BP	Other
Intermediate care home					Sec. 207.18.
Narcotic treatment program facility					Sec. 207.19.
Nursing home			C	C	Sec. 207.20.
Personal care home			C	C	Sec. 207.21.
Industrial and infrastructure					
Essential public services and utilities		P	P	P	
Wholesaling/warehousing with office space, no outdoor storage				P	
Wireless communications facility		C	C	C	Sec. 207.44.
Small wireless facility in the public right-of-way	C	C	C	C	Sec. 207.45
Offices and services					
Animal services, no outside kennels	P	P	P	P	
Child care facility	C	C	P	P	Sec. 207.52.
Contractor facility		P	P	P	
Data centers and technology-related facilities				P	
Electronic equipment facilities and assembly plants				P	
Fitness club	P	P	P	P	
Funeral home and accessory crematory		P	P	P	
Hospital			P	P	
Life science-related facilities			P	P	
Locksmiths and gunsmiths, no firing range			P	P	
Medical and dental offices, clinics and laboratories		P	P	P	
Medical supplies and sales		P	P	P	
Mini-warehouse/self-storage, with common entry/entries		C			Sec. 207.54.
Non-emergency medical transport services	P		P	P	
Offices, professional	P	P	P	P	
Offices and services with a drive-thru		P	P	P	
Optometry and vision care facilities	P	P	P	P	
Outdoor storage				C	Sec. 207.55.
Personal services	P	P	P	P	
Research and testing facilities and laboratories	P		P	P	
Self-storage facilities	P	P			Sec. 207.54.
Temporary office		C	C	C	Sec. 207.56.
Vehicle repair, major		C			Sec. 207.57.
Vehicle repair, minor					
Vehicle service station		C			Sec. 207.58.
Vehicle wash		P			
Retail					
Automobile rental, sales and service		C			Sec. 207.71
Building supply and sales		P			
Convenience stores, gasoline and diesel fuel sales		C			Sec. 207.58
Dry cleaning facilities	P	P			

Schedule of land use: Commercial and Business Districts

Use	NC	C-4	PO	BP	Other
Farmers market	C				Sec. 207.86
Flea market		C			Sec. 207.70.
General retail (single tenant < 16,000 SF)	P	P			
General retail (single tenant > 16,001 SF)		P			
General retail, outdoor display and sales	C	C			Sec. 207.71.
Nurseries and greenhouses	P	P			
Pharmacies	P	P	P	P	
Radio and television studios or other broadcast media with no visible antenna	P				
Vapor cigarette sales.	P				
Other					
Similar land use		P/C	P/C	P/C	

Sec. 204.16. Specific uses not permitted within the NC District.

The following uses shall not be permitted within the NC District:

1. Animal daycare, boarding or kennels.
2. Automobile rental.
3. Automobile dealerships.
4. Automobile service or repair.
5. Bail bonds establishments.
6. Blood/plasma facilities.
7. Bowling alleys.
8. Dry cleaning plants and/or commercial laundry facilities without a storefront.
9. Indoor skating rinks.
10. Junkyards and/or salvage operations.
11. Pawn shops.
12. Self-storage facilities.
13. Sexually-oriented businesses.
14. Small box discount stores.
15. Small loan businesses.
16. Teen club.
17. Tire sales and/or repair.

Sec. 204.17-19. Reserved.

DIVISION 4. SPATIAL REQUIREMENTS.

Sec. 204.20. Commercial and business districts.

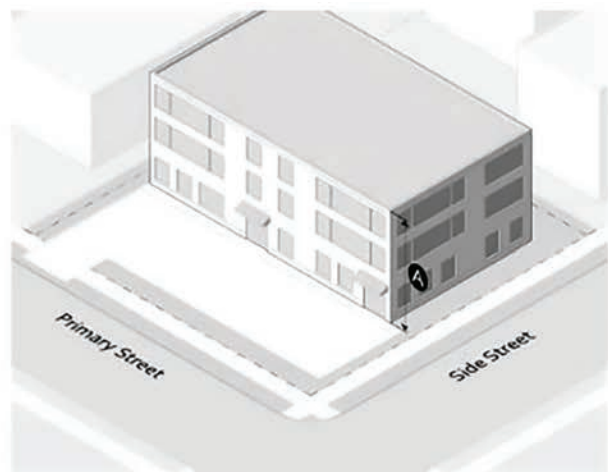
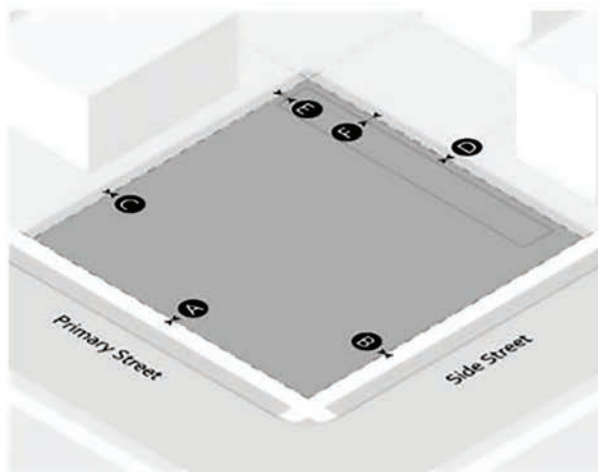
All lots and buildings within the Commercial and Business districts shall comply with the minimum and maximum spatial requirements of this section.

Spatial requirements: Commercial and business districts					
		Commercial		Business	
	Requirement	NC	C-4	PO	BP
Lots and building placement					
	Min. lot area (SF)	-	871,200	15,000	871,200
A	Min. lot width (ft.)	60	60	60	-
B	Front yard setback – major street (ft.)	40	40	20	150
B	Front yard setback – collector (ft.)	40	35	15	60
B	Front yard setback – minor street (ft.)	40	30	10	60
C	Min. side setback (ft.)	-	-	15	50
D	Min. rear setback (ft.)	12	14	30	50
	Max. impervious surface (% of lot)	60	60	60	60
Buildings					
A	Max. height (ft.)	60	60	60	-

Sec. 204.21. Other requirements.

In addition to the requirements of this article, all development in the Commercial and Business Districts shall meet the applicable requirements included elsewhere in this UDO:

1. Parking and Loading: Section 402.8.
2. Trees, Landscaping, and Buffering: Section 403.19.
3. Building Materials and Design: Section 404.8.
4. Review Procedures: Section 407.8.



ARTICLE 5. INDUSTRIAL AND PUBLIC DISTRICTS.

DIVISION 1. GENERAL PROVISIONS.

Sec. 205.1. Purpose.

This article outlines the Industrial and Public Zoning Districts and contains basic information pertaining to land use regulation and spatial requirements for buildings and lots.

Sec. 205.2–5. Reserved.

DIVISION 2. INDUSTRIAL AND PUBLIC ZONING DISTRICT.

Sec. 205.5. LI – Light Industrial.

The LI Light Industrial District is established to identify tracts of land that are located on, or have ready access to, a major street or state highway and are well adapted to industrial development but whose proximity to residential or commercial districts makes it desirable to limit industrial operations and processes to those that are not objectionable by reason of the emission of noise, vibration, smoke, dust, gas, fumes, odors or radiation and that do not create fire or explosion hazards or other objectionable conditions.

The district is intended to provide locations for intense uses such as light manufacturing or processing of previously refined materials and other uses that support the permitted industries or are of an intense nature due to truck traffic, building size, hours of operation and similar characteristics that make them incompatible within traditional business or residential districts. The district also allows certain commercial uses that are complementary to the industrial nature of the district by way of serving the industries and/or the workers employed there.

Sec. 205.6. GI – General Industrial.

The GI General Industrial District is established to provide a location for industrial operations and processes conducted both indoors and outdoors, and which due to their intensity of use and potential off-site impacts, should be located on or have ready access to a major thoroughfare or state highway.

Sec. 205.7. PI – Public and Institutional

The PI Public and Institutional District is established to identify tracts of land that are publicly or privately owned and are well adapted for public and/or institutional use due to their proximity to residential or commercial districts.

Sec. 205.8–11. Reserved.

DIVISION 3. SCHEDULE OF USES.

Sec. 205.12. Industrial districts.

Land and buildings in the Commercial and Business Districts shall only be used in accordance with following table:

Permitted use (P).	This use is authorized by-right, subject to all other applicable provisions of this ordinance.
Conditional use (C).	This use is subject to the supplemental regulations identified in Article 7 and permitting in accordance with Section 207.2.
Not Permitted.	A blank cell indicates that a use is not permitted.

Schedule of land use: Industrial and Public Zoning Districts			
Use	LI	GI	Other
Accommodations, hospitality and entertainment			
Commercial indoor recreation facility	P		
Commercial outdoor recreation facility	P		
Firing range (indoor)	P		
Micro-producers of beer, wine, and spirits	P		
Sexually oriented business	C	C	MuniCode
Civic and institutional			
Government facility	P	P	
School, specialized training	P	P	
Industrial and infrastructure			
Building supply sales and material yard	P	P	
Bulk storage and sales facility	C	C	Sec. 207.55
Commercial parking facility	P	P	
Concrete plants and pre-cast concrete manufacturing and sales		P	
Crematorium	P	P	
Dry cleaning plat operations and service outlet	P	P	
Essential public service and utilities	P	P	
Freight terminal	P	P	
Gasoline and diesel fuel sales	P	P	
Heliports and helipads	C	C	Sec. 207.42
Machine shops and related activities	P	P	
Manufacturing, processing and packaging facilities	P	P	
Motor vehicle repair shops, garages, car washes, body shops and paint shop	P	P	
Non-emergency medical transport service facilities	P	P	
Park and ride lot	P	P	
Redi-mix concrete plants and concrete manufacturing site.		P	
Salvage or impound operations	C	C	Sec. 207.43.
Septic station for solids separation and processing		P	
Transportation terminal for freight	P	P	
Veterinary clinics, hospitals, laboratories, animal shelters, commercial kennels and dog daycare and boarding facilities		P	

Schedule of land use: Industrial and Public Zoning Districts			
Use	LI	GI	Other
Warehousing			
Waste management and recycling facility	C	C	
Wholesaling and distribution	P	P	
Wireless communications facility	C	C	Sec. 207.44.
Small wireless facilities in the public right-of-way	C	C	Sec. 207.45.
Offices and services			
Contractor facility	P	P	
Mini-warehouse/self-storage, with external overhead door access	C	C	Sec. 207.54.
Outdoor storage	C	C	Sec. 207.55.
Radio and television studios or other broadcast media, no visible antenna	P	P	
Temporary office	C	C	Sec. 207.56.
Vehicle repair, minor	C	C	Sec. 207.57.
Vehicle repair, major			
Vehicle service station	C	C	Sec. 207.58.
Vehicle wash, trucks and heavy equipment	P	P	
Retail			
Automobile rental, sales and service	P	P	Sec. 207.71
Farmer's market	C	C	Sec. 207.86
Fitness club	P	P	
Microbrewery	C	C	Sec. 207.28
Nurseries and greenhouses	P	P	
Pawn shop	C	C	Sec. 207.73
Other			
Similar land use	P/C	P/C	

Sec. 204.13-16. Reserved.

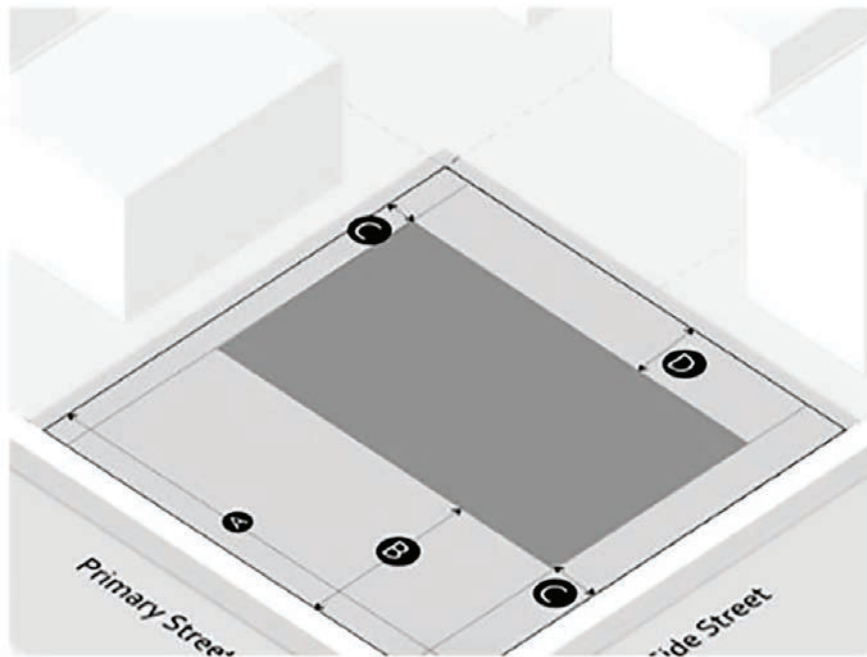
DIVISION 4. SPATIAL REQUIREMENTS.

Sec. 205.17. Industrial and Public districts.

All lots and buildings shall comply with the minimum and maximum spatial requirements of this section.

Spatial Requirements: Industrial and Public Zoning Districts			
	Requirement	Industrial	
		LI	GI
Lots and building placement			
	Min. lot area (SF)	-	-
A	Min. lot width (ft.)	-	-
B	Front yard setback – major street (ft.)	60	60

Spatial Requirements: Industrial and Public Zoning Districts			
		Industrial	
	Requirement	LI	GI
Lots and building placement			
B	Front yard setback – collector (ft.)	30	30
B	Front yard setback – minor street (ft.)	45	15
C	Min. side setback (ft.)	-	-
D	Min. rear setback (ft.)	12	12
	Maximum impervious surface (%)	60	60
Buildings			
	Max. height (ft.)	60	60



Sec. 205.18. Other requirements.

In addition to the requirements of this article, all development in the Industrial Districts shall meet the applicable requirements included elsewhere in this UDO:

1. Parking and Loading: Section 402.8.
2. Trees, Landscaping, and Buffering: Section 403.19.
3. Building Materials and Design: Section 404.8.
4. Review Procedures: Section 407.8.

Sec. 205.19-21. Reserved.

ARTICLE 6. SPECIALTY DISTRICTS.

DIVISION 1. GENERAL PROVISIONS.

Sec. 206.1. Purpose.

This article contains non-traditional districts that may overlap other zoning districts or are established for a single purpose. These districts include:

Open Space District.

This district is intended to protect and preserve valued environmental, scenic, and historic resources within the city, as well as to accommodate agricultural and horticultural uses that require areas of open land on which to operate in order to minimize potential impacts upon neighboring uses.

Sec. 206.2–5. Reserved.

DIVISION 2. NON-TRADITIONAL DISTRICTS.

Sec. 206.6. Open Space District.

A. Permitted uses.

In the open space district the following uses are permitted:

1. Historical monuments and informational centers;
2. Non-commercial greenhouses and vegetable and flower gardens;
3. Passive parks, trails, and open space areas;
4. Boat docks and fishing piers by special exception only;
5. Horticulture and forestry uses established and run according to state guidelines; and
6. Wildlife refuges, with a single-family dwelling for a caretaker.

B. Rezoning requirements.

1. All requests to rezone property OS shall be accompanied by:
 - a. A conservation easement agreement, other contractual agreements; or
 - b. Deed restrictions that ensure the development rights of the property have been permanently severed from the land, and the property will be maintained as greenspace in perpetuity. Additional deed restrictions, further restricting the development of the land, may be applied to the land by the owner.
2. No property shall be zoned OS which is environmentally unsuitable for open space and passive recreational uses. The planning and zoning commission may, at its discretion, require an Environmental Impact Study (EIS) to ensure the suitability of the land for such uses.

C. Land disturbance.

1. All land disturbance activities shall be limited to ten percent of the total site area for any parcel zoned OS.
2. All lands in the OS district not developed shall be left in a natural undisturbed state.

D. Maintenance.

All property zoned OS shall be maintained in perpetuity by the owner, an independent agent, or the city. A maintenance agreement shall accompany all requests to rezone property OS, and after being approved by the city council, shall be recorded with the Superior Court of Fayette County. The agreement shall specifically describe the responsible parties, and shall run with the land in perpetuity.

E. Buildings and structures.

1. All buildings constructed on land zoned OS must adhere to the following requirements:
 - a. All buildings and structures on the site shall be clustered to minimize the total disturbed area.
 - b. No building or structure shall be located on a ridge or otherwise obstructing significant vistas.
 - c. All buildings shall be located on the property in such a manner as to minimize the impacts to significant environmental areas and natural vistas, both on the site and from any public right-of-way.

F. Roads.

1. All roads, public or private, shall be constructed according to the following guidelines:
 - a. Follow the natural contours of the land in order to minimize the amount of grading required.
 - b. Shall not be located in an area of significant natural, historical, or cultural importance or beauty
 - c. Shall be no wider than 22 feet.

G. Utilities.

All utilities serving property zoned OS shall be constructed and installed in such a manner as to minimize the physical and visual impact of the utilities, and to preserve the natural beauty and undisturbed nature of the land. Wherever possible, underground installation of utilities shall be utilized.

H. Landscaping.

All landscaping done on disturbed areas of property zoned OS shall be with species native to the Piedmont region of Georgia only.

I. Area, yard and height requirements.

1. Impervious surface areas shall be limited to ten percent of the total site area.
 - a. Pervious pavers, meeting the requirements of the Georgia Stormwater Management Manual section 3.3.8 for Modular Porous Paver Systems, will be given credit from impervious surface calculations. Pervious paver systems shall be considered 50 percent pervious and 50 percent impervious for purposes of the calculations. Pervious pavers shall be allowed for use on 25 percent of the parking spaces in a parking lot. Pervious pavers are not allowed for use as driveways, or where traffic volumes are high or where heavy duty pavement is needed.
2. No building or structure constructed on land zoned OS shall exceed 35 feet in height except as approved by variance.
3. All buildings and structures constructed on land zoned OS shall be setback a minimum of 75 feet from all property lines.
4. Buildings and structures should be engineered, designed, and located to be site specific, with a minimal impact upon the environment, and the natural and undeveloped nature of the land.

Sec. 206.7-10. Reserved.

ARTICLE 7. CONDITIONAL USES.

DIVISION 1. GENERAL PROVISIONS.

Sec. 207.1. Purpose.

Conditional uses are identified within each of the zoning districts established by this ordinance that may impact operational characteristics such as traffic, noise, hours of operation, site conditions, or other factors that warrant the imposition of site-specific requirements, in addition to the base requirements applicable to all uses allowed in the respective zoning district. This section specifies those added requirements for the uses identified in the district table of uses as a conditional use. In addition to these specific requirements, other conditions may be attached to an approval to ensure that the proposed use satisfies one or more of the general review standards of Section 104.18.C.

Sec. 207.2. Procedure.

1. Unless otherwise specified for a particular use, the Planning and Zoning Commission shall be responsible for reviewing and deciding upon all requests for conditional uses.
2. Requests for approval of a conditional use shall be submitted to the UDO Administrator on a form for that purpose, along with an application fee and a final site plan as specified in Section 104.8.B.2. The UDO Administrator shall review the application and final site plan for completeness, as well as conformance with the requirements of the zoning district in which the property is located and the applicable standards for the use as specified in Section 104.8.C.7. If the application and plan are complete, the material will be forwarded to the Planning and Zoning Commission for action.
3. Unless, a special process is otherwise required for a specific use, the Planning and Zoning Commission shall review the application, site plan and any supplementary materials, and shall consider recommendations from city staff. Based on this input and the conformance of the request with the general standards of Section 207.3. and the specific standards of Section 104.8.C.7. related to the proposed conditional use, the Planning and Zoning Commission shall approve, approve with conditions, or deny the application.
4. If an application for conditional use is found to meet all applicable standards of this ordinance, it shall be approved.
5. If denied, the applicant may appeal the Planning and Zoning Commission's decision to the Mayor and City Council.

Sec. 207.3. Review standards.

The following general standards shall be satisfied for all conditional uses:

1. The proposed use does not adversely affect the general plans for the physical development of the city as embodied in these regulations or in any plan or portion thereof adopted by the Planning and Zoning Commission and/or the Mayor and City Council.
2. The proposed use will not adversely affect the health and safety of residents and workers in the city.
3. The proposed use will not constitute a nuisance or hazard because of the number of persons who will attend or use such facility, of the vehicular movement, of noise or fumes or of the type of physical activity associated with the use.
4. The proposed use will not create or aggravate hazards to vehicular or pedestrian traffic on the roads and sidewalks, either off-site or on-site.
5. The proposed use will be compatible with existing uses that are adjacent to or neighboring the proposed location, as measured in terms of its physical size, intensity of use, visual impact, and proximity to other structures.

6. The proposed use shall comply with all applicable requirements of this ordinance such as, but not limited to, district requirements, parking, signs, landscaping and site plan review, unless modified by Article 9 for a specific use.
7. Where minimum separation distances are required between certain conditional uses and other uses; the separation distance shall not apply retroactively if the specified condition does not exist at the time of approval.

Sec. 207.4-8. Reserved.

DIVISION 2. LAND USE CATEGORIES.

Accommodations and hospitality.

Sec. 207.9. Bed and breakfast.

1. A bed and breakfast shall be operated at all times in accordance with State of Georgia requirements.
2. The owner, manager, or adult employee must be on site any time guests are staying overnight unless the owner can demonstrate to the Planning and Zoning Commission that management responsibilities can be provided off-site (i.e., emergency contact, meal preparation, room service, etc.).
3. No more than six rooms shall be available for rent and no more than 16 guests shall be accommodated at any time.
4. The maximum continuous time that a guest can occupy a room is 14 days.
5. One parking space shall be provided for each guest room, in addition to the parking spaces required to serve the principal residence.
6. Use of the kitchen is limited to preparing food for registered guests. Food service for persons other than registered guests may be provided by outside caterers; provided, the bed and breakfast home owner has received a permit to hold special events.
7. Special events may only be held pursuant to a validly issued special event permit. For purposes of this section, special event means any event where the number of attendees is more than twice the number of parking spaces available on the premises of the bed and breakfast home. The city shall issue a special event permit only when the applicant shows that adequate off-street parking is available for the special event. No special event shall be held between 12:00 AM and 7:00 AM.
8. No guest rooms are allowed in basements.
9. Cooking facilities within individual guest rooms are prohibited.
10. The proposed use must maintain the appearance and character of a single-family dwelling and remain harmonious with the surrounding neighborhood.
11. The proposed use shall not adversely affect either the lifestyle of adjoining property owners or the exterior features of the property's architecture or landscape.
12. A floor plan of the dwelling unit and the use of each room shall also be submitted with the conditional use application.
13. The applicant must demonstrate that he has adequate and appropriate plans to provide for the safety and welfare of guests in the event of fire, medical emergencies, criminal activity, or natural disasters.
14. Exterior refuse storage facilities shall be screened from view on all sides by a six foot solid decorative fence or wall, or by other screening approved by the planning commission.

Sec. 207.10. Short-term rental.

A. Intent.

The purpose of this section is to regulate residential short-term rental arrangements in the city to ensure, to

the maximum extent practical, that compatibility between different types of occupied property is maintained. The intent of this section is:

1. to ensure that short-term rental occupants and long-term residents can enjoy the community and neighborhoods harmoniously with minimal conflict;
2. to balance the rights of landowners, regardless of occupancy, to enjoy the benefits of homeownership for living purposes or for profit;
3. to minimize the potential for problems caused by mismanagement of rental property; and
4. to provide for an enforceable regulatory and permitting framework.

B. Registration, permitting, and certificate of compliance.

All rental dwellings shall be registered with the city on an annual basis, prior to allowing occupancy. Application for registration shall be made to the UDO Administrator.

C. Application requirements.

1. A local agent shall be available at all times that the dwelling is rented and a mobile contact number shall be provided.
2. The maximum occupancy proposed for the dwelling, not exceeding 28 days, shall be specified, in accordance with the requirements of this section.
3. The property owner will consent to inspections by the city and will make the dwelling available to inspectors upon request.
4. An inspection by a licensed contractor may need to be submitted for heating units, electrical, etc., to certify they are properly installed, code compliant and safe.
5. Rental dwellings shall not be occupied without a certificate of compliance.
6. A fee shall be charged at the time of application.
7. The annual registration date shall be _____ of each year, and all fees for residential rental property permits shall be paid on or before _____ of each year.

D. Local agent.

The owner, in its annual filing with the city, shall identify a responsible local agent, who may be the owner or a person, corporation, partnership, firm, joint venture, trust, association, organization, or other entity having a legal or equitable interest in property and who has authority to do the following:

1. Receive all official notices concerning housing, zoning, dangerous buildings, complaints, and ordinance violations on behalf of the owner. Any notice received by the responsible local agent shall be deemed to have been received by the property owner.
2. Be responsible for providing access to the residential dwelling or unit for any inspection necessary under this section.
3. Be available to accept telephone calls at all times that the dwelling is rented. The local agent or another authorized individual must be able to access the property within two (2) hours at any time the dwelling is rented.

E. Requirements.

The following requirements apply:

1. In order for the city to issue a certificate of compliance, the rental dwelling must have a fully functioning carbon monoxide detector in each unit, as well as interconnected smoke detectors and fire extinguishers.
2. The maximum number of occupants per rental dwelling is one occupant for the first 70 square feet of bedroom space and one occupant per additional full 50 square feet of bedroom space, per bedroom.
3. Camper trailers, travel trailers, and motor homes are prohibited.

F. Posting of information.

The following information shall be posted in a conspicuous place within the dwelling:

1. Local agent contact information.
2. Maximum occupancy approved by the fire marshal and/or building official.
3. Parking instructions.
4. Outline of enforcement and penalties.
5. Owner's rules and regulations and homeowners' association regulations, as applicable.

G. Inspections.

1. An inspection of the residential rental property shall be conducted by the building official once within a _____-year time frame. Additional inspections may be conducted if a complaint is received regarding suspected safety issues or if violations are observed.
2. The owner of any rental dwelling shall be responsible for additional fees for re-inspection of the rental dwelling or for inspections by the mechanical, plumbing, electrical or other building officials.

H. Revocation of a permit.

A permit may be revoked in the case of a violation of this section.

Sec. 207.11-14. Reserved.

Group living.

Sec. 207.15. Continuing care retirement community.

1. The minimum campus size shall be ten acres.
2. A continuing care retirement community shall maintain a minimum of 25% of its units as assisted living or skilled nursing care units; and
3. The continuing care retirement community may have on site as a part of its campus the following accessory uses for use of residents and their guests, including a full-service kitchen for meals, exercise facilities, swimming pools, tubs and spas, administrative offices, nursing stations, treatment rooms, emergency paging systems, indoor and outdoor recreational facilities, handicap-assisted restrooms, hair salons, computer facilities, game and card rooms, chapel, movie theaters, wellness centers, billiard rooms, restaurant facilities, common areas, libraries, dining rooms, mailrooms, housekeeping and storage areas, laundry facilities and gift shops.

Sec. 207.16. Group home.

1. Group homes shall be located no less than 2,500 feet from a personal care home, drug treatment center, intermediate care home, community living arrangement, nursing home, day care home, child care facility, school or college. The required separation shall be measured in a straight line from the nearest lot line of such a use to the nearest lot line of the property occupied by or proposed to be occupied by, any other such use.
2. Residents shall maintain a single household unit with shared use of living areas, eating areas, bathrooms and kitchen area.
3. Accommodations are limited to six adult residents and one house manager.
4. A house manager must be present at the group home on a 24-hour basis and shall be responsible for the

day to day operations of the group home.

5. Alcoholic beverages and non-prescription drugs are prohibited.
6. The owner or operator of the group home shall authorize annual city inspections to ensure compliance.
7. Group homes shall comply with State of Georgia Department of Human Services regulations and licensing requirements.

Sec. 207.17. Drug treatment center.

1. Drug treatment centers shall be located no less than 600 feet from any residence (excluding RP), personal care home, intermediate care home, community living arrangement, nursing home, day care home, child care facility, school or college. The required separation shall be measured in a straight line from the nearest lot line of such a use to the nearest lot line of the property occupied by or proposed to be occupied by, any other such use.
2. Each drug treatment center shall provide at least the minimum square footage of bedroom personal space, personal closet space and bathrooms, as required by city ordinances, or that amount required by the State of Georgia for the licensing of drug treatment centers, whichever is greater.
3. Drug treatment centers shall comply with The "Rules and Regulations for Drug Abuse Treatment and Education Programs," Chapter 290-4-2 and the "Rules and Regulations for Narcotic Treatment Programs," Chapter 290-9-12 as promulgated by the Georgia Department of Human Resources, and as hereafter amended, and the same is hereby adopted and made a part hereof.
4. The owner or operator of the group home shall authorize annual city inspections to ensure compliance.

Sec. 207.18. Intermediate care home.

1. Intermediate care homes shall be located no less than 600 feet from any residence (excluding RP), personal care home, drug treatment center, community living arrangement, nursing home, day care home, child care facility, school or college. The required separation shall be measured in a straight line from the nearest lot line of such a use to the nearest lot line of the property occupied by or proposed to be occupied by, any other such use.
2. Intermediate care homes shall provide at least the minimum square footage of bedroom personal space, personal closet space and bathrooms, as required by city ordinances, or that amount required by the State of Georgia for the licensing of drug treatment centers, whichever is greater.
3. Intermediate care homes shall comply with The "Rules and Regulations for Intermediate Care Homes," Chapter 290-5-9 as promulgated by the Georgia Department of Human Resources, and as hereafter amended, and the same is hereby adopted and made a part hereof.
4. The owner or operator of the intermediate care homes shall authorize annual city inspections to ensure compliance.

Sec. 207.19. Community living arrangement.

1. Community living arrangements located within a residential zoning district shall be located no less than 2,500 feet from any residence (excluding RP), personal care home, drug treatment center, intermediate care home, nursing home, group home, day care home, child care facility, school or college. The required separation shall be measured in a straight line from the nearest lot line of such a use to the nearest lot line of the property occupied by or proposed to be occupied by, any other such use.
2. Community living arrangements must provide no less than the minimum square footage of bedroom personal space, personal closet space and bathrooms as required by city ordinances or that amount required by the State of Georgia for the licensing of intermediate care homes, whichever is greater.
3. Community living arrangements shall comply with The "Rules and Regulations of Community Living Arrangements," Chapter 290-9-37 as promulgated by the Georgia Department of Human Resources, and as hereafter amended, and the same is hereby adopted and made a part hereof.

4. The owner or operator of the intermediate care homes shall authorize annual city inspections to ensure compliance.

Sec. 207.20. Nursing home.

1. Nursing homes shall provide the minimum square footage of bedroom personal space, personal closet space and bathrooms as required by city ordinances or that amount required by the State of Georgia for the licensing of intermediate care homes, whichever is greater.
2. Nursing homes shall comply with The “Rules and Regulations of Nursing Homes,” Chapter 290-5-8 as promulgated by the Georgia Department of Human Resources, and as hereafter amended, and the same is hereby adopted and made a part hereof.
3. Nursing homes shall be licensed by the Georgia Department of Human Resources as a nursing home and shall comply with State of Georgia Department of Human Services regulations and licensing requirements.
4. The owner or operator of the intermediate care homes shall authorize annual city inspections to ensure compliance.

Sec. 207.21. Personal care home.

1. Personal care homes shall be on a lot of at least one acre in size and shall be limited to no more than 8 adults.
2. No parking is permitted within the minimum front yard setback.
3. The personal care home shall comply with all applicable local, state and federal regulations, and shall provide all applicable State permits to the UDO Administrator prior to issuance of a Certificate of Occupancy.
4. The personal care home shall prove:
 - a. the household possesses a family-like structure/housing and evidence family-like domestic bond between residents;
 - b. that the living arrangements embody a long-term commitment on the part of the individual residents; and
 - c. that the personal care home is at least 1m000 feet in all directions from any other personal care home, as measured from the property boundary. No variance shall be granted to the distance requirements herein.
4. At least one employee staffing the personal care home shall be on-site at all times when residents are present.
5. The personal care home shall obtain a Business Occupation Tax Certificate from the City of Fayetteville prior to operation.

Sec. 207.22-27. Reserved.

Food, drink, entertainment and hospitality.

Sec. 207.28. Microbrewery, tap house, brewpub and wine bar.

In addition to the requirements identified within Chapter 10 of the Code of Ordinances, a tap house, brewpub or wine bar shall comply with the following:

1. All operations shall be conducted within a completely enclosed building, except for an outdoor seating and/or entertainment area.
2. Outdoor patios and entertainment areas shall not be located within 1,000 LF of an adjoining residential property as measured from property line to property line.
3. Pedestrian connections shall be provided between the public sidewalks and the primary entrance(s) to the business.
4. The establishment shall not include a drive-thru facility.
5. No equipment or storage related to the operation (excluding chillers) may be located outside of the principal structure.
6. All mechanical equipment visible from a public or private street (excluding alleys), an adjacent residential use and/or a residential zoning district shall be screened using architectural features consistent with the principal structure.
7. Access and loading bays are discouraged from facing toward any public or private street (excluding alleys). Access and loading bays facing any street, adjacent residential use and/or a residential zoning district shall have the doors closed at all times, except during the loading and/or unloading of raw materials, other supplies and finished products into and out of the building.
8. Outdoor storage, including the use of portable storage units, cargo containers and tractor trailers, shall not be allowed.

Sec. 207.29. Restaurants, drive-in or drive-through.

Refer to Section 402.31 for additional requirements specific to drive-thru lanes.

1. Sufficient vehicular stacking capacity for the drive-in or drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public right-of-way. A minimum of eight (8) stacking spaces for each service ordering station shall be provided. Stacking spaces shall be located so as not to interfere with vehicular circulation, fire lanes, parking spaces and egress from the property by vehicles not using the drive-in or drive-through portion of the facility.
2. Public access to the site shall comply with the driveway spacing standards of Section 14.5 but, in no case, be located closer than 125 feet to any intersection or other driveway on the same side of the street, as measured from the nearest edge of pavement to the nearest edge of pavement.
3. Internal circulation and access to/egress from the site shall not substantially impair the movement of other modes of transportation, such as bicycles and pedestrians, to and through the site.
4. Menu boards with speakers for the transmission or broadcasting of voices or music shall be oriented and/or muffled to prevent sound from being audible beyond the boundaries of the site.

Sec. 207.30. Outdoor seating areas for restaurants and similar establishments.

1. The outdoor seating area shall not obstruct pedestrian movement along adjacent sidewalks. A minimum sidewalk width of five feet shall remain unobstructed between the limits of the outdoor seating area and the outer edge of the walkway.
2. The outdoor seating area shall be surrounded by a decorative fence or similar enclosure at least four (4) feet high with access only from within the building. A self-closing gate that can only be opened from within the enclosure shall be provided for emergency egress.
3. Outdoor seating capacity shall be included in the computation of required parking.

4. Limitations may be imposed upon hours of operation, outdoor sound amplification and/or lighting where the proposed use may create nuisance effects upon adjacent or nearby residential uses.

Sec. 207.31. Golf course.

1. Buildings, driving range, tees, greens and fairways must be required to have a 100-foot setback from all lot lines abutting residential zoning districts and right-of-way.
2. A minimum 50-foot wide buffer is required along lot lines abutting residential zoning districts.
3. Netting associated with a driving range, tee, green, fairway or other course feature is required when determined that its installation would minimize risk and damage to adjacent property.

Sec. 207.32. Mobile food truck/special event food service standards.

A. Definitions.

Refer to Appendix A. - Definitions.

B. Permit required.

1. It shall be unlawful for any person to sell, or offer for sale, food or beverages of any type from a commissary or mobile food truck without first obtaining a vendor permit as described herein.
2. Approved vendors shall only sell, or offer for sale, merchandise from approved vendor sites as described herein, except for city-sponsored events.

C. Mobile food truck vendor permit application requirements.

An application for a mobile food truck vendor permit as described herein shall be submitted to the UDO Administrator or his or her designee for review and consideration and shall include, at a minimum, the following information:

1. Name of the mobile food truck vending business.
2. Owner's contact information.
3. Operator's contact information.
4. Make, model, dimensions and license plate number of the mobile food truck.
5. Photographs of food truck, to include all sides and all signage.
6. Location, dates and times of vending site operation.
7. A copy of approved permit from the Fayette County Health Department.
8. A copy of the current occupational tax certificate from where the business is licensed.
9. A copy of current liability insurance policy, issued by an insurance company licensed to practice in the state. Each vendor shall maintain no less than a \$1,000,000.00 liability insurance policy, protecting the vendor, the public and the city from all claims for damage to property and bodily injury, including death, which may arise from operation under or in connection with the permit.
10. Signature of applicant indicating agreement to the listed regulations.
11. A mobile food truck vendor permit shall be valid for twelve (12) months from the date of issuance.

D. Fire Department requirements for food trucks and special event food service.

1. International Fire Code (IFC).

The UDO implements the Georgia state minimum fire safety standards as adopted by the Georgia Safety Fire Commissioner. The state minimum fire safety standards are currently based on the International Fire Code (IFC) and supplemental modifications.

2. General requirements.

- a. MFV permits must be renewed annually and are for the current calendar year, January 1 to December 31.
- b. Responsibility for the safe operation of all cooking operations shall be that of the owner/management/operator.
- c. Mobile and temporary cooking operations shall not block required exits of buildings, public ways, fire department access roads, fire lanes, fire hydrants, fire department connections to automatic sprinkler systems and standpipes or other fire protection devices and equipment.
- d. Mobile and temporary cooking operations shall be separated from buildings or structures, combustible materials, vehicles and other cooking operations by a minimum of 10 feet.

3. Food vendors using tents.

- a. Tent, membrane structures and canopies shall not be located within 20 feet of lot lines, buildings, generators, parked vehicles or internal combustion engines. Generators shall be isolated from contact with the public by approved means.
- b. A flame resistant tag shall be permanently affixed to the tent, membrane structure or canopy
- c. Maximum size shall be 10 feet by 10 feet.
- d. Cooking tents shall be at least 10 feet apart from other cooking tents and at least 20 feet from non-cooking tents.
- e. Fire extinguishers shall have a current tag and be located with 75 feet of a the tent.
- f. Tents shall not obstruct access to buildings, required building exits, public way, fire department access roads, fire lanes, fire hydrants, fire department connections to automatic sprinkler systems and standpipes or other fire protection devices and equipment.
- g. Tents are required to have a fire break at least 12 feet every 7 tents.

E. Aesthetic/signage requirements.

1. Absolutely no flashing, blinking or strobe lights shall be used on or within mobile food trucks or related signage. All exterior lights with over 60 watts shall contain opaque hood shields to direct the illumination downward.
2. All signs used must be permanently affixed to or painted on the mobile food truck and shall extend no more than six inches from the vehicle. No sign shall flash, produce or reflect motion pictures; emit visible smoke, vapor, particles or odor; be animated or produce any rotation, motion or movement. No sign shall be internally illuminated.
3. A portable menu board measuring no more than six square feet in size may be placed on the ground within the customer waiting area. This sign shall be located no more than ten feet from the edge of the mobile food truck.
4. In no instance shall the portable menu board be located between the mobile food truck and any adjoining public road.
5. Mobile food trucks shall be maintained in good condition and appearance with no structural damage, holes, or visible rust, and shall be fully street legal. All vehicles shall be free of debris and shall be serviced regularly so as to prevent spills/deposits of oil/fuel, coolant, grease or other material.

F. Operational requirements.

1. Mobile food trucks shall not conduct business within the city limits unless a valid permit has been issued as described herein.
2. The vendor permit shall be firmly attached to the window adjacent to the ordering or serving window and visible on the mobile food truck at all times.
3. Any driver of a mobile food truck must possess a valid driver's license issued by the state.
4. No sales or offers for sale shall be made from any mobile food truck between 9:00 p.m. and 5:30 a.m. unless such sale is in conjunction with a city-approved special event.

5. No structure, vehicle or equipment shall be left unattended or stored at any time on the vending site when sales are not taking place or during restricted hours of operation.
6. Each vendor shall comply with all state, federal and local health and safety regulations and requirements and shall obtain and maintain any and all licenses required by any other health organization or governmental organization having jurisdiction over this subject matter.
7. Vendors may sell food and non-alcoholic beverage items only.
8. The following safety regulations shall apply to any and all vehicles operating under this article or used for mobile food truck establishments:
 - a. Vehicles shall be equipped with a reverse gear signal alarm with a sound distinguishable from the surrounding noise level.
 - b. Vehicles shall be equipped with two rear-vision mirrors, one at each side, firmly attached to the outside of the vehicle, and so located as to reflect to the driver a view of the street to the rear, along both sides of the vehicle.
9. Customers shall be provided with single service articles such as plastic utensils and paper plates. Each vendor shall provide no less than one waste container for public use.
10. Each vendor shall provide for the sanitary collection of all refuse, litter and garbage generated by the patrons using that service and shall remove all such waste materials from the vendor site before the vehicle departs. This includes, but is not limited to, physically inspecting the general area surrounding the vendor site for such items prior to the vehicle's departure.
11. Absolutely no dumping of gray water on public or private property shall be permitted.
12. The issuance of a permit does not grant or entitle the vendor to the exclusive use of any property or parking space.
13. All power required for the mobile food truck shall be self-contained. Mobile food trucks shall not use utilities drawn from the public right-of-way. No power cable or equipment shall extend across any city street, multi-use path, or sidewalk.

G. Fees.

Permit fees shall be as adopted by city council in the schedule of fees and kept on file in the city clerk's office.

H. Indemnity.

1. As a part of the permitting process set forth herein, any person or entity receiving a permit shall execute an indemnity agreement indemnifying and releasing the city, its agents, employees and elected officials from any and all liability against any and all claims, actions and suits of any type whatsoever.
2. Review of permit application. In determining whether or not to approve a specific vendor permit or the location of a vendor site, the planning and zoning administrator may consider any factors reasonably deemed relevant for the application including, but not limited to, the following:
 - a. Information contained in the application, or supplemental information requested from the applicant, is false in any material detail;
 - b. The applicant failed to complete the application form after having been notified of the need for additional information or documents;
 - c. Another permit or application has been received prior in time or has already been approved at the same time and location requested by the applicant;
 - d. The size, nature or location of the vendor site will present a substantial risk to the health or safety of the public or participants in the event or other persons;
 - e. The location of the vendor site will substantially interfere with any construction or maintenance work scheduled to take place upon or along the city streets.

I. Revocation and suspension.

Any permit granted pursuant to the provisions of this section may be subject to revocation for cause by the UDO Administrator, including but not limited to the failure to comply with this section or any other applicable provisions of this UDO.

Sec. 207.33-35. Reserved.

Civic and institutional.

Sec. 207.36. Place of public worship, general places of assembly and event centers.

1. Minimum lot area shall be two acres.
2. Minimum lot width shall be 200 feet.
3. At least one property line meeting the minimum lot requirements shall abut and have direct access on a major street, as designated in the UDO. Primary access to the site shall be from a major street.
4. Minimum setback area, front:
 - a. Building: 40 feet.
 - b. Parking: 20 feet.
5. Minimum setback area, side: 15 feet. If adjoining a residential lot the building setback shall be 75 feet.
6. Minimum setback, rear: 30 feet. If adjoining a residential lot the building setback shall be 75 feet.
7. Maximum building height: as determined by the Fire Marshal.
8. No parking shall be permitted within 20 feet of any adjoining residential zoning lot.
9. Parking and/or service areas shall be separated from adjoining residential lots by a suitable fence or wall six feet in height or a suitable evergreen planting screen six feet in height at time of planting. The required fence, wall, or evergreen planting screen must provide for a reasonable visual separation between properties. No fence or wall in excess of four feet in height may be placed in a setback area adjoining a public street.
10. Parking requirement shall be based on the maximum occupancy of the facility as determined by the fire marshal and/or building official.
11. Athletic fields shall be no closer than 75 feet from any adjoining residential zoning lot. Lighting, speakers or amplified sound shall not be permitted on athletic fields adjoining a residential zoning lot.
12. Parking lot lighting and lighting for night-time activities shall be directed and shielded in such a manner to prevent the light source from being visible from any adjoining residential zoning lot. All lighting fixtures, including building and security lighting, shall be designated as full cutoff fixtures and located in such a manner as to prevent glare onto adjacent properties and streets.
13. Any existing church in any zoning district may comply with either the requirement existing prior to enactment of this ordinance, or they may comply with the conditions of this section. They shall not be permitted to comply with various sections of both requirements.

Sec. 207.37. Private school (K-12).

1. Minimum lot area: Two acres.
2. Minimum lot width: 200 feet.
3. At least one property line meeting the minimum lot requirements shall abut and have direct access on a major street, as designated in the UDO. Primary access to the site shall be from a major street.
4. Minimum setback area, front:
 - a. Building: 40 feet.
 - b. Parking: 20 feet.

5. Minimum setback area, side: 15 feet. If adjoining a residential lot the building setback shall be 75 feet.
6. Minimum setback, rear: 30 feet. If adjoining a residential lot the building setback shall be 75 feet.
7. Maximum building height: 55 feet.
8. No parking shall be permitted within twenty (20) feet of any adjoining residential zoning lot.
9. Parking and/or service areas shall be separated from adjoining residential lots by a suitable fence or wall six feet in height or a suitable evergreen planting screen six feet in height at time of planting. The required fence, wall, or evergreen planting screen must provide for a reasonable visual separation between properties. No fence or wall in excess of four feet in height may be placed in a setback area adjoining a public street.
10. All buildings, parking areas and outdoor activity areas (ball fields, tennis courts, playgrounds, bleachers, etc.) shall be no closer than 75 feet of any side or rear property line.
11. Athletic fields shall be no closer than 75 feet from any adjoining residential zoning lot. Lighting, speakers or amplified sound shall not be permitted on athletic fields adjoining a residential zoning lot.
12. Parking lot lighting and lighting for night-time activities shall be directed and shielded in such a manner to prevent the light source from being visible from any adjoining residential zoning lot. All lighting fixtures, including building and security lighting, shall be designated as full cutoff fixtures and located in such a manner as to prevent glare onto adjacent properties and streets.

Sec. 207.38-41. Reserved.

Industrial and infrastructure.

Sec. 207.42. Heliports and helipads.

1. Conditional use requests for heliports and helipads shall be first considered by the Planning and Zoning Commission which shall make a recommendation to the Mayor and City Council for final action. At the discretion of either body, a public hearing, duly noticed in accordance with the provisions of Section 104.8.C., may be conducted.
2. The proposed heliport and all appurtenant facilities and equipment shall be constructed, operated and maintained in accordance with the published rules, regulations and guidelines of the Federal Aviation Administration and the Georgia Aeronautics Commission.
3. The use shall be located on a parcel having a minimum area of ten acres.
4. The touchdown and lift-off area (TLOF), as defined in Federal Aviation Administration Advisory Circular 150/5390-2B, or any successor advisory circular, shall comply with the following minimum separation distances:
 - a. from the boundary of any property zoned for industrial use: 150 feet;
 - b. from a building on property zoned for industrial use, other than property owned by the applicant: 200 feet;
 - c. from the boundary of property in any other zoning district: 300 feet;
 - d. from a building on property in any other zoning district: 500 feet.
5. A helicopter shall not remain in operation on the ground for a period of time greater than that necessary for startup/shutdown, loading and otherwise essential ground operations (generally no longer than 10 minutes).
6. As a condition of approval, limits may be imposed on:
 - a. size and type of rotorcraft permitted to use the facility;
 - b. allowable hours of use of the facility;
 - c. frequency of helicopter operations permitted at the facility; and
 - d. location, design, type, size, and use of any exterior lighting, buildings, fuel storage or other equipment or facilities associated with the heliport.

7. The provisions of this section shall not apply to emergency operations conducted by law enforcement, public safety agencies or emergency medical service providers.

Sec. 207.43. Salvage or impound operation.

1. Outdoor storage areas shall be fenced with a minimum six foot woven wire fence.
2. Buffering and screening shall be provided in accordance with Section 403.41.

Sec. 207.44. Wireless Communications Facility.

A. Purpose.

The purpose of this section is to establish regulations for the siting of all wireless, cellular, television and radio telecommunications towers and antennas. The Mayor and City Council recognize that the city is to provide for the siting of telecommunication towers and antennas pursuant to the mandates of the Telecommunications Act of 1996, as amended, and the Mobile BILD Act of 2014, as amended, and implement Section 6409(a) of the 2012 Middle Class Tax Relief and Job Creation Act. The goals of this section, therefore, are:

1. To encourage the location of towers in nonresidential areas;
2. To minimize the total number of towers within the city while providing adequate personal wireless services to residents of Fayetteville;
3. To encourage the joint use of new and existing tower sites among service providers;
4. To locate telecommunications towers and antennas in areas where adverse impacts on the community are minimized;
5. To encourage design and construction of towers and antennas to minimize adverse visual impacts;
6. To encourage the location of new towers on municipal property; and
7. To enhance the ability of wireless service providers to deliver such services to the community effectively, efficiently and safely.

B. Applicability.

1. Governmental exemption.

The provisions of this section shall not apply to city-owned property, facilities and structures.

2. Amateur radio; receive-only antennas.

This section shall not govern any tower, or the installation of any antenna, that is 40 feet or less in height and is owned and operated by a federally-licensed amateur radio station operator from the operator's residence or is used exclusively as a receive-only antenna.

3. Pre-existing towers and antennas.

Any tower or antenna for which a permit has been properly issued prior to the effective date of this section shall not be required to meet the provisions of this section, other than the requirements of subsections 3, 4, 5, 7, 8, 16, 18, 19, and 20. Any such towers or antennas shall be referred to in this section as "preexisting towers" or "preexisting antennas".

4. Additional antennas.

If an additional antenna is co-located upon a preexisting tower after adoption of this section, the fencing and landscaping requirements of subsections 12 and 13 shall be met as part of the permitting process.

C. Removal of abandoned towers and antennas.

Any tower or antenna that is not operated for a continuous period exceeding six (6) months shall be considered abandoned, and the owner of such antenna or tower shall place such antenna or tower into operation or remove the structure within 60 days of receipt of notice from the city notifying the owner of such abandonment. If the tower or antenna is not removed within 60 days, the city may, in the manner provided in the O.C.G.A. §§ 41-2-7—41-2-17, remove such antenna or tower at the owner's expense. If there are two (2) or more users of a single tower, then this provision shall not become effective unless and until all users' cease utilizing the tower.

Prior to the issuance of a permit to construct a tower, the owner of the tower shall provide a performance guarantee of not less than \$25,000.00, in a form acceptable to the Mayor and City Council, conditioned upon removal of the tower, should it be deemed abandoned under the provisions set forth in subsection a. of this section. The performance guarantee shall:

1. Be renewed at least every two (2) years during the life of the tower;
2. Not expire unless the city is given 60 days' prior written notice;
3. Shall include the name, address, telephone number, and contact for the provider bond or letter of credit; and
4. In the case of a bond, shall include a statement that the provider of the bond is listed in the latest issue of the U.S. Treasury Circular 570.

D. Legal status provisions.

Whenever the regulations of this article require a greater width, depth or size of yard or impose other more restrictive standards than are required in or under any other statute or covenants, the requirements of this article shall govern. Whenever the provisions of any other statute or covenants require more restrictive standards than those of this article, the provisions of such statutes or covenants shall govern.

Any preexisting antenna, tower, or telecommunication facility which does not meet the requirements of this section shall be considered nonconforming and subject to the provisions of the unified development ordinance with respect to nonconforming uses or structures; provided, however, that the installation of a new antenna on a preexisting tower or monopole shall not constitute the expansion of a nonconforming use provided that:

1. The new antenna does not result in a substantial increase in size; and
2. The resulting height of the preexisting tower or monopole is less than the maximum height of the tower previously approved by the city.

E. Annual registration of towers and antennas.

The owner of any telecommunications tower or antenna shall annually register such structure, by tax parcel number and physical street address, with the building official on or before April 1 of each year. The annual registration shall describe all facilities on the site, describe in detail any improvements during the preceding calendar year, and, for towers only, state the total gross income from all improvements on the site for the preceding calendar year.

F. Principal or accessory use.

A tower and/or antenna is considered a principal use if located on any lot or parcel of land as the sole or primary structure and is considered an accessory use if located on a lot or parcel shared with a different existing primary use or existing structure. An existing use or structure on the same lot or parcel shall not preclude the installation of an antenna or tower. For purposes of determining whether the installation of a tower or antenna complies with zoning district requirements, including but not limited to setback, buffer

and other requirements, the dimensions of the entire lot or parcel shall control, even though the antenna or tower may be located on a leased area within such lot or parcel. Towers and antennas that are installed as an accessory use, in accordance with the provisions of this section, shall not be deemed to constitute the expansion of an existing nonconforming use or structure on the property.

G. Inventory of existing sites.

1. The UDO Administrator shall maintain an inventory of all towers or alternative tower structures, active and inactive, which are present in the city. This inventory shall include specific information about the location (latitude and longitude coordinates), height, design, tower type and general suitability for antenna co-location of each tower, and other pertinent information as may be decided by the department.
2. To facilitate the co-location of antennas, each applicant seeking to locate a new tower or alternative tower structure or modify any such existing tower or alternative tower shall provide to the UDO Administrator an inventory of its existing towers or alternative tower structures, as provided for below. The applicant shall specifically identify its towers or alternative structures, active or inactive, which are present in the city limits.
3. The applicant's inventory shall include all of its structures within the jurisdiction of the city or within one-quarter (1/4) mile of the border of the city limits and shall include specific information about the location (latitude and longitude coordinates), height, design, tower type and general suitability for antenna co-location of each tower, and other pertinent information as may be required by the department. The UDO Administrator shall share such information with other applicants or other organizations seeking to locate towers or antennas within the city; provided, the UDO Administrator shall not, by sharing such information, in any way be deemed to have represented or warranted that such sites are available or suitable.
4. An application shall not be considered complete without the inventory required in this section.

H. Co-location; availability of suitable existing structures.

Applicants for the installation of an antenna shall be required to co-locate upon an existing tower structure. No new tower shall be permitted unless the applicant demonstrates to the satisfaction of the UDO Administrator that no existing tower or existing alternative tower structure can accommodate the applicant's proposed antenna. The applicant must present an affidavit listing the available existing towers and reasons why co-location on those towers is not possible. All evidence submitted shall be signed and sealed by appropriate licensed professionals or qualified industry experts and shall consist of more than mere conclusory statements that no existing tower is suitable. Evidence submitted to demonstrate that no existing tower or structure can accommodate the proposed antenna shall consist of one or more of the following:

1. That no existing towers or suitable alternative tower structures are located within the geographic search area required to meet the applicant's engineering requirements.
2. That existing towers or structures within the geographic search area do not have sufficient structural strength to support the applicant's antenna and related equipment.
3. That the applicant's proposed antenna(s) would cause electromagnetic interference with the antenna(s) on the existing towers or structures in the geographic search area, or the antenna on the existing towers or structures in the geographic search area, would cause interference with the applicant's proposed antenna.
4. That the cost or contractual provisions required by the tower owner to share an existing tower or structure in the geographic search area or to adapt an existing tower or structure for collocation are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
5. That the applicant adequately demonstrates there are other limiting factors that render existing towers and structures unsuitable.

For each of the above, the applicant must provide a listing of the existing towers or structures within the geographic search area that were considered, and ultimately rejected, by the applicant and provide a detailed explanation of why the existing towers or structures within the geographic search area are not suitable.

I. Co-location; design requirements.

In addition to all applicable building and safety codes, all towers shall be designed to accommodate the co-location of cellular telecommunication antennas according to the following:

1. For towers up to 125 feet in height, the structure and fenced compound shall be designed to accommodate at least two (2) providers, and
2. For towers greater than 125 feet in height, the structure and fenced compound shall be designed to accommodate at least three (3) providers.

J. Aesthetics.

The requirements set forth in this section shall govern the design and construction of all towers, and the installation of all antennas, governed by this article.

1. Towers and/or antennas shall either be galvanized steel or, subject to any applicable standards of the FAA, be painted a neutral color to reduce visual obtrusiveness. Where possible, towers shall be designed as monopole structures.
2. The design of all buildings and related structures shall use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and surrounding built environment.
3. For antennas installed on a structure other than a tower, the antenna and supporting electrical and mechanical ground equipment shall be a neutral color to make the antenna and related equipment as visually unobtrusive as is reasonable.
4. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the review authority may review the available federally-approved lighting alternatives and approve the design that would cause the least disturbance to the surrounding area.
5. No signage or other identifying markings shall be permitted upon any tower or alternative tower structure within the city.

K. Setbacks and separation.

The following setbacks and separation requirements shall apply to all towers:

1. Towers shall be set back a distance equal to the greater of the tower height or 50 feet, from its base, to any public right-of-way or property line of the lot or parcel containing the tower.
2. Guy-wires and accessory buildings and facilities shall meet the minimum accessory use location and setback requirements and shall be completely contained within the lot on which the tower is located.
3. Towers over 100 feet in height shall not be located closer than 1,500 feet from any existing tower that exceeds 100 feet in height.
4. Towers must be set back from any adjoining residentially zoned property two (2) times the height of the tower.

L. Security fencing/ anti-climbing devices.

1. All towers and supporting equipment shall be enclosed by fencing not less than six (6) feet in height and shall also be equipped with appropriate anti-climbing devices. Fencing shall be of chain link, wood or other approved alternative, as determined by the UDO Administrator.
2. Amateur radio towers and antennas, or receive-only antennas, shall not be subject to the provisions of this section unless such structures exceed 40 feet in height.

M. Landscaping.

The following requirements shall govern landscaping surrounding all towers:

1. Where adequate vegetation is not present, tower facilities shall be landscaped with a

landscaped strip of plant materials which effectively screens the view of the equipment compound. Landscaped strips shall be a minimum of ten (10) feet in width and located outside the fenced perimeter of the compound. Landscaped strips shall satisfy the minimum design and planting requirements for buffers established in the city's landscape ordinance.

2. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. Where natural vegetation around the perimeter of the site would provide an adequate visual screen, an undisturbed buffer may be utilized.
3. Amateur radio towers and antennas, or receive-only antennas, shall not be subject to the provisions of this section unless such structures exceed 40 feet in height.

N. Federal requirements.

All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate towers and antennas.

O. Building codes and safety standards.

To ensure the structural integrity of towers, the owner, permittee or subsequent lessee of a tower or alternative tower structure shall ensure that it is maintained in compliance with standards contained in applicable local building codes. If, upon inspection, the department concludes that a tower fails to comply with all applicable codes and standards, or constitutes a danger to persons or property, then upon receipt of written notice by the owner, permittee, or lessee of the tower, the party shall have 15 days to bring the tower into compliance with such standards. If the owner, permittee, or lessee fails to bring the tower into compliance within the 15-day period, the review authority may cause removal of the tower at the owner's, permittee's, or lessee's expense. Prior to the removal of any tower, the UDO Administrator may consider detailed plans submitted by the owner, permittee, or subsequent lessee for repair of substandard towers, and may grant a reasonable extension of the above referenced compliance period. Any such removal by the city shall be in the manner provided in O.C.G.A. §§ 41-2-7—41-2-17.

P. Change of ownership notification.

Upon the transfer of ownership of any tower, alternative tower structure, or lot upon which such a structure has been installed, the party transferring ownership shall notify the zoning administrator of the transaction in writing within thirty (30) days.

Q. Administrative approval.

1. The UDO Administrator may administratively approve the placement of additional antennas upon towers or alternative tower structures, as set forth in subsection 18. All other applications not meeting the criteria for administrative approval shall be reviewed by the Planning and Zoning Commission.
2. Each applicant requesting an administrative approval under this section shall specifically request such approval in writing and submit the information required in subsection 20, along with any other information deemed by the UDO Administrator to be necessary to assess compliance with this section and compatibility with surrounding uses.
3. The UDO Administrator shall notify the applicant within 15 days of receiving the application if it is complete or whether additional information is required. An extension of this review period may be exercised by the department if additional time is necessary to adequately assess the request; provided, if the department fails to respond within 60 days and the applicant has given five (5) business days' advance written notice of their intent to proceed upon the expiration of the 60 days, the application shall be deemed approved. If an application for administrative approval is denied, the reasons for the denial shall be provided to the applicant in writing and the matter shall be automatically appealed to the Mayor and City Council for a hearing as provided for in subsection 22 e. and f.
4. As part of any administrative approval, the department may reduce setback requirements by up to ten (10) percent to compensate for irregularly shaped lots or parcels.

R. Uses allowed by administrative approval.

Installation of an antenna on an existing tower or alternative tower structure and the placement of additional buildings or other supporting equipment used in connection with the antenna may be approved by the UDO Administrator after conducting an administrative review; provided:

1. a new antenna does not result in a substantial increase in size; and
2. The resulting height of the preexisting tower is less than the maximum height of the tower previously approved by the city.

S. Construction/ installation applications required.

All applications for permit to construct towers or install antennas shall be made to the UDO Administrator; provided, replacement of an existing antenna with a new antenna shall not require a permit. The application forms and other documents and papers necessary for the implementation and enforcement of this section shall be on a form for that purpose. No application shall be considered until supporting documents, reports, and other evidence of eligibility as may be required, is provided. All such applications shall be sworn to by the applicant if an individual, or by a partner if a partnership, or by a manager or member if a limited liability company, or by an officer or equivalent position if a corporation or other legal entity.

T. Contents of applications.

Prior to submitting an application, all applicants shall be required to attend a pre-application meeting with applicable city staff to discuss the requirements for the application.

1. Applications for permits to install a new tower contain or have attached the following information:
 - a. Name, address and telephone number of the applicant;
 - b. Address of building, structure, or lot to which or upon which the tower is to be installed;
 - c. Name of the person, firm, corporation or association installing the tower;
 - d. Written consent of the owner of the building, structure, or land to which or upon which the tower is to be installed;
 - e. A site plan showing existing vegetation to be removed from the site, and vegetation to be replanted to replace the vegetation that will be removed;
 - f. A certified statement prepared by an engineer licensed to practice in Georgia or qualified industry professional that the installation and operation of any antenna on the tower, including reception and transmission functions, will not interfere with the usual and customary transmission or reception of radio, television, or other telecommunication service enjoyed by adjacent properties;
 - g. Written certification that all emissions from any antenna on the tower will comply with Federal Communications Commission frequency emissions standards;
 - h. The applicant shall provide photo-simulated post-construction renderings of the completed proposed tower, equipment compound and/or equipment cabinets, ancillary structures, and landscaping, if any, from locations determined at the pre-application conference. The views shall incorporate before and after scenarios, a scaled color image of the proposed type of facility, an aerial map with the location of the selected views, and a description of the technical approach used to create the photo simulations. The simulations shall include a minimum of four (4) vantage points (generally north, south, east, and west). Based on the information provided at the pre-application conference, the applicant may be required to provide other pictorial representations from other viewpoints, including, but not limited to, state highways and other major roads, state and local parks; other public lands; historic districts; preserves and historic sites normally open to the public, and from any other location where the site is visible to a large number of visitors, travelers or residents.
 - i. The city may, at its sole discretion, require a balloon test to be conducted at any time during which an application is pending before the city.

2. Applications for permits to construct a tower shall contain or have attached the following information:
 - a. Six sets of accurate scale drawings including a scaled site plan and a scaled elevation view and other supporting drawings, calculations, and documentation including, but not limited to, the method of construction and attachment to the ground for the tower. The plans for the tower construction shall be certified by a registered structural engineer licensed in the State of Georgia as meeting all current safety and design standards of all applicable federal, state, and city codes, and shall show the location and dimensions of all improvements, including information concerning topography, radio frequency coverage, tower height requirements, setbacks, drives, parking, fencing, landscaping, adjacent uses, and other information deemed by the city to be necessary to assess compliance with this section. In addition, the report from the structural engineer must contain:
 - b. Tower height and design, including technical, engineering, economic, and other pertinent factors governing selection of the proposed design. A cross-section of the tower structure shall be included;
 - c. Total anticipated capacity of the structure, including number and types of antennas which can be accommodated;
 - d. Evidence of structural integrity of the tower structure;
 - e. Failure characteristics of the tower and demonstration that site and setbacks are of adequate size to contain debris; and
 - f. The inventory required in subsection 20 h.
3. Applications for permits to install a new antenna shall be made upon forms provided by the UDO Administrator, and shall contain or have attached the following information:
 - a. Name, address and telephone number of the applicant;
 - b. Address of tower upon which antenna is to be installed;
 - c. Name of the person, firm, corporation or association installing the antenna; and,
 - d. Written consent of the owner of tower or upon which the antenna is to be installed.
 - e. Applications for permits to install an antenna shall contain or have attached two (2) sets of accurate scale drawings including a scaled site plan and a scaled elevation view and other supporting drawings, calculations, and other documentation including, but not limited to, the method of construction and attachment to the tower for the antenna. The plans for the antenna installation shall be certified by an independent registered structural engineer licensed in the State of Georgia as meeting all current safety and design standards of all applicable federal, state, and city codes.
 - f. All applications for permits to construct towers or install antennas shall be accompanied by an administrative fee as provided for in the schedule of fees.

U. Waivers.

1. Where an applicant for installation of a tower or antenna can demonstrate that no site that allows uninterrupted service or service without signal distortion, exists in conformance with the standards of this section, the applicant may apply for a waiver from one (1) or more of the standards or limitations provided for in this section.
2. An application for a waiver shall be submitted to the Planning and Zoning Commission and shall include data which demonstrate the technical necessity for the relief; describe with specificity the structure upon which the tower, monopole, or antenna is proposed to be installed; and provide such other information as may be required.
3. Applications for waivers shall be submitted along with an application fee as established by the Mayor and City Council.

V. Procedure for issuance by Planning and Zoning Commission.

1. Within 120 days from receipt of a fully completed application for a new tower structure or within 90 days from receipt of a fully completed application for a collocation submitted in accordance with this section, the Planning and Zoning Commission or UDO Administrator, as applicable, shall issue a written

- determination granting, granting subject to reasonable conditions, or denying the application in whole or in part.
2. Within 15 days of the receipt of any application for the location of an antenna on an existing building, structure, tower or monopole, the UDO Administrator shall render his decision. Any decision by the UDO Administrator to deny an application shall be in writing and supported by substantial evidence contained in a written record. The UDO Administrator's decision to deny an application shall automatically be submitted to the Mayor and City Council for review on appeal.
 3. Within 60 days of the receipt of an application for a co-location on an existing eligible facility that does not substantially change the physical dimensions of that facility the department shall complete its review. Should the department find the application incomplete, the applicant shall be notified within 15 days.
 4. Within 60 days of the receipt of any application for the location of a new tower, the UDO Administrator shall transmit a recommendation to the Planning and Zoning Commission.
 5. The Planning and Zoning Commission shall hold a public hearing within 45 days of receipt of the UDO Administrator's recommendation.
 6. Official notice of the public hearing shall be given in a newspaper of general circulation in the city, at least 15 days, but not more than 45 days, prior to the hearing. The newspaper notice of the public hearing shall include the time, place and purpose of the hearing. In addition, the newspaper notice of the public hearing shall include the location of the proposed facility.

W. Considerations in approval or denial of an application.

Any denial of a request to place, construct or modify a tower or antenna shall be in writing and supported by substantial evidence. For new towers, the Planning and Zoning Commission shall consider the following factors, among others as appropriate, in acting upon a tall structure permit application under the provisions of this section:

1. The height and setbacks of the proposed tower;
2. The proximity of the tower to residential structures and residential district boundaries;
3. The nature of uses, as well as the height of existing structures, on adjacent and nearby properties;
4. The surrounding topography;
5. The surrounding tree coverage and foliage;
6. The design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
7. The proposed ingress and egress;
8. The availability of suitable existing towers or other structures for antenna co-location;
9. The evidence submitted regarding the need for the tower in the area, including but not limited to propagation maps and other similar materials;
10. The tower's effect on property values of adjacent and nearby residential properties; and
11. Structural safety concerns associated with the proposed tower or antenna, including design features which minimize risks to surrounding areas in the event of major structural failure.

X. Fees.

The fees levied and charged for all persons and businesses are set forth on a schedule which may be amended from time to time by resolution of Mayor and City Council, a copy of which is on file in the city clerk's office. Fees are levied and assessed in addition to any business or occupational taxes assessed and levied under this Code.

Y. Height.

No tower shall exceed a height of 150 feet.

Z. Zoning.

If it is adequately demonstrated that antenna co-location, as required herein, is not possible for a given geographic search area, the construction of a new tower including the placement of a service building or other supporting equipment used in connection with said tower or antenna, shall be limited to the zoning districts identified within this UDO, (provided, however, that all structures shall meet the setback, screening and buffer requirements contained herein).

AA. Inspections.

1. Whenever inspections of the premises used for or in connection with a tower or antenna are provided for or required by ordinance, or are reasonably necessary to ensure compliance with any ordinance provision or to detect violations thereof, it shall be the duty of the permittee, or the person in charge of the premises to be inspected, to admit thereto for the purpose of making the inspection any officer, agent, or employee of the city who is authorized or directed to make such inspection, at any reasonable time that admission is requested.
2. In addition to any other penalty which may be provided, the permit of any applicant or permittee who refuses to allow any authorized officer, agent or employee of the city to make any inspection provided for in subsection (a) herein above, or who interferes with such officer or employee while in the performance of his duty in making such inspection may be suspended or revoked in accordance with the provisions of section 94-547 herein above.

AB. Penalties for violation.

In addition to the other remedies available to the city for violation of this article set forth herein or in any other applicable provision of this Code, the municipal court of the city, after notice to the applicant or permittee and hearing, may impose a civil fine for failure to comply with the provisions of this article and/or a sentence not to exceed 60 days. Such a civil fine shall not exceed \$1,000.00 per day and may be enforced by the contempt power of the court. In addition, the applicant or permittee shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing contained in this section shall prevent the governing authority from taking such other lawful action as is necessary to prevent or remedy any violation of this article.

Sec. 207.45. Small wireless facilities in the public right-of-way.

A. Purpose.

The purpose of this ordinance is to establish reasonable regulations for the installation, construction, maintenance, renewal, removal, and relocation of pipes, mains, conduits, cables, wires, poles, towers, traffic and other signals, and other equipment, facilities, or appliances in, on, along, over, or under the public roads of the city in accordance with O.C.G.A. § 32-4-92(a)(10).

It is understood the city has authority to manage its public rights-of-way in accordance with Section 47 U.S.C. § 253(c). In addition, the Georgia Streamlining Wireless Facilities and Antennas Act., O.C.G.A. Title 36, Chapter 66C (the "SWFAA"), addresses the placement of small wireless facilities in the public rights of way of the City.

B. Permits.

1. A permit is required to collocate a small wireless facility in the public right of way or to install, modify, or replace a pole or a decorative pole in the public right of way. A permit is not required to perform the activities described in O.C.G.A. § 36-66C-6(e) or (f).
2. Any person seeking to collocate a small wireless facility in the public right of way or to install, modify, or replace a pole or a decorative pole in the public right of way shall submit an application to the Community

and Economic Development Department for a permit. Applications are available from the Community and Economic Development Department. Any material change to information contained in an application shall be submitted in writing to the Community and Economic Development Department within 30 days after the events necessitating the change.

3. Each application for a permit shall include the maximum application fees permitted under O.C.G.A. § 36-66C-5(a)(1), (a)(2) and (a)(3). Such maximum application fees shall automatically increase on January 1 of each year beginning January 1, 2021, as provided under O.C.G.A. § 36-66C-5(b).
4. The Community and Economic Development Department shall review applications for permits according to the timelines and using the procedures identified in O.C.G.A. §§ 36-66C-7 and 36-66C-13.
5. Applications for permits shall be approved except as follows:
 - a. In order to receive a permit to install a pole or replace a decorative pole, the applicant must have determined after diligent investigation that it cannot meet the service objectives of the permit by collocating on an existing pole or support structure on which:
 - i. the applicant has the right to collocate subject to reasonable terms and conditions; and
 - ii. such collocation would not impose technical limitations or significant additional costs. The applicant shall certify that it has made such a determination in good faith, based on the assessment of a licensed engineer, and shall provide a written summary of the basis for such determination.
 - b. The Community and Economic Development Department may deny an application for a permit upon any of the conditions identified in O.C.G.A. § 36-66C-7(j).
 - c. For applications for new poles in the public right of way in areas zoned for residential use, the may propose an alternate location in the public right of way within 100 feet of the location set forth in the application, and the wireless provider shall use the Community and Economic Development Department proposed alternate location unless the location imposes technical limits or significant additional costs. The wireless provider shall certify that it has made such a determination in good faith, based on the assessment of a licensed engineer, and it shall provide a written summary of the basis for such determination.
6. A permit issued under this ordinance shall authorize such person to occupy the public rights of way to:
 - a. collocate a small wireless facility on or adjacent to a pole or a support structure that does not exceed the limitations set forth in O.C.G.A. § 36-66C-7(h)(3) or on or adjacent to a decorative pole in compliance with O.C.G.A. § 36-66C-12; and
 - b. install, modify, or replace a pole or decorative pole for collocation of a small wireless facility that does not exceed the limitations set forth in O.C.G.A. § 36-66C-7(h)(1) and (h)(2).
7. Upon the issuance of a permit under this ordinance and on each anniversary of such issuance, every person issued a permit shall submit to the city the maximum annual payments permitted under O.C.G.A. § 36-66C-5(a)(4) and (a)(5); provided, however, that if such person removes its small wireless facilities from the public rights of way pursuant to O.C.G.A. § 36-66C-5(e), then such person shall be responsible for the pro rata portion of the annual payment based on the number of days of occupation since the last annual payment. Upon making such pro rata payment and removal of the small wireless facilities, the person's annual payment obligations under this section shall cease as of the date of the actual removal. The maximum annual payments shall automatically increase on January 1 of each year beginning January 1, 2021, as provided under O.C.G.A. § 36-66C-5(b). Annual fees will be due to City by March 1st of each year.
8. Any person issued a permit shall pay the fees identified in O.C.G.A. § 36-66C-5(a)(6) and (a)(7), as applicable.
9. The city may revoke a permit issued pursuant to this ordinance if the wireless provider or its equipment placed in the public right of way under that permit subsequently is not in compliance with any provision of this Code or the Georgia Streamlining Wireless Facilities and Antennas Act. Upon revocation, the city may

proceed in accordance with the stipulations herein.

10. If a wireless provider occupies the public rights of way without obtaining a permit required by this ordinance or without complying with the SWFAA, then the city may, at the sole discretion of the city, restore the right of way, to the extent practicable in the reasonable judgment of the city, to its condition prior to the unpermitted collocation or installation and to charge the responsible wireless provider the reasonable, documented cost of the city in doing so, plus a penalty not to exceed \$1,000.00. The city may suspend the ability of the wireless provider to receive any new permits from the city under this ordinance until the wireless provider has paid the amount assessed for such restoration costs and the penalty assessed, if any; provided, however, that the city may not suspend such ability of any applicant that has deposited the amount in controversy in escrow pending an adjudication of the merits of the dispute by a court of competent jurisdiction.
11. All accepted applications for permits shall be publicly available subject to the limitations identified in O.C.G.A. § 36-66C-6(c).
12. An applicant may file a consolidated application related to multiple small wireless facilities, poles or decorative poles so long as such consolidated application meets the requirements of O.C.G.A. § 36-66C-13.
13. Activities authorized under a permit shall be completed within the timelines provided in O.C.G.A. § 36-66C-7(k)(2).
14. Issuance of a permit authorizes the applicant to:
 - a. undertake the collocation, installation, modification or replacement approved by the permit and
 - b. operate and maintain the small wireless facilities and any associated pole covered by the permit for a period of ten years.
15. Permits shall be renewed following the expiration of the term identified herein upon the terms and conditions identified in O.C.G.A. § 36-66C-7(k)(2)(B).
16. If an application for a permit seeks to collocate small wireless facilities on city owned poles in the public rights of way, then the city shall, within 60-days of receipt of the completed application:
 - a. provide a good faith estimate for any make-ready work necessary to enable the city's pole to support the proposed facility; or
 - b. notify the wireless provider that the wireless provider will be required to perform the make-ready work. Any make-ready work performed by the city shall be completed pursuant to and in accordance with the provisions of O.C.G.A. § 36-66C-7(n).

C. Removal, relocation, reconditioning, replacement and abandonment.

1. A person may remove its small wireless facilities from the public rights of according to the procedures of O.C.G.A. § 36-66C-5(e).
2. In the event of a removal under this ordinance, the right of way shall be, to the extent practicable in the reasonable judgment of the city, restored to its condition prior to the removal. If a person fails to return the right of way, to the extent practicable in the reasonable judgment of the city, to its condition prior to the removal within 90 days of the removal, the city may, at the sole discretion of the city, restore the right of way to such condition and charge the person the city's reasonable, documented cost of removal and restoration, plus a penalty not to exceed \$500.00. The city may suspend the ability of the person to receive any new permits under this ordinance until the person has paid the amount assessed for such restoration costs and the penalty assessed, if any; provided, however, that the city will not suspend such ability of any person that has deposited the amount in controversy in escrow pending an adjudication of the merits of the dispute by a court of competent jurisdiction.
3. If, in the reasonable exercise of police powers, the city determines:
 - a. a pole or support structure unreasonably interferes with the widening, repair, reconstruction, or relocation of a public road or highway, or
 - b. relocation of poles, support structures, or small wireless facilities is required as a result of a public project, the wireless provider shall relocate such poles, support structures, or small wireless facilities

pursuant to and in accordance with the provisions of O.C.G.A. § 36-66C-7(l). If the wireless provider fails to relocate a pole, support structure or small wireless facility or fails to provide a written good faith estimate of the time needed to relocate the pole, support structure or small wireless within the time period prescribed in O.C.G.A. § 36-66C-7(l), the City may take the actions authorized by O.C.G.A. § 36-66C-7(o), in addition to any other powers under applicable law.

4. The city shall recondition and replace city owned poles consistent with the provisions of O.C.G.A. § 36-66C-7(m). Wireless providers shall accommodate and cooperate with reconditioning and replacement consistent with the provisions of O.C.G.A. § 36-66C-7(m).
5. A wireless provider must notify the city of its decision to abandon any small wireless facility, support structure or pole pursuant to and in accordance with the provisions of O.C.G.A. § 36-66C-7(p)(1). The wireless provider shall perform all acts and duties identified in O.C.G.A. § 36-66C-7(p) regarding abandonment. The city may take all actions and exercise all powers authorized under O.C.G.A. § 36-66C-7(p) upon abandonment, in addition to any other powers under applicable law.

D. Standards.

1. Small wireless facilities and new, modified, or replacement poles to be used for collocation of small wireless facilities may be placed in the public right of way as a permitted use upon a receipt of a permit under this ordinance subject to applicable codes; and so long as such small wireless facilities and new, modified, or replacement poles to be used for collocation of small wireless facilities comply with the appropriate provisions of O.C.G.A. § 36-66C-7(h).
 - a. New, modified, or replacement poles installed in the right of way in a historic district and in an area zoned primarily for residential use shall not exceed 50 feet above ground level.
 - b. Each new, modified, or replacement pole installed in the right of way that is not in a historic district or in an area zoned primarily for residential use shall not exceed the greater of:
 - i. Fifty feet above ground level; or
 - ii. Ten feet greater in height above ground level than the tallest existing pole in the same public right of way in place as of January 1, 2019, and located within 500 feet of the new proposed pole.
 - c. New small wireless facilities in the public right of way and collocated on an existing pole or support structure shall not exceed more than ten feet above the existing pole or support structure.
 - d. New small wireless facilities in the public right of way collocated on a new or replacement pole as described herein may not extend above the top of such poles.
 - e. When working with right-of-ways of the Georgia Department of Transportation the Applicant shall comply with all relevant portions of the Georgia Department of Transportation's most current Utility Accommodation Policy and Standards Manual, including references contained therein; to the extent that the same does not conflict with O.C.G.A. Title 36, Chapter 66C.
2. A decorative pole should only be located where an existing pole can be removed and replaced, or at a new location where the city has identified that a streetlight is necessary.
3. Unless it is determined that another design is less intrusive, or placement is required under applicable law, small wireless facilities shall be concealed as follows:
 - a. Antennas located at the top of poles and support structures shall be incorporated into the pole or support structure, or placed within shrouds of a size such that the antenna appears to be part of the pole or support structure;
 - b. Antennas placed elsewhere on a pole or support structure shall be integrated into the pole or support structure, or be designed and placed to minimize visual impacts.
 - c. Radio units or equipment cabinets holding radio units and mounted on a pole shall be placed as high as possible, located to avoid interfering with, or creating any hazard to, any other use of the public rights of way, and located on one side of the pole. Unless the radio units or equipment cabinets can

be concealed by appropriate traffic signage, radio units or equipment cabinets mounted below the communications space on poles shall be designed so that the largest dimension is vertical, and the width is such that the radio units or equipment cabinets are minimally visible from the opposite side of the pole on which they are placed.

- d. Wiring and cabling shall be neat and concealed within or flush to the pole or support structure, ensuring concealment of these components to the greatest extent possible.
4. Notwithstanding any provision of this city to the contrary, an applicant may collocate a small wireless facility within a historic district, and may place or replace a pole within a historic district, upon issuance of a permit and compliance with applicable codes.
5. Notwithstanding any provision of this city to the contrary, an applicant may collocate a small wireless facility on a decorative pole, or may replace a decorative pole with a new decorative pole, in the event the existing decorative pole will not structurally support the attachment, only upon issuance of a permit and compliance with applicable codes.

Sec. 207.46-50. Reserved.

Offices and services.

Sec. 207.51. Adult day care.

1. No adult day care facility shall be located within 2,500 feet of any community living arrangement which is located within a residential zoning district.
2. All adult day care facilities shall comply with State of Georgia Department of Human Services regulations and licensing requirements.

Sec. 207.52. Day care home and child care facilities.

1. At least 150 square feet of outdoor play area per child shall be provided on the lot.
2. The play area shall be surrounded by a permanent solid wall, privacy fence, or woven wire fence having a height of at least four feet.
3. Child care facilities shall comply with State of Georgia Department of Human Services regulations and licensing requirements.
4. The site shall designate safe and convenient spaces for loading/unloading students and no less than two designated loading/unloading spaces under a porte cochere/roofed structure attached to the building.

Sec. 207.53. Home occupation.

1. There shall be no exterior evidence of the home occupation including, but not limited to, the parking of one vehicle, related to the business, which can be seen from a public street or right-of-way.
2. No outside storage of materials and equipment shall be used in connection with the home occupation.
3. No external alterations inconsistent with the residential use of the building shall be permitted.
4. Only vehicles used primarily as passenger vehicles shall be permitted in connection with the conduct of the home occupation and no on-street parking of customer vehicles shall be permitted.
5. No chemical, electrical or mechanical equipment shall be installed or used, except that which is normally used for household or hobby purposes.
6. On-site retail sales activity is prohibited. Internet sales are allowed.
7. The use shall be conducted entirely within the dwelling unit and only occupants and one non-occupant employee shall be allowed to work from the residence.
8. A statement of intent shall accompany each application for a home occupation. Statement of intent forms

may be obtained from the business license department and include the following information:

- a. To operate a business from an apartment, the city will require a letter of approval from the owner or manager.
- b. To operate a business from rental property, the city will require a letter of approval from the property owner.
- c. Verification that applicant, their immediate family residing on the premises, and one non-resident employee will be the only persons to work from this location.
- d. Verification that there will be no outside storage of business related items of any kind.
- e. Verification that there will be no retail sales of any kind on the premises.

Sec. 207.54. Mini-warehouse/ self-storage.

1. Use of any storage unit for the conduct of manufacturing, repair, service, sales, fabrication, assembly, or any other business purpose, other than storage of goods or merchandise, is prohibited.
2. A single one-bedroom dwelling unit is permitted as an on-site residence for the facility caretaker. This dwelling unit shall be physically attached to the building which contains the leasing and management office for the facility.
3. Parking shall be provided in accordance with Section 10.3. There shall be a 10-foot wide parking lane adjacent to each side of a building that has access doors to storage units. Required parking may be situated in these lanes.
4. One-way traffic aisles shall not be less than 16 feet in width. Two-way traffic aisles shall not be less than 24 feet in width. This width shall not count required parking lanes.
5. Areas provided for outdoor storage of automobiles, boats, recreational vehicles, trailers, and similar personal property shall be designated on the site plan. These storage areas shall be enclosed and screened by the on-site storage unit buildings or screening as required by Section 12.3 C. Outdoor storage shall not be located within any required setback area.

Sec. 207.55. Outdoor storage.

1. Outdoor storage of inoperable vehicles, machinery, appliances and equipment shall be limited to those enterprises requiring storage of these items being repaired. This storage time shall not exceed 30 days from the time the item is delivered to the time the item is removed from the site.
2. Storage areas shall be enclosed and screened by the on-site buildings or as required by Section 12.3 C.
3. Storage area surface:
 - a. Storage areas shall be paved with asphalt or concrete.
 - b. Subject to approval by the UDO Administrator, the storage area surface may be a pervious surface of equal durability. Gravel, crushed rock, and other alternative surface may be permitted if it:
 - i. Is demonstrated to be properly drained;
 - ii. Can be maintained in a durable state that minimizes dust generation;
 - iii. Will be compatible with the character and quality of nearby development; and
 - iv. Will be maintained and free of weeds, grass, and overgrown vegetation at all times.
4. Approval of alternative material does not provide a permanent right that carries with the lot of record. Surfaces may be required to be upgraded during future improvements, change of use, and/or further development.

Sec. 207.56. Temporary office.

1. A temporary building or mobile unit for use in connection with a construction project or land subdivision

development shall be permitted on the lot of the project during the construction period in accordance with this section.

2. An appropriate area for the temporary building shall be designated on a site plan of the property. The plans for new temporary buildings shall be reviewed and approved by the UDO Administrator. The plans shall clearly show how the petitioner is providing adequate space for the temporary building and any required landscaping, screening walls or fences, the loading and unloading of the building, and any other accessory structures, including but not limited to stairs and ramps.
3. No temporary building shall be placed in designated parking spaces, fire lanes, customer pickup lanes, within any easement, within ten feet of the critical root zone of any tree save area, or in other landscape areas required by city ordinances or codes.

Sec. 207.57. Vehicle repair.

1. Outdoor above-ground storage and dispensing tanks are prohibited.
2. Where feasible, service bay doors shall not face residential zoned parcels.
3. All vehicle repair and business operations shall occur indoors.
4. Inoperative and unlicensed vehicles shall not be stored for more than 30 days.
5. Outdoor storage of equipment, materials, and disabled vehicles shall be screened per Section 207.55.

Sec. 207.58. Vehicle service station.

1. Access.
 - a. The access management standards of Section 303.3.B. shall be met.
 - b. To the extent possible, one or more access driveways shall be to/ from an alternate access road, service drive, or shared access.
 - c. The lot on which the use is located shall have a minimum of 200 feet of frontage on and direct access to at least one arterial street, as defined in the comprehensive plan. This requirement shall not apply to the service station site if it is located within a planned business center that meets the requirement.
 - d. In no case shall the gas pumps, tanks or other flammable storage material be permitted within 500 feet of any nursery school, day care center, day kindergarten, and elementary, middle, or high school. Distance shall be measured on the shortest straight line between the nearest lot lines of the service station and school.

2. Pumps.

There shall be no more than 12 double-sided gasoline pumps situated on the station lot.

3. Buffer zones and setbacks.

- a. Stations located within permitted zoning districts that abut or adjoin residential zoning districts and which station lot is located within 500 feet of a residential subdivision, neighborhood, apartment, townhome or condominium complex, shall plant or preserve screening vegetation sufficient to exceed the applicable corridor screening buffer and any buffer required when adjacent to residentially zoned property standard by ten percent.
- b. Distances shall be measured by the shortest straight line between the nearest station lot line and the nearest lot line of the residential use.

4. Exterior surfaces and architectural features.

- a. All lighting associated with the development, construction or operation of the station shall strictly comply with the city's lighting ordinance with respect to allowable foot-candle limits and the utilization of cut-off fixtures.

- b. The architectural design of the building and canopy shall comply with the city's building standards ordinance.
- c. No less than 80% of the building exterior, including each building elevation, shall be modular brick.

Sec. 207.59–62. Reserved.

Residential.

Sec. 207.63. Accessory Dwelling Unit (ADU).

1. Accessory dwelling units are limited to single-family detached residential dwellings.
2. No detached accessory building shall be used for dwelling purposes, except an accessory dwelling unit designed for that purpose and meeting the applicable requirements of this section.
3. Only one accessory dwelling unit shall be permitted on a lot on which is located a single-family detached dwelling.
4. When attached to the principal dwelling, the dwelling unit shall:
 - a. Comply with all setback requirements applicable to the principal dwelling.
 - b. Retain a residential appearance consistent with the design and materials of the principal dwelling portion of the building.
 - c. Be designed as an independent living area that can be isolated from the principal dwelling space; provided, an internal connection to the principal dwelling shall be maintained.
5. Accessory dwelling square footage shall not exceed 600 square feet, or 50 percent of the principal dwelling square footage, whichever is less.
6. The accessory dwelling unit shall not have a separate meter for public utilities, such as electric and gas service.

Sec. 207.64-69. Reserved.

General retail, outdoor display and sales.

Sec. 207.70. Flea market.

1. License.
 - a. Flea market promoters shall make application to the UDO Administrator, on a form provided, and receive a license to engage in the business within the city limits. Due to the extensive amount of city resources required to ensure compliance with fire, police, and building code regulations, flea market promoters shall pay an annual regulatory fee in an amount established by Mayor and City Council for the license, payable at the time of annual filing for a business and occupation license. All flea market vendors and promoters shall also be subject to the business and occupation tax in accordance with section 46-74 et seq. of the City Code.
 - b. The city manager or designee may, for cause, suspend a license of any person pending herein, after proper notification and hearing. The license holder may appeal an adverse decision to the Mayor and City Council at the next regular meeting. At the hearing, the Mayor and City Council may remove the suspension, continue the suspension, or revoke the license.
 - c. As a condition for a license, the licensee agrees to allow a representative of the Chief of Police to remain in or around such person's place of business whenever that business is open to the public.

2. Duties.

- a. Flea market promoters shall keep up-to-date written records, giving name and description of each vendor, such vendor's place of residence and street address. Records shall be made available to the city for inspection, whenever requested.
- b. It is the flea market promoter's due responsibility to determine that vendors have a proper business license from the city and that the license is properly displayed at each vendor's location. The flea market promoter shall, on a regular basis, inspect the merchandise offered for sale by all flea market vendors operating on the premises to ensure compliance with local regulations.
- c. Flea market vendors are only permitted to sell merchandise and services. Any used merchandise for sale must be items brought in from another location. Flea market vendors shall not be permitted to buy or barter for merchandise from the public while on the property of the flea market.

3. Design.

- a. Flea markets shall meet the following design criteria, and it shall be the duty of the flea market promoter to ensure compliance with the following items:
- b. Flea market must have a centralized public entrance/exit.
- c. All interior walkways must remain free and clear of vendor displays and merchandise.
- d. Walls separating vendor spaces/booths shall be either wood stud or metal stud covered in drywall. Wire caging or chain-link fencing is not permitted as a wall or barrier. Walls and ceilings shall be fire-rated.
- e. An approved fire suppression system shall be required throughout the building.
- f. All interior structures for vendor booths/stalls shall be subject to inspection and permitting by the UDO Administrator.

Sec. 207.71. Permanent sales area.

1. The outdoor storage of retail merchandise after the establishment is closed for business shall be allowed only by businesses which have one or more of the following lines of sales and only as to the following types of merchandise:
 - a. Automobile.
 - b. Watercraft.
 - c. Motorcycles.
 - d. Trucks.
 - e. Tractor and tractor-related equipment.
 - f. Trees or plants.
 - g. Building materials.
 - h. Landscape materials, unpackaged, bulk only.
 - i. Lawn furniture.
 - j. Outdoor playground equipment.
 - k. Vending machines.
 - l. LP tanks, if located in storage bins.
 - m. Ice bins used for the sale of ice.
 - n. Other items determined by the UDO Administrator, as similar.
2. The merchandise shall not be stored upon or over public rights-of-way, city sidewalks, required off-street automobile parking and loading/unloading spaces, driveways, areas marked for automobile parking, landscape islands, and all driving lanes.

Sec. 207.72. Outdoor display/ temporary sales of merchandise.

1. The outdoor storage and display area shall be arranged to provide safe pedestrian and vehicular circulation and safe emergency access. Maneuvering aisles shall be kept free of all obstruction.
2. Retail goods may be displayed outside the building only during those times in which the relevant business is open and staffed to sell the merchandise in question to the general public.
3. Merchandise cannot be displayed upon required off-street parking, loading, landscape islands, driveways, or drive aisle, unless issued a parking lot sale permit by the city.
4. A drive shall be provided, graded, paved, and maintained from the street to the rear of the property, to permit free access of emergency service vehicles and firefighting equipment at any time.
5. The sale or outdoor display of merchandise shall not be permitted within the required setback areas. Outdoor storage and display areas located on parking lots shall not reduce the available parking spaces to fewer than those required by Section 402.8.
6. Sidewalk displays shall not encroach within a five (5) foot clear area to accommodate pedestrian movement, measured from the outside edge of the sidewalk to the nearest edge of the merchandise display: provided, intermittent spaces no less than three (3) feet wide created by light poles, trash receptacles, street trees, and similar features may be permitted. If the sidewalk is less than five (5) feet wide, outdoor displays shall not be permitted along the sidewalk.
7. No outdoor display area or parking serving an outdoor display area shall be located within 50 feet of any residential district boundary line.
8. The storage of soil, sand, mulch, and similar loosely packaged materials shall be contained and covered to prevent it from blowing onto adjacent properties. The outdoor storage of fertilizers, pesticides, and other hazardous materials, unless packaged in approved containers, is prohibited.
9. All outdoor display and sales areas shall be paved with a permanent, durable, and dustless surface and shall be graded and drained to dispose of all surface water.
10. All loading and truck maneuvering shall be accommodated on-site. Maneuvering in the public right-of-way is prohibited.
11. Lighting for security purposes may be required, as determined by the Planning and Zoning Commission. All lighting shall be shielded from adjacent residential districts and uses.
12. Permanent outdoor storage areas shall be attached to and be considered part of the principal building relative to all setback requirements. The storage area shall be fenced with a decorative fence or wall at least six (6), but no more than eight (8), feet in height. Chain-link, or similar style fences, are prohibited.
13. The Planning and Zoning Commission may require a sight-obscuring screen that meets maximum fence height requirements for the zoning district around any storage or display area. Stored materials and stockpiles shall not be piled or stacked higher than the height of the obscuring screen.

Sec. 207.73. Pawn shops.

1. Pawn shops shall be licensed and comply with all requirements per Chapter 22, Article II, of the Fayetteville Code of Ordinances.
2. All pawn shops shall close their establishments and cease transacting business no later than 7:00 p.m. each day and begin their operation and commence transacting business at no time before 9:00 a.m. each day.

Sec. 207.74-77. Reserved.

Other.

Sec. 207.82. Drive-thru facilities for automated teller machines, banks and pharmacies.

Refer to Section 402.31 for additional requirements specific to drive-thru lanes.

1. Stacking space for at least four vehicles shall be provided at each window or machine.
2. Stacking spaces shall be located so as not to interfere with vehicular circulation, parking spaces and egress from the property by vehicles not using the drive-through portion of the facility.
3. Public access to the site shall comply with the driveway spacing standards of Section 301.3.b. but, in no case, be located closer than 125 feet to any intersection or other driveway on the same side of the street, as measured from the nearest right-of-way line to the nearest edge of the driveway.
4. Internal circulation and access to/ egress from the site shall not substantially impair the movement of other modes of transportation, such as bicycles and pedestrians, to and through the site.

Sec. 207.83. Temporary construction trailer, buildings, structures and uses.

1. Temporary buildings and structures may only be used for the storage of construction materials, tools, supplies and equipment, for construction management and supervision offices, and for temporary on-site sanitation, solid waste, or fuel facilities, related to construction activity on the same lot.
2. No temporary building or structure shall be used for dwelling purposes.
3. Temporary buildings and structures shall be removed from the lot within 15 days after an occupancy permit is issued for the permanent structure on such lot, or within 15 days after the expiration of a building permit issued for construction on such lot.

Sec. 207.84. Temporary uses, seasonal, and special events.

1. Temporary uses and seasonal or special events may be allowed in any district upon issuance of a permit by the UDO Administrator, when meeting the standards listed below; provided, those events sponsored by the city shall be exempt from the permitting requirement:
 - a. Temporary uses, seasonal, and special events may be allowed on any lot with a permitted principal building.
 - b. Temporary uses, seasonal, and specials events may be allowed on a vacant lot when providing the minimum setback for all buildings, structures, and parking required for the appropriate zoning district.
 - c. In no case shall the setbacks for any buildings, structures or parking be less than 10 feet.
 - d. The temporary use, seasonal, and special event must not prevent the continued use of sidewalks, rights-of-way, fire lanes, etc.
 - e. If the petitioner is not the owner of the property, the petitioner shall provide written permission of the owner of the property to allow such an event prior to beginning such temporary use, seasonal, and special event.
 - f. A minimum of one (1) parking space shall be provided for each 800 square feet of gross lot area used for the activity (not including storage areas) plus additional parking space for any structure utilized for retail sales computed in accordance with the parking requirements for retail stores.
 - g. A site plan, drawn to scale and containing the following information, shall be provided for administrative review and shall include, at a minimum, the following:

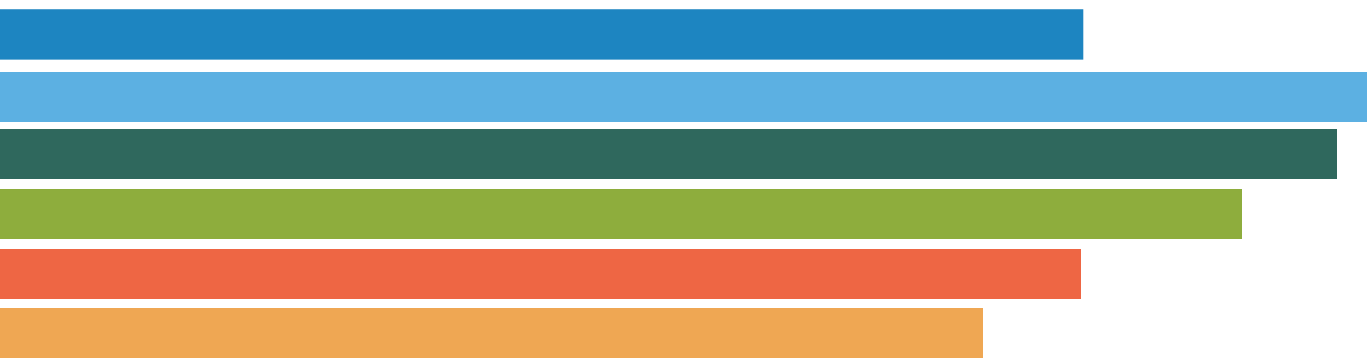
- i. Property lines.
 - ii. Adjacent uses and zoning districts.
 - iii. Existing and proposed buildings and structures.
 - iv. Location of any areas for storage such as inventory not being displayed.
 - v. Fire hydrants.
 - vi. Parking layout.
 - vii. Boundaries of proposed sales areas.
 - viii. Location and size of any proposed sign (off-premise signs shall not be permitted).
- 2. All equipment, materials, goods, poles, wires, signs, and other items associated with the temporary use shall be removed from the premises within two (2) business days of the end of the event.
- 3. The length of a temporary use or special event shall not exceed seven (7) consecutive days in a six (6) month period, except seasonal sales of items such as Christmas trees and pumpkins which are permitted for up to 45 days.

Sec. 207.86. Carnivals, circuses, farmer’s markets, flea markets and similar events.

- 1. Special standards for carnivals, circuses, farmers markets, flea markets, and similar events shall be as follows:
 - a. Such uses shall be presented to the Mayor and City Council for approval who shall consider the intensity of the proposed use in relation to adjacent land uses and sufficiency of parking. The Mayor and City Council may require site improvements, such as fencing, increased setbacks, and restricted hours of operation to help ensure compatibility with surrounding land uses.
 - b. The applicant shall provide information establishing that a reasonable amount of liability insurance coverage is carried, as determined by the city’s insurance carrier.
 - c. A site plan for the event, containing all information identified above, shall also include a description of traffic flow and parking management to ensure safe and efficient traffic operations without creating unreasonable congestion on nearby roads.
 - d. Farmer’s markets which are to occur on a regular schedule shall be permitted only in Non- Residential Districts. The Mayor and City Council may extend the time period for the temporary use permit so that a separate permit is not required for each event within any one (1) calendar year, provided, the number of dates and a schedule shall be established at the time of application and all conditions and requirements of the city council shall remain in force.

Sec. 207.87-91. Reserved.





The background of the cover features a dark teal overlay. Within this overlay, there are faint, light-colored architectural sketches. At the top, there's a perspective drawing of a building with a sign that partially reads 'TIVOLI'. Below this, there are more technical drawings, including what appears to be a site plan or topographic map with contour lines. The overall aesthetic is professional and design-oriented.

CHAPTER

3000

LAND DEVELOPMENT

ARTICLE 1. STREETS, SIDEWALKS AND PUBLIC PLACES.

Sec. 301.1. Classification of streets.

For the purpose of this chapter, all of the streets, roads and highways in the city are classified as major streets, collector streets, or minor streets as follows:

A. Major streets.

Thoroughfares designed and used for high traffic volumes and cross-town traffic movement. Major streets include the following:

1. Highway 85
2. Highway 54
3. Highway 92
4. Highway 314
5. North Jeff Davis Drive
6. Jimmy Mayfield Boulevard

B. Collector streets.

Thoroughfares designed for moderate traffic volumes, generally having right-of-way over intersecting minor streets. Collector streets include the following:

1. New Hope Road
2. White Road
3. Banks Road
4. Beauregard Boulevard/Redwine Road
5. Grady Avenue
6. Hood Avenue
7. Old Norton Road
8. Lafayette Avenue
9. Brandywine Boulevard
10. Ginger Cake Road
11. South Jeff Davis Drive
12. Ramah Road
13. Price Road
14. Lester Road
15. Sandy Creek Road
16. Helen Sams Parkway
17. Veterans Parkway

C. Minor streets.

A street designed and used primarily for low traffic volumes and access to individual lots. All thoroughfares not classified as either major streets or collector streets are classified as minor streets.

Sec. 301.2. Street and right-of-way requirements.

A. General requirements and design specifications.

All roads and bridges constructed within the city shall conform to the standards and specifications set forth in this article as well as the following references:

1. GDOT Design Policy Manual (latest edition);
2. GDOT Bridge and Structures Design Manual (latest edition);
3. GDOT Regulations for Driveway and Encroachment Control (latest edition);
4. GDOT Standards and Specifications (latest editions), as applicable to the materials, methods of construction and workmanship used for street drainage and bridge construction;
5. A Policy on Geometric Design of Highways and Streets (latest edition), published by the American Association of State Highway and Transportation Officials (AASHTO);
6. Guidelines for geometric design of very low-volume local roads ($ADT \leq 400$) (latest edition), published by the American Association of State Highway and Transportation Officials (AASHTO);
7. Manual on Uniform Traffic Control Devices (MUTCD) (latest edition), published by the federal highway administration;
8. U.S. Traffic Calming Manual (latest edition), published by the American Planning Association (APA);
9. Roundabouts: An Information Guide, as published by the Federal Highway Administration (FHWA) (latest edition); and,
10. GDOT Pedestrian and Streetscape Guide (latest edition).

For all applicable sections of this article, sight distances shall be determined using the methods provided in AASHTO's Geometric Design of Highways and Streets, latest edition.

In the event of a conflict between the design standards and specifications set forth in this article and one of the above-referenced documents, this code shall control. In the event of a conflict between two or more of the above-referenced documents the UDO Administrator shall determine which controls.

B. Dimensional requirements.

All public streets shall comply with the following width, grade, radii, and visibility requirements. The values in this subsection are recommended minimum widths. Additional right-of-way may be required based on a road's characteristics, specifically at auxiliary lanes. In all cases the right-of-way shall extend at least 12 feet beyond the edge of pavement.

The design for improvements to a major road or for the construction of a new major roadway shall include a pavement design that includes projected truck volumes. The pavement analysis shall follow current GDOT procedures and methods. Up to a ten percent under-design may be allowed if approved by the UDO Administrator. In no case shall the pavement thickness be less than those shown in this table.

The materials, methods and quality control used for installation of asphaltic concrete shall meet all applicable GDOT standards and specifications including, but not limited to, Section 400—Hot Mix Asphaltic Concrete Construction.

Stopping and passing sight distance shall be as determined by AASHTO standards (latest edition).

Streets shall conform to the following width, grade, radii, and visibility requirements:

Street type	ROW width (min.) ¹	Pavement width (min.) ²	Grade (max.)	Grade (min.)
Residential	60' R	48' R	8 %	1 %
Commercial and industrial	60' R	48' R	7 %	1 %
Minor				
Alleys	20'	10'	14 %	1 %
Commercial	60'	24'	7 %	1 %
Industrial	60'	26'	7 %	1 %
Collector streets	60'	22'	7 %	1 %
Major				
Major streets ³	80'	24'	5 %	1 %

C. Cross-sections.

Minimum pavement requirements include the following:

Street type	Compacted subgrade	Graded aggregate base	Asphalt base course	Asphalt binder ³	Asphalt surface ⁴	Curb & gutter
Alley	12"	6"	N/A	2"	1.5"	24"
Minor	12"	6"	N/A	2"	1.5"	24"
Commercial/ industrial	12"	8"	N/A	2"	1.5"	24"
Major ⁵	12"	10"	3"	2"	1.5"	30"

- 1 Where a subdivision abuts on an existing street, the subdivider shall dedicate additional right-of-way on that existing street to meet the above minimum street width requirements from each side of the centerline.
- 2 Does not include curb and gutter.
- 3 Provide thickness within tolerances recommended by GDOT standards for mix and type.
- 4 Requirements may be modified by design for individual road section.
- 5 Requirements may be modified by design for individual road section.

D. Layout and design.

1. Intersections.

- a. Street intersections shall be as nearly at right angles as possible. No intersection shall be at an angle less than 80 degrees.
- b. Intersections shall be designed with a leveled area having a grade of not more than four percent for a distance of at least 60 feet, measured from the nearest right-of-way line of the intersecting street.
- c. Street intersections with centerline offsets of less than 125 feet shall not be permitted.

2. Minimum sight distance.

Stopping sight distance shall be used for all applicable design criteria associated with internal local and low volume local roads and shall at a minimum meet the following criteria adopted in the AASHTO Design

Manual (latest edition).

3. Radii.

Curblin radius at street intersections shall be at least 25 feet and where the angle of street intersection is less than 90 degrees, the UDO Administrator may require a greater radius.

Right-of-way radius at street intersections shall parallel the curblin radius or be mitered from radius return point to radius return point.

4. Curb and gutter.

Curbs and gutters shall be installed on all streets.

5. Streams and drainage.

When a proposed street is located near or paralleling an existing stream or open drainageway, street construction must be above the projected 100-year flood high water elevation.

6. Minor streets.

The UDO Administrator may require traffic calming devices to assist in minimizing thru traffic on minor streets.

E. Turn-a-rounds.

1. Cul-de-sacs.

Temporary cul-de-sacs may be required on phased projects or where adjacent land may be developed in the future and shall comply with the International Fire Code (latest Georgia adopted edition) and be approved by the Fire Marshal as a part of the plan review process.

2. Dead ends.

Except for temporary turnarounds for stub streets, dead-end streets shall be prohibited.

F. Street name continuation.

Streets and roads that are obviously in alignment with and are extensions of existing previously named or numbered streets shall bear that name.

G. Testing, warranty and approval.

1. Developers shall perform core test and furnish results to the UDO Administrator as follows:

- a. Core samples shall be taken from the center of alternating travel lanes every 500 linear feet of new roadway.
- b. A minimum of three cores tests are required with at least one core sample from each cul-de-sac.
- c. Measurements for asphalt and GAB thickness shall be certified by a Registered Professional Engineer licensed to practice in the state of Georgia and submitted to the UDO Administrator.
- d. Deviances in excess of one-quarter of an inch from approved design requirements shall not be accepted unless approved by the UDO Administrator.

2. Developers shall contract with an independent soil testing firm, acceptable to the UDO Administrator, to conduct compaction tests on the street subgrade soils as follows:

- a. The top six inches of subgrade shall be compacted to 98 percent maximum dry density at optimum moisture content using the Standard Proctor Test, ASTM D 698.
 - b. Tests shall be taken at a typical spacing of 100 feet, staggered along the street alignment.
 - c. Cul-de-sacs and other short streets shall be tested in at least three locations.
 - d. The contractor shall perform proof roll tests on the street subgrade and the graded aggregate base course.
 - e. The equipment used and the method of the tests shall be approved by the UDO Administrator, and the proof roll shall be witnessed by the UDO Administrator.
 - f. Any weak areas shall be repaired before acceptance of the pavement subgrade or graded aggregate base.
3. As part of the submittal of the final plat for approval, the subdivider shall submit to the city a warranty deed, a three-year maintenance bond in the amount of ten percent of the costs of construction of the streets and stormwater best management practices with a minimum bond amount of \$10,000.00, and pavement core test results as required by the UDO Administrator. The core test results must show compliance with the specified pavement and aggregate base specifications to be acceptable.
 4. When construction and documentation are approved and accepted by the UDO Administrator, the request for acceptance of the streets shall be submitted to the Mayor and City Council for approval.
 5. The warranty deed will not be deemed accepted until acceptance of the application and the Mayor and City Council accepts the streets.

Sec. 301.3. Street and right-of-way design parameters.

A. Requirements for access roads, curb cuts, and sidewalks.

Improvements to meet adopted transportation plans.

The Fayette County Transportation Plan, the Downtown Street Network Master Plan, the Master Path Plan and the Capital Improvement Element identify a number of planned vehicular and alternative transportation improvements throughout the city.

In those developments where these planned improvements are identified, the Applicant shall provide right-of-way, easements and/or construct these improvements as a part of their development. Credits for system improvements shall be governed by the city's impact fee ordinance.

B. Access management.

Control over the number and location of access points along the city's roadways is necessary to reduce congestion, improve safety, maintain acceptable flow and minimize confusion. The standards of this section shall apply to all non-residential development having frontage on and direct access to any arterial or collector street within the city as follows:

1. All driveways serving commercial, office, institutional or industrial uses, hereafter referred to as "commercial driveways," shall comply with the requirements of this section.
2. Driveways shall be located to minimize interference with the free movement of traffic, to provide adequate sight distance, and to provide the most favorable driveway grade.
3. Driveways, including the radii, but not including right turn lanes, passing lanes and tapers, shall be located entirely within the right-of-way frontage, unless otherwise approved by the city or the Georgia Department of Transportation (GDOT), as applicable, and upon written certification from the adjacent property owner agreeing to such encroachment.

C. Design.

1. The width and design of internal access roads and commercial driveways shall comply with the International Fire Code (latest Georgia adopted edition) and shall be approved by the Fire Marshal as a part of the site plan review process.
2. Driveways shall normally be at a 90-degree angle to the road.
3. Driveways shall be sloped to maintain the street drainage in the street and to provide safe and convenient ingress and egress.
4. Driveways shall be located to provide adequate sight distance.
5. Commercial drives shall be constructed with a minimum six inches of concrete or asphalt pavement.
6. Residential drives shall be constructed with a minimum four inches of concrete.
7. Driveways shall be maintained by the property owner.

D. Commercial driveways.

1. All commercial driveways shall be designed in accordance with city and/or GDOT standards, as applicable.
2. Additional driveways may be permitted for property only as follows:
 - a. One additional driveway may be allowed for properties with a continuous frontage greater than 300 feet, if the UDO Administrator determines there are no other reasonable access alternatives; and,
 - b. The UDO Administrator determines, based on a traffic impact analysis, that additional access is justified without compromising traffic operations along the public street.
3. For high traffic generators, or for commercial driveways along streets experiencing or expected to experience congestion, the UDO Administrator may require two egress lanes.
4. Where a boulevard entrance is proposed, a fully curbed island shall separate the ingress and egress lanes. The island shall be no less than ten feet in width as measured from back of curb and the radii forming the island shall be designed to accommodate emergency apparatus turning movements.

E. Shared driveways, frontage roads and service roads.

1. Where noted above, or where the UDO Administrator determines that reducing the number of access points may have a beneficial impact on traffic operations and safety while preserving the property owner's right to reasonable access, a shared commercial driveway, frontage road or rear service drive connecting two or more properties or uses may be required. In particular, service drives may be required near existing traffic signals or locations having potential for future signalization; along arterial streets with high traffic volumes; and along street segments with a relatively high number of crashes or limited sight distance.
2. Shared commercial driveways and service roads shall be located within a recorded access easement. A draft of the access easement shall be provided to the city for review prior to recording.
3. The number of access points along a service road shall be according to the standards of this section. The UDO Administrator may allow temporary access where the service road is not completed if a financial guarantee is provided which assures elimination of the temporary access upon completion of the service road.

F. Curb cuts.

1. It is the city's desire to minimize curb cuts on roads and streets in order to reduce traffic congestion and safety problems caused by frequent curb cuts, and to improve the pedestrian transportation system of the city.
2. A minimum of one curb cut shall be allowed for each development, unless shared driveway, common parking lot, or other alternate access is provided.
3. Commercial curb cuts shall be contiguous to a property line of the subject property which is approximately perpendicular to the street being accessed. Exceptions may be allowed where the large size of the development, the peculiar shape or topography, or safety considerations require an exception.

4. Requiring curb cuts contiguous to property lines will allow for contiguous placement of curb cuts for contiguous lots and for the sharing of driveways with both the owner's consent.
5. Curb cut spacing shall comply with the following table:

Street type	From intersections	Between curb cuts
Major	250'	400'
Collector	250'	300'
Minor (for non-residential, attached single-family residential and multi-family uses)	150'	250'
Minor (for single-family detached)	One curb cut for each platted single residential lot meeting the minimum lot width and street frontage requirements of this UDO, except that two curb cuts shall be allowed for circular driveways on lots which have a minimum of 125 feet street frontage.	

G. Exceptions.

In cases where the minimum spacing requirements cannot be met due to lot size, topography, or other legal or physical reasons, curb cut spacing shall be reviewed and approved on a case by case basis by the UDO Administrator. In cases where the curb cut spacing review is part of a development plan under review by the Planning and Zoning Commission, the Planning and Zoning Commission shall approve the curb cut locations. Sight line studies shall be provided by the owner when required by the UDO Administrator to evaluate safety.

H. Deceleration lanes.

Deceleration lanes shall be required on major roads and on collector roads with speed limits of 35 mph or higher. In general, deceleration lanes shall be designed to GDOT standards unless otherwise specified by the UDO Administrator. Curb and gutter is required for the deceleration lane where the existing or proposed future road construction of the road includes curb and gutter. The pavement structure shall meet the city's street paving requirements.

I. Modification of requirements.

Given the variation in existing physical conditions along the city's streets, modifications to the spacing and other requirements above may be permitted as part of the site plan review process. The UDO Administrator shall consider the following criteria when determining if there is a need for modification, in the following circumstances, and the degree to which any modification is necessary:

1. The modification will allow an existing driveway to remain that does not meet the standards of this section but that has, or is expected to have very low traffic volumes (less than 50 in- and out-bound trips per day) and is not expected to significantly impact safe traffic operations.
2. The use is expected to generate a relatively high number of trips and an additional driveway will improve overall traffic operations.
3. Practical difficulties exist on the site (sight distance limitations, existing development, topography, unique site configuration or shape) that make compliance unreasonable, or existing off-site driveways make it impractical to fully comply with the standards.
4. Because of restricted turning movements or presence of a median that restricts turning movements, the driveway does not contribute to congestion or an unsafe situation.

5. The UDO Administrator may waive certain requirements of this section upon consideration of the following:

- a. The proposed modification is consistent with the general intent of the standards of this section, the recommendations of the comprehensive plan, and, if applicable, published GDOT guidelines.
- b. Driveway geometrics have been improved to the extent practical to reduce impacts on traffic flow.
- c. Shared access has been provided, or the applicant has demonstrated it is not practical.

Such modification is the minimum necessary to provide reasonable access, will not impair public safety or prevent the logical development or redevelopment of adjacent sites and is not simply for convenience of the development.

J. Service road design standards.

Service roads shall generally be parallel to the front property line and may be located either in front of, adjacent to, or behind principal buildings. In considering the most appropriate alignment for a service road, the Planning and Zoning Commission shall consider the setbacks of existing buildings and anticipated traffic flow for the site.

Placement of the service road intersection with the driveway from the abutting street shall be as far as possible from the street for safe and efficient operation. The distance between the nearest edge of the street and the first internal movement shall meet the minimum requirements shown below. For large sites with high volumes or heavy truck traffic, and along high volume streets, the required distance may be increased to avoid interference with the mainline traffic flow. If no other design alternatives exist, the Planning and Zoning Commission may permit lesser separation distances, provided the left turning movement shall be prevented by means of a raised concrete median. Sites shall be designed so interior driveways accommodate at least 100 feet of vehicle storage.

Lot depth (feet)	Min. distance (feet)
1,000 or more	200
500 – 999	Not less than 1/5 lot depth
Less than 500	100

1. Access easement.

The service road shall be within an access easement permitting traffic circulation between properties. This easement shall be 40 feet wide, except an access easement parallel to a public street right-of-way may be 30 feet wide, if approved by the UDO Administrator. The required width shall remain free and clear of obstructions, unless otherwise approved.

2. Construction and materials.

Service roads shall have a base, pavement and curb with gutter in accordance with city standards for public streets, except the width of the service road shall have a minimum pavement width of 24 feet.

3. Parking.

The service road is intended to be used exclusively for circulation, not as a parking maneuvering aisle. The posting of “no parking” signs may be required along the service road. In reviewing the site plan, the UDO Administrator may permit temporary parking in the easement area where a continuous service road is not yet available, provided that the layout allows removal of the parking in the future to allow extension of the service road.

4. Access to service road.

The UDO Administrator shall approve the location of all access points to the service road based on the driveway spacing standards listed above.

5. Elevation.

Where applicable, the elevation of the service road shall be designed to accommodate a connection to the adjoining parcel.

6. Landscaping.

The area between the service road and the public street right-of-way shall be planted in accordance with the landscape ordinance.

K. Commercial access from residential streets.

Where access to a commercial development is provided from a predominantly residential street, the developer of the commercial property shall make improvements to reduce the impact of the commercial development to the residential area. These improvements may include upgrading the residential street as necessary to provide safe and convenient access to and from the commercial site and to and from the residential area, upgrading any affected intersections (such as the intersection of said residential street with a major or collector road), providing no less than a 20-foot landscape buffer along the residential street to screen the commercial development and creating a distinctive border between the commercial area and the residential area which may include an additional landscape area at the border between the commercial and residential properties.

Sec. 301.4. Sidewalks.

A. General.

Sidewalks shall be required in all new residential subdivisions and along those streets identified within the Master Path Plan. Sidewalks shall be constructed in accordance with city specifications and standards and shall be located within the right-of-way or a public access easement adjoining public or private streets.

The Planning and Zoning Commission may waive or defer the requirement for sidewalks as a part of the conceptual site plan or the preliminary plat approval process based on the following criteria:

1. Pedestrian connectivity via sidewalks or pathways is already provided or part of a previously approved plan in close proximity; or
2. The applicant has agreed to a payment-in-lieu arrangement with the city for construction of sidewalks or pathways.

B. Requirements.

Sidewalks shall be designed in accordance with the following specifications:

1. Sidewalks shall have a minimum width of five feet;
2. Cross slopes shall not exceed two percent;
3. Sidewalks are required on both of sides of all streets and shall be constructed, reconstructed or repaired as part of all site development projects and subdivisions, except for areas not under the control of the developer or subdivider;
4. In residential areas, a street yard planting strip shall be installed between the street curb and sidewalk at a minimum of two feet wide;

5. Construction of sidewalks and curb ramps shall meet the city's development standards and the Americans with Disabilities Act; and
6. In those subdivisions with open space or areas where lots will not be platted, the developer shall be responsible for installing sidewalks before the roads are conveyed to the city.

C. Completion.

Sidewalk must be completed before a certificate of occupancy is issued for the land it fronts or serves. However, the UDO Administrator may require 100 percent completion of all sidewalks in a given route before issuance of a certificate of occupancy.

Sec. 301.5. Street lighting districts.

Reserved.

Sec. 301.6. Excavations and obstructions.

A. Emergency conditions.

It shall be unlawful for any person under any pretext to make or place an excavation, embankment or obstruction in any street, alley, sidewalk, or other public way in the city until written application has been made for a permit from the UDO Administrator authorizing the same; provided, in the event of an emergency endangering the public health and safety or for the immediate preservation of property, an excavation, embankment, or obstruction may be made to the extent of abating the dangerous condition or situation. Upon relieving the existing emergency, the person making the excavation shall notify the UDO Administrator and otherwise comply with the requirements of this article regulating same. The issuance of a permit is not an affirmative assumption by the city to supervise or ensure the permittee complies with all requirements. Failure of permittee to comply will not be grounds for any actions against the city for negligence in issuing the permit.

B. Permit.

Each application for a permit under this subsection shall describe the character of the work to be done, a full description of the premises where such work is to be done and shall be signed by the person applying for the permit. The permit shall be issued in duplicate, the original to be delivered to the party applying therefor, and one copy to be filed with the UDO Administrator together with the application.

C. Conditions.

The conditions of the permit required herein are as follows:

1. That the permittee will perform all work in a good and workmanlike manner in strict accordance with the provisions of this article;
2. That the permittee will backfill any excavations in any streets, alleys, sidewalks, or other public ways in the city, so as to return the same to their original condition;
3. That the permittee will place and maintain lights and barricades and/or guardrails around all excavations, materials or equipment left in any street, alley, sidewalk, or other public place of the city; and
4. That the permittee will hold the city harmless from all damages, real or asserted, that may occur by reason of the operation.

D. Restoration of surface.

When any part of any street, alley or public easement in the city shall be excavated, torn, dug or taken up for any purpose or when an embankment or obstruction is placed thereon, the person doing the same shall,

immediately upon the completion of such purpose, and within ten days after the completion of such purpose, backfill and compact the same to a firm and solid bearing and in such manner as will entirely prevent the settling of such earth, and shall also relay the paving in a skillful and permanent manner, and in every case, to the satisfaction of the UDO Administrator. Failure to comply with the requirements of this section shall constitute an offense, and each day such failure continues shall constitute a separate offense.

E. Lights and barricades.

It shall be unlawful for any person to make any excavation, embankment or obstruction of whatsoever kind in the city, whether the same be in, along or near any street or sidewalk, alley or other public way of any kind, without placing proper barricades and signal lights or other warnings, at, in or around the same, sufficient to warn the public of such excavation, embankment or obstruction and to protect all persons using reasonable care from accident on account of the same.

F. Damaging streets, removing dirt, etc.

No person shall cut down or destroy any embankment or other improvement of the streets, alleys, sidewalks or other public ways. No person shall be allowed to dig or haul any dirt from any of the streets or alleys of the city without written permission from the city.

Sec. 301.7. Traffic study.

A. Applicability.

1. Traffic study required.

A traffic study shall be required for any development anticipated to generate more than 100 peak hour in-bound or out-bound trips, based on the most recent edition of the Trip Generation Manual published by the Institute of Transportation Engineers (ITE).

2. Redevelopment.

In the case of redevelopment, trip generation will be defined as the number of net new trips generated by the proposed use beyond the trips generated by the previous use, unless the previous use has been discontinued for more than 12 months.

3. Other circumstances.

The UDO Administrator may waive the requirement to complete a traffic study or may require a traffic study to be submitted for developments not exceeding 100 peak hour directional trips, based upon localized safety, operational, or street capacity issues, including Levels of Service (LOS) of existing roadways.

B. Exemptions.

Previously approved developments for which a traffic study was submitted in conjunction with a preliminary plat for subdivision, site plan or mixed-use development shall be exempt from the requirements of this section; provided, the traffic study is no less than two years old.

Any project that is classified as a Development of Regional Impact (DRI) and submits a traffic study in accordance with the requirements of Georgia Department of Community Affairs (GDCA) and/or the Atlanta Regional Commission (ARC) shall be exempt from the requirements of this section.

C. Procedure.

The traffic study shall be submitted along with an application for a preliminary plat, conceptual site plan or mixed-use development. The traffic study shall be prepared by a Professional Transportation Engineer licensed to practice in the state of Georgia and shall include, at a minimum:

1. Estimate the traffic that will be generated as a result of the proposed development in addition to current (background) traffic volumes and proposed developments in the immediate vicinity. The UDO administrator and/or the Georgia Department of Transportation (GDOT) may also specify annual growth factors to be used in the traffic study;
2. Evaluate site access and internal circulation;
3. Forecast trip distribution to and from proposed driveways and/or streets;
4. Evaluate the ability of the surrounding road network to support the proposed development and the cumulative traffic of current and other projected uses;
5. Consider planned roadways or improvements identified in the comprehensive plan or other area studies and plans; and
6. Identify specific improvements to the surrounding road network that are necessary in order to support the traffic anticipated to be generated.

D. Traffic study submission for projects with cumulative impacts.

A traffic study shall be required for development projects that do not otherwise meet the thresholds of a traffic study if the application is for a project that:

1. Shares features such as site access, common ownership, or other infrastructure with nearby undeveloped property for which future development can reasonably be anticipated; and,
2. The cumulative impact of the overall development can be expected to exceed the threshold for preparation of a traffic study.

Sec. 301.8. Parades and processions.

A. Permit required.

No procession or parade of any number of persons, delegation or association of persons, or any company, circus or group shall march, drill parade on foot or in vehicles or on animals upon any public street, alley, highway or right-of-way without first having obtained a written permit from the UDO Administrator. The UDO Administrator shall not issue a permit until such time the request is reviewed and approved by the Police Chief, Fire Chief and other city departments as required.

B. Exceptions.

Funeral processions, the United States military forces and the military forces of this state are exempt from acquiring this permit for a parade.

C. Application.

The permittee must furnish the UDO Administrator with the following information 30 days prior to the parade:

1. The name, address and contact numbers of the sponsor and persons organizing the event;
2. The name and contact numbers of the person who will be the parade leader and will be present at the event;
3. The selection of the particular council approved parade route to be used;
4. The date when the event is to be conducted;

5. The time at which units of the event will begin to assemble at any assembly area or areas;
6. The time the event is expected to depart and the time it is expected to stop;
7. Estimated number of participants;
8. Confirmation that approval has been obtained from any private property owner that may be effected by the event; and
9. Any additional information which the Chief of Police shall find reasonably necessary to a fair determination as to whether a permit should be issued.

B. Fees.

Prior to issuance of the parade permit, the Applicant shall be required to a fee to the city to defray the costs to the city for police officers and other city staff. Said fee shall be determined by the parade route selected as described in Section 301.8.K. of this UDO.

C. Standards for issuance.

The UDO Administrator shall issue a permit as provided for hereunder when, from consideration of the application and from any other information as may be otherwise be obtained, he finds that:

1. The conduct of the event will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route;
2. The conduct of the parade will not require the diversion of so great a number of police officers of the city to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection to the city;
3. The concentration of persons, animals and vehicles at assembly points will not unduly interfere with proper fire and police protection of areas contiguous to the assembly areas;
4. The conduct of the event will not unreasonably interfere with the movement of emergency equipment in route to a call;
5. The conduct of the event is not reasonably likely to cause injury to persons or property;
6. The event is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays in route.

D. Notice of denial.

The UDO Administrator shall act upon the application for a parade permit within five business days after the filing. If the application is denied, notification should be mailed to the applicant within two days after the date upon which the application was denied. The notification should include the reason(s) for the denial of the permit. The communication should be sooner if the date for the event requires a quicker response.

E. Appeal of denial.

The denial by the UDO Administrator of an application for a parade permit may be appealed to the City Manager by a written notice of appeal delivered to the City Clerk within ten days of the date of the denial. The City Manager shall immediately notify the Mayor and City Council of any such appeal, and the Mayor shall appoint himself or herself or a member City Council to hear the appeal along with the City Manager.

F. Limitations on parade.

1. No procession or parade may be conducted or occur within the city between half-hour after sunset to half-hour before sunrise.
2. No procession or parade, unless sponsored by the Fayette County School System shall proceed within 100 yards of a school during school hours or within one hour before the scheduled start of school or one hour after the scheduled end of school.

G. Notice to city and other officials.

Upon issuance of a parade permit, the UDO Administrator shall send a copy thereof to the Police Chief, Fire Chief and any other city department which may be affected.

H. Duties of permittee.

A permittee hereunder shall be responsible for the following:

1. Complying with all permit directions and conditions and with all applicable laws and ordinances of the state and this city.
2. Carrying the parade permit upon his or her person during the conduct of the parade.
3. Prohibit participants in the parade from throwing any objects (to include candy) towards observers of the event.
4. Informing all event participants the requirement of leaving no gaps in the procession. Large gaps in the procession are cause for termination.

I. Public conduct during parades.

1. Interference.

No person shall unreasonably hamper, obstruct or impede, or interfere with any parade or parade assembly or with any person, vehicle or animal participating or used in a parade.

2. Driving through parades.

No driver of a vehicle shall drive between the vehicles or persons comprising a parade when the vehicles or persons are in motion and are conspicuously designated as a parade.

3. Parking on parade route.

The Chief of Police shall have the authority when reasonably necessary, to prohibit or restrict the parking of vehicles along a street or part thereof constituting a part of the route of a parade. The Chief of Police shall post signs to the effect, and it shall be unadvisable for any person to park or leave unattended any vehicle in violation thereof. No person shall be liable for standing or parking on a street unposted in violation of this chapter.

J. Revocation of permit.

The UDO Administrator shall have the authority to revoke a parade permit issued hereunder upon violation of the conditions and directions attached to the permit.

K. Approved parade routes.

Applicants shall be required to follow a pre-determined parade route previously approved by the Mayor and City Council and shall be required to choose one of the approved routes at the time of application. The approved parade routes and the corresponding fees shall be established by resolution of the Mayor and City Council and may be amended from time to time by resolution of the Mayor and City Council. The previously approved parade routes shall not apply to regional processions sanctioned by the state, the federal government, or agencies thereof.

Applicants shall select from one of the following types of parade routes:

1. Regular route.

Permits motor vehicles, noise making devices, sound amplification devices or musical instruments (subject to other laws).

2. Silent route.

No motor vehicles, noise making devices, sound amplification devices or musical instruments permitted.

3. Right-of-way processions.

Procession is permitted on sidewalks and right-of-ways only. No motor vehicles, noise making devices, sound amplification devices or musical instruments permitted.

Sec. 301.9-11. Reserved.

ARTICLE 2. WATERSHED MANAGEMENT.

DIVISION 1. GENERAL PROVISIONS.

Sec. 302.1. Purpose.

Watershed is an “overlay district,” which applies additional standards to specific areas which may lie within any of the districts referred to in this article. In each zoning district located within the boundaries of the watershed district, both the regulations of that district and the regulations of this article apply. If required development standards are specified for the same item in both the zoning district and this article, the more stringent governs.

The purpose of this watershed district is to protect watersheds which are vital to area public water supplies and have a unique environmental importance to the city. This district is intended to maintain a high quality of the surface water (rivers, creeks, streams, tributaries, lakes, reservoirs, and springs) and underground water. The watershed district is intended to provide for certain permitted uses, and to protect the area from the polluting effects of more intense development and from encroachments of those uses that are not compatible with a protected watershed.

Sec. 302.2. Features which make land suitable for inclusion within the watershed district.

Areas that lie within watersheds which are vital to area public water supplies and have a unique environmental importance to the city are included within this watershed overlay district.

Sec. 302.3. Coverage.

Standards established in the Metropolitan Rivers Protection Act and the Erosion and Sedimentation Act are not superseded by these criteria. The watershed district applies additional standards to specific areas which may lie within any zoning district. If required development standards or ordinances are specified for the same item in both the zoning district and watershed district, the more stringent standard or ordinance governs.

All construction shall comply with the soil erosion and sediment control provisions of this article.

Sec. 302.4. Development standards.

1. A buffer shall be maintained for a distance of 100 feet on each side of Whitewater Creek, Gingercake Creek, Nash Creek, and all other perennial streams, as measured from the top of the stream banks.
2. No impervious surface shall be constructed within a 150-foot setback area on each side of Whitewater Creek, Gingercake Creek, Nash Creek, and all other perennial streams, as measured from the top of the stream banks.
3. Septic tanks and septic tank drainfields are prohibited in the setback area of subparagraph 2 above.
4. New sanitary landfills or additions to existing landfills are allowed only if they have synthetic liners and leachate collection systems.
5. New hazardous waste treatment or disposal facilities are prohibited.
6. New facilities that handle hazardous materials of the types and amounts regulated by the department of natural resources, pursuant to the Georgia Hazardous Waste Management Act, shall perform their operations on impermeable surfaces having spill and leak collection systems as prescribed by the regulations of the department of natural resources for hazardous waste management.
7. Additional restrictions may be required by water supply reservoir management plans and wellhead protection areas as approved by the department of natural resources.

Sec. 302.5. Enforcement.

Citations for violation of this article may be issued by the UDO Administrator. The citation shall be returnable to and tried before the municipal court. Any person, firm or corporation found guilty violating this article shall, upon conviction, be fined up to \$1,000 each day such violation remains unresolved to the satisfaction of the city shall be deemed a separate offense.

Sec. 302.6. Reserved.

DIVISION 2. DEFINITIONS.

Sec. 302.7. Definitions.

Refer to Appendix A – Definitions.

Sec. 302.8-11. Reserved.

DIVISION 3. EXEMPTIONS.

Sec. 302.12. Exemptions.

The following are exempted from the requirements of this section:

1. Land uses existing prior to the adoption of this article, provided they meet the requirements of the city in effect at the time the land uses commenced.
2. Mining activities permitted by the department of natural resources under the Surface Mining Act.
3. Utilities in accordance with the following conditions, if they cannot feasibly be located outside the buffer or setback areas:
 - a. The utilities shall be located as far from the stream bank as reasonably possible.
 - b. The installation and maintenance of the utilities shall be such to protect the integrity of the buffer and setback areas as best as reasonably possible.
 - c. The utilities shall not impair the quality of the drinking water stream.
 - d. Soil erosion and sediment control requirements of this article shall be met.
4. Forestry and agricultural activities in accordance with the following conditions:
 - a. The activity shall be consistent with best management practices established by the Georgia Forestry Commission or the Georgia Department of Agriculture.
 - b. The activity shall not impair the quality of the drinking water stream.
 - c. Soil erosion and sediment control requirements of this article shall be met.

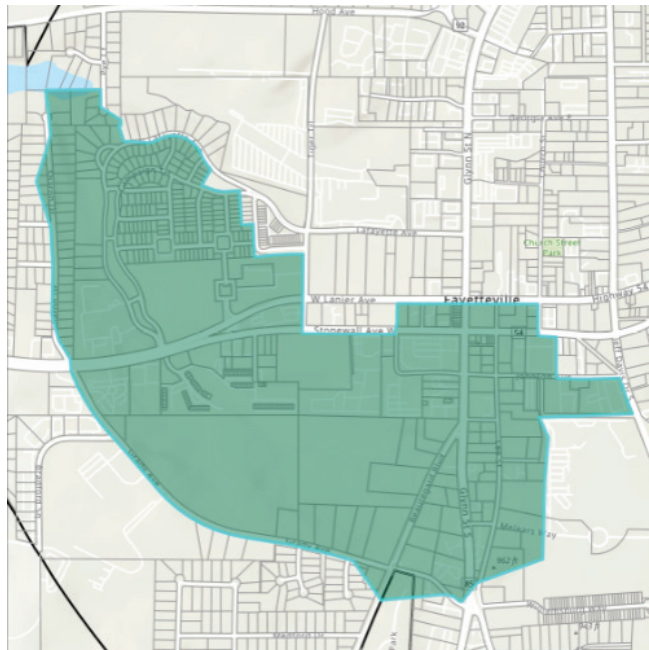
Sec. 302.13-16. Reserved.

DIVISION 4. WATERSHED DISTRICTS.

Sec. 302.17. Pye Lake Watershed District.

A. Purpose.

In order to ensure that future developments do not increase stormwater runoff in Southern Tributary of Pye Lake, the city hereby adopts the following design requirements for this special watershed district, more particularly described in the map attached as Exhibit “A” to Ordinance No. 0-1-14 (image below) and hereinafter called “the watershed”:



B. Design requirements.

1. Pre-design phase requirements.

The following will be required to be submitted to the city for review as part of the pre-design phase of any proposed development within the watershed:

- a. A conceptual site plan and conceptual stormwater concept plan.
- b. A down-stream analysis between the proposed development and the discharge of the watershed.
- c. It is encouraged that a pre-design consultation meeting with the city.

2. Design phase requirements.

A stormwater management plan in accordance with the city’s Design Review Guidebook is required to be submitted for review as part of the design phase of any proposed development within the watershed.

3. Construction phase requirements.

The construction of the development will be in accordance with the approved pre-design and design phase guidelines.

4. Post-construction phase requirements.

- a. After construction a certified as-built plat and as-built design certification must be submitted to the city.
- b. If any adjustments are made to the stormwater structures it must be recorded on the as-built plat and as-built design certification and resubmitted to the city.
- c. The stormwater inspection and maintenance agreement for all private on-site stormwater management facilities must be executed.
- d. The above items must be received and approved by the city before the approval of any certificate of occupancy or final plat for the development.

C. Downstream analysis.

1. Stormwater runoff discharges for the one-year, two-year, five-year, ten-year, 25-year, 50-year, and 100-year 24-hour storm events must be analyzed at a minimum at the following analysis points:
 - a. All points where stormwater runoff will cross the property line of the development.
 - b. Downstream confluences of ditches, streams, and other conveyances.
 - c. Any impoundments for ponds, detention ponds, or similar facilities.
 - d. Downstream public and private road crossings.
2. At a minimum, this analysis shall extend from the proposed development project site to a point immediately upstream of Pye Lake. In some cases, this requirement will exceed the ten percent rule as outlined in the Georgia Stormwater Management Manual. The downstream analysis shall consist of both existing conditions (at the time of application for a land disturbance permit) and proposed conditions (existing conditions updated to reflect the proposed development) and compare the discharges to illustrate potential impacts from the proposed development.

D. Water quality protection.

All requirements as outlined in the post-development stormwater management ordinance apply to development projects within the watershed.

E. Downstream channel protection.

All requirements as outlined in the post-development stormwater management apply to development projects within the watershed.

F. Flood protection.

Given that the city has identified the potential for significant increases in stormwater runoff with the watershed, the city shall require that all developments provide flood protection from increases in the one-year, two-year, five-year, ten-year, 25-year, 50-year, and 100-year 24-hour storm events. Discharges must be analyzed at a minimum at the following analysis points:

1. All points where stormwater runoff will cross the property line of the development.
2. Downstream confluences of ditches, streams, and other conveyances.
3. Any downstream impoundments for ponds, detention ponds, or similar facilities for which the development's stormwater runoff will pass through.
4. Downstream public and private road crossings.

For the purposes of analysis, no increases in discharges at these points from any storm event outlined above will be permitted under this policy. Additionally, the discharges from the proposed development onto neighboring properties immediately adjacent to the proposed development must be reduced to 80 percent of

the predevelopment discharge rate. However, this requirement (i.e. 80 percent of predevelopment discharge rates) shall not require a discharge limit less than that of a fully wooded site condition.

G. Applicability.

This section shall only apply to those lands that drain to the Southern Tributary of Pye Lake from the headwaters to the point at which it discharges to Pye Lake (near 350 Sharon Drive), more particularly described in the map attached to Ordinance No. 0-1-14 as Exhibit "A". This section shall not apply to those properties within the watershed that would not normally be required to develop stormwater management measures as outlined in the city's Development Review Guidebook.

H. Conflicts.

The purpose of this section is to supplement the post-construction stormwater management ordinance and associated stormwater local design manual. Where a conflict arises between this section and the post-construction stormwater management ordinance and the stormwater local design manual, the stricter standard shall apply.

Sec. 302.18-21. Reserved.

ARTICLE 3. SOIL EROSION, SEDIMENTATION AND POLLUTION CONTROL.

DIVISION 1. GENERAL PROVISIONS.

Sec. 303.1. Title.

This article will be known as “The City of Fayetteville, Georgia’s Soil Erosion, Sedimentation and Pollution Control Ordinance.”

Sec. 303.2. Purpose.

The real potential exists for excessive quantities of soil to erode from areas that are undergoing land disturbance such as housing developments, industrial sites, and roads. The resulting sediment could clog storm sewers and road ditches, add mud to streams and silt lakes, rivers, and reservoirs. Excessive sediment limits the use of water for most beneficial purposes. Sediment choked streams are unsightly and their reduced channel capacity can result in flooding and associated damages, including the threat to the public health and safety. Therefore, it is the purpose of this article to effectively contain soil erosion and sedimentation on the parcels where land is being disturbed by requiring provisions for water disposal and the protection of soil surfaces prior to, during, and after the land disturbance in order to promote the safety, public health, convenience, and general welfare of the citizens of city.

DIVISION 2. DEFINITIONS.

Sec. 303.3. Definitions.

Refer to Appendix A – Definitions.

Sec. 303.4. Rules applying to text.

For the purpose of this article certain rules of construction apply to the text as follows:

1. Words used in the present tense include the future tense; and the singular includes the plural, unless the context clearly indicates contrary;
2. The word “shall” is always mandatory and not discretionary;
3. The word “may” is permissive; and
4. Except as specifically defined herein, all words used in this article have their common dictionary definition.

Sec. 303.5. Liability.

1. Neither the approval of a plan under the provisions of this article nor the compliance with the 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 for damage to any person or property.
2. The fact that a land disturbance activity for which a land disturbance 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 land disturbance permit.
3. 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

there under or pollute any waters of the state as defined thereby.

4. Nothing contained in O.C.G.A. § 12-7-1 et seq. shall prevent the city from adopting rules and regulations, ordinances, or resolutions which contain stream buffer requirements that exceed the minimum requirements in Sections 303.18. and 303.19. of this article.

Sec. 303.6. Conflicting regulations.

All regulations or parts of regulations of this UDO in conflict with this article shall be and the same are hereby repealed in their portions so in conflict; provided, however, that it is not the intent of this article to repeal or affect any law of the state, or any code or ordinance of the city adopted as a requirement of state law, in which case the most restrictive shall control.

Sec. 303.7. 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.

Sec. 303.8-11. Reserved.

DIVISION 3. EXEMPTIONS.

Sec. 303.12. Exempt land disturbance activities.

This article shall apply to any land disturbance activity undertaken by any person on any land except for the following:

1. Surface mining, as the same is defined in O.C.G.A. § 12-4-72, “The Georgia Surface Mining Act of 1968”;
2. Granite quarrying and land clearing for such quarrying;
3. Such minor land disturbance activities as home gardens and individual home landscaping, repairs, maintenance work, fences, and other related activities which result in minor soil erosion;
4. The construction of single-family residences, when such construction disturbs less than 1 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 1 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 O.C.G.A. § 12-7-6 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 Article 2 of Chapter 5 of the Georgia Water Quality Control Act. In any such buffer zone, no land disturbance 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 UDO Administrator 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) of O.C.G.A. § 12-7-6 and the buffer zones provided by this paragraph shall be enforced by the city;
5. 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 aqua culture, horticultural, dairy, livestock, poultry, eggs and apiarian products; farm buildings and farm ponds;
6. Forestry land management practices, including harvesting; provided, however, that when such exempt forestry practices cause or result in land disturbance or other activities otherwise prohibited in a buffer, as established herein, no other land disturbance 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;
 7. Any project carried out under the technical supervision of the Natural Resources Conservation Service (NRCS) of the United States Department of Agriculture;
 8. Any project involving less than one acre of disturbed area; provided, however, that this exemption shall not apply to any land disturbance 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 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; provided, however, that any person responsible for a project which involves less than 1 acre, which involves land disturbance activity, and which is within 200 feet of any such excluded channel or drainage way, 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 1, 2, 3, 4, 5, 6, 7, 9 or 10 of this section;
 9. 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;
 10. Any land disturbance 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,
 11. Any public water system reservoir.

Sec. 303.13-16. Reserved.

DIVISION 4. MINIMUM REQUIREMENTS FOR EROSION AND SEDIMENTATION CONTROL USING BEST MANAGEMENT PRACTICES.

Sec. 303.17. General provisions.

Excessive soil erosion and resulting sedimentation can take place during land disturbance activities if requirements of this article and the NPDES General Permit are not met. Therefore, plans for those land disturbance 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 Sections 303.18. and 303.19. of this article. 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 disturbance activity in accordance with requirements of this article and the NPDES General Permit.

Sec. 303.18. Minimum requirements/Best Management Practices (BMP's).

1. Best management practices as set forth herein shall be required for all land disturbance activities. Proper design, installation, and maintenance of best management practices shall constitute a complete defense to any action by the UDO Administrator or to any other allegation of noncompliance with paragraph (2) of this subsection or any substantially similar terms contained in a permit for the discharge of storm water issued pursuant to subsection (f) of O.C.G.A. § 12-5-30, 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 subsection (b).
2. A discharge of storm water runoff from disturbed areas where best management practices have not been properly designed, installed, and maintained shall constitute a separate violation of any land disturbance permit issued by a city or of any state general permit issued by the Division pursuant to subsection (f) of O.C.G.A. § 12-5-30, 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 UDO Administrator. This paragraph shall not apply to any land disturbance associated with the construction of single family homes which are not part of a larger common plan of development or sale unless the planned disturbance for such construction is equal to or greater than five acres.
3. Failure to properly design, install, or maintain best management practices shall constitute a violation of any land disturbance permit issued by a city or of any state general permit issued by the Division pursuant to subsection (f) of Code Section 12-5-30, the "Georgia Water Quality Control Act", for each day on which such failure occurs.
4. The UDO Administrator 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 disturbance activities occur.
5. The city may set more stringent buffer requirements than stated in C.15,16 and 17, in light of O.C.G.A. § 12-7-6 (c).

Sec. 303.19. Additional minimum 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 disturbance 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 disturbance activity was permitted, as well as the following:

1. Stripping of vegetation, regrading and other development activities shall be conducted in a manner so as to minimize erosion;
2. Cut-fill operations must be kept to a minimum;
3. Development plans must conform to topography and soil type so as to create the lowest practicable erosion potential;
4. Whenever feasible, natural vegetation shall be retained, protected and supplemented;
5. The disturbed area and the duration of exposure to erosive elements shall be kept to a practicable minimum;
6. Disturbed soil shall be stabilized as quickly as practicable;
7. Temporary vegetation or mulching shall be employed to protect exposed critical areas during development;
8. Permanent vegetation and structural erosion control practices shall be installed as soon as practicable;
9. To the extent necessary, sediment in run-off water must be trapped by the use of debris basins, sediment basins, silt traps, or similar measures until the disturbed area is stabilized. As used in this paragraph, a disturbed area is stabilized when it is brought to a condition of continuous compliance with the requirements of O.C.G.A. § 12-7-1 et. seq.;
10. Adequate provisions must be provided to minimize damage from surface water to the cut face of excavations or the sloping of fills;
11. Cuts and fills may not endanger adjoining property;
12. Fills may not encroach upon natural watercourses or constructed channels in a manner so as to adversely affect other property owners;
13. Grading equipment must cross flowing streams by means of bridges or culverts except when such methods are not feasible, provided, in any case, that such crossings are kept to a minimum;
14. Land disturbance 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 109-470(b);
15. Except as provided in Section 303.12. of this article, 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 UDO Administrator determines to allow a variance that is at least as protective of natural resources and the environment, where otherwise allowed by the UDO Administrator 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 where bulkheads and sea walls are installed to prevent shoreline erosion on Lake Oconee and Lake Sinclair; or along any ephemeral stream. As used in this provision, the term 'ephemeral stream' means a stream:
 - a. that under normal circumstances has water flowing only during and for a short duration after precipitation events;
 - b. that has the channel located above the ground-water table year round; for which ground water is not a source of water;
 - c. and for which runoff from precipitation is the primary source of water flow, unless exempted as along an ephemeral stream, the buffers of at least 25 feet established pursuant to part 6 of Article 5, Chapter 5 of Title 12, the "Georgia Water Quality Control Act", shall remain in force unless a variance

is granted by the UDO Administrator as provided in this paragraph.

The following requirements shall apply to any such buffer:

- a. No land disturbance activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed state of vegetation until all land disturbance activities on the construction site are completed.
 - b. 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
 - c. The buffer shall not apply to the following land disturbance activities, provided that they occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream; cause a width of disturbance of not more than 50 feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented:
 - i. Stream crossings for water lines; or
 - ii. Stream crossings for sewer lines.
16. There is established a 50 foot buffer as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, along the banks of any state waters classified as “trout streams” pursuant to Article 2 of Chapter 5 of Title 12, the “Georgia Water Quality Control Act”, except where a roadway drainage structure must be constructed; provided, however, that small springs and streams classified as trout streams which discharge an average annual flow of 25 gallons per minute or less shall have a 25 foot buffer or they may be piped, at the discretion of the landowner, pursuant to the terms of a rule providing for a general variance promulgated by the board, 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 UDO Administrator may grant a variance from such buffer to allow land disturbance activity, provided that adequate erosion control measures are incorporated in the project plans and specifications and are implemented. The following requirements shall apply to such buffer:
- a. No land disturbance activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed, state of vegetation until all land disturbance 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
 - b. The buffer shall not apply to the following land disturbance activities, provided that they occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream; cause a width of disturbance of not more than 50 feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented:
 - i. Stream crossings for water lines; or
 - ii. Stream crossings for sewer lines.
17. Nothing contained in O.C.G.A. § 12-7-1 et. seq. shall prevent any city from adopting rules and regulations, ordinances, or resolutions which contain stream buffer requirements that exceed the minimum

requirements in Sections 303.18. and 303.19. of this section.

18. The fact that land disturbance 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.

Sec. 303.20. Proof or presumption of violation by injury.

The fact that land disturbance activity for which a land disturbance 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 a land disturbance permit.

Sec. 303.21-24. Reserved.

DIVISION 5. PERMIT APPLICATION AND PLAN REQUIREMENTS.

Sec. 303.25. General.

The property owner, 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 ordinance, storm water management ordinance, subdivision ordinance, flood damage prevention ordinance, 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 and/or operator are the only parties who may obtain a permit.

Sec. 303.26. Permit requirements.

1. Land disturbance permit required.

No person shall conduct any land disturbance activity within the jurisdictional boundaries of the city without first obtaining a permit from the city to perform such activity and providing a copy of Notice of Intent submitted to EPD if applicable.

2. Application submittal.

The application for a permit shall be submitted to the UDO Administrator 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 Sections 303.18. and 303.19. of this article. Erosion, sedimentation and pollution control plans, together with supporting data, must demonstrate affirmatively that the land disturbance activity proposed will be carried out in such a manner that the provisions of Sections 303.18. and 303.19. of this article shall be met. Applications for a permit will not be accepted unless accompanied by four copies of the applicant's erosion, sedimentation and pollution control plans. All applications shall contain a certification stating that the plan preparer or the designee thereof visited the site prior to creation of the plan in accordance with EPD Rule 391-3-7-10.

3. Fees.

- a. A land disturbance permit fee, in an amount as established by a separate resolution by the Mayor and City Council, shall be charged for each acre or fraction thereof in the project area.
- b. In addition to the land disturbance permit fees, fees will also be assessed pursuant to paragraph (5) subsection (a) of O.C.G.A. § 12-5-23, provided that such fees shall not exceed \$80.00 per acre of land disturbance activity, and these fees shall be calculated and paid by the primary permittee as

defined in the state general permit for each acre of land disturbance activity included in the planned development or each phase of development. All applicable fees shall be paid prior to issuance of the land disturbance permit. In a jurisdiction that is certified pursuant to subsection (a) of O.C.G.A. § 12-7-8 half of such fees levied shall be submitted to the department; except that any and all fees due from an entity which is required to give notice pursuant to paragraph (9) or (10) of O.C.G.A. § 12-7-17 shall be submitted in full to the department, regardless of the existence of a city in the jurisdiction.

4. Review by the District.

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 as required by Sections 303.19.15. and 303.19.16. have been obtained, all fees have been paid, and bonding, if required by Section 303.19.6. have been obtained. Such review will not be required if the city and the District have entered 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. The city with plan review authority shall approve or disapprove a revised plan submittal within 35 days of receipt. Failure of the city with plan review authority to act within 35 days shall be considered an approval of the revised plan submittal.

5. Previous 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.

6. Bond requirement.

The city 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 per acre or fraction thereof of the proposed land disturbance 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 or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land disturbance activity and bring it into compliance. These provisions shall not apply unless there is in effect an ordinance or statute specifically providing for hearing and judicial review of any determination or order of the city with respect to alleged permit violations.

Sec. 303.27. Plan requirements.

1. Plans shall meet minimum requirements.

Plans must be prepared to meet the minimum requirements as contained in Sections 303.18. and 303.19. of this article, or through the use of more stringent, alternate design criteria which conform to sound conservation and engineering practices. The Manual for Erosion and Sediment Control in Georgia is hereby incorporated by reference into this article. The plan for the land disturbance 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 storm water 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 disturbance 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 requirements.

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 disturbance activity was permitted.

Sec. 303.28. Permits.

1. Permits shall be issued or denied as soon as practicable but in any event not later than forty five 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 Sections 303.19.15. and 303.19.16. are obtained, bonding requirements, if necessary, as per Section 303.26.6. 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. 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.
4. Any land disturbance activities by a city 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 city.
5. If the tract is to be developed in phases, then a separate permit shall be required for each phase.
6. The land disturbance 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 the holder's successor in the title is not in compliance with the approved erosion and sedimentation control plan or that the holder or the holder's successor in title is in violation of this article. A holder of a land disturbance permit shall notify any successor in title to the holder as to all or any portion of the land affected by the approved plan of the conditions contained in the permit.
7. The LIA may reject a permit application if the applicant has had two or more violations of previous permits or the Erosion and Sedimentation Act permit requirements within three years prior to the date of the application, in light of O.C.G.A. § 12-7-7 (f)(1).

Sec. 303.29-32. Reserved.

DIVISION 6. INSPECTION AND ENFORCEMENT.

Sec. 303.33. Inspection and enforcement.

1. The UDO Administrator will periodically inspect the sites of land disturbance 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 shall regulate primary, secondary and tertiary permittees as such terms are defined in the state general permit

as follows:

- a. Primary permittees shall be responsible for installation and maintenance of best management practices where the primary permittee is conducting land disturbance activities;
 - b. Secondary permittees shall be responsible for installation and maintenance of best management practices where the secondary permittee is conducting land disturbance activities; and
 - c. Tertiary permittees shall be responsible for installation and maintenance where the tertiary permittee is conducting land disturbance activities.
2. If, through inspection, it is deemed that a person engaged in land disturbance 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 disturbance activity fails to comply within the time specified, he shall be deemed in violation of this article.
3. The city must amend its ordinances to the extent appropriate within 12 months of any amendments to the Erosion and Sedimentation Act of 1975.
4. The UDO Administrator shall have the power to conduct such investigations as it 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 the purpose of investigation and inspecting the sites of land disturbance activities.
5. No person shall refuse entry or access to any authorized representative or agent of the city, 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.
6. The District or the Commission or both shall semi-annually review the actions of counties and municipalities which have been certified as Local Issuing Authorities pursuant to O.C.G.A. § 12-7-8 (a). The District or the Commission or both may provide technical assistance to any county or municipality for the purpose of improving the effectiveness of the city'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.
7. The Division may periodically review the actions of cities which have been certified as Local Issuing Authorities pursuant to Code Section 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 Mayor and City Council 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 Mayor and City Council in writing. The Mayor and City Council so notified shall have 90 days within which to take the necessary corrective action to retain certification as a city. If the Mayor and City Council does not take necessary corrective action within 90 days after notification by the division, the division shall revoke the certification of the city.

Sec. 303.37-40. Reserved.

DIVISION 7. PENALTIES AND INCENTIVES.

Sec. 303.41. Failure to obtain a land disturbance permit.

If any person commences any land disturbance activity requiring a land disturbance 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 city limits.

Sec. 303.42. Stop work orders.

The following procedures shall apply to the issuance of stop work orders:

1. For the first and second violations of the provisions of this article, the UDO Administrator 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 UDO Administrator or the city shall issue a stop work order requiring that land disturbance 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 disturbance activities are conducted without obtaining the necessary permit, the UDO Administrator shall issue an immediate stop work order in lieu of a warning;
2. For a third and each subsequent violation, the UDO Administrator shall issue an immediate stop-work order; and
3. All stop work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred.
4. 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 UDO Administrator, 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 UDO Administrator. 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 disturbance activity on the site with the exception of the installation and maintenance of temporary or permanent erosion and sediment controls.

Sec. 303.43. Bond forfeiture.

If, through inspection, it is determined that a person engaged in land disturbance 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 disturbance 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 303.26.6. 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 disturbance activity and bring it into compliance.

Sec. 303.44. 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 UDO Administrator issued as provided in this article shall be liable for a civil penalty not to exceed \$2,500 per day. For the purpose of enforcing the provisions of this article, notwithstanding any provisions in any city charter to the contrary, municipal courts shall be authorized to impose penalty not to exceed \$2,500 for each violation. Notwithstanding any limitation of law as to penalties which can be assessed for violations of county ordinances, any magistrate court or any other court of competent jurisdiction trying cases brought as violations of this article under county ordinances approved under this article shall be authorized to impose penalties for such violations not to exceed \$2,500 for each violation. Each day during which violation or failure or refusal to comply continues shall be a separate violation.

Sec. 303.45-48. Reserved.

DIVISION 8. EDUCATION AND CERTIFICATION.

Sec. 303.49. Certification requirements.

1. Persons involved in land development design, review, permitting, construction, monitoring, or inspection or any land disturbance 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 disturbance 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 disturbance 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 disturbance activities for a site has met the certification requirements of paragraph (1) of subsection (b) of O.C.G.A. § 12-7-19, then any person or entity involved in land disturbance activity at that site and operating in a subcontractor capacity for such permittee shall meet those educational requirements specified in paragraph (4) of subsection (b) of O.C.G.A. 12-7-19 and shall not be required to meet any educational requirements that exceed those specified in said paragraph.

Sec. 303.50-53. Reserved.

DIVISION 9. ADMINISTRATIVE AND JUDICIAL APPEAL.

Sec. 303.54. Administrative remedies.

The suspension, revocation, modification or grant with condition of a permit by the city upon finding that the holder is not in compliance with the approved erosion, sediment and pollution control plan; or that the holder is in violation of permit conditions; or that the holder is in violation of any ordinance; shall entitle the person submitting the plan or holding the permit to a hearing before the Mayor and City Council within 30 days after receipt by the city of written notice of appeal.

Sec. 303.55. Judicial review.

Any person, aggrieved by a decision or order of the city, after exhausting his administrative remedies, shall have the right to appeal denovo to the Superior Court of Fayette County, Georgia.

Sec. 303.56-59. Reserved.

DIVISION 10. EFFECTIVITY, VALIDITY AND LIABILITY.

Sec. 303.70. Effectivity.

This article shall become effective on the 6th day of April, 2017.

Sec. 303.71. 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.

Sec. 303.72. Liability.

1. 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.
2. The fact that a land disturbance 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.
3. 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. 303.73-75. Reserved.

ARTICLE 4. POST-CONSTRUCTION STORMWATER MANAGEMENT.

DIVISION 1. GENERAL PROVISIONS.

Sec. 304.1. Purpose.

The purpose of this article is to protect, maintain and enhance the public health, safety, environment and general welfare by establishing minimum requirements and procedures to control the adverse effects of increased post-construction stormwater runoff and non-point source pollution associated with new development and redevelopment. Proper management of post-construction stormwater runoff will minimize damage to public and private property and infrastructure, safeguard the public health, safety, environment and general welfare of the public, and protect water and aquatic resources. Additionally, the City of Fayetteville is required to comply with several State and Federal laws, regulations and permits and the requirements of the Metropolitan North Georgia Water Planning District's regional water plan related to managing the water quantity, velocity, and quality of post-construction stormwater runoff.

Sec. 304.2. Stormwater Design Manual.

The City of Fayetteville will utilize the policy, criteria and information including technical specifications and standards in the latest edition of the Georgia Stormwater Management Manual (GSMM) and the latest edition of the City's local stormwater management design manual (both of which are incorporated herein in their entirety), for the proper implementation of the requirements of this ordinance. The manual may, by Resolution of the Mayor and City Council, be updated and expanded periodically, based on improvements in science, engineering, monitoring and local maintenance experience.

Sec. 304.3-8. Reserved.

DIVISION 2. DEFINITIONS.

Sec. 304.9. Definitions.

Refer to Appendix A - Definitions.

Sec. 304.10-13. Reserved.

DIVISION 3. Georgia Stormwater Management Manual (GSMM).

Sec. 304.14. Adoption and implementation of the GSMM; conflicts and inconsistencies.

1. In implementing this Article, the City of Fayetteville shall use and require compliance with all relevant design standards, calculations, formulas, methods, and other guidance from the GSMM as well as all related appendices.
2. This Article is not intended to modify or repeal any other Article, ordinance, rule, regulation or other provision of law, including but not limited to any applicable stream buffers under state and local laws, and

the Georgia Safe Dams Act and Rules for Dam Safety. In the event of any conflict or inconsistency between any provision in the City of Fayetteville's MS4 permit and this Article, the provision from the MS4 permit shall control. In the event of any conflict or inconsistency between any provision of this Article and the GSMM, the provision from this Article shall control. In the event of any other conflict or inconsistency between any provision of this Article and any other ordinance, rule, regulation or other provision of law, the provision that is more restrictive or imposes higher protective standards for human health or the environment shall control.

3. If any provision of this Article is invalidated by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of this Article.

Sec. 304.15. Designation of administrator.

The City Manager is hereby appointed to administer and implement the provisions of this article and is authorized to designate another officer or employee of the city to perform and carry out the duties under this article. The city manager or persons designated as administrator shall possess all education, training, and certifications required by law or regulation.

Sec. 304.16. Applicability criteria for stormwater management standards.

This article applies to the following activities:

1. New development that creates or adds 5,000 square feet or greater of new impervious surface area or that involves land disturbing activity of one acre of land or greater;
2. Redevelopment (excluding routine maintenance and exterior remodeling) that creates, adds, or replaces 5,000 square feet or greater of new impervious surface area or that involves land disturbing activity of one acre or more;
3. New development and redevelopment if:
 - a. such new development or redevelopment is part of a subdivision or other common plan of development; and
 - b. the sum of all associated impervious surface area or land disturbing activities that are being developed as part of such subdivision or other common plan of development meets or exceeds the threshold in (1) and (2) above;
3. Any commercial or industrial new development or redevelopment, regardless of size, that is a hotspot land use as defined in this Article; and
4. Linear transportation projects that exceed the threshold in (1) or (2) above.

Sec. 304.17. Exemptions from stormwater management standards.

This Article does not apply to the following activities:

1. Land disturbing activity conducted by local, state, authority, or federal agencies, solely to respond to an emergency need to protect life, limb, or property or conduct emergency repairs;
2. Land disturbing activity that consists solely of cutting a trench for utility work and related pavement replacement;
3. Land disturbing activity conducted by local, state, authority, or federal agencies, whose sole purpose is to implement stormwater management or environmental restoration;
4. Repairs to any stormwater management system deemed necessary by the UDO Administrator;
5. Agricultural practices as described O.C.G.A. 12-7-17(5) within areas zoned for these activities with the exception of buildings or permanent structures that exceed the threshold in Section 42-149 (a) or (b);
6. Silvicultural land management activities as described O.C.G.A. 12-7-17(6) within areas zoned for these activities with the exception of buildings or permanent structures that exceed the threshold in Section

- 42-149 (a) or (b);
7. Installations or modifications to existing structures solely to implement Americans with Disabilities Act (ADA) requirements, including but not limited to elevator shafts, handicapped access ramps and parking, and enlarged entrances or exits; and

Sec. 304.18-19. Reserved

DIVISION 4. STORMWATER MANAGEMENT STANDARDS.

Sec. 304.20. Stormwater management standards.

Subject to the applicability criteria in Section 303.16. and exemptions in Section 304.17. of this article, the following stormwater management standards apply. Additional details for each standard can be found in the GSMM Section 2.2.2.2:

A. Design of stormwater management system.

The design of the stormwater management system shall be in accordance with the applicable sections of the GSMM as directed by the UDO Administrator. Any design which proposes a dam shall comply with the Georgia Safe Dams Act and Rules for Dam Safety as applicable.

B. Natural resources inventory.

Site reconnaissance and surveying techniques shall be used to complete a thorough assessment of existing natural resources, both terrestrial and aquatic, found on the site. Resources to be identified, mapped, and shown on the Stormwater Management Plan, shall include, at a minimum (as applicable):

1. Topography (minimum of two-foot contours) and steep slopes (i.e., areas with slopes greater than 15%);
2. Natural drainage divides and patterns;
3. Natural drainage features (e.g., swales, basins, depression areas);
4. Natural feature protection and conservation areas such as wetlands, lakes, ponds, floodplains, stream buffers, drinking water wellhead protection areas and river corridors;
5. Predominant soils (including erodible soils and karst areas); and
6. Existing predominant vegetation including trees, high quality habitat and other existing vegetation.

C. Better site design practices for stormwater management.

Stormwater management plans shall preserve the natural drainage and natural treatment systems and reduce the generation of additional stormwater runoff and pollutants to the maximum extent practicable. Additional details can be found in the GSMM Section 2.3.

D. Stormwater runoff quality/reduction.

Stormwater runoff quality/reduction shall be provided by using the following:

1. For development with a stormwater management plan submitted before **April 15, 2021**, the applicant may choose either (a) Runoff Reduction or (b) Water Quality.
2. For development with a stormwater management plan submitted on or after **April 15, 2021**, the applicant shall choose (a) Runoff Reduction, and additional Water Quality shall not be required. To the extent (a) Runoff Reduction has been determined to be infeasible for all or a portion of the site using the practicability policy, then (b) Water Quality shall apply for the remaining runoff from a 1.2 inch rainfall event and must be treated to remove at least 80% of the calculated average annual post-development

Total Suspended Solids (TSS) load or equivalent as defined in the GSMM.

- a. Runoff Reduction. The stormwater management system shall be designed to retain the first 1.0 inch of rainfall on the site using runoff reduction methods, to the maximum extent practicable.
 - b. Water Quality. The stormwater management system shall be designed to remove at least 80% of the calculated average annual post-development total suspended solids (TSS) load or equivalent as defined in the GSMM for runoff from a 1.2 inch rainfall event.
3. If a site is determined to be a hotspot as detailed in Section 304.16.3. of this article, the city may require the use of specific or additional components for the stormwater management system to address pollutants of concern generated by that site.

G. Stream channel protection.

Stream channel protection shall be provided by using all of the following three approaches:

1. 24-hour extended detention storage of the 1-year, 24-hour return frequency storm event;
2. Erosion prevention measures, such as energy dissipation and velocity control; and
3. Preservation of any applicable stream buffer.

H. Overbank flood protection.

Downstream overbank flood protection shall be provided by controlling the post-development peak discharge rate to the pre-development rate for the 25-year, 24-hour storm event.

I. Extreme flood protection.

Extreme flood protection shall be provided by controlling the 100-year, 24-hour storm event such that flooding is not exacerbated.

J. Downstream analysis.

Due to peak flow timing and runoff volume effects, some structural components of the stormwater management system fail to reduce discharge peaks to pre-development levels downstream from the site. A downstream peak flow analysis shall be provided to the point in the watershed downstream of the site or the stormwater management system where the area of the site comprises 10% of the total drainage area in accordance with Section 3.1.9 of the GSMM. This is to help ensure that there are minimal downstream impacts from development on the site. The downstream analysis may result in the need to resize structural components of the stormwater management system.

K. Stormwater management system inspection and maintenance.

The components of the stormwater management system that will not be dedicated to and accepted by the city, including all drainage facilities, best management practices, credited conservation spaces, and conveyance systems, shall have an inspection and maintenance agreement to ensure that they continue to function as designed. All new development and redevelopment sites are to prepare a comprehensive inspection and maintenance agreement for the on-site stormwater management system. This plan shall be written in accordance with the requirements in Section 304.29. of this article.

Sec. 304.21. Permit application requirements.

No owner or developer shall perform any land development activities without first meeting the requirements of this division prior to commencing the proposed activity. Unless specifically exempted by this division, any owner or developer proposing a land development activity shall submit to the City of Fayetteville a permit application on

a form provided by the City of Fayetteville for that purpose. Unless otherwise exempted by this division, a permit application shall be accompanied by the following items in order to be considered:

1. Stormwater concept plan and consultation meeting certification in accordance with Section 604.22.A.;
2. Stormwater management plan in accordance with Section 304.22.A.3.;
3. Inspection and maintenance agreement in accordance with Section 304.29., if applicable;
4. Performance bond in accordance with Section 304.23, if applicable; and,
5. Permit application and plan review fees in accordance with Section 304.22.

Sec. 304-22. Pre-submittal meeting, stormwater concept plan, and stormwater management plan requirements.

Before a land development permit application is submitted, an applicant may request a pre-submittal meeting with the city. The pre-submittal meeting should take place based on an early step in the development process such as before site analysis and inventory (GSMM Section 2.4.2.4) or the stormwater concept plan (GSMM Section 2.4.2.5). The purpose of the pre-submittal meeting is to discuss opportunities, constraints, and ideas for the stormwater management system before formal site design engineering. To the extent applicable, local and regional watershed plans, greenspace plans, trails and greenway plans, and other resource protection plans should be consulted in the pre-submittal meeting. Applicants must request a pre-submittal meeting with the city when applying for a Determination of Infeasibility through the Practicability Policy.

A. Stormwater concept plan.

1. The stormwater concept plan shall be prepared using the minimum following steps:
 - a. Develop the site layout using better site design techniques, as applicable (GSMM Section 2.3).
 - b. Calculate preliminary estimates of the unified stormwater sizing criteria requirements for stormwater runoff quality/reduction, channel protection, overbank flooding protection and extreme flood protection (GSMM Section 2.2).
 - c. Perform screening and preliminary selection of appropriate best management practices and identification of potential siting locations (GSMM Section 4.1).
2. The stormwater concept plan shall contain:
 - a. Common address and legal description of the site;
 - b. Vicinity map; and
 - c. Existing conditions and proposed site layout mapping and plans (recommended scale of 1" = 50'), which illustrate at a minimum:
 - i. Existing and proposed topography (minimum of two-foot contours);
 - ii. Perennial and intermittent streams;
 - iii. Mapping of predominant soils from USDA soil surveys;
 - iv. Boundaries of existing predominant vegetation and proposed limits of clearing and grading;
 - v. Location and boundaries of other natural feature protection and conservation areas such as wetlands, lakes, ponds, floodplains, stream buffers and other setbacks (e.g., drinking water well setbacks, septic setbacks, etc.);
 - vi. Location of existing and proposed roads, buildings, parking areas and other impervious surfaces;
 - vii. Existing and proposed utilities (e.g., water, sewer, gas, electric) and easements;
 - viii. Preliminary estimates of unified stormwater sizing criteria requirements;
 - ix. Preliminary selection and location, size, and limits of disturbance of proposed BMP's;
 - x. Location of existing and proposed conveyance systems such as grass channels, swales, and storm drains;
 - xi. Flow paths;

- xii. Location of the boundaries of the base flood floodplain, future- conditions floodplain, and the floodway (as applicable) and relationship of site to upstream and downstream properties and drainage; and,
 - xiii. Preliminary location and dimensions of proposed channel modifications, such as bridge or culvert crossings.
3. Stormwater management plan.

The stormwater management plan shall contain the items listed in this part and be prepared under the direct supervisory control of either a Registered Professional Engineer or a Registered Landscape Architect licensed to practice in the state of Georgia. Items (iii.), (iv.), (v.), and (vi.) shall be sealed and signed by a Registered Professional Engineer licensed to practice in the state of Georgia. The overall site plan must be stamped by a design professional licensed in the state of Georgia for such purpose. (GSMM Section 2.4.2.7):

- a. Natural resources inventory;
 - b. Stormwater concept plan;
 - c. Existing conditions hydrologic analysis;
 - d. Post-development hydrologic analysis;
 - e. Stormwater management system;
 - f. Downstream analysis;
 - g. Erosion and sedimentation control plan;
 - h. BMP landscaping plan;
 - i. Inspection and maintenance agreement;
 - j. Evidence of acquisition of applicable local and non-local permits; and
 - k. Determination of infeasibility (if applicable)
2. For redevelopment and to the extent existing stormwater management structures are being used to meet stormwater management standards the following must also be included in the stormwater management plan for existing stormwater management structures:
- a. As-built drawings;
 - b. Hydrology reports;
 - c. Current inspection of existing stormwater management structures with deficiencies noted; and
 - d. BMP landscaping plans

Sec. 304.22. Application fee.

The fee for review of any land development application shall be based on the fee structure established by the Mayor and City Council. Payment shall be made before the issuance of any land disturbance permit or building permit for the development.

Sec. 304.23. Application procedures.

Land development applications are handled as part of the process to obtain the land disturbance permit pursuant to Sections 314.27. or 407.22. or building permit per Section 501.21.A.1., as applicable. Before any person begins development on a site, the owner of the site shall first obtain approval in accordance with the following procedure:

1. File a land development application with the UDO Administrator on the form of application with the following supporting materials:
 - a. the stormwater management plan prepared in accordance with Section 304.22.A.2.;
 - b. a certification that the development will be performed in accordance with the stormwater

- management plan once approved;
 - c. a preliminary determination of infeasibility, as applicable, prepared in accordance with the practicability policy; and,
 - d. an acknowledgment that applicant has reviewed the city's form of inspection and maintenance agreement and that applicant agrees to sign and record such inspection and maintenance agreement before the final inspection.
2. The UDO Administrator shall inform the applicant whether the application and supporting materials are approved or disapproved.
 3. If the application or supporting materials are disapproved, the UDO Administrator shall notify the applicant of such fact in writing. The applicant may then revise any item not meeting the requirements hereof and resubmit the same for the UDO Administrator to again consider and either approve or disapprove.
 4. If the application and supporting materials are approved, the city may issue the associated land disturbance permit or building permit, provided all other legal requirements for the issuance of such permits have been met. The stormwater management plan included in such applications becomes the approved stormwater management plan.

Sec. 304.24. Compliance with the approved stormwater management plan.

All development shall be:

1. Consistent with the approved stormwater management plan and all applicable land disturbance and building permits; and
2. Conducted only within the area specified in the approved stormwater management plan.

No changes may be made to an approved stormwater management plan without review and advanced written approval by the UDO administrator.

Sec. 304.25. Inspections to ensure plan compliance during construction.

Periodic inspections of the stormwater management system during construction shall be conducted by city staff or conducted and certified by a professional engineer who has been approved by the city. Inspections shall use the approved stormwater management plan for establishing compliance. All inspections shall be documented with written reports that contain the following information:

1. The date and location of the inspection;
2. Whether the stormwater management system is in compliance with the approved stormwater management plan;
3. Variations from the approved stormwater management plan; and
4. Any other variations or violations of the conditions of the approved stormwater management plan.

Sec. 304.26. Final inspection; as-built drawings; delivery of inspection and maintenance agreement.

Upon completion of the development, the applicant is responsible for:

1. Certifying that the stormwater management system is functioning properly and was constructed in conformance with the approved stormwater management plan and associated hydrologic analysis;
2. Submitting as-built drawings showing the final design specifications for all components of the stormwater management system as certified by a Professional Engineer;
3. Certifying that the landscaping is established and installed in conformance with the BMP landscaping

- plan; and,
4. Delivering to the city a signed inspection and maintenance agreement that has been recorded by the owner in the property record for all parcel(s) that make up the site.

The required certification under paragraph (1) shall include a certification of volume, or other performance test applicable to the type of stormwater management system component, to ensure each component is functioning as designed and built according to the design specifications in the approved stormwater management plan. This certification and the required performance tests shall be performed by a qualified person and submitted to the city with the request for a final inspection. The city shall perform a final inspection with applicant to confirm applicant has fulfilled these responsibilities.

Sec. 304.27. Violations and enforcement.

Any violation of the approved stormwater management plan during construction, failure to submit as-built drawings, failure to submit a final BMP landscaping plan, or failure of the final inspection shall constitute and be addressed as violations of, or failures to comply with, the underlying land disturbance permit pursuant to [insert local ordinance reference] or the underlying building permit pursuant to [insert local ordinance reference]. To address a violation of this article, the city shall have all the powers and remedies that are available to it for other violations of building and land disturbance permits, including without limitation the right to issue notices and orders to ensure compliance, stop work orders, and penalties as set forth in the applicable ordinances for such permits.

Sec. 304.28. Maintenance by owner of stormwater managements systems predating current GSMM.

For any stormwater management systems approved and built based on requirements predating the current GSMM and that is not otherwise subject to an inspection and maintenance agreement, such stormwater management systems shall be maintained by the owner so that the stormwater management systems perform as they were originally designed.

Sec. 304.29. Inspection and maintenance agreements.

1. The owner shall execute an inspection and maintenance agreement with the city obligating the owner to inspect, clean, maintain, and repair the stormwater management system; including vegetation in the final BMP landscaping plan. The form of the inspection and maintenance agreement shall be the form provided by the city. After the inspection and maintenance agreement has been signed by the owner and the city, the owner shall promptly record such agreement at the owner's cost in the property record for all parcel(s) that make up the site.
2. The inspection and maintenance agreement shall identify by name or official title the person(s) serving as the point of contact for carrying out the owner's obligations under the inspection and maintenance agreement. The owner shall update the point of contact from time to time as needed and upon request by the city. Upon any sale or transfer of the site, the new owner shall notify the city in writing within 30 days of the name or official title of new person(s) serving as the point of contact for the new owner. Any failure of an owner to keep the point of contact up to date shall, following 30 days' notice, constitute a failure to maintain the stormwater management system.
3. The inspection and maintenance agreement shall run with the land and bind all future successors-in-title of the site. If there is a future sale or transfer of only a portion of the site, then:
 - a. The parties to such sale or transfer may enter into and record an assignment agreement designating the owner responsible for each portion of the site and associated obligations under the inspection and maintenance agreement. The parties shall record and provide written notice and a copy of such assignment agreement to the city.

- b. In the absence of a recorded assignment agreement, all owners of the site shall be jointly and severally liable for all obligations under the inspection and maintenance agreement regardless of what portion of the site they own.

Sec. 304.30. Right of entry for maintenance inspections.

The terms of the inspection and maintenance agreement shall provide for the city's right of entry for maintenance inspections and other specified purposes. If a site was developed before the requirement to have an inspection and maintenance agreement or an inspection and maintenance agreement was for any reason not entered into, recorded, or has otherwise been invalidated or deemed insufficient, then the city shall have the right to enter and make inspections pursuant to the city's general provisions for property maintenance inspections pursuant to [insert reference to existing local ordinance providing for right of entry and inspections for general property maintenance obligations, whether under the local administration procedures for the Georgia Statewide Minimum Construction Codes or other local property maintenance ordinance].

Sec. 304.31. Owner's failure to maintain the stormwater management system.

The terms of the inspection and maintenance agreement shall provide for what constitutes a failure to maintain a stormwater management system and the enforcement options available to the city. If a site was developed before the requirement to have an inspection and maintenance agreement or an inspection and maintenance agreement was for any reason not entered into, recorded, or has otherwise been invalidated or deemed insufficient, then:

1. An owner's failure to maintain the stormwater management system so that it performs as it was originally designed shall constitute and be addressed as a violation of, or failure to comply with, owner's property maintenance obligations pursuant to Section 304.27.; and,
2. To address such a failure to maintain the stormwater management system, the City of Fayetteville shall have all the powers and remedies that are available to it for other violations of an owner's property maintenance obligations, including without limitation prosecution, penalties, abatement, and emergency measures.

Sec. 304.32. Violations, enforcements and penalties.

If a responsible person fails or refuses to meet the requirements of the inspection and maintenance agreement, the City of Fayetteville, after thirty (30) days written notice (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours notice shall be sufficient), may correct a violation of the design standards or maintenance requirements by performing the necessary work to place the facility or practice in proper working condition. The City of Fayetteville may assess the owner(s) of the facility for the cost of repair work which shall be a lien on the property, and may be placed on the ad valorem tax bill for such property and collected in the ordinary manner for such taxes.

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

Sec. 304.33. Notice of Violation (NOV).

If the City of Fayetteville 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 ordinance, it shall issue a written notice of violation to such applicant or other responsible person. Where a person is engaged

in activity covered by this ordinance 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:

1. The name and address of the owner or the applicant or the responsible person;
2. The address or other description of the site upon which the violation is occurring;
3. A statement specifying the nature of the violation;
4. A description of the remedial measures necessary to bring the action or inaction into compliance with the permit, the stormwater management plan or this ordinance and the date for the completion of such remedial action;
5. A statement of the penalty or penalties that may be assessed against the person to whom the notice of violation is directed; and,
6. A statement that the determination of violation may be appealed to the City of Fayetteville by filing a written notice of appeal within thirty (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).

Sec. 304.34. Penalties.

In the event the remedial measures described in the notice of violation have not been completed by the date set forth for such completion in the notice of violation, any one or more of the following actions or penalties may be taken or assessed against the person to whom the notice of violation was directed. Before taking any of the following actions or imposing any of the following penalties, the City of Fayetteville 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 of Fayetteville may take any one or more of the following actions or impose any one or more of the following penalties.

1. Stop Work Order.

The City of Fayetteville may issue a stop work order on any development or project of the owner or the responsible person within the City 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.

2. Withhold Certificate of Occupancy.

The City of Fayetteville may refuse to issue a certificate of occupancy for the building or other improvements constructed or being constructed on the site or any other site of the applicant or other responsible person within the City until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein.

3. Suspension, Revocation or Modification of Permit.

The City of Fayetteville may suspend, revoke or modify the permit authorizing the land development project or any other project of the applicant or other responsible person within the City. 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 of Fayetteville may deem necessary] to enable the applicant or other responsible person to take the necessary remedial

measures to cure such violations.

4. Civil Penalties.

In the event the applicant or other responsible person fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within ten days, or such greater period as the City of Fayetteville 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 of Fayetteville has taken one or more of the actions described above, the City of Fayetteville may impose a penalty not to exceed \$1,000 for each day the violation remains unremedied after receipt of the notice of violation.

5. Criminal Penalties.

For intentional and flagrant violations of this ordinance, the City of Fayetteville may issue a citation to the applicant or other responsible person, requiring such person to appear in court to answer charges for such violation. Upon conviction, such person shall be punished by a fine not to exceed \$1,000. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

Sec. 304.35 - 38. Reserved.

ARTICLE 5. STORMWATER QUALITY.

Sec. 305.1. Purpose.

1. It is hereby declared that the purpose of this division is to protect the city's water resources from harmful pollutants and thereby help maintain safe water resources for the citizens of the City of Fayetteville, Georgia.
2. A combination of structural, non-structural and source control and reduction measures shall be required for all development and re-development which will result, or will likely result, in the discharge of pollutants to the City of Fayetteville Drainage System (city's drainage system).
3. The provisions of this division shall apply throughout the city.
4. The UDO Administrator shall be responsible for the implementation, coordination and enforcement of the provisions of this division.
5. This division is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. This division shall control where other ordinances conflict. However, if another ordinance or statute requires further or more stringent action, this division does not control and no conflict shall be deemed to exist. All persons must take necessary actions to meet other statutes and ordinances not in conflict with this division.

Sec. 305.2. Enforcement.

The UDO Administrator shall:

1. Have the authority to administer and enforce all regulations and procedures adopted to implement this division, including the right to issue notices of non-compliance, requests for corrective measures to be undertaken, and citations;
2. Oversee the administration, coordination, acquisition, design, construction, operation or maintenance of the city's drainage system;
3. Approve new connections to the city's drainage system by other persons;
4. Examine, with the property owner's or site representative's permission, the city's drainage system, stormwater management facilities, or other drainage systems which discharge to the city's drainage system; and
5. Take all legal action necessary to examine such systems when the property owner cannot be located, contacted, or will not give their permission to inspect same. Citations for violation of this article may be issued by the UDO Administrator or his designee. The citation shall be returnable to and tried before the municipal court of the city. Any person, firm or corporation found guilty of violating this article shall, upon conviction, be fined up to \$1,000. Each day such violation remains unresolved to the satisfaction of the city shall be deemed a separate offense.

Sec. 305.3. Design guidelines.

Minimum requirements to reduce pollutant discharges to the city's drainage system from areas of new developments and/or re-development.

1. Upon submitting an application for a land-disturbance permit in accordance with the soil erosion and sedimentation control ordinance, a person(s) or entity(s) seeking approval from the city to commence any development, or redevelopment, activities which direct stormwater runoff or other discharges to the city's drainage system shall include with their application, plans prepared by a Professional Engineer licensed to practice in the state of Georgia and drawn to scale showing the nature, location, dimensions, and elevations of the development vicinity, existing and proposed structures, existing and proposed drainage systems, and proposed activities on the site. Specifically, the following information is required to be shown on the plans:

- a. A plan to reduce the discharge of pollutants to city's drainage system from the first 1.2 inches of stormwater runoff from areas of new development and redevelopment. In numerical terms, it is equivalent to a rainfall depth of 1.2 inches multiplied by the volumetric runoff coefficient (Rv) and the site area, and is calculated from the formula below:

$$WQv = [(1.2) (Rv) (A)]/12$$

where:

- i. WQv is the water quality volume in acre-feet;
- ii. Rv is $[0.05 + 0.009(I)]$ where I is the percent impervious cover; and
- iii. A is the site area in acres.

A minimum WQv of 0.2 inches per acre shall be met at sites that have less than 17 percent impervious cover.

- b. For purposes of this section, pervious pavers, meeting the requirements of the Georgia Stormwater Management Manual section 3.3.8 for Modular Porous Paver Systems, will be given credit from impervious surface calculations. Pervious paver systems shall be considered 50 percent pervious and 50 percent impervious for purposes of the calculations. Pervious pavers shall be allowed for use on 25 percent of the parking spaces in a parking lot. Pervious pavers are not allowed for use as driveways, or where traffic volumes are high or where heavy duty pavement is needed.
 - c. This division follows the philosophy of removing pollutants to the "maximum extent practicable" through the use of a percentage removal performance goal. The approach to be taken is to treat the WQv to remove 80 percent of the annual total suspended solids (TSS) loading commonly found in urban stormwater runoff.
 - d. Plans should include, but are not limited to, structural, non-structural and/or source control measures to reduce pollutants in stormwater runoff or other appropriate provisions as approved by the UDO Administrator.
 - e. Plans shall also address controls to reduce pollutants in discharges to the city's drainage system after construction is completed.
 - f. Plans should incorporate, as necessary, the design recommendations and criteria set forth in the Georgia Stormwater Management Manual and/or the City of Fayetteville Water Quality Best Management Practices for Stormwater Management Guidance Manual.
2. Applicants shall prepare, or shall have prepared, and submit to the city a Pond Certification Form, where applicable, to document the as-built condition of the stormwater management facility. The form shall be signed and sealed by a Professional Engineer licensed to practice in the state of Georgia.

Sec. 305.5. Exemptions.

The following activities are exempt from conformance with the provisions of this ordinance as stipulated herein:

1. Surface mining, as the same is defined in O.C.G.A. § 12-4-72;
2. Granite quarrying and land clearing for such quarrying;
3. Minor land-disturbing activities such as home gardens and individual home landscaping, repairs, maintenance work, and other related activities;
4. The construction of single-family residences provided that construction of any such residence conforms to the minimum standards as set forth in the Soil Erosion and Sediment Control Ordinance and that such standards may be enforced by the issuing authority;
5. Agricultural activities;
6. Any project carried out under the technical supervision of the Soil Conservation Service of the United

States Department of Agriculture;

7. 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 Georgia Tollway Authority; or any road construction or maintenance project, or both, undertaken by any county or municipality; construction and maintenance, or either, by any water or sewerage authority established by the General Assembly of the State; provided however, that such projects shall conform to the minimum requirements set forth in the Soil Erosion and Sedimentation Control Ordinance and that such standards may be enforced by the issuing authority; or
8. Any land-disturbing activities conducted by any electric membership corporation or municipal electric system or any public utility under the regulatory jurisdiction of the Public Service Commission.

The city shall not require compliance with this article if the land-disturbing activity associated with a project will increase the amount of impervious surface on a lot by less than 5,000 square feet.

Sec. 305.6. Maintenance.

1. Private storm sewer systems shall be operated and maintained by the property owner or by the homeowner's association or developer if established by agreement with the property owner, so as to prevent, to the maximum extent practicable, pollutant discharges to the city's drainage system.
2. The UDO Administrator, bearing proper credentials and identification, shall be permitted to enter, in accordance with state and federal law, all properties connected to the city's drainage system for regular inspections, periodic investigations, observation, measurement, enforcement, sampling and testing, in accordance with provisions of this division. The UDO Administrator shall duly notify the owner of said property or the representative of the site, except in the case of an emergency.
3. Measurements, tests and analyses required of any discharger to the city's drainage system shall be in accordance with 40 CFR Part 136, unless another method is approved by the UDO Administrator.

Sec. 305.7-10. Reserved.

ARTICLE 6. ILLICIT DISCHARGES AND ILLEGAL CONNECTION TO STORM DRAIN SYSTEM.

Sec. 306.1. Purpose.

The purpose of this article is to protect the public health, safety, environment and general welfare through the regulation of non-stormwater discharges to the City of Fayetteville's separate storm sewer system to the maximum extent practicable as required by federal law.

This article establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this article are to:

1. Regulate the contribution of pollutants to the municipal separate storm sewer system by any person;
2. Prohibit illicit discharges and illegal connections to the municipal separate storm sewer system;
3. Prevent non-stormwater discharges, generated as a result of spills, inappropriate dumping or disposal, to the municipal separate storm sewer system; and,
4. To establish legal authority to carry out all inspection, surveillance, monitoring and enforcement procedures necessary to ensure compliance with this article.

Sec. 306.2. Applicability.

The provisions of this article shall apply throughout the city limits.

Sec. 306.3. Compatibility with other regulations.

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

Sec. 306.4. Responsibility for administration.

The UDO Administrator shall administer, implement, and enforce the provisions of this article.

Sec. 306.5. Prohibition of illicit discharges.

No person shall throw, drain, or otherwise discharge, cause, or allow others under its control to throw, drain, or otherwise discharge into the municipal separate storm sewer system any pollutants or waters containing any pollutants, other than stormwater.

The following discharges are exempt from the prohibition provision above:

1. Water line flushing performed by a government agency, other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, natural riparian habitat or wetland flows, and any other water source not containing pollutants;
2. Discharges or flows from firefighting, and other discharges specified in writing by the UDO Administrator

- or his designee as being necessary to protect public health and safety;
3. The prohibition provision above shall not apply to any non-stormwater discharge permitted under an NPDES permit or order issued to the discharger and administered under the authority of the state and the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the municipal separate storm sewer system.

Sec. 306.6. Prohibition of illegal connections.

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

Sec. 306.7. Industrial or construction activity discharges.

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

Sec. 306.8. Access and inspection of properties and facilities.

1. The UDO Administrator shall be permitted to enter and inspect properties and facilities at reasonable times as often as may be necessary to determine compliance with this article.
2. If a property or facility has security measures in force which require proper identification and clearance before entry into its premises, the owner or operator shall make the necessary arrangements to allow access to representatives of the UDO Administrator.
3. The owner or operator shall allow the UDO Administrator ready access to all parts of the premises for the purposes of inspection, sampling, photography, videotaping, examination and copying of any records that are required under the conditions of an NPDES permit to discharge stormwater.
4. The UDO Administrator shall have the right to set up on any property or facility such devices as are necessary in the opinion of the UDO Administrator to conduct monitoring and/or sampling of flow discharges.
5. The UDO Administrator may require the owner or operator to install monitoring equipment and perform monitoring as necessary, and make the monitoring data available to the UDO Administrator. This sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the owner or operator at his/her own expense. All devices used to measure flow and quality shall be calibrated to ensure their accuracy.

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

Sec. 306.9. Notification of accidental discharges and spills.

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

Sec. 306.10. Violations.

1. It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this article. Any person who has violated or continues to violate the provisions of this article, may be subject to the enforcement actions outlined in this section or may be restrained by injunction or otherwise abated in a manner provided by law.
2. In the event the violation constitutes an immediate danger to public health or public safety, the UDO Administrator is authorized to enter upon the subject private property, without giving prior notice, to take any and all measures necessary to abate the violation and/or restore the property. The UDO Administrator is authorized to seek costs of the abatement as outlined in Section 306-14.

Sec. 306.11. Notice of violation.

1. Whenever the UDO Administrator finds that a violation of this article has occurred, the UDO Administrator may order compliance by written notice of violation.
2. The notice of violation shall be sent via regular U.S. mail or via hand delivery to the owner of the property and any tenant or resident of the property and any licensee listed under a city business license for the property and said notice shall contain:

- a. The name and address of the parties listed above;
- b. The address when available or a description of the building, structure or land upon which the violation is occurring, or has occurred;
- c. A statement specifying the nature of the violation;
- d. A description of the remedial measures necessary to restore compliance with this article and a time schedule for the completion of such remedial action;
- e. A statement of the penalty or penalties that shall or may be assessed against the person or persons to whom the notice of violation is directed; and
- f. A statement that the determination of violation may be appealed to the UDO Administrator by filing a written notice of appeal within 30 days of service of notice of violation.

3. Such notice may require without limitation:

- a. The performance of monitoring, analyses, and reporting;
- b. The elimination of illicit discharges and illegal connections;
- c. That violating discharges, practices, or operations shall cease and desist;
- d. The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
- e. Payment of costs to cover administrative and abatement costs; and,
- f. The implementation of pollution prevention practices.

Sec. 306.12. Appeal of notice of violation.

Any person receiving a notice of violation may appeal the determination of the UDO Administrator to the Mayor and City Council. The notice of appeal must be submitted to the City Clerk within 30 days from the date of the notice of violation. Hearing on the appeal before the Mayor and City Council shall take place within 15 days from the date of receipt of the notice of appeal. The decision of the Mayor and City Council shall be final.

Sec. 306.13. Enforcement measures after appeal.

If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, or in the event of an appeal, within 15 days of the decision of the Mayor and City Council, representatives of the UDO Administrator may enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the city or designated city contractor to enter upon the premises for the purposes set forth above.

Sec. 306.14. Costs of abatement of the violation.

Within 30 days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the assessment or to the amount of the assessment within 30 days of such notice. If the amount due is not paid within 30 days after receipt of the notice, or if an appeal is taken, within 30 days after a decision on said appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment. Any person violating any of the provisions of this article shall become liable to the City of Fayetteville by reason of such violation.

Sec. 306.15. Civil penalties.

In the event the alleged violator fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within ten days of notice or such greater period as the

UDO Administrator shall deem appropriate, the UDO Administrator may impose a penalty not to exceed \$1,000 (depending on the severity of the violation) for each day the violation remains unremedied after receipt of the notice of violation, may withhold or suspend any and all permits and licenses, including business license, provided by the city until the violation is remedied.

Sec. 306.16. Criminal penalties.

For intentional and flagrant violations of this article, the UDO Administrator may issue a citation to the alleged violator requiring such person to appear in Municipal Court to answer charges for such violation. Upon conviction, such person shall be punished by a fine not to exceed \$1,000 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.

Sec. 306.17. Violations deemed a public nuisance.

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this article is a threat to public health, safety, welfare, and environment and is declared and deemed a nuisance, and may be abated by injunctive or other equitable relief as provided by law.

Sec. 306.18. Remedies not exclusive.

1. The remedies listed in this article are not exclusive of any other remedies available under any applicable federal, state or local law and the UDO Administrator may seek cumulative remedies.
2. The UDO Administrator may recover attorney's fees, court costs, and other expenses associated with enforcement of this article, including sampling and monitoring expenses.

Sec. 306.19-21. Reserved.

ARTICLE 7. GROUNDWATER RECHARGE AREA PROTECTION.

DIVISION 1. GENERAL PROVISIONS.

Sec. 307.1. Title.

This section shall be known as the “Groundwater Recharge Area Protection Ordinance of the City of Fayetteville, Georgia.”

Sec. 307.2. Finding of fact.

In order to provide for the health, safety and welfare of the public and a healthy economic climate within the city, it is essential that the quality of public drinking water be ensured. For this reason, it is necessary to protect the subsurface water resources that the city relies on as a source of public water. Groundwater resources are contained within aquifers, which are permeable, rock strata occupying vast regions of the subsurface. These aquifers are replenished by infiltration of surface water runoff in zones of the surface known as groundwater recharge areas.

Groundwater is susceptible to contamination when unrestricted development occurs within significant groundwater recharge areas. It is, therefore necessary to manage land use within groundwater recharge areas in order to ensure that pollution threats are minimized.

Sec. 307.3. Objectives.

The objectives of this article are to:

1. Protect groundwater quality by restricting land uses that generate, use or store dangerous pollutants in recharge areas;
2. Protect groundwater quality by limiting density of development; and
3. Protect groundwater quality by ensuring that any development that occurs within the recharge area shall have no adverse effect on groundwater quality.

Sec. 307.4. Establishment of a groundwater recharge area district.

A groundwater recharge area district is hereby established which shall correspond to all lands within the city that are mapped as significant recharge areas by the Georgia Department of Natural Resources in Hydrologic Atlas 18, 1989 edition.

Sec. 307.5. Determination of pollution susceptibility.

Each recharge area shall be designated as having a pollution susceptibility of high, medium or low based on the Georgia Pollution Susceptibility Map prepared by the Georgia Department of Natural Resources.

Sec. 307.6-9. Reserved.

DIVISION 2. PERMIT REQUIREMENTS.

Sec. 307.10. Permit requirements and enforcement.

No building permit, rezoning request or subdivision plat shall be issued unless the permit, request or plat is in compliance with the groundwater protection standards provided in this article.

A. Development plan review and requirements.

With the exception of certain exempted activities identified in Section 307.10.D., applications for a development plan review within the groundwater recharge area district shall include a full set of development plans containing the usual required information plus additional information specific to developments in groundwater recharge areas, to-wit:

B. Site plan.

A map or maps, drawn to a scale no smaller than 1 inch = 50 feet, showing all planned improvements including all existing and proposed structures, roads, water courses and drainage ways shall be provided by the applicant. Site plans must include the name of the owner and/or developer, lot lines with dimensions, building footprints with dimensions, rights of way, building setback lines, buffers, parking areas and driveways, landscaping areas and tree protection areas. If the graphic representation of the proposed activities occupies more than one page, a general location map drawn at a larger scale showing the entire site is required.

C. Soil erosion sediment control plan.

1. Grading and utility plan.

This map, or set of maps, must include the basic elements of the site plan and show water lines, wastewater and stormwater facilities, and all other utility installations. The grading and utility plan must also show the orientation and distance from the boundaries of the proposed site to the nearest bank of an affected perennial stream or water body. Existing and proposed elevations of the site and adjacent lands within 200 feet of the site at contour intervals of no greater than five feet must be included. Calculations of the amount of cut and fill proposed and cross sectional drawings showing existing and proposed grades in areas of fill or excavation must be included. Elevations, horizontal scale and vertical scale must be shown on cross-sectional drawings. The grading and utility plan must also include the location and detailed design of any spill and leak collection systems designed for containing accidentally released hazardous or toxic materials.

2. Tree protection plan.

The landscape plan referenced in Section 307.10.A.2. shall indicate how the 20 percent tree save requirement will be met.

3. Landscape plan.

This one page map, must include the basic elements of the site plan, an impervious surface calculation for proposed development must be shown, a calculation for required landscaping must be shown, a plant list including species and size must be included, and the proposed locations for each plant must be shown.

4. Details.

Detail sheets for soil erosion sediment control facilities, stormwater management facilities, and utility profiles must be included.

5. Elevation.

Building elevations including material and color samples must be submitted.

6. Changes to approved plans.

Activities must comply with the approved development plans. All development activities or site work conducted after approval of the development plans shall conform to the specifications of the development plans. Significant changes to the development plans that would alter the amount and velocity of stormwater runoff from the site, increase the amount of impervious surface within the development, alter the overall density of the development, result in a considerable increase in the amount of excavation, fill or removal of vegetation during construction or otherwise result in an alteration of the overall appearance of the development as proposed, can be amended only with the approval of the UDO Administrator. Minor changes, such as the realignment of streets or minor alterations to drainage structures and other infrastructure to meet unexpected conditions are exempted from this requirement.

D. Exemptions to development plan review requirements.

The following activities are exempt from development plan review requirements:

1. A single-family detached home constructed which is not part of a subdivision;
2. Repairs to a facility that is part of a previously approved and permitted development, if the exterior of the building remains unchanged; and
3. Construction of minor structures, such as sheds or additions to single-family residences.

E. Application.

The application shall be made to the UDO Administrator and will be reviewed through the standard plan review process. The review period shall include the preparation of staff comments, the opportunity for the applicant to submit revised plans and the preparation of findings (approval with conditions or disapproval) by the Planning and Zoning Commission at the regularly scheduled monthly meeting. The applicant must be present at the Planning and Zoning Commission meeting. Decisions of the Planning and Zoning Commission may be appealed to the Mayor and City Council, pursuant to the appeal procedures identified in Section 104.18.B.1. of this UDO.

F. Duration of Planning and Zoning Commission approval of development plans and building permit.

1. Building permits may be issued ten days after development plans are approved by the planning and zoning commission, and no appeal is filed.
2. Building plans must exactly match the development plans approved by the Planning and Zoning Commission. No building permits shall be issued unless the building plans and development plans exactly match.
3. If construction described in the development plans has not commenced within 24 months from the date of approval, the Planning and Zoning Commission approval shall expire.
4. If construction described in the building plans has not commenced within six months from the issuance of the building permit, the building permit shall expire.
5. The UDO Administrator shall issue written notice of pending expiration of the building permit.

G. Building permit review requirement.

With the exception of building permit applications made pursuant to and compliant with a development plan previously approved pursuant to the article, building permit applications for work within the groundwater recharge area district shall include the following additional information specific to developments in

groundwater recharge areas, to-wit:

1. Site plan.

A map or maps, drawn to a scale no smaller than 1 inch = 50 feet, showing all planned improvements including all structures, roads, water courses and drainage ways shall be provided by the applicant. Site plans must include the name of the owner and/or developer, lot lines with dimensions, building footprints with dimensions, rights of way, building setback lines, buffers, parking areas and driveways, landscaping areas and tree protection areas. If the graphic representation of the proposed activities occupies more than one page, a general location map drawn at a larger scale showing the entire site is required.

2. Grading and utility plan.

This map, or set of maps, must include the basic elements of the site plan and show water lines, wastewater and stormwater facilities, and all other utility installations. The grading and utility plan must also show the orientation and distance from the boundaries of the site to the nearest bank of an affected perennial stream or water body. Existing and proposed elevations of the site and adjacent lands within 200 feet of the site at contour intervals of no greater than five feet must be included. Elevations, horizontal scale and vertical scale must be shown on cross-sectional drawings. The grading and utility plan must also include the location and detailed design of any spill and leak collection systems designed for containing accidentally released hazardous or toxic materials.

H. Enforcement.

1. The city, its agent, officers and employees shall have the authority to enter upon privately owned land for the purpose of performing their duties under this article and may take or cause to be made such examinations, surveys or sampling as the city deems necessary.
2. The UDO Administrator is hereby designated as the administrator and enforcement officer for this article.
3. The UDO Administrator shall have the authority to enforce this article; issue permits hereunder; and address violations or threatened violations hereof by issuance of violation notices, administrative orders and civil and criminal actions. All costs, fees and expenses in connection with such actions may be recovered as civil damages against the violator.
4. Law enforcement officials or other city officials having police powers shall have authority to assist the city manager in enforcement.
5. Any person who commits, takes part in or assists in any violation of any provision of this article shall be fined and/or imprisoned up to the maximum sanction authorized by the city's charter.
6. The UDO Administrator shall have the authority to issue cease and desist orders in the event of any violation of this article. Cease and desist orders may be appealed to the Mayor and City Council pursuant to adopted appeal procedures.
7. When a building or other structure has been constructed in violation of this article, the violator shall be required to remove the structure.
8. When removal of vegetative cover, excavation or fill has taken place in violation of this article, the violator shall be required to restore the affected land to its original contours and to restore vegetation, as far as practicable.

Sec. 307.11-14. Reserved.

DIVISION 3. GROUNDWATER PROTECTION.

Sec. 307.15. Groundwater protection standards.

1. For all pollution susceptibility areas, new waste disposal facilities must have synthetic liners and leachate collection systems.
2. New agricultural impoundments shall meet the following requirements:
 - a. For areas of high susceptibility, a liner shall be provided that is approved by the U.S. Soil Conservation Service (SCS).
 - b. For areas of medium susceptibility, an SCS approved liner shall be provided if the site exceeds 15 acres.
 - c. For areas of low susceptibility, an SCS approved liner shall be provided if the site exceeds 50 acres.
3. No land disposal of hazardous waste shall be permitted within any significant groundwater recharge area.
4. For all significant groundwater recharge areas, the handling, storage and disposal of hazardous materials shall take place on an impermeable surface having spill and leak protection approved by the Georgia Department of Natural Resources, Environmental Protection Division (EPD).
5. For all significant groundwater recharge areas, new above ground chemical or petroleum storage tanks larger than 650 gallons must have the secondary containment for 110 percent of tank volume or 110 percent of the largest tanks in a cluster of tanks.
6. For high pollution susceptibility areas, new wastewater treatment basins shall have an impermeable liner approved by EPD.
7. For high pollution susceptibility areas, no new stormwater infiltration basins may be constructed.
8. For high pollution susceptibility areas, wastewater spray irrigation systems or the land spreading of wastewater sludge shall be practiced in accordance with department of natural resources criteria for slow rate land treatment. An application for development plans for activities involving wastewater spray irrigation or land spreading of wastewater sludge must be accompanied by proof that the applicant has received a land application system permit from EPD.
9. Minimum lot size and septic systems.

New homes served by septic tank/drain systems outside of the groundwater recharge area shall have a lot area of not less than 43,560 square feet, regardless of the zoning district classification. New homes served by septic tank/drain systems located in the groundwater recharge area shall conform to minimum lot size requirements identified below:

Pollution susceptibility	Minimum lot size: any new homes served by septic systems (SF)
High	65,340
Medium	54,450
Low	47,916

10. No new mobile home parks shall be allowed on septic systems.
11. The Fayette County Environmental Health Department shall first approve any septic system prior to the issuance of a building permit for a building or mobile home.

Sec. 307.16-19. Reserved.

ARTICLE 8. STREAM BUFFER PROTECTION.

DIVISION 1. GENERAL PROVISIONS.

Sec. 308.1. Title.

This article shall be known as the “City of Fayetteville Stream Buffer Protection Ordinance.”

Sec. 308.2. Findings and purpose.

A. Findings.

Whereas, the Mayor and City Council of the city 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. Purpose.

It is the purpose of this article 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 (local jurisdiction) 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.

Sec. 308.3. Definitions.

Refer to Appendix A - Definitions.

This article shall apply to all land development activity on property containing a stream protection area as defined in Appendix A - Definitions. These requirements are in addition to, and do not replace or supersede, any other applicable buffer requirements established under state law and approval or exemption from these requirements do not constitute approval or exemption from buffer requirements established under state law or from other applicable local, state or federal regulations.

Sec. 308.5-8. Reserved.

DIVISION 2. EXCEPTIONS.

Sec. 308.9. Exceptions.

This article 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 the effective date of this article;
2. Existing development and on-going land-disturbance activities including but not limited to existing agriculture, silviculture, landscaping, gardening and lawn maintenance, 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 the effective date of this article; and
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 has been previously approved within two years of the effective date of this article.

Sec. 308.10. Exemptions.

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

1. Activities for the purpose of 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 above.
3. Land development activities within a right-of-way existing at the time this article takes effect or approved under the terms of this article.
4. Within an easement of any utility existing at the time this article takes effect or approved under the terms of this article, 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.
6. However, when emergency work is performed under this section, the person performing it shall report such work to the city 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 city 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.
7. 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.

After the effective date of this article, it shall apply to new subdividing and platting activities.

Any land development activity within a buffer established hereunder or any impervious cover within a setback established hereunder is prohibited unless a variance is granted pursuant to Section 308.16 of this article.

Sec. 308.11-14. Reserved.

DIVISION 3. LAND DEVELOPMENT REQUIREMENTS.

Sec. 308.15. Buffer and setback requirements.

All land development activity subject to this article shall meet the following requirements:

1. An undisturbed natural vegetative 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 setback shall be maintained for 25 feet, measured horizontally, beyond the undisturbed natural vegetative buffer, in which all impervious cover shall be prohibited. Grading, filling and earthmoving shall be minimized within the setback; and
3. No septic tanks or septic tank drain fields shall be permitted within the buffer or the setback.

Sec. 308.16. Variance procedures.

Variances from the above buffer and setback requirements may be granted in accordance with the following provisions:

1. Where a parcel was platted prior to the effective date of this article, and its shape, topography or other existing physical condition prevents land development consistent with this article, and the city finds and determines that the requirements of this article prohibit the otherwise lawful use of the property by the owner, the Planning and Zoning Commission may grant a variance from the buffer and setback requirements hereunder, provided such variance require mitigation measures to offset the effects of any proposed land development on the parcel.
2. Except as provided above, the Planning and Zoning Commission shall grant no variance from any provision of this article without first conducting a public hearing on the application for variance and authorizing the granting of the variance by an affirmative vote of the Planning and Zoning Commission. The city shall give public notice of each such public hearing in a newspaper of general circulation within city. The city shall require that the applicant post a sign giving notice of the proposed variance and the public hearing. The sign shall be of a size and posted in such a location on the property as to be clearly visible from the primary adjacent road right-of-way. Variances will be considered only in the following cases:
 - a. When a property's shape, topography or other physical conditions existing at the time of the adoption of this article prevents land development unless a buffer variance is granted;
 - b. Unusual circumstances when strict adherence to the minimal buffer requirements in this article would create an extreme hardship; and
 - c. Variances will not be considered when, following adoption of this article, actions of any property owner of a given property have created conditions of a hardship on that property.

3. At a minimum, a variance request shall include the following information:
 - a. A site map that includes locations of all streams, wetlands, floodplain boundaries and other natural features, as determined by field survey;
 - b. A description of the shape, size, topography, slope, soils, vegetation and other physical characteristics of the property;
 - c. A detailed site plan that shows the locations of all existing and proposed structures and other impervious cover, the limits of all existing and proposed land disturbance, both inside and outside the buffer and setback. The exact area of the buffer to be affected shall be accurately and clearly indicated;
 - d. Documentation of unusual hardship should the buffer be maintained;
 - e. At least one alternative plan, which does not include a buffer or setback intrusion, or an explanation of why such a site plan is not possible;
 - f. A calculation of the total area and length of the proposed intrusion;
 - g. A stormwater management site plan, if applicable; and,
 - h. Proposed mitigation, if any, for the intrusion. If no mitigation is proposed, the request must include an explanation of why none is being proposed.
4. The following factors will be considered in determining whether to issue a variance:
 - a. The shape, size, topography, slope, soils, vegetation and other physical characteristics of the property;
 - b. The locations of all streams on the property, including along property boundaries;
 - c. The location and extent of the proposed buffer or setback intrusion; and,
 - d. Whether alternative designs are possible which require less intrusion or no intrusion;
 - e. The long-term and construction water-quality impacts of the proposed variance;
 - f. Whether issuance of the variance is at least as protective of natural resources and the environment.

Sec. 308.17. Compatibility with other buffer regulations and requirements.

This article 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 article should be considered minimum requirements, and where any provision of this article 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.

Sec. 308.18. Additional information requirements for development on buffer zone properties.

Any permit applications for property requiring buffers and setbacks hereunder must include the following:

1. A site plan showing:
 - a. The location of all streams on the property;
 - b. Limits of required stream buffers and setbacks on the property;
 - c. Buffer zone topography with contour lines at no greater than five-foot contour intervals;
 - d. Delineation of forested and open areas in the buffer zone; and,
 - e. Detailed plans of all proposed land development in the buffer and of all proposed impervious cover within the setback;
 - f. A description of all proposed land development within the buffer and setback; and,
 - g. Any other documentation that the (review and permitting authority) may reasonably deem necessary for review of the application and to insure that the buffer zone ordinance is addressed in the approval process.

- h. All buffer and setback areas must be recorded on the final plat of the property following plan approval.

Sec. 308.19. Responsibility.

Neither the issuance of a development permit nor compliance with the conditions thereof, nor with the provisions of this article shall relieve any person from any responsibility otherwise imposed by law for damage to persons or property, nor shall the issuance of any permit hereunder serve to impose any liability upon the city, its officers or employees, for injury or damage to persons or property.

Sec. 308.20. Inspection.

1. The UDO Administrator may cause inspections of the work in the buffer or setback to be made periodically during the course thereof and shall make a final inspection following completion of the work. The permittee shall assist the city in making such inspections. The city shall have the authority to conduct such investigations as it may reasonably deem necessary to carry out its duties as prescribed in this article, and for this purpose to enter at reasonable time upon any property, public or private, for the purpose of investigating and inspecting the sites of any land development activities within the protection area.
2. No person shall refuse entry or access to any authorized representative or agent who requests entry for purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out official duties.

Sec. 308.21-24. Reserved.

DIVISION 4. ENFORCEMENT.

Sec. 308.25. Violations, enforcement and penalties.

Any action or inaction which violates the provisions of this article or the requirements of an approved site plan or permit may be subject to the enforcement actions outlined in this article. 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.

A. Notice of Violation.

If the city determines that an applicant or other responsible person has failed to comply with the terms and conditions of a permit, an approved site plan or the provisions of this article, it shall issue a written notice of violation to such applicant or other responsible person. Where a person is engaged in activity covered by this article without having first secured the appropriate 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:

1. The name and address of the owner or the applicant or the responsible person;
2. The address or other description of the site upon which the violation is occurring;
3. A statement specifying the nature of the violation;
4. A description of the remedial measures necessary to bring the action or inaction into compliance with the permit, the approved site plan or this article and the date for the completion of such remedial action;
5. A statement of the penalty or penalties that may be assessed against the person to whom the notice of violation is directed; and,
6. A statement that the determination of violation may be appealed to the Mayor and City Council by filing a

written notice of appeal within 30 days after the notice of violation (except that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours' notice shall be sufficient).

B. Penalties.

In the event the remedial measures described in the notice of violation have not been completed by the date set forth for such completion in the notice of violation, any one or more of the following actions or penalties may be taken or assessed against the person to whom the notice of violation was directed. Before taking any of the following actions or imposing any of the following penalties, 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 (review and permitting authority) may take any one or more of the following actions or impose any one or more of the following penalties.

C. Stop work order.

The UDO Administrator 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 necessary remedial measures to cure such violation or violations.

D. Withhold certificate of occupancy.

The UDO Administrator 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.

E. Suspension, revocation or modification of permit.

The UDO Administrator may suspend, revoke or modify the permit authorizing the land development project. A suspended, revoked or modified permit may be reinstated after the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein, provided such permit may be reinstated (upon such conditions as the UDO Administrator may deem necessary) to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.

F. 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 UDO Administrator shall deem appropriate). In the event the violation constitutes an immediate danger to public health or public safety, 24 hours' notice shall be sufficient after the UDO Administrator has taken one or more of the actions described above, the UDO Administrator may impose a penalty not to exceed \$1,000 (depending on the severity of the violation) for each day the violation remains unremedied after receipt of the notice of violation.

G. Criminal penalties.

For intentional and flagrant violations of this article, the city may issue a citation to the applicant or other

responsible person, requiring such person to appear in (appropriate municipal, magistrate or recorders) court to answer charges for such violation. Upon conviction, such person shall be punished by a fine not to exceed \$1,000 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.

Sec. 308.26. Administrative appeal and judicial review.

A. Administrative appeal.

In accordance with Section 104.18.B.1., any person aggrieved by a decision or order of the UDO Administrator may appeal in writing within ten days after the issuance of such decision or order to the City Clerk and shall be entitled to a hearing before the Mayor and City Council within 30 days of receipt of the written appeal.

B. Judicial review.

Any person aggrieved by a decision or order of city, after exhausting all administrative remedies, shall have the right to appeal de novo to the Superior Court of Fayette County, Georgia.

Sec. 308.27-30. Reserved.

ARTICLE 9. WELLHEAD PROTECTION.

Sec. 309.1. Purpose.

The city hereby creates a new use district to be known as a wellhead protection zone as identified and described in the Georgia Wellhead Protection Plan for the city attached to Ordinance No. 0-6-09 as Exhibit "A" and kept on file by the City Clerk. Said ordinance is incorporated by reference into this article as if fully set out herein.

Sec. 309.2. Prohibited and/or restricted uses.

Land use and activities in the wellhead protection zones as identified and described as potential pollution sources in the State of Georgia Approved Wellhead Protection Plan referenced in Section 309.1. shall be prohibited as stated in the plan.

Sec. 309.3. Administration.

The policies and procedures for administration of any wellhead protection zone established under this article shall be the same as provided in the existing zoning ordinance for the city, as the same is presently enacted or may from time to time be amended.

Sec. 309.4-7. Reserved.

ARTICLE 10. FLOODPLAIN MANAGEMENT.

DIVISION 1. GENERAL PROVISIONS.

Section 310.1. Title.

This Article will be known as “The City of Fayetteville Comprehensive Floodplain Management and Flood Damage Prevention Ordinance.”

Section 310.2. Purpose and intent.

The purpose of this article 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 flood waters 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 flood waters; and
6. Protect the stormwater management, water quality, streambank protection, stream corridor protection, wetland preservation and ecological functions of natural floodplain areas.

Section 310.3. Applicability.

This article shall be applicable to all areas of special flood hazard within the city.

Section 310.4. Designation of Administrator.

The UDO Administrator is hereby appointed to administer and implement the provisions of this article.

Section 310.5. Definitions.

Refer to Appendix A – Definitions.

Section 310.6-9. Reserved.

DIVISION 2.

DETERMINATION OF FLOOD HAZARD AREAS.

Section 310.10. Basis for area of special flood hazard, areas of future-conditions flood hazard and associated floodplain characteristics – flood area maps and studies.

For the purposes of defining and determining “Areas of Special Flood Hazard,” “Areas of Future-conditions Flood Hazard,” “Areas of Shallow Flooding,” “Base Flood Elevations,” “Floodplains,” “Floodways,” “Future-conditions Flood Elevations,” “Future- conditions Floodplains,” potential flood hazard or risk categories as shown on FIRM maps, and other terms used in this article, the following documents and sources may be used for such purposes and are adopted by reference thereto:

1. The Flood Insurance Study (FIS), dated September 26, 2008, with accompanying maps and other supporting data and any revision thereto are hereby adopted by reference. [For those land areas acquired by the city through annexation, the current effective FIS and data for unincorporated Fayette County, dated September 26, 2008, 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 base or one-percent (100-year) floodplain and flood-prone areas, including:
 - a. Any flood or flood-related study conducted by the United States Army Corps of Engineers, the United States Geological Survey or any other local, state or federal agency applicable to the city; and
 - b. Any base flood study conducted by a Professional Engineer licensed to practice in the state of Georgia which has been prepared utilizing FEMA approved methodology and approved by the city.
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 flood-prone areas including:
 - a. Any flood or flood-related study conducted by the United States Army Corps of Engineers, the United States Geological Survey, or any other local, state or federal agency applicable to the city; or
 - b. Any future-conditions flood study conducted by a Professional Engineer licensed to practice in the state of Georgia which has been prepared by FEMA approved methodology approved by the city.
 - c. The repository for public inspection of the FIS, accompanying maps and other supporting data is located at city hall.

Section 310.11. Compatibility with other regulations.

This article is not intended to modify or repeal any other article, rule, regulation, statute, easement, covenant, deed restriction or other provision of law. The requirements of this article are in addition to the requirements of any other article, rule, regulation or other provision of law, and where any provision of this article imposes restrictions different from those imposed by any other article, 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.

Section 310.12. Severability.

If the provisions of any section, subsection, paragraph, subdivision or clause of this article 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 article.

Section 310.13. Warning and disclaimer of liability.

The degree of flood protection required by this article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur, and 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 article shall not create liability on the part of the city or by any officer or employee thereof for any flood damages that result from reliance on this article or any administrative decision lawfully made there under.

Section 310.14-17. Reserved.

DIVISION 3. PERMIT PROCEDURES.

Section 310.18. Permit procedures and requirements.

A. Permit application requirements.

1. No owner or developer shall perform any development activities on a site where an area of special flood hazard or area of future-conditions flood hazard is located without first meeting the requirements of this article prior to commencing the proposed activity.
2. Unless specifically excluded by this article, any landowner or developer desiring a permit for a development activity shall submit to the city a permit application on a form provided by the city for that purpose.
3. No permit will be approved for any development activities that do not meet the requirements, restrictions and criteria of this article.

B. Floodplain management plan requirements.

An application for a development project with any area of special flood hazard or area of future-conditions flood hazard located on the site shall 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 Professional Engineer or Surveyor licensed to practice in the state of Georgia.
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 non-residential structure will be flood proofed;
 - c. Certification that any proposed non-residential flood-proofed structure meets the criteria in this article;
 - d. For enclosures below the base flood elevation, location and total net area of foundation openings as required in this article;
 - e. Design plans certified by a Professional Engineer or Architect licensed to practice in the state of Georgia 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, including but not limited to permits required by Section 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1334; and
 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.

For all new construction and substantial improvements on sites with a floodplain management/flood damage prevention plan, the permit holder shall provide to the UDO Administrator a certified as-built elevation certificate or flood-proofing certificate for non-residential construction including the lowest floor elevation or flood-proofing level immediately after the lowest floor or flood-proofing is completed. A final elevation certificate shall be provided after completion of construction including final grading of the site. Any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of a Professional Engineer or Surveyor licensed to practice in the state of Georgia. When flood-proofing is utilized for non-residential structures, said certification shall be prepared by or under the direct supervision of a Professional Engineer or Architect licensed to practice in the state of Georgia and certified by same using the FEMA flood-proofing certificate. This certification shall also include the design and operation/maintenance plan to assure continued viability of the flood-proofing measures.

Any work undertaken prior to approval of these certifications shall be at the permit holder's risk. The UDO Administrator or their designee 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 be cause to issue a stop work order for the project.

D. Duties and responsibilities of the administrator.

E. Duties of the UDO Administrator shall include, but shall not be limited to:

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

3. When base flood elevation data or floodway data have not been provided, then the UDO Administrator shall require the applicant to obtain, review and reasonably utilize any base flood elevation and floodway data available from federal, state or other sources in order to meet the provisions of this article;
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 flood-proofed;
6. When flood-proofing is utilized for a non-residential structure, the UDO Administrator shall review the design and operation/ maintenance plan and obtain certification from a Professional Engineer or Architect licensed to practice in the state of Georgia;
7. Notify affected adjacent communities and the Georgia Department of Natural Resources (GA DNR) 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 UDO Administrator 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 article. 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;
9. All records pertaining to the provisions of this article shall be maintained in the office of the UDO Administrator and shall be open for public inspection;
10. Coordinate all FIRM revisions with the GA DNR and FEMA; and
11. Review variance applications and make recommendations to the Mayor and City Council.

Section 310.19-22. Reserved.

DIVISION 4. STANDARDS FOR DEVELOPMENT.

Section 310.23. 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. If future-conditions elevation data is not available from the city, then it shall be determined by a Professional Engineer licensed to practice in the state of Georgia using a method approved by FEMA and the city.

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. If floodway data is not available from the city, then it shall be determined by a Professional Engineer licensed to practice in the state of Georgia using a method approved by FEMA and the city.

C. General standards.

1. No development shall be allowed within any Area of Special Flood Hazard or Area of Future-conditions Flood Hazard that could result in any of the following:

- a. Raising the base flood elevation or future-conditions flood elevation equal to or more than 0.01 foot;
 - b. Reducing the base flood or future-conditions 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 or area of future-conditions flood hazard allowed under paragraph 1 shall also meet the following conditions:
- a. Compensation for storage capacity shall occur between the average ground water table elevation and the base flood elevation for the base flood, and between the average ground water 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 (pre-development) 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 (0.01 foot or less), flood storage volumes, and flow characteristics shall be provided via a step-backwater analysis meeting the requirements of this article;
 - 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 flood waters; 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 using the FEMA concurrence forms before forwarding the submittal package to FEMA for final approval. The responsibility for forwarding the CLOMR to FEMA and for obtaining the CLOMR approval shall be the responsibility of the applicant. Within six months of the completion of development, the applicant shall submit as-built surveys for a final Letter of Map Revision (LOMR).

D. Engineering study requirements for floodplain encroachments.

1. 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. This study shall be prepared by a Professional Engineer licensed to practice 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 prior to the approval of any permit which would authorize the disturbance of land located within the future-conditions floodplain. Such study shall include:
- a. Description of the extent to which any watercourse or floodplain will be altered or relocated as a result of the proposed development;
 - b. Step-backwater analysis, using a FEMA-approved methodology approved by the city. 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;
 - c. 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;

- d. 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.

1. Located within areas of special flood hazard are areas designated as floodway. A floodway may be an extremely hazardous area due to velocity flood waters, 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:
 - a. Encroachments are prohibited, including earthen fill, new construction, substantial improvements or other development within the regulatory floodway, except for activities specifically allowed in (b.) below.
 - b. 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 Professional Engineer licensed to practice in the state of Georgia must provide supporting technical data and certification thereof; and,
 - c. 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 until an affirmative Conditional Letter of Map Revision (CLOMR) is issued by FEMA or a no-rise certification is approved by the city.

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 maintained. The city may direct the property owner (at no cost to the city) to restore the flood-carrying or flood storage capacity of the floodplain if the owner has not performed maintenance as required by the approved floodplain management plan on file with the city.

Section 310.24-27. Reserved.

DIVISION 5. FLOOD DAMAGE REDUCTION.

Section 310.28. Provisions for flood damage reduction.

A. General standards.

In all areas of special flood hazard and areas of future-conditions flood hazard the following provisions shall apply:

1. New construction and substantial improvements of structures (residential or non-residential), including manufactured homes, shall not be allowed within the limits of the future-conditions floodplain, unless all requirements of Sections 310.23.C., D. and E. of this article have been met;
2. New construction or substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;
3. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage; and,
4. New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage.
5. Elevated buildings. All new construction and substantial improvements 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 or 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 licensed to practice in the state of Georgia 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 article, 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 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. All proposed development shall include adequate drainage and stormwater management facilities per the requirements of the city to reduce exposure to flood hazards.
 9. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
 10. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
 11. On-site waste disposal systems shall be located and constructed to avoid impairment to, or contamination from, such systems during flooding;
 12. Other public utilities such as gas and electric systems shall be located and constructed to avoid impairment to them, or public safety hazards from them, during flooding;
 13. Any alteration, repair, reconstruction or improvement to a structure which is not compliant with the provisions of this article, shall be undertaken only if the non-conformity is not furthered, extended or replaced;
 14. 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;
 15. When only a portion of a proposed structure is located within a flood zone or the future conditions floodplain, the entire structure shall meet the requirements of this article; and
 16. Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, shall be reasonably safe from flooding:
 - a. All such proposals shall be consistent with the need to minimize flood damage within the flood-prone area;
 - b. All public utilities and facilities, such as sewer, gas, electrical, and water systems shall be located and constructed to minimize or eliminate flood damage; and,
 - c. Adequate drainage shall be provided to reduce exposure to flood hazards.

Section 310.29-32. Reserved.

DIVISION 6. GENERAL BUILDING STANDARDS.

Section 310.33. Building standards for structures and buildings within the future conditions floodplain.

A. Residential buildings.

1. 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 Sections 310.23.C., D. and E. of this article have been met. If all of the requirements of Sections 310.23.C., D. and E. of this article 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 Section 310-28.A.5. of this article.

2. Substantial improvements.

Substantial improvement of any principal structure shall have the lowest floor, including basement, elevated no lower than three feet above the base flood elevation or one foot above the future-conditions flood elevation, whichever is higher. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to automatically equalize the hydrostatic flood forces on exterior walls shall be provided in accordance with standards of Section 310-28.A.5. of this article.

B. Non-residential buildings.

1. New construction.

New construction of principal non-residential buildings shall not be allowed within the limits of the future-conditions floodplain unless all requirements of Sections 310.23.C., D. and E. of this article have been met. If all of the requirements of Sections 310.23.C., D. and E. of this article have been met, all new construction shall have the lowest floor, including basement, elevated no lower than one foot above the base flood elevation or at least as high as the future-conditions flood elevation, whichever is higher. Should solid foundation perimeter walls be used to elevate the structure, openings sufficient to automatically equalize the hydrostatic flood forces on exterior walls shall be provided in accordance with standards of Section 310-28.A.5. of this article.

New construction that has met all of the requirements of Section 310-28.A.5. of this article may be flood-proofed 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 Professional Engineer or Architect licensed to practice in the state of Georgia 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 UDO Administrator using the FEMA Floodproofing Certificate along with the design and operation/maintenance plan.

2. Substantial improvements.

Substantial improvement of any principal non-residential structure located in A1- 30, AE, or AH zones,

may be authorized by the UDO Administrator to be elevated or floodproofed. Substantial improvements shall have the lowest floor, including basement, elevated no lower than one foot above the base flood elevation or at least as high as the future- conditions flood elevation, whichever is higher. Should solid foundation perimeter walls be used to elevate the structure, openings sufficient to automatically equalize the hydrostatic flood forces on exterior walls shall be provided in accordance with standards of Section 310-28.A.5. of this article. Substantial improvements may be flood-proofed 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 Professional Engineer or Architect licensed to practice in the state of Georgia 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 UDO Administrator using the FEMA Floodproofing Certificate along with the design and operation/ maintenance plan.

C. Accessory structures and facilities.

Accessory structures and facilities (i.e., barns, sheds, gazebos, detached garages, parking lots, recreational facilities and other similar non-habitable structures and facilities) which meet the requirements of Sections 310.23.C., D. and E. of this article and are permitted to be located within the limits of the future-condition floodplain shall be constructed of flood-resistant materials and designed to provide adequate flood openings in accordance with Section 310-28.A.1. of this article and be anchored to prevent flotation, collapse and lateral movement of the structure.

D. Standards for recreational vehicles.

1. 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. Meets all the requirements for residential buildings-substantial improvements Section 310-28.A.2. of this article, including the anchoring and elevation requirements.

E. Standards for manufactured homes.

1. New manufactured homes shall not be allowed to be placed within the limits of the future-conditions floodplain unless all requirements of Sections 310.23.C., D. and E. of this article have been met. If all of the requirements of Sections 310.23.C., D. and E. of this article have been met, all new construction and substantial improvement shall have the lowest floor, including basement, elevated no lower than three feet above the base flood elevation or one foot above the future-conditions flood elevation, whichever is higher. Should solid foundation perimeter walls be used to elevate the structure, openings sufficient to automatically equalize the hydrostatic flood forces on exterior walls shall be provided in accordance with standards of Section 310-28.A.5. of this article.
2. Manufactured homes placed and/or substantially improved in an existing manufactured home park or subdivision shall be elevated so that either:
 - a. The lowest floor of the manufactured home is elevated no lower than three feet above the level of the base flood elevation, or one foot above the future-conditions flood elevation, whichever is higher; or,
 - b. The manufactured home chassis is elevated and supported by reinforced piers (or other foundation

elements of at least an equivalent strength) of no less than 36 inches in height above grade.

3. 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 Section 310-28.A.5. of this article.

Section 310.34. Building standards for structures and buildings authorized adjacent to the future-conditions floodplain.

A. 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. Should solid foundation perimeter walls be used to elevate the structure, openings sufficient to automatically equalize the hydrostatic flood forces on exterior walls shall be provided in accordance with standards of Section 310-28.A.5. of this article.

B. Non-residential buildings.

For new construction or substantial improvement of any principal non-residential building, the elevation of the lowest floor, including basement and access to the building, shall be at least one foot above the base flood elevation or at least as high as the future-conditions flood elevation, whichever is higher. Should solid foundation perimeter walls be used to elevate the structure, openings sufficient to automatically equalize the hydrostatic flood forces on exterior walls shall be provided in accordance with standards of Section 310-28.A.5. of this article. Non-residential buildings may be flood-proofed in lieu of elevation.

Section 310.35. 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 UDO Administrator 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 article.

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. Flood openings sufficient to automatic equalization of hydrostatic flood forces shall be provided for flood prone enclosures in accordance with Section 310-28.A.5. of this article.

Section 310.36. 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 new construction and substantial improvements of residential and non-residential 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. Flood openings sufficient to automatic equalization of hydrostatic flood forces shall be provided in accordance with standards of Section 310-28.A.5. of this article.
2. New construction and substantial improvement of a non-residential structure may be flood-proofed 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 Professional Engineer or Architect licensed to practice in the state of Georgia shall certify that the design and methods of construction are in accordance with accepted standards of practice and shall provide such certification to the UDO Administrator using the FEMA Flood-proofing Certificate along with the design and operation/ maintenance plan; and
3. Drainage paths shall be provided to guide floodwater around and away from any proposed structure.

Section 310.37. Standards for subdivision of land.

1. All subdivision proposals shall identify the areas of special flood hazard and future conditions flood hazard therein and provide base flood elevation data and future-conditions flood elevation data;
2. All residential lots in a subdivision proposal shall have sufficient buildable area outside of the future-conditions floodplain such that encroachments into the future-conditions floodplain for residential structures will not be required; and,
3. All subdivision plans will provide the elevations of proposed structures in accordance with this article.

Section 310.38-41. Reserved.

DIVISION 7. ENFORCEMENT.

Section 310.42. Variance procedures.

The following variance and appeals procedures shall apply to an applicant who has been denied a permit for a development activity, or to an owner or developer who has not applied for a permit because it is clear that the proposed development activity would be inconsistent with the provisions of this article:

1. Requests for variances from the requirements of this article shall be submitted to the UDO Administrator. All such requests shall be heard and decided in accordance with procedures to be published in writing by the city. At a minimum, such procedures shall include notice to all affected parties and the opportunity to be heard.
2. Any person adversely affected by any decision of the UDO Administrator shall have the right to appeal such decision to the Mayor and City Council as established by the city in accordance with procedures to be published in writing herein. At a minimum, such procedures shall include notice to all affected parties and the opportunity to be heard.
3. Any person aggrieved by the decision of the Mayor and City Council may appeal such decision to the Superior Court of Fayette County, Georgia, as provided in Section 5-4-1 of the Official Code of Georgia Annotated.
4. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure, and the variance issued shall be the minimum necessary to preserve the historic character and

design of the structure.

5. Variances may be issued for development necessary for the conduct of a functionally dependent use, provided the criteria of this section are met, no reasonable alternative exists, and the development is protected by methods that minimize flood damage during the base flood and create no additional threats to public safety.
6. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
7. In reviewing such requests, the UDO Administrator and the Mayor and City Council shall consider all technical evaluations, relevant factors, and all standards specified in this and other sections of this article.

Section 310.43. Conditions for variances.

1. A variance shall be issued only when there is:
 - a. A finding of good and sufficient cause;
 - b. A determination that failure to grant the variance would result in exceptional hardship; and
 - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, or the creation of a nuisance.
2. The provisions of this article are minimum standards for flood loss reduction; therefore, any deviation from the standards must be weighed carefully. Variances shall only be issued upon determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
3. Any person to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation of the proposed lowest floor and stating that the cost of flood insurance resulting from the lowest floor elevation being placed below the base flood elevation will be commensurate with the increased risk to life and property, and that such costs may be as high as \$25 for each \$100 of insurance coverage provided.
4. The UDO Administrator shall maintain the records of all variance actions, both granted and denied, and report them to the Georgia Department of Natural Resources and the Federal Emergency Management Agency upon request.
5. Any person requesting a variance shall, from the time of the request until the time the request is acted upon, submit such information and documentation as the UDO Administrator and Mayor and City Council shall deem necessary for the consideration of the request.
6. Upon consideration of the factors listed above and the purposes of this article, the UDO Administrator and the Mayor and City Council may attach such conditions to the granting of variances as they deem necessary or appropriate, consistent with the purposes of this article.
7. Variances shall not be issued “after the fact.”

Section 310.44. Violations, enforcement and penalties.

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

A. Notice of violation.

If the city 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 article, it shall issue a written notice of violation to such applicant or other responsible person. Where a person is engaged in activity covered by this article 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.

1. 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 article 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 UDO Administrator by filing a written notice of appeal within 30 days after the notice of violation.

B. Penalties.

In the event the remedial measures described in the notice of violation have not been completed by the date set forth for such completion in the notice of violation, any one or more of the following actions or penalties may be taken or assessed against the person to whom the notice of violation was directed. Before taking any of the following actions or imposing any of the following penalties, the 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 penalties.

C. 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.

D. 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.

E. 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.

F. 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 \$1,000 (depending on the severity of the violation) for each day the violation remains unremedied after receipt of the notice of violation.

G. Criminal penalties.

For intentional and flagrant violations of this article, the city may issue a citation to the applicant or other responsible person, requiring such person to appear in Magistrate Court to answer charges for such violation. Upon conviction, such person shall be punished by a fine not to exceed \$1,000 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.

Section 310.45-47. Reserved.

ARTICLE 11. CAR WASHES AND RECYCLING WATER.

Sec. 311.1. Purpose.

The purpose of this article is to reduce water consumption from commercial car wash facilities by requiring all new conveyor car washes to install operational recycled water systems.

Sec. 311.2. Applicability.

1. This article applies to all new conveyor car washes permitted and constructed after January 1, 2011, regardless of the water source.
2. The provisions of this article do not apply to conveyor commercial car washes that were permitted or constructed before January 1, 2011.
3. The provisions of this article do not apply to self-service car washes or in-bay car washes.

Sec. 311.3. Commercial car wash water recycling requirement.

All new commercial conveyor car washes, permitted and constructed after January 1, 2011 must install operational recycled water systems. A minimum of 50% of water utilized will be recycled.

Sec. 311.4-7. Reserved.

ARTICLE 12. LITTER CONTROL.

Sec. 312.1. Model and authority.

This article is modeled on the “Georgia Litter Control Law” (O.C.G.A. § 16-7-40 et seq.) and adoption of this article is authorized by O.C.G.A. § 16-7-48.

Sec. 312.2. Purpose and intent.

The purpose of this article is to protect the public health, safety, environment, and general welfare through the regulation and prevention of litter. The objectives of this article are:

1. Provide for uniform prohibition throughout the city of any and all littering on public or private property; and
2. Prevent the desecration of the beauty and quality of life of the city and prevent harm to the public health, safety, environment, and general welfare, including the degradation of water and aquatic resources caused by litter.

Sec. 312.3. Applicability.

This article shall apply to all public and private property within the city.

Sec. 312.4. Definitions.

Refer to Appendix A. – Definitions.

Sec. 312.5. Prohibition against littering public or private property or waters.

It shall be unlawful for any person or persons to dump, deposit, throw or leave or to cause or permit the dumping, depositing, placing, throwing or leaving of litter on any public or private property in the city or any waters in the city unless:

1. The property is designated by the state or by any of its agencies or political subdivisions for the disposal of such litter, and such person is authorized by the proper public authority to use such property;
2. The litter is placed into a receptacle or container installed on such property; or
3. The person is the owner or tenant in lawful possession of such property, or has first obtained consent of the owner or tenant in lawful possession, or unless the act is done under the personal direction of the owner or tenant, all in a manner consistent with the public welfare.

Construction site operators shall be responsible for developing a site waste materials control plan to include acceptable measures to control construction site waste materials, to include but not be limited to discarded building materials, concrete truck wash out, litter, sanitary waste, remnant bricks and lumber, paint buckets, product packaging, remnant landscaping items, etc. Construction site operators shall be responsible for ensuring the development and implementation of an adequate construction site waste materials control plan for the duration of the construction time frame for each lot/project.

Sec. 312.6. Vehicle loads causing litter.

No person shall operate any motor vehicle with a load on or in such vehicle unless the load on or in such vehicle is adequately secured to prevent the dropping or shifting of materials from such load onto the roadway.

Sec. 312.7. Violations.

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this article. Any person who has violated or continues to violate the provisions of this article, may be subject to the enforcement actions outlined in this article or may be restrained by injunction or otherwise sentenced in a manner provided by law.

Sec. 312.8. Evidence.

1. Whenever litter is thrown, deposited, dropped or dumped from any motor vehicle, boat, airplane, or other conveyance in violation of this article, it shall be prima facie evidence that the operator of the conveyance has violated this article.
2. Except as provided in Section 312.8.1., whenever any litter which is dumped, deposited, thrown or left on public or private property in violation of this article is discovered to contain any article or articles, including but not limited to letters, bills, publications or other writing which display the name of the person thereon in such a manner as to indicate that the article belongs or belonged to such person, it shall be a rebuttable presumption that such person has violated this article.

Sec. 312.9. Penalties.


1. Any person who violates this article shall be guilty of a violation and, upon conviction thereof, shall be punished as follows:
 - a. By a fine of not less than \$200 and not more than \$1,000; and
 - b. In addition to the fine set out in Section 312.9.1.a., the violator shall reimburse the city for the reasonable cost of removing the litter when the litter is or is ordered removed by the city.
2. In the sound discretion of the court:
 - a. The person may be directed to pick up and remove from any public street or highway or public right-of-way for a distance not to exceed one mile any litter he/she has deposited and any and all litter deposited thereon by anyone else prior to the date of execution of sentence; or
 - b. The person may be directed to pick up and remove any and all litter from any public property, private right-of-way, or with prior permission of the legal owner or tenant in lawful possession of such property, any private property upon which it can be established by competent evidence that he/she has deposited litter. Pick up and removal shall include any and all litter deposited thereon by anyone prior to the date of execution of sentence.
3. The court may publish the names of persons convicted of violating this article.

Sec. 312.10. Enforcement.

The UDO Administrator, all law enforcement agencies, officers and officials of this state or any political subdivision thereof, or any enforcement agency, officer or any official of any commission of this state or any political subdivision thereof, are hereby authorized, empowered and directed to enforce compliance with this article.

Sec. 312.11. Compatibility with other regulations.

This article 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 article should be considered minimum requirements, and



where any provision of this article imposes restrictions different from those imposed by any other ordinance, rule or 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.

ARTICLE 13. SUBDIVISION REGULATIONS.

DIVISION 1. GENERAL PROVISIONS.

Sec. 313.1. Purpose.

The purpose of these regulations shall be to promote the public health, safety, morals, and general welfare and to require the harmonious, orderly, and progressive development of land within the City of Fayetteville, Georgia. Further, the purpose of the regulation of the subdivision of land are, among others:

1. To encourage the development of economically sound and stable communities;
2. To ensure the provision of required streets, utilities, and other facilities and services to new developments;
3. To promote sound transportation networks of streets, pathways, and sidewalks with safe and convenient access and circulation for vehicles, cyclists, and pedestrians in subdivision developments;
4. To encourage the preservation of needed open space through dedication or reservation of land for recreational, educational, environmental, and other public purposes;
5. To ensure equitable handling of all requests for the subdivision of land by providing uniform standards and requirements for the subdividers of land; and
6. To ensure development in accordance with the goals of the comprehensive plan.

Sec. 313.2-5. Reserved.

DIVISION 2. GENERAL DESIGN PRINCIPLES.

Sec. 313.6. General requirements.

A. Suitability.

Land subject to flooding, improper drainage, erosion, and deemed unsuitable for development in accordance with the city's standards shall not be platted for any use that may continue unacceptable and unsafe conditions or increase the danger to health, safety, life, or property unless steps are taken to mitigate the hazards.

B. Tree preservation.

The subdivider shall preserve trees and other natural growth, as required by Sections 403.8 and 403.9.

C. Monumentation.

Permanent survey monuments shall be installed in accordance with the most recent edition of Section 180-7-05 Monument, of the Rules of State Board of Registration for Professional Engineers and Land Surveyors and the Georgia Plat Act (O.C.G.A. § 15-6-67 et al).

D. Easements.

1. Requirements.

Platted easements and deed of easements shall be provided in the locations and dimensions required by the city to provide for:

- a. Storm drainage facilities;
- b. Installation of water and sewer lines, whether immediately proposed or necessary for adequate service in the future;
- c. Cross-access between properties;
- d. Transit facilities and access;
- e. Pathways and sidewalks;
- f. Right-of way for streets; and
- g. All public access.

2. Width.

Easement width shall be specified by the city as necessary to accommodate existing and future needs as well as construction and repair of facilities. For drainage easements, the widths should be sufficient to accommodate areas anticipated to be inundated by stormwater.

E. Sidewalks.

1. The subdivider shall furnish all required sidewalks in accordance with Section 301.4.

F. Streets.

1. Access.

Access to every subdivision shall be provided over a public street or a private street approved by the city. All public and private street designs shall meet engineering standards.

2. Paving.

All secondary and local streets within a subdivision shall be improved and paved by the subdivider in accordance with the engineering standards.

3. Conformance to adopted major street plan.

All streets and other features of any major street plan for the city shall be platted by the subdivider in the location and dimension indicated on the major street plan adopted by the Mayor and City Council.

4. Grading.

The subdivider shall clear and grade proposed streets to their full right-of-way width, except where a lesser degree of grading is approved as necessary to protect tree critical root zones. Where slopes from edges of rights-of-way are required to meet yard grades, such slopes shall be placed on private property.

5. Continuation of existing streets.

Existing streets shall be continued at the same or greater width, but in no case less than the required width, as specified in the engineering standards, unless a lesser width is recommended by the Planning and Zoning Commission and approved by the Mayor and City Council.

6. Development along a major street, limited-access highway, or railroad right-of-way.

Where a subdivision abuts or contains a major street, a limited-access highway, or a railroad right-of-way, the Planning and Zoning Commission may require a street approximately parallel to and on each side of such right-of-way, either as a marginal-access street or at a distance suitable for an appropriate use of the

intervening land, with a non-access reservation suitably platted. In determining distances, due regard shall be given to requirements for approach grades, future grade separations and suitable vehicle stacking space to avoid conflicting turning movements. Lots shall have no access to a major street or limited-access highway, but only to access streets. The following criteria shall be considered:

- a. Traffic studies;
- b. Expected densities;
- c. The road and street plan of the city; and
- d. Expected traffic increases or decreases.

7. Street jogs.

Street jogs with centerline offsets of less than 150 feet shall not be permitted.

8. Cul-de-sac.

Except where topographic or other natural conditions make a greater length unavoidable, cul-de-sac or dead-end streets shall not be greater than 600 feet in length. They shall be provided at the closed end with a turnaround having a property line radius of at least 60 feet with an outside pavement radius of at least 40 feet. In certain cases, the usage of a "T" or "Y" shaped turning area shall be allowed subject to the approval of the Fire Marshal. The following criteria shall be considered:

- a. Traffic studies;
- b. Expected densities;
- c. The road and street plan of the city;
- d. Expected traffic increases or decreases; and
- e. Existing topographical conditions.

G. Alleys.

Alleys shall not be required unless deemed necessary by the Planning and Zoning Commission, but in no instance shall they be narrower than 20 feet. The following criteria shall be considered:

1. Traffic studies;
2. Expected densities;
3. The road and street plan of the city;
4. Expected traffic increases or decreases; and
5. The need for rear lot access.

H. Street names and traffic control signs.

1. Street names shall require approval from Fayette County E911;
2. Streets that are obviously in alignment with streets already existing and named shall be given the name of the existing street;
3. Names of new streets shall not duplicate nor closely approximate those of existing streets anywhere in the county; and
4. Traffic control signs shall be constructed to the specifications outlined in the Manual on Uniform Traffic Control Devices (MUTCD).

I. Reserve strips.

1. Reserve strips controlling access to streets, alleys and public grounds shall not be permitted unless approved and accepted by the Mayor and City Council. The following criteria shall be considered:
2. Traffic studies;

3. Expected densities;
4. The road and street plan of the city;
5. Expected traffic increases or decreases; and
6. Need for alternative access routes and connectivity.

J. Obstruction to vision at road intersections.

In order to minimize accidents at road intersections, the following regulations shall apply in all districts:

1. A clear vision corner shall be maintained at all street intersections;
2. Requirements of this section shall not be deemed to prohibit any necessary retaining wall;
3. Trees shall be permitted in the clear vision space; provided, foliage shall be cut away within the prescribed height; and
4. At the intersection of any private drive, or entrance, or exit with a public street, no fence, wall hedge or other planting, or sign forming a material impediment to visibility over a height of 30 inches shall be erected, planted, placed or maintained.

Sec. 313.7-11. Reserved.

DIVISION 3. SUBDIVISION DESIGN STANDARDS.

Sec. 313.12. Residential blocks and lots.

A. Intent.

The intent of this section is to ensure walkable neighborhoods that are appropriate to the desired scale of applicable zoning districts and the comprehensive plan.

B. Blocks.

Zoning category	Block face max. (ft.)	Block perimeter max. (ft.)	Cul-de-sac block max. (ft.)
Legacy Districts	1,800		1,800
Suburban Residential	1,320	3,440	660
Urban Residential (attached and multi-family residential)	660	1,920	315

1. Tiers.

Residential blocks must have sufficient width to provide for two tiers of residential lots, except where a single tier of lots is required to accommodate single-loaded streets where across from a public park or open space, to allow for unusual topographical conditions, or when adjacent to the outer perimeter of a subdivision.

2. Sizing.

Block perimeter, block face, and cul-de-sac block measurements are subject to the maximums as shown in the table above. Block perimeter is measured along the edge of the property adjoining the public

right-of-way, not including alleys. The maximum block perimeter may be extended by 25 percent where the block includes a pedestrian passage or alley. Within a single phase of any subdivision, individual block perimeters may exceed the maximum by 25 percent as long as the average of all block perimeters in the phase does not exceed the maximum as shown in the table above.

A block face is a side of a block that homes face and is measured along the edge of the property adjoining the public or private right-of-way. There may be more than 1 block face per block. Within a single phase of any subdivision, individual block faces may exceed the maximum by 25 percent as long as the average of all block faces in the phase does not exceed the maximum as shown in the table above.

The Planning and Zoning Commission may modify the block perimeter and face requirements when steep slopes in excess of 25 percent, railways, waterways, tree protection areas, stream buffers, cemeteries, open space, or easements would make the provision of an additional complete block infeasible.

3. Cul-de-sac blocks are measured from the center of the cul-de-sac to the center of the intersection street.

C. Lots.

Lots shall be designed to conform to all city regulations to ensure orderly growth, proper building arrangement, and effective provision of city services. The following lot requirements shall be met:

1. Natural features.

In the subdividing of land, appropriate consideration must be given to natural features, such as trees, watercourses, historic sites, or similar conditions which, if preserved, will add attractiveness to the proposed subdivision and ensure safety from hazardous conditions.

2. Zoning district requirements.

Lot dimensions shall be consistent with the minimum requirements for the applicable zoning district and shall be designed to have sufficient building envelopes when setbacks are applied.

3. Side lot lines.

Side lot lines shall be perpendicular or radial to street lines and shall not be curved.

4. Health Department.

When served by well and septic, lots shall also meet the dimensional and area requirements of the Fayette County Board of Health.

5. Double frontage lots.

Double frontage, unless required by the Planning and Zoning Commission, shall be prohibited except where essential to provide separation of residential development from major streets or to overcome specific disadvantages of topography orientation, and property size. A planting screen reservation of at least ten feet, and across which there shall be no right of access, may be required along the line of lots abutting the major street.

6. Lot remnants.

Small portions of land that do not comply with minimum lot area or width requirements, or left over after subdividing tracts of land, shall be prohibited unless the remnants are designated as common area or stormwater management area on the final plat and maintained by the homeowners' association.

7. Waterfront lots.

Lot lines shall not extend into lakes. Maintenance of lakes shall be the responsibility of the developer or homeowners' association.

Sec. 313.13. Connectivity and access.

A. General standards.

During subdivision plan review, city staff and the Planning and Zoning Commission shall consider the following during connectivity and access review:

1. Safe, calm, and efficient traffic circulation;
2. Cyclist and pedestrian access to schools, parks, and neighborhood retail areas and services;
3. Impact on streams, lakes, and sensitive environmental resources; and
4. Effect on neighboring lots.

B. Requirements.

Connectivity and access plans for subdivisions are subject to the following requirements:

1. Connectivity of streets, pathways, and sidewalks.

Proposed streets, pathways, and sidewalks must be interconnected throughout subdivisions and shall connect with adjoining subdivisions, and adjacent streets external to the subdivision, to provide multiple routes for vehicular, bicycle, and pedestrian trip to, from, and within the subdivision. Streets shall remain open for community-wide access as part of an overall connected street network.

2. Anticipated connections.

If adjoining property contains a street that is terminated by a temporary cul-de-sac or stub street, a new subdivision plat shall provide for a continuation of the street.

3. Cut-through traffic.

While connectivity is required by this section, streets serving residential subdivisions shall be arranged and designed so that cut-through movements will be minimized and traffic calmed.

4. Future development and stub streets.

No subdivision shall be designed to completely eliminate street access to adjoining parcels of land. Every development must be designed to facilitate access to adjoining properties which may be developed in a manner substantially similar to the subject property.

When land is subdivided into larger parcels than ordinary building lots, the 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.

Where a development adjoins unsubdivided land, stub streets within the new subdivision shall consider the maximum block and block face requirements of this article. Stub streets must be extended to the boundary of the abutting property to the point where the connection to the anticipated street is expected.

Stub street right-of-way shall be extended by dedication and paved to the property line and shall be clearly labeled "Temporary Dead-End Street" on the final plat.

Sec. 313.14. Water and sanitary sewer system.

A. Public water and sewer.

Water and sanitary sewer facilities shall be constructed in accordance with the requirements of the Public Services Department.

B. Well and septic.

Lots not served by a public sewer or sanitary sewerage system and public water shall meet the dimension and area requirements of the Fayette County Board of Health.

Sec. 313.15. Address identification.

1. Required address identification for non-single family residential uses.

- a. Installation of the address identification displays and numbers shall be the responsibility of the developer.
- b. Maintenance of the address identification displays and numbers shall be the responsibility of the property owner.
- c. New buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible at all times from the street or road fronting the property. Properties with rear entry access shall post numbers on both the front and rear sides of the structure.
- d. Address numbers shall be a minimum of four inches high with a minimum stroke of 1/2 inch and shall contrast in color with the background on which they are affixed.
- e. New properties utilizing a mailbox or address identification display shall post numbers meeting the requirements of paragraphs 1.c. and d. of this section, which can be viewed from either direction of vehicular travel. Properties with rear entry access shall post numbers on both the front and rear sides of the structure.
- f. Buildings or lots with multiple buildings utilizing one street address and containing multiple commercial occupancies with separate entry doors shall post suite numbers or letters above the main entry door to each occupancy or building meeting the requirements of paragraphs 1.c. and d. of this section.
- g. For multiple properties that share a common single private drive, each owner shall display address numbers at the vehicular access point to the private drive and at the vehicular access point to each individual building meeting the requirements of paragraphs 1.c. and d. of this section.
- h. All new office, institutional, commercial and industrial lots shall be numbered with the approved street address number and suite numbers or letters, if applicable, at the time the certificate of occupancy or the certificate of completion is issued.

2. Required address identification for all single family residential uses.

- a. Installation of the address identification displays and numbers shall be the responsibility of the developer.
- b. Maintenance of the address identification displays and numbers shall be the responsibility of the property owner.
- c. New and existing residential properties shall have approved address numbers placed in a position that is plainly legible and visible at all times from the street or road fronting the property. Properties with rear entry access shall post numbers on both the front and rear sides of the primary structure.

- d. These address numbers shall be a minimum of four inches high with a minimum stroke width of one-half inch shall contrast in color with the background on which they are affixed.
- e. New residential properties utilizing a mailbox or address identification display shall post numbers meeting the requirements of paragraphs 1.c. and d. of this section, which can be viewed from either direction of vehicular travel.
- f. Neighborhoods, subdivisions, or residential properties utilizing a cluster mailbox or utilizing a post office box and not having individual mailboxes to use as address identification shall post individual address identification displays with address numbers meeting the requirements of paragraphs c. and d. above.
- g. It shall be the responsibility of the developer to submit and receive approval for address identification displays from the Planning and Zoning Commission. Address identification displays shall be a permanent decorative hanging display with a viewable height of no less than three feet or shall mimic a mailbox post. Due to maintenance and safety concerns, ground displays are strongly discouraged, however, request for ground displays shall be considered based on site specific conditions.
- h. Address identification displays shall be installed no more than ten feet from the driveway and no more than ten feet from the road.
- i. For multiple residential properties that share a common single private drive, each owner shall display address numbers at the vehicular access point to the private drive and at the vehicular access point to each individual structure meeting the requirements of paragraphs 1.c. and d. of this section.
- j. All new residential lots shall be numbered with the approved street address number and suite numbers or letters, if applicable, at the time the certificate of occupancy or the certificate of completion is issued.

Sec. 313.16. Cluster mailboxes.

The following guidelines apply to all residential development:

1. Requirements.

In situations where the United States Postal Service (USPS) determines that individual mail delivery will not be available to a new development, the following requirements shall apply:

- a. Installation of the mailbox unit(s), as well as required shelters, lighting, parking, trash receptacles, and other related amenities shall be the responsibility of the developer;
- b. Maintenance of the mailbox unit(s), as well as required shelters, lighting, parking, trash receptacles, and other related amenities shall be the responsibility of the homeowners. The establishment of a homeowners' association is strongly encouraged in developments where individual mail delivery will be unavailable;
- c. Cluster mailbox units shall be prohibited within the public right-of-way;
- d. A temporary mailbox cluster may be installed for use during the development of a subdivision.
- e. The location of mailbox clusters shall not conflict with pedestrian or vehicular circulation;
- f. The design of the mailbox cluster shall be integrated into the design of the overall development by utilizing decorative structures that are compatible with the site design and building architecture;
- g. Cluster mailbox units, and any associated structures, shall not adversely impact sight distance to any driveway or road intersection, as determined by the UDO Administrator. Whenever feasible, the mailbox unit should be located within an amenity center, if one is proposed for the development;
- h. Cluster mailbox unit(s) shall be located in area(s) that will best allow for vehicle stacking or parking without creating pedestrian safety or vehicle safety issues and shall be approved by the UDO Administrator. The Planning and Zoning Commission may determine a minimum number of parking spaces be required based on the size of the development;
- i. A paved area with adequate ingress/egress, designed to meet the requirements of the UDO Administrator, shall be provided to allow vehicles to pull off the roadway safely while retrieving mail;

- j. All access to cluster mailbox unit(s) shall comply with current Americans with Disabilities Act and the Georgia Accessibility Code. Any sidewalks required by other provisions of this section shall be incorporated into the mailbox area(s);
- k. The mailbox unit(s) must be installed according to the manufacturer's standards and be a USPS approved design;
- l. It shall be the responsibility of the developer to submit and receive approval for mailbox unit(s) design from the USPS;
- m. The mailbox unit(s) and required shelter shall be exempt from the normal setback requirements. However, shelters or other structures must be included on the preliminary plat for review and approval by the Planning and Zoning Commission. Architectural design of required shelter and any associated structures shall be compatible with primary structures; and
- n. Any required cluster mailbox unit(s) and related improvements shall be installed and approved prior to the recording of the final plat.

Sec. 313.17-20. Reserved.

ARTICLE 14. SUBDIVISION REVIEW PROCEDURES.

DIVISION 1. GENERAL PROVISIONS.

Sec. 314.1. Purpose.

The purpose of these regulations shall be to promote the public health, safety, morals, and general welfare and to require the harmonious, orderly, and progressive development of land within the jurisdiction of the city. Further, the purpose of the regulation of the subdivision of land are, among others:

1. To encourage the development of economically sound and stable communities;
2. To ensure the provision of required streets, utilities, and other facilities and services to new developments;
3. To promote sound transportation networks of streets, pathways, and sidewalks with safe and convenient access and circulation for vehicles, cyclists, and pedestrians in subdivision developments;
4. To encourage the preservation of needed open space through dedication or reservation of land for recreational, educational, environmental, and other public purposes;
5. To ensure equitable handling of all requests for the subdivision of land by providing uniform standards and requirements for the subdividers of land; and
6. To ensure development in accordance with the goals of the comprehensive plan.

Sec. 314.2. Authority.

These subdivision regulations are adopted pursuant to the authority granted in the following acts:

1. Subdivisions adjacent to state right-of-way, O.C.G.A. § 32-6-150 et seq.;
2. Local restrictions on condominiums, O.C.G.A. § 44-3-114;
3. Georgia Land Sales Act, O.C.G.A. § 44-3-1 et seq.;
4. Georgia Condominium Act, O.C.G.A. § 44-3-70 et seq.; and
5. Approval by the Planning and Zoning Commission or Mayor and City Council on subdivision plats required for filing or recording with the Clerk of Superior Court, Fayette County, Georgia, O.C.G.A. § 15-6-67(d).

Sec. 314.3. Conflict.

Where any provision of this article is in conflict with any provision of state law, the state law controls. Where this article is incomplete in having failed to incorporate a provision necessarily required for the implementation of state law, the provision of state law must be fully complied with.

Sec. 314.4. Application certification.

All applications for all procedures under this article shall be certified by the applicant under penalty of perjury, and if the applicant is not the owner of the affected lands, shall also be certified by the owner of the affected lands

Sec. 314.5-8. Reserved.

DIVISION 2. GENERAL REQUIREMENTS.

Sec. 314.9. General requirements.

A. Suitability of the land.

1. Land subject to flooding, improper or inadequate drainage or erosion, 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.
2. Land identified as unbuildable and/or land within any delineated floodways shall not be included within the buildable area of any subdivision.

B. Access.

1. When land is subdivided into parcels larger than ordinary building lots, such lots shall be arranged and designed to allow for the potential extension of internal streets and to provide access to those areas not presently served by streets.
2. To the greatest extent practicable, subdivisions shall be designed to facilitate potential internal road, sidewalk and path access to adjoining parcels of land.
3. Locations of inter parcel access shall be subject to the approval of the UDO Administrator.
4. Private streets, as may be approved under the provisions of this article, shall be constructed to the public street roadway standards established herein.

C. Plan preparation.

Subdivision plats and construction plans shall comply with all requirements set forth in this article, the rules of the State Board of Professional Engineers, the rules of the State Board of Land Surveyors, and the Georgia Plat Act.

D. Construction activities.

Construction activities associated with the proposed subdivision streets or utilities, including clearing and grading, shall not commence before obtaining preliminary plat approval from the Planning and Zoning Commission and approval of construction plans from the Community Development Department.

E. Coordinate system.

The standard coordinate system for all digital mapping shall be in the Georgia State Plane Coordinate System, West Zone, North American Datum of 1983 (NAD 83). Ground elevations shall be based on the North American Vertical Datum or 1988 (NAVD 88). Drawings and/or digital data files not prepared in these projections will not be accepted.

F. Plat recording.

1. Approval of a preliminary plat and constructions plans, as applicable, and final plat approval by the UDO Administrator, shall be secured prior to recording the final plat.
2. No plat of land subdivision shall be recorded in the Clerk of Superior Court of Fayette County, Georgia, and it shall be unlawful to record a subdivision plat, unless and until it has been approved in accordance with the requirements of this article.

G. Acceptance of streets and utilities.

Streets and/or utilities shall not be accepted for maintenance until the approved final plat has been recorded with the Clerk of Superior Court of Fayette County, Georgia.

H. Effective time of subdivision approval.

Until property to be subdivided has received final plat approval and has been recorded in accordance with the provisions of this section, the subject land shall be considered as one tract, or as otherwise legally recorded.

I. Sales.

No person shall sell, advertise, or offer to sell, by deed, map, plat, or other instrument, any parcel of land not subdivided under the requirements of this section. It shall be unlawful for any person to transfer or sell land by reference to, or by exhibition of, or by other use of, a plat of a land subdivision that has not been approved and recorded in accordance with the requirements of this article and this UDO. The description of such land by metes and bounds in the instrument of transfer shall not exempt the transaction.

Sec. 314.10-13. Reserved.

DIVISION 3. REVIEW PROCEDURES.

Sec. 314.14. Common review provisions.

A. Review procedures.

As further defined in Section 104.8. of this UDO, 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:

1. Pre-application meeting;
2. Application submittal, including supporting documentation, studies and fee payments;
3. Review of the submittal by appropriate staff, the Planning and Zoning Commission and/or the Mayor and City Council after proper public notice has been made, if necessary;
4. A decision is made to approve, approve with conditions, or deny together with a description of the actions authorized and the time period for exercising those development rights;
5. If necessary, amending or appealing the decision; and
6. Recording the decision.

B. Approval authority.

Approval authority for subdivisions shall be as follows:

Subdivision type	Staff			Planning and Zoning Commission	Mayor and City Council
	UDO Administrator	City Engineer	Fire Marshal		
Lot combination	Approve	Approve	Review		
Boundary line adjustment	Approve	Approve	Review		
Exempt	Approve	Review	Review		
Minor – informal plan	Review	Review	Review		
Minor – final plat	Approve	Review	Review		
Major – informal plan	Review	Review	Review		
Major – preliminary plat	Review		Review	Approve	
Major – construction plans	Review	Approve	Review		
Major – surety	Approve	Review			Approve
Major – final plat	Review	Approve	Review		

Sec. 314.15-18. Reserved.

DIVISION 4. SUBDIVISION TYPES.

Sec. 314.19. Subdivision types and review standards.

Varying levels of subdivision reviews are hereby established, depending on the scale of the subdivision and potential impacts it may have on the community and immediate surroundings. This section defines the parameters under which varied levels of subdivisions will be required and defines the review authority, as follows:

1. Lot combination;
2. Boundary line adjustment;
3. Exempt subdivision;
4. Minor subdivision; and
5. Major subdivision.

Sec. 314.20. Lot combination.

A lot combination includes the relocation and/or removal of an existing lot line separating two or more lots or the combination of one of more lots, provided:

1. Each newly established lot complies with all requirements of this article and is limited to single-family detached residential use;
2. Each new lot abuts an existing public street;
3. All project related slope and utility easements, as well as necessary street right-of-way or path easements, shall be provided at no cost to the city as determined by the UDO Administrator based upon the officially adopted transportation plans; and
4. Each lot proposed complies with any water and sewer requirements, as appropriate, whose approval shall be required prior to approval of the plat by the community development department.

The UDO Administrator is authorized to grant a modification from the two lot maximum exemption. Modifications shall not be granted to exceed a total of four exempt lots. The UDO Administrator may impose conditions of approval upon any modification thus granted as may be necessary to ensure the general public welfare.

Each new lot established may not be re-subdivided for a period of at least two calendar years unless it complies with the provisions described herein.

Sec. 314.21. Boundary line adjustment.

A boundary line adjustment includes relocating one or more lot lines separating legally conforming lots located within the same subdivision, or one or more lot lines between abutting lots or parcels. The boundary line adjustment is administered through the final plat revision process and requires review and approval of the UDO Administrator before recording the revised plat.

In the case where a final plat for the subject lots or parcels does not exist, a boundary survey of the lots involved in the boundary line adjustment shall be submitted to and approved by the UDO Administrator prior to recording. The final plat showing the boundary line adjustment shall be titled with the same name as that of the original subdivision and shall indicate the replat is for the purpose of adjusting the lot lines between specific lots.

Sec. 314.22. Exempt subdivision.

The following types of subdivisions, transfers, and sales are specifically exempted from the plat approval requirements of this article, provided that such exemptions shall not apply to land disturbance requirements and improvement requirements of this article:

1. The creation and sale of cemetery plots;
2. The sale of lots consistent with previously approved and recorded plats or deeds;
3. The creation of leaseholds for space within a multiple-occupancy building or the division of property into leaseholds for commercial, industrial, or institutional use;
4. Any division of land to heirs through a judicial estate proceeding, or any division of land pursuant to a judicial partition, or any division of land occurring from the foreclosure of a deed of trust; provided, however, that such exemption shall not require the city to issue permits if the resulting lots or parcels fail to meet any applicable regulations of the local jurisdiction concerning lot size, lot width, and other dimensional requirements; or
5. Intra-family land transfers and mortgage lots.

Sec. 314.23. Minor subdivision.

A. Purpose.

1. Minor subdivisions consist of subdividing a parcel of land into no more than four new lots, provided:
 - a. Each resulting lot complies with the minimum lot area, width and frontage requirement of the applicable zoning district;
 - b. Each resulting lot has frontage on a public or private street;
 - c. The subdivision involves platting where street access and public water and sewer are already available; and
 - d. The subdivision complies with all requirements of these regulations.

B. Review process.

Because minor subdivisions do not involve the construction of a new public or private street and are limited to no more than four new lots, they are processed administratively by the UDO Administrator as final plat applications that do not require preliminary plat or construction plan approval. Any minor improvements to an existing public street abutting the tract proposed for minor subdivision, or the installation of utilities along

the existing public street, shall not subject the minor subdivision to the requirements for a major subdivision as specified in this section.

C. Submittal requirements.

Plans and associated documents shall be submitted in accordance with Section 104.8. to the UDO Administrator in a quantity and format as specified by the city. Each application shall comply with the submittal requirements maintained by the community development department, including the applicable submittal fee.

D. Review for compliance.

The UDO Administrator shall review the submittal documents for compliance to the rules and regulations of this article and all applicable provisions of this article. Comments from other city departments will be requested, as applicable. A staff report containing the findings shall be prepared and provided to the subdivider.

E. UDO Administrator review.

1. The UDO Administrator shall review minor plats using the standards set forth herein.
2. Notation of action shall be made on all copies of the plat, including a statement of the reasons for disapproval, if the plat is disapproved.
3. Three copies of the approved plat shall be returned to the subdivider or his agent to be recorded, as specified herein.

F. Plat recording.

1. After approval by the UDO Administrator, the approved final plat with all endorsements and the declaration of covenants and restrictions (aka covenants) shall be recorded in the office of the Clerk of Superior Court of Fayette County, Georgia.
2. The subdivider shall be responsible for the payment of the recording fee.
3. Map book, volume and page numbers where the plat and covenants are recorded shall be indicated on all copies of the plat.
4. Once the plat is recorded the subdivider shall submit three paper copies and a digital (.pdf) copy of the document along with a digital (.pdf) copy of the recorded covenants (if applicable) to the UDO Administrator.
5. No building permit shall be issued until the UDO Administrator receives a copy of the recorded plat annotated with the map book, volume and page numbers as recorded.

Sec. 314.24. Major subdivision.

A. Purpose.

Major subdivisions are land developments that consist of one or more of the following:

1. Subdividing a parcel of land into five lots or more;
2. Subdivisions of land that involve the platting, construction or opening of new streets, improvements to existing streets, or the extension of utility lines; or
3. Subdivisions that do not meet the criteria for exempt or minor subdivision review.

B. Review process.

Subdivisions proposals not qualifying as a minor subdivision shall be processed in the following manner:

1. Pre-application meeting.
2. Preliminary plat.
3. Construction plans.
4. Final plat.
5. Recording of final plat.
6. As-built plans and acceptance of infrastructure.

Approval of the preliminary plat and construction plans shall be completed prior to making any street improvements or installing utilities. Lots within the proposed subdivision shall not be sold until final plat approval has been received and the subdivision has been duly recorded.

C. Pre-application meeting.

Refer to Section 104.8.B.1. of this UDO.

Sec. 314.25. Preliminary plat.

A. Purpose.

1. The purpose of the preliminary plat is to provide a review of a proposed subdivision prior to preparation and submittal of a full set of construction plans. It is intended that this review will help ensure the plans which are being prepared are in accordance with the UDO requirements and guidelines.
2. Prior to the issuance of any permit for land disturbance or construction of any improvements, the Planning and Zoning Commission must approve the preliminary plat.

B. Submittal requirements.

1. Refer to Section 104.8. of this UDO and the city's Development Review Guidebook as kept on file in the Community Development Department and available on the city's website.
2. If the subdivision includes or abuts a U.S. or State numbered highway, review by the Georgia Department of Transportation (GDOT) is required under O.C.G.A. § 32-6-151. The subdivider must respond to the recommendations of the GDOT prior to project approval by the city. If the plat is recommended for rejection by GDOT, the reasons for rejection and requirements for approval shall be given in writing by GDOT to the UDO Administrator. Such rejection by GDOT shall be binding on the UDO Administrator unless the UDO Administrator, by official action, overrules such department action.

C. Review process.

1. The UDO Administrator shall review the application package for compliance with the rules and regulations of this article and all applicable provisions of this article.
2. The presumption is that all information required to satisfy the requirements of this article will be included with the initial submittal. However, it is recognized that each project is unique, and more or less information may be required according to the specifics of a particular case. The applicant may rely on the UDO Administrator to determine whether more or less information has to be submitted.
3. When the application package is deemed complete it will be date stamped as received and distributed for staff review.
4. City Staff shall have 20 business days to review the application package and supporting documentation for compliance with the rules and regulations of this article and all applicable provisions of this UDO.
5. If applicable, the UDO Administrator shall assemble all comments related to compliance with this UDO and forward them to the applicant, who shall revise the plans accordingly.
6. The applicant shall then resubmit plans and supporting documents, including the required resubmittal fee,

in accordance with Section 104.8.B.5. of this UDO the city's Development Review Guidebook as kept on file in the Community Development Department and available on the city's website.

7. Once staff comments are addressed, a staff report containing the findings and recommendations shall be prepared and forwarded to the Planning and Zoning Commission for consideration.

D. Review standards.

1. The Planning and Zoning Commission shall review the preliminary plat, taking into account the findings and recommendations of city staff. Review by the Planning and Zoning Commission shall be based on the following criteria:
 - a. Does the proposed subdivision meet all requirements of this and any other applicable ordinances?
 - b. Does the proposed subdivision meet all of the requirements of state and federal law?
 - c. Will the proposed subdivision be consistent with the comprehensive plan and other adopted plans of the city?
 - d. Will the proposed subdivision interfere with or obstruct the flow of traffic, or create any traffic or safety hazards upon the street system of the city?
 - e. Will the proposed subdivision restrict or otherwise interfere with any future street or thoroughfare plan?
 - f. Is the proposed subdivision laid out and designed in such a way so as to minimize its inhabitant's exposure to arterial and collector streets and other major thoroughfares?
 - g. Is the proposed street network designed to accommodate fire and other emergency vehicles?
 - h. Will the proposed subdivision impact the local school system or any other public services provided by other government entities?
 - i. Will the proposed subdivision harmonize with neighboring properties?
 - j. Will the proposed subdivision or any logical extension thereof have any adverse environmental impact?
 - k. Additional mitigation requirements. The Planning and Zoning Commission may require such additional restrictions and standards (i.e., buffer strips, screening, etc.):
 - i. To meet the intent and purpose of this article;
 - ii. To protect the health, safety and general welfare; and
 - iii. To protect the value and use of property in the general neighborhood.
2. The Planning and Zoning Commission may then vote:
 - a. To approve the preliminary plat as submitted;
 - b. To approve the preliminary plat subject to further understandings and conditions;
 - c. To deny the preliminary plat due to noncompliance with the requirements, intent or purposes of this article; or
 - d. To table consideration of the preliminary plat until the plat can be revised or additional information can be provided to address concerns raised during discussion of the proposed subdivision.
3. Action following administrative review.
 - a. Following action by the Planning and Zoning Commission, the UDO Administrator shall assemble all comments and conditions related to discussion of the request and forward them to the applicant.
 - b. If the preliminary plat is approved, the UDO Administrator and the Planning and Zoning Commission chairman shall sign the preliminary plat certification, and the applicant will be authorized to proceed with the preparation of construction plans.
 - c. If the preliminary plat is denied, the preliminary plat shall be returned to the subdivider with an explanation of why it was found to be not acceptable, and with instructions as to what needs to be done to make it acceptable.

4. Applicant responsibilities.

The applicant is responsible for compliance with all codes, regulations and zoning requirements and for the satisfaction of all the noted and written comments.

5. Limits on administrative approval.

The UDO Administrator may not administratively approve any preliminary plat that contains a lot or other feature that would clearly require a variance in order to be reasonably usable, whether due to the presence of an unusual configuration, zoning compliance, lack of public utilities, or for any other reason.

6. Project approval binding for 12 months.

Preliminary plat approval shall remain in effect for a period of 12 consecutive months after which time it will become null and void, unless an extension of time request has been submitted to the UDO Administrator for approval by the Planning and Zoning Commission. Only one extension for another period not to exceed twelve months may be approved by the Planning and Zoning Commission. The development must satisfy any changes to this article that may have been instituted since the first date of approval.

7. Effect on status of dedication.

The approval of a preliminary plat by the city shall not be deemed to constitute or affect an acceptance by the city of any street or other ground shown upon the plat.

8. Improvements authorized.

Notwithstanding project approval or conditional project approval, no improvements are authorized before approval of construction plans by the UDO Administrator as set forth herein. Improvements must be installed according to construction plans as approved.

9. Requests for appeals and variances.

Appeals of denials and appeals from conditions recommended by the Planning and Zoning Commission, the UDO Administrator or from city staff shall be heard by the Mayor and City Council in accordance with the appeal procedures identified within Section 104.18. of this UDO.

Sec. 314.26. Construction plans.

A. Purpose.

1. The purpose of construction plans is to provide all of the detailed engineering information necessary to build a proposed subdivision in accordance with the approved preliminary plat and all other development codes and ordinances of the city.
2. Prior to the issuance of any permit for land disturbance or construction of any improvements, the construction plans must be approved by the UDO Administrator and the City Engineer.

B. Submittal requirements.

Refer to Section 104.8.B.2. of this UDO and the city's Development Review Guidebook as kept on file in the Community Development Department and available on the city's website.

C. Review process.

1. The UDO Administrator shall review the application package for compliance with the rules and regulations of this article and all applicable provisions of this UDO.
2. The presumption is that all information required to satisfy the requirements of this UDO will be included with the initial submittal. However, it is recognized that each project is unique, and more or less information may be required according to the specifics of a particular case. The applicant may rely on the UDO Administrator to determine whether more or less information has to be submitted.
3. When the application package is deemed complete it will be date stamped as received and distributed for staff review.
4. City Staff shall have 20 business days to review the application package and supporting documentation for compliance with the rules and regulations of this article and all applicable provisions of this UDO.

D. Review standards.

1. If applicable, the UDO Administrator shall assemble all comments related to compliance with this UDO and forward them to the applicant, who shall revise the plans accordingly.
2. The applicant shall then resubmit plans and supporting documents, including the required resubmittal fee, in accordance with Section 104.8.B.5. of this UDO the city's Development Review Guidebook as kept on file in the Community Development Department and available on the city's website.
3. When the construction plans are ready for approval, the UDO Administrator shall sign and approve two sets of plans, one for the developer and one for the city. The applicant shall keep one copy of the approved set on the construction site at all times.
4. After approval of the construction plans and receipt of all applicable permits and approvals, which shall become a part of the developer's construction plans, the community development department shall issue a land development permit to install the erosion control measures and tree-save fencing in accordance with the approved plans. A fee shall be required for this permit.

Sec. 314.27. Land disturbance and grading permit.

A. Applicability.

1. A land disturbance and/or a grading permit is required for any land disturbing activity in excess of 5,000 square feet that results in modifications to existing topography or storm water drainage patterns, including, but not limited to:
 - a. Clearing and grubbing;
 - b. Dredging;
 - c. Grading;
 - d. Excavating;
 - e. Filling;
 - f. Tree removal; or
 - g. Storage or transporting of materials on or off a site.
2. A permit is required for all such work, even when it is temporary in nature.
3. The UDO Administrator shall verify whether a permit is required before commencement of land disturbance and/or grading activities.

B. Submittal requirements.

Refer to Section 104.8.B.2. of this UDO and the city's Development Review Guidebook as kept on file in the Community Development Department and available on the city's website.

C. Review process.

1. The UDO Administrator shall review the application package for compliance with the rules and regulations of this article and all applicable provisions of this UDO.
2. The presumption is that all information required to satisfy the requirements of this UDO will be included with the initial submittal. However, it is recognized that each project is unique, and more or less information may be required according to the specifics of a particular case. The applicant may rely on the UDO Administrator to determine whether more or less information has to be submitted.
3. When the application package is deemed complete it will be date stamped as received and distributed for staff review.
4. City Staff shall have 20 business days to review the application package and supporting documentation for compliance with the rules and regulations of this article and all applicable provisions of this UDO.

D. Review standards.

1. If the application request is denied, the application package shall be returned to the applicant with an explanation as to why it was found to be not acceptable and with instructions identifying what needs to be done to make it acceptable.
2. If the application request is approved, the UDO Administrator shall sign and approve two sets of plans, one for the developer and one for the city. The applicant shall keep one copy of the approved set of construction plans on the project site at all times.
3. The Development Inspector shall inspect the property to determine whether the erosion control measures and tree-save fence were installed properly. This inspection shall take place within three working days of the request.
4. If the installation of the erosion control measures or the tree save fence is not approved, the developer shall be informed in writing of what needs to be done to secure approval and shall request a re-inspection. A re-inspection fee shall be required.
5. After approval of the erosion control measures and tree-save fence, the developer may request that the UDO Administrator issue a land disturbance and/or grading permit to clear and grade the property in accordance with the approved plans. A fee shall be required for this permit.
6. Staff shall inspect the property to determine whether the clearing and grubbing were done properly. This inspection shall take place within five working days of the request.
7. If the clearing and grubbing are not approved, the developer shall be informed in writing of what needs to be done to secure approval and shall request a re-inspection. A re-inspection fee shall be required.
8. The UDO Administrator shall periodically inspect the property to determine whether the site is developed in accordance with the approved plans. 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.
9. The UDO Administrator shall make a final inspection of the construction. Based on the site inspection and the review of the supporting documentation, the UDO Administrator 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 UDO Administrator will authorize the preparation of the final plat.
10. If the construction is not approved, the developer shall be informed in writing of what needs to be done to secure approval and shall request a re-inspection. A re-inspection fee shall be required.

E. Amendments.

Revisions to an approved land disturbance and/or grading permit may be approved by the UDO Administrator following review by applicable internal and external agencies consistent with this article.

F. Permit validity.

A land disturbance and/or grading permit remains valid for the duration of the project subject to the following time restrictions:

1. Land disturbance and/or grading permits expire six months from the date of issuance if no inspection has been requested; or
2. If one year elapses between inspection requests.

G. Expiration.

A land disturbance and/or grading permit shall expire 60 calendar days from date of issuance or the latest approval of permit revisions. The city will issue a written notice of expiration to the applicant and require that comments be addressed, or that a permit be obtained within 30 days of issuance of the notice of expiration.

H. Permit extension.

The UDO Administrator is authorized to grant, in writing, an extension of a land disturbance and/or grading permit for a period not more than 180 calendar days, subject to the qualifying conditions set forth in this article. An extension request must be submitted to the UDO Administrator a minimum of 30 calendar days prior to the expiration of the permit. No more than one 180-calendar-day extension per land disturbance and/or grading permit may be granted for any of the qualifying conditions set forth herein.

Sec. 314-28. Final plat.

A. Purpose.

The final plat of a subdivision presents 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. Submittal requirements.

Refer to Section 104.8.B.2. of this UDO and the city's Development Review Guidebook as kept on file in the Community Development Department and available on the city's website.

C. Review process.

1. The UDO Administrator shall review the application package for compliance with the rules and regulations of this article and all applicable provisions of this UDO.
2. The presumption is that all information required to satisfy the requirements of this UDO will be included with the initial submittal. However, it is recognized that each project is unique, and more or less information may be required according to the specifics of a particular case. The applicant may rely on the UDO Administrator to determine whether more or less information has to be submitted.
3. When the application package is deemed complete it will be date stamped as received and distributed for staff review.
4. City Staff shall have 20 business days to review the application package and supporting documentation for compliance with the rules and regulations of this article and all applicable provisions of this UDO.

D. Review standards.

1. If the subdivision includes or abuts a U.S. or state numbered highway, unless all of the lots in the subdivision contain five acres or more and no new street is involved, review by the Georgia Department

of Transportation (GDOT) is required under O.C.G.A. § 32-6-151. If the subdivision is an exempt or minor subdivision or otherwise was not submitted for review as a preliminary plat, two additional copies of the final plat must be submitted to the UDO Administrator for forwarding to GDOT. The applicant must respond to the recommendations of the GDOT prior to final plat recording. If the written recommendations of the GDOT are not made within thirty (30) days of receipt of the plat by GDOT, their approval shall be assumed as provided under State law.

2. Upon final approval by the city the approved final plat with all endorsements and the declaration of covenants and restrictions (aka covenants) shall be recorded in the office of the Clerk of Superior Court, Fayette County, Georgia.
3. The subdivider shall be responsible for the payment of the recording fee.
4. Map book, volume and page numbers where the plat and covenants are recorded shall be indicated on all copies of the plat.
5. Once the plat is recorded the subdivider shall submit three paper copies and a digital (.pdf) copy of the document along with a digital (.pdf) copy of the recorded covenants (if applicable) to the UDO Administrator.
6. No building permit shall be issued until the UDO Administrator receives a copy of the recorded plat annotated with the map book, volume and page numbers as recorded.

Sec. 314-29 - 32. Reserved.

DIVISION 6. INSPECTION AND WARRANTY PROVISIONS.

Sec. 314-33. Dedication and acceptance of public improvements.

A. Dedication.

After final plat approval and completion of all required improvements, the developer shall offer all required improvements to the city as a dedication, as follows:

1. The offer of dedication shall be provided to the city on the final plat;
2. Upon receipt of such offer of improvements, the city shall inspect the improvements;
3. If the improvements are found to not meet the specifications as required by the approved construction plans and the city's Development Review Guidebook, the developer shall be notified in writing of such deficiencies.
4. After correction of any deficiencies, the developer shall again offer the improvements for acceptance; and
5. If no deficiencies are found, the city shall approve and accept the improvements subject to the three year warranty and maintenance period required by this section.

B. Warranty and inspections.

No improvements in any subdivision shall be accepted or approved unless the developer warrants and maintains those improvements for a period of three years after acceptance.

C. Inspection after one year.

1. One year after the date of acceptance of any subdivision improvement, the developer shall make application to the city for inspection of the improvements.
2. The application shall be upon forms specified by the UDO Administrator who shall cause an inspection of the improvements to be made. If any improvements are found not to be maintained up to specifications, as required by the approved construction plans and city's Development Review Guidebook, the developer shall be notified in writing of the deficiencies. After correction of any deficiencies, the developer shall

again offer the improvements for inspection. If there are no deficiencies found, the city shall notify the developer and shall release 20 percent of the developer's bond, cash deposit or irrevocable letter of credit.

D. Inspection after two years.

Two years after the date of acceptance of any public improvements in any subdivision, the developer shall request, in writing, an additional inspection of the improvements to be made. If the improvements are found not to be maintained up to specifications, as required by the approved construction plans and city's Development Review Guidebook, the developer shall be notified in writing of such deficiencies. After correction of any deficiencies, the developer shall again offer the improvements for inspection. If there are no deficiencies found, the city shall notify the developer and shall release an additional 20 percent of the developer's bond, cash deposit or irrevocable letter of credit.

E. Inspection after three years.

Three years after the date of acceptance of any public improvements in any subdivision, the developer shall request, in writing, an additional inspection of the improvements to be made. If the improvements are found not to be maintained up to specifications, as required by the approved construction plans and city's Development Review Guidebook, the developer shall be notified in writing of such deficiencies. After correction of any deficiencies, the developer shall notify the city of such corrections and offer the improvements for inspection. If there are no deficiencies found, the city shall notify the developer and shall release the balance of developer's bond, cash deposit or irrevocable letter of credit.

F. Public streets.

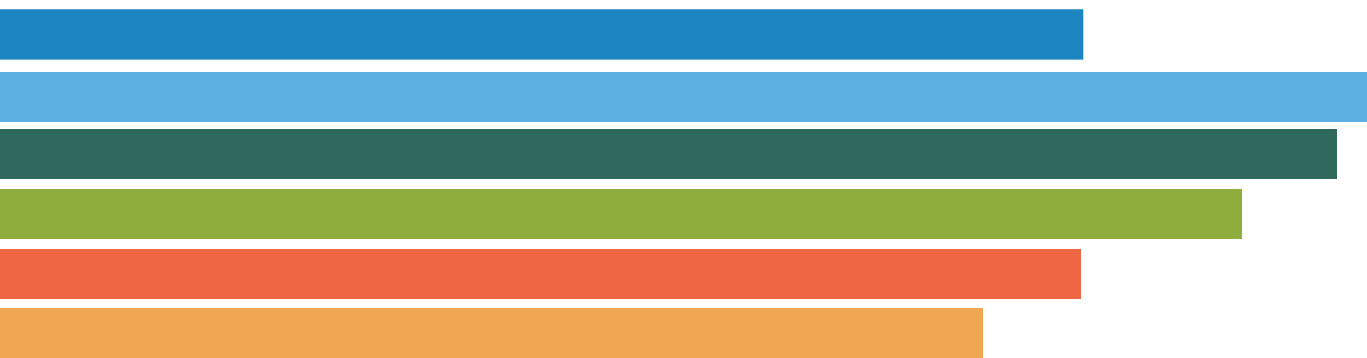
The city shall not accept, lay out, open, improve, grade, pave or light any street or lay any utility lines in any street which has not attained the status of a public street, unless such street corresponds to the street location shown on an approved subdivision plat or on an official street map adopted by the Mayor and City Council. However, the city may accept, lay out, open and improve any street not so platted if it first submits such proposed action to the Planning and Zoning Commission for its review and comment.

G. Deferral of public improvements.

1. If construction of any required public improvements was deferred at the time of final plat approval, said work must be completed and revised as-built surveys submitted to the UDO Administrator within 24 months of the date of final plat recordation.
2. The developer shall maintain the improvements in the development throughout the maintenance period. The maintenance period shall begin upon recordation of the final subdivision plat and shall extend from said date or from the date of completion of all deferred improvements, whichever occurs later. The maintenance period shall extend without interruption for a period of no less than 24 months or until 90% of all dwelling units authorized by the final plat have been issued certificates of occupancy, whichever occurs later. In no case, however, shall the maintenance period extend for more than 36 months from the date of completion of all deferred improvements.
3. Prior to expiration of the maintenance period, a final acceptance inspection of the public improvements shall be conducted by the UDO Administrator and the Director Public Works.
4. The subdivider shall correct all defects or deficiencies in materials and workmanship and make such repairs as necessary to approximate the as-built condition of the improvements. The subdivider shall execute such documents as required by the UDO Administrator to ensure that city is held harmless and indemnified from any claims arising from non-performance by the subdivider, including attorney's fees and costs incurred by the city in enforcing the requirements of this UDO, as may be amended.
5. Upon certification by the UDO Administrator that the public improvements depicted on the as-built surveys are in compliance with the specifications of this UDO and are in good repair, the UDO Administrator shall release the maintenance bond and accept the public improvements into perpetual

maintenance on behalf of the city.

6. Notwithstanding anything herein to the contrary, dedication of proposed public rights-of-way, easements and improvements shall not be accepted without public approval by the Mayor and City Council of dedication deeds.
7. In the case of private roads, any improvement must meet the pavement design standards established by the city and materials testing reports must be submitted to and approved by the UDO Administrator prior to acceptance of any paved public improvement.
8. If stormwater detention is involved with private streets, the city cannot accept the street as a public street.



CHAPTER

4000

SITE DEVELOPMENT

ARTICLE 1 - SITE DEVELOPMENT STANDARDS.

DIVISION 1. GENERAL PROVISIONS.

Sec. 401.1. Applicability.

The requirements of this article are generally applicable throughout this UDO unless otherwise specified.

Sec. 401.2. Compliance with ordinance.

No building, structure or premises shall be used or occupied, and no building or part of any building or other structures shall be erected, razed, moved, placed, reconstructed, extended, enlarged or altered, except in conformity with the provisions of this article.

Sec. 401.3. Withholding of approval.

No plan, use or permit request shall be approved by the Mayor and City Council, Planning and Zoning Commission, UDO Administrator, or other authorized board, commission or administrative staff until all required permits or approvals from other local, state or federal departments or agencies are received.

Sec. 401.4-7. Reserved.

DIVISION 2. LOT REQUIREMENTS.

Sec. 401.8. Structures per lot.

Except as otherwise provided within Sec. 401.42. or elsewhere within this UDO, only one principal building shall be permitted on each zoning lot.

No lot or lots in common ownership and no yard, court, parking area or other space shall be so divided, altered, or reduced as to make the area or space smaller than the minimum required under this UDO. If already less than the minimum size required, the area or space shall not be further divided or reduced.

Sec. 401.9. Space counted twice.

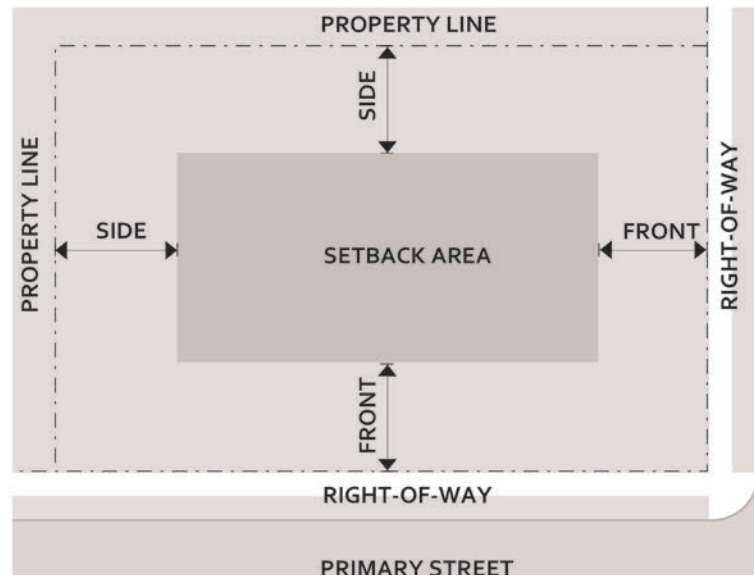
No part of a yard or any off-street parking or loading space required in connection with any building, use, or lot for the purpose of complying with the regulations of this article shall be included as part of the yard or off-street parking or loading space required for another building, use, or lot, except as specifically provided herein.

Sec. 401.10. Minimum lot frontage.

All lots and parcels shall have frontage upon and be accessed from a public right-of-way or private street easement. At a minimum, all lots shall abut a street for the minimum width requirement required by the zoning district in which it located. This restriction shall not apply to lots within the DMU Downtown Mixed Use District.

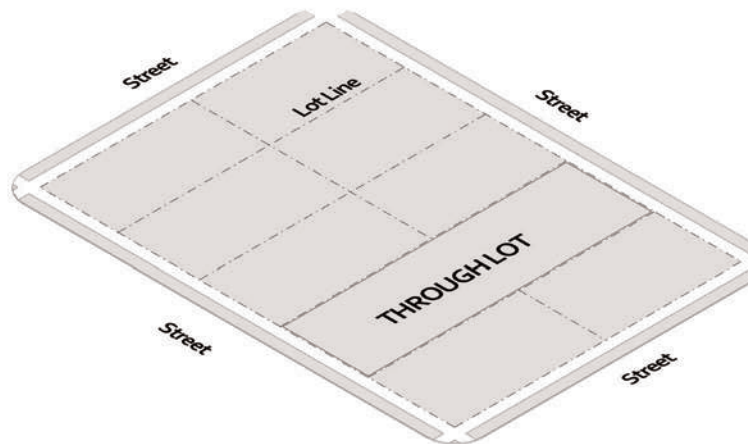
Sec. 401.11. Corner lots.

On corner lots, the minimum front yard requirement shall be met on each street in accordance with the provisions of this article. Each corner lot shall be comprised of two front yards and two side yards.



Sec. 401.12. Through lots.

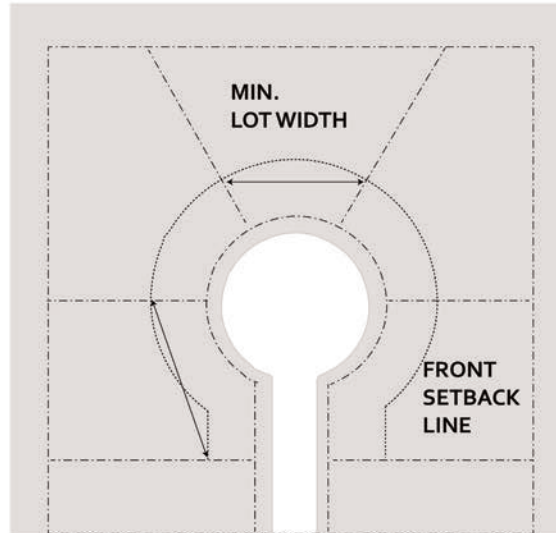
On through lots, the minimum front yard requirement shall be met on each street in accordance with the provisions of this article.



Sec. 401.13. Cul-de-sac lots.

1. Cul-de-sac lots shall have a minimum width of 35 feet at the front property line.
2. The minimum lot width shall be determined as the distance between the side property lines at the

- required front yard setback line along a line parallel to the chord of the front property line.
3. The front yard setback for lots on a cul-de-sac, curved street or internal drive shall follow the curve of the front property line.



Sec. 401.14. Lots on ponds, lakes, rivers and streams.

Lots abutting or containing a pond, lake, river or stream shall comply with the following regulations:

1. The lot width on the street side shall not be less than the minimum width required for the zoning district in which the lot is located.
2. On the waterfront side, the lot shall meet the minimum width requirements of the zoning district in which the lot is located, measured at the ordinary high water mark between side lot lines.
3. Waterfront lots shall be considered through lots with both the water side and street side considered to be front yards. The front yard on the water side shall be the area between the ordinary high water mark and the nearest wall of the principal building.
4. Accessory buildings may be permitted within the water side front yard, but not within the required water side setback area.

Sec. 401.15-18. Reserved.

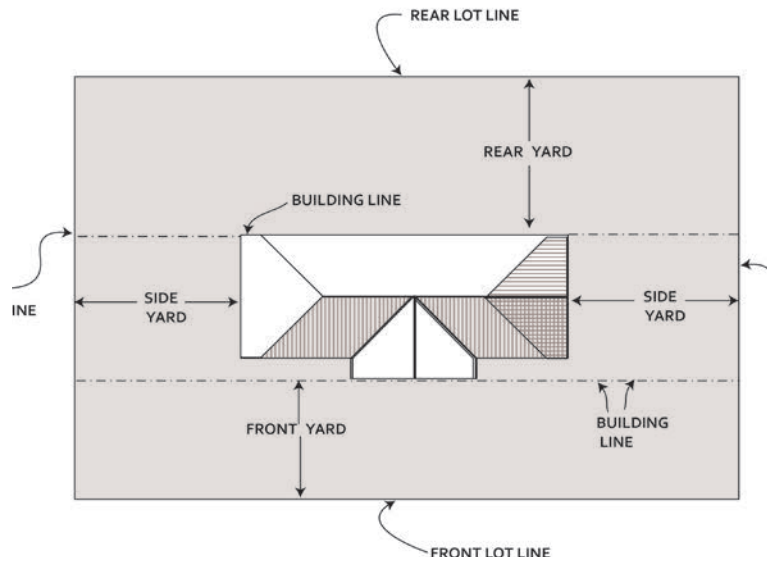
DIVISION 3. SETBACK REQUIREMENTS.

Sec. 401.19. General.

1. All setbacks shall be measured from the property line and/or public right-of-way.
2. If located on a private street with no dedicated easement, the setback shall be established at no less than 30 feet from the center of the street.
3. A building shall not be erected, converted, enlarged, reconstructed, or structurally altered, except in conformity with the setback requirements of the district in which it is located.

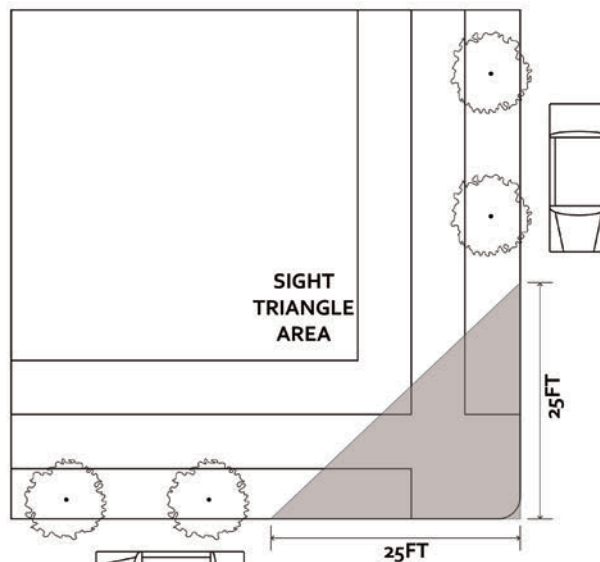
Sec. 401.20. Front setback.

All yards abutting upon a public street right-of-way or private street easement shall be considered as front yards for setback purposes, except as otherwise provided in this article.



Sec. 401.21. Sight triangle.

A sight triangle formed by the intersection of the street right-of-way lines and a line connecting two points located on those intersecting right-of-way lines 25 feet from the point where the right-of-way lines intersect shall be maintained at all street intersections. Within the sight triangle, signs, fences, walls, structures, benches, shrubbery or other potential obstructions to vision shall not be permitted to exceed a height of three feet, provided utility poles, street lights and street signs shall be exempt from this requirement.



Sec. 401.22. Encroachment into right-of-way.

No buildings, structures, service areas or off-street parking and loading facilities, except driveways, shall be permitted to encroach on public rights-of-way.

Sec. 401.23. Projections into required yards.

Within the DMU District (only), certain structures and architectural features may project into the required yard setbacks, as shown below:

Projection into required yards			
	Allowed encroachment into setback		
Type of feature	Front yard	Side yard	Rear yard
Accessory structures			
Accessible ramps, wheelchair lifts and similar structures			
Air conditioning units, generators and other mechanical equipment ¹	None	3'	3'
		(no more than 5' from building face)	
Arbors, trellises and pergolas (attached to the principal building)	5'	3'	10'
Awnings and canopies	5'	3'	3'
Balconies	5'	None	None
Bay windows	3'	3'	3'
Chimneys	3'	3'	3'
Driveways	Not applicable	1' from side lot line	Not applicable
Eaves and gutters	2'	2'	2'
Fences and walls	Refer to Sec. 401-35.		
Flagpoles	6'	6'	6'
Light poles (not including ground-mounted lights)	6'	6'	6'
Outdoor fireplaces and pits	None	None	10'
Paved patios and similar at-grade structures (not including driveways and sidewalks) - un-roofed and unenclosed	10'	3'	3'
Porches, decks and stoops – uncovered and unenclosed ²	5'	3'	10'
Signs	Refer to Chapter 400, Article 6.		
Stairways (not including steps to main floor entry) and below-grade stairwells	5'	3'	10'
Swing sets and similar play structures (attached)	None	3'	3'
Window wells and egress windows, below grade	3'	3'	3'

¹ Building code may necessitate additional fire protection. Equipment shall not be located within any easement.

² Any covered or roofed porch, deck, patio, stoop or similar structure shall be considered part of the principal building and shall comply with the required setbacks applicable to the principal building.

Sec. 401.24-27. Reserved.

DIVISION 4. BUILDING REQUIREMENTS.

Sec. 401.28. Unlawful buildings and uses.

Any building, use, or lot which has been unlawfully constructed, occupied or created prior to the date of adoption of this UDO shall continue to be unlawful, unless expressly permitted by this article. Such unlawful buildings, uses or lots shall not be considered to be nonconforming buildings or uses or lots of record and shall not be afforded any protections or allowances otherwise granted to legally nonconforming buildings, uses or lots.

Sec. 401.29. Accessory buildings.

Accessory buildings and structures, as defined herein, shall be permitted as follows:

A. Residential

1. Accessory buildings or garages shall be considered to be part of the main building if structurally and architecturally integrated into the main building, or if attached by an enclosed breezeway or similar enclosed structure not more than ten feet in length.
2. No detached accessory building shall be located closer than ten feet to the main building on the lot.
3. No accessory building shall be located in a front yard or side yard.
4. No accessory building shall be constructed on a lot before the principal building or use on the lot is constructed.
5. Accessory buildings shall be set back at least ten feet from the side and rear lot lines.
6. If the rear lot line of the property on which the accessory building is located is also the side lot line of the neighboring property, the accessory building shall be set back the same distance from the rear lot line as the required side yard setback for a principal building.
7. If a detached garage is accessed from an alley, there shall be no rear setback requirement.
8. The area of accessory buildings shall be included in the maximum lot coverage.
9. The maximum height of an accessory building shall not exceed 14 feet.
10. No accessory building, except as otherwise permitted in this article, shall be occupied or rented.
11. The maximum number of accessory buildings permitted on any residential lot shall not exceed the number and maximum aggregate floor area as specified below:
 - a. Regardless of the sizes specified, no more than 25 percent of the usable portion of the rear yard shall be occupied by accessory buildings.

B. Non-residential.

1. Accessory buildings on lots within nonresidential districts shall comply with all yard setback requirements for principal buildings within the district in which located.

Sec. 401.30. Restoring unsafe buildings.

Nothing in this article shall prevent the strengthening or restoration to a safe condition of any part of any building or structure declared unsafe by the building official, or required to comply with his lawful order; provided, such restoration shall be subject to and completed in accordance with the adopted building codes and all other applicable ordinances. Nonconforming buildings and uses shall also be subject to the limitations as identified in this article.

Sec. 401.31-34. Reserved.

DIVISION 5. STRUCTURES.

Sec. 401.35. Fences and walls.

1. A permit shall be obtained prior to the erection or construction of any fence or wall.
2. Fences or walls in any residential district or on any residential lot shall not exceed six feet in height, measured from the natural grade to the uppermost portion of the fence.
3. Fences or walls erected within the required front yard in any residential district or on any residential lot shall not exceed four feet in height. This shall apply to each front yard of a corner lot or through lot; provided, the fence or wall shall not exceed three feet in height within the clear vision corner.
4. Fences shall not be erected within any public right-of-way or easements; provided, a written waiver may be authorized by the UDO Administrator prior to issuance of a fence permit. If granted, the waiver shall be recorded.
5. In any district, if both sides of the fence or wall are not identical, the finished side shall face the adjoining property.
6. Chain link fences shall not be erected in any front yard within a residential district or on any lot containing a dwelling, unless enclosing a retention pond, essential public service or publicly owned facility that has been approved by the city. In all such cases, the chain link fence shall be black vinyl coated.
7. Barbed wire shall not be permitted in any residential district or on any lot or parcel containing a residential use, except for security around essential public services or publicly owned facilities.
8. An eight foot high, non-sight obscuring, security fence may be permitted around the perimeter of an essential public service building, essential public service storage yard, towers, and approved outdoor storage areas in the commercial or industrial districts. The security fence may also include a maximum of one additional foot of barbed wire. Razor wire and electrification shall not be permitted in any district.
9. Screen walls shall be located inside the property line. The design of all walls, including openings for vehicular traffic or other purposes, shall be as approved by the UDO Administrator.

Sec. 401.36. Height exceptions.

The UDO Administrator may grant an exemption from the height limitations of this article for the following:

1. Belfries and steeples;
2. Cupolas, domes and spires;
3. Chimneys and fire towers;
4. Cooling towers, stacks and elevated water towers;
5. Elevator bulkheads;
6. Flag poles in non-residential districts,
7. Stage lofts,
8. Monuments,
9. Broadcast towers and antennas; and
10. Penthouses housing necessary mechanical appurtenances such as HVAC or similar equipment on the roof of a building.

Parapet walls may not exceed the height limits by more than four feet.

Sec. 401.37. Mechanical appurtenances.

1. Mechanical units located on the ground shall be located in the rear or side yard, not closer than three feet to adjoining property. When attached to a building, the mechanical equipment shall be architecturally integrated or appropriately screened by shrubbery or fencing so as not to be visible from neighboring property. Screening shall comply with the requirements herein.
2. If located on the roof of a building or in a location that cannot otherwise be screened, the equipment

shall be enclosed or designed in a manner that is architecturally integrated with the building where it is located.

3. Mechanical units shall not be placed within any easement

Sec. 401.38-41. Reserved.

DIVISION 6. USES.

Sec. 401.42. Principal use.

A lot or parcel shall not be devoted to more than one principal use, or contain more than one principal building, except for groups of multiple family buildings, commercial establishments, or industrial buildings which are determined by the UDO Administrator to be a principal use collectively, based on the following considerations:

1. Individual buildings share common parking areas;
2. Access to the building is provided via shared access drives or streets;
3. Buildings are under single ownership; or
4. Individual activities support one another (such as auto dealership/vehicle repair or a convenience store/restaurant/gas station).

Sec. 401.43. Similar uses.

Every type of potential use cannot be addressed in this article. Therefore, each district provides for “similar uses” referencing this section. All requests for a use not specifically addressed in any zoning district shall be submitted to the UDO Administrator for review, based on the following standards:

1. A finding has been made by the UDO Administrator that the proposed use is not listed as a permitted or conditional use in any zoning district.
2. If the use is not addressed in this article, the UDO Administrator shall select a use which most closely approximates the proposed use, using criteria such as the nature of the use, conformance with the purpose of the zoning district in which it is proposed, aesthetics, traffic characteristics, and potential nuisance effects (noise, vibration, dust, smoke, odor, glare, hours of operation).
3. Once a similar use is determined, if allowed within the current zoning district, the proposed use shall comply with any conditions and review procedures that may apply to that use, including the conditional or special exception use requirements of this article, as applicable.
4. If the UDO Administrator determines a proposed use is not similar to any use addressed in this article or would not otherwise be permitted within the current zoning district, the applicant may petition for an amendment to the ordinance as described in Section 104.13.A.
5. The determination as to whether a proposed use is similar in nature and class to another permitted, conditional, or special exception use within a district shall be considered as an expansion of the use regulations, not a variance applying to a particular situation. Any use determined by the UDO Administrator to be similar shall thereafter be included in the enumeration of the uses.

Sec. 401.44. Illegal dwellings.

The use of any basement or floor area below base flood elevation for dwelling purposes is prohibited in all zoning districts, unless the basement or floor area meets the applicable building code requirements. Structures erected as garages, tents, or accessory buildings, except approved accessory dwelling units, shall not be occupied for dwelling purposes.

Sec. 401.46. Urban agriculture.

Backyard chickens, bees and potbellied pigs may be kept within the city subject to the following regulations:

A. General provisions.

1. All animals kept under this section must be provided with adequate housing.
2. Any housing or enclosure used by any domestic animal shall be well-drained, free from accumulations of animal excrement and objectionable odors, and otherwise clean and sanitary.
3. Animal excrement shall be disposed of in a manner approved by the Fayette County Board of Health.
4. Houses, hutches, pens or other enclosures where animals are kept shall have a solid floor made of concrete or other suitable washable material.
5. All structures and enclosures for the keeping of animals must comply with setback requirements for accessory structures. If requirements identified within this section and the requirements for accessory structures differ, the more restrictive shall control.
6. Any vicious animal shall be deemed a nuisance.
7. Every person owning or keeping animals in the city is required to keep such animals confined and not allow such animals to enter other property. This subsection shall not apply to beekeeping.
8. Composted animal waste may be used as fertilizer for the purpose of enriching the property owner's soil.
9. Animals must be kept in sanitary conditions and shall not be a public nuisance.
10. Disposal of dead animals shall be subject to rules, regulations, and requirements of Fayette County Sanitation.

B. Backyard chickens.

1. Permitted zoning districts.

The keeping of chickens is permitted on all lots zoned single-dwelling detached residential. Nothing herein shall abrogate any prohibitions or restrictions contained in private neighborhood covenants, such covenants not being subject to investigation or enforcement by the city.

2. Number and types of chickens permitted.

- a. No more than six chickens are allowed per platted lot.
- b. Roosters and any other crowing chickens are prohibited.
- c. Chickens may only be kept on properties with an occupied residence.

3. Noncommercial use only.

- a. Chickens shall only be permitted as pets or for egg production.
- b. Chickens, chicken products and/or by-products shall not be sold on or from the property.
- c. Chickens shall not be kept for slaughter.

4. Enclosures.

- a. Chicken coops, chicken houses, and/or roosting structures are required for protection. Structures shall be no more than eight feet in height.
- b. No less than 25 square feet of fenced area shall be provided for each chicken kept on the property. The enclosed "run area" shall not exceed 150 square feet.
- c. Chickens shall be kept in the rear yard and no closer than 20 feet from any property line and no closer than ten feet to the principal structure.
- d. Chickens must at all times be kept within a fenced or enclosed area and no person shall fail to

- prevent his or her chickens from straying from the property of the owner or keeper, or going upon the property of any other person, or upon any public rights-of-way.
- e. All coops and surrounding area shall be properly maintained and kept clean so as not to become a nuisance.

The city may require a property owner or resident to remove any and all chickens if they are not properly contained and/or maintained in the manner specified in this section.

5. Predators, rodents, insects and parasites.

Feed must be stored in a fully enclosed, rodent-proof container.

C. Bees.

The keeping of bees shall be permitted in all zoning districts as follows:

1. No more than four hives are allowed per quarter acre (as measured by the plat on file with the Superior Court of Fayette County with any fractional amount rounded down to the nearest whole number). No more than eight hives shall be permitted on any lot.
2. Hives shall be no closer than ten feet from all property lines.
3. Hives shall be located in the side or rear yard and shall not be located beyond the front plane of the principal structure.
4. Hives shall be maintained responsibly with adequate space and management techniques to prevent overcrowding and swarming.
5. If a colony becomes a nuisance, the beekeeper must re-queen the hive at their own expense.
6. The city may require a property owner or resident to remove any and all hives if they are not properly contained and/or maintained in the manner specified in this section.

D. Potbellied pigs.

1. Potbellied pigs shall be permitted on all lots zoned single-dwelling detached residential.
2. No more than one potbellied pig with a maximum weight of 200 pounds shall be permitted per lot.
3. An outdoor, fenced enclosure no greater than a 250 square feet in area shall be provided on the lot. The fence shall not exceed four feet in height. Said enclosure and surrounding area shall be properly maintained and kept clean so as not to become a nuisance.
4. All potbellied pigs shall be spayed/neutered and vaccinated.
5. The city may require a property owner or resident to remove any and all potbellied pigs if they are not properly contained and/or maintained in the manner specified in this section.

E. Animals utilized for educational purposes.

Other animals may be permitted on properties that are utilized for nature and/or educational purposes as long as they do not become a nuisance to the surrounding and/or adjoining properties. On an annual basis the owners of these properties shall be required to provide a list of the animals to be kept along with a statement as to why they are being kept on the property. This provision shall be limited to those properties within the DMU-OS Zoning District and/or church or educational properties.

Sec. 401.47. Swimming pools spas and hot tubs.

1. Any swimming pool, spa, hot tubs or similar structure whose depth at any point exceeds 24 inches shall be subject to and shall be fenced securely, in accordance with the applicable building codes and the Georgia State Minimum Standard Swimming Pool and Spa Code.
2. Swimming pools, spas, hot tubs or similar structures shall only be permitted in the rear yard; provided, on

corner lots, a pool may be permitted within a side yard.

3. Swimming pools, spas, hot tubs and similar structures, whether above or below ground, shall be set back a minimum of ten feet from any side or rear lot line, as measured from the edge of the pool. This setback requirement may be modified within a Planned Unit Development.

Sec. 401.48. Storage units.

1. No temporary storage unit may be placed on any lot within the city for more than 21 consecutive days. The UDO Administrator may approve a longer period of time for building construction or remodeling projects.
2. Temporary storage units shall only be placed upon or within a driveway or parking area, or the rear yard if access exists to the rear of the lot.
3. No temporary storage unit shall be placed upon or within public property or a public place, including without limitation, a street or sidewalk.
4. No temporary storage unit shall exceed eight feet in height, eight feet in width and 16 feet in length.
5. Temporary storage units shall be secured in a manner that does not endanger the safety of persons or property in the vicinity of the unit.
6. Temporary storage units shall be maintained in good condition, free from evidence of deterioration, weathering, discoloration, graffiti, rust, ripping, tearing or other holes or breaks at all times.
7. No temporary storage unit shall be used for human occupancy or to store solid waste, construction debris, demolition debris, business inventory, commercial goods, or goods for property other than the property where the storage unit is located or any illegal or hazardous material.
8. Upon reasonable notice, city staff may inspect the contents of any temporary storage unit at any reasonable time to ensure compliance with these requirements.
9. Any temporary storage unit which is not removed at the end of the time for which it may lawfully remain in place, may be removed by the city immediately, without notice, and the cost of such removal may be assessed against the property on which the unit was located.
10. A sign identifying the storage unit supplier, mounted on the temporary storage unit, shall not require a sign permit; provided, the storage unit is in compliance with this subsection and all other applicable ordinances.

Sec. 401.49. Tents.

1. It shall be unlawful to erect any tent within the city that encloses 400 square feet or greater or that covers or has a floor space in excess of 700 square feet unless a proper permit has been obtained or such use is specifically exempted from the permit requirements.
2. The community development department shall issue permits, following approval by the building official and fire department, authorizing the erection and use of tents in conjunction with a specific special event. The applicant shall submit an application form requesting a tent permit. A nonrefundable fee, as established within the schedule of fees, shall be submitted with the application.
3. Tents for which a permit has been obtained may be erected for a period not to exceed ten days per special event. No more than three such permits shall be issued per calendar year for a single applicant or business, and no more than one active tent permit may be issued or outstanding concurrently to any applicant or business. The appropriate permit must be displayed on the tent or be immediately available for inspection at all times that the tent is standing.
4. No tent shall be permitted or erected in a street or sidewalk unless the street or sidewalk has been officially closed by the city.
5. No tent shall be erected within the established yard setback or within 12 feet from other structures on the property upon which the tent is erected. The aggregate area of multiple tents placed side-by-side without a firebreak clearance of 12 feet or as established by the fire marshal shall not exceed 700 square feet.
6. All tents shall be removed upon expiration of the time-limit stated in the permit or upon the expiration of ten days from the date of erection, whichever is sooner. If a tent is not removed by such time, the city may remove the structure without further notice to the permit holder and shall charge the cost of

- removal to the permit holder or the possessor of the property on which the tent was erected.
7. The permit may be suspended or revoked if, at any time, the structure or its occupants are in violation of any law of the United States, the State of Georgia or any ordinances of the city. Additional requirements may be required in accordance with the International Fire Code (IFC) based on total occupant load.
 8. No tent permit shall be required for the following uses or activities:
 - a. Tents, canopies, or other fabric enclosures used to cover or enclose private swimming pools and similar facilities on the premises of private residential one- and two-family dwellings.
 - b. Tents used to conduct committal services on the grounds of a cemetery.
 - c. Fabric structures which are part of mobile homes, recreational vehicles, or commercial coaches which are not otherwise restricted or prohibited by the city's Code of Ordinances.
 - d. Tents having or covering a floor space of 700 square feet or less.

Sec. 401.50. Trash, litter or junk.

It shall be unlawful for any person to accumulate, place, store, allow, or permit the accumulation, placement or storage of trash, litter or junk on premises in the city, except in a lawful sanitary landfill, a lawful junkyard, or not to exceed seven days storage in watertight storage receptacles designed for the temporary accumulation of trash. Waste receptacles shall not be left unattended in any yard longer than a period of 48 hours unless they are kept or enclosed in a permanent structure designed to prevent disturbance of such receptacles by animals or severe weather conditions.

Sec. 401.51. Excavations or holes.

The construction, maintenance or existence of any unprotected, unbarricaded, open, or dangerous excavations, holes, pits, or wells, which constitute or are likely to constitute a danger or menace to the public health, safety, or welfare is hereby prohibited. This section shall not apply to the following:

1. Any excavation under a permit issued by the city where such excavation is properly protected and warning signs posted in such manner as approved by the city; and
2. Streams, natural bodies of water, or ditches, reservoirs, and other such bodies of water created or existing by authority of governmental units or agencies.

Sec. 401.52. Voting place.

The provisions of this article shall not interfere with the temporary use of any property as a voting place in connection with a federal, state, county, municipal or other public election.

Sec. 401.53-57. Reserved.

DIVISION 7. UTILITIES AND SERVICE.

Sec. 401.58. Essential public services.

The erection, construction, alteration or maintenance of essential public services shall be permitted in any zoning district and shall be exempt from the application of this article. Buildings, parking areas and other uses or structures accessory to the essential service shall not be exempt and shall conform to all applicable ordinance requirements and procedures. This provision, however, shall not be construed to waive the rights of the city to require that specific services be installed underground.

Sec. 401.59. Water and sanitary sewer service.

No structure for human occupancy shall, after the effective date of this article, be erected, altered or moved upon any lot or premises and used, in whole or in part, for dwelling, business, industrial, institutional or recreational purposes unless provided with a safe, sanitary and potable water supply and with a safe and effective means of collection, treatment and disposal of human, domestic, commercial and industrial waste. Such installations and facilities shall conform to the minimum requirements for such facilities as established by the city and other relevant government codes, ordinances, and standards.

ARTICLE 2. PARKING AND LOADING.

DIVISION 1. GENERAL PROVISIONS.

Sec. 402.1. Intent.

The city has determined it is necessary and desirable to enact parking and loading regulations to ensure an appropriate level of parking, loading and storage to support a variety of land uses in both residential and non-residential zoning districts; to provide appropriate site design standards to mitigate the impacts of parking lots on adjoining land uses and zoning districts; to provide specifications for vehicular site access; to reduce the amount of impervious surface, including parking lot paving in the city through tandem parking and multiple use reduction strategies; and, to protect against unnecessary reductions in green space, negative impacts on historic resources and the impairment of the urban design objectives of the city.

Sec. 402.2. Applicability.

For all buildings and uses established after the effective date of this UDO, off-street parking shall be provided as required by this article. In addition, the following shall also apply:

1. Whenever the use of a building or lot is changed to another classification of use, off-street parking facilities shall be provided, as required by this article, for that use;
2. If the intensity of use of any building or lot is increased, through the addition of floor area, increase in seating capacity, or other means, additional off-street parking shall be provided, as required by this article;
3. Off-street parking facilities in existence on the effective date of this article shall not be reduced below the requirements of this article, nor shall nonconforming parking facilities that exist as of the effective date of this article be further reduced or made more nonconforming;
4. An area designated as required off-street parking shall not be changed to another use unless equal facilities are provided elsewhere in accordance with the provisions of this article; and
5. No permit for the construction, reconstruction, extension, repair or alteration of any building, structure or use of land shall be issued and no building or land or any part of any building or land may be occupied or used until parking has been provided in accordance with the provisions of this UDO.

Sec. 402.3. Continuing character of obligations.

1. The requirements for off-street parking and off-street loading shall be the continuing obligation of the owner of the real estate on which any such structure or use is located as long as the structure or use is in existence and its use requiring parking or loading facilities continues.
2. It shall be unlawful for an owner of any structure or use affected by this article to discontinue, change or dispense with, or to cause the discontinuance or change of the required parking or loading space apart from an alternative parking or loading space which meets the requirements of and is in compliance with this section.
3. It shall be unlawful for any business entity to use such structure without acquiring such land or other suitable land for parking or loading space which meets with the requirements of and is in compliance with these regulations.

Sec. 402.4 - 7. Reserved.

DIVISION 2. PARKING REQUIREMENTS.

Sec. 402.8 Off-street automobile parking.

1. There shall be no minimum parking requirement for individual lots, businesses or tenants. Rather, each development may provide up to the maximum number of parking spaces identified in the table below. If not specifically listed herein, the land use identified shall correspond with the land use codes and specific land uses established in the latest edition of the Institute of Transportation Engineers (ITE) Parking Generation Manual (PGM), as amended.

Land Use Code (ITE)	Land use classification/ specific land use	MAXIMUM number of off-street parking spaces
100 - 199	Industrial	
	Industrial uses	1 per employee or 500 SF of gross floor area
200 - 299	Residential	
	Single and multi-family residential uses	1.5 per bedroom
	Senior living residential uses	1 per bed
300 - 399	Lodging	
	Lodging uses not listed	1 per room
400 - 499	Recreation	
	Recreation uses	No maximum
444	Theater	1 per each 4 seats where seating is fixed, or 1 per 25 SF of gross floor area of assembly where seating is not fixed
500 – 599	Institutional	
	Institutional uses	No maximum
534	Private school (K – 8)	2 per classroom + 1 per 8 seats in the auditorium or assembly area, or 1 per 50 SF of gross floor area of auditorium or assembly area where seating is not fixed
565	Day care center	2 per classroom
590	Church	1 per each 4 seats where seating is fixed, or 1 per 25 SF of gross floor area of assembly where seating is not fixed
600 – 699	Medical	
	Medical uses	1 per 250 SF of gross floor area
610	Hospital	1 per 2 beds
620	Nursing home	1 per 2 beds
700 – 799	Office	
	Office uses	1 per 250 SF of gross floor area
800 – 899	Retail	
	Retail uses	1 per 250 SF of gross floor area
852	Convenience market with gasoline pumps	2 per fueling pump

900 – 999	Service	
	Service uses	1 per 250 SF of gross floor area

Parking ratios outside of these parameters may be approved by the Planning and Zoning Commission in accordance with the conditional use permit requirements established in this UDO. The applicant must demonstrate each of the following conditions are met:

- a. The request for additional parking shall show that the increase is justified on the basis of characteristics unique to the proposed use in contrast to the characteristics of other uses;
 - b. Adequate land area for the requested additional parking is located on the lot, whether at grade or in parking decks; and
 - c. The Planning and Zoning Commission shall provide an applicant a written response to any request for an increase in parking space, stating specific reasons for the decision to grant or deny the request.
3. When units of measurements determining the maximum number of parking spaces result in a fractional space, any fraction shall require one parking space.

Sec. 402.9-12. Reserved.

DIVISION 3. PARKING LOT DESIGN PRINCIPLES.

Sec. 402.13. Pedestrian access.

Parking lots shall be designed to allow pedestrians to move from their vehicles safely to the building as follows:

1. On lots with 36 spaces or less, this may be achieved by providing a sidewalk at the perimeter of the lot.
2. On lots with more than 37 spaces, parking rows shall be oriented perpendicular to the building entrance.
3. Corridors within the parking area should be designed to channel pedestrians from the car to the perimeter of the lot or to the building.
4. Pedestrian corridors should be delineated by a paving material that differs from that of vehicular areas and planted to provide shade.
5. Small posts or bollards should be used to provide additional separation of pedestrian and vehicular corridors.

Sec. 402.14. Location.

1. Off-street parking facilities required for all uses, other than single- and two-family dwellings, shall be located on the lot or within 400 feet of the building or use they are intended to serve as measured from the nearest point of the parking facility to the nearest public entry of the building or use served.
2. Off-street parking facilities required for single- and two-family dwellings shall be located on the same lot or plot of ground as the dwelling they are intended to serve and shall consist of a driveway, parking apron, and/or garage.
3. Parking shall not be permitted on any area not designated, designed, and constructed as an off-street parking space.

Sec. 402.15. Shared/common parking.

1. Two or more buildings or uses may share a common parking facility, provided the number of parking spaces available does not exceed the maximum number of spaces for all the uses computed separately.

2. Cumulative parking for mixed-use developments or shared facilities may be reduced by the Planning and Zoning Commission as part of the conceptual site plan review process. The continued availability of parking, either shared or by other means, shall be made a condition of any site plan approval, as provided by this article.
3. Parking facilities for a church, place of worship or similar intermittently used facility may be used to meet up to 50 percent of the parking for uses lying within 400 feet of the facility as measured from the nearest edge of the parking area to the nearest public entry point of the building or use; provided, the church, place of worship or similar facility makes the spaces available, and there is no conflict between peak times when the uses are in need of the parking facilities.
4. A request for shared parking that will result in fewer available parking spaces for all the uses computed separately may be approved as part of the conceptual site plan approval process. The following documentation shall be provided in conjunction with such a request:
 - a. A shared parking analysis shall be submitted to the UDO Administrator that clearly demonstrates the feasibility of shared parking. The study must be provided in a form established by or acceptable to the UDO Administrator and must address, at a minimum, the size and type of the proposed development or combination of uses, the composition of tenants, the anticipated rate of parking turnover and the anticipated peak parking and traffic loads for all uses that will be sharing off-street parking spaces.
 - b. A shared parking plan shall be enforced through written agreement among all owners of record and included in the development agreements filed with the city. The owner of the shared parking area shall enter into a written agreement with the city, with enforcement running to the city. The agreement shall state that:
 - i. the land comprising the parking area shall never be disposed of, except in conjunction with the sale of the building which the parking area serves so long as the facilities are provided; and
 - ii. the owner agrees to bear the expense of recording the agreement, which shall bind his or her heirs, successors, and assigns.
5. An attested copy of the shared parking agreement between the owners of record shall be recorded with the clerk of superior court prior to issuance of a building permit or certificate of occupancy for any use to be served by the shared parking area.
6. A shared parking agreement may only be revoked if all required off-street parking spaces will be provided on-site. The written agreement shall be voided if other off-street facilities are provided in accordance with these regulations.

Sec. 402.16. On-street parking.

Where on-street parking is available within 400 feet of the boundary of a lot or parcel, a portion of the off-street parking requirement may be waived by the Planning and Zoning Commission upon determining that one or more of the following conditions is applicable:

1. A number of the on-street spaces are currently routinely available and can reasonably be expected to be available to the use for which the waiver is requested;
2. The nature of the proposed use is such that its peak demand occurs at times when the on-street parking is not likely to be used; or
3. The on-street parking would not be the primary parking area for the use and may be considered as a temporary option in support of deferred parking, as defined herein.

Sec. 402.17. Structured parking.

1. To the greatest extent practicable, above-ground structured parking shall be located adjoining a street right-of-way and be designed such that the ground floor adjoining the right-of-way includes retail, office

- and/or restaurant space. If the structured parking fronts multiple rights-of-ways or pedestrian ways, the applicant shall coordinate with the UDO Administrator to determine the extent and hierarchy of leasable tenant space.
2. Structured parking should be screened so as not to be visible from a public street or park/open space.
 3. Structured parking located within the interior of the block or internal to a development and surrounded by buildings is the preferred location.

Sec. 402.18. Bicycle parking.

Bicycle parking shall be provided for all new development within the downtown mixed-use district as follows:

1. Bicycle parking shall be provided in an amount equal to five percent of the minimum required off-street parking spaces for vehicles or ten bicycle spaces, whichever is less; but no fewer than two spaces;
2. Such parking shall be located in close proximity to the primary entrances used by customers, visitors, or residents;
3. Parking areas shall be designed to utilize bike racks installed on paved surfaces;
4. Parking areas and pathways connecting them to the buildings they serve shall be lighted for safety; and
5. Parking shall be encouraged, though not required, for any individual building having a gross floor area of 5,000 square feet or less.

Sec. 402.19-22. Reserved.

DIVISION 4. PARKING LOT DESIGN STANDARDS.

Sec. 402.23. Dimensions.

Parking space and aisle dimensions shall meet the following requirements:

1. Angled parking between these ranges shall be to the nearest degree.
2. Space length may be reduced by up to two feet if an unobstructed overhang, such as a landscaped area or sidewalk, is provided. In such case, the sidewalk shall have a minimum width of seven feet where abutting a parking area. There shall be a minimum distance of seven feet between the parking lot curb and building. Where curbing does not exist, bumper blocks shall be provided to protect pedestrian space adjacent to the building.
3. In parking lots having 20 or more spaces, up to 25 percent of the total required spaces may be compact spaces and designated as such with signs or pavement markings. Compact spaces may be reduced in size in accordance with the provisions below.
4. Any interior driveway designated as a fire apparatus fire access road shall have an unobstructed width of 20 feet.
5. All parking lots shall be striped and maintained showing individual parking bays in accordance with the following dimensions:

Minimum parking space dimensions

Parking pattern	Parking space*		Interior driveway		Total width (two rows of parking and interior driveway)	
	Width	Length	One-way	Two-way	One-way	Two-way
0° (parallel)	8'	22'	12'	24'	28'	40'
compact	8'	20'			28'	40'
45° (angle)	9'	18'	12'	24'	48'	60'
compact	8'	16'			44'	60'
60° (angle)	9'	20'	12'	24'	55'	64'
compact	8'	16'			44'	56'
90°	9'	18'	24'	24'	60'	60'
compact	8'	16'			56'	56'

5. Wheel stops may be required to define parking spaces if alternative materials are used.
6. Golf cart parking spaces, if provided, may satisfy up to ten percent of the required vehicle parking spaces. The minimum dimensions for golf cart parking spaces shall be no less than five feet wide by ten feet long.

Sec. 402.24. Fire lanes.

1. Fire lanes shall be no less than 12 feet in width and located within the traffic lane closest to the building and other structures unless otherwise designated by the fire marshal.
2. Fire lanes shall be designated on the site and posted with appropriate signage prior to building occupancy.
3. Vehicle circulation shall meet turning radius requirements as established by the fire department during the site plan review process.

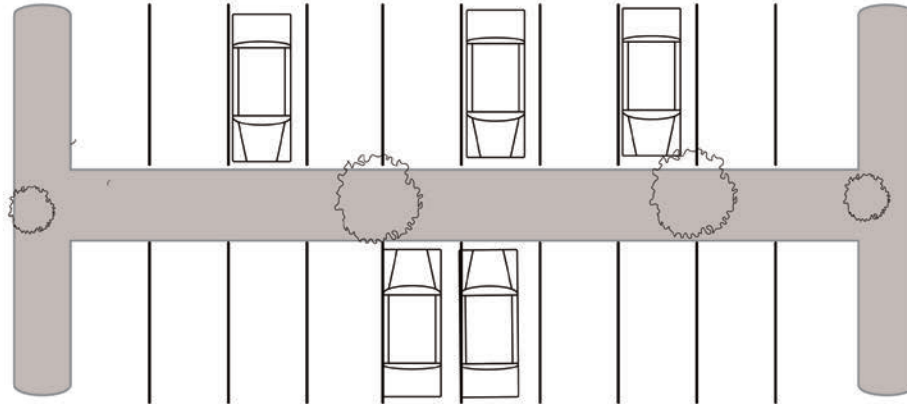
Sec. 402.25. Barrier free parking.

Within each parking lot, signed and marked barrier free spaces shall be provided at a convenient location, in accordance with the applicable requirements of the Americans with Disabilities Act of 1990 (ADA). Barrier free spaces shall be located as close as possible to building entrances. Where a curb exists between a parking lot surface and a sidewalk entrance, an inclined approach or curb cut with a gradient of not more than a 1:12 slope and width of a minimum four feet shall be provided for wheelchair access.

Sec. 402.26. Planting islands.

Parking lots shall be designed such that no more than 15 parking spaces are located in a continuous row without the provision of a planting island. Planting island shall be provided as follows:

1. Internal planting islands shall have a minimum width of nine feet as measured from back of curb.
2. Planting islands on the end of rows of parking shall be a minimum of 12 feet in width as measured from back of curb.
3. The corners of all planting islands shall have a minimum radius of three feet.
4. Linear planting islands may be used to separate rows of parking. Where applicable, the linear planting islands shall be a minimum of ten feet in width as measured from back of curb.



Sec. 402.27. Pavement.

1. All parking areas shall be paved with asphalt, concrete, similar smooth material, or pervious materials as approved by the UDO Administrator.
2. For properties within the industrial zoning districts, customer and employee parking shall be paved with asphalt, concrete, or similar smooth material or pervious materials approved by the UDO Administrator and meeting the requirements of the Georgia Stormwater Management Manual, section 3.3.8 for Modular Porous Paver Systems (as amended).
3. Parking areas to be used for commercial vehicle and/or heavy equipment parking or storage may be gravel or alternate materials based on the material's durability, aesthetics, and compatibility with neighboring properties.
4. Impervious surface calculations shall apply to gravel surface parking unless designed, constructed, and maintained to pervious surface standards.

Sec. 402.28. Pervious paving.

Recommended pervious paving materials include those described in Volume 2 of Georgia Stormwater Management Manual Technical Handbook (as amended), as the porous concrete or modular porous paver systems under the limited application stormwater structural controls as follows:

1. All paved areas shall be of sufficient size and strength to support the weight of service vehicles and emergency apparatus.
2. All parking spaces shall be provided adequate access by means of maneuvering lanes. Backing directly onto a street from an off-street parking space shall be prohibited.
3. Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for all vehicles.
4. All maneuvering lane widths shall permit one-way traffic movement, except that the ninety (90) degree pattern may permit two-way movement.

Sec. 402.29. Curbing.

Parking lots designed to accommodate 20 or more spaces should be designed with curb and gutter to protect landscaped areas, sidewalks, buildings or adjacent property from vehicles that might otherwise extend beyond the edge of the parking lot. The extent of curb and gutter shall be determined during the development plan review process.

Sec. 402.30. Crosswalks.

Pedestrian pathways and crosswalks in parking areas shall be distinguished from driving surfaces through the use of durable, low-maintenance, surface materials such as pavers, bricks, or scored, stamped or colored concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the parking area.

Sec. 402.31. Drive-through lanes and stacking area.

Lanes associated with a drive through window shall be considered part of the principal building when determining building location. For purposes of this section the lanes used for access to drive through window service to any building shall be considered a portion of the structure of the building and said drive-through lanes shall not infringe beyond the building setback lines required for the district in which the zoning lot is located.

Waiting/stacking spaces for drive-through uses (such as banks, restaurants, car washes, pharmacies, dry cleaners and oil change establishments) shall be at least 24 feet long and ten feet wide. Stacking spaces shall not block required off-street parking spaces. Where the drive-through waiting lane provides for a single lane for five or more vehicles an escape/by-pass lane shall be provided to allow vehicles to exit the waiting lane.

Sec. 402.32. Ingress and egress.

Adequate vehicular ingress and egress to the parking area shall be provided by means of clearly limited and defined drives. All parking lots shall provide interior access and circulation aisles for all parking spaces. The use of public streets for maneuvering into or out of off-street parking spaces shall be prohibited.

Sec. 402.33. Access through residential districts.

Ingress and egress to a parking lot in a non-residential zoning district shall not be through a residential district, except in instances where access is provided by means of an alley that forms the boundary between a residential and non-residential district or if specifically authorized by the Mayor and City Council after a public hearing.

Sec. 402.34. Landscaping.

Off-street parking areas shall be landscaped and/or screened, in accordance with Section 401-13 of this UDO. The use of rain gardens and other low impact design solutions to minimize the impact of stormwater runoff is encouraged.

Sec. 402.35. Lighting.

A lighting plan shall be provided for all non-single family developments of one acre or more in size. The plan and supporting documentation shall be prepared in accordance with the provisions in Article 5 of this Chapter.

Sec. 402.36. Charging stations.

Designated parking spaces with electrical charging stations may be located within a parking lot and shall be the same size parking space required by this article. Charging stations may satisfy up to ten percent of the minimum parking requirement for a particular development.

Sec. 402.37. Limitations on use of parking lots.

1. Off-street parking areas are intended only for temporary vehicle parking. Except when land is used as storage space in connection with the business of a repair or service garage, use of parking areas or open land is not permitted for the storage or parking of wrecked or junked cars, or for creating a junk yard or nuisance.
2. Loading spaces and parking spaces as required herein shall be considered separate and distinct requirements and shall be provided as individual components on the site. In no case shall one component be construed as meeting the requirements of the other.
3. Parking lots and loading areas shall not be used for the long-term storage of trucks or trailers, except where such outdoor storage is specifically permitted in the zoning district and designated on an approved site plan. Overnight parking or storage of commercial vehicles shall be prohibited, except for uses and locations approved for vehicle storage or the overnight parking of such vehicles at hotels and similar uses intended to accommodate overnight users. This shall not be construed to prohibit the overnight parking of commercial fleet vehicles or the short-term parking of trailers in loading bays or staging areas related to commercial or industrial uses.
4. It shall be unlawful to use a parking lot or open area to store or park any vehicle for the purpose of displaying vehicles for sale, except in an approved vehicle sales dealership.

Sec. 402.38 - 41. Reserved.

DIVISION 5. OFF-STREET LOADING REQUIREMENTS.

Sec. 402.43. Uses requiring loading area.

On the same premises with every building, structure or part thereof, erected and occupied for manufacturing, storage, warehousing, retail sales, consumer services or other uses similarly involving the receipt or distribution of vehicles, materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading services in order to avoid undue interference with public use of the streets, alleys and parking spaces. This provision shall not apply to retail sales and consumer service uses of less than 10,000 square feet.

Sec. 402.43. Loading area requirements.

Loading and unloading spaces shall be paved and measure no less than ten feet by fifty feet, with fifteen foot high clearance, or as approved by the fire marshal, in accordance with the following schedule:

Minimum off-street loading requirements	
Building net GFA	Minimum truck loading spaces
1 - 25,000 SF	1 space
25,001 - 40,000 SF	2 spaces
40,001 - 100,000 SF	3 spaces
100,001 - 160,000 SF	4 spaces
< 160,000 SF	5 spaces, plus 1 space for each 80,000 sq. ft. in excess of 240,000 square feet (or fraction greater than ½)

Sec. 402.44. Orientation of overhead doors.

Except within industrial zoning districts, overhead doors for truck loading areas shall not face a public right-of-way and shall be screened to not be visible from a public street or an adjoining residential district.

Sec. 402.45. Proximity to residential uses.

Loading and unloading spaces shall not be located closer than 50 feet to any residential district boundary, unless the spaces are wholly within a completely enclosed building or completely screened from the residential district by an approved solid, sight-obscuring wall or fence at least six feet in height.

Sec. 402.46 - 49. Reserved.

DIVISION 6. PARKING RESTRICTIONS.

Sec. 402.50. Single-family residential.

1. No vehicle, trailer, boat or similar recreational vehicle or equipment shall be parked in the front yard of a residential lot between the principal building and the street unless the vehicle is parked on the driveway or on a paved surface as follows:
 - a. In general, the restricted area shall be established as the line extending from side property line to side property line and parallel to the forward-most feature of the principal structure on the property.
 - b. For corner lots and double frontage lots, the restricted area shall be established as the line extending from property line to property line and parallel to the forward-most elevation of the principal structure on the property.
 - c. In cases where the principal building front is not parallel to the street, the UDO Administrator shall determine the restricted area.
2. Off-street parking on approved surfaces in other areas of the front, side, or rear setback areas may be permitted when in the opinion of the UDO Administrator no practical alternative exists, the purpose of the district would not be compromised, and no detrimental impact would result.
3. For purposes of this section, the term “vehicle” means motorized or a non-motorized equipment designed to be pulled by a motorized equipment, which are designed to travel with persons or cargo upon land, air or water. Without limiting the generality of the above, a vehicle shall include:
 - a. Automobiles, trucks and buses;
 - b. Trailers, boats, campers and personal watercraft; and,
 - c. Motorcycles and golf carts.
 - d. A trailer designed to carry one boat, or up to two motorcycles, or up to two personal watercraft, when loaded, as designed, with one boat, or up to two motorcycles, or up to two personal watercraft shall be counted as one vehicle for the purposes of this section. While a trailer, designed to be pulled by a car, automobile, or truck, is hitched to a care, automobile or truck for travel on public roads, the hitched trailer and the car, automobile or truck shall be considered one vehicle for purposes of this section.
 - e. Abandoned or dismantled vehicles, trailers, boats or similar recreational vehicles or equipment, or portion thereof, shall not be located in such area for more than 24 hours.
4. Parking areas shall not exceed 30 feet in width or half the lot width, whichever is less, unless the width of the lot is 100 feet or greater. If so, the UDO Administrator may authorize a greater driveway width if compatible with the character of the surroundings and aesthetically pleasing.

Sec. 402.51. Parking, repair and storage.

1. It shall be unlawful for the owner, tenant or lessee of any building or land within the city to permit the

open storage or parking of any inoperable motor vehicle, machinery or equipment, or parts thereof, outside of an enclosed garage or enclosed building, for a period of more than 48 hours; provided, this restriction shall not apply to vehicle repair establishments located in the industrial zoning districts when such storage area is screened in accordance with the requirements of this article. An inoperable motor vehicle for purposes of this subsection shall include motor vehicles which, by reason of dismantling, disrepair or other cause, are incapable of being propelled under their own power, or are unsafe for operation on the streets and highways of this state because of the inability to comply with the Georgia Motor Vehicles and Traffic Code, or do not have a current license and registration as required for operation by the Georgia Motor Vehicles and Traffic Code.

2. No person shall perform major repairs on a semi-truck tractor, semi-truck trailer or tractor trailer in a residential district. Light servicing shall be permissible provided such light servicing is done in accordance with applicable federal and state law (specifically including, but not limited to, those laws governing hazardous waste disposal and environmental protection) and provided that such servicing does not create a nuisance or otherwise violate any other provision of the city's Code of Ordinances.
3. The repair, restoration and maintenance of vehicles in any residential district or on property containing a dwelling unit, shall be conducted entirely within an enclosed building, except for those activities that can be and are completed in less than 24 hours. All such repair shall take place on private property and may not be conducted within the public right-of-way.
4. It shall be unlawful for the owner, tenant or lessee of any lot or building in a residential district or on property containing a dwelling unit to permit the open storage or parking outside of a building of semi-truck tractors and/or semi-truck trailers, bulldozers, earth carriers, cranes or any other similar equipment or machinery, unless parked for purposes of construction being conducted on that lot.

Sec. 402.52. Recreational vehicles.

Recreational vehicles may be located outside an enclosed building on any lot within a residential district; provided, the following requirements are met:

1. If located on an interior lot, recreational vehicles shall not be permitted in the front yard established within that zoning district. On a corner or through lot, recreational vehicles shall not be permitted in any yard abutting a street.
2. Recreational vehicles may be parked within any yard on a hard-surfaced area for up to 48 hours for no more than seven continuous days for purposes of cleaning, loading or unloading.
3. Recreational vehicles may be stored for extended periods within a non-required side or rear yard; provided, the vehicle is on a hard-surfaced area suitable for that purpose and is screened from view of adjoining properties.
4. Recreational vehicles may be used for temporary occupancy for periods not to exceed 48 hours; provided, the recreational vehicle contains sleeping accommodations and is solely for the use of the owner of the lot or guests of the owner.
5. Recreational vehicles shall not impede the flow of traffic, shall not extend beyond the driveway into the street, or parked in such a manner that will block access to a sidewalk.

Sec. 402.53. Tractor trucks.

No person shall park or store any truck tractor trailer, semi-trailer, or any motor vehicle having in excess of two axles in a residential district for longer than two hours.

This section shall not apply to the following:

1. Tractor trucks, tractor trailers or semi-trailers owned or operated by the city, the State of Georgia or the United States government.
2. Tractor trucks, tractor trailers or semi-trailers actively being used in the process of loading or unloading personal property for relocation, moving or similar purposes; provided, however, that such tractor trucks,

tractor trailers or semi-trailers shall not remain parked or stored in any residential zone for longer than 36 consecutive hours.

3. Owners/ operators of tractor trucks who have secured valid permits from the city.
4. Nothing herein shall be construed to impair or limit in any way the power of the city to define and declare nuisances and to declare their removal or abatement by summary proceedings or otherwise.

Sec. 402.54. Commercial vehicles.

1. No more than one commercial vehicle may be parked on a residential lot overnight (11:00 PM - 7:00 AM) except during temporary and city permitted construction project upon the residential lot. For the purposes of this section:
 - a. Commercial vehicle shall mean a vehicle that carries or contains commercial or industrial equipment or trade tools on the exterior of the vehicle, including, but not limited to ladders, power equipment and lawn equipment; or a vehicle on which is painted, drawn or attached a sign advertising a commercial business or trade excluding license plates and bumper stickers.
 - b. Vehicle shall also mean a motorized equipment or a non-motorized equipment designed to be pulled by a motorized equipment, which are designed to travel with persons or cargo upon land, air or water. Without limiting the generality of the above, vehicle shall include (but not exclusive): cars, automobiles, trucks, trailers, boats, airplanes, motorcycles, golf carts, campers, recreation vehicles, buses.
 - c. A trailer designed to carry one boat, or up to two motorcycles, or up to two personal watercraft, when loaded, as designed, with one boat, or up to two motorcycles, or up to two personal watercraft shall be counted as one vehicle for the purposes of this section. While a trailer, designed to be pulled by a car, automobile, or truck, is hitched to a car, automobile or truck for travel on public roads, the hitched trailer and the car, automobile or truck shall be considered one vehicle for purposes of this section.
2. Except as otherwise provided herein, or except when being utilized in a temporary, city permitted, construction project on the lot in questions, it shall be unlawful for the driver of a vehicle described herein below to park overnight or the owner or occupant of the residential zoned lot in question to knowingly allow to be parked overnight, upon a residential zoned lot, any vehicle meeting any one of the following classifications:
 - a. A commercial vehicle exceeding 30 feet in length (for purposes of this length restriction a trailer hitched to a car, motor vehicle or truck shall be measured as a separate vehicle);
 - b. A commercial vehicle whose gross vehicle weight rating exceeds 18,000 pounds;
 - c. A commercial vehicle which sits upon more than two axles;
 - d. A commercial vehicle which sits, or is designed to sit, upon more than six wheels;
 - e. A trailer of a tractor trailer or a semi-trailer; or
 - f. Dump truck, wrecker truck, tow truck, auto transportation truck, freight truck, logging truck, dirt-sand-gravel hauling truck, bull dozer, bucket truck, cement truck, crane, forklift, backhoe, track hoe, articulated truck, compactor roller, excavator, front-end loader, motor grader, buses including school buses.

Sec. 402.55. Overnight parking.

It shall be unlawful for the owner or driver of a commercial vehicle to park said vehicle overnight between the hours of 11:00 PM - 7:00 PM on any public street within the city unless the street is posted with a sign as authorized by the Mayor and City Council, which sign allows or authorizes parking of vehicles overnight.

Sec. 402.56-59. Reserved.

ARTICLE 3. TREE PROTECTION, LANDSCAPING AND BUFFERING.

DIVISION 1. GENERAL PROVISIONS.

Sec. 403.1. Intent.

The city has determined it is necessary and desirable to enact landscaping and tree preservation regulations for the protection of the public health, safety and welfare. The importance of plant material is recognized by the city for its contribution to shade, cooling, noise and wind reduction, soil erosion prevention, oxygen production, dust filtration, carbon dioxide absorption, aesthetic and economic enhancement of all real property, and its contribution to the general well-being and quality of life of the citizens and visitors. Consistent with the expressed purpose of this article, all persons shall make reasonable efforts to preserve and retain certain existing, self-supporting trees as defined in these regulations. In order to achieve these purposes, this article calls for the conservation, planting and replacement of trees, shrubs and groundcover without denying the reasonable use and enjoyment of real property.

Sec. 403.2. Applicability.

This article shall apply to all activity within the city requiring a land disturbance or soil erosion and sediment control permit, unless specifically exempted. For those activities exempted by this article, tree preservation and best practices are strongly encouraged to uphold the intent of this article.

Sec. 403.3. Exemptions.

Exemptions from this article include:

1. Removal of dead, diseased, or infested trees, as determined by the Georgia Forestry Commission. Proof of a certified arborist's determination is required, in order to avoid penalties for tree removal;
2. The operation and maintenance of orchards and tree nurseries in active commercial operation;
3. All property involved in a viable agricultural operation (establishment, cultivation, or harvesting of fields, and/or livestock operation). Commercial forestry operations are allowed, provided that valid forestry management plans have been submitted to, and accepted by the city; or
4. Any lot within a subdivision zoned for single family residential uses where the lot has been purchased from the developer and a house has been built.

Sec. 403.4-7. Reserved.

DIVISION 2. TREE PROTECTION STANDARDS.

Sec. 403.8. Specimen trees.

A specimen tree is any tree or grouping of trees which has been determined to be of high value because of its species, size, age, location, or historic value. General criteria for the determination of specimen trees are:

1. Any deciduous canopy tree whose DBH equals or exceeds 26 inches;
2. Any evergreen canopy tree whose DBH equals or exceeds 22 inches;

3. Any understory tree whose DBH equals or exceeds eight inches;
4. Any dogwood, redbud or magnolia tree whose DBH equals or exceeds four inches; or
5. Any tree which has a significant historical value and can be documented through historical records, or otherwise.

Sec. 403.9. Preservation of specimen trees.

It shall be unlawful for any person or corporation to remove or cause the removal of any specimen tree without having first received approval, either through the site plan review process, in the case of new development, or in the form of a tree-removal permit.

1. Approval through site plan review.

When site plan review by the Planning and Zoning Commission is required for any development, the location of all specimen trees shall be shown on all site plans by location, species and size. The site plans shall be submitted to the UDO Administrator for evaluation and recommendation before submission to the Planning and Zoning Commission. All site plans shall also include those requirements listed under tree removal application requirements herein. Approval of a development plan and/or construction plan shall constitute approval for removal of any specimen trees impacted by development on the site plan.

2. Approval through tree removal permit.

The application for a tree removal permit shall be on a form provided by the community development department for this purpose. An application for the removal of any specimen tree on public or private property shall include the following:

- a. A list of the trees to be removed, including diameter, species, and general location on the property;
- b. Photo documentation of each tree to be removed;
- c. General photos of the property showing existing conditions;
- d. Certification that all trees to be removed are located on the property of the applicant. The city may require a surveyor to identify property lines when trees to be removed are located within five feet of the adjoining property line; and
- e. Such other information as may reasonably be required by the UDO Administrator including, but is not limited to, a professional arborist's appraisal of the tree's viability and projected life span, or a written authorization from a homeowners' or community association, if applicable.

Sec. 403.10. Action on application.

The UDO Administrator may approve an application for the removal of a specimen tree provided at least one of the following conditions are met:

1. The location of the tree prevents the opening of reasonable and necessary vehicular traffic lanes;
2. The location of the tree prevents the construction of utility lines or drainage facilities which may not feasibly be relocated;
3. The location of the tree prevents reasonable access to the property, if no alternate access exists;
4. The tree is diseased, dead or dying to the point that repair or restoration is not practical or the disease may be transmitted to other trees as determined by the planning and development director or his/her designee; and
5. There is no reasonable assurance that if the tree is saved with proper construction precautions, it will continue to live as an asset to the site.

Sec. 403.11. Application not required, when.

Approval for removing a specimen tree shall not be required when at least one of the following conditions is met:

1. When removal of a specimen tree is specifically approved by site plan review;
2. When a specimen tree sustains irreparable damage and, therefore, constitutes an immediate hazard to human life or property;
3. When trees on commercial horticultural properties are to be removed as a direct part of the business conducted on those properties; or
4. When public service companies perform normal construction and maintenance.

Sec. 403.12. Enforcement.

1. Each specimen tree removed without approval, as provided herein, shall be considered a separate offense, which is subject to citation and a penalty as determined by the judge of the municipal court.
2. For evaluation purposes, the criteria of \$100 per caliper inch of trunk as measured at the top of the remaining stump may be used. This dollar evaluation of the damaged tree may be required to be invested on the site as commensurate replacement plantings.
3. It could also be considered permissible to replace a removed tree with a number of smaller trees of the same species, provided the combined caliper measurements of the smaller trees is at least equal to the measurement of the protected or specimen tree which was removed.

Sec. 403.13. Deforestation prohibited.

Deforestation on non-exempt properties is strictly prohibited. Any person, or entity responsible for the deforestation of a site shall be subject to the maximum penalties allowed under this article. Additionally, any site, which includes exempt and non-exempt properties, that has been deforested shall not be eligible to apply for a development permit, a building permit, rezoning, or annexation into the city for a period of three years from the date that the deforestation occurred. For purposes of this paragraph the last date of deforestation shall be the last day in which a forestry operation is conducted. The property owner who conducts a forestry operation within the city shall be required, within 30 days of the last day of deforestation, to deliver to the UDO Administrator a written notice setting forth the last date of deforestation and the identity and location of the property deforested. Upon a property owner failing to timely notify the UDO Administrator as provided above, the UDO Administrator shall establish the last day of deforestation based upon the best information available, which estimated date shall not be rebuttable. For purposes hereof forestry operation shall include, but is not limited to, the harvesting of 40 percent or more of the trees measuring eight inches DBH and larger on any property or development site. For purposes of this paragraph, the term site shall encompass and include any and all property within the city without regard to any possible exemption.

Sec. 403.14. Treatment and removal of infected and infested trees.

1. Public property.

If any tree on public property is infested with insects or infected with a disease detrimental to surrounding vegetation, the city may remove the tree and otherwise control such infection and infestation.

2. Private property.

It shall be the responsibility of any person having trees on his property to treat and/or remove any infected or infested tree.

Sec. 403.15-18. Reserved.

DIVISION 3. LANDSCAPING REQUIREMENTS FOR RETAIL, COMMERCIAL AND INDUSTRIAL PROPERTIES.

Sec. 403-19. Site design.

1. Non-residential properties outside of the DMU Downtown Mixed Use District shall maintain no less than 40 percent of the site as green space.
2. Non-residential properties inside the DMU Downtown Mixed Use District shall maintain no less than ten percent of the site as green space unless a lesser amount is approved by the Planning and Zoning Commission as a part of the plan review process.
3. Zoning districts which allow both residential and non-residential uses are subject to the non-residential green space requirements.

While all types of trees are protected under these standards, special emphasis is placed on preservation of large trees and certain significant and more valued species listed herein. The highest site design priority shall be given to preservation of hardwood trees with a DBH of 26 inches or larger. Removal of these valued trees is highly discouraged, and will only be approved upon the determination of the Planning and Zoning Commission that all responsible design alternatives have been explored by the applicant and removal cannot be avoided.

The placement of grade changes and building pads shall respect existing specimen trees. Under no circumstance shall a grade change be allowed to intrude upon the critical root zone of a specimen or preserved tree. For development sites that do not contain any or very few of these significant trees, design emphasis should be shifted to preserving other species present.

Sec. 403.20. Tree replacement requirements.

1. Tree replacement requirements shall be based on the total amount of impervious surface on a development site. For every 2,000 square feet of impervious surface, the landscape plan shall provide no less than three caliper inches of canopy trees and no less than two caliper inches of understory trees.

For example:

- a. A development site contains 68,000 SF of impervious surface.
 - b. Divide 68,000 by 2,000, which equals 34.
 - c. Multiply 34 x 3 to determine the total caliper inches of canopy trees required - in this case, a total of 102 caliper inches (cumulative) of canopy trees must be provided.
 - d. Multiply 34 x 2 to determine the total caliper inches of understory trees required - in this case, a total of 68 caliper inches (cumulative) of understory trees must be provided.
2. Canopy trees shall be a minimum of two and one-half inches in caliper.
 3. Deciduous understory trees shall be a minimum of two inches in caliper.
 4. Multi-trunk trees used as understory trees shall have a minimum of three canes, each of which shall be a minimum of two inches in caliper.
 5. Evergreen understory tree shall be a minimum of 15 gallons in size or a minimum of six feet in height above finish grade at the time of planting.
 6. Sizing and grading standards for all plant material shall comply with the latest edition of the American Standard for Nursery Stock as prepared by the American Association of Nurserymen and adopted by the American National Standards Institute, Inc. (ANSI Z60.1).
 7. Planting islands shall be 100 percent landscaped with canopy trees, understory trees, evergreen shrubs and/or groundcover in mulched beds. Sod or turf is not permitted in planting islands.
 8. Shrubs and/or groundcover within planting islands shall be maintained so as not to exceed 36 inches in

height.

Sec. 403.21. Credit for preservation of existing vegetation.

For those developments that designate and maintain tree save areas other than vegetation located within required buffers or areas identified for future development, the Planning and Zoning Commission may permit up to a 25 percent reduction in the total number of trees required by this article as follows:

Tree save areas must be identified on the development plans and protected with a tree-save barrier during construction. Construction materials, construction debris, or equipment shall not be stored within the tree-save areas.

Tree credit shall be determined as follows:

Determine total SF of property (total acreage x 43,560).

Determine total SF of tree save area.

Divide total SF of tree save area by total SF of property and multiply by 100.

Example:

Total project site = 1.4 acres

Total SF of project site = $1.4 \times 43,560 = 60,984$ SF

Total tree save area = 0.15 acres

Total SF of tree save area = $0.15 \times 43,560 = 6,534$ SF

Tree save credit = $(\text{total SF of tree save area} / \text{Total SF of project site}) \times 100$

Tree save credit = $(6,534 / 60,984) \times 100 = 10.7\%$

Based on this example the Applicant may request up to 11% tree save credit for the property.

3. Special consideration may be given when protected trees are preserved on a project site. These trees shall be identified on the tree survey submitted as a part of the conceptual site plan review process and shall be inspected by the UDO Administrator and/or a certified arborist to determine the health of the tree.
4. In those instances where protected trees are preserved, the Planning and Zoning Commission may consider a reduction in the total caliper inches of trees required by this article.

Sec. 403.22. Credit for preservation of existing vegetation.

For those developments that designate and maintain tree save areas other than vegetation located within required buffers or areas identified for future development, the Planning and Zoning Commission may permit up to a 25 percent reduction in the total number of trees required by this article as follows:

1. Tree save areas must be identified on the development plans and protected with a tree-save barrier during construction. Construction materials, construction debris, or equipment shall not be stored within the tree-save areas.
2. Tree credit shall be determined as follows:
 - a. Determine total SF of property (total acreage x 43,560).
 - b. Determine total SF of tree save area.
 - c. Divide total SF of tree save area by total SF of property and multiply by 100.

Sec. 403.23. Parking lot landscaping requirements.

The perimeter of all parking lots shall be landscaped with evergreen plant material.

1. Individual plants shall be a minimum of 3 gallons in size and no less than 24 inches in height as measured from finish grade to the top of the shrub at the time of planting.
2. The center of all planting holes shall be no closer than 36 inches from the back of curb or edge of pavement.
3. Plants shall be installed in staggered rows at no less than 4 feet on center with no more than 2 feet between rows of shrubs.
4. Plant material adjacent to all access drives, internal streets and/or parking aisles shall be maintained so as not to exceed 36 inches in height.
5. A planting area of no less than ten feet in width as measured from the back of curb shall separate all parking lots, driveways and/or service courts from an adjoining property line.

Sec. 403.24. Foundation planting.

1. Where practicable, foundation planting areas of no less than six feet in width shall be maintained between sidewalks, parking areas or drive aisles and the building or structure.
2. Foundation planting areas are not required between structures and loading areas or for those structures where drive-through facilities are utilized.
3. Foundation planting areas are to be reserved for plant material, either existing or planned.
4. Foundation planting areas may be penetrated to provide for access to the building.

Sec. 403.25. Irrigation.

1. It is recommended, but not required, that all planting and lawn areas include an underground irrigation system with a programmable timer and operational rain shut-off device.
2. If an underground irrigation system is not provided, a water source shall be provided no less than 100 feet from all planting areas.
3. The property owner shall be responsible for insuring the plant material is properly watered.

Sec. 403.26-29. Reserved.

DIVISION 4. STREET TREE AND INTERNAL LANDSCAPING REQUIREMENTS FOR NEW SUBDIVISIONS.

Sec. 403.30. Purpose.

The purpose of this section is to provide for street trees along public and private streets within the city to ensure a pedestrian friendly environment along with providing distinct aesthetic, economic and environmental significance, and value as a future natural resource to the city.

Sec. 403.31. Spacing and location of street trees.

Street trees shall be provided on both sides of all new public streets within the city and shall be located no closer than 12 feet from the back of curb or edge of pavement as follows:

1. Large canopy trees shall be planted at a spacing not to exceed 40 feet on center, except that spacing may be altered slightly to accommodate driveways, sidewalks utilities, etc. as approved by the UDO Administrator.
2. Small canopy trees may be planted at a spacing not to exceed 30 feet on center where existing overhead utility lines prohibit the use of large canopy trees as approved by the UDO Administrator.

Sec. 403.32. Tree replacement on residential lots.

In an effort to replenish the urban tree canopy in areas of new residential development, each new residential lot created shall provide canopy trees in accordance with the following schedule:

Required number of canopy trees		
Lot size (SF)	Front yard	Rear yard
10,000 or less	1	1
10,001 – 15,000	1	2
15,001 – 20,000	2	2
20,001 or greater	3	3

This requirement does not apply to new residential lots located within the R-6 and R-8 Residential zoning districts. Subdivisions within those zoning districts are subject to the development of a master landscape plan for the overall development.

In all residential zoning districts, street trees installed as a part of the overall development may be counted towards the tree replacement requirements when those trees are located within or adjacent to the individual lot.

Sec. 403.33. Existing trees.

The use of existing trees to satisfy this requirement is encouraged. Supplemental plantings may be required in the addition to native material. Existing canopy trees over 6 inches in caliper may be counted towards fulfilling this requirement. Required street trees may not be counted towards the fulfillment of this requirement.

Sec. 403.34. Location and spacing.

All trees required within this section shall be planted within the private lot and must be spaced at a width sufficient to accommodate mature growth.

Sec. 403.35-38. Reserved.

DIVISION 5. BUFFER REQUIREMENTS.

Sec. 403.39. Highway buffers.

A. Location and intent.

Highway buffers shall be incorporated into the development or redevelopment of all retail, commercial, office and/or industrial tracts adjoining the rights-of-way of State Highways 85, 54, 92, 314 and Jimmie Mayfield Boulevard. Said buffers shall be subject to the tree preservation requirements and all other applicable provisions of this article. No existing trees shall be removed from highway buffer on any lot or parcel developed prior to the adoption of this article, except as otherwise permitted.

1. A vegetated buffer of no less than 25 feet in width as measured from the right-of-way shall be provided on those parcels of land abutting State Highways 85, 54, 92, 314 and Jimmie Mayfield Boulevard.
2. For parcels located within the DMU District, the highway buffer requirements may be reduced as follows:

Zoning District	Buffer width (min.)
DMU-HC	5'-25'
DMU-MUC	5'-25'
DMU-GC	25'
DMU-MUN	5'-25'
DMU-BC	5'-25'
DMU-TR	5'-25'
DMU-NR	25'
DMU-OS	25'

3. The intent of the buffer is to preserve existing vegetation, where practicable, or to provide sufficient room to re-establish a vegetated buffer between the roadway and the new development. The buffer shall include canopy and understory trees, shrubs and groundcover. The following uses may be permitted within the buffer and shall be approved as a part of the plan review process:
 - a. Vehicular access drives placed approximately perpendicular to the right-of-way;
 - b. Sidewalks, multi-use paths and bicycle paths;
 - c. Walls and fences no greater than four feet in height;
 - d. Landscaping sculpture, lighting fixtures, trellises and arbors;
 - e. Signage; and
 - f. Water, sanitary sewer, electrical, telephone, natural gas, cable and other service lines provided that they are placed approximately perpendicular to the right-of-way. Where existing lines or planned lines must run parallel to the right-of-way, an equivalent amount of buffer may be required beyond the 25 feet if the character of the buffer is greatly disturbed. To the greatest extent practicable, such service lines should be consolidated with vehicular access routes.
4. Electrical, telephone, gas, water supply, sewage disposal and other utilities may be constructed within the required buffer area. After installation of such services, the developer shall be required to restore the buffer area as approved by the UDO Administrator.
5. Where existing and/or proposed drainage features and stormwater detention areas are located within the highway buffer due to natural land forms or drainage patterns, additional buffer depth may be required to achieve the visual softening intent of this section.
6. No tree in excess of 6 inches DBH may be removed from the highway buffer except for access drives, sight triangles, and dead or diseased trees as approved by the Planning and Zoning Commission.

B. Re-naturalization of highway buffers.

The UDO Administrator may require additional vegetation to assist in re-naturalizing areas which visually impact public rights-of-way. The intent of this requirement is to supplement tree replacement requirements with smaller plant material (one-gallon minimum) in buffer areas that are void of vegetation.

Sec. 403.40. Buffer zones between dissimilar zoning districts.

1. Where nonresidential districts are contiguous with residential districts, or where multi-family districts are contiguous with single-family residential districts, buffer zones are required on the nonresidential and multi-family properties.
2. Where a pre-existing nonresidential development is contiguous with a proposed residential development, and where no buffer in compliance with this article is established on the nonresidential development contiguous with the proposed residential district; or where a pre-existing multi-family district is contiguous with a proposed single-family residential development, and where no buffers in compliance with this article are in existence on the multi-family tract contiguous with the proposed single-family residential development; then in such cases, the developer of the proposed residential district or single-family residential district, as applicable, shall be required to establish a buffer zone between the proposed project and the pre-existing use where a buffer is required by this section.
3. Buffer zones as indicated below shall be designated on the appropriate site plan prior to final approval and shall be designated as a permanent buffer to be maintained by the property owner, homeowner's association or the community association:

Buffer width when adjoining residential zoning categories:					
	Legacy Residential	Suburban Residential	Urban Residential	Commercial and Business	Industrial and Public
Legacy Residential	0	25	50	75	100
Suburban Residential	25	0	25	50	75
Urban Residential	50	25	0	25	50
Commercial and Business	75	50	25	0	0
Industrial and Public	100	75	50	0	0

4. The intent of buffer zones is to maintain natural vegetation between dissimilar zoning districts by restricting temporary or permanent disturbance through clearing, grading, property improvements or construction activities. However, the Planning and Zoning Commission may approve land disturbance within the required buffer as a part of the site plan review process with the provision the applicant provides a detailed landscape plan identifying how the buffers will be re-established with plant material, walls, fences and/or berms.
5. No buffer zone shall be used for paving, parking, recreation areas, or as otherwise restricted in this article.
6. Where nonresidential or multifamily residential property is contiguous to a public two-lane road and located across said road from a single-family zoning district, whether within or outside the city also contiguous to the same two-lane public road, the following buffer requirements shall apply:

Right-of-way width	Minimum buffer width
Less than 50'	20' undisturbed
51 - 60'	15' undisturbed
61' and greater	10' undisturbed

7. To the greatest extent practicable, these buffers shall be left in their natural states unless the property has only one frontage and/or access on a public road. Under such circumstance, the required buffer may be disturbed to allow a curb cut and access to the property, but must be landscaped with a mix of trees and shrubs, approved by the Planning and Zoning Commission, to provide adequate opacity.

Sec. 403.41. Buffer screening standards.

Screening is a method of visually shielding or obscuring one use from another by fences, walls, berms or densely planted vegetation. The buffer may consist of a combination of required plantings, wall, screen fence or berms. In the event walls, fences or berms are used to provide screening within the buffer, the Planning and Zoning Commission may reduce the required number of trees and shrubs by up to 50 percent, if it is determined that the purpose of the buffer will still be achieved. However, where topographic conditions, minimal separation of uses, noise generation or other characteristics of the property or use exist, the Planning and Zoning Commission may require construction of a fence, wall or berm in addition to the required plantings along all or a portion of the buffer.

A. Plantings.

1. Buffer plantings shall consist of a combination of trees and shrubs. Planted areas shall be located along the abutting property lines in areas that will provide the most effective screening.
2. Evergreen species, under normal growing conditions, shall attain a minimum height of eight feet. The spacing of evergreens shall be such that within three years the plantings can be expected to provide a continuous opaque screen.
3. All other trees and shrubs used within any buffer area shall conform to the size requirements specified herein at time of planting.

B. Walls.

Masonry or stone walls incorporated into the buffer shall be constructed of durable material and shall not exceed six feet in height. The wall shall be placed along the interior side of the buffer with the required plantings on the outer side facing the adjoining property.

C. Fences.

Fences shall be constructed of pressure treated wood, vinyl or other durable material and shall not exceed six feet in height. The 'finished' side of the fence shall be oriented towards the property line. Fences shall be placed along the interior side of the buffer with the required plantings on the outer side facing the adjoining property.

D. Berms.

Earthen berms, if incorporated into the buffer, shall have a maximum slope of 3:1 and a flat-topped crown at least two feet in width. Plant material shall be placed along the top of the berm and the side slope facing the adjoining property. Berms shall be constructed with a height no greater than six feet and shall be undulated to provide a natural appearance.

Sec. 403.42. Buffer design.

All buffers required by this article shall conform to the following specifications:

1. Landscape plans and tree protection plans shall be required to show the types and locations of all existing and proposed plantings within a required buffer;
2. Landscaping within buffer areas shall be used to screen objectionable views or nuisances, such as parking and service areas, loading docks, outdoor activity areas, refuse containers, air conditioning units and transformers. To achieve such purposes, trees and shrubs may be clustered rather than uniformly spaced to achieve optimum screening and buffering; and
3. Existing trees within the designated buffer area may be credited toward meeting the requirements of this article if the UDO Administrator determines that such plant materials achieve the purposes of this article.

Sec. 403.43. Modification of requirements.

The requirements of this article may be waived or modified by the Planning and Zoning Commission under any of the following conditions:

1. If it is clearly demonstrated that the existing topography and/or vegetation will achieve the purposes of this article;
2. If it is clearly demonstrated that for topographic reasons, no required screening device could reasonably screen the ground level activities of the use from the first-floor view of the abutting structure or use;
3. The adjoining property owners mutually agree in writing that the required buffer is not necessary for a satisfactory use and enjoyment of their property rights, and such agreement is made and recorded as a covenant running with each parcel or parcels of land; or
4. It is clearly demonstrated that an existing (or proposed) public right-of-way separation between adjoining properties will achieve the purposes of this section.

Sec. 403.44. Use of buffers.

Except as described in Section 401-39, buffers may be used for passive recreation including, but not limited to, sidewalks, multi-use paths, side paths, equestrian trails, or as stormwater retention, detention and/or water quality area provided that:

1. No planted materials shall be eliminated;
2. The total depth of the required buffer area shall be maintained; and
3. The effectiveness of the desired screening shall not be diminished.

Sec. 403.45. Maintenance.

In those situations where the buffer is not maintained by a community or homeowner association, the owner of the property on which the buffer is located shall be responsible for maintenance of the buffer area to include, but not be limited to, mowing, removal of litter, removal and replacement of dead or diseased plant materials, and necessary pruning. Fences and walls shall be kept in a condition that meets the requirements of this article.

Sec. 403.46. Failure to comply.

Any failure to comply with the requirements of this article shall be subject to the enforcement and penalty provisions established within the Section 103-4.

Sec. 403.47. Surety for buffer installation.

When the date for issuing a certificate of occupancy does not coincide with the seasonal planting conditions necessary to install a required buffer, the UDO Administrator may accept a surety for plant material proposed for the buffer. Such surety shall be considered to be part of the tree and landscape performance bond required by this article. Acceptance of a surety in no way alleviates the requirement to stabilize the entire buffer.

Sec. 403.48. Notice to purchasers.

When any lot that requires a buffer under this section is conveyed to the initial purchaser, the developer shall include in the deed or other instrument of conveyance a covenant which shall run with the land.

Sec. 403.49-52. Reserved.

DIVISION 6. LANDSCAPE PLAN SUBMITTAL REQUIREMENTS.

Sec. 403.53. Landscape plan required.

A landscape plan shall be provided for all new retail, commercial or industrial development and shall be included as a part of the development plan submittal package.

The plan shall be prepared and/or signed and sealed by a Registered Landscape Architect licensed to practice in the state of Georgia and, at a minimum, shall include the following:

1. Title of project and physical address of the site.
2. Site location map, north arrow, and scale of drawing.
3. Name, address and telephone number of owner/ developer.
4. Name address and telephone number of the person who prepared the plan.
5. Pertinent site features, including buildings, sidewalks, drives, parking areas signs, site lighting, meter boxes, underground utility lines, curbing and the available water source.
6. Greenbelts, buffers, stormwater detention areas, drainage inlets and structures, wetlands and floodplain areas.
7. Site lighting poles, exterior mechanical equipment, underground utilities and associated easements.
8. A detailed summary of all site-related improvements and impervious area as follows:

Site information:

	Total SF	Total acreage
Total site area		
Total unbuildable area:		
- Flood plain, wetlands, etc.		
- Tree save and landscape buffers		
- Other buffers (unbuildable land)		
- Designated tree save areas		
Total buildable area		

Total impervious surface:

	Total SF	Total acreage
Buildings, accessory structures, etc.		
Drives, parking, service courts, etc.		
Sidewalks, outdoor patios, etc.		
Detention areas		
Total impervious area		

9. The total number of canopy and understory caliper inches required to meet tree replacement requirements.
10. A detailed planting key, including the botanical and common name of all plant material; the quantity of each species; the size (caliper, height, width); condition, (i.e., balled and burlapped, container grown, bare root, collected, etc.); and special remarks (number of stems, color or bloom, etc.).

Sec. 403.54-57. Reserved.

DIVISION 7. LANDSCAPE PLAN NOTES.

Sec. 403.58. Landscape notes required.

The following notes shall be required on all landscape plans submitted for review and approval:

A. Planting and maintenance criteria.

1. All plant material shall comply with the latest edition of the American Standard for Nursery Stock as prepared by the American Association of Nurserymen and adopted by the American National Standards Institute, Inc. (ANSI Z60.1).
2. All plant material shall be maintained in compliance with the latest edition of the National Tree Care Standards as prepared by the Tree Care Industry Association (TCIA) and adopted by the American National Standards Institute (ANSI A300).
3. It shall be the duty of any person or persons owning or occupying property subject to this article to maintain said property in good condition so as to present a healthy, neat, and orderly appearance. Property shall be kept free from refuse and debris. Planting beds shall be mulched with a minimum of three inches of fresh mulch at least once each year to prevent weed growth and to maintain soil moisture. Plant materials shall be pruned as necessary to maintain good health and character. Turf areas shall be

mowed periodically. All roadways, curbs and sidewalks shall be edged when necessary in order to prevent encroachment from adjacent grassed areas.

4. Where landscaping areas adjoin grassed rights-of-way, such areas shall be considered part of the landscaped area for purposes of maintenance. At of completion of site improvements, the property owner shall have an implied easement on rights-of-way extending from the site to the road pavement in order to complete the required maintenance.
5. A maintenance inspection of trees shall be performed periodically within and at the end of three full years from the date the certificate of occupancy is issued. Project owners at the time of the maintenance inspections are responsible for ordinance compliance.
6. The owners of the property and their agents, or assigns shall be responsible for the installation, preservation and maintenance of all planting and physical features shown on this plan. The owners shall be responsible for annual maintenance of the vegetation to include, but not be limited to, fertilization, pruning (within limits), pest control, mulching, mowing, protection of the root zones from equipment, construction and related material, watering schedule for irrigation system and any other continuing maintenance operations required to maintain the health and vitality of all plant material. Failure to maintain all plantings in accordance with this plan shall constitute a violation of this article and shall result in issuance of appropriate citations and/or fines.
7. All plant material shall be allowed to reach its mature size and shall be maintained at its mature size. Except for trimming and pruning done in strict accordance with the terms, conditions and provisions of a permit issued by the city, vegetation shall not be cut or severely pruned or otherwise damaged so that their natural form is impaired. A violation of this section shall subject the violator to a fine as specified herein. In addition to this fine, the owner of the property where a violation has occurred shall be required to replace each unlawfully pruned, damaged, or removed tree with a tree of equal size as determined by the city.
8. Trees and plantings shall be maintained to provide an unobstructed vertical clearance of 13'-6" from finish grade to the lower branches of the tree canopy. Such clearance shall span the width of all public and private roadways, parking lot travel lanes and fire apparatus access roads.

B. Plant guarantee requirements.

1. The property owner shall guarantee all plant material for a minimum of three years from date of acceptance by the UDO Administrator and the issuance of a certificate of occupancy. Thereafter, the UDO Administrator shall inspect said improvements and shall make a determination of whether or not the required trees and landscaping are healthy and have a reasonable chance of surviving to maturity. The owner shall be notified by letter of any replacements or restoration that must be made to maintain compliance with this article. All unhealthy and dead plant material shall be replaced within 45 days of receipt of such letter in conformance with the approved landscape plan.
2. After development is complete, the UDO Administrator shall continue to make random inspections to insure that all existing trees of protected size as well as replacement and/or supplemental trees are maintained. Tree planting shall be required should any of these trees die, be removed, or be destroyed at any time after completion of development. This regulation applies to all projects regardless of the date the development permit or development approval was issued.

Sec. 403.59-62. Reserved.

DIVISION 8. INSTALLATION AND APPROVAL PROCESS.

Sec. 403.63. Installation requirements.

All landscaping identified on the approved landscape plan shall be installed prior to the issuance of a certificate of occupancy unless the following criteria are met:

1. In lieu of installing the plant material, a cash bond or other acceptable security in an amount equal to 125 percent of the city's estimated cost of the required improvements which have not been installed or are not installed in a satisfactory manner may be submitted to the UDO Administrator.
2. Upon posting a bond or security, the developer shall have a one year in which to complete the required improvements in a satisfactory manner, or the bond or other security shall be forfeited and revoked, and the city shall then take whatever action is necessary to complete the required improvements.
3. When a developer has installed the required landscaping improvements, he shall request that the UDO Administrator schedule an inspection. If the UDO Administrator approves the installation, he shall submit a written report to the building official, and the project shall be released for a certificate of occupancy. If the UDO Administrator does not approve the installation, he shall submit a report stating his reasons for disapproval so the developer can make the necessary corrections. A re-inspection fee, as established within the schedule of fees, shall be required for any required re-inspections.

Sec. 403.64. Landscape bond requirements.

In order to insure the survival of required replacement trees and shrubs, said plant materials may, at the discretion of the UDO Administrator, be bonded under the following circumstances:

A. Final landscape inspection.

The UDO Administrator shall conduct a final inspection of trees, shrubs and other landscaping for completeness and to ensure the plant material is consistent with what was shown on the approved landscape plan. Should there be a discrepancy the applicant and/or Landscape Architect may be required to submit an as-built landscape plan prior to issuance of a certificate of occupancy.

B. Seasonal planting bond.

1. When the time of year is inappropriate for installation of required plant material, a seasonal planting bond may be utilized for a period of up to six months. The intent of this bond is too allow a project to receive a certificate of occupancy once all other requirements have been met. Utilization of a seasonal planting bond shall not relieve the applicant of the requirement to stabilize the project site.
2. The seasonal planting bond shall be equal to 100 percent of the total cost of materials and installation, and shall be released upon final inspection and compliance with the approved landscaping plan. Seasonal planting bonds shall be in the form of cash, check, money order, or letter of credit.

C. Landscape bond.

1. All projects that require replacement plant materials shall be required to submit a landscape survival bond, which shall be valid for a period of no less than 24 months from the date of issuance of the certificate of occupancy. The intent of this bond is to allow for the replacement of plant material that does not survive within a 24-month period. The landscape survival bond shall be equal to 125 percent of the total cost of plant material and installation for the first 12 months, and shall be reduced to 50 percent of the total cost of materials and installation for the remainder of the bond period.
2. Prior to release of the landscape survival bond, the UDO Administrator shall make a final inspection of the trees and landscaping at the scheduled completion of work. If work has been completed, the tree and landscape survival bond shall be refunded. If the landscaping is not complete at the scheduled deadline, the landscape survival bond shall be withheld based upon the amount of work incomplete and the city, at its sole discretion, may cause the work to be completed and paid for with the bond .
3. Landscape survival bonds shall be in the form of cash, check, money order, or letter of credit. If cash, check, or money order are utilized to secure a bond, the funds will be placed in an interest bearing escrow account.

Sec. 403.65-68. Reserved.

DIVISION 9. EXEMPT ACTIVITIES.

Sec. 403.69. General.

The following shall be exempt from the provisions of this article:

1. Construction of a single or two-family dwelling on an individual lot or parcel of land not located within a subdivision, planned unit development or mixed-use development.
2. The operation and maintenance of orchards and tree nurseries in active commercial operation.
3. All property involved in a viable agricultural operation (establishment, cultivation, or harvesting of fields, and/or livestock operation).
4. With the exception of highway buffers as described in Section 401-38 and transitional buffers as described in Section 401-39, all lands dedicated exclusively to legitimate silviculture shall be exempt from this article during the time period when the lands remain completely devoted to tree harvesting.
5. Properties located within the DMU Downtown Mixed Use District shall be exempt from the requirements of this article.
6. Once legitimate silviculture takes place in conformity with the regulations of this article, no other land disturbing activities shall be permitted on the entire property where the legitimate tree harvesting operations are conducted for a period of three years after completion of the legitimate tree harvesting operations. For purposes of this paragraph the last date of legitimate tree harvesting shall be the last day in which a legitimate tree harvesting operation is conducted. The property owner who conducts a legitimate tree harvesting operation within the city shall be required, within 30 days of the last day of legitimate tree harvesting operations, to deliver to the UDO Administrator a written notice setting forth the last day of the legitimate tree harvesting operation and the identity and location of the property. Upon a property owner failing to timely notify the city, as provided above, the UDO Administrator shall establish the last day of deforestation based upon the best information available, which estimated date shall not be refutable.

Sec. 403.70. Pruning.

The following activities shall be exempt from the trimming and pruning regulations of this article:

1. The removal of dead, diseased or damaged trees, as approved by the UDO Administrator;
2. The removal of trees necessary for the construction, operation and maintenance of drainage facilities and sanitary and storm sewers, as approved by the UDO Administrator;
3. The removal of trees for construction of public streets and improvements, as approved by the UDO Administrator;
4. The removal of trees in time of emergency, including, but not limited to, tornadoes, windstorms, floods, freezes or other natural disasters, or which pose potential danger to life or property;
5. Utilities in connection with overhead service, distribution, transmission lines, underground service and distribution lines;
6. Utility lines, which are tunneled beneath tree roots in order to protect feeder roots, are permitted. Elsewhere trenching is allowed no closer to a tree's trunk than 75 percent of the dripline radius;
7. Construction (including clearing the lot) of a single-family residential structure, including attached single-family;
8. Any land recognized by the city upon which bona fide agricultural operations or commercial nursery or tree farm uses are being conducted; or
9. The trimming and pruning regulations of the article shall not apply to the trimming, pruning, maintenance or removal of trees by the landowner, or others acting on behalf of the landowner from any easement on the landowner's property that is not occupied by a street, alley or any type of overhead utility installation.

Sec. 403.71-74. Reserved.

DIVISION 11. WAIVERS AND MODIFICATIONS.

Sec. 403.75. Waivers permitted.

In accordance with the provisions within Section 104-18.D, any person affected by this article may petition the Planning and Zoning Commission for a variance from the strict application of this ordinance as follows:

1. The application shall be made upon a form provided by and approved by the UDO Administrator.
2. The Planning and Zoning Commission shall consider the purpose of the landscape requirements and whether a variance of some or all of the applicable requirements will still fulfill the purpose of this article. Factors to be considered shall include:
 - a. Existing topography;
 - b. Sight lines or visibility;
 - c. Existing vegetation to be preserved; and,
 - d. Building placement.

Sec. 403.76. Violations and penalties.

Property in violation of this article shall be subject to a notice of violation, citation, stop work order and/or fines and penalties as established by the Mayor and City Council, with the amount being determined by the municipal court judge, until such time as the remedial actions have been satisfied.

Where trees, shrubs, etc., have been removed in violation of this article, the city may recommend to the municipal court judge that, in addition to the fines imposed by the court, replacement plant material should be planted on-site or off-site at the discretion of the UDO Administrator.

Sec. 403.77-80. Reserved.

DIVISION 12. ALTERNATIVE COMPLIANCE.

Sec. 403.81. Overview.

In those instances where the available land within a project site cannot bear the total number of replacement trees required by this article, the applicant may request to participate in the city's alternative compliance program. Alternative compliance shall be limited to either an off-site planting program or a monetary contribution to the city's landscape and reforestation fund as described herein.

Consideration of alternative compliance shall adhere to the following guidelines:

1. All canopy and understory trees that can reasonably be planted on a project site shall be provided. The remaining trees shall be considered for alternative compliance;
2. In no instance shall more than 50 percent of the canopy and understory trees required by this article be met through alternative compliance; and
3. Requests for alternative compliance shall be considered as a part of the established landscape plan review process.

Sec. 403.82. Off-site planting program.

Off-site planting provides an opportunity to utilize canopy and understory trees to re-vegetate city-owned property, open space, recreation facilities and road rights-of-way. Off-site plantings shall be permitted on city-owned property only. Locations for off-site plantings and species of trees shall be identified by the UDO Administrator prior to preparation of the off-site planting plan.

Off-site planting shall be considered in accordance with the following guidelines:

1. An off-site planting plan shall be provided as a part of the landscape plan submittal package and shall include, at a minimum, the location, species and size of all trees proposed to meet the established tree replacement requirements.
2. The landscape plan and the off-site planting plan shall be reviewed and approved by the UDO Administrator as a part of the landscape plan approval process.
3. Off-site plantings shall be installed in accordance with current American National Standards Institute (ANSI) guidelines and procedures.
4. The applicant shall guarantee all off-site plantings in accordance with the maintenance criteria and plant guarantee requirements identified herein.
5. All off-site plantings shall be installed and approved by the UDO Administrator prior to the issuance of a certificate of occupancy as described herein.

The following note shall be provided on the approved off-site planting plan:

“The plant material identified on this plan was approved by the UDO Administrator in accordance with the city’s off-site planting program. Along with the approved landscape plan, it is understood this off-site planting fulfills the tree replacement requirements for the _____ development located at _____ as established by the city’s landscape ordinance.”

The off-site planting plan shall be attached to the approved landscape plan and shall be maintained by the UDO Administrator.

Sec. 403.83. Landscape and reforestation fund.

There is hereby established a landscape and reforestation fund that shall receive payments made by property owners in lieu of planting additional trees as approved by the UDO Administrator, in addition to forfeited landscape bonds and forfeited escrow funds for landscaping. Funds in the landscape and reforestation fund shall be administered by the UDO Administrator. Where it is determined by the UDO Administrator that it is impractical or impossible to fully meet the tree replacement requirements for a site as defined herein, the portion of the trees that cannot be accommodated on the site may be satisfied by a payment into the landscape and reforestation fund.

Payment into the tree fund shall be made prior to the issuance of a certificate of occupancy. The amount of the payment shall be calculated based on the cost of purchase and installation of the additional trees, and verified by the UDO Administrator.

The landscape and reforestation fund shall be available for use by the city for the establishment, maintenance, improvement and expansion of tree canopy cover on public property. The expenditure of landscape and reforestation funds shall be permitted for various activities related to tree conservation including purchase of trees at least two caliper inches in size, planting of trees, maintenance of trees during the establishment period, and purchase of appropriately forested greenspace.

Sec. 403.84-87. Reserved.

ARTICLE 4. BUILDING MATERIALS AND DESIGN.

DIVISION 1. GENERAL PROVISIONS.

Sec. 404.1. Purpose.

The purpose of this article is to provide design standards and related provisions for exterior building materials for commercial, office and industrial uses to enhance the quality of development, thereby improving property values, stimulating investment in various business districts, encouraging quality industrial and research and development projects, improving the pedestrian environment of the city, and enhancing the quality of life for the residents of the city. The provisions of this article are intended to promote quality architecture to ensure that buildings retain their value, investments by adjacent landowners are protected, development blends harmoniously with the streetscape, and a positive image is created and retained within business and employment districts.

Sec. 404.2. Applicability.

This article shall apply to the development or redevelopment of all retail, commercial, office and/or industrial tracts lying within 500 feet of the centerline of State Highways 85, 54, 92, 314 and Jimmie Mayfield Boulevard.

New development and/or changes to existing development located within these areas shall be reviewed by the Planning and Zoning Commission for compliance with these guidelines. There shall be no alteration of the existing condition of land, uses, structures, landscaping or lighting within these areas without approval of the Planning and Zoning Commission. If a proposed development will not be visible from the road once the project is completed, the applicant may request that the Planning and Zoning Commission waive these requirements.

The compatible relationship of each development within these areas is of critical public concern for any building or site enhancements. The intent of design review is not to stifle innovative site planning, engineering, or architectural design but to assure respect for and reduce incompatible and adverse impacts on the visual experience. The Planning and Zoning Commission shall solely base their review on the guidelines established herein.

Sec. 404.3. Downtown Mixed Use District.

This article shall not apply to any buildings located within the DMU Downtown Mixed Use District. Building materials and design standards for that district are established within Section 203.20.

Sec. 404.4-7. Reserved.

DIVISION 2. ARCHITECTURAL DESIGN STANDARDS.

Sec. 404.8. Design standards.

A. General.

1. The design of structures, walls, fences, signs, light fixtures and accessory buildings shall be unobtrusive and of a design, material and color that blend harmoniously with the natural surroundings and the scale of neighboring architecture. Innovative, high quality design and development is strongly encouraged to enhance property values and long-term economic assets along designated corridors.

2. While diversity of architectural design is highly encouraged, multiple buildings on the same site or within the same development should be designed to create a cohesive visual relationship between the buildings.
3. Franchise architecture for single or multiple buildings within a development should be avoided in order to create buildings that complement one another. Franchise architecture is defined as building design that is trademarked or identified with a particular franchise, chain or corporation and is generic or standard in nature. Franchises or national chains should follow the standards of this article to create buildings that are compatible with the development in which it is located, utilizing similar architectural design, building materials or color selections to blend in with the surrounding development.
4. Architectural design should be compatible with the developing character of the neighboring area. Design compatibility includes complementary building style, form, size, color, materials, and detailing. Buildings design should take into account the following design principles:
 - a. Size - the relationship of the project to its site.
 - b. Scale - the relationship of the building to those around it.
 - c. Massing - the relationship of the building's various parts to each other.
 - d. Fenestration - the placement of windows and doors.
 - e. Rhythm - the relationship of fenestration, recesses and projection.
 - f. Setback - the relation to setback of immediate surroundings.
 - g. Materials - their compatibility with the surrounding developments.
 - h. Context - the overall relationship of the project to its surroundings.
5. Buildings should incorporate alcoves, arcades, awnings, covered walkways, porticoes or roofs that protect pedestrians from the rain and sun. In addition, when appropriate, buildings should incorporate changes in mass, surface, lighting or finish to emphasize entranceways.
6. Blank walls that can be seen from any street (public or private) are prohibited. Walls shall have offsets, jogs, or other distinctive changes in the building facade. Long or continuous wall planes shall be avoided, particularly in pedestrian activity areas, where buildings should exhibit more detail and elements appropriate for close range pedestrian view.

B. Building height and massing.

1. The height of proposed buildings should be coordinated with the height of adjoining structures, especially where buildings will be located very close to each other. It is often possible to adjust the height of a wall, cornice, or parapet line to match that of an adjacent building. Similar design linkages, such as window lines, should be placed in a pattern that reflects the same elements on neighboring buildings.
2. The massing of a building can be defined as the overall geometry (length, width and height) of its perceived form. Massing is a significant factor that contributes to establishing the character of a specific building. Of particular importance in defining the massing of a building is the overall height of the form, both actual and perceived, as well as the geometry of the roof.
3. In order to reduce the apparent bulk of multi-story buildings and maintain pedestrian scale by providing a sense of "base," "middle," and "top", the following guidelines must be met:

a. Base.

Buildings shall have a distinct "base" at the ground level by using articulation and materials such as stone, masonry, or decorative concrete. Distinction of the base may also be defined by windows, alcoves, water tables, a change in materials, texture or color, building overhangs, canopies, awnings, or other architectural elements. For multi-story buildings, a base may be one story tall, defined by a storefront, a cornice, or a change in materials.

b. Middle.

The middle of the building must be made distinct by change in building materials and/or color, windows, balconies, recessed panels, step backs, or other decorative features. The middle of a

building typically consists of a pattern of upper-story windows.

c. Top.

The “top” of the building shall emphasize a distinct profile or outline with elements such as projecting parapets, cornices, upper level setbacks, or pitched rooflines.

4. The facades of all buildings shall be proportionally divided using architectural elements including windows and entries in conjunction with porches, arcades, and awnings. Any wall surface over 30 feet in length should include at least one change in plane. Larger buildings shall be divided into bays of 25 to 40 foot widths that are articulated by pilasters, piers, differentiation in material, texture, or color, or by variations in the wall plane.

C. Exterior building materials and architectural elements.

1. All sides of a building may have an impact on adjoining developments and should be considered for treatment with an architectural finish of primary materials (i.e., brick, wood and stone), unless other materials demonstrating equal or greater quality are used. At a minimum:
 - a. Facades facing a public or private street shall contain no less than 80 percent brick and/or stone;
 - b. Side facades shall contain no less than 50 percent brick and/or stone; and,
 - c. Rear facades shall not have a minimum requirement for primary materials and may consist entirely of secondary materials (e.g., stucco).
 - d. Tertiary materials (i.e., wood and metal) should be used for decorative elements and trim only.
2. Unless approved by the UDO Administrator, the following types of building materials should not be used on any part of the exterior of a building exposed to public view:
 - a. Metal building without a masonry base course or other architectural features;
 - b. Prefabricated steel panels;
 - c. Highly reflective, shiny, or mirror-like materials;
 - d. Mill-finish (non-colored) aluminum metal windows or doorframes;
 - e. Aluminum, vinyl or fiberglass siding or roofing materials;
 - f. Un-faced or painted concrete block;
 - g. Pre-cast concrete panels or exposed, unfinished foundation walls; or
 - h. Exposed plywood or particle board.

D. Allowance for other materials.

The Planning and Zoning Commission may waive or modify the material requirements of this article if it finds a proposed building design and materials or combinations of materials are in keeping with the purpose of this article. Durability and sustainability are priorities. The Planning and Zoning Commission shall also consider the established or desired character of the area, visibility of the site, proposed landscaping, building scale, and design recommendations of the comprehensive plan. Acceptable substitute materials may include tilt-up panels, split-face block and similar high quality, durable and aesthetically compatible materials. However, metal siding and plain concrete block shall not be permitted.

E. Exterior color selection.

1. Material or color changes generally should occur at a change of plane. Piecemeal embellishment and frequent changes in material and/or color selections will be avoided.
2. Facade colors should be low reflectance, and subtle, neutral, or earth-tone colors. High-intensity colors, metallic colors, black, or fluorescent colors should not be used.
3. Building colors should be carefully chosen so that each building color complements that of its neighbors.

Colors can be classified as the “base” color (used on the majority of the building surface), “trim” color (used on the window trim, fascia, balustrades, and posts), and “accent” color (used on signs, awnings, and doors). The base color should consist of more subdued earth tones or brick shades. Trim colors should have contrasting lighter or darker shade than the base color.

F. Primary color(s).

A maximum of three predominant colors should be designated as a primary unifying element. Accent colors should not be considered predominant colors. Flexibility may be used to allow additional colors and/or a range of predominant colors provided that these colors are in the same family of colors or are similar to each other. Any color specified as a primary unifying element shall be dominant in the building facade.

G. Accent colors.

Accent colors may be used as a secondary unifying element provided they are used throughout the development.

H. Awnings.

The use of awnings on buildings is encouraged to provide protection from sun, wind, and rain, and to improve aesthetics of the building exterior. It is recommended that awnings be constructed with a durable frame and covered by a heavy-gauge fabric or canvas material. Aluminum and other metal canopies are acceptable in most instances, particularly when integrated into shopping center designs.

1. Solid colors are preferred over striped awnings, but striping is permitted if colors complement the character of the structure or group of buildings.
2. Awnings are encouraged for first floor retail uses to provide architectural interest and to encourage pedestrian activity. Where awnings are used, they should be designed to coordinate with the design of the building and any other awnings along the same block face. Awnings on second floor windows can be used to soften the appearance of a particular elevation or to assist in reducing the scale of the overall building.

Sec. 404.9-12. Reserved.

DIVISION 3. SCREENING OF UTILITIES AND TRASH ENCLOSURES.

Sec. 404.13. Design standards.

A. General.

Where utilities and mechanical equipment are visible from the right-of-way or from adjoining property, they shall be screened in accordance with the following:

1. All heating, ventilation, air conditioning or other mechanical equipment shall be screened by an opaque wall or fence and/or evergreen plant material;
2. The screening material shall exceed the height of the equipment by no less than 12 inches at the time of installation;
3. The screening material shall be designed in such a manner as to not interfere with the operation of the equipment;
4. Where applicable, the screening material shall be designed to be compatible exterior of the building;
5. Mechanical and/or utility equipment located on the roof of a structure shall be fully screened from streets

- and/or adjoining property;
6. Site line studies shall be provided as a part of the conceptual site plan and building elevation approval process to ensure the equipment is not visible;
 7. Baffles and/or other noise reducing devices shall be provided where retail, commercial or industrial tracts adjoin residential property to mitigate noise impacts; and
 8. Equipment associated with the provision of on-site electric, cable, telephone, gas or other utilities shall be screened with evergreen plant material. It is understood that areas around certain utilities must remain clear in accordance with their requirements.

B. Design specifications.

Donation bins, trash containment devices, compactors, dumpsters, grease receptacles and/or recycling areas shall be enclosed with a masonry wall and located so as not to be visible from the adjoining streets and/or properties, as follows:

C. Location.

The location of the trash or utility enclosure shall be identified on the conceptual site plan; and Trash or utility enclosures shall be limited to the rear or side yard of the development site.

D. Access.

Access to trash or utility enclosures shall be designed to limit the potential of damage to automobiles by service vehicles.

E. Concrete base.

Trash or utility enclosures shall include a solid base constructed of no less than six inches of reinforced concrete and measuring no less than nine feet by nine feet.
The concrete base shall extend 12 feet beyond the front of the enclosure to support the service vehicle.

F. Screen walls.

1. Masonry screen walls shall enclose the concrete base on three sides and shall be a minimum of eight feet in height or two feet taller than the highest point of the trash or utility enclosures.
2. The height of the screen wall shall be measured from finished grade at the base of the wall to the top of the wall.
3. The exterior of the wall shall be finished in a manner which is compatible with the design, materials and color selections used on the principal building.
4. Wood enclosures, unfinished concrete block, or poured concrete with false brick design shall not be permitted.

G. Gates.

1. The front of all trash or utility enclosures shall be designed with a heavy-duty solid wood or metal gate with appropriate support posts and locking devices.
2. The gate shall be a minimum of eight feet in height or two feet taller than the highest point of the trash containment device.
3. Gates shall be maintained in good working order and kept closed when the trash or utility enclosures are not being used.

H. Grease receptacles.

Above-ground and exposed grease bins shall be enclosed with a masonry wall no less than one foot taller than the highest point of the grease receptacle.

The enclosure shall be designed with curbing to contain potential spillage.

I. Exemptions.

The Planning and Zoning Commission may waive the requirement for a trash or utility enclosure for businesses, such as banks, that store all waste material indoors or other uses that provide alternate means of handling waste disposal.

Sec. 404.14-17. Reserved.

ARTICLE 5. BUILDING AND SITE LIGHTING.

DIVISION 1. GENERAL PROVISIONS.

Sec. 405.1. Purpose.

The purpose of this article is to permit reasonable uses of outdoor lighting for night-time safety, utility, security, productivity, enjoyment, and commerce while minimizing the effects of excessive or uncontrolled light in order to:

1. Maintain consistent and uniform light levels for traffic and pedestrian safety along roadways, sidewalks, and in parking lots;
2. Ensure uniform lighting for security and law enforcement;
3. Minimize glare, obtrusive light, and artificial sky glow by limiting outdoor lighting that is misdirected, excessive, or unnecessary;
4. Curtail and reverse the degradation of the nighttime environment and the night sky;
5. Minimize light pollution and light trespass from light sources onto adjacent properties; and
6. Conserve energy and resources to the greatest extent possible.

Sec. 405.2. Applicability.

This article shall apply to all new development in the city subject to this article, unless otherwise specified. When a building, structure, or lighting fixture is extended, enlarged, or reconstructed after the effective date of this article, the applicable lighting standards shall apply.

Sec. 405.3-6. Reserved.

DIVISION 2. LIGHTING REQUIREMENTS.

Sec. 405.7. Lighting standards.

All exterior lighting should be architecturally compatible with the building style, material, and color selections. Architectural and shoebox style cutoff fixtures shall be used in all parking areas as opposed to cobra type light fixtures and directional floodlights. Exterior lighting of the building and site should be designed so that light is not directed off the property and the light source is shielded from direct off-site viewing. All outdoor light fixtures should be fully shielded or be designed or provided with light angle cut-offs, so as to eliminate uplighting, spill light, and glare.

Sec. 405.8. Exterior lighting fixtures.

Exterior architectural, display and decorative lighting visible from the designated corridors shall be generated from a concealed light source with low-level fixtures. Any lighting fixture used to illuminate parking areas, access drives or loading areas shall be of such design, so as to minimize the amount of ambient lighting perceptible from adjacent properties. In no case shall any lighting impair the vision of motorists on the corridor.

Sec. 405.9. Site entrances.

Entrances into developments from the designated corridors may be lighted for traffic safety reasons, provided such lighting does not exceed the applicable footcandle requirements specified herein. Excessive illumination of

signage, buildings, or site features should be avoided. Roof lighting and down-lighting washing the building walls are strongly discouraged.

Sec. 405.10. Lighting plan required.

A lighting plan shall be required for all non-single family residential developments of one acre or more in size. The plan shall illustrate all proposed lighting on the exterior of the building and on the site, the areas of night illumination, and the amount of light at various places as measured in footcandles (fc).

The lighting plan shall consist of either isofootcandles or a photometric grid with individual spot readings. The lighting plan shall not be approved if it results in direct light that exceeds the requirements or is otherwise inconsistent with the provisions of this article.

Outdoor lighting on all sites shall be directed downward and confined to the ground areas of lawns or parking lots, unless specifically authorized elsewhere. In addition, the following standards shall apply to all fixtures, except as may otherwise be provided:

1. Lighting shall utilize full cutoff fixtures that are recessed sufficiently so the light source is not visible from off-site;
2. Bollard lights are permitted to light driveways and sidewalks;
3. All lighting fixtures shall have internal visors/ panels or external visors that control off-site light spill and glare;
4. Lighting fixtures shall be properly aimed when installed to control light spill and glare. Proper aiming shall be maintained at all times; and
5. Lighting fixtures located within the public right-of-way are exempt from the provisions of this subsection.

Sec. 405.11. Accent lighting.

Accent lighting fixtures for sculptures, statues, trees, landscape features, flags, signs, architectural features and site entrances may orient light upward and shall be approved as follows:

The directed light shall be substantially confined to the object intended to be illuminated to minimize glare, sky glow, and light trespass; and

The directed light shall not shine directly into the window of a neighboring structure or directly onto a roadway.

Sec. 405.12-13. Reserved.

DIVISION 3. EXTERIOR LIGHTING FIXTURES.

Sec. 405.14. Wall pack lighting.

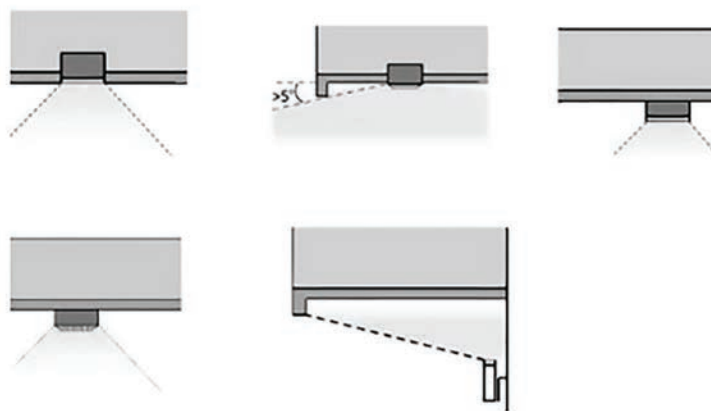
Decorative wall pack fixtures may be used only at service entrances to buildings and shall not be used to draw attention to the building or provide general building or site lighting. Wall packs on the exterior of a building shall be fully shielded (full cut-off type bulb or light source not visible from off-site) to direct light downward.



Sec. 405.15. Canopy lighting.

Security lighting underneath canopies for service stations, ATM's or similar uses shall be restricted as follows:

1. There shall be no more than two 320-watt recessed lighting fixtures (including lenses) mounted flush with the bottom of the canopy on each side of a gasoline pump.
2. Lighting shall not exceed an average of 12 fc as measured at the ground level at the inside of the outside edge of the canopy.
3. Lighting for ATM machines shall be recessed and mounted flush with the actual canopy above the ATM machine and shall comply with the latest requirements identified within the IESNA Lighting Handbook or established by federal regulations.



Sec. 405.16. Wall sign lighting.

Internally illuminated signs are permitted but shall comply with the following:

1. Light from an illuminated sign shall not be of an intensity or brightness that will interfere with the peace, comfort, convenience and general welfare of residents or occupants of adjacent properties;
2. Light emitting diodes (LED)'s are allowed as a light source in a manner that the LED is behind acrylic, aluminum or similar sign face and returns in such a manner that the LED modules are not visible from the exterior of the sign;
3. Light fixtures directed at a sign may be permitted where the fixtures are shielded so as not to cause visible glare to persons on adjacent streets or property;
4. Lighting directed toward a sign must be shielded so that it illuminates only the face of the sign and does not shine directly onto the right-of-way or adjacent properties;
5. Projecting light fixtures used for externally illuminated signs must be simple and unobtrusive in appearance, and not obscure the sign;
6. Where raceways are used, the raceway shall not extend in width or height beyond the area of the sign. The raceway must also be finished to match the background wall where the sign is mounted, or be integrated into the overall design of the sign; and
7. Visible transformers shall not be permitted.

The following illumination sources are not permitted:

1. Blinking, flashing or chasing lights;
2. Bare bulb illumination;
3. Colored bulbs or lamps used in any manner so as to be confused with or construed as traffic control devices; or
4. Direct reflected light that creates a hazard to operators of motor vehicles.

Sec. 405.17. Monument sign lighting.

Illumination of monument signs shall comply with the following:

1. The externally located steady light source shall be shielded and directed solely at the sign;
2. The light source shall be designed so as not to cause glare to persons on adjacent streets and property.
3. The intensity of the light shall not exceed 20 fc at any one point on the sign face.

The following illumination sources are not permitted:

1. Blinking, flashing or chasing lights;
2. Bare bulb illumination;
3. Colored bulbs or lamps used in any manner so as to be confused with or construed as traffic control devices; or
4. Direct reflected light that creates a hazard to operators of motor vehicles.

Sec. 405.18. Decorative lighting.

The UDO Administrator may approve decorative or aesthetic lighting fixtures, including those that do not orient all light downward, if the following conditions are met:

1. The fixtures shall not exceed the maximum height specified in this article;
2. The fixtures shall offer a design element that is complementary to the architectural style of the adjacent building(s); or
3. The fixtures shall not negatively impact neighboring residential properties or any public right-of-way.

Sec. 405.19-22. Reserved.

DIVISION 4. ILLUMINATION LEVELS.

Sec. 405.23. Illumination levels permitted.

Horizontal illumination levels shall be measured at ground level by a light meter certified by its manufacturer as being calibrated in accordance with standards of the National Institute of Standards and Technology. Maximum illumination readings may be taken directly beneath the luminaire. Vertical illumination readings shall be taken on the surface of the object being lighted or at five feet above the ground for pedestrian areas.

Light levels shall meet the following minimum and maximum requirements for the developed portion of the site containing buildings, drives, and parking lots:

Lighting location	Min. illumination (fc) ¹	Avg. illumination (fc)	Max. illumination (fc)
Within a development site:			
Parking lots	0.5 fc ²	3.0 fc	5.0 fc
Walkways/ pedestrian ways	0.2 fc	3.0 fc	5.0 fc
Loading areas and building entrances			3.0 fc ³
Landscape and decorative	0.2 fc	.50 fc	3.0 fc
At property line:			
Abutting a residential use or district	0.5 fc		0.5 fc
Abutting a street right-of-way	0.5 fc		2.0 fc ⁴
Abutting a non-residential use or district	0.5 fc		2.0 fc

¹ Lighting levels may be reduced to one half (0.5) footcandle with a uniformity ratio of not more than ten to one (10:1) after 12:00 PM, or after established hours of operation.

² The minimum illumination levels shall not apply to portions of the site that are fenced to restrict public access, such as storage yards.

³ For automobile dealerships and other types of outdoor sales areas the maximum illumination may be increased to 15 footcandles, provided the limits at the property line are not exceeded.

⁴ These regulations shall not apply to ornamental street lighting, public street lights, or driveway/intersection lighting necessary for pedestrian and traffic safety.

⁵ The light level along a non-residential property line may be increased to up to five footcandles where there is shared access/vehicular connection with the adjacent use or the adjacent use is a similar use (e.g. commercial adjacent to commercial).

Sec. 405.24-27. Reserved

DIVISION 5. FIXTURE MOUNTING HEIGHT.

Sec. 405.28. Retail, commercial and industrial development.

Except as otherwise provided, lighting fixtures in nonresidential districts and for nonresidential uses in residential districts shall not exceed the following height, as measured from ground level to the top of the fixture:

1. 14 feet in the DMU Downtown Mixed Use District;
2. 18 feet in the C-1 Neighborhood Business District; or
3. 28 feet in the remaining commercial, office and industrial zoning districts.

Fixture mounting height should be appropriate for the project setting. Lower mounting heights are encouraged where sites adjoin residential areas or other sensitive land uses. Use of low, bollard-type fixtures are encouraged for pedestrian area lighting.

The UDO Administrator may approve light fixtures up to 35 feet in height if all of the following conditions are met:

1. The area of development is at least five acres in size;
2. The total square footage of any building or buildings to be constructed on the property is at least 50,000 square feet; and
3. The applicant submits a lighting plan, as prepared by a Certified Lighting Professional, demonstrating that lighting levels will not exceed 0.5 foot-candles along any public right-of-way or any shared property line.

Sec. 405.29. Residential development.

Except as specified herein, light fixtures in any residential district, including residential uses within any mixed-use district, shall not exceed 18 feet in height. Light fixtures within a multiple-family development in any zoning district shall not exceed 28 feet in height.

Light fixtures mounted on a building in a residential district may not be mounted above the first floor of the building; however, this restriction shall not apply to any single-family or two-family residence.

Sec. 405.30. Exempt lighting types.

The following types of lighting shall be exempt from the standards set forth in this article:

1. Decorative seasonal lighting for festivals and holidays with a power rating of 75 watts or less;
2. Decorative string lighting over outdoor patios, dining areas or gathering areas;
3. Temporary emergency lighting used by police, firefighters, or other emergency services;
4. Hazard warning luminaires or safety or security lighting required by regulatory agencies or state or federal law;
5. Lighting within swimming pools or other water features that are governed by Georgia Department of Public Health regulations;
6. Athletic field lighting;
7. Exit signs, stairs, ramps, and other illumination required by building codes;
8. Emergency room entrances;
9. Airport lighting;
10. Lighting of the American and government flags; and
11. Any lighting fixture that is exempt from the provisions of this article by state and/or federal law.

Sec. 405.31. Prohibited lighting types.

The following types of lighting shall be prohibited:

1. Search lights (unless approved as a part of a special event);
2. Strobe lights;
3. Laser source lights;
4. LED lights or ribbon lights outlining windows and/or architectural features on a building; or
5. Any similar high-intensity or flashing light, except in emergencies by police and fire personnel or at their direction.

Sec. 405.32-35. Reserved.

ARTICLE 6. ADVERTISING AND SIGNS.

DIVISION 1. GENERAL PROVISIONS.

Sec. 406.1. Findings.

The Mayor and City Council find that:

1. Proper regulation of signs is a necessary prerequisite to a peaceable, orderly, and safely designed business environment;
2. An improperly regulated sign environment imposes health and safety dangers to the public;
3. The result of effective sign regulation will be to lessen hazardous conditions, confusion, and visual clutter, caused by the proliferation, improper placement, illumination and excessive height and size of signs that compete for the attention of pedestrian and vehicular traffic, and impede vision of traffic, traffic controls signs, and devices;
4. Uncontrolled and unlimited signs may result in a roadside clutter that impedes the flow of information thereby defeating the purpose of signage, and that impedes the flow of information from traffic signs and signals thereby creating hazards to drivers and pedestrians;
5. Uncontrolled and unlimited signs degrade the aesthetic attractiveness of the natural and manmade attributes of the community and thereby undermine the economic value of tourism, visitation, and permanent economic growth;
6. Through proper regulation of signs, the attractiveness and economic wellbeing of the city will be enhanced as a place to live, work and conduct business;
7. Further, the city has an obligation and a right to protect the rights of adjoining landowners to adequate light and air, to promote desirable living conditions and the sustained stability of neighborhoods, to protect property against blight and deprivation, and encourage the most appropriate use of land, buildings, and other structures throughout the city; and
8. There is a compelling state interest in the city and state being able to safely regulate the speed, direction and flow of vehicular and pedestrian traffic in and around public roads, streets and sidewalks, and quasi-public roads, streets and sidewalks in private property where the general public, invited by the owner, routinely and customarily to enters, transverses, and parks by vehicle and/or by foot. The city has a compelling state interest in the public safety and welfare of motorists and pedestrians in these areas, the safe and expedient access of public safety vehicles such as police, fire and rescue equipment to such areas. The city has a compelling state interest to regulate vehicular and pedestrian traffic such as to prevent or minimize collisions and the injury or death to persons caused thereby, or the damage to property, both public and private. Therefore, the city determines that there is a compelling state interest in the city regulating the type, traffic control message and placement of all traffic control signs and devices in the areas described above. The city also has a compelling state interest in insuring that private entities are not allowed to display in the areas described above, signs that imitate or emulate traffic instructional and control signs, devices or messages in such a way as may reasonably be mistaken by the public as true traffic control signs or devices, and thereby could reasonably be expected to cause a motorist or pedestrian to make an improper maneuver which will place the motorist or pedestrian or other motorist or pedestrian in danger of collision or injury due to such improper maneuver. Therefore, the city has a compelling state interest in regulating such signs in the areas described above which imitate or emulate a traffic instructional and control sign or device and which may reasonably be confusing to motorists or pedestrians in these areas.

Sec. 406.2. Purpose and intent.

The Mayor and City Council intend by enacting this article to:

1. Provide an important medium through which individuals may convey a variety of noncommercial and commercial messages. However, left unregulated, signs can become a threat to public safety as well as a traffic hazard. Such signs may also constitute an aesthetic nuisance and be a detriment to property values and the city's public welfare. By enacting this article the Mayor and City Council intend to:
 - a. Balance the rights of individuals to convey their message through signs and the right of the public to be protected against the unrestricted proliferation of signs;
 - b. Further the objectives of the city's comprehensive plan;
 - c. Protect the public health, safety, welfare, and aesthetics of the city;
 - d. Reduce traffic and pedestrian hazards;
 - e. Maintain the historical image of the city;
 - f. Protect property values by minimizing the potentially adverse effects and visual blight caused by signs;
 - g. Promote economic development; and
 - h. Ensure the fair and consistent enforcement of sign regulations.
2. Accordingly, in consideration of the city's rights and obligations to promote traffic safety, to preserve property values, to provide for the convenience and enjoyment of public travel, to eliminate annoyance to travelers, to attract tourists, residents and industry, to serve the public health, safety and morals, to advance the general prosperity of the community, and to serve the general welfare, the city hereby imposes the regulations contained in this article.

Sec. 406.3. Definitions.

Refer to Appendix A. – Definitions.

Sec. 406.4. Applicability.

No sign shall be erected, placed, established, painted, created, or maintained in the city unless it is in compliance with the standards, procedures, exemptions and other requirements of this article.

The effect of this article as more specifically set forth herein, is:

1. To establish a permit system to allow a variety of types of signs in commercial and industrial zones, and a limited variety of signs in other zones, subject to the standards and the permit procedures of this article;
2. To allow certain signs that are small, unobtrusive, and incidental to the principal use of the respective lots on which they are located, subject to the substantive requirements of this article, but without a requirement for permits;
3. To provide for temporary signs with and without commercial messages in limited circumstances;
4. To regulate signs so as to prevent the degradation of the aesthetic attractiveness of the natural and manmade attributes of the community and thereby undermine the economic value of tourism, visitation, and permanent economic growth;
5. To prevent the proliferation of signs which may result in roadside clutter that would impede the flow of information from businesses to consumers thereby harming the economic health of the community, and that would impede the flow of information from traffic signs and signal and therefore create hazards to drivers and pedestrians;
6. To lessen hazardous conditions, confusion and visual clutter caused by the proliferation, improper

placement, illumination and excessive height and size of signs that compete for the attention of pedestrians and vehicular traffic, and impede vision of traffic, traffic control signs and devices;

7. To prohibit all signs not expressly permitted by this article; and
8. To provide for the enforcement of the provisions of this article.

Sec. 406.5. Prohibited signs and advertising devices.

Except as otherwise permitted in specific sections of this article or approved as part of a Development Agreement for a specific development, the following signs and advertising devices are prohibited in all zoning districts of the city:

1. Air and gas filled devices;
2. Any sign, including banners, not painted or manufactured by a professional artist or sign designer;
3. Awning and canopy signs;
4. Banners unless permitted as temporary signs;
5. Bench signs;
6. Exposed neon;
7. Feather flags;
8. Flag signs;
9. Flashing, blinking, traveling signs or lights, except for authorized public safety signs meeting the standards of the Manual on Uniform Traffic Control Devices (MUTCD);
10. Marquee signs;
11. Portable, mobile or trailer signs, except for authorized public safety signs;
12. Roof signs;
13. Signs affixed to utility poles, trees, street markers, and fence posts or placed on any curb, sidewalk, fence, hydrant, bridge or other surface located on public property or over or across any public street;
14. Signs on a public right-of-way or on city property except exempt traffic control signs and devices meeting the standards of the Manual on Uniform Traffic Control Devices (MUTCD);
15. Signs that advertise or promote illegal activities;
16. Signs that are erected, located or maintained in such a manner as to interfere with safe and free ingress or egress of any door or emergency exit or fire escape;
17. Signs which contain or are in imitation of an official traffic control sign or signal or contain the words "stop," "go," "slow," "danger," "detour," "speed limit," "yield" or similar words intended to direct or regulate traffic;
18. Sign which display obscene text, copy, message, pictures, forms or structures;
19. Signs which obstruct sight of motorist or pedestrians so as to create safety hazards for motorists or pedestrians;
20. Spectacular signs; or
21. Vehicle signs with a total sign area in excess of ten square feet, when the vehicle:
 - a. Or any part of the vehicle is parked within 100 feet of any street right-of-way, and the vehicle is not being actively loaded or unloaded, and there are other available and accessible locations on or about the occupancy advertised where the vehicle can be parked, which are not within 100 feet of a street right-of-way and visible from such;
 - b. Is visible from the street right-of-way that the vehicle is within 100 feet; and
 - c. Is not regularly used in the conduct of the business advertised on the vehicle; a vehicle used primarily for advertising, and not for the purpose of providing transportation for owner, employees, inventory, merchandise, supplies or materials of the occupancy advertised on the vehicle, shall not be considered a vehicle used in the conduct of business. Vehicle may not be used for off-premises storage of inventory, merchandise, supplies, or materials.

Sec. 406.6. Signs exempt from the regulations of this article.

The following signs and advertising devices are exempt from the permit requirements of this article but must in all respects otherwise comply with this article:

1. Any public notice or warning required by a valid and applicable federal, state, or local law, regulation, or ordinance;
2. Any sign inside a building, not attached to a window or door, that is not legible from the exterior of the building or structure;
3. Works of art that do not include a commercial message;
4. Holiday lights and decorations with no commercial message;
5. Window signs;
6. Flags (flag poles shall be considered as an “accessory structure” in accordance with Section 401-19 of this UDO as to the location and site of flag poles);
7. Two stake signs per lot in residential zoning districts;
8. One stake sign per lot in non-residential zoning districts;
9. Address numerals that are affixed to a single family residential structure on the property, or to a mailbox on the property, that are no more than six inches in height, or address numerals that are affixed to a multi-family, commercial, office, or residential structure on the property, or to a mailbox on the property, that are no more than 12 inches in height;
10. Traffic control signs on private property, such as stop, yield, and similar signs, which meet state department of transportation standards and which contain no commercial message of any sort;
11. Signs pertaining to public safety, including but not limited to signs evidencing the presence of a security, or alarm system, on the property that are no more than one square foot in area, or signs indicating the presence of children in certain rooms of a structure in the event of a fire or other emergency; and
12. Wind screens with signage up to 150 square feet, as allowed by this article.

Sec. 406.7-10. Reserved.

DIVISION 2. PERMITS AND PROCEDURES.

Sec. 406.11. Common review provisions.

A. Review procedures.

As further defined in Section 104-8, the following requirements are common to the procedures in this article and shall apply to all applications submitted under its provisions. Generally, the procedures for all applications have 6 common elements:

1. Pre-application meeting;
2. Application submittal, including supporting documentation, studies and fee payments;
3. Review of the submittal by appropriate staff, the Planning and Zoning Commission and/or the Mayor and City Council after proper public notice has been made, if necessary;
4. A decision is made to approve, approve with conditions, or deny together with a description of the actions authorized and the time period for exercising those development rights;
5. If necessary, amending or appealing the decision; and
6. Recording the decision

B. Approval authority.

The provisions of this article shall be administered by the UDO Administrator.

C. Application.

1. Applications shall be submitted to the UDO Administrator in a quantity and format as specified by the city. Each application shall comply with the submittal requirements maintained by the Community Development department, including the applicable submittal fee.
2. When the application is deemed complete, it will be date stamped as received and distributed to city staff for review. The city shall process all sign permit applications within 20 working days of the receipt of a complete application.
3. Notice of approval or denial shall be provided to the applicant on or before the 21st day by e-mail, mail or by facsimile as provided on the application.
4. Notice shall be deemed to have been given upon the date of e-mail, mail or facsimile. Upon failing to so act, authorization to erect the sign shall automatically be granted.

D. Process.

1. Except where specifically excluded by other provisions of this article, it shall be unlawful for any person, firm or corporation to post, display, substantially change, change or modify sign face or face panels, alter, or erect, reconstruct, replace or reset a sign in the city without first securing a sign permit from the UDO Administrator.
2. No permit shall be required to repaint or change the lettering of an existing conforming sign, provided that no change of ownership of the entity displaying the message thereon has been made. A permit is not required for a change limited solely to the copy of an existing changeable copy sign, for example, a change in the normal price or products offered on the premises.
3. A sign permit application and appropriate application fee must be submitted for each sign being considered for approval. A separate sign permit application and associated fee must be submitted for each type of sign located on a project site (i.e., one permit for all monument signs, one permit for wall signs, one permit for directional signs, etc.).

E. Denial of permit.

1. The city shall deny permits to applicants who submit applications for signs that do not comply with the provisions of this article, are incomplete, or contain any false material statements.
2. The city may deny permits for master sign programs, or amendments to master sign programs, based upon the architectural appearance of the program; such review, however, shall not include the content of the message(s) conveyed in the master sign program.
3. Violation of any provision of this article will be grounds for terminating a permit granted by the city for the erection of a sign. Should it be determined that a sign permit was issued pursuant to an incomplete application or an application containing a false material statement, or that a permit has been erroneously issued in violation of this article, the UDO Administrator shall revoke the permit.
4. Should the UDO Administrator deny a permit, the reasons for denial shall be stated in writing and provided to the applicant via e-mail, mail or facsimile on or before ten days after the city received the application. Alternatively, the city may personally serve the sign applicant with a copy of the written notice of denial within ten days after the city's receipt of the application.
5. Any application denied and later resubmitted shall be deemed to have been submitted on the date of resubmission, instead of the date of the original submission.
6. No permit shall be revoked except for due cause as hereinafter defined, and after the applicant is given ten days written notice containing a statement of the reasons for the proposed denial of the permit application or the revocation of a permit.
7. "Due cause" is the violation of any provision of this article, or other applicable ordinances, state or federal law, or the submission of an incomplete application or an application containing false material statements.

F. Double permit fees.

Any person commencing work on a sign before securing the necessary permit from the UDO Administrator shall be subject to double permit fees as established within the Schedule of Fees

G. Expiration of a sign permit.

1. A sign permit shall become null and void if the sign for which the permit was issued has not been completed and installed within 90 calendar days after the date the permit was issued.
2. No refunds will be made of permit fees for permits that expire due to failure to erect a permitted sign; provided that where an applicant can demonstrate that a commercial entity was timely engaged to construct the permitted sign but the fabrication has not yet been completed, one 90-day extension may be granted by the UDO Administrator on the duration of the permit.
3. Where a permit has expired for failure to erect the sign, if an individual later desires to erect a sign at the same location, a new application must be processed and another fee paid in accordance with the fee schedule in effect at the time of resubmission.

H. Compliance with technical codes and zoning.

1. All signs hereafter erected, replaced, reconstructed, altered, relocated or modified within the city shall conform to the requirements of the city's building code in effect on the date the application for a sign permit is submitted, the requirements of the National Electrical Code, and the requirements of all other applicable codes as adopted by the city. Where the provisions of the building or electrical code and this article conflict or overlap, the most stringent requirement shall prevail and be controlling.
2. All signs hereafter erected, replaced, reconstructed, repaired, altered or relocated within the city shall conform to this article. In the event of conflict between the provisions of this article and the UDO, the most stringent requirement shall prevail and be controlling.

I. Variance procedure.

1. The UDO Administrator may authorize, upon application in specific cases, such variance from the terms of this article as will not be contrary to the public interest when, due to special conditions, a literal enforcement of the provisions of this article will in an individual case result in extreme and unusual hardship, so the spirit of this article shall be observed, public safety and welfare secured, and substantial justice done. The mere existence of a nonconforming sign or advertising device shall not constitute a valid reason to grant a variance. A variance may be granted in an individual case of extreme and unusual hardship not self-imposed upon a finding by the UDO Administrator:
 - a. There exist extraordinary and exceptional conditions pertaining to the property in question resulting from its size, shape, or topography which are not applicable to other lands or structures in the area;
 - b. A literal interpretation of the provisions of this article would deprive the applicant of rights commonly enjoyed by other similar properties in the city;
 - c. Granting the variance requested will not confer upon the property of the applicant significant privileges which are denied to other similar properties in the city;
 - d. The requested variance will be in harmony with the purpose and intent of this article and will not be injurious to the neighborhood or to the general welfare;
 - e. The variance is not a request to permit a type of sign which otherwise is not permitted in the zoning district involved;
 - f. The cause for the need for the variance is not created by the applicant, the owner, lessor, or successor in ownership or occupancy.
2. All requests for such variances shall be in written form and filed with the UDO Administrator. The UDO Administrator shall make a decision on a variance application within 20 days of receipt of a complete application and shall e-mail, mail or fax the decision to the applicant at the address shown on the application, to include the basis of the decision. An applicant dissatisfied with the UDO Administrator's decision may appeal to the Mayor and City Council pursuant to the appeal procedure identified in Section

104-5.B.

3. No change may be made in the location, shape, color, height or size of any sign subject to a variance unless the sign is brought into compliance with the provisions of this article and a sign permit is granted.
4. A change in the owner, lessor, lessee, or user of property served by a sign subject to a variance shall negate the variance, and the sign shall be removed or brought into compliance with the provisions of this article and a new sign permit granted.
5. A sign subject to a variance may not be reconstructed, replaced or reset if it is removed for any reason, provided that, in the event the sign is damaged or destroyed by Act of God or other providential cause and not by action of the owner of the sign, such sign may be reconstructed in the same manner as the original sign.
6. When a sign under a variance has been razed or damaged by any cause, naturally occurring or otherwise, the sign shall not be re-established unless:
 - a. If the value of the sign as damaged is 50 percent or less of the value of the signs prior to the damage; or
 - b. If the estimated cost of repairing the above ground portion of the sign is more than the value of the sign in its damaged condition.
 - c. Value shall be established by the UDO Administrator and shall be based upon the value of the sign's materials above ground with no allowance for the intrinsic value of the sign or the value of the right to have a sign at that location.
 - d. In the event the sign is damaged or destroyed by Act of God or other providential cause and not by action of the owner of the sign, such sign may be reconstructed in the same manner as the original sign.

J. Appeal procedure.

Any person having a special interest in a decision relating to the approval or denial of a site plan or the conditions imposed shall have the right to appeal the decision to the Mayor and City Council pursuant to the appeal procedures as identified in Section 104-5.B of this UDO.

Sec. 406.12-15. Reserved.

DIVISION 3. REGULATION OF SIGNS BY ZONING CLASSIFICATION.

Sec. 406.16. General regulations.

1. Changeable copy shall be limited to ground signs but shall not be permitted on entrance or subdivision signs.
2. Notwithstanding any other provision of this article, no sign shall be erected within 100 feet of the intersection of any state highway with any other state highway or major thoroughfare without prior approval of the UDO Administrator. Considering such application, the UDO Administrator shall approve such a location only upon a determination that the proposed sign will not potentially obstruct the view of motorists or pedestrians so as to prevent their safety in traversing the intersection.
3. Any sign authorized by this article is allowed to contain noncommercial copy or commercial copy, except for traffic instructional signs.
4. Traffic instructional signs shall be placed by the owner at such locations and for such purposes as required by the Manual of Uniform Traffic Control Devices (MUTCD) as published by the Federal Highway Administration (FHWA). The traffic control and signage plan shall be reviewed and approved by the city engineer as a part of development plan and/or construction plan review process.
5. Ground signs which are permanent shall be permitted only in non-residential zoning districts.
6. Unless specifically approved elsewhere in this article, wall signs shall only be permitted in non-residential

zoning districts.

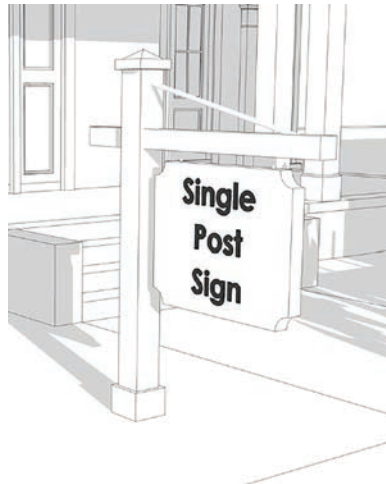
Sec. 406.17. Regulations by zoning classification.

A. Single-family residential.

Signage shall be permitted in all single-family residential zoning districts in accordance with the following:

1. Residential signs.

- a. In addition to any other signs authorized by this section, each platted lot shall contain no more than one single-face or one double-faced residential sign.
- b. Each sign face shall not exceed 16 square feet.
- c. The height of the sign shall not exceed five feet from finish grade to the top of the sign
- d. Signs shall be located on private property and be located no less than ten feet from the back of curb or edge of pavement.



2. Subdivision signs.

- a. In addition to any other signs authorized by this section, one single-face or one double-faced sign may be permitted at the entrance of a residential subdivision.
- b. Each sign face (A) shall not exceed 35 square feet.
- c. The height of the sign (B) shall not exceed six feet from finish grade to the top of the sign.
- d. Signs shall be located on private property and no less than ten feet from the public right-of-way.
- e. Signs and support structures shall be owned and maintained by the homeowner or community association.



3. Changeable copy signs.

- a. Homeowner and/or community associations are permitted no more than one single-face or one double-faced changeable copy sign.
- b. Each sign face shall not exceed 25 square feet.
- c. Signs shall be located within the common area owned and maintained by the homeowner and/or community association.
- d. Signs shall be located such that the message is visible for motorists entering or existing the subdivision and in such a way as to not interfere with sidewalks or streets.
- e. Signs shall not be placed on private lots unless within a recorded sign easement.



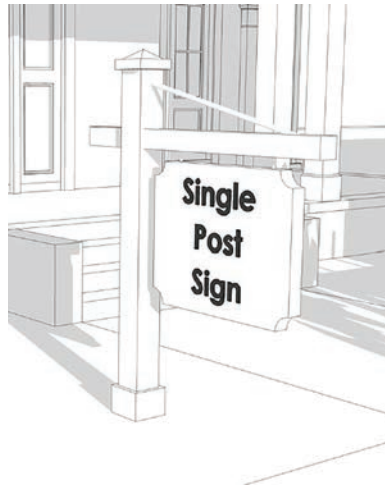
4. Stake signs.

- a. No more than two stake signs shall be displayed on a platted lot.
- b. Stake signs shall be located on private property and no less than ten feet from the back of curb or edge of pavement.
- c. This provision shall not apply to political signs as defined herein.



5. Home occupation sign.

- a. No more than one home occupation sign shall be displayed on a platted lot.
- b. Signs shall be limited to more than 24 square inches.
- c. Signs shall be mounted flat against an exterior wall of the home or on a freestanding post.
- d. Sign shall not be posted on trees or other vegetation.



6. Signs as identified in Section 406-6 of this UDO.

B. Multi-family residential.

1. Building directory sign.

- a. Each building within a multi-family development shall include one building directory sign on the building.
- b. Signs shall not exceed four square feet.
- c. Signs shall include the name, number, and/or address of the individual building.
- d. Signs shall be reflective and be placed such that it is visible from the closest interior street or access drive adjacent to the structure.
- e. Any unit in which a sales or rental office is allowed shall be permitted one additional building directory sign not exceeding four square feet.

2. Signs as identified in Section 406.6. of this UDO.

C. Retail, office and industrial districts.

Signage shall be permitted in all non-residential zoning districts in accordance with the following:

1. Ground signs.

- a. Platted lots with a single building shall be permitted one single-face or one double-faced sign for each street frontage.
- b. Each sign face shall not exceed 35 square feet.
- c. Signs shall not exceed six feet in height from finish grade to the top of the sign.
- d. A ground sign shall not be located within ten feet of a street right-of-way or within 50 feet of any other sign, structure, or building except temporary signs.
- e. Changeable copy shall not exceed 20 percent of the area of the sign face.
- f. Signs shall not encroach in a parking area to such extent that the remaining parking spaces fail to

meet the minimum standards for off-street parking as identified in Section 402-9 of this UDO.

- g. Signs shall be located on private property and within a landscaped area.
- h. Signs and support structures shall be owned and maintained by the property owner.



2. Wall signs.

- a. Each single-tenant building shall be permitted no more than two wall signs. No more than one wall sign shall be installed on a front, side or rear building elevation.
- b. Signs shall be limited to no more than one and one-half square feet per linear feet of building frontage. Building frontage shall be determined as that portion of the building where the primary entrance is located or that portion of the building facing the front property boundary.
- c. The maximum area for a single wall sign shall not exceed 150 square feet.
- d. If the linear feet of building frontage is at least 50% less than the linear footage of the opposite wall, then an average of the two measurements may be used to determine the allowed square footage.



3. Stake signs.

- a. No more than one stake sign shall be displayed on a platted lot.
- b. No stake sign shall exceed six square feet or measure greater than 24" x 36".
- c. No stake sign shall exceed four feet from finish grade to the top of the sign.
- d. Stake signs shall be located on private property and no less than ten feet from the back of curb or edge of pavement.
- e. This provision shall not apply to political signs as defined herein.

Sec. 406.18. Downtown Mixed Use District.

A. Purpose.

The purpose of these regulations is to ensure all signage within the Downtown Mixed Use District is harmonious in proportion, form, color, and materials to the historic character of the district. Visual connection is crucial to the goal of an effective downtown, and signs play a key role in helping to preserve the historical character of the district's sense of time and place, while achieving the desired effect of charm and compatibility. These regulations are designed to allow buildings and individual businesses to maintain their individual identities while becoming identifiable with the downtown district as a whole.

1. Applicability.

This section applies only to those buildings, structures, tenants and uses within the geographical boundaries of the Downtown Mixed Use District as established in Section ?? this UDO.

2. Compatibility.

The provisions of this article are intended to be consistent with the Downtown Mixed Use District Design Guidelines. When a provision of this article conflicts with a provision within the design guidelines, the more restrictive provision shall apply.

3. Permitted signs.

Signage shall be permitted in the downtown mixed-use zoning districts in accordance with the following:

4. Ground signs.

- a. Platted lots with a single building shall be permitted one single-face or one double-faced sign for each street frontage.
- b. Each sign face shall not exceed 35 square feet.
- c. Sign panels may hang or suspend from a horizontal support that is affixed to the ground by vertical post.
- d. Signs shall not exceed six feet in height from finish grade to the top of the sign.
- e. A ground sign shall not be located within ten feet of a street right-of-way or within 50 feet of any other sign, structure, or building except temporary signs.
- f. Changeable copy shall not exceed 20 percent of the area of the sign face.
- g. Signs shall not encroach in a parking area to such extent that the remaining parking spaces fail to meet the minimum standards as identified in Section 402-9 of this UDO.
- h. Signs shall be located on private property and within a landscaped area.
- i. Signs and support structures shall be owned and maintained by the property owner.
- j. Where applicable, support posts for ground signs shall be specified as wood, metal or other rigid material and shall measure no less than four by four inches in size or no less than three inches in diameter.
- k. Except for hanging or projecting signs, wood signs shall be framed on the two sides attached to the support posts. Support posts can be considered framing if the sign is so designed with supports as part of framing on both sign face areas.



5. Wall signs.

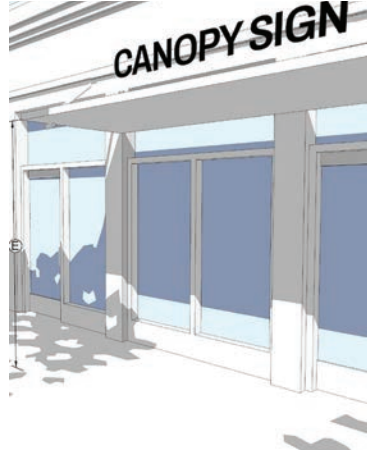
- a. Each single-tenant building shall be permitted no more than two wall signs.
- b. No more than one wall sign shall be installed on a wall.
- c. Signs shall be limited to no more than one and one-half square feet per linear feet of building frontage. Building frontage shall be determined as that portion of the building where the primary entrance is located or that portion of the building facing the front property boundary.
- d. The maximum area for a single wall sign or the total area of both wall signs shall not exceed 150 square feet.
- e. If the linear feet of building frontage is at least 50 percent less than the linear footage of the adjoining wall, the average of the two measurements shall be used to determine the allowed square footage.
- f. Signs and associated support structures shall protrude no more than 15 inches from the wall on which it is mounted.



6. Awnings and canopies.

- a. Awnings and canopies are permitted over doors and windows.
- b. Awnings and canopies shall not be calculated as part of the total signage area.
- c. Awnings and canopies shall project no more than six feet from the building face.
- d. Awnings and canopies shall be mounted to establish a seven-foot clear zone from the sidewalk to the

- bottom of the support structure.
- e. Awnings and canopies shall be limited to canvas or other durable fabric, vinyl or metal.
- f. Awnings and canopies shall be designed in such a manner to be consistent with historic character of the district.
- g. Graphics may be applied to the valance or drop flap of the awning or canopy and shall not exceed six inches in height. Graphics and/or text shall not exceed 20 percent of the length of the awning or canopy to which it is applied.
- h. Awnings and canopies shall not be backlit.



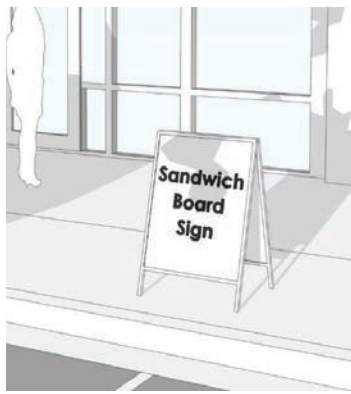
7. Hanging, suspended or blade signs.

- a. Each tenant space shall be permitted one single-face or one double-faced hanging, suspended or blade sign.
- b. Each sign face shall not exceed six square feet.
- c. Signs shall project no more than 36 inches from the building face.
- d. Signs shall project from the wall at a 90-degree angle.
- e. Signs shall be mounted to establish a seven-foot clear zone from the sidewalk to the bottom of the sign.
- f. Signs shall not be hung or suspended over driveways, alleys, or parking areas.
- g. Signs shall be hung or supported by decorative hardware consistent with the historical character of the district.



8. Sidewalk signs.

- a. Each building and/or tenant shall be permitted one single-face or one double-faced sidewalk sign.
- b. Signs shall be placed at or within ten feet of the primary entrance to the building or tenant space.
- c. Each sign face shall not exceed eight square feet.
- d. Signs shall not exceed four feet in height from finish grade to the top of the sign.
- e. Signs shall not be placed off-side or in such a way that impedes or hinders pedestrian or vehicular traffic.
- f. Signs placed on public sidewalks but must maintain no less than a five feet clear zone for pedestrian traffic.
- g. Signs shall not be included in the overall signage permitted for the building and/or tenant space.
- h. Signs, including design, paint, lettering and materials shall comply with the historic character of the district.



9. Display box.

- a. Each building and/or tenant space shall be permitted one display box.
- b. Boxes shall not exceed four square feet.
- c. Boxes shall be located within ten feet of the public entrance to the building or tenant space.
- d. Boxes shall be used exclusively by the relevant building or tenant space.
- e. Boxes shall have a clear face to protect the sign from the weather.
- f. Boxes shall not be included in the overall signage permitted for the building and/or tenant space.
- g. Boxes shall be constructed to coordinate with the design of the building facade.

10. Window signs.

- a. Window signs shall not exceed 25 percent of the total area of the window to which it is applied.
- b. Window signs shall not be included in the overall signage permitted for the building and/or tenant space.
- c. Window signs applied directly to the window shall be limited to decal-type or direct adhesion graphics.
- d. Window signs shall have no background that obstructs view through the glass to which it is applied. Backgrounds of all window signs shall be fabricated with a 50/50 (50%) open hole pattern or equivalent as approved by the UDO Administrator.
- e. Opaque window signs shall be limited to the letter and/or graphics only.



C. Sign standards.

1. General.

- a. Signs shall be subordinate to the architecture and overall character of the building to which it is attached.
- b. Signs shall not obscure significant features of a building, such as transom lights, ornamentation, windows, or other architectural details.
- c. Sign panels, lettering, or boxed graphics shall not cover columns, cornices, windowsills, arches or balconies.
- d. No part of a sign or graphic shall extend above the roofline of any building.

2. Lettering, size, and construction.

- a. The scale, shape, and size of each sign shall be proportional to the building on which it is placed or to the area in which it is located.
- b. Lettering, typeset, font and/or graphics should be compatible with the historic character of the district.
- c. Lettering typeset, font and/or graphics may be painted on or mounted directly to a sign face, storefront, wall or window, if in proportion to the storefront.
- d. Acceptable lettering materials include wood, stone, synthetic stone, metal, vinyl, dimensional plastic, acrylic, or high-density polystyrene foam.
- e. Decorative borders and/or embellishments are also encouraged.
- f. No message or advertisement may be displayed on any portion of the structural supports of any sign.

3. Materials.

- a. Sign and sign panels shall be compatible with the materials on the face of the building façade to which the sign is attached.
- b. Signs and sign panels may be constructed of concrete, brick, wood, stone, metal, glass, or synthetic materials.
- c. Signs shall be professionally finished in accordance with the material selected, whether by sanding, painting, staining and/or sealing, with the edges of the sign framed out and/or sealed.
- d. All finishes shall be colorfast and resistant to corrosion.
- e. Printed plastic, flat vinyl, cardboard, paper and/or adhesive lettering materials are discouraged.

4. Illumination.

- a. All signs shall be illuminated by an external light source.
- b. Illumination shall be limited to indirect lighting.
- c. Illumination shall be unobtrusive to adjoining properties, pedestrians and the travelling public.
- d. Illumination for wall, projecting and/or blade signs should include decorative gooseneck or similar fixtures that complement the historic character of the district.
- e. Back-lit or internally-illuminated signs are not permitted.
- f. Light levels for internally illuminated signs shall not exceed the maximum incandescent light as measured at a distance of ten feet from such structure as identified in Section 405-16 of this UDO.
- g. Signs within any residential zoning district shall not be internally or externally illuminated, except for entrance and subdivision signs which may be externally illuminated from dusk until dawn.

5. Colors.

- a. Colors should complement the building façade and the historic character of the district.
- b. Signs with dark backgrounds and light colored lettering is preferred.
- c. Preferred background colors include, but are not limited to, burgundy, forest green, chocolate brown, black, charcoal, and navy.
- d. Preferred lettering colors include, but are not limited to, ivory, white, and gold.
- e. When a light colored background is used, contrasting dark lettering colors are encouraged.

6. Construction requirements.

- a. No sign shall be constructed in such a manner which will hinder vehicle traffic or pedestrians or block any entrances or exits from any sidewalk or building or any windows, doors, fire escapes. Signs shall be securely erected and free of any protruding nails, tacks and wire.
- b. No sign shall be constructed with any type material, finished letters, characters or surface that will reflect sunlight or any other type of light of such an intensity to hinder vehicle traffic or in any way create a nuisance to the surrounding area.
- c. Signs containing wood in its structure, face or frame or any part thereof shall be painted or stained.
- d. All signs shall be constructed in such a manner and fastened in such a way to prevent movement by wind action.

Sec. 406.19. Planned centers.

Signage shall be permitted in all planned centers in accordance with the following:

1. Ground signs.

- a. Planned centers shall be permitted one single-face or one double-faced sign for each street frontage.
- b. Sign faces shall not exceed 45 square feet.
- c. Signs shall not exceed six feet in height from finish grade to the top of the sign.
- d. Changeable copy shall not exceed 20 percent of the total area of the sign face.
- e. No more than one sign per platted lot shall be allowed along the street frontage, provided that for business premises fronting on more than one street, one monument sign shall be allowed along no more than two street frontages, which signs shall be separated a minimum of 200 feet as measured along the property boundary.
- f. No ground sign shall be permitted to encroach in a parking area to such extent that the remaining parking spaces fail to meet the minimum standards as identified in Section 402-9 of this UDO.
- g. Signs shall be located on private property and within a landscaped area.
- h. Signs and support structures shall be owned and maintained by the property owner.

- i. Signs are allowed only on lots upon which there is a building which is currently occupied pursuant to a current and valid certificate of occupancy or which is currently being developed under an active building permit.
- j. Planned centers may apply for a landscape wall sign in lieu of a standard ground sign. The design and materials for such signage shall be consistent with the architecture and exterior building materials used within the planned center. The landscape wall sign shall be reviewed and approved by the UDO Administrator.



2. Entrance sign.

- a. Planned centers shall be permitted one single-face or one double-faced sign for each entrance to the development.
- b. Each sign face shall not exceed 35 square feet.
- c. Signs shall not exceed six feet in height from finish grade to the top of the sign.
- d. Signs shall be located on private property and within a landscaped area.
- e. Signs shall be located on private property and no less than ten feet from the public right-of-way.
- f. Signs and support structures shall be owned and maintained by the property owner.



3. Wall signs.

- a. Each planned center building with entrances accessible by multiple tenants such as an office building or similar use shall be permitted two wall signs not to exceed the lesser of one and one-half square feet per linear foot of building frontage or 150 square feet total. Only one wall sign is allowed per wall.
- b. Each building or unit with a separate entrance with multiple treated facades, not accessible by other tenants located in a planned center, shall be permitted two wall signs not to exceed the lesser of one

and one-half square feet per linear foot of building frontage or 150 square feet total. Only one wall sign is allowed per unit wall.

- c. Tenants located on the end unit of a multi-tenant building shall be permitted a second wall sign. Said sign shall be located on the side of the multi-tenant retail building and be the same size as the wall sign on the building frontage.



4. Master sign program.

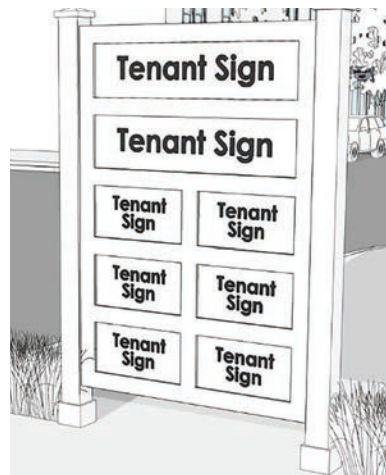
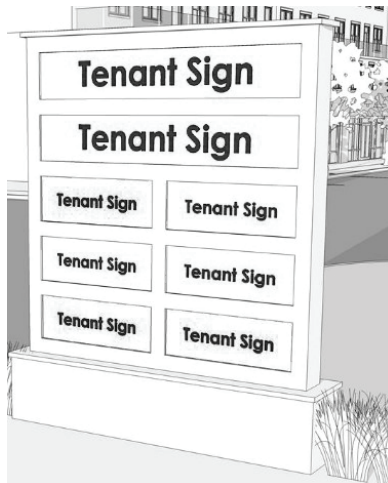
Each planned center shall submit a master sign program prior to the issuance of any sign permit within the development. The master sign program shall comply with all provisions of this article and establish standards and criteria for all signs within the development which require permits. The master sign program shall address, at a minimum, the following:

- a. Proposed sign locations;
- b. Approved materials and colors;
- c. Type of illumination, including fixture specifications and wattage;
- d. Design of freestanding and wall sign structures;
- e. Size;
- f. Quantity;
- g. Uniform standards for non-business signage, including directional and informational signs, and
- h. Identification of delivery or rear access door by name and suite number.
- i.
- j. Review and approval of the master sign program shall apply only to the architectural elements, uniformity of size, color and placement of the master sign program, but shall not address the content of any sign within the master sign program.
- k. All applications for sign permits for signage within a planned center shall comply with the master sign program.
- l. Any amendments to a master sign program shall be approved by the UDO Administrator and the property owner(s) of the development complex before such amendment will become effective. Approval shall apply only to the architectural elements, uniformity of size, color and placement of the master sign program, but shall not address the content of any sign within the master sign program.
- m. The owner and/or leasing agent of the planned center shall be responsible for providing the occupant with a copy of the approved master sign program.
- n. Signs for new businesses within existing planned centers shall comply with the provisions of this article.

5. Tenant directional signs.

Tenant directional signs are permitted in all planned centers. Where applicable, tenant directional signs must be included in the master sign program and shall include, at a minimum, the following:

- a. Planned centers shall be permitted two single-face or one double-faced sign per internal intersection of private drives or public streets within the project.
- b. Signs shall not be allowed on state routes or arterial roads.
- c. Each sign face shall not exceed 24 square feet.
- d. Signs shall not exceed six feet in height from finish grade to the top of the sign.
- e. Signs shall be located no less than ten feet from the back of curb on private streets. In those planned centers with public right-of-way, the tenant directional signs may be located immediately behind the rights-of-way.
- f. Signs shall be located on private property and within a landscaped area.
- g. Signs and support structures shall be owned and maintained by the property owner
- h. Signs shall not be permitted to encroach in a parking area to such extent that the remaining parking spaces fail to meet the minimum standards as identified in Section 402-9 of this UDO.



6. Signs as identified in Section 406-6 of this UDO.

Sec. 406.20. Other non-residential signs allowed.

In addition to all other signs identified herein, the following signs are permitted in all non-residential zoning districts:

1. Drive-thru menu boards.

If such property contains a business where materials and/or goods are delivered and/or business is transacted at a drive-thru delivery point other than on the front of the building, one sign per delivery point or lane may be permitted subject to the following:

- a. The face of the sign shall not exceed 35 square feet in area, including accessory or side panels.
- b. The height of the sign shall not exceed eight feet from finish grade to the top of the sign.
- c. Placement of the sign shall be limited to the side or rear yard.
- d. Signs may be internally illuminated.
- e. The location of the sign shall be approved as a part of the development plan review process.

- f. The message face of the sign shall be directed towards the motorist in the drive-thru lane as opposed to being visible from off-site.
- 2. Window signs.
 - a. Window signs are allowed for each tenant within the C-1, C-2, C-3 and C-4 zoning districts only.
 - b. Window signs shall not exceed 25 percent of the total area of the window to which it is applied.
 - c. Window signs shall not be included in the overall signage permitted for the building and/or tenant space.
 - d. Window signs applied directly to the window shall be limited to decal-type or direct adhesion graphics.
 - e. Window signs shall have no background that obstructs view through the glass to which it is applied. Backgrounds of all window signs shall be fabricated with a 50/50 (50%) open hole pattern or equivalent as approved by the UDO Administrator.
 - f. Opaque window signs shall be limited to the letter and/or graphics only.
 - g. Panels, boxes or other items mounted directly against the face of the window shall be allowed.
- 3. Banners.
 - a. No more than one banner per tenant shall be displayed on a platted lot at one time.
 - b. No banner shall exceed 30 square feet.
 - c. No banner shall be displayed for more than 30 consecutive calendar days, at which time the banner must be removed. No more than one banner permit shall be issued for an individual tenant or business during a period of 60 days.
 - d. No more than six banners shall be permitted on the same lot or for one business in one calendar year.
 - e. Banners shall be securely attached to the exterior wall or walls of a building or beneath a canopy. Where the banner is installed above a pedestrian area the bottom of the banner shall be no less than seven-feet from the walking surface.
 - f. No banner shall be attached to the roof or above the parapet line of the structure.
 - g. Unless specifically permitted elsewhere in this article, no banner shall be permitted off premises.
 - h. Banners may be attached to temporary posts but shall not be tied to existing vegetation or utility poles. If attached to temporary posts, the banner shall not exceed six feet in height from finish grade to the top of the banner.
 - i. Banners shall be located on private property and no less than ten feet from the public right-of-way.
 - j. When displayed within a sign frame, the banner and related mounting hardware shall be removed when the banner is not permitted for display.
 - k. No banner shall be placed in such a manner that obstructs the view of motorists or pedestrians.
 - l. Banners shall be professionally made, properly maintained, and shall not appear to be ripped, frayed, or in generally poor condition resulting from extended use.
- 4. Common area signs.
 - a. No more than one common area sign shall be permitted on a platted lot.
 - b. No common area sign shall exceed 30 square feet.
 - c. No common area sign shall exceed six feet in height from finish grade to the top of the sign.
 - d. Common area signs shall be located on private property and no less than ten feet from the public right-of-way.
 - e. Common area signs shall be displayed within a permanent frame that is consistent with the architectural style, exterior building materials and color scheme of the existing building.
- 5. Stake signs.
 - a. No more than one stake sign shall be displayed on a platted lot.
 - b. Stake signs shall be located on private property and no less than ten feet from the back of curb or

- edge of pavement.
- c. This provision shall not apply to political signs as defined herein.

Sec. 406.21. Temporary signs.

In addition to any other signs permitted under this article, temporary signs shall require a sign permit and are subject to the following:

1. Real estate signs.
 - a. Each platted lot shall be permitted one single-face or one double-faced real estate sign.
 - i. In residential zoning districts the sign face shall not exceed six square feet.
 - ii. In all other zoning districts the sign face shall not exceed 32 square feet.
 - b. The height of the sign shall not exceed six feet from finish grade to the top of the sign.
 - c. Signs shall be located on private property and/or no less than ten feet from the back of curb or edge of pavement.
 - d. Signs shall be removed no later than seven days after closing of sale, rental or lease of the property.
2. Construction signs.
 - a. Each site shall be permitted one single-face or one double-faced construction sign.
 - i. In residential zoning districts the sign face shall not exceed 24 square feet.
 - ii. In all other zoning districts the sign face shall not exceed 32 square feet.
 - b. The height of the sign shall not exceed six feet from finish grade to the top of the sign.
 - c. The sign shall be located on private property and/or no less than ten feet from the back of curb or edge of pavement.
 - d. The sign shall not be installed until the land disturbance permit (LDP) has been issued by the city.
 - e. The sign shall be removed no later than seven days after completion of construction or the certificate of occupancy has been issued.

Sec. 406.22. Maintenance, appearance and inspection.

1. All signs shall be maintained in good condition so as to present a neat and orderly appearance. The UDO Administrator shall periodically inspect each sign in an attempt to ascertain whether the same is secure or insecure and whether it is in compliance with the requirements of this article or in need of repair. Responsibility for the safety of signs and security of their attachment or erection remains at all times with the sign owner.
2. In order to ensure that signs are erected and maintained in a safe and orderly manner, the following maintenance requirements shall be observed for all signs, and any deficiency shall be corrected within 30 working days of being detected:
 - a. No sign shall have more than ten percent of its surface area covered with disfigured, cracked, ripped or peeling paint or poster paper;
 - b. No sign shall stand with visible rust, bent or broken sign facings, broken supports, loose appendages or struts or be allowed to stand more than 15 degrees away from perpendicular;
 - c. No sign shall have weeds, vines or other vegetation growing upon it or obscuring its view from the street from which it is to be viewed; and,
 - d. No internally illuminated sign shall stand with only partial illumination.
 - e. The UDO Administrator may institute removal procedures after due notice for any sign that shows

gross neglect, becomes dilapidated, or is otherwise in violation of this article.

Sec. 406.23. Enforcement.

The UDO Administrator shall periodically inspect each permanent and temporary conforming and non-conforming sign for the purpose of ascertaining whether the same is secure or insecure, whether it is in compliance with the requirements of this article and whether it is in need of repair.

In addition to these inspections, the UDO Administrator shall cause to be removed any sign that falls under the following classifications:

1. Traffic hazards.

Any sign constituting a traffic hazard or a menace to the motoring public or pedestrians, as determined by the UDO Administrator in consultation with the city staff and/or the chief of police, shall be removed as provided herein.

2. General maintenance.

Every sign, including those signs for which permits are required and those for which no permits or permit fees are required shall be maintained in a safe, presentable and good structural condition at all times. The sign owner shall be responsible for repair or replacement of defective parts, painting, repainting, cleaning and other acts required for the maintenance of the sign. If the sign is not made to comply with adequate safety and maintenance standards, the city planner or code enforcement officer shall require its removal in accordance herein.

3. Abandoned signs.

Except as otherwise provided in this article, any sign that is located on property that becomes vacant and unoccupied for a period of one month or longer, including any tenant in a multi-tenant commercial, office, or industrial structure, or any sign which pertains to a time, event or purpose which no longer applies, shall be deemed to have been abandoned. Permanent signs applicable to a business temporarily suspended because of a change of ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of six months or more. Sign panels from abandoned signs shall be removed by the owner of the premises on which the sign is located within the time frame specified in this Subsection. The supporting structure of an abandoned sign shall be subject to the non-conforming use provisions herein.

4. Dangerous or defective signs.

No person shall maintain or permit to be maintained on any premises owned or controlled by that person any sign that is in a dangerous or defective condition. Any such sign shall be removed or repaired by the owner of the premises or owner of the sign. Upon failure of the owner to remove or repair a dangerous or defective sign, the city planner or code enforcement officer shall proceed as described herein.

5. Unlawful signs.

The UDO Administrator shall have full authority to remove, without notice to the owners thereof, and impound for a period of 10 days:

- a. Signs located on a publicly-owned street or highway right-of-way;
- b. Signs located on city property that are attached to trees, fence posts, telephone and utility poles, or other natural features.

6. Citations.

Citations for violation of this article may be issued by the UDO Administrator and shall be returnable to and tried before the municipal court of the city. Any person, firm or corporation violating any provisions of this chapter may, upon conviction, be fined in an amount as authorized by the city's Charter. Each day said violations shall continue shall constitute a separate offense.

Sec. 406.24. Sign removal procedures.

1. The UDO Administrator shall prepare a written notice which shall describe the sign and specify the violation(s) involved. The notice shall state that if the sign is not removed or the violation corrected within ten days, the sign shall be removed in accordance with the provisions of this section.
2. All notices mailed by the UDO Administrator shall be sent by e-mail, regular and/or facsimile. Any time period provided for in this section shall be deemed to commence on the date of receipt of the certified mail.
3. The notice shall be mailed to the owner of the property on which the sign is located, the owner of the sign if different than the property owner, and the occupant of the property. If any of such person is unknown or cannot be found, notice shall be mailed to such person's last known address, if any, and posted on the sign or on the premises.
4. Any person having an interest in the sign or the property may appeal the determination of the UDO Administrator ordering removal or compliance by filing a written notice of appeal within 10 days after receipt of notice.
5. If the person to whom notice is directed fails to take corrective action within the time period prescribed, or if on appeal the Mayor and City Council affirms the decision of the UDO Administrator and the person fails to take corrective action or remove the offending sign within the time period prescribed, then the UDO Administrator shall proceed to have the sign removed or corrected to bring such sign into compliance with this article or to remove any unsafe condition.
6. When it is determined by the UDO Administrator that the sign would cause imminent danger to the public safety, and contact cannot be made with the sign owner or the building owner, no written notice will have to be served. In this emergency situation, the UDO Administrator shall document the imminent danger and their attempts to contact the sign owner, and may correct the danger, all costs being charged to the sign owner and property owner.
7. If it is necessary for the UDO Administrator to remove the sign pursuant to the provisions of this section, and it should be practicable to sell or salvage any material derived in the removal, they may sell the same at public or private sale at the best price obtainable, and shall keep an account of the proceeds thereof. Such proceeds, if any, shall be used to offset the cost of removal to be charged to the sign owner or property owner. Where the proceeds derived from such a sale are less than the cost of removal, such deficiency shall constitute a lien against the property on which the sign is located, such lien to be collectible in the same manner as property taxes.
8. Any sign removed by the UDO Administrator pursuant to the provisions of this section shall become the property of the city and may be disposed of in any manner deemed appropriate by the city. The cost of removal of the sign by the city shall constitute a lien against the property and shall be recoverable in the same manner as city property taxes. The cost of removal shall include any and all incidental expenses incurred by the city in connection with the sign's removal.

Sec. 406.25. Nonconforming signs.

Nonconforming signs may continue in existence subject to the following restrictions:

1. No change may be made in the location, shape, height, size, or design of any nonconforming sign, or replacement of or change in the face or message panel of a nonconforming sign except to bring the sign into compliance with the provisions of this article, and a sign permit granted, provided that, in the event a

nonconforming sign is damaged or destroyed by Act of God or other providential cause and not by action of the owner of the sign, such sign may be reconstructed in the same manner as the original sign.

2. A nonconforming sign may not be reconstructed, replaced, or reset if it is removed by the owner or agent for the owner for any reason.
3. A nonconforming sign may not be replaced by another nonconforming sign except where changed conditions beyond the control of the owner render the sign nonconforming or warrant the sign's repair, provided that, in the event a nonconforming sign is damaged or destroyed by Act of God or other providential cause and not by action of the owner of the sign, such sign may be reconstructed in the same manner as the original sign.
4. A nonconforming sign may not be expanded or altered in any manner that increases the degree of nonconformity.

Sec. 406.29-29. Reserved.

ARTICLE 7. SITE PLAN REVIEW PROCEDURES.

DIVISION 1. GENERAL PROVISIONS.

Sec. 407.1. Purpose.

The purpose of this article is to establish a uniform set of requirements for the planning and design of developments within the city in order to achieve the following objectives:

1. To determine compliance with the provisions of this article;
2. To promote the orderly development of the city;
3. To preserve property values;
4. To ensure a consistent level of quality throughout the community;
5. To ensure a harmonious relationship between new development and the existing natural and manmade surroundings;
6. To achieve the purposes of the comprehensive plan; and,
7. To promote consultation and cooperation between applicants and the city in order that applicants may accomplish their objectives in the utilization of land, consistent with the public purposes of this article and the comprehensive plan.

Sec. 407.2. Conflict.

Where any provision of this article is in conflict with any provision of state law, the state law controls. Where this article is incomplete in having failed to incorporate a provision necessarily required for the implementation of state law, the provision of state law must be fully complied with.

Sec. 407.3. Application certification.

All applications for all procedures under this article shall be certified by the applicant under penalty of perjury, and if the applicant is not the owner of the affected lands, shall also be certified by the owner of the affected lands

Sec. 407.4-7. Reserved.

DIVISION 2. REVIEW PROCEDURES.

Sec. 407.8. Common review provisions.

A. Review procedures.

As further defined in Section 104-8, 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:

1. Pre-application meeting;
2. Application submittal, including supporting documentation, studies and fee payments;
3. Review of the submittal by appropriate staff, the Planning and Zoning Commission and/or the Mayor and City Council after proper public notice has been made, if necessary;
4. A decision is made to approve, approve with conditions, or deny together with a description of the actions authorized and the time period for exercising those development rights;

5. If necessary, amending or appealing the decision; and
6. Recording the decision.

B. Approval authority.

Approval authority for conceptual site plans and development plans shall be as follows:

Site plan type	STAFF			Planning and Zoning Commission
	UDO Administrator	City Engineer	Fire Marshal	
Administrative review	Approve	Review	Review	
Conceptual site plan	Review	Review	Review	Approve
Development plans	Approve	Approve	Approve	

Sec. 407.9-12. Reserved.

DIVISION 3. DEVELOPMENT TYPES.

Sec. 407.13. Development types and review standards.

Varying levels of plan reviews are hereby established, depending on the scale of the proposed development and potential impacts it may have on the community and immediate surroundings. This section defines the parameters under which varied levels of plans will be required for all developments other than single-family detached residential and defines the review authority, as follows:

1. Administrative site plan.

The UDO Administrator shall review site plans in connection with the creation of a use or the erection of a building or structure as indicated in the table below.

2. Conceptual site plan.

The technical review committee shall review all conceptual site plans in connection with the use or erection of a building or structure as identified below. Following review by the technical review committee, the Planning and Zoning Commission shall act upon the conceptual site plan.

3. Development plan.

The technical review committee shall review all final site plans in connection with the creation of a use or erection of a building or structure as identified below.

Sec. 407.14. Applicable projects.

The following table specifies the project categories applicable to each level of site plan:

Applicable projects review site plan	Administrative	Conceptual	Development plans
Construction or expansion of an accessory building exceeding 100 SF	X		
Additions of less than ten percent, but not exceeding 5,000 SF, of the gross floor area of an existing principal building in any zoning district	X		
Changes in the use of any existing building in any zoning district; provided, the use is a “permitted” use in that district and any expansion does not exceed ten percent or 5,000 SF as stated above	X		
Construction or expansion of a surface parking lot, not involving new buildings or additions exceeding the limits specified for administrative review	X	X	X
When, in the opinion of the UDO Administrator, a project which otherwise qualifies for administrative review may have a significant impact on surrounding properties, he/she may, in his/ her sole discretion, submit the site plan to the Planning and Zoning Commission for review. In such cases, the Planning and Zoning Commission shall follow the conceptual site plan review process and may require any additional information needed to make an informed decision	X	X	
New construction or expansion of a principal building in any zoning district, except a single- or two-family dwelling or a project subject to administrative review		X	X
New construction or expansion of a parking structure		X	X
Any conditional use		X	X
As otherwise required by this article		X	X

Sec. 407.15. Exemptions.

Site plan review shall not be required for a single or two-family dwelling when permitted by right on a lot on which there exists no other building or use, or for any home occupation, or any accessory building not exceeding 100 square feet; provided, this exemption shall not apply within the Downtown Overlay District.

Sec. 407.16. Administrative site plan.

1. Administrative site plan reviews shall be performed by the UDO Administrator, as follows:
 - a. Applications shall be submitted to the UDO Administrator in a quantity and format as specified by the city. Each application shall comply with the submittal requirements maintained by the community development department, including the applicable submittal fee.
 - b. The UDO Administrator will review the application for completeness and then obtain comments, as

- deemed necessary, from city departments or consultants.
- c. The UDO Administrator will consider the site plan, any comments received, and the applicable standards of this article and shall either:
 - i. Approve the site plan, as submitted, if all applicable requirements and standards have been met;
 - ii. Approve the site plan with conditions; or
 - iii. Deny approval of the site plan, if applicable requirements and standards have not been met.
 2. At the UDO Administrator's sole discretion, the application may be submitted to the Planning and Zoning Commission for comment or a decision.
 - a. The reasons for the UDO Administrator's action, along with any conditions that may be attached, shall be stated in writing and provided to the applicant.
 - b. If approved, two copies of the site plan shall be signed and dated by the UDO Administrator. One copy shall be kept on file with the city and one copy shall be returned to the applicant or his

Sec. 407.17. Conceptual site plan.

A. Review process.

Conceptual site plan applications shall be reviewed by the UDO Administrator, city staff and the Planning and Zoning Commission as follows:

1. Applications shall be submitted to the UDO Administrator in a quantity and format as specified by the city. Each application shall comply with the submittal requirements maintained by the community development department, including the applicable submittal fee.
2. When the application is deemed complete, it will be date stamped as received and distributed to city staff for review. Staff shall have twenty business days to review new applications and ten business days to review re-submittals.
3. During the staff review period the application will be scheduled for the next available Technical Review Committee meeting.
4. Once staff review is complete and all comments have been addressed, the application will be placed on the next available Planning and Zoning Commission agenda for consideration.
5. The UDO Administrator will prepare a staff report based on conformity of the application to the rules and regulations of this article and all applicable provisions of this article as well as comments received during the staff review process. The staff report will include findings and recommendations as they relate to the application.

B. Review criteria.

1. The Planning and Zoning Commission shall review the conceptual site plan in a regularly scheduled meeting, taking into account the findings and recommendations from city staff in addition to the following:
 - a. Does the proposed development meet all requirements of this and any other applicable ordinances?
 - b. Does the proposed development meet all of the requirements of state and federal law?
 - c. Will the proposed development be consistent with the comprehensive plan?
 - d. Will the proposed development interfere with or obstruct the flow of traffic, or create any traffic or safety hazards upon the street system of the city?
 - e. Will the proposed development restrict or otherwise interfere with any future street or thoroughfare plan?
 - f. Is the proposed development designed and laid out so as to accommodate fire and other emergency vehicles?

- g. Will the proposed development harmonize with neighboring properties?
 - h. Will the proposed development or any logical extension thereof have any adverse environmental impact?
- 2. The Planning and Zoning Commission may require such additional restrictions and standards (i.e., buffer strips, screening, etc.) to mitigate adverse impacts of the proposed development:
 - a. To meet the intent and purpose of the UDO;
 - b. To protect the health, safety and general welfare; and
 - c. To protect the value and use of property in the general neighborhood.
- C. Action by Planning and Zoning Commission.
 - 1. After consideration, the Planning and Zoning Commission may then vote:
 - a. To grant approval of the conceptual site plan as submitted;
 - b. To grant project approval of the conceptual site plan subject to further understandings and conditions; or
 - c. To deny the conceptual site plan due to noncompliance with the requirements, intent or purposes of this UDO.
 - 2. If the conceptual site plan is approved, the UDO Administrator and the Planning and Zoning Commission chairman shall sign two copies of the plan as approved and the applicant will be authorized to proceed with the preparation of development plans.
 - 3. If the conceptual site plan is denied, the conceptual site plan shall be returned to the applicant with an explanation as to why it was found to be not acceptable, and with instructions as to what needs to be done to make it acceptable. The applicant may then begin the plan review process again with a revised application and the appropriate resubmittal fee.

Sec. 407.18. Development plan.

A. Review process.

Development plan applications shall be reviewed by the UDO Administrator and city staff as follows:

1. Applications shall be submitted to the UDO Administrator in a quantity and format as specified by the city. Each application shall comply with the submittal requirements maintained by the community development department, including the applicable submittal fee.
2. When the application is deemed complete, it will be date stamped as received and distributed to city staff for review. Staff shall have twenty business days to review new applications and ten business days to review re-submittals.
3. During the staff review period the application will be scheduled for the next available Technical Review Committee meeting.
4. Should staff identify items that need further attention, review comments will be returned to the applicant who will be asked to revise the plans accordingly. The review process will begin again when the revised plans are submitted.
5. When the plans are ready for approval, the UDO Administrator and the city engineer will sign 2 sets of plans and return one set to the applicant. The approved plans shall be kept on the project site throughout the construction process.

B. Review criteria.

The development plans shall be approved upon a finding of compliance with the following standards:

1. The development plans comply with all standards of this article, all applicable requirements of this UDO, and all other applicable laws and regulations.
2. The development must be designed in a manner that is harmonious, to the greatest extent possible, with the character of the surrounding area.
3. The development must be designed to minimize hazards to adjacent property, and to reduce the negative effects of traffic, noise, smoke, fumes and glare to the maximum extent possible.

Sec. 407.19. Amendments to approved plans.

A. Criteria for approval.

Amendments to an approved site plan shall be permitted only under the following circumstances:

1. The holder of an approved site plan shall notify the UDO Administrator of any proposed amendment to the site plan;
2. Amendments to an administrative site plan may be approved by the UDO Administrator; and
3. Minor changes to a conceptual site plan or a development plan may be approved by the UDO Administrator upon determining that the proposed revision(s) will not alter the basic design, nor any specified conditions imposed as part of the original approval.

B. Minor amendments.

1. Reduction in building size or increase in building size up to ten percent of the building footprint;
2. Movement of buildings or other structures by no more than twenty 20 feet, except in form districts;
3. Replacement of plant material specified in the landscape plan with comparable materials of an equal or greater size. Removal of trees without replacement or other substantive deviations from the approved landscape plan, as determined by the UDO Administrator, shall be considered major changes.
4. Changes in building materials to a comparable or higher quality;
5. Changes in floor plans which do not alter the character of the use;
6. Changes to building elevation that reduce the percent of fenestration (doors and windows) by less than 10 percent or alter the character; or
7. Changes required or requested by a city departments or county, state, or federal regulatory agency to conform to other laws or regulations.

C. Major amendment.

A change to a conceptual site plan or a development plan, not determined by the UDO Administrator to be a minor change, shall be submitted to the Planning and Zoning Commission and/or the technical review committee, as applicable, based on the UDO administrator's determination regarding the type and extent of the proposed change. Any major change to the approved conceptual site plan shall be reviewed by the Planning and Zoning Commission. However, a change to the development plan that only affects utility or stormwater design and does not alter building design or the layout of the site shall not be returned to the Planning and Zoning Commission.

Sec. 407.20. Expiration.

The approval of any plan under this article shall expire 12 months from the date of approval, unless the applicant requests an extension, in writing, to the UDO Administrator prior to the date of expiration of the site plan, as follows:

1. In the case of an administrative site plan, the UDO Administrator may grant one extension of up to 12 months;
2. In the case of a conceptual site plan, the Planning and Zoning Commission may permit one extension not to exceed 12 months; or
3. In the case of development plan, the Planning and Zoning Commission may permit one extension not to exceed 12 month.

Extensions shall only be approved if the applicant presents reasonable evidence to the effect that the project has encountered unforeseen difficulties beyond the control of the applicant and will proceed within the extension period. If the above provisions are not fulfilled or the extension has expired prior to construction, the site plan approval shall become null and void.

Sec. 407.21. Appeals.

Any person having a special interest in a decision relating to the approval or denial of a site plan or the conditions imposed shall have the right to appeal that decision to the Mayor and City Council in accordance with the provisions adopted in Section 104-18.B of this UDO.

Sec. 407.22. Land disturbance and grading permit.

A. Applicability.

1. A land disturbance and/or a grading permit is required for any land disturbing activity in excess of 5,000 square feet that results in modifications to existing topography or storm water drainage patterns, including, but not limited to:
 - a. Clearing and grubbing;
 - b. Dredging;
 - c. Grading;
 - d. Excavating;
 - e. Filling;
 - f. Tree removal; or
 - g. Storage or transporting of materials on or off a site.
8. A permit is required for all such work, even when it is temporary in nature.
9. The UDO Administrator shall verify whether a permit is required before commencement of land disturbance and/or grading activities.

B. Submittal requirements.

Refer to Section 104.8.B(2) of this UDO and the city's Development Review Guidebook as kept on file in the Community Development Department and available on the city's website.

C. Review process.

1. The UDO Administrator shall review the application package for compliance with the rules and regulations of this article and all applicable provisions of this UDO.
2. The presumption is that all information required to satisfy the requirements of this UDO will be included with the initial submittal. However, it is recognized that each project is unique, and more or less information may be required according to the specifics of a particular case. The applicant may rely on the UDO Administrator to determine whether more or less information has to be submitted.

3. When the application package is deemed complete it will be date stamped as received and distributed for staff review.
4. City Staff shall have 20 business days to review the application package and supporting documentation for compliance with the rules and regulations of this article and all applicable provisions of this UDO.

D. Review standards.

1. If the application request is denied, the application package shall be returned to the applicant with an explanation as to why it was found to be not acceptable and with instructions identifying what needs to be done to make it acceptable.
2. If the application request is approved, the UDO Administrator shall sign and approve two sets of plans, one for the developer and one for the city. The applicant shall keep one copy of the approved set of construction plans on the project site at all times.
3. The Development Inspector shall inspect the property to determine whether the erosion control measures and tree-save fence were installed properly. This inspection shall take place within three working days of the request.
4. If the installation of the erosion control measures or the tree save fence is not approved, the developer shall be informed in writing of what needs to be done to secure approval and shall request a re-inspection. A re-inspection fee shall be required.
5. After approval of the erosion control measures and tree-save fence, the developer may request that the UDO Administrator issue a land disturbance and/or grading permit to clear and grade the property in accordance with the approved plans. A fee shall be required for this permit.
6. Staff shall inspect the property to determine whether the clearing and grubbing were done properly. This inspection shall take place within five working days of the request.
7. If the clearing and grubbing are not approved, the developer shall be informed in writing of what needs to be done to secure approval and shall request a re-inspection. A re-inspection fee shall be required.
8. The UDO Administrator shall periodically inspect the property to determine whether the site is developed in accordance with the approved plans. 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.
9. The UDO Administrator shall make a final inspection of the construction. Based on the site inspection and the review of the supporting documentation, the UDO Administrator 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 UDO Administrator will authorize the preparation of the final plat.
10. If the construction is not approved, the developer shall be informed in writing of what needs to be done to secure approval and shall request a re-inspection. A re-inspection fee shall be required.

E. Amendments.

Revisions to an approved land disturbance and/or grading permit may be approved by the UDO Administrator following review by applicable internal and external agencies consistent with this UDO.

F. Permit validity.

A land disturbance and/or grading permit remains valid for the duration of the project subject to the following time restrictions:

1. Land disturbance and/or grading permits expire six months from the date of issuance if no inspection has been requested; or
2. If one year elapses between inspection requests.

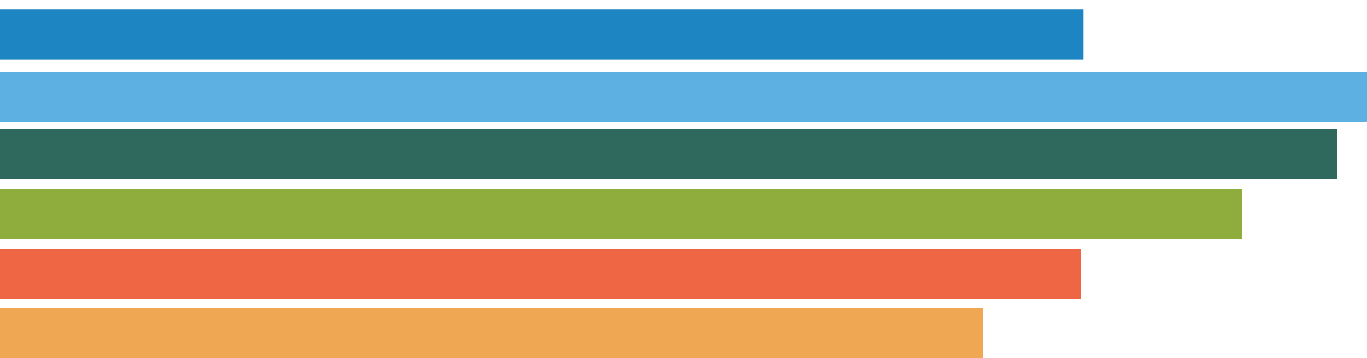
G. Expiration.

A land disturbance and/or grading permit shall expire 60 calendar days from date of issuance or the latest approval of permit revisions. The city will issue a written notice of expiration to the applicant and require that comments be addressed, or that a permit be obtained within 30 days of issuance of the notice of expiration.

H. Permit extension.

The UDO Administrator is authorized to grant, in writing, an extension of a land disturbance and/or grading permit for a period not more than 180 calendar days, subject to the qualifying conditions set forth in this article. An extension request must be submitted to the UDO Administrator a minimum of 30 calendar days prior to the expiration of the permit. No more than one 180 calendar day extension per land disturbance and/or grading permit may be granted for any of the qualifying conditions set forth herein.

Sec. 407.23-26. Reserved.



CHAPTER

5000

**BUILDINGS AND
CONSTRUCTION**

ARTICLE 1. BUILDING AND CONSTRUCTION DESIGN.

DIVISION 1. GENERAL PROVISIONS.

Sec. 501.1. Purpose.

The purpose of this chapter is to provide for the adoption, administration and enforcement of the Georgia State Minimum Standard Codes for Construction as adopted and amended by the Georgia Department of Community Affairs (DCA) and as may further be amended herein. Hereinafter, the State Minimum Standard Codes for Construction as set forth hereinafter are hereby adopted, as amended, and shall be referred to as “the construction codes”.

Sec. 501.2. Violations and penalties.

Any person, firm, corporation, or agent who shall violate a provision of the construction codes, or fail to comply therewith, or with any of the requirements thereof, or who shall erect, construct, alter, install, demolish, or move any structure, electrical, gas, mechanical, or plumbing system, or has erected, constructed, altered, repaired, moved or demolished a building, electrical, gas, mechanical, or plumbing system, in violation of a detailed statement or drawing submitted and permitted thereunder, shall be guilty of a misdemeanor. Each such person shall be considered guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this UDO is committed or continued, and upon conviction of any such violation such person shall be punished within the limits and as provided by state laws.

Sec. 501.3. State minimum standards adopted.

A. Adopted codes.

The following codes, as adopted by DCA, 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 Building Department where they shall be available for inspection by the public:

1. International Building Code (IBC).
2. International Residential Code (IRC).
3. International Fire Code (IFC).
4. International Plumbing Code (IPC).
5. International Mechanical Code (IMC).
6. International Fuel Gas Code (IFGC).
7. National Electrical Code (NEC).
8. International Energy Conservation Code (IECC).
9. International Swimming Pool and Spa Code (ISPSC).
10. International Existing Building Code (IEBC).
11. International Property Maintenance Code (IPMC).

The codes identified above mean such codes as they are currently adopted by DCA, provided that any such code may hereafter be amended or revised as provided in O.C.G.A. § 8-2-23(a).

B. Georgia accessibility code compliance.

In addition to the regulations of the UDO, the Georgia Accessibility Code for buildings and facilities shall also apply. In the case of conflict between the UDO and the Georgia Accessibility Code, the more stringent provisions will govern.

C. Life Safety Code.

In addition to the regulations of the UDO, the Life Safety Code (NFPA 101) for buildings and facilities shall also apply. In the case of conflict between the UDO and the Life Safety Code, the more stringent provisions will govern.

D. Rules & Regulations for the Georgia State Minimum Fire Safety Standards 120-3-3.

In addition to the regulations of the UDO, the Rules & Regulations for the Georgia State Minimum Fire Safety Standards 120-3-3 for buildings and facilities shall also apply. In the case of conflict between the UDO and the Georgia State Minimum Standards Currently Adopted, the more stringent provisions will govern.

Sec. 501.4. References to officials in adopted technical codes.

Where reference is made to the duties of certain officials named within the technical codes which are adopted by reference in this chapter, then that designated official of the city, who has duties corresponding to those of the named official in said technical code, shall be deemed to be the responsible official insofar as enforcing the provisions of that technical code are concerned.

Sec. 501.5. Code remedial.

A. Generally.

These construction codes are hereby declared to be remedial, and shall be construed to secure the beneficial interests and purposes thereof, which are public safety, health and general welfare, through structural strength, stability, sanitation, adequate light and ventilation, and safety to life and property from fire and other hazards attributed to the built environment including alteration, repair, removal, demolition, use, and occupancy of buildings, structures, or premises, and by regulating the installation and maintenance of all electrical, gas, mechanical, and plumbing systems, which may be referred to as service systems.

B. Quality control.

Quality control of materials and workmanship is not within the purview of the construction codes except as it relates to the purposes stated therein.

C. Permitting and inspection.

The inspection or permitting of any building, system or plan, under the requirements of construction codes, shall not be construed in any court as a warranty of the physical condition of such building, system or plan or their adequacy. The city, nor any employee thereof, shall be liable in tort for damages for any defect or hazardous or illegal condition or inadequacy in such building, system or plan, nor for any failure of any component of such, which may occur subsequent to such inspection or permitting.

Sec. 501.6-9. Reserved.

DIVISION 2. CONSTRUCTION CODES.

Sec. 501.10. Scope.

A. Applicability.

Where, in any specific case, different sections of these construction codes specify different materials, methods of construction, or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

1. Building.

The provisions of the International Building Code, as adopted and amended by DCA, shall apply to the construction, alteration, 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, except in one-family and two-family dwellings.

2. Electrical.

The provisions of the National Electrical Code, as adopted and amended by DCA, shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings, and appurtenances thereto.

3. Gas.

The provisions of the International Fuel Gas Code, as adopted and amended by DCA, shall apply to the installation of consumer's gas piping, 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, except in one-family and two-family dwellings.

4. Mechanical.

The provisions of the International Mechanical Code, as adopted and amended by DCA, shall apply to the installation of mechanical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and/or appurtenances, including ventilating, heating, cooling, air conditioning and refrigeration systems, incinerators, and other energy related systems; except in one-family and two-family dwellings.

5. Plumbing.

The provisions of the International Plumbing Code, as adopted and amended by DCA, shall apply to every plumbing installation, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings, and appurtenances, and when connected to a water or sewerage system.

6. Fire prevention.

The provisions of the International Fire Code, as adopted and amended by DCA, shall apply to the construction, alteration, repair, equipment, use and occupancy, location, and maintenance, of every building or structure or any appurtenances connected or attached to such buildings or structures.

7. Life safety.

The provisions of the Life Safety Code, as adopted by the City of Fayetteville, address those construction, protection, and occupancy features necessary to minimize danger to life from the effects of fire, including smoke, heat, and toxic gases created during a fire.

8. Energy.

The provisions of the International Energy Conservation Code, as adopted and amended by DCA, shall regulate the design of building envelopes for adequate thermal resistance and low air leakage and the design and selection of mechanical, electrical, service water heating, and illumination systems and equipment that will enable the effective use of energy in new building construction.

9. One- and two-family dwellings.

The provisions of the International Residential Code for One- and Two-Family Dwellings, as adopted and amended by DCA, shall apply to the construction, alteration, repair, equipment, use and occupancy, location, and maintenance, of everyone- or two-family dwelling or any appurtenances connected or attached to such buildings or structures.

10. International Property Maintenance Code.

The provisions of this code provide code enforcement personnel with the necessary tools to have dangerous and unsafe buildings repaired or demolished.

B. Federal and state authority.

The provisions of the construction codes shall not be held to deprive any federal or state agency, or any applicable governing authority having jurisdiction, of any power or authority which it had on the effective date of the adoption of the construction codes or of any remedy then existing for the enforcement of its orders, nor shall it deprive any individual or corporation of its legal rights as provided by law.

C. Referenced standards.

Standards referenced in the text of the construction codes shall be considered an integral part of the construction codes. If specific portions of a standard are denoted by code text, only those portions of the standard shall be enforced. Where construction code provisions conflict with a standard, the construction code provisions shall be enforced. Permissive and advisory provisions in a standard shall not be construed as mandatory.

D. Maintenance.

All buildings, structures, electrical, gas, mechanical, and plumbing systems, both existing and new, and all parts thereof, shall be maintained in a safe and sanitary condition. All devices or safeguards, which are required by the construction codes when constructed, altered, or repaired, shall be maintained in good working order. The owner, or his designated agent, shall be responsible for the maintenance of buildings, structures, electrical, gas, mechanical, and plumbing systems.

Sec. 501.11-14. Reserved.

DIVISION 3. ADMINISTRATION AND ENFORCEMENT.

Sec. 501.15. Building Department.

A. Established.

There is hereby established a department to be called the Building Department and the person in charge shall be known as the Building Official. The Mayor and City Council shall establish the qualifications for the Building Official. The duties of the department may be contracted out in full to a third-party entity.

B. Restrictions on employees.

Any officer or employee connected with the department shall not be financially interested in the furnishing of labor, material, or appliances for the construction, alteration, or maintenance of a building, structure, service, system, or in the making of plans or of specifications thereof, unless they are the owner of such. This officer or employee shall not engage in any other work, which is inconsistent with their duties or conflict with the interests of the department.

C. Records.

The Building Official shall keep, or cause to be kept, a record of the business of the department. The records of the department shall be open to public inspection pursuant to the provisions of the Georgia Open Records Act.

D. Liability.

Any officer or employee charged with the enforcement of the construction codes, acting for the applicable governing authority in the discharge of his duties, shall not thereby render himself personally liable, and is hereby relieved from all personal liability, for any damage that may occur to persons or property as a result of any act required or permitted in the discharge of his duties. Any suit brought against any officer or employee or member because of such act performed by him in the enforcement of any provision of the construction codes shall be defended by the governing jurisdiction until the final termination of the proceedings.

E. Reports.

The Building Official shall submit a report each year covering the work of the Building Department during the preceding year.

Sec. 501.16. Building Official.

A. Generally.

The Building Official is hereby authorized and directed to enforce the provisions of the construction codes. Copies of the adopted construction codes will be maintained by the Building Official, and may be viewed by the public upon request. The Building Official is further authorized to render interpretations of the construction codes, which are consistent with its intent and purpose. The city may contract with a third party to provide the duties of the Building Official.

B. Right of entry.

1. Whenever necessary to make an inspection to enforce any of the provisions of the construction codes, or whenever the Building Official has reasonable cause to believe that there exists in any building or upon any premises any condition or code violation which makes such building, structure, premises, electrical, gas, mechanical, or plumbing systems unsafe, dangerous, or hazardous, the Building Official may enter

such building, structure, or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Building Official by these construction codes, provided that if such building or premises is occupied, they shall first present proper credentials and request entry. If such building, structure, or premises is unoccupied, they shall first make a reasonable effort to locate the owner or other persons having charge or control of such and request entry. If entry is refused, the Building Official shall have recourse to every remedy provided by law to secure entry.

2. When the Building Official shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having the charge, care or control of any building, structure, or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the Building Official for the purpose of inspection and examination pursuant to the construction codes.

C. Stop work orders.

Upon notice from the Building Official, work on any building, structure, electrical, gas, mechanical, or plumbing system that is being done contrary to the provisions of the construction codes or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to his agent, or to the person doing the work, and shall state the conditions under which work may be resumed. Where an emergency exists, the Building Official shall not be required to give a written notice prior to stopping the work.

D. Requirements not covered by code.

Any requirements necessary for the strength, stability, or proper operation of an existing or proposed building, structure, electrical, gas, mechanical, or plumbing system, or for the public safety, health, and general welfare, not specifically covered by the construction codes, shall be determined by the Building Official.

E. Alternate materials and methods.

The provisions of the construction codes are not intended to prevent the use of any material or method of construction not specifically prescribed by them, provided any such alternate has been reviewed by the Building Official. The Building Official shall approve any such alternate, provided the Building Official finds that the alternate for the purpose intended is at least the equivalent of that prescribed in the construction codes, in quality, strength, effectiveness, fire resistance, durability, and safety. The Building Official shall require that sufficient evidence or proof be submitted to substantiate any claim made regarding the alternate.

Sec. 501.17-20. Reserved.

DIVISION 4. SUBMITTAL REQUIREMENTS.

Sec. 501.21. Submittal requirements.

A. Permit application.

1. Principal structure.

Any owner, authorized agent, or contractor who desires to construct, enlarge, alter, repair, move, demolish, or change the 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 the construction codes, or to cause any such work to be done, shall first make application to the Building Official and obtain the required permit for the work. A permit shall not be issued to an

owner, who is neither a licensed contractor nor the occupant of the structure being built or altered.

2. Accessory building/structure.

Any residential accessory structure larger than 120 square feet or a non-residential accessory structure of any size shall make application to the Building Official and obtain the necessary required permit for the work. Unless otherwise approved, all accessory structures shall be single story and used for storage purposes only and shall include, but not be limited to, detached garages, boat and car storage buildings. Portable accessory structures 120 square feet or less do not require a permit.

3. Accessory dwelling structures.

Any structure constructed on the property where a primary dwelling already exists. In-law suites and detached garage apartments are examples.

4. Demolition of structures.

Whenever any dwelling or other structure formerly used for human habitation in excess of 150 square feet, or any commercial building or other structure formerly occupied in the conduct of any trade or business in excess of 150 square feet, is removed from a location within the city to another and different location, either within or without the city, or there is to be a demolition of the structure, the applicant for the permit to move or demolish such structure shall agree in writing that the premises shall be left in a safe and sanitary condition and is required to do the following:

- a. Remove from such location or premises all trash, debris, garbage and other similar material.
- b. Fill all holes and depressions caused by the removal of any part of the structure or caused as a result of compliance with this article, which might become a harboring place for insects, rodents or vermin.
- c. Tear down and remove all underpinnings, pilasters, steps, plumbing connections and fixtures above ground level. All water, gas and sewer lines shall be closed off, sealed and made to be gastight and watertight.
- d. Fill or cover all wells with a concrete cap.

5. Until the premises is completely restored to a safe and sanitary condition, the premises shall be secured by a fence to prevent unauthorized entry.

B. Information required.

Each application for a permit, with the required fee, shall be filed with the Building Official on a form furnished for that purpose, and shall contain a general description of the proposed work and its location. The application shall be signed by the owner, or his authorized agent. The building permit application shall indicate the proposed occupancy of all parts of the building and of that portion of the site or lot, if any, not covered by the building or structure, and shall contain such other information as may be required by the Building Official.

C. Time limitations.

An application for a permit for any proposed work shall be deemed to have been abandoned six months after the date of filing for the permit, unless before then a permit has been issued. One or more extensions of time for periods of not more than 90 days each may be allowed by the Building Official for the application, provided the extension is requested in writing and justifiable cause is demonstrated.

D. Drawings and specifications.

1. Requirements.

When required by the Building Official, three copies of specifications and of drawings drawn to scale with sufficient clarity and detail to indicate the nature and character of the work, shall accompany the application for a permit. Such drawings and specifications shall contain information, in the form of notes or otherwise, as to the quality of materials, where quality is essential to conformity with the construction codes. Such information shall be specific, and the construction codes shall not be cited as a whole or in part, nor shall the term "legal" or its equivalent be used, as a substitute for specific information. All information, drawings, specifications and accompanying data shall bear the name and signature of the person responsible for the design.

2. Additional data.

The Building Official may require details, computations, stress diagrams, and other data necessary to describe the construction or installation and the basis of calculations. All drawings, specifications, and accompanying data required by the Building Official to be prepared by an architect or engineer shall be affixed with their official seal.

3. Design professional.

The design professional shall be an architect or engineer legally registered under the laws of this state regulating the practice of architecture or engineering and shall affix his official seal to said drawings, specifications, and accompanying data, for the following:

- a. For all other buildings and structures, the submittal shall bear the certification of the applicant that some specific state law exception permits its preparation by a person not so registered.
- b. All Group A, E, and I occupancies.
- c. Buildings and structures three stories high or higher.
- d. Buildings and structures 5,000 square feet or more in area.
- e. Single-family dwellings, regardless of size, shall require neither a registered architect or engineer, nor a certification that an architect or engineer is not required.

4. Structural and fire resistance integrity.

Plans for all buildings shall indicate how required structural and fire resistance integrity will be maintained where a penetration of a required fire resistance wall, floor, or partition will be made for electrical, gas, mechanical, plumbing, signal and communication conduits, pipes, and systems and also indicate in sufficient detail how the fire integrity will be maintained where required fire resistance floors intersect the exterior walls.

5. Exception.

Single-family dwellings, regardless of size, shall require neither a registered architect nor engineer, nor a certification that an architect or engineer is not required; however, copies of drawings and specifications which bear the copyright seal or statement of a design professional will not be accepted with the permit application unless specifically authorized by the design professional.

E. Site drawings.

Drawings shall show the location of the proposed building or structure and of every existing building or structure on the site or lot. The Building Official may require a boundary line survey prepared by a qualified surveyor.

F. Survey.

1. Whenever it is proposed to erect or alter a permanent residential structure within the city, the Building

Department shall require that the builder provide the department with an as-built survey of the full and complete foundation and appurtenances for that lot prior to scheduling final inspections.

2. The Building Official may also require a form check and/or a foundation survey in any situation where it is felt a structure has encroached into a setback area, regardless of how it is shown on a proposed site plan, commercial or residential.
3. If a foundation survey is required for a structure, no work shall be done on that structure beyond the foundation phase of the project until such time as a foundation survey is submitted to the Building Official and approved.

G. Subcontractor affidavits.

The city requires a copy of the contractor's business license, trade card and identification, as well as electrical, plumbing, mechanical and low voltage affidavits from state licensed contractors subordinate to a building permit. The Building Official may require additional information as deemed necessary when accepting an affidavit.

H. Work authorized.

A building, electrical, gas, mechanical, or plumbing permit shall carry with it the right to construct or install the work, provided the same are shown on the drawings and set forth in the specifications filed with the application for the permit. Where these are not shown on the drawings and covered by the specifications submitted with the application, separate permits shall be required.

I. Exceptions.

Permits shall not be required for the following mechanical work, if the equipment is approved by Underwriters Laboratories (UL) or equivalent testing company:

1. Any portable heating appliance;
2. Any portable ventilation equipment;
3. Any portable cooling unit;
4. Any steam, hot or chilled water piping within any heating or cooling equipment regulated by this UDO;
5. Replacements of any part which does not alter its approval or make it unsafe;
6. Any portable evaporative cooler; or
7. Any self-contained refrigeration system containing ten pounds or less of refrigerant and actuated by motors of one horsepower or less.

J. Minor repairs and routine maintenance.

Ordinary minor repairs, with a value of less than \$1,000, may be made with the approval of the Building Official without a permit, provided that such repairs shall not violate any of the provisions of the construction codes.

Sec. 501.22. Hazardous occupancies.

A. General site plan.

A general site plan, drawn at a legible scale, which shall include, but not be limited to, the location of all buildings, exterior storage facilities, permanent access ways, evacuation routes, parking lots, internal roads, chemical loading areas, equipment cleaning areas, storm and sanitary sewer accesses, emergency equipment, and adjacent property uses. The exterior storage areas shall be identified with the hazard classes and the maximum quantities per hazard class of hazardous materials stored.

B. Building floor plan.

A building floor plan, drawn to a legible scale, which shall include, but not be limited to, all hazardous materials storage facilities within the building and shall indicate rooms, doorways, corridors, exits, fire rated assemblies with their hourly rating, location of liquid tight rooms, and evacuation routes. Each hazardous materials storage facility shall be identified on the plan with the hazard classes and quantity range per hazard class or the hazardous materials stored.

C. Examination of documents.

The Building Official shall examine or cause to be examined each application for a permit and the accompanying documents, consisting of drawings, specifications, computations, and additional data, and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of the construction codes and all other pertinent laws or ordinances.

Sec. 501.23-26. Reserved.

DIVISION 5. PERMIT REGULATIONS.

Sec. 501.27. Issuing permits.

A. Action on permits.

The Building Official shall act upon an application for a permit without unreasonable or unnecessary delay. If the Building Official is satisfied that the work described in an application for a permit and the contract documents filed therewith conform to the requirements of the construction codes and other pertinent laws and ordinances, they shall issue a permit to the applicant.

B. Refusal to issue permit.

If the application for a permit and the accompanying contract documents describing the work do not conform to the requirements of the construction codes or other pertinent laws or ordinances, the Building Official shall not issue a permit, but shall return the contract documents to the applicant with his refusal to issue such permit. Such refusal shall, when requested, be in writing and shall contain the reason for refusal.

C. Special foundation permit.

When application for permit to erect or enlarge a building has been filed and pending issuance of such permit, the Building Official may, at his discretion, issue a special permit for the foundation only. The holder of such a special permit is proceeding at his own risk and without assurance that a permit for the remainder of the work will be granted nor that corrections will not be required in order to meet provisions of the construction codes.

D. Public right-of-way.

No permit shall be issued by the Building Official for the construction of any building, or for the alteration of any building where said building is to be changed and such change will affect the exterior walls, bays, balconies, or other appendages or projections fronting on any street, alley, or public lane, or for the placing on any lot or premises of any building or structure removed from another lot or premises, unless the applicant has made application at the office of the director of public works for the lines of the public street on which they propose to build, erect, or locate said building; and it shall be the duty of the Building Official to see that

the street lines are not encroached upon.

E. Exemptions from permitting.

A permit shall not be required for the following:

1. Oil derricks;
2. Retaining walls that are not over four feet in height measured from the top of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or IIIA liquids;
3. Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2:1;
4. Sidewalks and driveways not more than 30 inches above adjacent grade, and not over any basement or story below and are not part of an accessible route. Interior painting, papering, tiling, carpeting, cabinets, and counter tops;
5. Temporary motion picture, television and theater stage sets and scenery;
6. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches deep, do not exceed 5,000 gallons and are installed entirely above ground;
7. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems;
8. Swings and other playground equipment accessory to detached one- and two-family dwellings; or
9. Non-fixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches in height.

F. Contractor responsibilities.

It shall be the duty of every contractor who shall make contracts for the installation or repairs of buildings, structures, electrical, gas, mechanical, sprinkler, or plumbing systems, for which a permit is required, to comply with state or local rules and regulations concerning licensing which the applicable governing authority may have adopted. In such case that the state requires a contractor to have obtained a state license before they are permitted to perform work, the contractor shall supply the local government with its license number before receiving a permit for work to be performed.

G. Conditions of permit approval.

1. Intent.

A permit issued shall be construed to be a license to proceed with the work and not as authority to violate, cancel, alter, or set aside any of the provisions of the construction codes, nor shall issuance of a permit prevent the Building Official from thereafter requiring a correction of errors in plans, construction, or violations of the construction codes. Every permit issued shall become invalid unless the work authorized by such permit is commenced within six months after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of six months after the time the work is commenced. One or more extensions of time, for periods not more than 90 days each, may be allowed for the permit. The extension shall be requested in writing and justifiable cause demonstrated. Extensions shall be in writing by the Building Official.

2. Issued on basis of an affidavit.

Whenever the work to be covered by a permit involves installation under conditions which, in the opinion of the Building Official, are hazardous or complex, the Building Official shall require that the architect or engineer who prepared the drawings or computations shall supervise such work. In addition, they shall be responsible for conformity with the permit, provide copies of inspection reports as inspections are performed, and upon completion make and file with the Building Official written affidavit that the work has been done in conformity with the reviewed plans and with the structural provisions of the construction codes. In the event such architect or engineer is not available, the owner shall employ in his place, a competent person or agency whose qualifications are reviewed by the Building Official.

3. Plans.

When the Building Official issues a permit, they shall endorse, in writing or by stamp, both sets of plans “reviewed for code compliance.” One set of drawings so reviewed shall be retained by the Building Official and the other set shall be returned to the applicant. The permitted drawings shall be kept at the site of work and shall be open to inspection by the Building Official or his authorized representative.

H. Fees.

1. Prescribed fees.

A permit shall not be issued until the fees prescribed by the Mayor and City Council have been paid. Nor shall an amendment to a permit be released until the additional fee, if any, due to an increase in the estimated cost of the building, structure, electrical, plumbing, mechanical, or gas systems, etc., has been paid.

2. Work commencing before permit issuance.

Any person who commences any work on a building, structure, electrical, gas, mechanical, or plumbing, etc., system before obtaining the necessary permits shall be subject to a penalty of 100 percent of the usual permit fee in addition to the required permit fees.

3. Accounting.

The Building Official shall keep a permanent and accurate accounting of all permit fees and other money collected, the names of all persons upon whose account the same was paid, along with the date and amount thereof.

4. Reinspection.

A reinspection fee shall be assessed for all reinspections in accordance with the schedule of fees as adopted by the Mayor and City Council.

5. Schedule of permit fees.

On all buildings, structures, electrical, plumbing, mechanical, and gas systems or alterations requiring a permit, a fee for each permit shall be paid as required at the time of filing application, in accordance with the schedule of fees as adopted by the Mayor and City Council.

6. Building permit valuations.

If, in the opinion of the Building Official, the valuation of building, alteration, structure, electrical, gas, mechanical, or plumbing systems appears to be underestimated on the application, the permit shall be denied, unless the applicant can show detailed estimates to meet the approval of the Building Official. Permit valuations shall include total cost, such as electrical, gas, mechanical, plumbing equipment, and other systems, including materials and labor.

Sec. 501.28. Revocation of permits.

A. Misrepresentation of application.

The Building Official may revoke a permit or approval, issued under the provisions of the construction codes, in case there has been any false statement or misrepresentation as to the material fact in the application or plans

on which the permit or approval was based.

B. Violation of code provisions.

The Building Official may revoke a permit upon a determination that the construction, erection, alteration, repair, moving, demolition, installation or replacement of the building, structure, electrical, gas, mechanical, or plumbing systems for which the permit was issued is in violation of, or not in conformity with, the provisions of the construction codes.

Sec. 501.29-32. Reserved.

DIVISION 6. INSPECTION REGULATIONS.

Sec. 501.33. Inspections.

A. Existing building inspections.

Before issuing a permit, the Building Official may examine or cause to be examined any building, electrical, gas, mechanical, or plumbing systems for which an application has been received for a permit to enlarge, alter, repair, move, demolish, install, or change the occupancy. He shall inspect all buildings, structures, electrical, gas, mechanical, and plumbing systems, from time to time, during and upon completion of the work for which a permit was issued. He shall make a record of every such examination and inspection and of all violations of the construction codes.

B. Manufacturers and fabricators.

When deemed necessary by the Building Official, they shall make, or cause to be made, an inspection of materials or assemblies at the point of manufacture or fabrication. A record shall be made of every such examination and inspection and of all violations of the construction codes.

C. Inspection service.

The Building Official may make, or cause to be made, the inspections required by subsection (F) of this section. He may accept reports of inspectors of recognized inspection services provided that after investigation they are satisfied as to their qualifications and reliability. A certificate called for by any provision of the construction codes shall not be based on such reports unless the same are in writing and certified by a responsible officer of such service.

D. Inspections prior to issuance of certificate of occupancy or completion.

The Building Official shall inspect or cause to be inspected at various intervals all construction or work for which a permit is required, and a final inspection shall be made of every building, structure, electrical, gas, mechanical, or plumbing system upon completion, prior to the issuance of the certificate of occupancy or completion.

E. Posting of permit and approved plans.

Work requiring a permit shall not commence until the permit holder or his agent posts the permit card in a conspicuous place on the premises. The permit shall be protected from the weather and located in such position as to permit the Building Official or representative to conveniently make the required entries thereon. This permit card shall be maintained in such position by the permit holder until the certificate of occupancy or

completion is issued by the Building Official.

F. Required inspections.

The Building Official, upon notification from the permit holder or his agent, shall make the following inspections and such other inspections as necessary, and shall either release that portion of the construction or shall notify the permit holder or his agent of any violations which must be corrected in order to comply with the technical code:

1. Buildings.

a. Foundation and foundation wall inspection.

To be made after trenches are excavated, the reinforcement is in place, and the forms erected, prior to the placing of concrete.

b. Slab inspection.

To be made prior to the placing of concrete.

c. Frame inspection.

To be made after the roof, all framing, fire blocking, and bracing are in place, all concealing wiring, all pipes, chimneys, ducts, and vents are complete.

Nail Pattern for sheathing prior to moisture barrier/house wrap.

d. Moisture barrier inspection.

To be made prior to the installation of the exterior finish materials.

e. Final inspection.

To be made after the building is completed and ready for occupancy.

2. Electrical.

a. Underground inspection.

To be made after trenches or ditches are excavated, conduit or cable installed, and before any backfill is put in place.

b. Rough-in inspection.

To be made after the roof, framing, fire-blocking, and bracing is in place and prior to the installation of wall or ceiling membranes.

c. Final inspection.

To be made after the building is complete, all required electrical fixtures are in place and properly connected or protected, and the structure is ready for occupancy.

3. Plumbing.

a. Underground inspection.

To be made after trenches or ditches are excavated, piping installed, and before any backfill is put in place.

b. Rough-in inspection.

To be made after the roof, framing, fire blocking, and bracing is in place and all soil, waste, and vent piping is complete, and prior to this installation of wall or ceiling membranes.

c. Final inspection.

To be made after the building is complete, all plumbing fixtures are in place and properly connected, and the structure is ready for occupancy.

d. Required tests.

Refer to state plumbing code for required tests.

4. Mechanical.

a. Underground inspection.

To be made after trenches or ditches are excavated, underground duct and fuel piping installed, and before any backfill is put in place.

b. Rough-in inspection.

To be made after the roof, framing, fire blocking, and bracing are in place and all ducting, and other concealed components are complete, and prior to the installation of wall or ceiling membranes.

c. Final inspection.

To be made after the building is complete, the mechanical system is in place and properly connected, and the structure is ready for occupancy.

5. Gas.

a. Rough piping inspection.

To be made after all new piping authorized by the permit has been installed, and before any such piping has been covered or concealed or any fixtures or gas appliances have been connected.

b. Final piping inspection.

To be made after all piping authorized by the permit has been installed and after all portions which are to be concealed by plastering or otherwise have been so concealed, and before any fixtures or gas appliances have been connected.

This inspection shall include a pressure test.

c. Final inspection.

To be made on all new gas work authorized by the permit and such portions of existing systems as may be affected by new work or any changes in order to insure compliance with all the requirements of the construction codes and to assure that the installation and construction of the gas system is in

accordance with reviewed plans.

6. Energy.

a. Foundation inspection.

- i. To be made before slab concrete is poured in place.
- ii. To verify that perimeter insulation has been installed correctly on any slab on grade foundations, if required.

b. Frame inspection.

To be made before exterior wall insulation is concealed by wall board to check installation of exterior walls insulation and to inspect that all holes and cracks through the structure envelope have been sealed in an appropriate manner as to restrict air passage.

c. Final inspection.

- i. To be made after the building is completed and ready for occupancy.
- ii. To verify installation and R-value of ceiling and floor insulation.
- iii. To verify correct SEER ratings on appliances.

G. Written release.

- 1. Work shall not be done on any part of a building, structure, electrical, gas, mechanical, or plumbing system beyond the point indicated in each successive inspection without first obtaining a written release from the Building Official. Such written release shall be given only after an inspection has been made of each successive step in the construction or installation as indicated by each of the foregoing three inspections.
- 2. Reinforcing steel, structural frames, insulation, plumbing, mechanical, or electrical systems.
- 3. Reinforcing steel, structural frame, insulation, plumbing, work of any part of any building or structure shall not be covered or concealed without first obtaining a release from the Building Official.

H. Plaster fire protection.

In all buildings where plaster is used for fire protection purposes, the permit holder or his agent shall notify the Building Official after all lathing and backing is in place. Plaster shall not be applied until the release from the Building Official has been received.

Sec. 501.34-37. Reserved.

DIVISION 7. OCCUPANCY REGULATIONS.

Sec. 501.38. Completion and Occupancy Certificates.

A. Certificate of Completion.

Upon satisfactory completion of a building, structure, electrical, gas, mechanical, or plumbing system, a certificate of completion may be issued. This certificate is proof that a structure or system is complete and for certain types of permits is released for use and may be connected to a utility system. This certificate does not grant authority to occupy or connect a building, such as a shell building, prior to the issuance of a certificate of

occupancy.

B. Certificate of Occupancy (CO).

1. Building occupancy.

A new building shall not be occupied or a change made in the occupancy, nature, or use of a building or part of a building until after the Building Official has issued a certificate of occupancy. Said certificate shall not be issued until all required electrical, gas, mechanical, plumbing, and fire protection systems have been inspected for compliance with the construction codes and other applicable laws and ordinances and released by the Building Official.

2. Issuance of certificate.

Upon satisfactory completion of construction of a building or structure and installation of electrical, gas, mechanical, and plumbing systems in accordance with the construction codes, reviewed plans and specifications, and after the final inspection, the Building Official shall issue a certificate of occupancy stating the nature of the occupancy permitted, the number of persons for each floor when limited by law, and the allowable load per square foot for each floor in accordance with the provisions of the construction codes.

3. Temporary/partial occupancy.

A temporary/partial certificate of occupancy may be issued for a portion of a commercial building, which in the opinion of the Building Official may safely be occupied prior to final completion of the building. The temporary/partial certificate of occupancy shall be forfeited if the permanent certificate of occupancy is not issued within 90 days.

4. Existing building occupancy.

A certificate of occupancy for any existing building may be obtained by applying to the Building Official and supplying the information and data necessary to determine compliance with the construction codes for the occupancy intended. Where necessary, in the opinion of the Building Official, two sets of detailed drawings or a general inspection, or both, may be required. When, upon examination and inspection, it is found that the building conforms to the provisions of the construction codes and other applicable laws and ordinances for such occupancy, a certificate of occupancy shall be issued.

Sec. 501.39. Service utilities.

A. Connection.

1. Release by Building Official.

No person shall make connections from a utility, source of energy, fuel, or power to any building or system which is regulated by the construction codes for which a permit is required, until released by the Building Official and a certificate of occupancy or completion is issued.

2. Temporary connection.

The Building Official may authorize the temporary connection of the building or system to the utility source of energy, fuel, or power for the purpose of testing building service systems or for use under a temporary certificate of occupancy.

B. Authority to disconnect.

The Building Official shall have the power to authorize disconnection of utility service to the building, structure, or system regulated by the construction codes, in case of emergency where necessary to eliminate an immediate hazard to life or property. The Building Official shall notify the serving utility, and whenever 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.

Sec. 501.40. Posting floor loads.

A. Occupancy.

An existing or new building shall not be occupied for any purpose, which will cause the floors thereof to be loaded beyond their safe capacity. The Building Official may permit occupancy of a building for mercantile, commercial, or industrial purposes, by a specific business, when they are satisfied that such capacity will not thereby be exceeded.

B. Storage and factory-industrial occupancies.

It shall be the responsibility of the owner, agent, proprietor, or occupant of Group S and Group F occupancies, or any occupancy where excessive floor loading is likely to occur, to employ a competent architect or engineer in computing the safe load capacity. All such computations shall be accompanied by an affidavit from the architect or engineer stating the safe allowable floor load on each floor in pounds per square foot uniformly distributed. The computations and affidavit shall be filed as a permanent record of the Building Department.

C. Signs required.

In every building or part of a building used for storage, industrial, or hazardous purposes, the safe floor loads, as reviewed by the Building Official on the plan, shall be marked on plates or approved design which shall be supplied and securely affixed by the owner of the building in a conspicuous place in each story to which they relate. Such plates shall not be removed or defaced, and if lost, removed or defaced, shall be replaced by the owner of the building.

Sec. 501.41. Tests.

The Building Official may require test reports as proof of compliance. Required tests are to be made at the expense of the owner, or his agent, by an approved testing laboratory or other approved agency.

Sec. 501.42. Appeals.

1. The owner of a building, structure, or service system, or his duly authorized agent, may appeal a decision of the Building Official to the Mayor and City Council in accordance with the provisions established in Section 104.18.B.1. whenever any one of the following conditions are claimed to exist:
 - a. The Building Official rejected or refused to approve the mode or manner of construction proposed to be followed or materials to be used in the installation or alteration of a building, structure or service system;
 - b. The provisions of the construction codes do not apply to this specific case;
 - c. That an equally good or more desirable form of installation can be employed in any specific case; or
 - d. The true intent and meaning of the construction codes or any of the regulations thereunder have been misconstrued or incorrectly interpreted.

Sec. 501.43-46. Reserved.

DIVISION 8. EXISTING STRUCTURES.

Sec. 501.47. Existing buildings.

A. Generally.

Alterations, repairs, or rehabilitation work may be made to any existing structure, building, electrical, gas, mechanical, or plumbing system without requiring the building, structure, plumbing, electrical, mechanical, or gas system to comply with all the requirements of the construction codes provided that the alteration, repair, or rehabilitation work conforms to the requirements of the construction codes for new construction. The Building Official shall determine the extent to which the existing system shall be made to conform to the requirements of the construction codes for new construction.

B. Change of occupancy.

If the occupancy classification of any existing building or structure is changed, the building, electrical, gas, mechanical, and plumbing systems shall be made to conform to the intent of the construction codes as required by the Building Official.

C. Special historic buildings.

The provisions of the construction codes relating to the construction, alteration, repair, enlargement, restoration, relocation, or moving of buildings or structures shall not be mandatory for existing buildings or structures identified and classified by the state or local jurisdiction as historic buildings when such buildings or structures are judged by the Building Official to be safe and in the public interest of health, safety, and welfare regarding any proposed construction, alteration, repair, enlargement, restoration, relocation, or moving of buildings within the fire districts.

Sec. 501.48. Unsafe or dangerous buildings or service systems.

A. Unsafe buildings.

In the case of a building, structure, or service system, which, in the opinion of the building official, is unsafe, unsanitary, or dangerous, the building official may, in his order, limit the time for such notice of appeals to a shorter period. All buildings or structures within the corporate limits of the city, which have any or all of the following defects, shall be deemed to be "unsafe buildings":

1. Those in which the interior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the base of such wall;
2. Those buildings which, exclusive of the foundation, show 33 percent or more of damage or deterioration of the supporting members, or 50 percent of damage or deterioration of a non-supporting enclosing or outside walls or covering;
3. Those buildings which have improperly distributed loads upon the floors or roofs, or in which the same are overloaded, or which have insufficient strength to be reasonably safe for the purpose for which they are used or intended to be used;
4. Those buildings which have been damaged by fire, wind or other causes so as to have become dangerous to life, safety, morals or the general health and welfare of the occupants thereof or the people of the city;
5. Those buildings which have become or are so dilapidated, decayed, unsafe, unsanitary, or which so utterly

fail to provide the amenities essential to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to work injury to the health, morals, safety or general welfare of those living therein, or may live therein;

6. Those having light, air and sanitation facilities which are inadequate to protect the health, morals, safety or general welfare of human beings who live or may live therein;
7. Those having inadequate facilities for egress in case of fire or panic, or those having insufficient stairways, elevators, fire escapes or other means of communication;
8. Those, which have parts thereof, which are so attached that they may fall and injure members of the public or property;
9. Those, which, because of their condition, are unsafe, unsanitary or dangerous to the health, morals, safety or general welfare of the people of the city; or
10. Those buildings which exist in violation of any ordinance of the city, so as to constitute a nuisance, and to be unsafe, unsanitary or dangerous to the health, morals, safety or general welfare of the people of the city.

B. Unsafe buildings as nuisances.

All unsafe buildings as defined in this section are hereby declared to be public nuisances and shall be repaired, vacated or demolished as provided for in O.C.G.A. § 36-61-11 and as provided in this section.

1. The Building Official of the city is specifically charged with the responsibility for the enforcement of this section; and upon finding, within the corporate limits of the city, an unsafe building, they shall cause an inspection to be made of such building and, if the same is found to be unsafe, shall make a written report of the conditions and defects of such building and such evidence as may be available to the Mayor and City Council.
2. The Building Official, at the time such report is filed with the Mayor and City Council, shall specifically point out the defects in such building which should be repaired, shall specify whether the same is unsafe for human habitation and/or shall recommend to the Mayor and City Council such steps which, in his opinion, should be taken to remedy the conditions found to exist so that such building will no longer be unsafe, as defined herein.
3. Upon such report being filed with the Mayor and City Council by the Building Official, such report shall be considered by the Mayor and City Council at its next regular meeting thereafter. If after consideration of the report and evidence filed by the Building Official the Mayor and City Council shall determine that reasonable cause to proceed exists, the Mayor and City Council shall then order that a hearing be held at a regular meeting of the Mayor and City Council within not less than ten days nor more than 60 days to determine whether the building described in the Building Official's report is an unsafe building.
4. The owner or tenants, if any, and lienholders of record, if any, of such building shall be served with a copy of such notice of hearing not less than ten days prior to the date fixed for such hearing.
5. The owner and/or lienholders of such building shall be served personally with such notice if they reside or can be found within the city limits.
6. If such owners and/or lienholders do not reside in the city or cannot be found in the city, they shall be served by publishing a copy of such notice, addressed to them, in the newspaper having general circulation in the county in which sheriff's advertisement appear, once a week for four weeks immediately preceding the date of such hearing. A copy of such notice shall be mailed to such owner and/or lienholder at their last address, as shown by the tax records of the city, at least 15 days prior to such hearing, by registered or certified mail.
7. The tenants in such building, if any, shall be served by leaving a copy with an adult residing in such building.
8. After hearing evidence at the hearing, the Mayor and City Council shall, by resolution, issue an order based upon the evidence produced at such hearing; and if by such order they find and determine such building to be an unsafe building, such order shall specify the acts and things to be done to such building or in or about such building, including demolition if necessary, to protect the health, morals, safety or general welfare of the people of the city and the persons who live or may live in or who may inhabit such building.

9. If any interested party is dissatisfied with the finding of the Mayor and City Council as set forth in Section 104.18.B.7., they shall have the right to appeal by writ of certiorari to the Superior Court of Fayette County, Georgia.
10. If the Mayor and City Council, pursuant to the hearing shall determine that the building is an unsafe building and if they also find that the same is unsafe for human habitation, the tenants and/or inhabitants of such building shall be immediately ordered to vacate the same. Such building shall be posted as an unsafe building, and all persons prohibited from entering therein, except for the purpose of restoring, repairing or demolishing the same, pursuant to an order entered hereunder.
11. If the Mayor and City Council shall determine that such building is unsafe and/or that the same should be demolished, the owner of such building shall be given a reasonable period of time within which to repair the same or demolish the same as the case may be; and upon the failure of the owner to comply with such order within the period of time fixed, the Mayor and City Council shall order the building inspector or such other proper official of the city to repair and/or demolish the same, as required by such order, and assess the total cost thereof against the owner.
12. If the repairing and/or demolishing of such building is performed by the Building Official or such other proper official of the city, such official, upon completion of such work, shall file with the clerk of the city an itemization of the cost of such work. The clerk is hereby ordered to immediately issue an execution against the owner of such property for the total cost of such work, which execution shall constitute a lien against such real estate as of the date of the resolution ordering such work to be done, and which execution shall thereafter be enforced and collected in the same manner as an execution or fifa for unpaid taxes for the city. Such execution shall rank in dignity second only to taxes of the city.
13. The Building Official of the city may, in addition to other remedies, and after due notice to the owner of the property, issue a citation for violation of the provisions of this article and require the presence of the violator in court.

Sec. 501.49. Moving structures.

A. Moving of buildings.

Any person, corporation, or other entity desiring to move a portable building, mobile home, or house from any location in the city to another location, or from location outside the city to a location inside the city, must give written notice to the Building Official at least three days prior to moving the building or home. The written notice shall set forth the following information:

1. Type and kind of building to be moved;
2. The extreme dimensions of length, width, and height of the building to be moved;
3. The present location and the new location, if within the city; and
4. The approximate time of arrival of said building or home at the corporate limits of the city, the approximate time said building will be upon the streets or roads within the city, and the route to be taken.

B. Buildings moved in or out of the city shall meet the following requirements.

1. Asbestos

Any structure that is to be moved will require a letter of clearance from any asbestos prior to moving.

2. Inspection fee

Refer to Schedule of Fees.

3. Compliance with traffic fees and regulations.

4.

In addition to the inspection fees set out above, the person, corporation, or entity moving a building,

mobile home, or house shall also be subject to the fees related to the movement of vehicles exceeding 12 feet through or across the highways, streets, roads, or alleys located in the city. Said fees are also established in the Schedule of Fees.

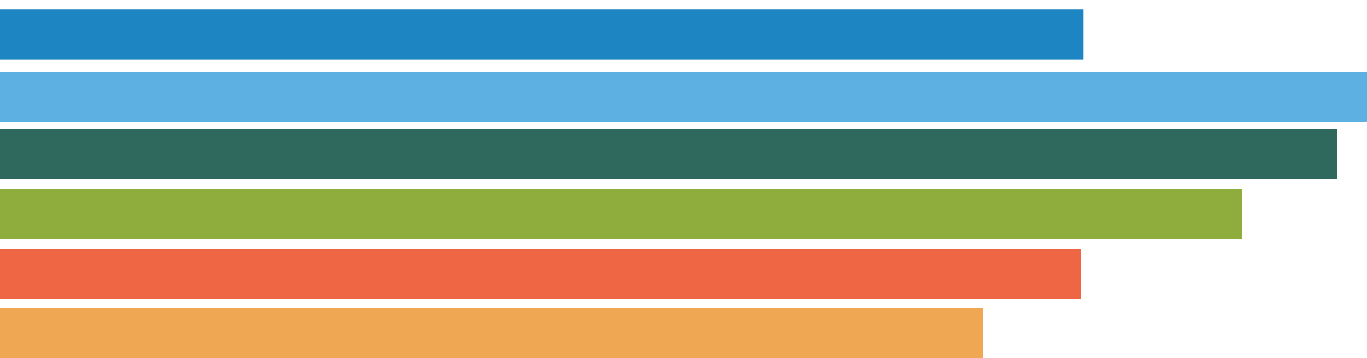
5. Denial of permission.

The Building Official may deny permission to move the building or home if, in the opinion of the Building Official, such movement may cause serious damage or injury to persons, property, streets, roads, public utilities, or public improvements.

5. Liability for damages.

Any person, corporation, or other entity who moves a building or home shall be liable for damages to persons, property, streets, roads, public utilities, or public improvements injured or damaged by the movement of the building or home.

Sec. 501.50-56. Reserved.



APPENDIX **A**

DEFINITIONS

APPENDIX A. - DEFINITIONS.

The following words, terms and phrases, when used in this UDO, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

A

A-frame sign. See sidewalk sign.

Abutting property. Two or more pieces of property touching at one or more points along a common side, boundary or property line. Two or more pieces of property that are separated by a railroad, street right-of-way, or natural feature, such as a naturally occurring body of water, are considered abutting.

Access. A way or means of approach that provides a physical entrance to a property.

Accessory. A use or structure customarily incidental and subordinate to the principal use or structure, and located on the same zoning lot as such principal use or structure.

Accessory building. A detached subordinate building, such as a garage, the use of which is incidental to the primary use of the main building or land and is located on the same lot as the principal structure or use.

Accessory dwelling unit. An attached or detached dwelling unit subordinate to a principal single-family detached dwelling on the same lot or parcel.

Accessory structure. A structure which is on the same parcel of property as the principal structure and the use of which is incidental to the use of the primary structure.

Accidental discharge. A prohibited discharge into the City of Fayetteville Drainage System which occurs by chance and without planning or consideration prior to occurrence.

Active park/active recreation. Indoor or outdoor leisure activity involving the physically active use of the body, whether undertaken by individuals (running, skiing, climbing, etc.) or involving organized participatory activity with others, specialized equipment, and occurring at prescribed sites, fields, courses, structures, or buildings developed or improved for that purpose. Active recreation uses include but are not limited to golf courses, playgrounds, tot lots, skateboarding parks, courts for tennis and other court games, swimming pools, and fields for team sports such as baseball, soccer, basketball, football, lacrosse, Ultimate Frisbee, and similar activities. Active recreation may involve motorized or non-motorized vehicles.

Addition (to an existing structure). Any walled and roofed expansion to the perimeter of a building which is connected by a common load-bearing wall other than a firewall. Any walled and roofed structure which is connected by a fire wall or is separated by an independent perimeter load-bearing wall shall be considered new construction.

Adjacent property. See abutting property.

Adult day care facility. An establishment where care and therapy is provided to elderly persons during normal business hours.

Adult day care (ADC). The provision of a comprehensive plan of services that meets the needs of aging adults under a social model. This term shall not include programs which provide day habilitation and treatment services exclusively for individuals with developmental disabilities.

Adult day center. A facility serving aging adults that provides adult day care or adult day health services, for compensation to three or more persons.

Adult day health services (ADHS). The provision of a comprehensive plan of services that meets the needs of aging adults under a medical model. This term shall not include programs which provide day habilitation and treatment services exclusively for individuals with developmental disabilities.

Advertising sign. Any surface, material, fabric, device, object, or display which bears lettered, numbered, pictorial or sculptured matter, designed to convey information visually or to draw attention and which is exposed to public view. For the purposes of this chapter, the term “sign” shall not include those devices located entirely within a building or structure unless such devices are considered a window, door or display sign; additionally, the term “sign” shall include all structural members used to erect or mount the same.

Agent. An individual with a place of business in the state at which he or she is authorized to accept inquiries, notices, and service of process on behalf of a vacant or foreclosed property owner.

Aging adults. Persons 60 years of age or older or mature adults below the age of 60 whose needs and interests are substantially similar to persons 60 years of age or older who have physical or mental limitations that restrict their abilities to perform the normal activities of daily living and impede independent living.

Aggregate sign area. The combined area of all signs of a particular category on a single parcel.

Agriculture, urban. Planting, growing, and cultivating vegetables and fruits as an accessory use, but not including the keeping of farm animals.

Alley. A public thoroughfare or way, not more than 30 feet in width except for necessary turnarounds, and which normally provides a secondary means of access to abutting property.

Alteration. Any change to a tract of land, a structure or a building.

Alteration, building. Any change in the use of a building or any physical alteration made which modifies the existing foundation, load bearing walls or roof of a building; or requires an electrical, plumbing or mechanical permit.

Alternative nicotine product. Any noncombustible product containing nicotine that is intended for human consumption, whether chewed, absorbed, dissolved, or ingested by any other means. Such term shall not include any tobacco product, vapor product, or product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Food, Drug, and Cosmetic Act (per O.C.G.A. § 16-12-70.)

Alternative tower structures. Manmade trees, clock towers, bell steeples, light poles, and similar mounting devices for telecommunications equipment.

Animal care (indoor). A facility designed or arranged for the care of animals without any outdoor activity. No outdoor activity associated with care of animals is allowed. Includes animal grooming, animal hospital, veterinary clinic, pet clinic, animal boarding, animal shelter, cattery, commercial kennel (11 or more dogs) and doggy day care.

Animal care (outdoor). A facility designed or arranged for the care of animals that includes outdoor activity. Includes animal grooming, animal hospital, veterinary clinic, pet clinic, animal boarding, animal shelter, cattery, commercial kennel (11 or more dogs) and doggy day care.

Animated sign. Any sign with action, motion, changing colors, or having characteristics that utilize electrical or mechanical energy, including wind-activated elements such as spinners and aerial devices, to change the sign copy or appearance or draw attention to the sign. Animated sign includes signs that have visual special effects, such as copy that fades, scrolls, moves or changes as the viewer's attention is drawn to the sign. Animated sign also includes signs that emit sound, smoke or other special effects.

Antenna. Any exterior apparatus designed for telephonic radio or television communication through the sending of electromagnetic waves. As it relates to small wireless facilities and antennas, antenna has the same meaning as in O.C.G.A. § 36-66C-2(2).

Antique. A product that is sold or exchanged because of value derived because of the age and historical nature of the product, and not simply because the same is not a new product. An antique is typically over 50 years old and has collectible value.

Antiques shop. A retail establishment primarily engaging in the sale or trading of articles of which 80 percent or more of the products are antiques.

Appeal. A request for a review by the city council, the city manager, and/or the UDO administrator or their designee related to an interpretation of any provision of the UDO.

Applicable laws. As it relates to small wireless facilities and antennas, all applicable local, state, and federal law, including but not limited to building, fire, electrical, plumbing, or mechanical codes adopted by the City, and the Telecommunications Act of 1996 as codified in 47 U.S.C. § 151 et seq.

Applicant. A person submitting an application or a plan for review or approval.

Application. As it relates to small wireless facilities and antennas, application means a request submitted by an applicant (i) for a permit to install or collocate small wireless facilities; or (ii) to approve the installation or modification of a utility pole or wireless support structure.

Aquifer. Any stratum (rock layer) or zone of rock beneath the surface of the earth capable of containing or producing water from a well.

Arborist. A professional in the practice of arboriculture and certified by The International Society of Arboriculture.

Architectural treatment. Exterior design features, materials of construction, and finishes which combine to produce an aesthetic structure in harmony with the architectural zone in which the building is located. Such treatment shall consist of one or more of the following materials: brick, stone, stucco, glass, or wood.

Area of future-conditions flood hazard. The land area that would be inundated by the one-percent-annual-chance flood based on future-conditions hydrology (100-year future-conditions flood).

Area of shallow flooding. A designated AO or AH Zone on the city's Flood Insurance Rate Map (FIRM) with a one percent or greater chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of sign. Only one face of a double-faced sign, as defined herein, bearing identical copy on each side shall be used in computing the area, otherwise both sides shall be used in computing area.

- *Ground sign/monument sign.* The area of a ground sign shall mean and shall be computed as the entire area within the smallest continuous perimeter, enclosing the limits of all writing, representation, emblem, or any figure or similar character, together with any frame, other material, open space, or color forming an integral part of the display or used to differentiate such sign from the background upon which it is placed.

The supports or structure upon which any sign is supported shall be included in determining the sign area whenever such supports are designed in such a manner as to form an integral part of the display; however, provided that the area of the frame shall not be included in computing the area when the frame is composed of stone or brick and provided the frame contains or has attached no copy, words, writing, letters, or advertisement, but may not be internally illuminated, and provided that the surface area of the frame that is parallel to the display of the sign is no greater than 100 percent of the area of the sign displayed. A ground sign may include individual letters, numbers, figures, mounted on a surface composed of stone or brick or other permanent structures; called monument signs.

- *Wall sign.* The area of a wall sign shall mean and shall be computed using the smallest contiguous square or rectangle that would encompass the external limits of the writing, representation, emblem, or other display, together with any material or color forming any integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed. When a wall sign is formed by placing individual letters, numbers, or figures on the wall, without a distinguishing background, the area shall be determined by a contiguous perimeter drawn around all letters, numbers, figures, trademark, or other symbols, enclosing the limits of writing. Any letters, numbers, figures, trademarks, or graphics separated by 36 inches or more shall be considered two separate signs.
- *Three dimensional sign.* The area of a three dimensional sign shall be determined by a contiguous perimeter drawn around the three dimensional sign enclosing the limits of the three dimensional sign; said perimeter to be drawn around the vertical plane through the sign which creates the perimeter with the largest area. The three dimensional sign shall be treated as a double sided sign for purposes of sign area; therefore, the area of the above described perimeter shall be doubled, which product shall be the area of the sign for purposes of this sign ordinance.

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 designated as Zones A, A1-30, A-99, AE, AO, AH, and AR on a community's Flood Insurance Rate Map (FIRM).

As-built drawings. Amended site plans specifying the locations, dimensions, elevations, capacities and operational capabilities of road and drainage structures and facilities as they have been constructed.

Assisted living facility. A facility providing residential, social, and personal care for elderly residents with disabilities or for those who cannot or chose not to live independently.

Attic story. Habitable space situated within the structure of a pitched roof and above the uppermost story.

Automobile brokerage. A business which provides for the purchasing and/or leasing of a vehicle, whether non-commercial or commercial, which includes, but is not limited to helping clients find the desired vehicle, negotiate the price or lease contract, manage paperwork associated with the sale or lease, or secure financing for the sale or lease of the vehicle. An automobile brokerage is not a dealership and does not sell or lease vehicles. The brokered vehicles are not stored on the same lot as that on which the business office is located.

Automobile service station. A land use where gasoline, oils, greases, batteries, tires, and general automobile accessories may be provided, but where no part of the premises is used for the storage or dismantling of wrecked or junk vehicles.

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 metal, fabric or flexible plastic supported by a rigid frame, and may be retracted into the face of the building.

Awning, retractable. An awning designed to be stored against a building when not in use, but which can be temporarily extended either manually or mechanically. For purposes of administering this ordinance, a retractable awning will be allowed to extend into a rear setback area in a general residential zoning district; provided that,

when fully extended, it encroaches no more than ten feet into the rear setback area.

Awning or canopy sign. A sign imposed or painted upon any roof-like structure that provides either permanent or temporary shelter for adjacent walkways or entrances to a building or property.

B

Banner. A temporary sign constructed of canvas, plastic, fabric or similar lightweight, non-rigid material that can be mounted to a structure with cord, rope, cable, or a similar method. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

Banquet or meeting hall/event center. A use which provides rental space for group functions such as, but not limited to, wedding parties, conferences, service club meetings, and similar gatherings, along with the catering of food (Refer to Chapter 10 - Alcoholic Beverages within the Code of Ordinances for additional requirements).

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. A portion of a building located partially below grade where the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted in determining the maximum number of stories.

Basement, English. A habitable floor level below the first floor that is partially above and below grade. The ceiling of an English basement is typically at least three feet above sidewalk grade with windows and an entry with direct street-space access.

Bathroom. A non-habitable room which affords privacy to a person within the room and which is equipped with a toilet in good working condition.

Beacon. Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zoned lot as the light source; also, any light with one or more beams that rotate or move.

Bed and breakfast inn. A business operated in an owner-occupied, single-family detached dwelling with up to six guestrooms where overnight accommodations and a morning meal are provided to transients for compensation, and where the bed and breakfast inn is operated as subordinate and incidental to the main residential use of the building.

Bedroom. A habitable room with at least 70 square feet of floor space which is intended as a place for regular sleeping purposes with sleeping sessions generally lasting in excess of five hours per 24-hour period, and which contains at least one bed or soft mattress for every two occupants and excludes bathrooms, laundries, furnace rooms, pantries, kitchenettes and utility rooms, foyers or communicating corridors, stairways, closets, storage space, and hobby and recreation areas in unheated or uninsulated parts of structures below ground or in attics.

Bench sign. Any sign attached to or painted upon a bench or other seat placed in the public view and meant to be for public use or viewing.

Best Management Practices (BMPs). Structural devices to store or treat stormwater runoff and non-structural programs or practices which are designed to prevent or reduce the pollution of the waters of the State of Georgia.

These include 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 commission as of January 1 of the year in which the land-disturbing activity was permitted.

BMP landscaping plan. A design for vegetation and landscaping that is critical to the performance and function of the BMP including how the BMP will be stabilized and established with vegetation. It shall include a layout of plants with common and botanical plant names.

Billboard. Any structure or portion thereof on which lettered, figured, or pictorial matter is displayed for advertising goods or services which are not available at the property on which the sign is located, also considered offsite advertising sign.

Blade sign. A sign affixed to a wall and extending more than four inches from the surface of such wall and perpendicular to the wall surface.

Block. An increment of land comprised of lots, alleys and tracts circumscribed and not traversed by streets (pedestrian pathways excluded).

Board. The board of natural resources.

Boarding house. A building, other than a hotel, where for compensation or by prearrangement for a definite period, lodging is provided with or without meals for three, but not more than ten persons non-transient persons unrelated by blood or marriage.

Body shop. A building or premises where motor vehicle repair and/or replacement is performed, including but not limited to painting and metal fabrication of motor vehicle bodies or structures.

Brewpub. A fully licensed restaurant where beer or malt beverages are manufactured and sold on the premises as an accessory use. Limited retail sales for on-premises consumption in draft form and wholesale distribution are permitted in accordance with O.C.G.A. § 3-5-36 (Refer to Chapter 10 - Alcoholic Beverages within the Code of Ordinances for additional requirements).

Buffer. An area consisting of landscaping, walls, fences or berms designed to visibly separate one use from another through screening and distance to shield or block noise, light, glare, or visual or other conditions or to reduce air pollution, dust dirt or litter.

Buffer, planted. An area of land which consists of newly-installed plant material and/or other features (berms, fences, etc.) in an effort to establish a natural transition between adjoining properties and/or uses.

Buffer, state waters. The area of land immediately adjacent to the banks of state waters in its natural state of vegetation, which facilitates the protection of water quality and aquatic habitat.

Buffer, stream. The area of land immediately adjacent to the banks of state waters and left in its natural state of vegetation to facilitate the protection of water quality and aquatic habitat. With respect to a stream, a natural or enhanced vegetated area, lying adjacent to the stream.

Buffer, undisturbed. An area of land which is not to be reduced or altered except for minor maintenance as may be authorized under this ordinance.

Buffer zone. That portion of a lot set aside with adequate natural or planted vegetation to accomplish visual and sound screening to separate residential zoning districts from other zoning districts. In the event that insufficient existing vegetation or trees exist in the buffer zone, planting, fencing or other supplemental screening shall

be required, with a density, or opacity to accomplish buffering as required by this UDO. Roads, parking areas, aboveground stormwater retention facilities, recreational facilities, or other aboveground construction shall not be permitted within the required buffer zone. Public rights-of-way and utility easements shall not be considered as part of the buffer zone. Required buffer zones are in addition to required yard areas.

Buildable area. That portion of a lot remaining after required yards have been provided and areas subject to flooding during the 100-year storm event have been deducted.

Building. Any enclosed structure, attached to the ground and having a roof supported by columns, walls, or other support used for the purpose of housing or storing of persons, animals, or property, or carrying out of business activities, or similar uses.

Building department. The individuals and/or agency appointed to review, permit and inspect residential, commercial and industrial structures within the city, among other duties.

Building face. See façade.

Building face projection. The facade area of a building, generally parallel to the street, excluding roofs, covered sidewalks, or facade areas which are perpendicular to the street. For applicants located in a planned center, the building face projection shall be that portion of the front facade that the applicant occupies.

Building height. The vertical distance as measured from the average elevation of the proposed finished grade on the front of the structure to the highest point of the coping of a flat roof, the deck line of a mansard roof, or the average height of the highest gable of a pitch or hip roof or parapet.

Building line. A boundary established to ensure no foundation wall or part of a structure shall project, with the exception of roof overhang and the subsurface projection of footings; provided, however, that such overhang and footings do not encroach upon the adjacent property or right-of-way.

Building Official. The official appointed by the city as its agent for enforcing, in conjunction with the zoning administrator, the regulations of this ordinance relating to building construction and permitting.

Building, principal. A building or structure in which the main use of the lot or parcel of land is conducted.

Building sign. A sign that in any manner is fastened to, projects from, or is placed upon the exterior wall of a building.

Business premises. A building, suite, office or other unit used for nonresidential purposes. In the case of businesses licensed by the city, the area occupied by a single business license holder shall be deemed as one business premises. In the case of professionals paying individual taxes to the city, each professional corporation, partnership or other entity in which the professional participates shall be considered the occupant and all area occupied by that occupant shall be the business premises. For the purpose of this chapter, business premises shall include nonresidential space occupied by charitable organizations, political organizations, institutions or other noncommercial entities.

Bulk storage facility. The storage of chemicals, petroleum products, grains, and other materials in structures for subsequent resale to distributors or retail dealers/outlets.

Business sign. An identification sign containing only the name or names of the businesses located on the same premises the business is located.

C

Caliper. The diameter of the main trunk of a tree or sapling as measured at no less than six inches above ground level. For a multiple-trunk tree, the diameter of the largest stem or trunk shall be used to measure the entire tree.

Campground. A facility for short-term recreational use where multiple sites are arranged and available for rent and occupied by tents, campers, trailers and/or other recreational vehicles for overnight stays, not exceeding 30 consecutive days, and that usually has toilets and showers for campers to use and may include accessory uses such as laundry facilities and sale of convenience goods.

Camping trailer. A vehicular structure designed as a temporary dwelling for travel, recreation, and vacation uses, which is not more than eight feet in body width, is less than 4,500 pounds in gross weight, and does not exceed 28 feet in length.

Canopy means. A roof-like structure supported by columns or projecting from a building and open on at least three sides.

Canopy tree. Any self-supporting woody plant of a species that grows to an overall height of at least 40 feet, usually with one stem or trunk and many branches.

Care home. A rest home, nursing home, convalescent home, home for the aged, or similar use established and operated on a profit or nonprofit basis to provide lodging and/or meals and/or domiciliary care for aged, infirm, chronically ill or convalescent persons.

Carport. A structure intended for vehicle storage not completely enclosed by walls and doors.

Cemetery. A combination of one or more of the following: a burial ground for earth interments, a mausoleum for crypt entombments, or a columbarium for the interment of cremated remains. For the purposes of this ordinance, a cemetery does not include a crematorium.

Centerline of street. The midpoint of a street or road. In the case of a multiple-lane street or road, the centerline of the total right-of-way.

Certificate of Occupancy (CO). A permit authorized and issued by the Building Official indicating that the use or the building or land in question is in conformity with this ordinance or that a legal variance has been approved.

Certified personnel. A person who has successfully completed the appropriate certification course approved by the Georgia Soil and Water Conservation Commission (GSQCC).

Changeable copy sign. A sign on which panels of copy may be changed electronically or manually in the field, or boards or backgrounds upon which changeable letters or changeable panels may be placed.

Channel. A natural or artificial watercourse with a defined stream bed and banks that conducts continuously or periodically flowing water.

Child care center. A facility other than a private residence in which one or more preschool or school age children are provided care and supervision for periods of less than twenty 24 hours per day, and where the parents or guardians are not immediately available to the child. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, before- or after-school program or drop-in center.

Church or other place of worship. A building or combination of buildings either used for or intended to be used for

public worship including temples, synagogues and related Sunday school or church school facilities.

Cigar bar or lounge. An establishment that is open to the public where cigars are sold for consumption on and off the premises, and space and seating are provided for patrons to sit and smoke cigars.

Cigar wraps. Individual cigar wrappers, known as wraps, blunt wraps, or roll your own cigar wraps, that consist in whole or in part of reconstituted tobacco leaf or flavored tobacco leaf (per O.C.G.A. § 16-12-170).

Cigarette. A roll for smoking made wholly or in part of tobacco when the cover of the roll is paper or any substance other than tobacco (per O.C.G.A. § 16-12-170).

City. The City of Fayetteville, Georgia.

City Council. The Mayor and City Council of the City of Fayetteville, Georgia.

City Manager. The City Manager of the City of Fayetteville, Georgia.

City of Fayetteville Drainage System. Any facility designed or used for collecting and/or conveying stormwater, including but not limited to any roads with drainage systems, highways, streets, curbs, gutters, inlets, catch basins, piped storm drains, pumping facilities, structural stormwater controls, ditches, swales, natural and man-made or altered drainage channels, reservoirs, and other drainage structures, which are:

1. Owned or maintained by the City of Fayetteville;
2. Not a combined sewer; and
3. Not part of a publicly owned treatment works.

City of Fayetteville Water Quality Best Management Practices for Stormwater Management Guidance Manual.

The manual developed by the City of Fayetteville to provide an overview of design criteria for selected stormwater management facilities that remove and reduce pollutants from stormwater runoff.

City-owned pole. As it relates to small wireless facilities and antennas, a city-owned pole means (i) a utility pole owned or operated by the City in the rights-of-way, including, but not limited to, a utility pole that provides lighting or traffic control functions, including light poles, traffic signals, and structures for signage, and (ii) a pole or similar structure owned or operated by the City in the ROW that supports only wireless facilities. The term shall only include vertical portions of covered poles; horizontal extensions are not included.

Civic buildings. Those buildings that house strictly civic uses or historically and urbanistically significant structures designated on the regulating plan. Civic use buildings and publicly-owned public art are not subject to the building form standard prescriptions of this district.

Civic. For the purpose of this district, uses include meeting halls, libraries, schools, police and fire stations, post offices (retail operations only, no primary distribution facilities), places of worship, museums, cultural, visual and performing art centers, transit centers, government functions open for the public, and other similar community uses. Public ownership alone does not constitute civic use.

Clean Water Act. The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

Cleaning agent. A laundry detergent, dishwashing compound, household cleaner, metal cleaner or polish, industrial cleaner, or other substance that is used or intended for use for cleaning purposes.

Clearance (of a sign). The smallest vertical distance between the grade of the adjacent street, highway or street curb and the lowest point of any sign, including framework and embellishments, extending over that grade.

Clearing. The removal of all trees from a property, whether by cutting or by other means, excluding stream buffer

requirements.

Clear-cutting. The broad removal of all trees or vegetation from a particular area.

Clear height. Within a structure, the habitable distance between the floor and ceiling. For external building features, the unobstructed distance from the ground/sidewalk to the lowest element above.

Clear view zone. The area of a corner closest to the intersection which is kept free of visual impairment to allow full view of both pedestrian and vehicular traffic. Also called “clear view triangle” or “sight triangle.”

Clear walkway. An area within a street-space that must remain clear of obstructions and allow public passage.

Clearing. An activity which removes and/or disturbs the vegetative cover, including trees.

Clerk of the Superior Court. The clerk of the superior court of Fayette County, Georgia.

Clinic. An establishment where patients, who are not lodged overnight, are admitted for examinations and treatment by a medical professional or a group of medical professionals.

Club. A building owned, leased, or hired by an association of persons, who are bona fide members paying dues, the use of which is restricted to the members and their guests. The serving and selling of food and beverages may be permitted, providing that adequate kitchen and restroom facilities are available and that such sales are in accordance with federal, state, and local laws.

Club, civic. A use of property and buildings for the purpose of providing a meeting place or meeting house for a group or organization of persons having as their primary purpose or goal the furtherance of activities or concepts relating to the common good and general welfare of the citizens of a geographic area.

Club, private. Associations and organizations of a fraternal or social character, not operated or maintained for profit. The term “private club” shall not include nightclubs, or other institutions operated for profit.

Cluster homes. A group of single-family or multifamily housing units sharing common open space in an approved residential development.

Collectors. Streets which channel local traffic into the major/minor collector and arterial system. Collectors provide circulation within residential subdivisions or commercial and industrial areas.

College or university. A facility for post-secondary education that grants associates, bachelors, masters, or doctoral degrees, and may include research functions. Includes professional schools (law, medicine, etc.) and technical colleges.

Collocate. As it relates to small wireless facilities and antennas, has the same meaning as in O.C.G.A. § 36-66C-2(11).

Commerce. For the purpose of this district, uses shall be considered to encompass all of the by-right and conditional uses included in the non-residential zoning districts identified herein.

Commercial recreation, indoor. An establishment providing indoor amusement and entertainment services, often for a fee or admission charge, including, but not limited to bowling alleys, commercial health and fitness facilities, coin-operated amusement arcades, movie theaters, electronic game arcades (video games, pinball, etc.), indoor ice skating and roller skating rinks, pool and billiard rooms as primary uses. Does not include adult-oriented businesses. May include bars and restaurants as accessory uses. Any establishment with four (4) or more electronic games or amusement devices (e.g., pool or billiard tables, pinball machines, etc.) or a premise where 50 percent or more of the floor area is occupied by electronic games or amusement devices is considered an indoor recreation facility; three or fewer machines or devices are not considered a use separate from the primary use of

the site.

Commercial recreation, outdoor. A facility for outdoor recreational activities where a fee is often charged for use. Examples include, but are not limited to, amusement and theme parks, go-cart tracks, golf driving ranges, miniature golf courses, marinas, watercraft rentals and water parks. May also include ancillary commercial facilities including bars and restaurants, video game arcades, etc. Marinas may include marine-related retail (bait and tackle, boat supplies), fuel sales, minor boat repair, and boat storage.

Commercial message. Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

Commercial speech. The expression of an idea, opinion or message that directs or attracts attention to a business operated for profit; or to a product, commodity or service for sale, trade, barter, swap or lease; or to any other commercial interest or activity.

Commercial vehicle. Vehicles designed, maintained or used primarily for the transportation of property or passengers in furtherance of commercial enterprise; all vehicles, including passenger vehicles, affixed with signs advertising or identifying an establishment, product, service or activity; and/or mobile mechanized equipment, such as cranes, bulldozers, trenchers, tractors, compressors and similar equipment.

Commercial warehousing. See warehouse.

Commission. The Planning and Zoning Commission of the City of Fayetteville, Georgia and/or the Georgia Soil and Water Conservation Commission (GSWCC), as applicable.

Commissioner of Health. The Fayette County Health Department and/or the State of Georgia Department of Health. The words “commissioner of health” are used in these regulations to denote the fact that all matters pertaining to health regulations shall be directed to that official or his staff.

Common lot lines. Lot lines shared by adjoining parcels of land.

Common area sign. A sign used to promote activities within a planned center and/or display commercial message(s) for a tenant or tenants within the planned center.

Common walk. A right-of-way, dedicated to public use, with a paved sidewalk providing pedestrian access between dwelling units and such common use facilities as schools, parking lots, shopping centers, recreation areas and other community facilities.

Community living arrangement. Any residence, whether operated for profit or not, that undertakes through its ownership or management to provide or arrange for the provision of daily personal services, support, care, or treatment exclusively for two or more adults who are not related to the owner or administrator by blood or marriage and whose residential services are financially supported, in whole or in part, by funds designated through the Department of Behavioral Health and Developmental Disabilities.

Community-oriented cultural facility. A public or non-profit facility that provides educational and cultural experiences for the general public, examples of which include aquariums, arboretums, art galleries, botanical gardens, libraries, museums, planetariums, civic centers and theaters predominantly used for live performances, and zoos. May also include ancillary retail uses such as a gift/book shop, restaurant, etc.

Community recreation. A private recreational facility for use solely by the residents and guests of a particular residential development, including indoor facilities such as community meeting rooms and outdoor facilities such as swimming pools, tennis courts, and playgrounds. These facilities are usually proposed, planned, and provided in association with a development and are usually located within the boundaries of the development.

Comprehensive Plan. The adopted plan for the City of Fayetteville establishing development goals and future land use patterns for the community.

Commissary. An approved catering establishment, restaurant, or other approved place in which food, containers or supplies are kept, handled, prepared, packaged or stored.

Concealment element. As it relates to small wireless facilities and antennas, means any design feature, including but not limited to painting, landscaping, shielding requirements, and restrictions on location, proportions, or physical dimensions in relation to the surrounding area or the structure which supports a wireless facility, that is intended to make a wireless facility or any supporting structure less visible to the casual observer.

Concept plat. A plat made preparatory to the preliminary plat to enable the Applicant to save time and expense in reaching general agreement with the planning and zoning commission as to the form of the plat and the objectives of these regulations.

Conditional Use. A use which may be permitted within a zoning district by special approval of the Mayor and City Council upon findings that, under the specific circumstances present, such use is in harmony with neighboring uses.

Condominium. A multi-family dwelling in which each resident has exclusive fee simple title and ownership in the individual dwelling unit while retaining an interest in the common facilities and areas of the building and grounds which are used by all the residents of the building or development.

Conservation easement. An agreement between a land owner and the city, another governmental agency or land trust that permanently protects open space or greenspace on the owner's land by limiting the amount and type of development that can take place while continuing to leave the remainder of the fee interest in private ownership.

Consignment shop. A retail establishment primarily engaged in selling used household goods and merchandise, including but not limited to, clothing and related accessories, children's apparel and furniture, sporting equipment, or furniture and related home furnishings, on consignment. This use does not include thrift shops or antique shops. Merchandise is not donated or sold to the establishment. Merchandise is placed for sale with the establishment by the owner of the merchandise and upon sale of the merchandise the purchase price is divided between the establishment owner and the owner of the merchandise. This use does not include the sale of guns, appliances, mattresses, or motor vehicles.

Construction. Any alteration of land for the purpose of achieving its development of changing use, including particularly any preparation for, building of, or erection of a structure.

Construction activity. Activities subject to the Georgia Erosion and Sedimentation Control Act or NPDES General Construction Permits, including construction projects resulting in land disturbance such as clearing and grubbing, grading, excavating, and demolition.

Construction fence. Any chain link fence erected around the perimeter of a commercial construction site which requires a land disturbance permit (LDP).

Consumer fireworks. Any small fireworks devices containing restricted amount of pyrotechnic composition, designed primarily to produce visible or audible effects by combustion, that comply with the construction, chemical composition, and labeling regulations of the United States Consumer Product Safety Commission as provided for in Parts 1500 and 1507 of Title 16 of the Code of Federal Regulations, the United States Department of Transportation as provided for in Part 172 of Title 49 of the Code of Federal Regulations, and the American Pyrotechnics Association as provided for in the 2001 American Pyrotechnics Association Standard 87-1, and additionally shall mean Roman candles.

Consumer fireworks retail sales facility, permanent. A consumer fireworks retail sales facility, as defined by NFPA

1124, consisting of a permanent building or structure, CFRS stand, tent, canopy, or membrane structure that is used primarily for the retail display and sale of consumer fireworks to the public.

Consumer fireworks retail sales facility, temporary. A consumer fireworks retail sales facility, as defined by NFPA 1124, consisting of a temporary building or structure, CFRS stand, tent, canopy, or membrane structure that is used primarily for the retail display and sale of consumer fireworks to the public.

Continuing care retirement community. A residential facility providing multiple, comprehensive services to older adults. Allows residents to continue living in the same complex as their housing and health care needs change. Continuing care retirement communities offer a variety of services such as assisted living, independent living, skilled nursing, health and wellness, recreational facilities, support services and entertainment and social uses.

Convalescent home. A building or portion thereof, not including a hospital, medical clinic, or nursing home, where for compensation, two or more persons not directly related to the owner are provided temporary food, sleeping accommodations, personal care, and physical assistance in regaining their health or strength following an illness or injury.

Convenience store. A small retail outlet which offers commonly needed food and staples, including gasoline and oil, normally through extended hours of operation.

Convenience store with fuel pumps. A facility with a floor area less than 7,500 square feet that sells convenience goods, such as prepackaged food items and a limited line of groceries. A convenience store with fuel pumps can sell vehicle fuel but cannot have any type of vehicle repair or service.

Conveyance. Stormwater facilities both natural and artificial designed for the movement of stormwater through the drainage system, such as concrete pipes, ditches, depressions and swales.

Conveyor car wash. A commercial car wash where vehicles move on a conveyor belt during the wash, and where the driver of the vehicle can remain in the vehicle or wait outside of the vehicle.

Council. The Mayor and City Council of the City of Fayetteville, Georgia.

Corridor. All land within the buffer areas and other setback areas identified herein.

Cottage court for tiny homes. A series of small, single-family detached dwelling units which fall under the minimum building size for the applicable zoning district and are designed to share a common court that is typically perpendicular to the street. The shared court takes the place of a private rear yard and is an important community-enhancing element.

CPESC. Certified Professional in Erosion and Sediment Control with current certification by EnviroCert, Inc., which is also referred to as CPESC or CPESC, Inc.

Crematorium. An establishment containing a furnace or device which is used to reduce human and/or animal remains to ashes by burning.

Critical Root Zone (CRZ). The total area contained within a circle that surrounds the trunk of a tree. The radius (measured from the trunk of the subject tree) of the circle shall be equal to 1.5 feet per caliper inch of the tree. For pines, the radius of the circle shall be equal to 0.5 foot per caliper inch of the tree.

Cul-de-sac. A public or private street having one end open to traffic and being permanently terminated within the plat by a vehicular turnaround.

Curb cut. An approved ingress and/or egress between property and an abutting public or private street.

Customary home occupation. An occupation customarily carried on within a dwelling unit for gain or support involving the sale of only those articles, products or services produced on the premises, conducted entirely within the dwelling by members of the immediate family residing in the dwelling unit with equipment customarily used for household purposes and involving no display of articles or products and no outdoor advertising.

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 the excavated surface. May also be referred to as excavation.

D

Day care facility. Any building used routinely for the daytime care or education of five or more preschool age children, including all accessory and play areas. May be referred to as a “nursery school.”

Deciduous tree. Any tree which drops its leaves at the end of the growing season.

Deforestation. The cutting and/or removal of 40 percent or more of trees eight inches DBH and larger on a development site.

Demising wall. The wall separating adjoining tenant spaces in a multi-tenant retail, office or industrial building.

Density. The number of dwelling units per acre of land used for residential purposes. Unless otherwise stated, density figures are to be in terms of net acres, or the land devoted to residential use exclusive of streets or other public lands.

Department. The Georgia Department of Natural Resources (DNR).

Department store. A retail store in excess of 45,000 square feet in size which is organized into a number of smaller departments selling a variety of merchandise which may include a selection of clothing and apparel, furniture, appliances and home furnishings.

Design professional. A professional licensed by the State of Georgia in the field of Engineering, Architecture, Landscape Architecture, Forestry, Geology, or Land Surveying; or a person that is a Certified Professional in Erosion and Sediment Control (CPESC) with a current certification by EnviroCert, Inc. Design Professionals shall practice in a manner that complies with applicable Georgia law governing professional licensure.

Detention. The temporary storage of stormwater runoff in a stormwater facility for the purpose of controlling the peak discharge.

Detention facility. A structure designed for the storage and gradual release of stormwater runoff at controlled rates.

Developable area. That area of an overall project site that can be developed with buildings, parking lots, driveways, service courts or other impervious surfaces. The developable area does not include those areas designated as tree save and/or landscape buffers, undisturbed buffers, no impervious buffers, delineated wetland or floodplain areas, stream buffers, designated open space, watershed protection buffers or other areas of a project site that cannot be developed

Developer. Any person who acts in his own behalf or as the agent of any owner of property and engages in alteration of land or vegetation in preparation for construction activity.

Development. Any action in preparation for construction activities which results in alteration of either land or

vegetation other than such minor land disturbing activities as home gardens and individual home landscaping repairs or maintenance work which result in minor soil erosion.

Development activity. Any alteration of the natural environment which requires the approval of a development plan or site plan and the issuance of a land disturbance permit. Specifically, a man-made 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.

Development permit. A permit issued by the city that authorizes development activity and includes, but is not limited to, a clearing permit, grading permit, land disturbance permit or building permit.

Diameter-at-breast-height (DBH). A standard of measure of existing tree size and is the trunk diameter measured in inches at a height of 4.5 feet above the ground. If a tree splits into multiple trunks below 4.5 feet, then each trunk is measured and added together to determine DBH. A tree which splits into multiple trunks above 4.5 feet is measured as a single tree at 4.5 feet. The diameter is determined by measuring around the trunk (circumference) at four and one-half feet above the ground and dividing this number by 3.14.

Directional sign. A sign used to give direction or specific instruction to the public, such as, but not limited to, “enter,” “exit,” “no parking,” “drive through,” “rest room,” etc. Such signs shall contain only instructional information, and shall not contain any logos, trademarks, or other commercial message.

Director. The director of the environmental protection division or an authorized representative.

Directory sign. A sign used to identify the location of structures or a single structure.

Discharge. The release of treated or untreated stormwater runoff or other material to the City of Fayetteville Drainage System.

Distillery. A manufacturer of distilled spirits for wholesale sales. A distillery may conduct promotional tours and offer free samples of distilled spirits in accordance with the official code of Georgia, and offer retail sales in accordance with O.C.G.A. § 3-4-24.2 (Refer to Chapter 10 - Alcoholic Beverages within the Code of Ordinances for additional requirements).

District. The Towaliga Soil and Water Conservation District.

District or zoning district. A section or sections of the incorporated area of the city for which the then effective zoning ordinance governing the use of buildings and land is uniform for each class of use permitted therein.

Domestic animal. Any animal/fowl domesticated by humans so as to live and breed in a tame condition for the advantage of humans. Pen-raised skunks are categorized as those skunks acceptable by the state and may be kept in the state as pets.

Double-faced sign. A sign which has two display areas, where one sign face is designed to be seen from one direction and the other sign face from another direction, and where the two display areas are separated by no more than 36 inches as measured from the centerline of each support post.

Disturbed area. The overall limits of site activity, outside of any undisturbed buffer area. Any area that will be graded, is classified as disturbed area.

Dooryard. The area within the street-space between the façade of the building and the clear walkway area of the sidewalk.

Dormers. Roofed ancillary structures with windows providing light and air to habitable space within the roofed area.

Dormitory. A building in which lodging or boarding and lodging are provided for more than five people not of the same family unit, for compensation and not necessarily open to the public.

Drainage. A general term applied to the removal of surface or subsurface water from a given area either by gravity or by pumping, commonly applied herein to surface water.

Drainage basin. The area of ground or impervious surface that drains to a specified body of water.

Drainage easement. An easement appurtenant or attached to a tract or parcel of land allowing the owner of adjacent tracts or other persons to discharge stormwater runoff onto the tract or parcel of land subject to the drainage easement.

Drainage plan. A plan prepared using appropriate and commonly accepted engineering standards which specifies the means for alteration or development of a drainage system.

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 storm water 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, and ponds, whether of an intermittent or continuous nature, and the manmade element which includes culverts, ditches, channels, retention facilities and the storm sewer system.

Dripline. A line on the ground established by a vertical plane extending from a tree's outermost branch tips down to the ground.

Drive-in or drive-through facilities. A place or premises used for the sale, dispensing, or service of food, refreshments, or beverages to customers in automobiles, including those establishments where customers may eat or drink on the premises.

Driveway. A vehicular access corridor privately owned and maintained. Residential driveways shall not serve more than two single-family residential lots. That portion of a driveway which is constructed on the city right-of-way must be constructed to city standards.

Duplex. A residential structure designed for two-family occupancy and consisting of two side-by-side residential units with each family in a separate dwelling unit.

Dust-free parking. An area with a constructed surface of asphalt or cement designed to support automobiles and trucks in a manner by which the surface material will not be carried away by wind, storm water, or normal use.

Dwelling. A structure or building or a portion of any structure or building designed, arranged and used for living quarters for one or more persons living as a single housekeeping unit with cooking facilities, but not including units in hotels, motels, boarding houses and like uses, but not including temporary housing, mobile homes or industrialized buildings.

Dwelling, duplex. See Dwelling, two-family.

Dwelling, multi-family. A building either designed, constructed, altered, or used for two or more adjoining dwelling units, each having either a party wall and/or a party floor/ceiling connecting it to other dwelling units in the building.

Dwelling, single-family. A detached building designed and constructed to include not more than one unit for residential use, which meets or exceeds the following minimum standards:

1. Minimum building dimension, or building face projection if irregular shaped building, shall be in excess of

24 feet.

2. Minimum gross floor area required by the zone in which located.
3. The roof shall have a minimum pitch of 4:12, and shall be covered with asphalt shingles, concrete or clay roof tiles, wood shingles and/or shakes, metal or similar materials.
4. The exterior siding materials shall consist of wood, glass, masonry, concrete, stucco, Masonite, vinyl-coated metal lap vinyl lap, or other materials of similar appearance and composition to above as approved by the zoning administrator.
5. Be permanently affixed or bolted to a permanent masonry or concrete foundation, fully enclosed around the structure.
6. Be permanently equipped with both gutters and downspouts.
7. Have a roof overhang around the entire exterior perimeter of the structure of no less than six inches.
8. All siding, wood, Masonite, vinyl coated metal lap, and vinyl lap, shall be horizontally oriented to the ground with maximum width of each overlap being no more than eight inches per lap.
9. At each exterior door, have a masonry or wood landing that is a minimum of 36 inches by 48 inches.
10. A site-built home shall be constructed according to standards established by the city's building codes, as amended from time to time.
11. Not an industrialized building or mobile home.

Dwelling, townhome. A building designed with multiple dwelling units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common fire-resistant walls.

Dwelling, two-family. A building, either designed, constructed, altered or used for adjoining dwelling units with each dwelling unit sharing a common party wall. May be referred to as a duplex.

Dwelling unit. One or more rooms including kitchen facilities designed for the occupancy, cooking and sleeping of one or more persons, but not including care homes, convalescent homes, boarding houses, orphanages or dormitories.

Dwelling, upper story. A residential dwelling located above a non-residential use within a mixed-use building.

E

Easement. A grant by the property owner for the use by the public, a corporation, or persons of a strip of land for specific purposes. An acquired legal right for the specific use of land owned by others.

Elevated building. A non-basement building 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.

Engineering plans. Detailed design drawings and associated technical data for the development of a tract of land and showing completely and accurately the horizontal and vertical details of utilities, roads, storm drainage, and other physical improvements which will support the development.

Entrance sign. Any monument sign placed at the intersection of a public street and a private entryway into an apartment complex, or condominium complex.

Environmental impact study. A report describing the environmental conditions and aspects of the air, surface and subsurface waters, soil, topography, local flora and fauna and their natural habitats, and all local micro and macro ecosystems.

Erect. To build, construct, attach, paint, hang, place, replace, suspend, or affix or fabricate a sign, which shall also include painting of wall sign or other graphics.

Erected. Built, constructed, attached, hung, placed, suspended, affixed, reconstructed, moved upon or any physical operations on the premises required in building. Excavation, fill, drainage, and the like shall be considered a part of erection, as well as the painting of wall or window signs.

Erosion. The process by which land surface is worn away by the action of wind, water, ice or gravity.

Erosion, Sedimentation and Pollution Control Plan. A plan required by the Erosion and Sedimentation Act, O.C.G.A. Chapter 12-7, that includes, as a minimum protections at least as stringent as the State General Permit, best management practices, and requirements identified herein.

Essential public services and utilities. The erection, construction, alteration, or maintenance by a public utility, or municipal department, of underground, surface or overhead gas, communication, telephone, electrical, steam, fuel or water, transmission, distribution collection, supply, or disposal systems. This includes related poles, wires, pipes, conduit, cables, public safety alarm and communication equipment, traffic signals, hydrants and similar accessories that are necessary to furnish adequate service, addressing general public health, safety, convenience, or welfare. These do not include wireless telecommunication towers (unless located on public property and used as part of a municipal emergency communications network); wind energy turbines; offices, utility buildings, substations, or structures that are enclosures or shelters for service equipment; or maintenance depots.

Evergreen. Any tree, shrub or groundcover which retains its green foliage throughout the year.

Existing construction. Any structure for which the “start of construction” commenced before September 12, 1988 [i.e., the effective date of the FIRST floodplain management code or ordinance adopted by the city as a basis for the city’s participation in the National Flood Insurance Program (NFIP)].

Existing grade. The vertical location of the existing ground surface prior to cutting or filling.

Existing manufactured home park or subdivision. 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 final site grading or the pouring of concrete pads) is completed before September 12, 1988 (i.e., the effective date of the FIRST floodplain management regulations adopted by the city).

Exotic animal. Any animal of any kind which is not indigenous to the state, but not included in the definition of a domestic animal, but shall include any hybrid animal which is part exotic animal.

Expansion to an existing manufactured home park or subdivision. The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.

Exposed neon. Neon tubing left uncovered or exposed to view on exterior of structure or a building.

Extended detention. The storage of stormwater runoff for an extended period of time.

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.

Extreme flood protection. Measures taken to prevent adverse impacts from large low-frequency storm events with a return frequency of 100 years or more.

F

Façade (building face). The elevation facing the primary street-space or required building line. Exterior building walls facing private interior courts, common lot lines, alleys, and common drives are not façades; they are elevations.

Façade composition. The arrangement and proportion of materials and building elements (windows, doors, columns, pilasters, bays) on the principal façade.

Family. A person, or group of persons, immediately related by blood, marriage, or adoption, living and cooking together as a single housekeeping unit, exclusive of household servants; also, a group of not more than three persons, or a group of not more than eight disabled persons not necessarily related by blood, marriage, or adoption, living and cooking together as a single housekeeping unit.

Family day care home. A private residence certified by the Georgia Department of Human Resources and operated by any person paid to supervise and care for 3 but not more than 6 children under 18 years of age who are not related to such person and whose parents or guardians are not residents in the same private residence. This service may be provided for a duration of less than 24 hours per day and does not include and is not limited to residents of the dwelling

Farm and pasture land. Any land that has historically been used for agricultural purposes, other than silviculture, for more than ten years.

Farmers market. The seasonal selling or offering for sale at retail of home-grown vegetables or other produce, occurring in a pre-designated area, where the vendors are generally individuals who have raised the vegetables or other produce and also including the incidental sale of agriculturally-related products.

Feather flag. A temporary sign oriented in a vertical direction and supported by a harpoon-style pole or staff driven into the ground as its primary means of support.

FEMA. The Federal Emergency Management Agency.

Fence. An artificially constructed barrier, typically constructed of posts, wire and/or wood, erected to enclose, screen, or separate areas.

Fenestration. Openings in the building wall, including windows and doors, allowing light and views between the block and/or building interior (private realm) and exterior (public realm).

Fill. A portion of land surface to which soil or other solid material has been added; the depth above the original ground surface or an excavation.

Filling. The placement of any soil or other solid material, either organic or inorganic, on a natural ground surface or excavation.

Final plat. A surveyed and detailed drawing of a subdivision showing completely and accurately all legal and engineering information and certification necessary for recording.

Final stabilization. The time at which all soil disturbing activities at the site have been completed and unpaved areas and areas not covered by permanent structures and areas located outside the waste disposal limits of a landfill cell that has been certified by EPD for waste disposal, 100% of the soil surface is uniformly covered in permanent vegetation with a density of 70% or greater, or landscaped according to the plan (uniformly covered with landscaping materials in planned landscape areas), or equivalent permanent stabilization measures as defined

in the Manual (excluding a crop of annual vegetation and seeding of target crop perennials appropriate for the region). Final stabilization applies to each phase of construction.

Finished grade. The final elevation and contour of the ground after cutting or filling and conforming to the proposed design.

Fitness club. An establishment which provides, as one of its primary purposes services or facilities to assist persons in improving their physical condition or appearance, or change in weight, weight control, treatment, athletic development, dieting or exercise. The term also includes establishments referred to as “reducing salons,” “health spas,” “spas,” “exercise gyms,” “health studio,” “health club” or other similar establishments.

Flag. A sign consisting of any fabric containing distinctive colors, patterns, logos or symbols, used as a symbol of a government or any other entity or organization.

Flashing sign. A sign, the illumination of which is not kept constant in intensity at all times when in use, and which exhibits marked changes in lighting effects, or displays visible movement achieved by electrical, electronic or mechanical means, or displays an optical illusion of movement by means of a design that presents a pattern capable of giving the illusion of motion or changing of copy, or with lights or illuminations that flash, move, rotate, scintillate, blink, flicker, or vary intensity or color. Illuminated signs shall not be considered as flashing signs.

Flea market. Any licensed business whereby there is operated a center for shopping among collected flea market vendors selling merchandise to the public from marketing booths, stalls, tables, and similar displays in marketing configurations and arrangements for the sale of new and used merchandise. Flea markets shall not include antique stores, art galleries, jewelry stores, coin shops, consignment stores, farmers’ markets, city-sponsored events, or other businesses where the vendor therein is not operating centers for sales from stalls, booths, tables, and other similar displays or where the vendor therein is not operating among a collection of vendors or renting or securing individual space within an overall operation.

Flea market promoter. Any person operating, maintaining and promoting flea markets.

Flea market vendor. Any person operating among collections of other flea market vendors for retail sales to the public of new and used merchandise in collected marketing among a collection of similar vendors. All businesses in the city which meet the definition of flea market above shall be subject to the provisions and regulations of these businesses as hereinafter set forth.

Flood or flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; or, a volume of surface water that exceeds the banks or walls of a BMP or channel and that overflows onto adjacent lands.

Flood Hazard Boundary Map (FHBM). An official map of the city, 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 the city, issued by the Federal Insurance Administration, delineating the areas of special flood hazard and/or risk premium zones applicable to the city.

Flood Insurance Study (FIS). The official report by the Federal Insurance Administration evaluating flood hazards and containing flood profiles and water surface elevations of the base flood.

Floodplain. 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.

Flood-proofing. Any combination of structural and non-structural 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.

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 area, gross. The sum of all gross horizontal areas of the several floors of a building or buildings, measured from the outside dimensions of the structure or from the centerline of a wall separating two buildings, but excluding any space where the floor-to-ceiling height is less than six feet.

Floor area, gross leasable. The area within a shopping center, commercial or industrial condominium that is available for lease by tenants, not including common elements such as, but not limited to, hallways and public areas.

Floor area, livable. The gross horizontal area of a dwelling unit (as measured by exterior walls) of each floor of a residential structure, exclusive of garage, carport, unfinished basement, unfinished attic and unenclosed porches.

Floor area, usable. That area to be used for the sale of merchandise or services, or for use to serve patrons, clients or customers, measured from the interior faces of the exterior walls. Areas used principally for the storage or processing of merchandise, for hallways, stairways and elevator shafts, or for utilities and sanitary facilities shall be excluded from this computation.

Food processing facility. A commercial or industrial facility at which edible materials are washed, prepared, packed, cooked, converted or otherwise prepared so as to be fit for human consumption.

Front porch. A ground floor platform attached to the façade or required building line side of the main building.

Front yard fence. A low wooden or wrought iron fence or masonry wall located along and surrounding the front yard (generally behind and parallel to the dooryard/clear walkway line) of private lots and also along common lot lines forward of the required building line.

Frontage. The length of the front lot line.

Frontage, building. Total linear feet of enclosed building length, as measured from demising wall to demising wall, along the building facade that fronts the principal dedicated street, or the facade that contains the main entrance to the building.

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.

Fronts or fronting on a street. A business “fronts” on a street when the lot line on the property on which the business is located also forms the line marking the edge of a publicly dedicated right-of-way.

Functionally Dependent Use. A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities

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 plans, 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

Garage, private. An accessory building or portion of a principal building used only for private storage of permitted motor vehicles.

Garage, public. Any garage other than a private garage which is used for storage, minor repair, rental, servicing, washing, adjusting, or equipping of automobiles or other motor vehicles.

Garage, repair. A public garage intended to be used to make major commercial automobile or other motor vehicle repairs; provided that all body work and painting shall be conducted within fully enclosed buildings, and further provided that there is no open storage of junk, wrecked vehicles, dismantled parts, or supplies visible beyond the premises.

Garage entry. An opening (with curb cut) in the building façade and/or street wall where vehicles may enter into a parking structure in the block interior for general parking and business servicing.

Garage sale. All general sales, open to the public, conducted from or on noncommercial property, for the purpose of disposing of personal property, including, but not limited to, all sales entitled "estate", "garage", "lawn", "yard", "attic", "porch", "backyard", "patio", "flea market", or "rummage" sale.

Garden wall. A masonry wall defining a property line or delineating a private area, and which may serve as a front yard fence.

Gasoline service station. Buildings and premises wherein a primary use is the supply and dispensation of retail gasoline, diesel fuel, oil, grease, batteries, tires and motor vehicle accessories, and where minor repair services may be provided.

General frontage building. Building form and functions resulting from/ as determined by the general building form standard as indicated on the regulating plan.

Georgia Stormwater Management Manual. The stormwater design manual developed and distributed by the Atlanta Regional Commission (ARC).

Governmental facility. Buildings, structures and facilities that may include administrative offices, public works services, cemeteries, recreational centers and storage areas for public equipment and materials for local, county, state and federal public agencies.

Grade, average. The natural elevation of the ground surface, prior to construction next to the proposed walls of a structure.

Grade, finished. The final elevation and contour of the ground after cutting or filling and conforming to the

proposed design.

Grade, highest adjacent. The highest natural elevation of the ground surface, prior to construction, adjacent to the proposed foundation of a building.

Grade, natural. The elevation of the ground level in its natural state before construction, filling or excavation. May be referred to as Ground Elevation or Natural Ground Surface.

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

Green or square. A public open space designated on the regulating plan. The term square is generally used to describe spaces that have more paved surface area. The term civic green is generally used to describe a formally configured small public lawn or park that is primarily unpaved.

Greenhouse. A detached subordinate building or enclosure covered with glass, plastic or transparent material, the use of which is clearly incidental to that of the main building or to the land used for the cultivation, protection, culture or storage of trees, seedlings, shrubs and tender or tropical plants.

Greenspace. Also known as open space, is permanently protected areas of the site that are preserved in a natural state.

Greenway. A landscaped or planted strip along the lot frontage of prescribed dimension as measured from the front lot line, and that serves as an obscuring screen or visual enhancement between a land use and a public or private right-of-way.

Grocery store. A retail store of at least 12,000 square feet in size that primarily sells food and beverages for offsite consumption and includes the sale of fresh meat and produce.

Ground elevation. The original elevation of the ground surface prior to cutting or filling.

Ground floor. The first habitable level of a building at or above grade. The next story above the ground floor is the second floor or story.

Ground sign. A permanently affixed sign, which is wholly independent of a building for support.

Groundcover. Natural plant material such as vines, shrubs, or grasses which would not normally attain a height of more than two feet.

Groundwater recharge area. An area of the earth's surface where water infiltrates the ground, thereby replenishing the groundwater supplies within an aquifer. May be referred to as the Aquifer Recharge Area.

Group home. A residential dwelling unit containing up to six unrelated persons who are mentally or physically impaired who are protected under the Fair Housing Act, along with support or supervisory personnel or family members who may reside at the facility. The term mental or physical impairment includes conditions such as blindness, hearing impairment, mobility impairment, HIV infection, mental retardation, alcoholism, drug addiction, chronic fatigue, learning disability, head injury, and mental illness. Current users of illegal controlled substances, persons convicted for illegal manufacture or distribution of a controlled substance, sex offenders, and juvenile offenders, are not considered mental or physically impaired under the Fair Housing Act. The Fair Housing Act affords no protections to individuals with or without disabilities who present a direct threat to the persons or property of others. Determining whether someone poses such a direct threat must be made on an individualized basis, however, and cannot be based on general assumptions or speculation about the nature of a disability.

GSMM. The latest edition of the Georgia Stormwater Management Manual, Volume 2: Technical Handbook, and its Appendices.

Guest house. Living quarters situated within an attached or detached accessory building located on the same premises as the principal building; such quarters shall be used only by bona fide nonpaying guests or relatives of the owners or occupants of the principal building and shall not be rented or otherwise occupied as a separate dwelling. In certain zoning districts, a guest house may be permitted as the principal building on a zoning lot, but on the same conditions as stated above.

Gym, health spa, yoga studio. An establishment which for profit or gain provides as one of its primary purposes, services or facilities which are purported to assist patrons improve their physical condition or appearance. Not included within this definition are facilities operated by nonprofit organizations, facilities wholly owned and operated by a licensed physician at which such physician is engaged in the practice of medicine, or any establishment operated by a health care facility, hospital, intermediate care facility, or skilled nursing care facility.

H

Habitable room. A room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes, excluding: bathrooms, laundries, furnace rooms, pantries, kitchenettes and utility rooms of less than 50 square feet of floor space, foyers or communicating corridors, stairways, closets, storage space, and hobby and recreation areas in unheated or uninsulated parts of structures below ground or in attics.

Hanging sign. See suspended sign.

Hazardous material. A flammable, highly corrosive, acidic or toxic material as identified in the Official Code of Georgia (O.C.G.A. § 12-14-1) in the “Oil and Hazardous Materials Spill Reporting” requirements.

Hazardous substance. A substance which, by reason of being explosive, flammable, poisonous, corrosive, oxidizing, irritating, or otherwise harmful, is likely to cause death or injury. Such substance is regulated by the federal government under the Resource Conservation and Recovery Act.

Height of a ground sign or monument sign. The vertical distance from the base of the sign at normal grade to the top of the highest component of the sign. Normal grade shall be the predominant grade after construction, exclusive of any filling, berming, mounding or excavating for the purpose of locating or elevating the sign. Base shall be where the sign support meets, or should meet, the normal grade. Signs with a height of greater than six feet are prohibited, except that the structure of the monument may extend to seven feet above normal grade.

Highest adjacent grade. The highest natural elevation of the ground surface, prior to construction, adjacent to the proposed foundation of a building.

Historic structure. Any structure that is:

1. 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;
2. 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;
3. 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
4. Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:

By an approved state program as determined by the Secretary of the Interior, or
Directly by the Secretary of the Interior in states without approved programs.

Home occupation. A business carried on by an occupant of a dwelling as a secondary use which is clearly incidental to the use of the dwelling for residential purposes. For purposes of this ordinance, occasional activities at a dwelling like garage sales, Tupperware parties and bazaars are not considered to be home occupations.

Homeowner's association. A community association, other than a condominium association, that is organized in a development in which individual owners share common interest and responsibilities for cost and upkeep of common area and facilities.

Hookah/vapor bar or lounge. An establishment that is open to the public where hookah, shisha, or vapor products are sold for consumption on and off the premises, and space and seating are provided for patrons to sit and smoke hookah, shisha, or vapor products.

Hospice. A health-care facility for the terminally ill that emphasizes pain control and emotional support for the patient and family, typically refraining from taking extraordinary measures to prolong life.

Hospital. Any institution receiving inpatients, providing a staffed 24-hour emergency care facility and authorized under Georgia law to render medical, surgical and/or obstetrical care. The term shall also include a sanitarium with an approved certificate of need (CON) from the state health planning agency for the treatment and care of various forms of mental illness, but shall not include clinics, convalescent homes or rest homes or office facilities for the private practice of medicine, dentistry or psychiatry.

Hotel. A building under single management that provides rooms or suites intended primarily as sleeping accommodations for public rental on a daily basis for registered guests. A hotel includes a central interior lobby and provides daily room cleaning and linen changes. Other supportive facilities may also include, but not be limited to, meeting rooms, incidental retail sales, restaurants, lounges, swimming pools, recreational and fitness facilities and similar facilities/ services intended principally to serve registered guests.

Hotspot. A land use or activity on a site that has the potential to produce higher than normally found levels of pollutants in stormwater runoff. As defined by the administrator, hotspot land use may include gasoline stations, vehicle service and maintenance areas, industrial facilities (both permitted under the Industrial Stormwater General Permit and others), material storage sites, garbage transfer facilities, and commercial parking lots with high-intensity use.

Household. One or more persons, including servants, who share the same dwelling and use some or all of its cooking and eating facilities.

Hydrologic Soil Group (HSG). A Natural Resource Conservation Service classification system in which soils are categorized into four runoff potential groups. The groups range from group A soils, with high permeability and little runoff produced, to group D soils, which have low permeability rates and produce much more runoff.

Illegal connection. Either of the following:

1. Any pipe, open channel, drain or conveyance, whether on the surface or subsurface, which allows an illicit discharge to enter the storm drain system including but not limited to any conveyances which allow any non-stormwater discharge including sewage, process wastewater, and wash water to enter the storm drain system, regardless of whether such pipe, open channel, drain or conveyance has been previously allowed, permitted, or approved by an authorized enforcement agency; or,
2. Any pipe, open channel, drain or conveyance connected to the municipal separate storm sewer system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

Illicit discharge. Any direct or indirect non-stormwater discharge into the City of Fayetteville Drainage System that is not composed entirely of stormwater runoff except discharges pursuant to a NPDES permit (other than the NPDES permit for discharges from the City of Fayetteville Drainage System).

Illuminated, externally. Illumination so arranged that the light source is external to the sign and directed toward the sign. Also known as “indirect lighting.”

Illuminated, internally. Illumination so arranged that the light is contained behind the face of the sign and no lighting source is directly visible exterior to the sign. Also known as “direct lighting.”

Impervious surface. Surfaces that more readily promote horizontal conveyance of stormwater runoff instead of allowing vertical infiltration. Impervious surfaces are defined as paved parking surfaces, concrete areas, rooftops, cement soil areas, compacted graded base material areas, and any other areas that readily promote horizontal flow of stormwater runoff rather than vertical infiltration. Pervious pavers, meeting the requirements of the Georgia Stormwater Management Manual section 3.3.8 for Modular Porous Paver Systems, will be given credit from impervious surface calculations. Pervious paver systems shall be considered 50 percent pervious and 50 percent impervious for purposes of the calculations. Pervious pavers shall be allowed for use on 25 percent of the parking spaces in a parking lot. Pervious pavers are not allowed for use as driveways, or where traffic volumes are high or where heavy duty pavement is needed.

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.

Independent living. A building or buildings containing individual dwelling units designed for and restricted to occupancy by persons of a specified age who are retired or are nearing retirement and wish to live within multi-family rental properties with central dining facilities that provide residents, as part of their monthly fee, access to meals and other services such as housekeeping, linen service, transportation, and social and recreational activities. Independent living facilities do not provide, in a majority of the units, assistance with activities of daily living such as supervision of medication, bathing, dressing, and toileting. There are no licensed skilled nursing beds on the property. Such housing does not include a nursing or convalescent home.

Indoor commercial recreation center. A building or place of business equipped with various machines, devices, facilities and electronic devices, but not including gambling devices, where, for a fee, persons may engage in various games and diversions.

Industrial activity. Activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122. 26 (b)(14).

Industrial Stormwater General Permit. The National Pollutant Discharge Elimination System (NPDES) permit issued by the Georgia Environmental Protection Division to an industry for stormwater discharges associated with the industrial activity. The permit regulates pollutant levels associated with industrial stormwater discharges or specifies on-site pollution control strategies based on the Standard Industrial Classification (SIC) Code.

Industrialized building. Any structure or component thereof which is or in substantial part made, fabricated, formed, or assembled in manufacturing facilities for installation on a building site upon a permanent foundation and has been manufactured in compliance and conformity with the Industrialized Building Act of the State of Georgia.

Infected or infested tree or vegetation. Any tree or plant that, due to evidence or existence of disease, pests, or other infectious elements may, in the opinion of the city landscape architect, would be a detriment to other vegetation, roads, right-of-way, easements or structures.

Infiltration. The process of percolating stormwater runoff into the subsoil.

Infrastructure. Facilities and services needed to sustain industry, residential, commercial, and all other land use activities and shall include water, sewer, natural gas, electric power, streets and roads, communication, and other public facilities.

Inoperable vehicle. A motor vehicle which is unlicensed, uninsured and/or incapable of being operated under its own power.

Inspection and Maintenance Agreement. A written agreement providing for the long-term inspection, operation and maintenance of stormwater management system and its components on a site.

Institutional residential. An umbrella term that encompasses the following uses as defined below: assisted living facility, independent living, intermediate care home, nursing home, personal care home and skilled nursing care facility.

Instructional sign. A sign used to give direction or specific instruction to motorist or pedestrians upon or near roads, streets, parking, sidewalks, within public areas (privately or government owned) in which the public is generally invited to enter or transverse. Such sign shall contain only instructional information related to vehicular and pedestrian traffic control. The size, shape, color, height, location and lettering of traffic instructional and control signs shall be substantially similar to that used by the Georgia Department of Transportation and the City of Fayetteville.

Intermediate care home. A facility which is approved for individuals who require the type of active treatment typically provided by a facility whose primary purpose is to furnish health and rehabilitative services to persons with mental retardation or related conditions.

Intermediate regional flood (IRF). A 100-year frequency flood, as defined on the flood hazard map, which has a probability of occurring once every 100 years or having a one percent chance of occurring each year.

Internally-illuminated sign. Any sign that is illuminated by an artificial light source from within the sign structure over any or all of its sign face

Island. A raised planting area, curbed, placed in parking areas to guide traffic, separate lanes, preserve existing vegetation, and increase aesthetic quality.

Issuing authority. The City of Fayetteville, which has been certified by the director of environmental protection division of the department of natural resources as an issuing authority, pursuant to the Erosion and Sedimentation Act of 1975, as amended.

J

Junk. Includes, but is not limited to, inoperable vehicles; solid waste; any motor vehicles, machinery, appliances, products, or merchandise with parts missing; or scrap metals or materials that are damaged or deteriorated; or vehicles or machines in a condition which precludes their use for the purpose for which they were manufactured.

Junkyard. Property used for indoor or outdoor storage, keeping or abandonment, whether or not for sale or resale, of junk including scrap metal, rags, paper or other scrap materials, used lumber, salvaged materials and equipment; or for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof.

Jurisdictional wetland. An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

K

Kennel. A commercial facility for the boarding, breeding, and/or maintaining of animals for a fee that are not owned by the operator. This use includes pet day care facilities, animal training facilities, and may include grooming as an accessory use. This use includes the breeding of animals in outdoor structures, cages or pens for sale, but does not include animals for sale in pet shops.

Kindergarten. A state-approved institution for the education of preschool-aged children.

Kiosk. A freestanding sign structure, usually cylindrical in shape, intended to be viewed from all sides and erected for the purpose of posting signs, notices or other public announcements. Kiosks that are composed of flat faces are treated as multi-faced signs.

Kitchen. Any room containing any or all of the following equipment, or any other room within three feet of such equipment: sink and/or other device for dishwashing, stove or other device for cooking, refrigerator or other device for cool storage of food, cabinets and/or shells for storage of food, equipment and cooking utensils, and counter or table for food preparation.

Kitchenette. A small kitchen or an alcove containing cooking facilities.

L

Land development. Any change to the configuration of the natural topography of a tract of land, including, but not limited to, clearing, digging, grubbing, stripping, removal of vegetation, dredging, grading, excavating, transporting and filling of land, construction, paving, and any other installation of impervious cover.

Land development activities. Those actions or activities which comprise, facilitate or result in land development.

Land development application. The application for a land development permit on a form as provided by the city along with the supporting documentation required in this UDO.

Land development permit. The authorization necessary to begin construction-related land disturbing activity.

Land disturbing activity. Any activity which 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. Land disturbing activity does not include agricultural practices as described O.C.G.A. 12-7-17(5) or silvicultural land management activities as described O.C.G.A. 12-7-17(6) within areas zoned for these activities.

Land Disturbance Permit (LDP). A permit issued to authorize clearing, dredging, grading, excavating, transporting and filling of land.

Land subdivision. All divisions of a tract or parcel of land into two or more lots, building sites or other divisions for the purpose, whether immediate or future, of legacy or building development; including all division of land involving a new street to which the public has access or a change in an existing street, and including resubdivision and, where appropriate to the context, relates to the process of subdividing or to the land or area subdivided; provided, however, that the following are not included within this definition:

1. The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of these regulations.
2. The division of land into parcels of five acres or more where no new street is involved.
3. Division or sale of land by judicial decree shall not be deemed a division for purposes of this chapter.

Landscape plan. A written plan with drawings by the applicant or his agent with details of tree locations, tree removals, and tree replanting, with each tree designated as to species or common name on each parcel to be developed.

Landscaping. Any additions to the natural features of a plot of ground to restore construction disturbance and to make it more environmentally compatible, such as adding trees and shrubs, groundcover, lawn areas, etc., to the natural environment. Landscaping requirements shall not interfere with fire and life safety standards according to the development standards and other adopted ordinances and requirements, subject to public safety review.

Landscape wall sign. A permanent sign attached to a freestanding wall that does not form a part of the structure of the building for which the sign is erected.

Larger common plan of development or sale. A contiguous area where multiple separate and distinct construction activities are occurring under one plan of development or sale. For the purposes of this paragraph, “plan” means an announcement; piece of documentation such as a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, or computer design; or physical demarcation such as boundary signs, lot stakes, or surveyor markings, indicating that construction activities may occur on a specific plot.

Light servicing. The minor repair of motor vehicles which includes, but may not be limited to, repairing and changing tires; lubricating vehicles; cleaning, adjusting, and replacing spark plugs; changing oil, transmission fluid and filters; replacing, adjusting, repairing, or servicing hoses and air filters; changing, flushing or otherwise servicing the coolant system; changing or adjusting the battery, battery ground cable, battery hold-down strap, battery positive cable or battery-to-starter relay cable; changing or adjusting the fan belt, power steering pump belt or alternator drive belt; changing fuses, headlamp switches, horns, ignition coil output wire, light bulbs and headlamps; installing, replacing or repairing ornamental accessories; filling windshield washer tank and other fluids; changing or adjusting windshield wipers and wiper blades; and any other minor service which may be performed in less than three hours.

Linear feasibility program. A feasibility program developed by the city and submitted to the Georgia Environmental

Protection Division, which sets reasonable criteria for determining when properly recorded in the deed records constitutes a restriction on the title to a site or other land involved in a land implementation of stormwater management standards for linear transportation projects being constructed by the city is infeasible.

Linear transportation projects. Construction projects on traveled ways including but not limited to roads, sidewalks, multi-use paths and trails, and airport runways and taxiways.

Live retention. That quantity of water capable of being effectively contained by a designated facility for stormwater storage for a specified period of time.

Living room. A common sitting room or meeting room that will accommodate group gatherings and that is appropriate for group activities; provided, however, that a living room does not include bathrooms, laundries, furnace rooms, pantries, kitchenettes and utility rooms of less than 50 square feet of floor space, foyers or communicating corridors, stairways, closets, storage space, and hobby and recreation areas in unheated or uninsulated parts of structures below ground or in attics. May be referred to as a den, family room or great room.

Loading space. An off-street area of land providing space for the loading and unloading of delivery trucks and other commercial vehicles, for the delivery of goods, commodities and merchandise to stores and other commercial uses, and for the picking up and hauling away of objects, materials, discarded items and the like from land uses and locations.

Local government. Any county or municipality which exercises zoning power within its territorial boundaries

Local Issuing Authority (LIA). The governing authority of any county or municipality which is certified pursuant to subsection (a) O.C.G.A. 12-7-8.

Lot. A developed or undeveloped parcel or tract of land in one ownership, legally transferable as a single unit of land. Also means a parcel or a portion of a subdivision, or any other parcel of land identified by a tract number, lot number, or symbol on an approved subdivision plat properly recorded, and which is or may in the future be offered for sale, conveyance, transfer or improvement. In determining the area and dimensions of a lot, no part of the right-of-way of a road or common walk may be included.

Lot area. The total horizontal area within the lot lines of a lot, excluding any street right-of-way or easement dedicated for street purposes.

Lot building limit. A line delineating the outer edge of the buildable area, generally to the rear of a lot away from the required building line. A lot building limit (lbl) may be used, for example, to establish an edge toward a conservation area, or within a workplace area to establish a common mid-block working courtyard. Where designated on the regulating plan, it supersedes the building form standard minimum setback.

Lot coverage. The portion of a lot, stated as a percentage of the total lot area, covered by impervious surfaces, including all buildings and paved surfaces such as driveways, patios and walkways. The total lot coverage calculation shall also include one-half of the area of permeable surfaces on the lot.

Lot depth. The mean horizontal distance between the front and rear lot lines, measured generally perpendicular to the front lot line.

Lot width. The horizontal distance between the sidelines of a lot measured at the front building line.

Lot, corner. A lot located at the intersection of two or more streets.

Lot, interior. A platted lot, the side lines of which do not abut on a street.

Lot, multiple frontage. Property having boundary lines adjacent to more than one public street, right-of-way or

private street shall be deemed multiple frontage property.

Lot, through. An interior lot having frontage on two (2) public or private streets that are approximately parallel.

Lot line, front. That lot line separating the lot from the street right-of-way or street easement. Corner and through lots have two front lot lines. In the case of a corner lot, the property owner may treat one of the lot lines opposite either of the front lot lines as a rear lot line.

Lot line, rear. The lot line opposite and most distant from the front lot line. In the case of a triangular or gore-shaped lot where the two side lot lines converge in the rear, the rear lot line shall be considered to be an imaginary line ten feet long within the lot, parallel to and at the maximum distance from the front lot line. A through lot has no rear lot line.

Lot line, side. Any lot line other than a front or rear lot line.

Lot of record. A parcel of land separately described on a plat, condominium document or metes and bounds description and recorded in the office of the Fayette County Register of Deeds, which was in existence on the effective date of this ordinance.

Lot width. The horizontal distance between the side lot lines of a lot measured at the two points where the front setback line intersects the side lot lines.

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 complies with the UDO.

M

Maintenance. The cleaning, painting, repair, or replacement of defective parts of a sign in a manner that does not alter the basic copy, design or structure of the sign.

Maintenance of retention facility. Preserving the enclosing walls or impounding embankment of the retention facility in good condition; ensuring structural soundness, functional adequacy and freedom from sediment; and rectifying any unforeseen erosion problems.

Major repairs. Repairs, improvements or additions to a motor vehicle which include, but are specifically not limited to, replacing or rebuilding of engines, transmissions, or differentials; repair of bodies, fenders or frames of motor vehicles and trailers; painting of motor vehicles and trailers; dismantling or storage of wrecked or junked vehicles or trailers; muffler and exhaust repair and replacement; other major work customarily undertaken by motor vehicle repair shops; or repairs which are not performed in less than three hours.

Maker space. A collaborative work space inside a school, library or separate public/private facility for making, learning, exploring and sharing that uses high tech to no tech tools. A place where people can come together to create or invent things, either using traditional crafts or technology.

Manufactured or mobile home. A building, transportable in one or more sections, built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. Such buildings shall be constructed in accordance with the Federal Manufactured Home Construction and Safety Standard, which came into effect June 15, 1976, and shall bear an insignia issued by the U. S. Department of Housing and Urban Development (HUD).

Manufactured or mobile home community. A single parcel of land that contains two (2) or more manufactured homes for use as dwelling units where home sites are leased to individuals who retain customary leasehold rights.

Manufacturing, processing and packaging – heavy. A facility accommodating manufacturing processes that involve and/or produce basic metals, building materials, chemicals, fabricated metals, paper products, machinery, textiles, and/or transportation equipment, where the intensity and/or scale of operations may cause significant impacts on surrounding land uses or the community. Examples of heavy manufacturing uses include the following: chemical product manufacturing; concrete, gypsum, and plaster product manufacturing; glass product manufacturing; paving and roofing materials manufacturing; petroleum refining and related industries; plastics, other synthetics, and rubber product manufacturing; primary metal industries; pulp and pulp product manufacturing; textile and leather product manufacturing; food products manufacturing.

Manufacturing, processing and packaging – light. A facility accommodating manufacturing processes involving less intense levels of fabrication and/or production such as the assembly, fabrication, and conversion of already processed raw materials into products, where the operational characteristics of the manufacturing processes and the materials used are unlikely to cause significant impacts on surrounding land uses or the community. The premises may include secondary retail or wholesale sales. Examples of light manufacturing uses include: artisan/craft product manufacturing; clothing and fabric product manufacturing; furniture and fixtures manufacturing, cabinet shop, media production, photo/ film processing lab not accessory to a retail business, printing & publishing, food preparation and packaging, winery, brewery.

Marquee. Any permanent, roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

Marquee sign. Any sign attached to, in any manner, or made a part of a marquee.

Mass retailer. Retail stores, generally in excess of 75,000 square feet, which either offer discount, general merchandise or offer a wide selection of goods in specific narrow categories. Because of the variety of goods, and the discounted prices, such stores draw on a much larger customer base than similar size local retail merchandise and grocery stores. A mass retailer typically maintains long store hours, sometimes 24 hours, seven days a week.

Massing. The overall visual impact of a structure's volume; a combination of height, width, and depth and the relationship of the heights, widths, and depths of the building's components.

Maximum Extent Practicable (MEP). The discharge standards and controls necessary for the reduction of pollutants discharged into the city separate stormwater system. These standards and controls may consist of a combination of best management practices, control techniques, system design and engineering methods, and such other provisions for the reduction of pollutants discharged from the city separate stormwater system.

Mean Sea Level. The average height of the sea for all stages of the tide, which is used as a reference for establishing various elevations within the floodplain. For purposes of this chapter the term is synonymous with National Geodetic Vertical Datum (NGVD) and/or the North American Vertical Datum (NAVD) of 1988.

Medical model. A comprehensive program that provides adults with the basic social, rehabilitative, health and personal care services needed to sustain the essential activities of daily living and to restore or maintain optimal capacity for self-care. Such program of care shall be based on individual plans of care and shall be provided for less than 24 hours per day.

Menu change. A modification of a food establishment's menu that requires a change in the food establishment's food preparation equipment or storage requirements previously approved by the Fayette County Health Department. The term "menu change" shall include, but is not limited to, the addition of potentially hazardous food to a menu, installation of new food preparation or storage equipment, or increasing storage capacity.

Metropolitan River Protection Act (MRPA). A state law referenced as O. C. G. A. 12-5-440 et. seq. which addresses

environmental and developmental matters in certain metropolitan river corridors and their drainage basins.

Mezzanine. An intermediate level between the ground story and the second story, which may be in the form of a platform, podium, or wide balcony.

Microbrewery. A manufacturer of malt beverages for wholesale sales only, and producing less than 15,000 barrels annually. Microbreweries may conduct promotional tours and offer free samples of malt beverages in accordance with the Official Code of Georgia, and offer retail sales in accordance with O.C.G.A. § 3-5-24.1 (Refer to Chapter 10 - Alcoholic Beverages within the Code of Ordinances for additional requirements).

Micro-wireless facility. As it relates to small wireless facilities and antennas, has the same meaning as in O.C.G.A. § 36-66C-2(20).

Mini-warehouse/ self-storage. A building or group of buildings in a controlled access and/or fenced compound that contains varying sizes of individualized, compartmentalized and controlled access rooms, stalls or lockers for the storage of customer's goods or wares.

Mixed-use residential. The use of property that includes a combination of residential dwelling unit types, including single-family attached or detached dwellings, two-family dwellings and/or multifamily dwellings.

Mobile food truck. A retail food establishment that reports to and operates from a commissary and is readily movable. Said mobile food truck shall be a motorized wheeled vehicle which includes a self-contained kitchen where food is prepared or stored and from which food products are sold or dispensed.

Mobile food truck vendor ("vendor"). The registered owner of a mobile food truck or the owner's agent or employee.

Mobile food truck vendor permit ("vendor permit"). A document indicating the owner of an established mobile food truck has met the requirements of this ordinance and is licensed to operate within the City of Fayetteville.

Mobile sign. Any sign which is mounted or designed for mounting on wheels, or which is mounted or designed for mounting on a towed vehicle.

Modular home. A factory-fabricated transportable building consisting of units designed to be incorporated at a building site on a permanent foundation into a structure and which does not comply with the Georgia Industrial Building Act, as the same may be amended from time to time.

Monument sign. A permanent freestanding sign which forms a solid structure from the ground to the top of the sign, and the width of which is constant from the ground to the top of the sign.

Motel. A building or group of buildings where lodging is provided for more than ten persons and offered to the public for compensation and in which ingress and egress to and from all rooms are made through private entrances.

Ms4 Permit. The NPDES permit issued by Georgia Environmental Protection Division for discharges from the city's municipal separate storm sewer system.

Mulch. Pine straw, pine or cypress bark, pebbles, lava rock or synthetic landscaping materials.

Municipal Separate Storm Sewer System (MS4). Any facility designed or used for collecting and/or conveying stormwater, including but not limited to any roads with drainage systems, highways, municipal streets, curbs, gutters, inlets, catch basins, piped storm drains, pumping facilities, structural stormwater controls, ditches, swales, natural and man-made or altered drainage channels, reservoirs, and other drainage structures, and which is:

1. Owned or maintained by the City of Fayetteville;
2. Not a combined sewer; and,
3. Not part of a publicly-owned treatment works.

Multiple frontage lots. Those lots that have frontage on two or more public streets.

N

Narcotic Treatment Center. A residential dwelling which is approved for therapeutic services to drug or alcohol dependent persons, who are transitioning to the community or to other treatment modalities, and who, typically, lack a stable living situation and require variable levels of therapeutic services.

National Geodetic Vertical Datum (NGVD). As corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit. A permit issued by the Georgia EPD under authority delegated pursuant to 33 USC § 1342(b) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

Native species. Any tree species that originated in a particular place or region. For the purposes of this article, a tree species is considered to be native to the Fayetteville region if it is listed in Native Trees of Georgia, Georgia Forestry Commission, 1996 (as amended), and is considered indigenous to Plant Hardiness Zone II (the Piedmont Region) as shown in Landscape Plant Materials for Georgia, Bulletin 625, University Cooperative Extension Service, 1988 (as amended).

Natural ground surface. The ground surface in its original state before any grading, excavation or filling.

Natural vegetation. Natural vegetation shall connote a generally undisturbed, maintenance-free, self-perpetuating stand of vegetation comprised of indigenous shrubs, flowers, wild grasses, and trees.

Natural vegetation areas. The areas within the boundaries of a given lot which is devoted to the preservation of existing vegetation.

Neon. A lamp or tube filled with electrically charged gas thereby creating a light source.

Neon accents. Neon lighting around windows (inside or outside the window), building facades, rooflines, doors, signs, and other building structures, building projections or designs upon buildings.

Nephelometric turbidity units (NTU). Numerical units of measure based upon photometric analytical techniques for measuring the light scattered by finely divided particles of a substance in suspension. This technique is used to estimate the extent of turbidity in water in which colloiddally dispersed or suspended particles are present.

New construction. Any structure for which the “start of construction” commenced after September 12, 1988, and includes any subsequent improvements to the structure.

New development. Land disturbing activities, structural development (construction, installation or expansion of a building or other structure) and/or creation of impervious surfaces on a previously undeveloped site.

New manufactured home park or subdivision. 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 is completed on or after September 12, 1988.

Newspaper facilities. Those facilities housing the operations necessary for the production and distribution of a serial publication that contains news and current events of general interest. Such operations include the gathering of news; writing news columns, features, and editorials; selling and preparing advertisements; and distributing the publication in printed or electronic form.

Nightclub. Refer to “bar”.

Non-commercial message. Any sign wording, logo or other representation promoting an activity or idea other than a commercial activity or idea.

Non-complying use. Any use commenced without a proper permit or authorization as required by this ordinance and existing on the effective date of this ordinance. Also considered to be an illegal nonconforming use.

Non-conforming building or structure. A building or structure or portion thereof lawfully existing at the effective date of this ordinance or amendments thereto, but no longer conforming to the current provisions of the ordinance with respect to such requirements as height, size, setbacks, access, materials or landscaping.

Non-conforming lot. A lawfully existing lot at the time it was created that does not conform to the current lot area and/or width requirements of this ordinance.

Non-conforming sign. Signs, which, at the time of construction and erection, was approved or legally erected under a previous sign ordinance but which became or has become nonconforming with respect to the requirements of a subsequent original sign ordinance.

Non-conforming use. Any use lawfully occupying a structure or land at the time of adoption or subsequent amendment of this ordinance which is no longer permitted in the district in which the use is located.

Non-point Source Pollution. A form of water pollution that does not originate from a discrete point such as a wastewater treatment facility or industrial discharge, but involves the transport of pollutants such as sediment, fertilizers, pesticides, heavy metals, oil, grease, bacteria, organic materials and other contaminants from land to surface water or groundwater via mechanisms such as precipitation, stormwater runoff, and leaching. Nonpoint source pollution is a by-product of land use practices such as agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.

Non-residential zoning. A lot zoned for commercial, office, retail, professional, industrial, and institutional or government use, including RP zoning. For purposes of this chapter those lots zoned for mixed residential and commercial use shall be considered “non-residential zoning”.

Non-stormwater discharge. Any discharge to the storm drain system that is not composed entirely of stormwater.

North American Vertical Datum (NAVD) of 1988. A vertical control used as a reference for establishing varying elevations within the floodplain.

Notice of Intent (NOI). Documentation provided by the Environmental Protection Agency (EPD) for coverage under the State General Permit.

Notice of Termination (NOT). A form provided by EPD to terminate coverage under the State General Permit.

NPDES Permit. The national pollutant discharge elimination system permit granted by the Georgia Department of Natural Resources.

Nuisance. Anything, condition, or conduct that endangers health and safety, or that unreasonably and substantially offends the senses, or substantially obstructs the free use and comfortable enjoyment of property.

Nursery and greenhouse. A building or lot, or portion thereof, used for the commercial cultivation or growing of plants, and including all accessory buildings.

Nursery school. A place for the day care and instruction of children not remaining overnight.

Nursing home. Any facility that primarily provides skilled nursing care and related services to residents who require medical or nursing care; rehabilitation services to the injured, disabled, or sick; or on a regular basis, health care and services to individuals who because of their mental or physical condition require care and services (above the level of room and board) which is available to them only through these facilities and is not primarily for the care and treatment of mental diseases.

Nutrient. A substance or combination of substances which, if added to waters in sufficient quantities, provides nourishment that promotes growth of aquatic vegetation in densities which interfere with use of the waters by humans or by any animal, fish, or plant useful to humans; or contribute to degradation or alteration of the quality of the waters to an extent detrimental to their use by humans or by any animal, fish, or plant that is useful to humans.

O

Obscene. Obscene material as defined by O.C.G.A. § 16-12-80 and as may be amended or superseded or judicially interpreted from time to time.

O.C.G.A. The Official Code of Georgia Annotated.

Occupancy. The portion of a building or premises owned, leased, rented or otherwise occupied for a given use.

Occupant. Any person over one year of age, living, sleeping, cooking or eating or actually having possession of a dwelling unit; except that in dwelling units a guest will not be considered an occupant.

Occupied. Arranges, designed, built, altered, converted, rented or leased, or intended to be occupied.

Office, medical. A facility other than a hospital where medical, dental, mental health, surgical, and/or other personal health care services are provided on an outpatient basis.

Office, professional. A structure designed and intended for occupation as business premises by persons or entities engaged in an activity or field of endeavor requiring special educational or technical skills and standards, such as the practice of medicine, law, accounting, city planning and other recognized learned professions.

Office, construction. A temporary structure typically mobile, established at a permitted construction site to accommodate personnel. A location for outdoor storage of materials and equipment is commonly associated with the use.

Office, temporary sales. A short-term office, either mobile or located in a model home, used to accommodate real estate agents and associated administrative staff for the purposes of selling or renting real property in subdivisions

or other housing developments.

Off-site facility. A stormwater management facility located outside the boundaries of the site.

Off-street parking lot. An area of land providing motor vehicle parking spaces, along with adequate drives and maneuvering aisles, for the parking of more than three (3) vehicles, other than in connection with a single-family or two-family dwelling.

Open area, private. See private open area.

Open space. The total area on a zoning not covered with buildings, driveways, parking areas, service courts, etc. that can or will be landscaped with plant material or maintain natural vegetation.

Operator. The party or parties that have:

1. operational control of construction project plans and specifications, including the ability to make modifications to those plans and specifications; or
2. day-to-day operational control of those activities that are necessary to ensure compliance with an erosion, sedimentation and pollution control plan for the site or other permit conditions, such as a person authorized to direct workers at a site to carry out activities required by the erosion, sedimentation and pollution control plan or to comply with other permit conditions.

Ornamental fence. A barrier of no more than four feet in height and constructed of wood rail, stone, brick or similar material but not including wire mesh or wood stockade fence. The principal function of such fence shall be to delineate the property boundaries and not to provide protection or confinement.

Outdoor display and sales, temporary. Sales associated with a permanent, principal use of a property, for temporary durations and in temporary locations.

Outdoor storage. The outdoor placement of goods such as, building or construction materials, equipment, vehicles, trailers and other supplies, for future use, production, assembly, preservation or disposal.

Outfall. The location where storm water in a discernible, confined and discrete conveyance, leaves a facility or site or, if there is a receiving water on site, becomes a point source discharging into that receiving water.

Outparcel. A lot carved from a planned center which is in compliance with all city requirements and ordinances for a legal stand-alone lot on which a freestanding building is constructed which building meets all city setback requirements.

Overbank flood protection. Measures taken to prevent an increase in the frequency and magnitude of out-of-bank flooding (i.e. flow events that exceed the capacity of the channel and enter the floodplain).

Overlay District. A district which superimposes supplementary regulations to land which is otherwise classified into a specific zoning district.

Overstory trees. Canopy trees, either deciduous or evergreen, of greater height and spread than surrounding understory trees, which provide shade and protection to the earth and vegetation beneath it.

Owner. The person in whom is vested the fee ownership, dominion or title of property, by proprietor. This term may also include a tenant, if chargeable under his lease for the maintenance of the property, and any agent of the owner or tenant, including a developer; and/or the legal or beneficial owner of a site, including but not limited to, a mortgagee or vendee in possession, receiver, executor, trustee, lessee or other firm, person or corporation in control of the site.

P

Parcel. A unit of land as defined in a single deed recorded in the Superior Court of Fayette County, Georgia. The description as specified in each recorded deed shall constitute a parcel of land for the purpose of this ordinance. Provided further, that two or more adjoining parcels in common ownership which are physically unified by the existence of a common structure or development located thereon shall constitute and be considered as one parcel for the purpose of this ordinance.

Park and ride lot. A system in which people drive to a place, typically along a transportation corridor, where they can leave their vehicle and get on a bus or transit that will take them the rest of the way to where they are going.

Parking setback line. A line or plane indicated on the regulating, generally parallel to the required building line, behind which parking must be located.

Parking space. The space required to park one vehicle, exclusive of driveways and access aisles, in accordance with the requirements of this ordinance.

Parking structure. Decks placed above ground or underground in a structure designed principally for the temporary storage and circulation of motor vehicles that includes and at least one level. A parking structure may be either freestanding or incorporated in a structure along with other uses, such as office, residential or commercial uses.

Passive park /passive recreation. A tract or tracts of land dedicated to passive recreation and may include hiking, bicycling, picnicking, fishing, horseback riding, interpretive trails and/or bird watching. Passive parks specifically do not include swimming pools, gymnasiums, or active playing fields and do not require a developed site.

Pawn shop. A business establishment that lends money on the security of pledged goods, including vehicles, or in the business of purchasing tangible personal property on the condition that it may be redeemed or repurchased by the seller for a fixed price within a fixed period of time, or in the business of purchasing tangible personal property from persons or sources other than manufactures or licensed dealers as a part or in conjunction with the business activities.

Peddler. A person who with no fixed place of business goes from house to house, from place to place, or from store to store conveying or transporting goods, wares or merchandise or offering or exposing the same for sale or making sales and delivering articles to purchasers.

Pedestrian pathway. An interconnecting paved way providing pedestrian and bicycle passage through blocks running from a street-space to another street-space, an alley or an interior block parking area. The area within a pedestrian pathway shall be a public access easement or public right-of-way.

Pennant. Any lightweight plastic, fabric, or material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind as a means of attracting attention.

Perennial stream. A stream which flows throughout the year as indicated on a USGS quad map.

Permit. The authorization necessary to conduct a land-disturbing activity under the provisions of this ordinance.

Permit board. A covered board with sufficient area for posting land-disturbing or building permits, inspection reports, and any placard, which may be posted by the city. The board shall be a minimum of 16 inches by 16 inches and shall be mounted five feet in height above grade.

Permitted use. A use of property specifically allowed within a zoning district wherever that district exists in the city, provided all dimensional and other requirements applicable to that district are satisfied on the subject tract.

Person. 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 the State of Georgia, any interstate body or any other legal entity.

Personal care home. A facility where 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 are provided.

Personal services. Establishments providing non-medical services to individuals, including, but not limited to: barber and beauty shops, tattoo parlors, dry cleaners, small appliance repair, laundromats, massage therapists, pet grooming with no boarding, shoe repair shops, and tanning salons. These uses may include incidental retail sales related to the services they provide.

Pervious surface. Surfaces that promote vertical infiltration of stormwater runoff instead of horizontal flow. Pervious surfaces are defined as natural areas, vegetated landscape areas, stormwater detention areas, non-compacted gravel landscape areas and any other areas that readily promote vertical infiltration rather than horizontal flow of stormwater runoff.

Pet. Any animal owned or kept for pleasure rather than sale, which is an animal of a species customarily bred and raised to live in the habitat of humans and is dependent upon them for food and shelter, except that livestock and wild animals shall not be deemed pets.

Phase or phased. Sub-parts or segments of construction projects where the sub-part or segment is constructed and stabilized prior to completing construction activities on the entire construction site.

Place of public worship. A building or complex, by design and construction, primarily intended for conducting organized religious worship services. Associated accessory uses include, but are not limited to, classrooms, meeting halls, indoor and outdoor recreational facilities, day care, counseling and kitchens.

Planned center, office, commercial, or industrial. A group of two or more retail stores, service establishments, offices, industries, or any other businesses, or combination thereof, consisting of individual buildings or units which are adjacent or abutting one another, and which are planned to serve the public, and which share common amenities or common area, sidewalks, parking areas or driveways, excepting outparcels.

Planning and Zoning Commission. The Planning and Zoning Commission of the City of Fayetteville, Georgia. May be referred to as P&Z Commission.

Planting season. The time period or season during which newly installed plant material will have the best opportunity for survival.

Plat. A map indicating the subdivision or re-subdivision of land, intended to be filed for record.

Plaza. See square.

Pole. As it relates to small wireless facilities and antennas, has the same meaning as in O.C.G.A. § 36-66C-2(26).

Political sign. A temporary sign erected for the purpose of soliciting votes or support for or in opposition to any candidate or issue in an election or any political party under whose designation any candidate is seeking nomination or election or any public question on a ballot in an election held under the laws of the state.

Pollutant. Anything which causes or contributes to pollution and may include, but are not limited to paints, varnishes, and solvents; petroleum hydrocarbons; automotive fluids; cooking grease; detergents (biodegradable

or otherwise); degreasers; cleaning chemicals; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; liquid and solid wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; concrete and cement; and noxious or offensive matter of any kind.

Pollution. The contamination or other alteration of any water's physical, chemical or biological properties by the addition of any constituent and includes but is not limited to, a change in temperature, taste, color, turbidity, or odor of such waters, or the discharge of any liquid, gaseous, solid, radioactive, or other substance into any such waters as will or is likely to create a nuisance or render such waters harmful, detrimental or injurious to the public health, safety, welfare, or environment, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life.

Pollution susceptibility. The relative vulnerability of groundwater to pollution from chemical spills, leaching of pollutants from dump sites, animal waste from agricultural operations or pollution generated by other human activities.

Pollution Susceptibility Map(s). Maps prepared by the Georgia Department of Natural Resources (DNR) that show the relative susceptibility of groundwater to pollution. Pollution susceptibility maps categorize the land areas of the state into areas of high, medium and low groundwater pollution potential.

Porch, enclosed. A roofed structure with walls whose surface area is at least 50 percent glass or screen attached to or a part of a building and which provides direct access to and from the building.

Porch, unenclosed. A roofed structure without walls attached to or a part of a building and which provides direct access to and from the building.

Portable sign. Any sign which is not permanently affixed, including, but not limited to, signs mounted, painted or affixed on vehicles parked in such a manner as to serve the purpose of an advertising device, or not routinely parked at the immediate premises of the business or entity indicated, advertised or identified by said sign.

Post-construction stormwater management. Stormwater best management practices that are used on a permanent basis to control and treat runoff once construction has been completed in accordance with a stormwater management plan.

Post-development. The conditions anticipated to exist on a site immediately after completion of the proposed development.

Practicability policy. The latest edition of the Metropolitan North Georgia Water Planning District's Policy on Practicability Analysis for Runoff Reduction.

Pre-development. The conditions that exist, on a site immediately before implementation of the proposed development. Where phased development or plan approval occurs (preliminary grading, roads and utilities, etc.), the existing conditions at the time before the first item being approved or permitted shall establish pre-development conditions.

Pre-development hydrology. For new development, the runoff curve number determined using natural conditions hydrologic analysis based on the natural, undisturbed condition of the site immediately before implementation of the proposed development. For redevelopment, the existing conditions hydrograph may take into account the existing development when defining the runoff curve number and calculating existing runoff, unless the existing development causes a negative impact on downstream property.

Preliminary plat. A drawing which shows the proposed layout of the property lines, rights-of-way, easements, buffer zones and building setback lines of a subdivision in sufficient detail to indicate unquestionably its

workability, but which is not in final form for recording and the details are not completely computed.

Premises. Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

Preschool. A child care facility specializing in preparing children for a formal education environment.

Previously developed site. A site that has been altered by paving, construction, and/or land disturbing activity.

Principal building. A building in which the primary use of the lot on which the building is located is conducted.

Principal use. The main purpose for which a lot or the main building thereon is designed, arranged or intended and for which it is or may be used.

Privacy. The existence of conditions which will permit a person to carry on an activity commenced without interruption or interference by sight of another person.

Privacy fence. An opaque fence made of wood or masonry (not chain link or any other type of rolled fence) along alleys, common drives, pedestrian pathways and common lot lines behind the required building line).

Private deed restrictions or covenants. Legal provisions imposed on land by private landowners which bind and restrict the land in the hands of present owners and subsequent purchasers. They are enforced only by the landowners involved and not by the city or other public agency.

Private lands. All real properties lying within the city limits of less and except lands hereinafter designated and defined as “public lands.”

Private open area. A usable area within the buildable lot, generally behind the parking setback line, accessible only to occupants of the particular building or site, and (primarily) open to the sky.

Produce stand. An open-air, pavilion type structure used for the sale of seasonal agricultural products such as fresh fruits and vegetables, nuts, flowers, pumpkins, firewood, and Christmas trees. Accessory sales of items such as jams, jellies, pickles, sauces, and baked goods made from the seasonal agricultural products may also be included. All items sold must comply with applicable state and federal regulations.

Professional and administrative services. Office-type facilities occupied by businesses or agencies that provide professional or government services or are engaged in the production of intellectual property.

Project. The entire proposed development project regardless of the size of the area of land to be disturbed.

Project activity. Buildings, roads, parking areas, stormwater management systems, etc.

Properly designed. Stormwater systems and erosion control measures prepared in accordance with the design requirements and specifications contained in the “Manual for Erosion and Sediment Control in Georgia” (Manual) published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted and amendments to the Manual as approved by the Commission up until the date of NOI submittal.

Protection area. With respect to a stream, the combined areas of all required buffers and setbacks applicable to such stream. May be referred to as the stream protection area.

Protection area. All land which falls outside the buildable area of a parcel, all areas of the parcel required to remain protected, the critical root zone of a tree or a cluster of trees to be retained, and/or all areas required as landscaping strips or buffers according to the provisions of the development standards contained herein, or

conditions of zoning approval.

Public lands. The rights-of-way of all major thoroughfares within the city, all other lands owned by the city except for the rights-of-way of minor residential streets, and all lands to which the public has free access.

Public street. Right-of-way and associated infrastructure dedicated to the city or owned by the city for public purposes.

Public use. Buildings, structures and uses of land owned, operated or maintained by a governmental unit or governmental agency, including but not restricted to public easements, public schools, fire stations, recreational facilities and water treatment facilities.

Public Utility. A retail supplier of electricity, gas, telephone service, cable television services or similar services, as provided in Title 46 of the O. C. G. A.

Pushcart. Any rubber-wheeled or non-self-propelled vehicle used for displaying, keeping or storing merchandise for sale. A pushcart may be moved without the assistance of a motor and does not require registration by the state department of motor vehicles. Products typically sold from a pushcart include commissary-prepared or pre-packaged food products, fruit, merchandise, drink or flowers (prohibited).

Q

Quality, stormwater. Those parameters of stormwater that relate to the physical, chemical, biological or radiological integrity of stormwater.

Quantity, stormwater. Those characteristics of stormwater that relate to the rate, volume and duration of stormwater runoff.

Quasi-judicial officers, boards or agencies. An officer, board, or agency appointed by a local government to exercise delegated, quasi-judicial zoning powers including hearing appeals of administrative decisions by such officers, boards, or agencies and hearing and rendering decisions on applications for variances, special administrative permits, special exceptions, conditional use permits, or other similar permits not enumerated herein as a zoning decision, pursuant to standards for the exercise of such quasi-judicial authority adopted by a local government.

R

Rate. As it relates to small wireless facilities and antennas, means a recurring charge.

Reach. A longitude segment of a stream or river measured along specified points on the stream or river.

Reader board. Form of changeable copy sign designed so that the characters, letters or illustrations can be manually changed or rearranged without altering the face or the surface of the sign.

Recreational vehicle. A vehicle or equipment used primarily for recreational purposes, including, but not limited to, motor homes, travel trailers, camper trailers, pop-up campers, boats, off-road vehicles, dune buggies, personal watercraft, and the trailers used to transport them. May be referred to as an “RV”.

Recycled water system. A water system that captures and reuses water previously used in wash or rinse cycles.

Recycling center. The collecting, sorting and reshipment of dry recyclable waste products, but does not include the reduction to raw materials and transformation into products.

Redevelopment. Structural development (construction, installation, or expansion of a building or other structure), creation or addition of impervious surfaces, replacement of impervious surfaces not as part of routine maintenance, and land disturbing activities associated with structural or impervious development on a previously developed site. Redevelopment does not include such activities as exterior remodeling.

Regulating Plan. Comparable to the zoning map, the implementing plan for development within urban form districts. Regulating plans designate the building form standards, street types, and other public spaces and provide specific information for the disposition of each building site.

Remodeling, redecorating or refinishing. Any change, removal, replacement or addition to walls, floors, ceilings, and roof surfaces or coverings which do not support any beam, ceiling, floor load-bearing partition, columns, exterior walls, stairways, roofs or other structural elements of a building or a structure.

Repair garage. A building or premises where general automobile repairs are performed, including, but not limited to, the repair of engines, transmissions, brakes, (or) automobile air conditioning, or other activity involving the removal, repair or replacement of automotive parts, but not including body shops as defined herein.

Repetitive loss. Flood related damage sustained by a structure on two separate occasions during a ten year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

Replacement trees. Trees that are planted pursuant to this ordinance to replace trees that are removed for any reason.

Required Building Line (RBL). A line or plane indicated on the regulating plan, defining the street frontage which extends vertically and generally parallel to the street, at which the building shall be placed, as indicated in the building form standards. It is a requirement, not a permissive minimum.

Reserve strips. Strips of land that control access to streets, alleys and public ground. Also referred to as “nuisance strips.”

Residential District. R-70, R-40, R-30, R-22, R-15, R-8, R-6, AR, MF, and MHC Districts.

Residential sign. Any sign located in a district zoned for residential uses that contains no commercial message.

Residential streets. Residential streets primarily function to provide access to residential uses. All residential streets are intended to accommodate relatively low traffic volumes at slow speeds in order to minimize the basic incompatibility of vehicles and the pedestrians and children who characterize residential neighborhoods.

Responsible person. The owner, lessor, lessee, contractor, job superintendent, and other responsible persons or entities for any property subject to this chapter and for service of any process applicable to this chapter.

Restaurant, drive-thru. A business establishment whose method of operation involves the delivery of prepared food to the customer in a motor vehicle, typically through a drive-through window, for consumption off the premises. A drive-through restaurant may also have indoor and/or outdoor seating.

Restaurant. A business establishment whose method of operation involves either the delivery of prepared food by servers to customers seated at indoor or outdoor areas, or prepared food is acquired by customers at a counter or cafeteria line and consumed at tables within a completely enclosed building, but does not include drive-through services, which are separately defined and regulated. Service of alcoholic beverages by the drink is incidental to the service of food and food receipts exceed 60 percent of sales.

Retail business. Establishments wherein the primary use is the sale of merchandise for use or consumption by the immediate purchaser.

Retail service. Establishments providing services, as opposed to products, to the general public, including restaurants, hotels and motels, finance, real estate and insurance, travel agencies, health and educational services, and galleries; as well as personal services as defined herein.

Retail, general. Stores and shops that sell and/or rent goods and merchandise to the general public.

Retail, outdoor display and sales. Stores and shops that sell and/or rent goods and merchandise to the general public that is on display or is stored outdoors.

Retention facility. A facility which provides for storage of storm water runoff and controlled release of this runoff during and after a flood storm.

Retirement community. A planned community for residents who have retired from an active working life and may contain a variety of housing types to accommodate varying needs and life stages, including independent living units, assisted living and nursing care.

Retirement home. See care home.

Right-of-way. A strip or parcel of land occupied by or intended to be occupied by a street, crosswalk, pedestrian path, cart path, utility system, water main, sanitary sewer or storm drain sewer main, drainage ditches and watercourses or any other valid public use. The usage of the term “right-of-way” for land platting purposes shall mean that every right-of-way hereafter established and shown on a record or final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way, and not included within the dimensions or areas of such other lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains or other use involving maintenance by a public agency shall be dedicated or deeded to public use by the maker of the plat on which such right-of-way is established. As it relates to small wireless facilities and antennas, has the same meaning as in O.C.G.A. § 36-66C-2(31).

Riparian. Belonging or related to the bank of a river, stream, lake, pond or impoundment.

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 roadway 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. Any sign erected or maintained wholly or partially on or over the roof of a building. This requirement does not include those signs that may be mounted on parapets or mansards, which may extend above the roofline.

Rooming house. A place of residence that contains individual rooms without cooking facilities that are rented to the general public to no more than ten unrelated persons at any one time.

Root barrier. A wall or other durable material installed below ground around a tree’s root system to prevent the roots from spreading and damaging adjacent foundations, pavement, driveways, sidewalks, and other

infrastructures.

Routine maintenance. Activities to keep an impervious surface as near as possible to its constructed condition. This includes ordinary maintenance activities, remodeling of existing buildings, resurfacing of paved areas, and exterior building changes or improvements which do not materially increase or concentrate stormwater runoff, or cause additional nonpoint source pollution.

Row house. A multifamily dwelling unit in which each family has a private entrance.

Runoff. Stormwater runoff.

Runoff coefficient. The ratio of runoff to rainfall.

S

Salvage or impound operations. Any land or structure used for storing, dismantling, reconditioning, collecting, purchasing or selling of scrap metal or other discarded goods and materials, including the collection, dismantlement and salvage of two or more inoperative vehicles, boats, trucks, or other types of machinery or equipment, or the impounding of any operable or inoperable vehicle associated with towing or wrecker services.

Sandwich board sign. See sidewalk sign.

Sanitary sewer system. The complete sanitary sewer system of the city which discharges sewage directly or indirectly into the sewage treatment plant, including sanitary sewer pipelines, manholes and flushing inlets and appurtenances to the foregoing, but shall exclude any portion or facilities of the sewage treatment plant.

Scale. The relationship of a particular building mass to other nearby or adjacent developments.

School (K-12), private. A privately operated academic educational institution, including elementary (kindergarten through 6th grade), middle and junior high schools (7th and 8th grades), secondary and high schools (9th through 12th grades), and facilities that provide any combination of those levels, as well as accessory uses, buildings, and activities.

School (K-12), public. A publicly operated academic educational institution, including elementary (kindergarten through 6th grade), middle and junior high schools (7th and 8th grades), secondary and high schools (9th through 12th grades), and facilities that provide any combination of those levels, as well as accessory uses, buildings, and activities.

School, specialized training. Small-scale facilities that provide individual and group instruction, education and/or training, including tutoring and vocational training in limited subjects, including, but not limited to the arts, dance, photography, martial arts training, gymnastics instruction, production studios for individual musicians, painters, sculptors, photographers, and other artists, business and vocational schools, and driver education schools.

Screening. The method of visually shielding or obscuring one abutting or nearby densely planted vegetation. Screening is designed to reduce the effects of objectionable or potentially objectionable uses and activities between incompatible uses. Breaks in screens shall be permitted to provide adequate ingress and egress as needed.

Sediment. Solid material, both organic and inorganic, that is in suspension, is being transported, or has been moved from its site of origin by wind, 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.

Sedimentation facility. A facility specifically developed for the purpose of allowing the deposition of sediment resulting from the land development process.

Self-serve car wash. A commercial car wash where the customers wash their cars themselves with spray wands and brushes.

Self-storage/mini. A single-story commercial structure that is non-climate controlled with access to individual storage units via exterior metal doors. Facilities may allow vehicle storage and truck rental. May be referred to as “mini-warehouse facility.”

Self-storage/multi. A multi-story commercial structure that is climate controlled with interior access to storage units which are not visible from the exterior of the structure. Facilities do not permit outside storage. May be referred to as “secured storage facility”.

Semi-trailer. A detachable trailer for hauling freight, with wheels at the rear end and the forward end being supported by the rear of a truck tractor, when attached.

Service station. A building or facility where products necessary for automobile service or maintenance are sold and/or where such maintenance services are rendered, but excluding body shops.

Setback. The distance from the property line to the nearest part of the applicable building, structure or sign, measured from the property line to that portion of the building, structure or sign which is most proximate to such line.

Setback, required. The minimum horizontal distance between the nearest point of the applicable building, structure or sign, measured perpendicular to the property line from which the setback distance is required.

Setback, stream. With respect to a stream, the area established by extending beyond any buffer applicable to the stream.

Sexually-oriented business. A business establishment, including an adult bookstore, adult cabaret, adult encounter parlor, adult lounge, adult modeling studio, adult movie theater, adult theatre, massage parlor, escort agency or any establishment which has a substantial business purpose of offering of a service or the selling, renting or exhibiting of devices or any other items intended to provide sexual stimulation or sexual gratification to its customers, and which is distinguished by or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas. The term sexually oriented business shall not be construed to include:

1. Any business operated by or employing Georgia licensed psychologists, licensed physical therapists, licensed athletic trainers, licensed cosmetologists, or licensed barbers performing functions authorized under the Georgia licenses held;
2. Any business operated by or employing Georgia licensed physicians or Georgia licensed chiropractors engaged in practicing the healing arts; or
3. Any retail establishment whose major business is the offering of wearing apparel for sale to customers.

Shared parking. Automobile parking that is visible and accessible to the public, with at least 12 hours of public parking provided in any 24-hour period, and that at least eight of those hours provided during business or nighttime hours depending on whether the administrator determines that the primary use will be for commerce or residential uses.

Shared sign. A sign that serves as common or collective use for a group of persons or businesses operating on the same lot such as, but not limited to, a shopping center or business park. Ownership of and responsibility for a shared sign shall remain with the owner of the building or buildings served by the sign.

Shear failure. Failure of an earthen bank caused by the steepness of the slope.

Shelter, transitional housing. Any facility which provides shelter to persons who may not have access to traditional or permanent housing but are capable of living independently and who participate in appropriate counseling programs to assist in the transition to self-sufficiency through the acquisition of a stable income and permanent housing within a reasonable period of time, generally 180 days.

Shooting range. A facility with an enclosed firing range with targets for archery, rifle or handgun practice.

Shopfront. That portion of the ground story façade intended for marketing or merchandising and allowing visibility and access between the sidewalk and the interior space.

Shopping center. See planned center.

Short-term rental. The rental of any dwelling unit to a single party or individual for a term of not more than 28 days. This term does not include: campgrounds; bed and breakfasts, hotel rooms, boarding houses, group homes, nursing homes, independent and assisted living, homestays, house-sitting arrangements, temporary rental terms between the buyer and seller of a dwelling, and occupancy of an estate representative.

Shrub. A woody plant or bush of relatively low height (two through six feet), distinguished from a tree by having several stems rather than a single trunk.

Sidewalk sign. A portable sign consisting of two sign faces placed back-to-back and hinged together at the top in such a manner that each sign face leans toward the other, connecting at the top and forming a self-supporting structure which is not permanently affixed to the ground.

Sidewing. The portion of a building extending along a common lot line toward the alley or rear of the lot.

Sign. Any surface, frame, letter, figure, character, mark, plane, point, design, picture, stroke, stripe, reading matter, material, fabric, device, object, three dimensional object, or display which bears lettered, numbered, pictorial, or sculptured matter, designed to convey information visually or to draw attention and which is exposed to public view (excluding those objects which qualify as “architectural enhancement” pursuant to the city’s art and architectural advisory committee ordinance Code sections 94-194.1 through 94-194.6). For the purpose of this chapter, the term “sign” shall not include those devices located entirely within a building or structure, unless such devices are considered window signs; additionally the term “sign” shall include all structural members used to erect or mount same, and any company colors, trademarks, service marks, brand names, logos, symbols, or roof shapes, which are generally used by the company in the design of its buildings, and are generally used, or identified, as trade styles or other identifying marks or symbols of the company’s business, per subsection 94-320(4) of the zoning ordinance.

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 portions of a sign structure not intended to contain any advertising message or idea and are purely structural or decorative in nature.

Significant groundwater recharge areas. Areas mapped by DNR in Hydrologic Atlas 18 (1989 edition). Mapping of recharge areas is based on outcrop area, lithology (chemical nature and form of the rock), soil type and thickness, slope, density of lithologic contacts, geologic structure, presence of “karst” topography (sinkholes, caves and fissures associated with limestone and other carbonate rocks), and potentiometric surfaces.

Single-face sign. A sign which has one display area designed to be seen from one direction.

Site. An area of land where development is planned, which may include all or portions of one or more parcels of land. For subdivisions and other common plans of development, the site includes all areas of land covered under an applicable land development permit.

Site development plan. A detailed plan showing proposed buildings, uses or reuses of all land, open space, location of major structures, recreation areas, schools and public facilities and such other planning elements and reasonable design criteria as identified herein.

Skilled nursing care facility. A facility that admits residents on medical referral; it maintains the services and facilities for skilled nursing care and has a satisfactory agreement with a physician and dentist who will provide continuing supervision including emergencies; it complies with rules and regulations of the Georgia Department of Human Resources. The term “skilled nursing care” means the application of recognized nursing methods, procedures, and actions directed toward implementation of the physician’s therapeutic and diagnostic plan, detection of changes in the human body’s regulatory system, preservation of such body defenses, prevention of complications and emotional well-being, including:

1. The administration of oral or injectable medications which cannot be self-administered. Other examples include the administration of oxygen, the use of suction, the insertion or changing of catheters, the application of medicated dressings, the use of aseptic technique and preparation of the patient for special procedures;
2. Observation in the care of the patient for symptoms and/or physical and mental signs that may develop and which will require attention of the physician and a revision in the patient’s treatment regimen.

Small box discount store. A retail store that is 16,000 square feet or less in size, which offers for sale a variety of convenience shopping goods and continuously offer the majority of the items in their inventory for sale at a price lower than traditional retail outlets. Small box discount stores do not include pharmacies.

Small loan business. A business that loans money to customers on a temporary basis, with the loan secured by post-dated check, paycheck or car title, or are registered as lenders under state or federal law. These types of businesses do not include a state or federally-chartered bank, savings association, nor do they include businesses where the cashing of checks or money orders is incidental to the main purpose of the business. Small loan businesses include, but are not limited to check cashing establishments, payday or other short term loan establishments, and car title loan establishments.

Small-scale production establishment. An establishment where shared or individual tools, equipment, or machinery are used to make or grow products on a small scale, including the design, production, processing, printing, assembly, treatment, testing, repair, and packaging, as well as any incidental storage, retail or wholesale sales and distribution of such products. Typical small-scale production establishments include, but are not limited to, vertical farming or the making of electronics, food products, non-alcoholic beverages, prints, household appliances, leather products, jewelry and clothing/apparel, metal work, furniture, glass, ceramic or paper, together with accessory uses such as training or educational programs.

Small wireless facility. As it relates to small wireless facilities and antennas, has the same meaning as in O.C.G.A. § 36-66C-2(32).

Social model. A program that addresses primarily the basic social and recreational activities needed to be provided to aging adults, but also provides, as required, limited personal care assistance, supervision, or assistance essential for sustaining the activities of daily living. Such programs of care shall be based on individual plans of care and shall be provided for less than 24 hours per day.

Soil and water conservation district approved plan. An erosion, sedimentation and pollution control plan approved

in writing by the Soil and Water Conservation District.

Solid waste transfer facility. An intermediate destination for solid waste, wet or dry, sorting, separation, compacting and aggregation of smaller shipments into larger ones.

Special event. A sporting, cultural, business or other type of unique activity including festivals, celebrations, games or other gatherings, occurring for a limited or fixed duration and presented to a live audience, that impacts the city by involving the use of, or having impact on, the city's public property, infrastructure, services or resources. It usually occurs on public property but sometimes can occur on private property and have an impact upon city property, other private property or private rights, or city services, infrastructure or other resources. The venue for a special event must be approved by the city.

Special event facility. A facility or assembly hall available for lease by private parties or special events, such as weddings.

Special exception. A land or structure use that would not normally be permitted without restriction throughout the zoning district but which with proper controls would promote the public health, safety, or general welfare. Such uses may be permitted as special exceptions after presented in a public hearing and approved by the planning and zoning commission and are subject to approval by council.

Specimen tree or stand. Any tree or grouping of trees which has been determined to be of high value because of its species, size, age, location, or historic value.

Spectacular sign or device. Animated signs, feather flags, streamers, pennants, balloons and other air or gas filled devices, search lights, lasers, beacons, or other light projecting devices.

Square. See green or square.

Stabilization. The process of establishing an enduring soil cover of vegetation by the installation of temporary or permanent structures for the purpose of reducing to a minimum the erosion process and the resultant transport of sediment by wind, water, ice or gravity.

Stake sign. Any temporary sign supported by uprights which are placed into the ground, and not supported by or suspended from any building. The sign face shall not exceed five square feet, and the overall height of the stake sign shall not exceed five feet from finish grade to the top of the sign. A stake sign may not be placed within the right-of-way.

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 general permit. The National Pollution Discharge Elimination System (NPDES) general permit or permits for storm water runoff from construction activities as is now in effect or as may be amended or reissued in the future pursuant to the state's authority to implement the same through federal delegation under the Federal Water Pollution Control Act, as amended, 33 U. S. C. Section 1251, et seq., and subsection (f) of Code Section 12-5-30.

State waters. Any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, natural drainage systems which contain flowing water and which appear on the USGS Quad map, springs, wells, wetlands and other bodies of surface or subsurface water, natural and 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. Wetlands shall also be considered jurisdictional waters of the United States, as that term is defined by 42 USCFR and the regulations promulgated thereunder.

Stoop. An entry platform on the façade of a building.

Storefront frontage building. Building form and functions resulting from/as determined by the storefront building form standard as indicated on the regulating plan.

Stormwater better site design. Nonstructural site design approaches and techniques that can reduce a site's impact on the watershed and can provide for nonstructural stormwater management. Stormwater better site design includes conserving and protecting natural areas and greenspace, reducing impervious cover and using natural features for stormwater management.

Stormwater concept plan. An initial plan for post-construction stormwater management at the site that provides the groundwork for the stormwater management plan including the natural resources inventory, site layout concept, initial runoff characterization, and first round stormwater management.

Stormwater management. The collection, conveyance, storage, treatment and disposal of stormwater runoff in a manner intended to prevent increased flood damage, streambank channel erosion, habitat degradation and water quality degradation, and to enhance and promote the public health, safety and general welfare.

Stormwater management facility. Any constructed or natural components of a stormwater drainage system, designed to perform a particular function, or multiple functions, including but not limited to, pipes, swales, ditches, culverts, street gutters, detention basins, retention basins, constructed wetlands, infiltration devices, catch basins, oil/water separators, sediment basins, natural systems and modular pavement.

Stormwater management plan. A plan for post-construction stormwater management at the site that meets the requirements of Section [Y]-8(d) and is included as part of the land development application.

Stormwater management standards. Those standards set forth in Section [Y]-7.

Stormwater management system. The entire set of non-structural site design features and structural BMPs for collection, conveyance, storage, infiltration, treatment, and disposal of stormwater runoff in a manner designed to prevent increased flood damage, streambank channel erosion, habitat degradation and water quality degradation, and to enhance and promote the public health, safety and general welfare.

Stormwater retrofit. A stormwater management practice designed for a currently developed site that previously had either no stormwater management practice in place or a practice inadequate to meet the stormwater management requirements of the site.

Stormwater runoff. Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation. May be referred to as "stormwater."

Story. The portion of the building included between the surface of any floor and the surface of the floor next above, or, if there is no floor above, the space between the floor and the ceiling above. May be referred to as "story height."

Stream. Any stream, beginning at:

1. The location of a spring, seep, or groundwater outflow that sustains streamflow; or
2. A point in the stream channel with a drainage area of 25 acres or more; or
3. Where evidence indicates the presence of a stream in a drainage area of other than 25 acres, the City of Fayetteville may require field studies to verify the existence of a stream.

Stream bank. The sloping land that contains the stream channel and the normal flows of the stream.

Stream buffer. An area along the course of any state waters to be maintained in an undisturbed and natural condition.

Stream channel. The portion of a watercourse that contains the base flow of the stream.

Street. A dedicated and accepted right-of-way for vehicular traffic whether designated as highway, thoroughfare, lane, intended to distinguish between different categories of streets:

Street, collector. A street which is designated as such in the zoning ordinance and which is intended to collect traffic from minor streets and direct it safely to major streets.

Street, commercial. A street serving primarily commercial developments.

Street, dead-end. A street having only one end open for access to another street, the other end being abruptly terminated with no turnaround.

Street, marginal access. A street parallel to and adjacent to a major thoroughfare or secondary street providing access to abutting properties and protection from through traffic.

Street, major. A street which is designated as such in the zoning ordinance and which is intended to provide swift and safe movement of traffic through the community.

Street, minor. Means a street which is designated as such and which is used for local circulation in residential areas providing access to abutting property.

Street, industrial. A street serving primarily industrial developments.

Street, private. A street that is privately owned and used in accordance with the wished of the owner. Street, public. A street that is used for travel by the general public, whether or not it is owned by a public agency.

Street frontage. The length of any property line of a zoned lot, which property line abuts a legally accessible street right-of-way. For the purposes of determining yard requirements on corner lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under the zoning definition for yards.

Street-space. All space between fronting required building lines (streets, squares, plazas, pedestrian pathways, civic greens, sidewalks, quadrangles) but not within garage entries, common drives or alleys.

Street tree alignment line. A line that is generally parallel with the street-space and in which street trees shall be planted and streetlights and other such infrastructure are to be placed.

Street tree. Trees as required herein and listed in the Street Tree List located in Urban Space Standards that are of a proven hardy and drought tolerant species and large enough to form a shade canopy with sufficient clear trunk to allow traffic to pass under unimpeded.

Street wall. A masonry wall located along the required building line which assists in the definition of the street-space in the absence of a building.

Structural erosion, sedimentation and pollution control practices. Practices for the stabilization of erodible or sediment-producing areas by utilizing the mechanical properties of matter for the purpose of either changing the surface of the land or storing, regulating or disposing of runoff to prevent excessive sediment loss. Examples of structural erosion and sediment control practices are riprap, sediment basins, dikes, level spreaders, waterways or outlets, diversions, grade stabilization structures and sediment traps, etc. Such practices can be found in the publication Manual for Erosion and Sediment Control in Georgia.

Structural stormwater control. A structural stormwater management facility or device that controls stormwater runoff and changes the characteristics of that runoff including, but not limited to, the quantity and quality, the period of release or the velocity of flow of such runoff.

Structure. Anything constructed or erected, which requires location on the ground or is attached to something having a location on the ground including by way of example, but not limited to, buildings, billboards, swimming pools, advertising signs, a gas or liquid storage tank, and satellite dishes; but not including walls or fences.

Subdivider. The person having sufficient proprietary interest in the land to be subdivided to authorize the maintenance of proceedings to subdivide such land under these subdivision regulations, or the authorized agent of that person for the purpose of such proceeding.

Subdivision. 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.

Subdivision sign. A monument sign placed at the intersection of two public roads where one of the roads is the main thoroughfare into and out of a commercial or residential subdivision.

Substantial damage. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its pre-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 the appraised value of the structure prior to the start of the initial repair or improvement, or 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 the code enforcement official, 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. As it relates to small wireless facilities and antennas, has the same meaning as in O.C.G.A. § 36-66C-2(34).

Suspended sign. A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

Swinging or projecting sign. A sign projecting perpendicularly more than 12 inches from the outside wall or walls

of any building or supports upon which it is located.

T

Tap house. A commercial establishment whose primary business is to sell premium, craft malt beverages and wines for on-premises consumption only (Refer to Chapter 10 - Alcoholic Beverages within the Code of Ordinances for additional requirements).

Teen clubs. Entertainment establishments that cater to young people age 14 through 20 who are not accompanied by a parent or guardian and may include, but are not limited to teen nightclubs and teen dance clubs.

Temporary building. A temporary, portable structure designed to transport freight, containing walls and a roof, including, but not limited to trailers, that is designed to be transported, either on its own wheels or on a flatbed or other trailer, or has detachable wheels. Storage sheds designed for placement on the ground or on a permanent foundation do not meet this definition.

Temporary housing. A tent, trailer, mobile home or any other structure used for human shelter which is designed to be transportable and which is not attached to the water system of another structure or to any utility system on the same premises for more than 20 days.

Temporary sign. Any sign that is not permanent in nature.

Tenant. A natural person, business or other entity that occupies land or buildings by ownership, under a lease, through payment of rent, or at will; an occupant, inhabitant, or dweller of a place.

Tent. A portable or temporary cover or shelter, with or without side panels, which is supported by poles or other manner other than by air or the contents it protects and is made of canvas, plastic or similar pliable materials.

Territorial boundaries. In the case of counties, the unincorporated areas thereof and any area defined in paragraph (5.1) of Code Section 36-70-2, and, in the case of municipalities, the area lying within the corporate limits thereof except any area defined in paragraph (5.1) of Code Section 36-70-2.

Theater. A building or part of a building use to show motion pictures or a facility used for drama, dance, musicals or other live performances.

Thrift shop. A retail establishment primarily engaged in selling secondhand articles, such as clothing, furniture, and other assorted items, the value of which is only a fraction of the original cost, and which normally have no collectible or antique value, where such goods and merchandise are not sold on consignment. Thrift shop merchandise is obtained through bulk purchases, or through donations or gifts and where the donor receives no compensation upon the sale of such merchandise. This use does not include establishments which sell used merchandise on consignment or antique shops, nor does it include the sale of used guns or motor vehicles.

Tobacco product. Any cigars, little cigars, granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff or snuff powder; cavendish; plug and twist tobacco; fine-cut and other chewing tobaccos; shorts; refuse scraps, clippings, cuttings, and sweepings of tobacco; and other kinds and forms of tobacco, prepared in such a manner as to be suitable for chewing or smoking in a pipe or otherwise, or both for chewing and smoking. Such term shall not include any alternative nicotine product, vapor product, or product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Food, Drug, and Cosmetic Act (refer to O.C.G.A. § 16-12-70).

Tobacco-related product. Any papers, wrappers, or other products, devices, or substances, including cigar wraps, which are used for the purpose of making cigarettes or tobacco products in any form whatsoever (refer to O.C.G.A. § 16-12-70).

Tract. A defined lot, piece or parcel of land, of greater or lesser size.

Traffic impact study. A written report prepared by a Licensed Transportation Engineer describing in detail the roads and streets which serve an area of the city, furnishing information on ingress and egress to and from lots, providing current traffic counts on existing streets and projected traffic counts on both existing and proposed streets, and additionally containing an impact statement describing the expected impact of the proposed activities on traffic flow and traffic patterns within a specific area of the city.

Tractor trailer. A combination trucking unit consisting of a truck tractor coupled to a full-trailer or semi-trailer.

Tractor truck. A large commercial motor vehicle with a driver's cab but no body, designed for hauling or pulling a trailer or semi-trailer.

Trailer. A vehicle, including a motor home, designed and/or maintained for use as temporary or permanent storage, dwelling or sleeping place, or for travel or recreational purposes, having no foundation other than wheels or jacks.

Trailer park. A parcel of land which is used solely for the rental or lease of lots for transient campers, trailers, motor homes, or temporary parking of any other recreational vehicle excluding trailers used for temporary or permanent storage.

Trailer sign. See mobile sign.

Transportation Plan. The map, plan, and or document adopted by the City Council indicating the transportation system improvements needed within the city to accommodate future growth.

Treatment. Removal or reduction in pollutants as it relates to the degraded physical, chemical, biological or radiological integrity of surface or subsurface waters. Treatment methods implemented under this division shall address pollutant removal/reduction in all forms including, but not limited to, free floating, solid, dissolved, debris/trash and solids/sediments.

Tree. A self-supporting woody plant having one or more well-defined stems or trunks, a more or less definitely formed crown, usually attaining a mature height of at least ten feet, and a trunk diameter of at least two inches measured at a point four feet above the ground.

Tree canopy. Any tree having reached a relatively tall height compared to surrounding trees and vegetation and providing shade from its foliage mass; also individual or tree groups forming an overhead cover. Examples include oaks, red and silver maples, hickory, beech, pecan, sycamore, sweetgum, poplar, ash, river birch, long leaf pine, loblolly pine and Virginia pine.

Tree damage. Any act which causes a tree to die within two years after commission of the act, including but not limited to damage inflicted upon the root system or trunk as the result of:

1. The improper use of machinery on the trees;
2. The storage of materials on or around the trees;
3. Soil compaction;
4. Altering the natural grade to expose the roots or to cover the tree's root system with more than four inches of soil;
5. Causing the infection or infestation of the tree by pests, fungus or harmful bacteria;
6. Pruning judged to be excess by the city landscape architect or not in accordance with the standards set

forth by the International Society of Arboriculture (ISA);

7. Paving with concrete, asphalt or other impervious surface within such proximity as to be harmful to the tree or its root system; or, application of herbicides or defoliant to any tree without first obtaining a permit.

Tree, hardwood. Those trees that shed their leaves in fall or winter.

Tree lawn. A continuous strip of soil area typically covered with grass, other vegetation, bridging pavement or sometimes porous pavers and located between the back of curb and the clear walkway, and used for planting street trees and configured to foster healthy street tree root systems.

Tree protection. Barriers constructed around trees at construction sites sufficient to prevent damage or injury to tree trunks, limbs, and roots.

Tree protection zone. The area around a tree corresponding to the larger of the drip line or ten feet from the base of the tree as determined by the director.

Tree removal, illegal. The unauthorized, intentional, and/or negligent killing, uprooting, removal or damaging of trees on a parcel of land. Such acts include but are not limited to damage inflicted upon the root system of a tree or trees, by the application of toxic substances, by the operation of equipment and vehicles, by storage of materials, by the change of natural grade due to unapproved excavation or filling, or by the unauthorized alteration of the soil or tree.

Tree, softwood. Those trees, including broadleaf and conifer evergreens that maintain their leaves throughout the year.

Tree, understory. Those trees that grow underneath the canopy of a hardwood or softwood tree.

Trout streams. All streams or portions of streams within the watershed as designated by the Wildlife Resources Division of the Georgia Department of Natural Resources under the provisions of the Georgia Water Quality Control Act, O.C.G.A. 12-5-20, in the rules and regulations for Water Quality Control, Chapter 391-3-6. Streams designated as primary trout waters are defined as water supporting a self-sustaining population of rainbow, brown or brook trout. Streams designated as secondary trout waters are those in which there is no evidence of natural trout reproduction, but are capable of supporting trout throughout the year. First order trout waters are streams into which no other streams flow except springs.

U

UDO Administrator. The members of city staff appointed by the Mayor and City Council to interpret and administer the provisions of the UDO.

Understory tree. Any tree or woody plant which of lesser height and spread than surrounding evergreens or deciduous trees but which still provides shade and a degree of protection to the earth and vegetation beneath it.

Unit. A portion of a planned center which by city ordinances and codes may be occupied by a single use or tenant, and which is segregated from other uses or tenants within the planned center by 360 degrees of vertical walls (may include doors and windows) and a floor and a ceiling, and which has a separate entrance to the outside.

Use, conditional. Those uses that are permitted in a particular zoning district but only under certain specified

conditions.

Use, principal. The main purpose for which a zoning lot is intended and for which it may be used.

Use, residential. The use of residential property in accordance with the uses allowed by-right and with a conditional use permit in the residential zoning districts as defined herein.

Utility. A public or private water or sewer piping system, water or sewer pumping stations, electric power lines, fuel pipelines, telephone lines, roads, driveways, bridges, river/lake access facilities, stormwater systems and railroads or other utilities identified by the city.

Utility pole. As it relates to small wireless facilities and antennas, means a pole or similar structure that is used in whole or in part for the purpose of carrying electric distribution lines or cables or wires for telecommunications, cable or electric service, or for lighting, traffic control, signage, or a similar function regardless of ownership, including City-owned poles. Such term shall not include structures or poles supporting only wireless facilities.

V

Vapor product. Any noncombustible product containing nicotine that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor or aerosol from nicotine or other substances in a solution or other form. Such term shall include, but shall not be limited to, any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and any vapor or aerosol cartridge or other container of nicotine or other substance in a solution or other form, including, but not limited to, a device component, part, or accessory of the device, that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. Such term shall not include any product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Food, Drug, and Cosmetic Act (refer to O.C.G.A. § 16-12-170).

Variance. A relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property, and not as a result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship.

Vegetative erosion and sedimentation control measures. Measures for the stabilization of erodible or sediment-producing areas by covering the soil with:

Permanent seeding, sprigging or planting, producing long-term vegetative cover; or,
Temporary seeding, producing short-term vegetative cover; or,
Sodding, covering areas with a turf of perennial sod-forming grass.

Such measures can be found in the publication Manual for Erosion and Sediment Control in Georgia.

Vehicle, abandoned. A vehicle which does not bear a current license plate unless said vehicle is stored within a completely enclosed building or unless it is stored on a bona fide sales lot and is in a satisfactory operating condition. This definition does not include vehicles which are not intended to be operated on public streets or roads.

Vehicle repair, major. The repair, rebuilding or reconditioning of motor vehicles or parts thereof, including collision service, painting and steam cleaning.

Vehicle repair, minor. General maintenance of vehicles such as oil changes and lubrication; servicing and

replacement of spark plugs, batteries, pumps, belts, hoses, air filters, windshield wipers and distributors; replacement of mufflers and exhaust systems, brakes and shock absorbers; radiator cleaning and flushing; sale and installation of automobile accessories such as tires, radios, and air conditioners; wheel alignment and balancing; but, excluding tire recapping or grooving or any major mechanical repairs, collision work or painting.

Vehicle sales and rental - heavy. A retail or wholesale establishment selling and/or renting heavy equipment, commercial vehicles, boats, or recreational vehicles which may also include accessory repair shops.

Vehicle sales and rental - light. A retail or wholesale establishment selling and/or renting cars, trucks, vans, and other motor vehicles that includes outdoor and/or indoor display. May also include repair shops and the sales of parts and accessories incidental to vehicle dealerships. Does not include businesses dealing exclusively in selling used parts, auto wrecking and/or salvage; the sale of auto parts/accessories separate from a vehicle dealership; or service stations.

Vehicle service station. An establishment where motor vehicle fuel is dispensed for retail sale. This use may also collectively include minor vehicle repair services, retail sales of convenience items, restaurant sales and a single bay vehicle wash, but not overnight vehicle storage.

Vehicle sign. Any sign painted, drawn or affixed to or on a vehicle including an automobile, truck or trailer.

Vehicle wash, trucks and heavy equipment. A building or portion of a building with machine or hand- operated facilities used principally for the cleaning, washing, polishing or waxing of trucks and heavy equipment.

Vehicle wash, self-service. A commercial car wash where the customers wash their cars themselves with spray wands and brushes.

Vehicle wash. A building or portion of a building with machine or hand- operated facilities used principally for the cleaning, washing, polishing or waxing of motor vehicles.

Veterinary clinic. An establishment used by a veterinarian where animals are treated, and may include boarding and grooming as accessory uses.

Violation. The failure of a structure or other development to be fully compliant with the city's floodplain management regulations. A structure or other development without the elevation certificate, other certificates, or other evidence of compliance required in this chapter is presumed to be in violation until such time as that documentation is provided.

W

Wall sign. A sign applied to or mounted to the wall or surface of a building or structure, not to include window signs, the display surface of which does not project more than 15 inches from the outside face of the wall of such building or structure, and does not extend above the highest horizontal line of the wall. The vertical surface of a canopy is not a wall for purposes of this chapter.

Warehouse. A building or structure for receiving, delivery, consolidation, distribution and storage of freight, bulk storage of raw materials or finished or partly finished goods, merchandise, commodities pending either onward transit or division into smaller batches for subsequent distribution or sale.

Warehousing. Those activities of holding and handling goods in a warehouse.

Waste management and recycling facility. A site used for collecting waste and recyclables, sorting and transferring materials.

Water quality. Those characteristics of stormwater runoff that relate to the physical, chemical, biological or radiological integrity of surface or subsurface waters.

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 land area that drains into a particular stream.

Wetlands. Those areas that are inundated or saturated by surface or ground water 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.

Wholesaling and distribution. An establishment engaged in selling merchandise in bulk quantities to retailers; to contractors, industrial, commercial, agricultural, institutional, or professional business users; to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies.

Wind screen. A heavy duty, woven, coated polyethylene fabric, which blocks wind and rain. The fabric is completely opaque, and may be of a solid color or may contain signage. Wind screens may only be attached to construction fencing, and only for the duration of construction.

Window. An opening made in the wall of a building to admit light and air, and/ or to furnish a view; provided, however, that as such term is used herein, the term “window” shall not include the framework for such opening, but shall only include the glass or translucent portion of such opening

Window sign. Any type of sign located on the interior or exterior of a window or door, the letters, numbers, pictorial or sculptured matter of which is visible from the exterior of the premises. Window signs placed on the exterior of any window or door must be constructed of 50/ 50 perforated vinyl graphic.

Wine bar. A fully licensed restaurant which sells alcoholic beverages, not including distilled spirits, with a primary focus on wine sales by the glass (Refer to Chapter 10 - Alcoholic Beverages within the Code of Ordinances for additional requirements).

Wine tasting room. An outlet, authorized by the State of Georgia, for the promotion of a Georgia farm winery’s wine by providing samples of such wine to the public and providing for retail wine sales in closed packages for consumption off the premises. Samples of wine can be given free of charge or for a fee (Refer to Chapter 10 - Alcoholic Beverages within the Code of Ordinances for additional requirements).

Wireless Communications Facility. The plant, equipment and property including, but not limited to, cables, wires, conduits, ducts, pedestals, antennas, electronics and other appurtenances used or to be used to transmit, receive, distribute, provide or offer wireless communications services. Wireless communication facilities shall be specifically excluded from the definition of “Essential Public Services and Utilities.”

Wireless Services. As it relates to small wireless facilities and antennas, means any services provided to the public using licensed or unlicensed spectrum, including the use of Wi-Fi, whether at a fixed location or mobile.

Wireless Services Provider. As it relates to small wireless facilities and antennas, means a person that provides wireless services.

X

Xeriscape. A set of garden design and landscape maintenance principles that promotes the efficient use of water (term is a registered trademark of the National Xeriscape Council).

Y

Yard. The open spaces on a lot situated between the principal building or use on the lot and a lot line and unoccupied by any structure except as otherwise provided herein. Yard areas do not include required buffer zones.

Yard, front. The space extending the full width of the lot, the depth of which is the distance between the front lot line and the nearest building line of the principal building.

Yard, rear. The space extending the full width of the lot, the depth of which is the distance between the rear lot line and the nearest building line of the principal building.

Yard, required. That portion of the yard lying between the lot lines and the minimum required setback lines.

Yard, side. The space between a principal building and the side lot line, extending from the front yard to the rear yard, the width of which is the distance from the side lot line to the nearest building line of the principal building.

Yard, special. A yard behind any required yard adjacent to a public street, required to perform the same functions as a side or rear yard, but adjacent to a lot line and so placed or oriented that neither the term “side yard” nor the term “rear yard” clearly applies. In such cases, the UDO Administrator shall require a yard with minimum dimensions as generally required for a side yard or a rear yard in the district. The appropriate yard shall be determined based on the relation of the portion of the lot on which the yard is to be located to the adjoining lot or lots, with due regard to the orientation and location of structures and buildable areas thereon.

Yard and garage sales. A sale of personal household goods and clothing on the same premises as a principal residential use.

Z

Zero lot line. The location of a building or structure on a lot in such a manner that one or more of the building’s sides rests directly on a lot line.

Zoning. The power of local governments to provide within their respective territorial boundaries for the zoning or districting of property for various uses and the prohibition of other or different uses within such zones or districts and for the regulation of development and the improvement of real estate within such zones or districts in accordance with the uses of property for which such zones or districts were established.

Zoning Administrator. The person, officer, or official and the authorized representative of said person, who the Mayor and City Council has designated as its agent for administration of these regulations.

Zoning decision. Final legislative action by a local government which results in:

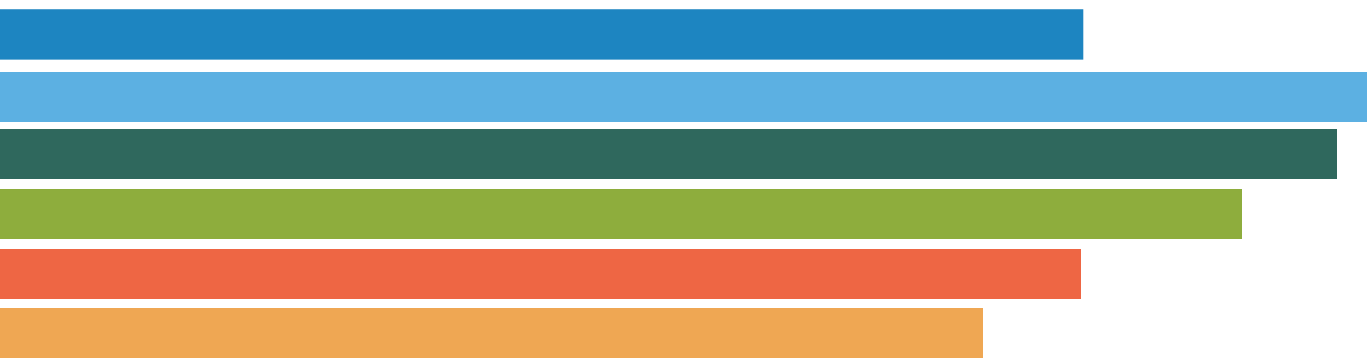
- a. The adoption or repeal of a zoning ordinance;
- b. The adoption of an amendment to a zoning ordinance which changes the text of the zoning ordinance;
- c. The adoption or denial of an amendment to a zoning ordinance which rezones to rezone property from one zoning classification to another;
- d. The adoption or denial of an amendment to a zoning ordinance by a municipal local government to zone property to be annexed into the municipality;
- e. The grant or denial of a permit relating to a special use of property;
- f. The grant or denial of a variance or conditions concurrent and in conjunction with a decision pursuant to subparagraphs c. or e. of this paragraph.

Zoning District. A section or sections of the incorporated area of the city for which the effective zoning ordinance governing the use of buildings and land is uniform for each class of use permitted therein.

Zoning lot. A parcel of land in single ownership that is of sufficient size to meet minimum zoning requirements for area, coverage, and use, and that can provide such yards and other open spaces as required by the zoning regulations.

Zoning ordinance. An ordinance or resolution of the Mayor and City Council of the City of Fayetteville establishing procedures and zones or districts within its respective territorial boundaries which regulate the uses and development standards of property within such zones or districts. The term also includes the zoning map adopted in conjunction with a zoning ordinance which shows the zones and districts and zoning classifications of property therein

Zoning map. The Official Zoning Map of the City of Fayetteville, Georgia.



B

APPENDIX

HISTORY TABLE

APPENDIX B. HISTORY TABLE.

B.1. General.

Appendix B is intended to document the historical evolution of the UDO to enable users to quickly identify amendments adopted by the Mayor and City Council.

B.2. History Table.

The history table lists the ordinance number, a general overview of the amendments, the date the ordinance was adopted by the Mayor and City Council and the effective date. Each amendment to the UDO will be posted on the city's website following their adoption to identify those amendments not yet incorporated into the UDO.

Ord. No.	Summary of amendments	Adoption date
0-18-23	Chapters 100 and 200	07-06-23
0-25-23	Chapters 100, 200, 400 and Appendix A and B	08-17-23

