



**FORT OGLETHORPE
G E O R G I A**

**THE CITY OF FORT OGLETHORPE
UNIFIED DEVELOPMENT CODE**

UDC ORGANIZATION

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ARTICLE 1. - TITLE AND AUTHORITY

Sec. 1.1. - Short title.

This code shall be known and may be cited as "The Unified Development Code of the City of Fort Oglethorpe, Georgia" or, for brevity, "The Development Code."

Sec. 1.2. - Authority.

The Unified Development Code is adopted pursuant to the authority conferred by the Constitution of the State of Georgia and applicable state laws.

ARTICLE 2. - ADOPTION

Sec. 2.1. - Adoption of the Unified Development Code.

Under the authority and for the purposes stated herein, the City Council of Fort Oglethorpe does hereby enact as law the Chapters, Articles, and Sections contained in this Unified Development Code.

Sec. 2.2. - Components of the Unified Development Code.

This Code and the official zoning maps of the City on file and maintained in the Building, Planning and Zoning Department shall together constitute the Unified Development Code of the City of Fort Oglethorpe, Georgia.

Sec. 2.3. - Organization of the Unified Development Code; references within.

This Code is organized into Chapters, Articles, and Sections.

- (a) References to Chapters, Articles, and Sections apply to Chapters, Articles, and Sections of this Development Code, unless otherwise indicated.
- (b) References to subsections apply to a subsection of the section in which the term is mentioned, or the lower order subsection of a higher order subsection, unless otherwise indicated.

Sec. 2.4. - Conflict with other regulations.

- (a) It is not intended by this Development Code to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that where this Development Code imposes a greater restriction or higher standard than are imposed or required by other ordinances, rules, regulations or by easements, covenants, or agreements, the provisions of this Code shall control. In no case, however, shall the City of Fort Oglethorpe be required to enforce such private easements, covenants, or other private agreements or legal relationships, whether they are more restrictive or less restrictive than the standards or requirements of this Development Code.
- (b) All resolutions or ordinances and parts of resolutions or ordinances of the City of Fort Oglethorpe, Georgia, heretofore adopted that are in conflict with this Development Code, other than ordinances and amendments approving the rezoning of land or approving special exceptions, are hereby repealed to the extent of such conflict.

Sec. 2.5. - Severability and validity.

Should any chapter, article, section, subsection, or provision of this Development Code be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of this Development Code as a whole or any part thereof other than the part so declared to be invalid or unconstitutional, each chapter, article, section, and provision hereof being declared severable.

Sec. 2.6. - Effective date.

This Development Code shall take effect and be in force from and after June 28, 2021, the public welfare of the City of Fort Oglethorpe demanding. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

ARTICLE 3. - PURPOSE AND INTENT

Sec. 3.1. - Purpose of Unified Development Code.

The purpose of this Development Code is to promote the health, safety, morals, aesthetics, convenience, order, prosperity and general welfare of the community, and is intended:

- (a) To lessen congestion in the streets;
- (b) To provide for adequate light, air and privacy;
- (c) To secure safety from fire, panic, flood and other dangers;
- (d) To prevent overcrowding of the land and undue congestion of population;
- (e) To protect the character and the social and economic stability of all parts of the city and to encourage the orderly and beneficial development of all parts of the city;
- (f) To protect and conserve the value of land throughout the city and the value of buildings and improvements upon the land and to minimize the conflicts among the uses of land and buildings;
- (g) To encourage the most appropriate use of land throughout the city;
- (h) To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, schools, recreation, and other public requirements and facilities;
- (i) To preserve the natural beauty, topography, and history of the city and to ensure appropriate development with regard to these natural and historic features;
- (j) To ensure the wise development of the city in harmony with the comprehensive plan of the city.

Sec. 3.2. - Purpose of the Comprehensive Plan.

The City of Fort Oglethorpe Comprehensive Plan is intended for the following purposes, among others:

Sec. 4.2. - Construction codes.

- (a) To guide and direct growth and development in the City of Fort Oglethorpe;
- (b) To protect, preserve and enhance the city's historic, natural, economic and social resources;
- (c) To identify current land uses in order to assist the City in making budgetary, utility and other resource allocations;
- (d) To enable the City to predict future land uses for planning purposes;
- (e) To assist the City in fulfilling its statutory and other legal obligations; and
- (f) To provide a public document that will serve as a means of general information on land use and development for the citizens of Fort Oglethorpe and other interested parties.

Sec. 3.3. - Intent in interpretation.

In interpreting and applying the provisions of this Development Code, they shall be held to be the minimum requirements for the promotion of the public health, safety, morals, aesthetics, convenience, order, prosperity and general welfare, as set forth in the provisions hereof establishing the intent and purpose of this Development Code in general and its various Chapters, Articles and Sections in particular.

ARTICLE 4. - CODES AND SPECIFICATIONS ADOPTED BY REFERENCE

Sec. 4.1. - Generally.

When reference is made in this Code to statutes, codes, specifications, or other regulations, it is intended that subsequent amendments to such codes, statutes, specifications, or regulations will be automatically adopted by reference herein except as provided by subsequent resolutions of the City Council.

Sec. 4.2. - Construction codes.

- (a) The following technical building and construction codes are adopted by reference as if set forth in their entirety and include any attachments, appendices, indexes, supplements, local amendments adopted by the City of Fort Oglethorpe and contained in the City Code of Ordinances, and future editions as required by the Georgia Uniform Codes Act:
 - (1) International Building Code (IBC)
 - (2) National Electrical Code
 - (3) International Fuel Gas Code (IFGC)
 - (4) International Mechanical Code (IMC)
 - (5) International Plumbing Code (IPC)
 - (6) International Residential Code (IRC)
 - (7) International Energy Conservation Code (IECC)
 - (8) International Fire Code (IFC)

- (9) International Existing Building Code (IEBC)
 - (10) International Swimming Pool and Spa Code (ISPSC)
 - (11) International Property Maintenance Code (IPMC)
 - (12) Title 8, Chapter 2, Article 3 (Application of Building and Fire Related Codes to Existing Buildings) of the Georgia Code
- (b) Also adopted by reference are the Administrative chapters of each code listed in this Sec. 4.2. - These chapters address the scope, application, administration and enforcement of the respective code.

ARTICLE 5. - GENERAL APPLICABILITY

Sec. 5.1. - Jurisdiction.

This Development Code shall govern the development of land and shall apply to the buildings, structures, and uses on all lands within the incorporated areas of the city.

Sec. 5.2. - Applicability to subject matter covered by this and other codes.

This Development Code shall apply to all subject matter that is regulated both by this and other codes and ordinances including, but not limited to, ordinances for the development and maintenance of land, and such other ordinances are hereby amended to reflect this. The City Council may attach statements to such other ordinances to the effect that compliance with this Development Code is required by such other ordinances.

Sec. 5.3. - Exemptions.

- (a) Previously issued permits.

The provisions of this Development Code and any subsequent amendments shall not affect the validity of any lawfully issued and effective development plan approval, building permit or development permit if:

- (1) The development activity or building construction authorized by the approval or permit has been commenced prior to the effective date of this Development Code or the amendment, or will be commenced after such effective date but within 6 months of issuance of the permit; and
- (2) The development activity or building construction continues without interruption (except because of war or natural disaster) until the development or construction is complete. If the approval or permit expires, any further development or construction on that site shall occur only in conformance with the requirements of this Development Code in effect on the date of the permit expiration.

- (b) Recently approved rezonings.

In order to provide a smooth transition to the new Unified Development Code, any property rezoned or granted special exception approval within the 6 calendar months preceding adoption or subsequent amendment of the Development Code, but for which

such use is not allowed under the Development Code, shall nonetheless be allowed to be used for such purpose as previously approved, provided that:

- (1) A development permit or building permit authorizing such use is issued within 6 calendar months after the date of adoption or amendment of the Unified Development Code; and
- (2) The development activity or building construction continues without interruption (except because of natural disaster) until the development or construction is complete. If the permit expires, any further development or construction on that site shall occur only in conformance with the requirements of the Unified Development Code in effect on the date of the permit expiration.

(c) Conditions of approval.

Nothing herein shall be construed as repealing or modifying the conditions of approval associated with any zoning, special exception, or variance approved prior to the effective date of this Development Code.

(d) Subdivisions with prior approval.

Subdivisions which received preliminary plat approval prior to the adoption of this Development Code shall be allowed to continue development according to said preliminary plat under the Subdivision Regulations in effect at the time the preliminary plat was approved. This provision shall expire 2 years following the date of preliminary plat approval, unless site development and/or construction plans are approved by the City within that time. Furthermore, site development and/or construction plans approved pursuant to such subdivisions or approved prior to the adoption of this Development Code shall expire within 1 year from date of approval, unless construction has begun and continuous work is being performed on the project.

(e) Previously submitted applications.

Any valid and complete application accepted by the City prior to adoption of the Unified Development Code for the development of, construction upon or use of land shall be processed and issued under the applicable City regulations in effect prior to adoption of this Development Code.

(f) Effect of Unified Development Code on exempt properties.

- (1) To the extent that exemption under this Article results in nonconformity with the provisions of this Development Code, such properties shall be governed by the requirements of the Nonconformities Article in this Chapter.
- (2) Any new application for a zoning change, a variance, a preliminary subdivision plat, a site development plan, a development permit, a building permit or any other action affecting a property covered under this Article shall be considered and applied under the provisions of this Development Code, as applicable.

ARTICLE 6. - APPLICATION OF THE REGULATIONS

Sec. 6.1. - Use, occupancy, and construction.

- (a) All buildings and structures erected hereafter, all uses of land, buildings or structures established hereafter, all structural alterations or relocations of existing buildings occurring hereafter, and all enlargements of, additions to, changes in and relocations of existing uses occurring hereafter shall be subject to all regulations of this Development Code which are applicable to the zoning district and, if applicable, the overlay district in which such buildings, structures, uses or land are located.
- (b) Existing buildings, structures and uses that comply with the regulations of this Development Code shall likewise be subject to all regulations of this Code. Existing buildings, structures and uses that do not comply with the regulations of this Development Code shall be authorized to continue subject to the provisions of this Chapter relating to nonconformities.
- (c) All subdivisions, planned developments and land development projects proposed for approval and permitting hereafter shall be subject to all regulations of this Development Code.

Sec. 6.2. - General prohibitions.

- (a) No building or structure, and no use of any building, structure, land, or property, and no lot of record, now or hereafter existing, shall hereafter be established, constructed, expanded, altered, moved, diminished, divided, eliminated or maintained in any manner except in conformity with the provisions of this Development Code.
- (b) No subdivider shall proceed with any construction work on a proposed subdivision before obtaining preliminary plat approval and issuance of a development permit from the City in conformity with the provisions of this Development Code.
- (c) The transfer of, sale of, agreement to sell, or negotiation to sell land by reference to or exhibition of, or other use of a plat of a subdivision that has not been given final approval by the City in conformity with the provisions of this Development Code and recorded in the office of the Catoosa County Superior Court/Walker County Superior Court is prohibited, and the description by metes and bounds in the instrument of transfer or other document shall not exempt the transaction from compliance with this provision.
- (d) Division of property.
 - (1) No person shall divide or subdivide or cause a subdivision to be made, by deed or map, of any parcel of land which is located within the boundaries of the City of Fort Oglethorpe, except in conformity with the provisions of this Development Code.
 - (2) Any owner or developer of any tract of land which lies within the city who subdivides the same shall cause a plat of such subdivision, with reference to known or permanent monuments, to be made and recorded in the office of the Superior Court. No such plat of subdivision shall be recorded unless and until it shall have been

submitted to and approved by the Building, Planning and Zoning Director as provided herein.

ARTICLE 7. - NONCONFORMITIES

Sec. 7.1. - Intent.

This Article sets out the provisions that protect uses, structures, lots and signs that lawfully existed prior to the adoption of this Development Code or a subsequent amendment, but no longer conform to the new regulations. The primary intent of the treatment of nonconformity is to allow continuation of these uses, structures, lots and signs to avoid undue hardship, while curtailing substantial investment in nonconformities and encouraging eventual improvement to a conforming status or elimination in order to preserve the integrity of this Development Code and the character of the city.

Sec. 7.2. - Nonconforming development; in general.

- (a) Lawfully nonconforming uses, structures, buildings, lots, and signs are declared by this Development Code to be incompatible with land uses, structures, buildings, lots, and signs that conform to the districts in which the nonconformity exists. However, such nonconforming development may continue under the circumstances presented in this Article for each type of nonconformity.
- (b) For the purpose of this Article, “value” shall be computed from the amount a building or structure, as applicable, is appraised for tax purposes by Catoosa County or Walker County.

Sec. 7.3. - Nonconforming uses.

- (a) Nonconforming uses; defined.

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

- (b) Continuance of nonconforming uses.

The lawful but nonconforming use of land existing at the time of the enactment or amendment of this Development Code may be continued; provided, however, that such nonconforming use shall not be:

- (1) Enlarged or increased; , either on the same or adjoining property;
- (2) Extended to occupy a greater area of land;
- (3) Reestablished after discontinuance for 90 days, regardless of any reservation of an intent not to abandon or to resume such use; or
- (4) Changed to another nonconforming use.

- (c) The lawful but nonconforming use of a conforming building or structure existing at the time of the enactment or amendment of this ordinance may be continued; provided, however, that such nonconforming use shall not be:
 - (1) Extended to occupy a greater area of such building or structure unless the additional area existed at the time of the adoption or amendment of this Development Code and was clearly designed to house the same use as the nonconforming use occupying the other portion of the building or structure.
 - (2) Extended to occupy any land outside such building or structure.
 - (3) Reestablished after removal of the building or structure or after discontinuance of the use for 90 days.
 - (4) Changed to another nonconforming use.

Sec. 7.4. - Nonconforming structures.

- (a) Nonconforming structures; defined.

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

- (b) Continuance of nonconforming structures.

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

- (1) A nonconforming structure shall not be repaired, rebuilt or altered after damage or destruction of 50% or more of its value, unless the structure is an owner-occupied dwelling.
- (2) A nonconforming structure may be repaired, rebuilt or altered to its original configuration after damage or destruction not exceeding 50% of its value, provided that allowed reconstruction begins within 1 year after the damage or destruction is incurred.
- (3) A nonconforming structure shall not be enlarged or altered in a way that increases its nonconformity, but it may be repaired to the extent necessary to maintain it in a safe and sanitary condition upon order of the Building, Planning and Zoning Director.

Sec. 7.5. - Nonconforming lots.

- (a) Nonconforming lots; defined.

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

- (b) Treatment of nonconforming lots.

Sec. 8.1. - Administrative roles.

Any lot of record existing at the time of the adoption or amendment of this Development Code, may be used subject to the following exceptions and modifications:

- (1) In any zoning district in which single-family dwellings are permitted, any lot of record existing at the time of the adoption or amendment of this Development Code that does not meet the area, width or depth requirements of this Code for may be used as a building site for a single-family dwelling.
- (2) In the case of such a lot, which it is not possible to provide the required side yards and at the same time build a minimum width single-family dwelling, a variance to reduce the side-yard requirements for such lot the minimum amount necessary for a reasonable dwelling may be requested.

Sec. 7.6. - Nonconforming signs.

See the Nonconforming Signs Section of Chapter 5 of this Development Code.

ARTICLE 8. - ADMINISTRATION

Sec. 8.1. - Administrative roles.

The following summarizes the roles of those involved in the administration and enforcement of the Fort Oglethorpe Development Code, as more specifically detailed in the appropriate Chapters of this Development Code.

(a) Building, Planning and Zoning Director.

The Building, Planning and Zoning Director is assigned to administer, interpret, implement, and enforce the provisions of this Development Code.

(1) Duties.

- a. The Building, Planning and Zoning Director is responsible for the receipt, review and processing of all applications for rezoning, special exception approval, project approval of preliminary subdivision plats and site plans, approval of final plats, and for applications for all permits required by this Code.
- b. The Building, Planning and Zoning Director is responsible for all administrative activities related to the use or occupancy of land and buildings under this Development Code.
- c. The Building, Planning and Zoning Director shall receive and process all hardship variances, administrative variances, flood hazard reduction variances, and appeals of administrative decisions filed with the City under the provisions of the Appeals Chapter of this Development Code.
- d. The Building, Planning and Zoning Director serves as the Secretary to the Planning Advisory Board.
- e. As the issuing agent for all building and sign permits, the Building, Planning and Zoning Director is responsible for the proper construction of buildings and

structures, and continuing compliance with permit requirements after construction is complete.

- f. All inspections of building construction and land development activities, other than water or sewer installation but including erosion control measures and stormwater facilities, shall be performed by inspectors under the direction of the Building, Planning and Zoning Director.
 - g. For specific administrative duties related to flood hazard reduction, see the Flood Hazard Reduction Article of the Natural Resource Protection Chapter of this Development Code.
- (2) Delegation of duties.

The Building, Planning and Zoning Director may, in his or her discretion and administrative authority, delegate duties and responsibilities to designated employees of the Building, Planning and Zoning Department as needed and appropriate for the administration of this Development Code.

(b) Public Works Director.

- (1) The Public Works Director is responsible for the review of all applications related to the construction of development projects, the construction of streets, driveways, and related facilities, and recommendations to the Building, Planning and Zoning Director relating to the issuance of permits.
- (2) The Public Works Director is responsible for technical advice and assistance to the Building, Planning and Zoning Director in the enforcement of all requirements and restrictions of this Development Code relating to the engineering design of subdivision improvements and development projects, the construction of streets, their continued maintenance and operation, and coordination of the installation of public and private utilities by others.

(c) Public Utilities Director.

- (1) The Public Utilities Director is responsible for technical advice and assistance to the Building, Planning and Zoning Director in the enforcement of all requirements and restrictions of this Development Code relating to the installation of all water and sewer lines and appurtenances during the land development process, including plan review and approval, and all inspections during installation.
- (2) The Public Utilities Director administers all codes and ordinances relating to potable water supply and distribution and wastewater collection and treatment.

Sec. 8.2. - Required action; time period.

In each case in this Development Code where the issuance of a permit or other action by any official of Fort Oglethorpe, Georgia, is required and a time period for such action is specified by this Development Code or by applicable state law, then the failure of the official responsible for same to take such action or issue such permit shall be deemed an approval of the matter or the issuance of the permit, as the case may be. If at any place in the Development

Code an action is required by any such official and no time frame is provided herein, then such timeframe shall be deemed to be 45 days and the failure to act to either approve or deny same shall be deemed an approval of the matter or the issuance of the permit, as the case may be.

Sec. 8.3. - Schedule and fees.

From time to time, the City Council may adopt fees for the issuance of permits, the submission of applications, and such other activities and authorizations as regulated by this Development Code, and may adopt schedules of dates, times and places as appropriate and necessary to regulate the application, review and hearing processes required by this Development Code.

ARTICLE 9. - ENFORCEMENT AND PENALTIES

Sec. 9.1. - Inspection and enforcement.

(a) Enforcement; general.

The City of Fort Oglethorpe or its agent, officers, and employees shall have authority to enter upon privately owned land for the purpose of performing their duties under this Development Code and may take or cause to be made such examination, surveys, or sampling as the City or its designee deems necessary.

- (1) The Building, Planning and Zoning Director is hereby designated as the primary enforcement officer for this Development Code.
- (2) The Building, Planning and Zoning Director shall have the authority to enforce this Development Code; issue permits thereunder; and address violations or threatened violations thereof 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 damages by the violator.
- (3) The Building, Planning and Zoning Director may, in his or her discretion and administrative authority, delegate duties and responsibilities to designated employees of the Building, Planning and Zoning Department as needed and appropriate for the enforcement of this Development Code. Law enforcement officials or other officials having police powers shall also have authority to assist the Building, Planning and Zoning Director in enforcement.

(b) Enforcement; building construction codes.

(1) Compliance.

It shall be unlawful for any person to engage in the construction or erection of any building, whether commercial, business or residential, in the incorporated areas of the city unless such construction is accomplished in strict compliance with the various construction codes adopted under this Chapter.

(2) Enforcement officer.

When reference is made to the duties of certain officials named in the various construction codes adopted by this Development Code, the designated city official shall be deemed to be the responsible official for the enforcement of such codes.

(c) Enforcement; signs.

- (1) All signs shall be maintained in good condition as to present a neat and orderly appearance. The City may, after due notice, issue a citation to any permittee for any sign which shows gross neglect or becomes dilapidated. Such due notice shall be in writing, shall specify the sign and location, shall state that the sign has not been properly maintained, and shall include the language of the violated code section(s). The City shall give the permittee 10 days to rectify the condition or remove the dilapidated sign before issuing a citation.
- (2) The City may issue a citation for violation of the Sign Regulations Chapter of this UDC by any sign erected, altered, converted, or used in violation of the Sign Regulations Chapter.
- (3) The City may issue a citation for any violation involving removal of trees in violation of any provision of this Development Code . Each tree that is trimmed or removed from publicly owned property in violation of this Code shall constitute a separate offense.
- (4) Any person violating any provision of this Development Code shall be liable for a fine of as established by the Municipal Court of the City of Fort Oglethorpe. Each day a sign is posted in violation of this Code shall constitute a separate violation.

(d) Enforcement; land development, use and other provisions.

(1) Inspection.

- a. If the Building, Planning and Zoning Director finds that a provision of this Development Code is being violated relating to the use or occupancy of land or structures, lot standards, landscaping, buffers, parking, street construction or any other standard or provision (other than land development activities enforced under the Natural Resource Protection Chapter of this Development Code), or relating to a condition of approval established in connection with a grant of variance or zoning change, he or she shall notify the person responsible for such violation in writing (which notification may consist of an order to cease and desist the violation), as described in this Section.
- b. See also the Natural Resource Protection Chapter for provisions relating to inspection and enforcement activities relating to soil sedimentation and erosion control, stormwater management, flood hazard reduction, and groundwater recharge and wetlands protection.

(2) Notice of Violation.

- a. If the Building, Planning and Zoning Director determines that a property owner, occupant or other responsible person has failed to comply with the

requirements and provisions of this Development Code, he or she shall issue a written notice of violation to such owner, occupant or other responsible person. Where a person is engaged in activity covered by this Code without having first secured a permit therefor, the notice of violation shall be served on the owner, occupant or the responsible person in charge of the activity being conducted on the site.

- b. The notice of violation shall contain:
 1. The name and address of the owner, occupant 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, which shall include the language of the violated code section(s);
 4. A description of the remedial measures necessary to bring the action or inaction into compliance with this Code and the date for the completion of such remedial action;
 5. A statement of the penalty or penalties that may be assessed against the person to whom the notice of violation is directed; and,
 6. A statement that the determination of violation may be appealed to the City Council by filing a written notice of appeal within 10 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).
- c. Upon continuing noncompliance, or initially in the case of an immediate threat to the public health or safety, the Building, Planning and Zoning Director shall have authority to prosecute violations in court.

Sec. 9.2. - Violation and penalties.

Notwithstanding provisions elsewhere in this Development Codes, the following are declared to be crimes:

- (1) It shall be unlawful to engage in any activities in violation of applicable requirements, rules, regulations, permit conditions, and orders established under this Development Code.
- (2) It shall be a criminal violation of this Development Code to furnish false or materially incomplete or misleading information to the City, on any application, investigation, or proceeding regarding this Development Code.
- (3) Each day that a violation is permitted to exist after due notice is given in writing by the Building, Planning and Zoning Director shall constitute a separate offense.
- (4) Jurisdiction over offenses under this Development Code shall be in the municipal court of Fort Oglethorpe, Georgia. Any person violating the terms of this

Sec. 9.3. - City not guarantor of acts or omissions of other entities.

Development Code or any permit condition, rule or regulation promulgated pursuant thereto, shall be guilty of a misdemeanor and may be punished as determined by the Municipal Court of the City of Fort Oglethorpe.

Sec. 9.3. - City not guarantor of acts or omissions of other entities.

No act or omission of the City, City Council, or Planning Advisory Board shall be an assurance or guarantee that the United States or any department or agency thereof, or the State of Georgia or any department or agency thereof, or any other county or any municipality or any department or agency of any other county or of any municipality, has taken, is taking, or will take any action or has made, is making, or will make any omission. No act or omission of the City, City Council, or Planning Advisory Board shall be construed as the rendering of advice or an opinion as to the status of legal requirements, policies, acts, or omissions of any of the other aforesaid entities.

CHAPTER 2. USE OF LAND AND STRUCTURES

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ARTICLE 1. - GENERAL PROVISIONS

Sec. 1.1. - Zoning districts; established.

For the purposes of these regulations, the incorporated area of the City of Fort Oglethorpe, Georgia is divided into the following zoning districts and overlay districts:

- (a) Residential zoning districts.
 - (1) RA Rural-Agricultural District
 - (2) R-1 Single-family Residential District
 - (3) R-2 Single-family Residential District
 - (4) R-3 Single-family Residential District
 - (5) R-4 Manufactured Home District
 - (6) R-5 Multifamily Residential District
- (b) Commercial zoning districts.
 - (1) CN Commercial Neighborhood District
 - (2) C-1 Limited Commercial District
 - (3) C-2 General Commercial District
 - (4) O-1 Office District
- (c) Industrial zoning districts.
 - (1) I-1 Light Industrial District
 - (2) I-2 Heavy Industrial District
- (d) Mixed use zoning districts.
 - (1) PM Planned Development Mixed Use District
- (e) Special purpose zoning districts.
 - (1) OS Open Space District
- (f) Overlay districts.
 - (1) Fort Oglethorpe Historic District

Sec. 1.2. - Official Zoning Map.

The incorporated area of the City of Fort Oglethorpe is hereby divided into zoning districts, as shown upon the Official Zoning Map of the City of Fort Oglethorpe, Georgia which, together with all explanatory matter thereon, and accompanying pages, is hereby adopted by reference and declared to be a part of this Code.

Sec. 1.3. - Official Zoning Map adopted by reference.

- (a) The Official Zoning Map of the City of Fort Oglethorpe, Georgia is hereby adopted and identified as that map or series of maps, adopted by the City Council, that show the precise location and boundaries of the zoning districts and that is certified by the Mayor and City Clerk of Fort Oglethorpe, Georgia.
- (b) A certified copy of the Official Zoning Map shall be kept in the Department of Building, Planning and Zoning, where it shall be available for public inspection.
- (c) The Official Zoning Map may be amended from time to time pursuant to the provisions of this Code.

Sec. 1.4. - Amendments to the Official Zoning Map.

- (a) No changes of any nature shall be made to the Official Zoning Map except in conformity with amendments to the map approved by the City Council and in conformity with the procedures set forth in this Code or by adoption of a new Official Zoning Map. Such amendments shall be spread upon the minutes of the City Council and shall be available for public inspection.
- (b) If, in accordance with the provisions of this Code, amendments to the map are approved which result in changes to the district boundaries on the Official Zoning Map, then these shall be noted on addendum pages to the Official Zoning Map maintained and available in the Department of Building, Planning and Zoning. Said addendum pages shall note the new district boundaries along with the date the amendment was approved and shall be inserted directly after the affected map page. Said addendum pages shall be clearly noted as addendum pages.
- (c) The Official Zoning Map as amended from time to time by the City Council may be kept in an electronic format from which printed copies can be produced.

Sec. 1.5. - Replacement of the Official Zoning Map.

In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the 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.

Sec. 1.6. - Rules for determining zoning district boundaries.

Where uncertainty exists as to boundaries of any zoning district shown on the Official Zoning Map, the following rules shall apply:

- (a) Where such district boundaries are indicated as approximately following a corporate limits line, street lines, alley lines or lot lines, such lines shall be construed to be such boundaries.

- (b) In unsubdivided property or where a district boundary divides a lot, the location of such boundary, unless the same is indicated by dimensions, shall be determined by the use of the scale appearing on the Official Zoning Map. Where a district boundary divides a lot, the zone classification of the greater portion shall prevail throughout the lot.
- (c) In case any further uncertainty exists, the Building, Planning and Zoning Director shall interpret the intent of the map as to the location of such boundaries.
- (d) Where any street or alley is officially vacated or abandoned, the regulations applicable to each parcel of abutting property shall apply to that portion of such street or alley added thereto by virtue of such vacation or abandonment.
- (e) If, because of error or omission on the zoning map any property within the city is not shown as being included in a zoning district, the classification of such property shall be R-1 district (single-family residential), unless changed by an amendment to the zoning map in accordance with the procedures in Chapter 8 of this Code.

Sec. 1.7. - Special conditions of previous zoning approvals retained.

All special conditions and special stipulations imposed as conditions of zoning approval of property prior to adoption of the Official Zoning Map are hereby retained and reaffirmed, and shall continue in full force and effect until such time as the property is rezoned or the prior zoning action of the City Council is amended through the zoning approval process established by this Development Code.

Sec. 1.8. - Conformity with zoning district regulations.

- (a) Except for individual nonconformities addressed in Chapter 1 of this Development Code, no property shall be used except in accordance with its zoning designation on the Official Zoning Map, conditions of zoning approval for the property, and all applicable provisions of this Code.
- (b) Dimensional requirements for each zoning district are found in Chapter 4 of this Development Code.

ARTICLE 2. - ZONING DISTRICTS

Sec. 2.1. - Applicability to land in Fort Oglethorpe.

All lands in the incorporated area of the City of Fort Oglethorpe, Georgia are included in one or another of the zoning districts established by this Development Code. Overlay districts, which provide additional requirements or restrictions on the portions of these zoning districts over which they are established, are found under Article 3 of this Chapter.

Sec. 2.2. - RA Rural-Agricultural District.

- (a) Intent.

The RA District is intended to establish and preserve quiet areas where the primary activities are those of farming, agriculture, livestock, timber cultivation, and related uses consistent with maintaining the land resources of the city reserved for these purposes.

Residences of a low-density nature which are incidental to these activities are also permitted. RA districts are free from other uses which are incompatible with a low-density agricultural-residential neighborhood.

(b) Allowed Uses.

Unless otherwise specified in this Development Code, see Article 4 of this Chapter for allowed principal uses and restrictions that apply to particular uses.

Sec. 2.3. - R-1 Single-family Residential District.

(a) Intent.

The R-1 District is established to provide for low density residential development.

(b) Allowed Uses.

Unless otherwise specified in this Code, see Article 4 of this Chapter for allowed principal uses and restrictions that apply to particular uses.

Sec. 2.4. - R-2 Single-family Residential District.

(a) Intent.

The R-2 District is established to provide for low to medium density residential development.

(b) Allowed Uses.

Unless otherwise specified in this Development Code, see Article 4 of this Chapter for allowed principal uses and restrictions that apply to particular uses.

Sec. 2.5. - R-3 Single-family Residential District.

(a) Intent.

The R-3 District is designed to accommodate increased density of residential development (medium density) by decreasing lot size requirements.

(b) Allowed Uses.

Unless otherwise specified in this Development Code, see Article 4 of this Chapter for allowed principal uses and restrictions that apply to particular uses.

Sec. 2.6. - R-4 Manufactured Home District.

(a) Intent.

The R-4 District is established to provide for the placement of manufactured home subdivisions and manufactured home parks in suitable areas of the city. In promoting the general purpose of this Code, the specific intent of this district is to:

- (1) Require adequate space and facilities for healthful living conditions for occupants of such manufactured home parks and manufactured home subdivisions;
- (2) Require all such districts to have access to a paved roadway for easy accessibility;

- (3) To ensure that suitable water and sewer facilities will be provided in accordance with all applicable city codes and state health regulations and statutes; and
- (4) Encourage the development of manufactured home parks for long-term residential use rather than transient travel trailer use.

(b) Allowed Uses.

Unless otherwise specified in this Development Code, see Article 4 of this Chapter for allowed principal uses and restrictions that apply to particular uses.

Sec. 2.7. - R-5 Multifamily Residential District.

(a) Intent.

The R-5 District is designed to accommodate increased density of residential development by allowing two-family dwellings (duplexes) and multifamily development in the form of townhomes.

(b) Allowed Uses.

Unless otherwise specified in this Development Code, see Article 4 of this Chapter for allowed principal uses and restrictions that apply to particular uses.

Sec. 2.8. - CN Commercial Neighborhood District.

(a) Intent.

The intent of the CN District is to provide convenient shopping and service facilities, not to exceed 4,000 square feet in building size, that serve nearby residential neighborhoods. Allowed uses include businesses that serve nearby residents on a day-to-day basis. Such facilities should be located so that their frequency and distributional patterns reflect their neighborhood orientation. In addition, such facilities should not be so large or so broad in scope of services as to attract substantial amounts of trade from outside the neighborhood commercial zone and should not be located in close proximity to other commercial areas.

(b) Allowed Uses.

Unless otherwise specified in this Development Code, see Article 4 of this Chapter for allowed principal uses and restrictions that apply to particular uses.

Sec. 2.9. - C-1 Limited Commercial District.

(a) Intent.

The intent of the C-1 District is to provide locations for a wide variety of commercial activities that serve a substantial portion of the community, are located in close proximity to one another. This district is intended to accommodate personal and business services, specialty shops, and general strip commercial development in the city along minor arterial roadways or in new commercial centers.

(b) Allowed Uses.

Unless otherwise specified in this Development Code, see Article 4 of this Chapter for allowed principal uses and restrictions that apply to particular uses.

Sec. 2.10. - C-2 General Commercial District.

(a) Intent.

The C-2 District is intended to provide a broad mix of commercial activities that have large building or site requirements, are oriented to principal arterial roadways, provide services to the entire city and surrounding area, and may be more intensive in use. Development of strip commercial areas is not encouraged.

(b) Allowed Uses.

Unless otherwise specified in this Development Code, see Article 4 of this Chapter for allowed principal uses and restrictions that apply to particular uses.

Sec. 2.11. - O-1 Office District.

(a) Intent.

The intent of the O-1 District is to accommodate professional offices, institutions, and limited services as opposed to the general type of retail commercial establishments provided in the C-1 and C-2 districts. The O-1 District is intended to encourage a non-congested environment with uses locating near arterial or collector streets and a transition of uses between residential areas and other more intensive uses.

(b) Allowed Uses.

Unless otherwise specified in this Development Code, see Article 4 of this Chapter for allowed principal uses and restrictions that apply to particular uses.

Sec. 2.12. - I-1 Light Industrial District.

(a) Intent.

The I-1 District is intended for light industrial uses such as assembling, warehousing, wholesaling, and service operations that do not depend primarily on frequent personal visits of customers or clients, but that may require good interstate highway accessibility. 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, odors, pollution, vibration, smoke, dust, gas, fumes, radiation, or that result in other objectional conditions, including truck traffic congestion.

(b) Allowed Uses.

Unless otherwise specified in this Development Code, see Article 4 of this Chapter for allowed principal uses and restrictions that apply to particular uses.

Sec. 2.13. - I-2 Heavy Industrial District.

(a) Intent.

The I-2 District is intended to accommodate more intense industrial uses that benefit from interstate highway access, including manufacturing, storage and distribution activities, but whose operations and processes are not dangerous to health, safety, or the general welfare.

(b) Allowed Uses.

Unless otherwise specified in this Development Code, see Article 4 of this Chapter for allowed principal uses and restrictions that apply to particular uses.

Sec. 2.14. - PM Mixed Use District.

(a) Intent.

PM zoning districts are intended to:

- (1) Encourage the development of large tracts of land as planned neighborhoods or communities.
- (2) Encourage flexible and creative concepts in site planning.
- (3) Preserve the natural amenities of the land by encouraging scenic and functional open areas within residential areas.
- (4) Create a more desirable environment than would be possible through the strict application of minimum requirements of other sections of this Code.
- (5) Provide for efficient use of land resulting in smaller networks of utilities and streets as well as lower development and housing costs.
- (6) Provide an environment of stable character which is compatible with surrounding residential areas; this includes locating less dense residential development in a PM district adjacent to single-family or other residential development and locating higher density residential uses, including apartments, in a PM district along heavy traffic areas and roadways adjacent to more intense uses such as commercial or industrial development.
- (7) Allow a variety of land uses in an orderly relation to one another and to existing land uses.
- (8) Better control traffic and other effects of larger and/or high-density developments.

(b) Allowed Uses.

Allowed uses in the PM district shall be as shown in the approved development plan, as described in Chapter 4 of this Development Code.

Sec. 2.15. - OS Open Space District.

(a) Intent.

The OS District includes publicly owned properties dedicated to historic or environmental preservation or to outdoor recreation uses that are not subject to the regulations of this Development Code.

(b) Allowed uses.

Allowed uses are as indicated in subsection (a) above.

ARTICLE 3. - OVERLAY DISTRICTS

Sec. 3.1. - Fort Oglethorpe Historic District.

(a) Intent.

The Fort Oglethorpe Historic District is intended to protect buildings, sites and the overall historic and visual character of the former Fort Oglethorpe Army Post, which includes: Barnhardt Circle, Sergeants' Row on North Thomas Road, and supporting properties on Harker Road, LaFayette Road, Second Street, and Gross Crescent.

(b) Designation of historic properties.

The properties listed in this section are designated collectively as the Fort Oglethorpe Historic District . Such designation requires that such properties be shown on the city's official zoning map, or other designated map in the absence of such a map and kept as public record, to provide notice of such designation. It further requires that a Certificate of Appropriateness be obtained from the Historic Preservation Commission prior to any material change in appearance of the designated property, in accordance with the procedures described in Fort Oglethorpe City Code of Ordinances.

(c) Allowed uses.

Each property in the Fort Oglethorpe Historic District has a zoning district designation as shown on the Official Zoning Map. Uses are regulated by the property's underlying zoning designation.

Sec. 3.2. - LaFayette Road Overlay District.

Reserved.

ARTICLE 4. - ALLOWED USES IN EACH ZONING DISTRICT

Sec. 4.1. - Intent of article.

This Article identifies the principal uses that are allowed by right or by special exception approval in each of the zoning districts, as well as uses to which certain restrictions apply.

(a) A principal use is the specific, primary purpose for which or a building is used.

(b) In specific areas covered by an overlay district, the overlay district imposes restrictions on uses not noted on the following use chart. The specifics of each overlay district under the City Code of Ordances or this Development Code must be consulted as applicable to a particular property or area.

Sec. 4.2. - Chart of uses.

Sec. 4.5. - Interpretation of uses.

This Article lists by the following matrix chart the principal uses allowed by right and by special exception approval in each zoning district, as described herein:

- (a) An “**A**” means that the use is **allowed** in the zoning district without any qualifications, except wherever such qualifications may be indicated in this Development Code. Such indication will also be noted in the righthand column of the chart of uses.
- (b) An “**S**” means that the use is **allowed only by special exception approval**. A listed special exception use is one which may be granted only when certain conditions are met in accordance with the special exception process described in the Procedures and Permits Chapter. Additional restrictions may also apply, as noted in the righthand column of the chart of uses.
- (c) A blank space indicates that the use is **not allowed** under any circumstances.
- (d) In **PM Districts**, uses that are allowed are established through approval of the planned development. See Chapter 4 of this Development Code for details.

Sec. 4.3. - Restrictions on particular uses.

- (a) Principal uses.
 - (1) Restrictions that apply to certain allowed or special exception **principal uses** are listed in the Restrictions on Particular Uses Chapter of this Code (Chapter 3).
 - (2) For those uses that have specific restrictions associated with them, a reference is given on the use chart to the pertinent Section in Chapter 3.
 - (3) Any provisions of Chapter 3 in this Development Code that apply to development in general, however, are not indicated on the use chart.
- (b) Accessory and temporary uses.

Restrictions on **accessory and temporary uses** are addressed in Chapter 3 of this Development Code.

Sec. 4.4. - Prohibited uses.

Any principal use not shown on the following on use chart as allowed in a zoning district, whether by right or with approval as a special exception, is specifically prohibited.

Sec. 4.5. - Interpretation of uses.

Some degree of interpretation will occasionally be required. It is not possible to list each and every variation or name of a given use.

- (a) In addition to other generally accepted references and resources, the *North American Industrial Classification System* (NAICS), published by the U.S. Department of Commerce (latest edition), may be referred to in order to interpret the definition of uses listed on the following use chart and to identify similar uses that may be allowed along with each listed use. The NAICS classification number is shown on the use chart for each applicable use for reference and interpretation only; the NAICS is not adopted as part of this Code.

- (b) The NAICS assigns classification numbers to businesses and industries based on the primary business activity in which the company is engaged. While business activity usually corresponds to land use type, and therefore can be easily assigned to appropriate zoning districts, there are exceptions. Some businesses may be primarily engaged in a certain industry—such as telecommunications, for instance, like AT&T—but individual locations host notably different activities. For a company like AT&T, for instance, different facilities may include retail stores for telephones, offices for administrative functions, satellite and exchange switching stations, and repair and installation staging lots where heavy equipment vehicles, telephone poles, wire spools and materials are stored. As a result, interpretation is occasionally needed for an individual use, regardless of the business activity in which the parent company is engaged.
- (1) If no NAICS classification number is shown on the chart, there is no corresponding category to the land use listed. The use may be residential in nature (there are no NAICS categories for residences) or may be a land use activity not generally recognized as a business activity or industry type.
 - (2) In all cases of uncertainty, the determination of whether or not a particular use is allowed in a particular zoning district shall reflect the intent of the zoning district as stated in this Chapter, both the common and dictionary definitions of the use, and the array of listed uses that are allowed in the district as to their character and intensity.

Table 2-A: Principal Use Table

NAICS Ref.	Principal Uses ↓	Zoning Districts →	RA	R-1	R-2	R-3	R-4	R-5	C-N	C-1	C-2	O-1	I-1	I-2	For restrictions on principal uses, see:	
		<i>A = Allowed</i>	<i>S = Allowed if Approved as a Special Exception</i>						<i>Blank Space = Prohibited</i>							
Agricultural Uses			RA	R-1	R-2	R-3	R-4	R-5	C-N	C-1	C-2	O-1	I-1	I-2		
111	Crop Production, including Greenhouse, Nursery (non-retail), and Floriculture Production	A														
112	Animal Production and Aquaculture (except for: Poultry and Egg Production; and, Dog and Cat Breeding Kennel)	A													Chapter 3, Sec. 1.2	
112990	Breeding Kennel	S													Chapter 3, Sec. 1.11	
113	Forestry and Logging	S														
424410	Farmers Market (wholesale)	S								S	S		A	A		
Residential Uses			RA	R-1	R-2	R-3	R-4	R-5	C-N	C-1	C-2	O-1	I-1	I-2		
	Single-Family Detached: Site-Built or Modular Home	A	A	A	A											
	Single-Family Detached: Manufactured Home	S													Chapter 3, Sec. 1.12	
	Two-Family Dwelling: Duplex							A							Chapter 3, Sec. 1.17	
	Multifamily: Townhouses, up to 7.5 dwelling units per acre							A							Chapter 3, Sec. 1.17	
	Multifamily: Townhouses, greater than 7.5 dwelling units per acre							S							Chapter 3, Sec. 1.17	
	Multifamily: Apartments	<i>Allowed in PM District; see Chapter 4.</i>												Chapter 3, Sec. 1.17		
	Manufactured Home Park						A								Chapter 3, Sec. 1.12	
	Manufactured Home Subdivision						A								Chapter 3, Sec. 1.12	
	Upper Floor Residential Lofts in Mixed-Use Building								S	A	A					
623	Residential and Nursing Care Facilities	RA	R-1	R-2	R-3	R-4	R-5	C-N	C-1	C-2	O-1	I-1	I-2			
623110	Assisted Living Facility						A		S	S	A					
623110	Nursing Home						A		S	S	A					
623990	Personal Care Homes, Family (2 to 6 under care)	A	S	S	S	S	S									
623990	Personal Care Homes, Group (7 to 24 under care)						A		S	S	A					
Public and Institutional Uses			RA	R-1	R-2	R-3	R-4	R-5	C-N	C-1	C-2	O-1	I-1	I-2		
611	Educational Services: Academic	RA	R-1	R-2	R-3	R-4	R-5	C-N	C-1	C-2	O-1	I-1	I-2			
611110	Elementary, Middle, and High Schools (Private)	S	S	S	S	S	S			S						

Table 2-A: Principal Use Table

NAICS Ref.	Principal Uses ↓	Zoning Districts →	RA	R-1	R-2	R-3	R-4	R-5	C-N	C-1	C-2	O-1	I-1	I-2	For restrictions on principal uses, see:	
		<i>A = Allowed</i>	<i>S = Allowed if Approved as a Special Exception</i>							<i>Blank Space = Prohibited</i>						
611210	Junior Colleges		S								S	A				
611310	Colleges and Universities		S								S	A				
611	Educational Services: Other		RA	R-1	R-2	R-3	R-4	R-5	C-N	C-1	C-2	O-1	I-1	I-2		
6114	Business Schools and Computer and Management Training										A	A	A			
6115	Technical and Trade Schools (Real Estate, Cosmetology, Barber, Bartending, Modeling, Graphic Arts, Computer Repair, Flight, and Truck Driving Schools)										A	A	A			
611610	Fine Arts, Sports and Recreation Instruction, and Language Schools										A	A	A			
611691	Exam Preparation and Tutoring										A	A	A			
611692	Automobile Driving Schools										A	A	A			
611710	Educational Testing and Other Non-Instructional Support Services										A	A	A			
62	Outpatient Medical Care and Hospitals		RA	R-1	R-2	R-3	R-4	R-5	C-N	C-1	C-2	O-1	I-1	I-2		
6214	Clinics and Outpatient Medical Care Centers, with the exception of Urgent Care Facilities and Blood Plasma Centers									S	S	A				
621493	Urgent Care Facilities									S	A	A				
621991	Blood Plasma Collection Centers, Blood and Organ Banks									S	S	S				
622	Hospitals										S	S			Chapter 3, Sec. 1.10	
624	Social Assistance		RA	R-1	R-2	R-3	R-4	R-5	C-N	C-1	C-2	O-1	I-1	I-2		
6241	Individual and Family Services										A	A				
642210	Community Food Services, including Food Banks and Meal Delivery Programs										S	S				
62422	Community Housing Services, including Temporary Shelters										S	S				
6243	Vocational Rehabilitation Services										A	A				
624	Child Day care		RA	R-1	R-2	R-3	R-4	R-5	C-N	C-1	C-2	O-1	I-1	I-2		
6244	Day Care Home (3 to 6 children in care)		S	S	S	S	S	S	A	A	A	A				
6244	Day Care Center (7 or more children in care)								S	A	A	A				
813	Religious Facilities		RA	R-1	R-2	R-3	R-4	R-5	C-N	C-1	C-2	O-1	I-1	I-2		

Table 2-A: Principal Use Table

NAICS Ref.	Principal Uses ↓	Zoning Districts →	RA	R-1	R-2	R-3	R-4	R-5	C-N	C-1	C-2	O-1	I-1	I-2	For restrictions on principal uses, see:	
		<i>A = Allowed</i>	<i>S = Allowed if Approved as a Special Exception</i>							<i>Blank Space = Prohibited</i>						
8131	Churches and Other Facilities for Religious Organizations Worship	S	S	S	S	S	S	S	S	S	S	S			Chapter 3, Sec. 1.6	
812220	Cemeteries and Mausoleums (human or pet)	S									S					
812220	Crematory (not combined with a Funeral Home)													S		
81222	Civic, Professional, & Similar Organizations	RA	R-1	R-2	R-3	R-4	R-5	C-N	C-1	C-2	O-1	I-1	I-2			
8132	Grantmaking and Giving Services, including Charitable Organization Offices								S	A	A					
8133	Social Advocacy Organizations								S	A	A					
8134	Fraternal Lodges, Veterans Membership Organizations, and Other Civic and Social Organizations	S							S	A	A					
8139	Business, Professional, Labor, Political and Similar Organizations								S	A	A					
Retail Trade		RA	R-1	R-2	R-3	R-4	R-5	C-N	C-1	C-2	O-1	I-1	I-2			
441	Motor Vehicle and Parts Dealers	RA	R-1	R-2	R-3	R-4	R-5	C-N	C-1	C-2	O-1	I-1	I-2			
4411	New and Used Car Dealers (automobiles and light trucks)									S		A		Chapter 3, Sec. 1.20		
441110	Auto Broker (no vehicles stored or for sale on site)									A		A				
441222	Boat Dealers											A		Chapter 3, Sec. 1.16		
441228	Motorcycle, ATV, and All Other Motor Vehicle Dealers (excludes medium- and heavy-duty trucks, buses and other motor vehicles -- see under Manufacturing, Wholesaling and Warehousing)									S		A		Chapter 3, Sec. 1.16		
4413	Automotive Parts, Accessories, and Tire Stores									A		A	S	Chapter 3, Sec. 1.4		
442	Furniture and Home Furnishings Stores	RA	R-1	R-2	R-3	R-4	R-5	C-N	C-1	C-2	O-1	I-1	I-2			
442	Furniture and Home Furnishing Stores, except Wood or Ceramic Tile Flooring Stores & Antique and Used Furniture Stores (see under NAICS Ref. 444)								A	A		A				
443	Electronics and Appliance Stores	RA	R-1	R-2	R-3	R-4	R-5	C-N	C-1	C-2	O-1	I-1	I-2			
443141	Household Appliance Stores									A		A				
443142	Cellular Telephone Accessories Stores (accessories only; no phone sales)								A	A						
51731	Retailing New Cellular Phone Telephones and Communication Service Plans (with or without repair) services								A	A						

Table 2-A: Principal Use Table

NAICS Ref.	Principal Uses ↓	Zoning Districts →													For restrictions on principal uses, see:	
		RA	R-1	R-2	R-3	R-4	R-5	C-N	C-1	C-2	O-1	I-1	I-2			
		<i>A = Allowed</i>						<i>S = Allowed if Approved as a Special Exception</i>				<i>Blank Space = Prohibited</i>				
443142	Music Stores (e.g. new records and compact discs)							S	A	A						
443142	Electronics Stores								A	A						
444	Building Material and Garden Equipment and Supplies Dealers	RA	R-1	R-2	R-3	R-4	R-5	C-N	C-1	C-2	O-1	I-1	I-2			
4441	Home Centers, Paint and Wallpaper Stores, and Wood or Ceramic Tile Flooring Stores									A		A				
444130	Hardware Stores							S	A	A		A				
444190	Lumber Yards, retail									A		A				
444190	Electrical, Heating or Plumbing Supply Stores									A		A				
444210	Outdoor Power Equipment Stores											A	A			
444220	Garden Centers and Nurseries								A	A		A	S			
444220	Farm Supply Store (e.g. Feed and Seed)									A		A				
445	Food and Beverage Stores	RA	R-1	R-2	R-3	R-4	R-5	C-N	C-1	C-2	O-1	I-1	I-2			
445110	Grocery Stores and Supermarkets							A	A	A						
445120	Convenience Food Stores without fuel pumps							A	A	A						
4452	Specialty Food Stores, not for immediate consumption and not made on the premises (including Meat Markets, Fish and Seafood Markets, Fruit and Vegetable Markets, Confectionary and Nut Stores, and Miscellaneous Specialty Foods)							A	A	A						
445310	Beer, Wine and Liquor Stores							A	A	A						
311811	Retail Bakeries and Pastry Shops							A	A	A						
446	Health and Personal Care Stores	RA	R-1	R-2	R-3	R-4	R-5	C-N	C-1	C-2	O-1	I-1	I-2			
446110	Pharmacies and Drug Stores							A	A	A						
4461	All Other Health and Personal Care Stores (including Cosmetics, Beauty Supplies and Perfume Stores; Optical Goods; and Food [Health] Supplement Stores)							A	A	A						
447	Gas Stations	RA	R-1	R-2	R-3	R-4	R-5	C-N	C-1	C-2	O-1	I-1	I-2			
447110	Gasoline Stations with Convenience Stores (no repair or service of vehicles on site)							S	S	A				Chapter 3, Sec. 1.8		
447110	Gasoline Stations with Convenience Stores (with light repair or service of vehicles on site)								S	A				Chapter 3, Sec. 1.8 & Sec. 1.4		
447190	Gasoline Station without Convenience Stores (with or without light repair and service of vehicles on site), except Truck Stops								S	A		A		Chapter 3, Sec. 1.8 & Sec. 1.4		

Table 2-A: Principal Use Table

NAICS Ref.	Principal Uses ↓	Zoning Districts →	RA	R-1	R-2	R-3	R-4	R-5	C-N	C-1	C-2	O-1	I-1	I-2	For restrictions on principal uses, see:
		<i>A = Allowed</i>	<i>S = Allowed if Approved as a Special Exception</i>						<i>Blank Space = Prohibited</i>						
447190	Truck Stops												S	S	
448	Clothing and Clothing Accessories Stores <i>(for used merchandise see NAICS Ref. 453)</i>	RA	R-1	R-2	R-3	R-4	R-5	C-N	C-1	C-2	O-1	I-1	I-2		
448	Clothing Stores and Clothing Accessories Stores (such as hats, costume jewelry, gloves, handbags, ties, wigs, and belts); includes Shoe Stores, Jewelry Stores, and Luggage and Leather Goods Stores							A	A	A					
451	Sports, Hobby, Music Instrument & Book Stores <i>(for used merchandise, see NAICS Ref. 453)</i>	RA	R-1	R-2	R-3	R-4	R-5	C-N	C-1	C-2	O-1	I-1	I-2		
451110	Sports, Hobby, Music Instrument & Book Stores (Sporting Goods Stores; Hobby, Toy, and Game Stores; Sewing, Needlework and Piece Goods Stores; Musical Instrument and Supply Stores; Bicycle Shops; and Book Stores)							A	A	A					
452	General Merchandise Stores	RA	R-1	R-2	R-3	R-4	R-5	C-N	C-1	C-2	O-1	I-1	I-2		
452	Department Stores, Warehouse Clubs and Supercenters								S	A					
452319	Dollar Stores							S	A	A					
	Shopping Centers								A	A					
453	Miscellaneous Store Retailers	RA	R-1	R-2	R-3	R-4	R-5	C-N	C-1	C-2	O-1	I-1	I-2		
453110	Florists							A	A	A					
453210	Office Supplies and Stationary Stores							A	A	A					
453220	Gift and Souvenir Stores							A	A	A					
453310	Used Merchandise Stores (including Antiques, Used Books, Second-Hand Clothing, and Thrift Shops), not including Pawnshops and Flea Markets							A	A	A					
453310	Flea Market, Enclosed								A	A					City Code of Ordinances: Chapter 22, Article III <i>Flea Markets and Crafts Markets</i>
453310	Pawnshops								A	A					
453910	Pet and Pet Supply Stores							A	A	A					
453920	Art Dealers (includes commercial studios and galleries); see also under <i>Manufacturing, Artisan</i> for Artisans and Craftsmen								A	A	A				
453930	Manufactured Home Dealers									S		A			Chapter 3, Sec. 1.16
453991	Cigar and Tobacco Shops (excludes Cigar Lounge and Hookah Lounge - see under Arts, Entertainment and Recreation)								S	S					
453998	Art Supply Stores							A	A	A					

Table 2-A: Principal Use Table

NAICS Ref.	Principal Uses ↓	Zoning Districts →	RA	R-1	R-2	R-3	R-4	R-5	C-N	C-1	C-2	O-1	I-1	I-2	For restrictions on principal uses, see:
			<i>A = Allowed</i>						<i>S = Allowed if Approved as a Special Exception</i>			<i>Blank Space = Prohibited</i>			
453998	Swimming Pool and Pool Supply Stores									S	S		A		
453998	Auction House									S	S		S	A	
454	Nonstore Retailers		RA	R-1	R-2	R-3	R-4	R-5	C-N	C-1	C-2	O-1	I-1	I-2	
454110	Electronic Shopping and Mail-Order Houses (without warehouse space for goods)									S	S	A			
454210	Free-standing Automated Ice Vending Machine									S	S				
Commercial Services			RA	R-1	R-2	R-3	R-4	R-5	C-N	C-1	C-2	O-1	I-1	I-2	
236	Building Construction Services		RA	R-1	R-2	R-3	R-4	R-5	C-N	C-1	C-2	O-1	I-1	I-2	
236	Construction Contractors, Builders and Developers (office only; no outdoor storage or displays)										A	A	A	A	
236	Construction Contractors, Builders and Developers (with outdoor storage or displays)												A	A	
52	Financial and Insurance Services		RA	R-1	R-2	R-3	R-4	R-5	C-N	C-1	C-2	O-1	I-1	I-2	
52	Banks, Credit Unions and Savings Institutions, and Insurance Agencies								S	A	A	A			
522	Consumer Lending Services, Check Cashing Services, and Car Title Lending Services									A	A				
	Pawnshops – see under Retail Trade, Ref. 453 Miscellaneous Store Retailers														
532	Rental and Leasing Services		RA	R-1	R-2	R-3	R-4	R-5	C-N	C-1	C-2	O-1	I-1	I-2	
531120	Assembly / Banquet Hall or Event Center, no onsite catering									S	A		A		
722320	Assembly / Banquet Hall or Event Center, with onsite catering									S	A		A		
722320	Caterers (stand-alone facility)									A	A		A		
531130	Mini-warehouses / Self-Storage Units										S		A	A	Chapter 3, Sec. 1.14
532111	Passenger Car Rental										S		A		
532120	Truck, Utility Trailer, and RV Rental and Leasing										S		A		
532	Rental Centers and Stores, Retail Goods: Consumer Electronics and Appliances Rental; Formal Wear and Costume Rental; Home Health Equipment Rental, Recreational Goods Rental; Furniture Rental Center; Party Supply Rental; General Rental Centers										A		A		
532411	Construction Equipment Rental and Leasing												A	A	

Table 2-A: Principal Use Table

NAICS Ref.	Principal Uses ↓	Zoning Districts →	RA	R-1	R-2	R-3	R-4	R-5	C-N	C-1	C-2	O-1	I-1	I-2	For restrictions on principal uses, see:
		<i>A = Allowed</i>	<i>S = Allowed if Approved as a Special Exception</i>						<i>Blank Space = Prohibited</i>						
5613	Employment Support Services														
5613	Employment Placement Agencies, Executive Search Services, and Temporary Help Services									A	A	A			
561330	Professional Employer Organizations									A	A	A			
5614	Business Support Services														
56143	Business Service Centers (including Copy Shops)									S	A	S			
561440	Collection Agencies									A	A	A			
561450	Credit Bureaus									A	A	A			
561491	Repossession Services										A	A			
561492	Court Reporting and Stenotype Services									A	A	A			
Other Business Support Services															
561910	Packaging and Labeling Services										A	A	A		
541380	Testing Laboratories (includes physical, chemical, and other analytical testing; excludes medical and veterinary testing)											S	S		
5418	Advertising Agencies and Public Relations Agencies									A	A	A			
541910	Marketing Research and Public Opinion Polling									A	A	A			
541930	Translation and Interpretation Services									A	A	A			
<i>See also under Administrative and Professional Offices for additional specialized and technical services</i>															
5615	Travel Services														
561510	Travel Agencies									A	A	A			
561591	Convention and Visitors Bureaus									A	A	A			
5616	Investigation and Security Services														
56161	Investigation, Guard, and Armored Car Services												A	A	
561621	Security System Services										A		A	A	
561622	Locksmiths									A	A		A		
5617	Services to Buildings and Dwellings														
561710	Exterminating and Pest Control Services												A	A	
561720	Janitorial Services												A	A	

Table 2-A: Principal Use Table

NAICS Ref.	Principal Uses ↓	Zoning Districts →	RA	R-1	R-2	R-3	R-4	R-5	C-N	C-1	C-2	O-1	I-1	I-2	For restrictions on principal uses, see:	
		<i>A = Allowed</i>	<i>S = Allowed if Approved as a Special Exception</i>							<i>Blank Space = Prohibited</i>						
561730	Landscaping and Lawn Services												A	A		
561740	Carpet and Upholstery Cleaning Services												A	A		
721	Accommodation Services (Temporary Lodging)	RA	R-1	R-2	R-3	R-4	R-5	C-N	C-1	C-2	O-1	I-1	I-2			
721110	Hotel, excluding Extended Stay Hotel									A		S		Chapter 3, Sec. 1.15		
721110	Extended Stay Hotel									S		S		Chapter 3, Sec. 1.15		
721110	Motel									S		S		Chapter 3, Sec. 1.15		
721191	Bed and Breakfast Inn	S			S											
	<i>RV Parks and Campgrounds – see under Arts, Entertainment and Recreation</i>															
722	Food Services and Drinking Places	RA	R-1	R-2	R-3	R-4	R-5	C-N	C-1	C-2	O-1	I-1	I-2			
7225	Restaurants and Specialty Snack and Non-Alcoholic Beverage Shops, without a drive-through window							A	A	A						
7225	Restaurants and Specialty Snack and Non-Alcoholic Beverage Shops, with a drive-through window								A	A						
722511	Brewpubs							A	A	A						
7224	Bars, Taverns and Other Drinking Places (Alcoholic Beverages)								A	A						
8111	Automotive Repair and Maintenance Services	RA	R-1	R-2	R-3	R-4	R-5	C-N	C-1	C-2	O-1	I-1	I-2			
8111	Mechanical Garage and other Automotive Repair and Maintenance Services, except for Automotive Car Washes									A		A		Chapter 3, Sec. 1.4		
811192	Automotive Car Washes and Detailing Services								S	S		A		Chapter 3, Sec. 1.5		
	<i>For automotive accessory sales and/or installation, see under Retail Trade, NAICS Ref. 441 Motor Vehicle and Parts Dealers</i>															
8112	Electronic and Precision Equipment Repair and Maintenance Services (repair only; see under Retail Sales for equipment sales with or without repair)	RA	R-1	R-2	R-3	R-4	R-5	C-N	C-1	C-2	O-1	I-1	I-2			
81121	Electronic and Precision Equipment Repair and Maintenance, Computer and Office Machine Repair and Maintenance, and Communication Equipment Repair and Maintenance									A		A				
8113	Commercial and Industrial Machinery and Equipment Repair and Maintenance Services	RA	R-1	R-2	R-3	R-4	R-5	C-N	C-1	C-2	O-1	I-1	I-2			

Table 2-A: Principal Use Table

NAICS Ref.	Principal Uses ↓	Zoning Districts →	RA	R-1	R-2	R-3	R-4	R-5	C-N	C-1	C-2	O-1	I-1	I-2	For restrictions on principal uses, see:		
		<i>A = Allowed</i>	<i>S = Allowed if Approved as a Special Exception</i>							<i>Blank Space = Prohibited</i>							
811310	Truck and Heavy Equipment Repair												A	A			
81131	Welding Shop												A	A			
8114	Personal and Household Good Repair and Maintenance Services <i>(repair only; no manufacturing on site)</i>	RA	R-1	R-2	R-3	R-4	R-5	C-N	C-1	C-2	O-1	I-1	I-2				
811411	Home and Garden Equipment Repair and Maintenance									S		A	A				
811412	Appliance Repair and Maintenance									S		A	A				
811420	Reupholstery and Furniture Repair									S		A	A				
811430	Shoe and Leather Goods Repair							A	A	A							
81149	Boat Repair and Maintenance									S		A	A	Chapter 3, Sec. 1.16			
81149	Motorcycle Repair and Maintenance									S		A	A	Chapter 3, Sec. 1.16			
81149	Other Personal and Household Good Repair and Maintenance: Garments, Watches, Jewelry, Musical Instruments, and Bicycles							A	A	A							
8121	Personal Care Services	RA	R-1	R-2	R-3	R-4	R-5	C-N	C-1	C-2	O-1	I-1	I-2				
81211	Barber Shops and Beauty Salons							A	A	A							
812113	Nail Salons							A	A	A							
812191	Diet and Weight Reducing Centers							S	A	A							
812199	Massage Therapy and Day Spas							S	S	S				Chapter 3, Sec. 1.13			
812119	Tattoo and Body Piercing Studios							S	A	A							
	<i>For Fitness Centers, Health Clubs and Recreation Centers, see under Arts, Entertainment and Recreation</i>																
8123	Drycleaning and Laundry Services	RA	R-1	R-2	R-3	R-4	R-5	C-N	C-1	C-2	O-1	I-1	I-2				
812310	Coin-Operated Laundries							S	A	A							
812320	Dry-Cleaning and Laundry Services (except Coin-Operated)							A	A	A							
812331	Linen and Uniform Supply									A		A					
812332	Industrial Launderer											A					
	Other Personal Services, Animal Care	RA	R-1	R-2	R-3	R-4	R-5	C-N	C-1	C-2	O-1	I-1	I-2				
541940	Animal Hospitals and Veterinary Clinics								S	S				Chapter 3, Sec. 1.3			
812910	Pet Boarding Kennels, no outdoor runs							S	A	A				Chapter 3, Sec. 1.11			
812910	Pet Boarding Kennels, with outdoor runs								S	S		A		Chapter 3, Sec. 1.11			

Table 2-A: Principal Use Table

NAICS Ref.	Principal Uses ↓	Zoning Districts →	RA	R-1	R-2	R-3	R-4	R-5	C-N	C-1	C-2	O-1	I-1	I-2	For restrictions on principal uses, see:	
		<i>A = Allowed</i>	<i>S = Allowed if Approved as a Special Exception</i>						<i>Blank Space = Prohibited</i>							
Other Personal Services			RA	R-1	R-2	R-3	R-4	R-5	C-N	C-1	C-2	O-1	I-1	I-2		
315210	Tailors and Dressmakers								A	A	A					
541921	Photography Studios, Portrait (including still, video, digital, and passports)									A	A	A				
812210	Funeral Homes									S	S					
812990	Bail Bonding Services									A	A	S				
Professional and Administrative Offices			RA	R-1	R-2	R-3	R-4	R-5	C-N	C-1	C-2	O-1	I-1	I-2		
51	Publishing Offices (For printing of materials, see under Manufacturing, Wholesaling and Warehousing)	RA	R-1	R-2	R-3	R-4	R-5	C-N	C-1	C-2	O-1	I-1	I-2			
51	Newspaper, Periodical, Book and Directory Publishers; Software Publishers (includes software design and development); Music Publishers; and Internet Publishing and Broadcasting and Web Search Portals									S	S	A				
52	Financial Offices (For banks and related uses, see under Commercial Services: Financial and Insurance Services)	RA	R-1	R-2	R-3	R-4	R-5	C-N	C-1	C-2	O-1	I-1	I-2			
522	Credit Card Issuing and Sales Financing; Mortgage and Non-mortgage Loan Brokers; Financial Transactions Processing, Reserve and Clearinghouse Activities									S	S	A				
523	Financial Investments and Related Activities, such as: Portfolio Management and Investment Advice; Securities and Commodity Brokerages; and Trust, Fiduciary, and Custody Activities									S	S	A				
541	Professional Offices	RA	R-1	R-2	R-3	R-4	R-5	C-N	C-1	C-2	O-1	I-1	I-2			
531	Real Estate Office								S	A	A	A				
5411	Lawyers, Notaries and Other Legal Services									A	A	A				
5412	Accounting, Tax Preparation, Bookkeeping and Payroll Services									A	A	A				
5413	Architectural, Engineering, Surveying and Related Services (except Testing Laboratories; see under Commercial Services, Other Business Support Services, NAICS Ref. 541380)									A	A	A				
5414	Interior Design, Graphic Design and other Specialized Design Services									A	A	A				
621	Medical Offices	RA	R-1	R-2	R-3	R-4	R-5	C-N	C-1	C-2	O-1	I-1	I-2			

Table 2-A: Principal Use Table

NAICS Ref.	Principal Uses ↓	Zoning Districts →	RA	R-1	R-2	R-3	R-4	R-5	C-N	C-1	C-2	O-1	I-1	I-2	For restrictions on principal uses, see:	
		<i>A = Allowed</i>	<i>S = Allowed if Approved as a Special Exception</i>							<i>Blank Space = Prohibited</i>						
6211	Offices of Physicians										A	A				
6212	Offices of Dentists										A	A				
6213	Offices of Optometrists, Chiropractors, Mental Health Practitioners (not Physicians), Therapists (Physical, Occupational and Speech), Podiatrists and Other Health Specialists										A	A				
6215	Medical and Diagnostic Laboratories											A	A			
Arts, Entertainment and Recreation			RA	R-1	R-2	R-3	R-4	R-5	C-N	C-1	C-2	O-1	I-1	I-2		
711	Performing Arts and Spectator Sports		RA	R-1	R-2	R-3	R-4	R-5	C-N	C-1	C-2	O-1	I-1	I-2		
7111	Performing Arts Theater: Drama, Dance, Music, Comedy (includes outdoor amphitheaters)									S	S		A	A		
711310	Arena, Stadium, or Other Facility for Presenting Sporting Events										S		S	S		
711510	Taxidermists										S		A	A		
Museums, Historical Sites, and Similar Institutions			RA	R-1	R-2	R-3	R-4	R-5	C-N	C-1	C-2	O-1	I-1	I-2		
7121	Museums and Commercial Historical Sites, including non-retail Art Galleries (see "Art Dealers" under Miscellaneous Store Retailers for retail galleries)									S	S	A	A	A		
519120	Libraries and Archives									S	S	A	A	A		
Amusements and Recreation, Indoor			RA	R-1	R-2	R-3	R-4	R-5	C-N	C-1	C-2	O-1	I-1	I-2		
512131	Motion Picture Theaters (except Drive-Ins)									S	A					
512132	Motion Picture Theaters, Drive-In										S					
713110	Amusement and Fun Parks, Indoor									S	A		A			
713120	Arcades and Game Rooms									S	A		A			
713940	Fitness Centers, Health Clubs, Gymnasiums, and Recreation Centers (includes Non-Profit facilities, e.g. YMCA)									A	A	A	A			
713940	Skating Rink									S	A		A			
713950	Bowling Centers									S	A		A			
713990	Batting Cage Facilities, Indoor									S	A		A			
713990	Archery or Shooting Ranges, Indoor									S	A		A			

Table 2-A: Principal Use Table

NAICS Ref.	Principal Uses ↓	Zoning Districts →	RA	R-1	R-2	R-3	R-4	R-5	C-N	C-1	C-2	O-1	I-1	I-2	For restrictions on principal uses, see:	
		<i>A = Allowed</i>	<i>S = Allowed if Approved as a Special Exception</i>							<i>Blank Space = Prohibited</i>						
713990	Billiard and Pool Halls									S	A					
713990	Cigar Lounges (with or without retail component)									S	A					
713990	Hookah Lounges									S	A					
713940	Aquatic Center										S		S	S		
713990	Adult Entertainment Establishments										A				City of Fort Oglethorpe Adult Entertainment Establishments Ordinance	
713	Amusements and Recreation, Outdoor	RA	R-1	R-2	R-3	R-4	R-5	C-N	C-1	C-2	O-1	I-1	I-2			
713910	Golf Courses, with or without a Country Club	S	S	S	S	S	S		S	S					Chapter 3, Sec. 1.9	
713990	Recreational or Youth Sports Fields or Courts								S	S						
713990	Miniature Golf Course								S	A						
713990	Golf Driving Range, not associated with a Golf Course								S	A						
713990	Playgrounds, Tennis Courts, Community Swimming Pools or Other Recreation Amenities that are a part of and serve a residential development but located on a separate lot	A	A	A	A	A	A								Chapter 3, Sec. 1.19	
721	Amusements and Recreation, with Lodging	RA	R-1	R-2	R-3	R-4	R-5	C-N	C-1	C-2	O-1	I-1	I-2			
721211	RV (Recreational Vehicle) Parks	S										S				
721211	Campgrounds (tents and RVs)	S														
Manufacturing, Wholesaling and Warehousing		RA	R-1	R-2	R-3	R-4	R-5	C-N	C-1	C-2	O-1	I-1	I-2			
	Manufacturing, Artisan <i>(enclosed facilities and storage; with or without retail sales)</i>	RA	R-1	R-2	R-3	R-4	R-5	C-N	C-1	C-2	O-1	I-1	I-2			
327	Pottery, Ceramics, and Blown Glass Artisans/Craftsmen Studios								A	A		A	A			
33232	Ornamental and Architectural Metal Work Artists/Craftsmen Studios								A	A		A	A			
331410	Tinsmith Shop								A	A		A	A			
337	Custom Cabinet Shop; Custom Architectural Woodwork and Millwork Craftsmen Studios								A	A		A	A			
33991	Jewelry Artisan/Craftsmen Studios								A	A		A	A			
312	Manufacturing, Alcoholic Beverages <i>(with or without tasting rooms and tours)</i>	RA	R-1	R-2	R-3	R-4	R-5	C-N	C-1	C-2	O-1	I-1	I-2			

Table 2-A: Principal Use Table

NAICS Ref.	Principal Uses ↓	Zoning Districts →													For restrictions on principal uses, see:	
		RA	R-1	R-2	R-3	R-4	R-5	C-N	C-1	C-2	O-1	I-1	I-2			
		A = Allowed							S = Allowed if Approved as a Special Exception				Blank Space = Prohibited			
312120	Brewery								A	A		A	A			
312140	Distillery								A	A		A	A			
	Manufacturing, Industrial	RA	R-1	R-2	R-3	R-4	R-5	C-N	C-1	C-2	O-1	I-1	I-2			
311	Food Manufacturing, excluding Animal Slaughtering and Processing; Fat Rendering; Bone Distillation; Oil Refining and Processing; Yeast Manufacturing; and Retail Bakeries (<i>Retail Bakeries are addressed under Retail Trade</i>)											S	A			
313	Textile Mills, excluding Oilcloth Manufacturing											S	A			
314	Textile Product Mills (such as carpet, rug, curtain and linen mills)											S	A			
315	Apparel Manufacturing, excluding Tailors and Dressmakers (<i>see under Commercial Services: Other Personal Services</i>)											S	A			
316	Leather and Allied Product Manufacturing, excluding Leather and High Tanning and Finishing											S	A			
321	Wood Product Manufacturing, except Sawmills and Wood Preservation											S	A			
321	Sawmills and Storage Lots												A			
322	Paper Manufacturing												S			
3231	Books and Commercial Printing											S	A			
325	Basic Chemical Manufacturing, including Pharmaceuticals and Medicines, but excluding the manufacture of Acid, Adhesives/Glue, Explosives, and Fertilizer												S			
327	Non-Metallic Mineral Product Manufacturing excluding the manufacture of Cement, Gypsum Board and Plaster of Paris												S			
332	Fabricated Metal Manufacturing											S	A			
334	Computer and Electronic Product Manufacturing												A			
335	Electrical Equipment, Appliance, and Component Manufacturing												A			
336	Transportation Equipment Manufacturing												A			
337	Furniture and Related Products Manufacturing											S	A			
3391	Medical Equipment and Supplies Manufacturing												A			

Table 2-A: Principal Use Table

NAICS Ref.	Principal Uses ↓	Zoning Districts →	RA	R-1	R-2	R-3	R-4	R-5	C-N	C-1	C-2	O-1	I-1	I-2	For restrictions on principal uses, see:	
		<i>A = Allowed</i>	<i>S = Allowed if Approved as a Special Exception</i>							<i>Blank Space = Prohibited</i>						
3399	Miscellaneous Manufacturing: Sporting Goods; Toys and Games; Non-Paper Office Supplies; Musical Instruments, Brooms, Brushes, and Mops; Fasteners, Buttons, Needles, and Pins; Gasket, Packing, and Sealing Devices, and Burial Caskets												S	A		
339950	Sign Manufacturing										S		S	A		
	Wholesale Trade	RA	R-1	R-2	R-3	R-4	R-5	C-N	C-1	C-2	O-1	I-1	I-2			
42	Wholesaler with a Retail Outlet or Customer Showrooms, no Outdoor Storage									S			A	A		
42	Wholesale Trade with Outside Storage, except Junk and Scrap Yards												S	A		
423110	Medium- and Heavy-Duty Trucks, Recreational Vehicles (RVs), Buses, and Similar Motor Vehicle Dealer												A	A	Chapter 3, Sec. 1.16	
	Warehousing and Storage (for Mini-warehouses/Self Storage Units, see Rental and Leasing Services under Commercial Services)	RA	R-1	R-2	R-3	R-4	R-5	C-N	C-1	C-2	O-1	I-1	I-2			
493	Distribution Center												A	A		
49311	General Warehousing and Indoor Storage												A	A		
424710	Fuel Yard													S	Chapter 3, Sec. 2.6	
493190	Lumber Storage Terminals												S	A		
512240	Sound Recording Studios, with soundproofing												A	A		
512110	Motion Picture and Video Production (including sound stages)												A	A		
51219	Motion Picture and Video Postproduction Services												A	A		
	Transportation, Communications & Utilities	RA	R-1	R-2	R-3	R-4	R-5	C-N	C-1	C-2	O-1	I-1	I-2			
	Transportation	RA	R-1	R-2	R-3	R-4	R-5	C-N	C-1	C-2	O-1	I-1	I-2			
4853	Taxi and Limousine Service									S			S	A		
485510	Charter Bus Terminal												S	A		
48599	Special Needs Transportation, Shuttle Services, Vanpools and Other Ground Passenger Transportation												S	A		
488410	Motor Vehicle Towing and Wrecker Services													S	City Code of Ordinances: Chapter 22, Article V Wrecker Service	
488490	Truck Terminal													A		

Table 2-A: Principal Use Table

NAICS Ref.	Principal Uses ↓	Zoning Districts →	RA	R-1	R-2	R-3	R-4	R-5	C-N	C-1	C-2	O-1	I-1	I-2	For restrictions on principal uses, see:	
		<i>A = Allowed</i>	<i>S = Allowed if Approved as a Special Exception</i>							<i>Blank Space = Prohibited</i>						
492110	Courier and Express Delivery Services (FedEx, UPS), sorting and forwarding (“UPS Store” would be classified under Commercial Services, NAICS Ref. 56143 Business Service Centers)												S	A		
492210	Local Messengers and Local Delivery Services (includes grocery and restaurant meal services, independent of a grocery store or restaurant)												S	A		
621910	Ambulance Services										S		S	S		
812930	Parking Garages										S	S				
	<i>For Automobile Auctions, see under Retail Trade – Miscellaneous Store Retailers</i>															
	<i>For Truck Stops, see under Retail Trade – Gas Stations</i>															
	Communications		RA	R-1	R-2	R-3	R-4	R-5	C-N	C-1	C-2	O-1	I-1	I-2		
5151	Radio and Television Broadcasting Stations										S		A	A		
51731	Wireless Telecommunication Carriers (<i>excluding Retailing New Cellular Phone Telephones and Communication Service Plans; see under Retail Trade</i>)										S		A	A		
5179	Telecommunication Support Structures (includes cell towers), Co-locations, and Small-Cell Infrastructure	<i>See City of Fort Oglethorpe Code of Ordinances</i>														
	Utilities		RA	R-1	R-2	R-3	R-4	R-5	C-N	C-1	C-2	O-1	I-1	I-2		
	Utility Substation and Other Public Utilities		S	S	S	S	S	S	S	S	S	S	A	A	Chapter 3, Sec. 1.18	

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ARTICLE 1. - RESTRICTIONS ON PRINCIPAL USES.

Sec. 1.1. - General provisions.

- (a) This Article identifies restrictions and requirements that apply to specific principal uses that are otherwise allowed in the city.
- (b) Unless otherwise noted, the requirements in this Article are intended to be applied within all zoning districts where the particular uses are allowed, whether by right or through special exception approval.
- (c) See also Chapter 4 of this Code for development standards that apply to all lots and principal structures by zoning district. Where this a conflict between this Chapter 3 and Chapter 4, the requirements in this Article shall apply.
- (d) The definitions of certain terms referenced in this Article are set forth in Chapter 10 *Interpretation and Definitions*.

Sec. 1.2. - Agricultural uses.

- (a) The raising of livestock shall be allowed on a minimum of 1 acre. No more than two animals per acre is allowed.
- (b) The raising of poultry is prohibited in all zoning districts.

Sec. 1.3. - Animal hospitals.

- (a) Any structure or outside area associated with an animal hospital or veterinary clinic shall be a minimum of 100 from any residential district or use.
- (b) In addition to meeting the requirements in subsection (a) above, animal hospitals and veterinary clinics in the C-1 district shall also treat only small animals.

Sec. 1.4. - Auto repair.

Mechanical garages (as defined in Chapter 10 if this Code), tire retreading and recapping establishments shall not be located within 100 feet of a residential district or use.

Sec. 1.5. - Automotive car wash.

Self-serve car washing facilities in the C-1 zoning district shall be located on an arterial roadway.

Sec. 1.6. - Churches and other places of worship.

- (a) Frontage shall be on a collector or arterial street, and all property access to the property shall also be from a collector or arterial street.
- (b) All buildings shall be placed no less than 50 feet from property lines. This requirement applies to principal and accessory buildings.
- (c) A landscape buffer type "A" shall be provided along rear and side property lines in accordance with the specifications listed under the "Buffer Types" section of Chapter 4 in this Code.

Sec. 1.7. - Fuel yard.

Outside aboveground tanks for the storage of gasoline, liquefied petroleum gas, oil or other inflammable liquids or gases shall not be located within 500 feet to any residential district or use.

Sec. 1.8. - Gas stations.

- (a) Pumps shall be set back at least 15 feet from any property line.
- (b) All pumps shall be set back at least 15 feet from the right-of-way line, or where a future widening setback line has been established, this setback shall be measured from such line.
- (c) The number of curb breaks shall not exceed two for each 100 feet of street frontage, each having a width of not more than 30 feet or less than 25 feet and located not closer than 15 feet to a street intersection. Two or more curb breaks on the same street shall be separated by an area of not less than 10 feet.
- (d) When the station abuts a residential district or use, it shall be separated therefrom by a solid wall or equivalent planting screen at least 6 feet high.
- (e) No storage tank shall be placed above ground.

Sec. 1.9. - Golf course.

- (a) Hours of operation must be for daytime use only.
- (b) All buildings, greens, and fairways must be set back at least 100 feet from any property line.

Sec. 1.10. - Hospitals.

- (a) Minimum lot area is 3 acres.
- (b) Minimum side and rear yards are 50 feet.
- (c) Lot must front on an arterial road.

Sec. 1.11. - Kennels.

All structures and outdoor runs must be set back 200 feet from all residential zoning districts or uses.

Sec. 1.12. - Manufactured homes.

- (a) The manufactured home unit shall bear an insignia issued by the Department of Housing and Urban Development (HUD) certifying that the unit is constructed in conformance with the Federal Manufactured Home Construction and Safety Standards which came into effect on June 15, 1976.
- (b) The manufactured home unit shall be oriented with its long axis parallel to the street on which the subdivision lot fronts.
- (c) The manufactured home unit must be skirted completely enclosing the undercarriage, and it must be connected to water and sewage in compliance with the applicable regulations.

- (d) A tax decal must be obtained from Catoosa County and displayed as required by this office.
- (e) Prior to the allowance of permanent occupancy of a manufactured home site within the city such manufactured homes shall be connected with an approved water source and an approved sewage disposal system in such a manner as to comply with the City of Fort Oglethorpe's requirements and any applicable state health codes, which codes are insofar as they are applicable, hereby made a part of these regulations to the same extent as though herein set out in full.
- (f) Manufactured homes shall meet the following compatibility standards to protect and preserve the overall existing character of established neighborhoods and the property values of the residential area. Compatibility standards shall apply when a manufactured home is approved as a special exception use in the R-A zoning district and are as follows:
 - (1) All towing devices, wheels, axles and hitches must be removed.
 - (2) Skirting will be required on all manufactured homes. Acceptable materials include masonry, stone or other materials approved by the Building, Planning and Zoning Director that will be compatible and harmonious with existing structures in the vicinity.
 - (3) At each exit door there must be a landing that is a minimum of 36 inches by 36 inches.
 - (4) The minimum width of the structure built or installed on the site shall 16 feet or greater.
 - (5) The minimum heated and cooled floor area shall be in conformity with the established neighborhood.
 - (6) The roof shall have a minimum 2:12 roof pitch and shall have a surface of wood shakes, asphalt composition, wood shingles, fiberglass or metal tiles, slate, materials or comparable materials approved by the Building, Planning and Zoning Director. Corrugated metals or plastic panels are prohibited.
 - (7) The exterior siding materials shall consist of brick, wood, masonry, stucco, masonite, metal or vinyl lap designed for such purposes or other materials of like appearance approved by the Building, Planning and Zoning Director, but shall not include corrugated metal or plastic panels.
 - (8) The manufactured home shall be attached to a permanent foundation. A permanent foundation shall mean a concrete slab, concrete footers, foundation wall pilings or post construction which complies with the Manufactured Home Construction and Safety Standards, 24 CFR Part 3280 (HUD Code).
- (g) For additional requirements pertaining to manufactured home subdivisions and manufactured home parks, see the "Specific Requirements for R-4 Zoning District" section in Chapter 4 of this Development Code.

Sec. 1.13. - Massage therapy establishments.

Massage therapy establishments shall be licensed by the Georgia Board of Massage Therapy.

Sec. 1.14. - Mini-warehouses.

- (a) Storage buildings shall be climate-controlled.
- (b) Use shall be limited to the temporary storage of personal property only.
- (c) All storage shall be within the building area.
- (d) No auctions, garage sales, or commercial sales or uses shall be conducted on the site.

Sec. 1.15. - Motels, hotels and extended stay hotels.

When located in the I-2 zoning district, the use shall be located adjacent to a state or federal highway and contain a minimum lot area of 40,000 square feet.

Sec. 1.16. - Motor vehicle, RV, and manufactured home sales.

- (a) Any mechanical or body repair structure shall be enclosed, and no parts or waste material shall be stored outside.
- (b) The requirement in this Section (a) above shall also apply to mechanical and body repair structures for boats, motorcycles, trucks, buses and other vehicles.

Sec. 1.17. - Multifamily dwellings and two-family dwellings.

The following requirements shall apply to duplexes, townhomes, and apartments.

- (a) The following exterior cladding materials are prohibited: vinyl siding, synthetic stucco, and brick veneers.
- (b) There shall be a maximum of eight units per building of attached townhome units.

Sec. 1.18. - Utility structures and buildings.

- (a) In residential zoning districts, the following requirements shall apply to public utility structures:
 - (1) No office shall be allowed.
 - (2) No equipment or vehicles may be stored on the site.
 - (3) Utility substations must be placed at least 30 feet from all property lines.
 - (4) Utility substations shall be enclosed by a woven wire fence at least 8 feet high with bottom of fence either flush with the ground or with masonry footing.
 - (5) A buffer type "A" must be maintained along the side and rear property lines in accordance with the specifications under the "Buffer Types" section in Chapter 4 of this Code.
- (b) In commercial zoning districts, structures for the storage of supplies, equipment, or service operations are allowed when screened by a buffer type "A" in accordance with the specifications under "Buffer Types" in Chapter 4 of this Code.

Sec. 1.19. - Recreation amenities.

No building for such recreation use that is part of and serves a residential development shall be located within 100 feet of any property line.

Sec. 1.20. - Used car sales lot.

- (a) In all zoning districts where used car sales lot are allowed, no repair work shall be done except the necessary reconditioning of the cars to be displayed and sold on the premises.
- (b) In the C-1 zoning district, the following additional restrictions apply:
 - (1) Used car lots shall not maintain for sale more than 10 cars at any one time.
 - (2) The used car lot shall be located on an arterial street.

ARTICLE 2. - RESTRICTIONS ON ACCESSORY USES AND STRUCTURES

Sec. 2.1. - General provisions.

- (a) The following Article identifies restrictions that apply to specific accessory uses and structures.
- (b) Except as specifically regulated under this Article, the “Locations of Accessory Structures on Residential Lots” section in Chapter 4 of this Development Code establishes setback and height restrictions for accessory buildings and structures, including walls and fences.
- (c) The definitions of certain terms referenced in this Article are set forth in Chapter 10 *Interpretation and Definitions*.

Sec. 2.2. - Dumpsters.

Dumpsters shall be screened in the manner described below:

- (a) Screening shall be a minimum height of 6 feet;
- (b) All four sides of the dumpster shall be screened;
- (c) The screen should incorporate access to the dumpster by using a wood fence or other opaque device to serve as a gate;
- (d) Screening materials can be any combination of evergreen plantings, wood, or masonry material.

Sec. 2.3. - Home occupations.

Home occupations are accessory uses in residential districts and shall be governed by this Section. These standards are intended to ensure compatibility with the residential character of a neighborhood and to emphasize the clearly secondary or incidental status of the home occupation in relation to the residential use of the principal building.

- (a) Standards.

The following standards must be met for all home occupations:

- (1) Such occupations shall be conducted solely by occupants at the residence.

Sec. 2.3. - Home occupations.

- (2) The applicant for a business license must be the owner of the property on which the home occupation is to be located; or, if applicant is a tenant, he must have written approval of the owner of the property.
 - (3) No more than 25% of the gross floor area shall be utilized. This limitation applies to the aggregate floor area of all areas devoted to the home occupation, whether located within the dwelling or in an accessory structure to the dwelling.
 - (4) No structural alteration of the residence, accessory buildings, or the property shall be made.
 - (5) There shall be no display that will indicate from the exterior that the building is being used in part for any purpose other than that of a dwelling.
 - (6) No outside storage related to the home occupation shall be allowed.
 - (7) There shall be no commodity sold upon the premises and no mechanical equipment shall be used except that which is normally used for purely domestic or household purposes.
 - (8) The use may increase vehicular traffic flow and parking by no more than one additional vehicle at a time.
 - (9) One commercial vehicle is allowed in connection with the home occupation.
 - (10) Such occupation shall be located and conducted in such a manner that the average neighbor, under normal circumstances, would not be aware of its existence.
 - (11) No uses shall create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard, or any other hazard or nuisance to a greater or more frequent extent than that usually experienced in an average residential occupancy.
 - (12) See Chapter 5 of this Code for allowed signs in residential zoning districts.
 - (13) No subsequent occupant of such premise shall engage in any home occupation until proper application has been made, and a new business license issued.
- (b) Home occupations allowed.

The following home occupations are allowed.

(1) Home office.

A home occupation that is limited to an office use and does not involve visits or access by the public, suppliers or customers, and does not involve the receipt, maintenance, repair, storage or transfer of merchandise at the home is allowed.

(2) Home business.

A home occupation that is limited to the use of a practicing professional or artist, or to the office use of the operator of a business, and may involve very limited visits or access by clients or customers and the maintenance, repair, storage or transfer of merchandise received at the home is allowed. Examples of home businesses include, but are not limited to:

Sec. 2.4. - Outdoor display areas.

- a. Artists, sculptors, authors, or composers.
- b. Dressmakers, seamstresses, or tailors.
- c. Tutors and musical instructors.
- d. Home crafts, such as model making, rug weaving, and lapidary work.
- e. Cottage food operators, as defined, regulated and licensed by the Georgia Department of Agriculture.
- f. Taxidermist, upon approval as a special exception use by City Council.
- g. Pet grooming, upon approval as a special exception use by City Council.

(c) Home occupations not allowed.

Home occupations allowed shall not, in any event, be deemed to include the following:

- (1) Funeral chapels or funeral homes.
- (2) Nursery schools, kindergartens, day care centers.
- (3) Private clubs.
- (4) Restaurants.
- (5) Tourist homes, with the exception that Bed and Breakfast Inns may be allowed upon approval as a special exception use in the R-A and R-3 zoning districts (see the Principal Use Table in Chapter 2).
- (6) Stables or kennels.
- (7) Auto repair or similar establishments.
- (8) Any other occupation that the Building, Planning and Zoning Director finds incompatible with the purposes and intent of this Article.

Sec. 2.4. - Outdoor display areas.

Merchandise or goods that are sold on-site by the principal use may be on display outdoors for the purpose of customer selection or direct sale or lease for customers only as follows in this Code Section.

(a) Allowed permanent displays.

Below is listed the type of merchandise or goods that may be located in outdoor display areas on a permanent basis where the principal use is otherwise allowed, with the exception that outdoor displays in the C-N and C-1 zoning districts require special exception approval by City Council.

- (1) Motorized vehicles that are in good running condition free from exterior damage or substantial wear.
- (2) Manufactured homes.
- (3) Utility sheds, gazebos and play equipment.

Sec. 2.5. - Outdoor storage.

- (4) Plant nursery items.
 - (5) Light building materials such as lumber, patio pavers and decorative stone; yard furniture such as benches, swings and bird baths; and yard maintenance materials such as fertilizer, mulch, straw and seed.
 - (6) Vending machines or similar containers used to distribute food or beverage, newspapers, propane tanks, ice, videos or similar consumer products.
- (b) Restrictions.
- (1) Merchandise or goods on display outdoors must be located at least 20 feet from any property line, with the exception that vending machines and all other items listed under Subsection (a)(6) above shall be located against and parallel to the building façade of the principal building.
 - (2) The proposed display of propane cylinders is subject to review and approval of the Fire Marshal.

Sec. 2.5. - Outdoor storage.

The outdoor storage of goods, material or merchandise not otherwise on display for customer selection or direct sale or lease to customers, where the use is otherwise allowed, is limited as follows:

- (a) Outdoor storage in commercial zoning districts.
- (1) Outdoor storage is prohibited in the C-N zoning district.
 - (2) Outdoor storage is allowed in the C-1 and C-2 zoning districts with special exception approval only.
 - (3) All outdoor storage must be located in a side or rear yard and must be screened from public streets and residential districts or uses by an opaque imitation-wood vinyl fence or free-standing wall no less than 8 feet in height or a landscape buffer that demonstrates to the Director of Building, Planning and Zoning that a similar effect can be achieved.
 - (4) No required parking spaces, required landscaped area, or any other required site element shall be used for outdoor storage.
- (b) Outdoor storage in industrial zoning districts.
- Building material or other outdoor storage yards, except junk yards and any other prohibition identified in the Principal Use Table in Chapter 2, are allowed in the I-1 and I-2 zoning districts if they meet the following requirements.
- (1) They shall not be located within a required front yard.
 - (2) They shall be set back at least 25 feet from any side or rear property lines and shall be screened by a solid, opaque fence or wall at least 8 feet high which is set back a similar distance from any side or rear property lines.
 - (3) They shall be established in connection with an allowed principal use.

Sec. 2.6. - Outside aboveground tanks.

Outside aboveground tanks for the storage of gasoline, liquefied petroleum gas, oil or other inflammable liquids or gases shall not be located within 500 feet to any residential district or use.

Sec. 2.7. - Swimming pool, home.

A home swimming pool shall not be located closer than 10 feet to any property line.

Sec. 2.8. - Satellite dish antenna.

- (a) Satellite dish antenna shall be allowed in all zoning districts.
- (b) In all residential zones, the following requirements will apply:
 - (1) Antenna will be erected only in a rear or side yard and the setback requirements from the property line will be the same as those required of an accessory building.
 - (2) Location of the antenna must be approved by Department of Building, Planning and Zoning before installation can begin.
- (c) In all other zoning districts, antenna will be so placed as not to create a hazard to traffic or public utilities.

ARTICLE 3. - RESTRICTIONS ON TEMPORARY USES AND BUILDINGS

Sec. 3.1. - Temporary uses.

- (a) In the C-1 and C-2 zoning districts, temporary uses are allowed for a period not to exceed two months in any calendar year. Temporary uses include the sale of Christmas trees, carnivals, church bazaars, tent revivals, and sale of seasonal fruits and vegetables from roadside stands.
- (b) Garage sales are allowed in residential zoning districts in accordance with Chapter 22, Article VIII Garage and Rummage Sales in the City Code of Ordinances.

Sec. 3.2. - Temporary buildings.

- (a) Temporary buildings may be used only in conjunction with construction work in any zoning district and shall be removed immediately upon the completion of construction.
- (b) A certificate of zoning compliance must be obtained for use of a temporary building.

CHAPTER 4. LOT AND BUILDING STANDARDS

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ARTICLE 1. - DIMENSIONAL REQUIREMENTS; GENERALLY

Sec. 1.1. - Scope.

This Article addresses general requirements pertaining to the size of lots and the placement of buildings and structures on a lot.

Sec. 1.2. - Definitions.

The definitions of certain terms referenced in this Chapter are set forth in Chapter 10 *Interpretation and Definitions*.

Sec. 1.3. - Lots; general regulations.

(a) Lot may not be reduced in size below minimum requirements.

No parcel of land, even though it may consist of one or more adjacent lots of record, shall be reduced in size so that lot width or depth, front, side, or rear yard, inner or outer courts, lot area per unit, or other requirements of this Code are not maintained. This Section shall not apply when a portion of a lot is acquired for public use.

(b) Lot size.

- (1) All lots shall conform to the area requirements set forth in the zoning districts in which they are located. See Table 4-A in this Chapter.
- (2) Residential corner lots shall have adequate width to permit appropriate building setbacks from and orientation to both abutting streets.

(c) Building lines.

A building line, meeting the front, rear and side yard setback requirements of the zoning district in which the parcel of land is located, shall be established on all lots.

(d) Double frontage lots.

- (1) Double frontage lots should be avoided, except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation.
- (2) When allowed, a strip of land at least 10 feet in width, and across which there shall be no right of access, shall be provided along the lot or line of lots abutting such traffic artery.
- (3) See also Sec. 1.8. - (b) below for setback requirements pertaining to double frontage lots.

(e) Lots must abut public street.

No building, dwelling or structure shall be erected on a lot or portion of a lot which does not abut a public road or a road that is to be dedicated to the public, with the exception that in some circumstances private roads may be allowed in accordance with the requirements of Chapter 7 *Infrastructure Improvements* of this Development Code.

Sec. 1.4. - Buildings to be located on lots.

Every building hereafter erected or structurally altered shall be located on a lot of record, and in no case shall there be more than one principal building and the customary accessory buildings on one lot or parcel of land.

Sec. 1.5. - Locations of accessory structures on residential lots.

(a) Accessory buildings; attached.

- (1) Where an accessory building is attached to the principal building, a substantial part of one wall of the accessory building must be an integral part of the main building or such accessory building must be attached to the principal building in a substantial manner by a roof, such as a breezeway or roofed passage.
- (2) Such attached accessory building shall comply in all respects with the requirements applicable to the principal building.

(a) Accessory buildings; detached.

- (1) No detached accessory building shall be located on the front yard of a lot.
- (2) A detached accessory building shall not be constructed closer than 3 feet to the side and rear lot lines.
- (3) A detached accessory building shall not exceed 12 feet in height, nor occupy more than 35% of a required rear yard.

(b) Other accessory structures; fences, walls and hedges.

- (1) In any residential district, no fence or structure shall be maintained within 25 feet of any corner street intersection, nor beyond the front building line.
- (2) No fence, wall, structure, or hedge, or other continuous planting shall be erected, placed or maintained on any lot line or within any front, rear or side yard not more than 8 feet in height, measured from the natural contour of the ground adjoining lots or the particular lot (whichever is lower), except as follows:
 - a. Where a residential lot abuts a business or industrial lot upon which a business is located; or
 - b. Where peculiar circumstances warrant approval as a hardship variance by the Planning Advisory Board, with the exception that the Building, Planning and Zoning Director may approve variances from maximum fence height requirements in accordance with the requirements in Chapter 9 *Appeals*.

Sec. 1.6. - Site distance at intersections.

In all zoning districts, no fence, wall, hedge, or shrub planting which obstructs the site lines at elevations between 2 and 12 feet above the roadways shall be placed on any corner lot within the triangular area formed by the street property lines and a line connecting them at points 25 feet from the intersection of the street lines, or in the case of a rounded property corner, from the intersection of the street property lines.

Sec. 1.7. - Building height restrictions.

- (a) General application.
 - (1) No building or structure shall hereafter be erected, constructed, or altered so as to exceed the height limits specified in this Development Code and set out for the zoning district in which it is located.
 - (2) Building height shall be measured as described in the definition for “Building, height of” in Chapter 10 of this Code.
- (b) Exceptions.
 - (1) The building height restrictions imposed on buildings and structures by this Code for each zoning district shall not apply to the following buildings or structures:
 - a. Churches, schools, hospitals, sanitariums, and other public buildings and public utility structures. There shall be no restriction on the height of such buildings or structures, provided on the front, side, and rear yards required in the district in which such building is to be located shall be increased an additional 1 foot for each 10 feet that the building exceeds the maximum height permitted in the zoning district;
 - b. Barns, silos, grain elevators, other farm structures, belfries, cupolas, domes, monuments, water towers, transmission towers, wireless telecommunication facilities, windmills, chimneys, smokestacks, flagpoles, radio towers, masts, and aerials; and
 - c. Where located on building roofs, bulkheads, water tanks, scenery lofts, and similar structures, provided that such structures shall not cover more than 25% of the total roof area of the building.
 - (2) None of these exceptions to height limits shall apply to signs, which shall be subject to all height limitations of the zoning district in which they are located and other applicable requirements as listed in Chapter 5 *Sign Regulations*.

Sec. 1.8. - Yards, minimum setbacks.

- (a) General requirements.
 - (1) Where setback lines have been established on streets, roads or highways, the front yard of all lots and the side yards of corner lots shall be measured from such setback lines.
 - (2) The minimum yards and other open spaces required by this Development Code for each building shall not be considered as a yard or open space for any other building.
 - (3) Front, side and rear yards shall be as defined in Chapter 10 of this Code.
- (b) Double-frontage lots (or, “through lots”).

On double frontage lots, the required front yard shall be provided on each street.
- (c) Corner lots.

Sec. 2.1. - Consolidated requirements for lots and principal buildings.

- (1) The applicant or developer will be required to designate one of the street frontages as the front and will build the principal building facing the front.
 - (2) The yard opposite the designated front must there meet the required rear yard setback.
 - (3) The interior side yard would meet the required side yard setback.
 - (4) The exterior side yard shall be at least 50% of the depth of the front yard of the lot to the rear of the corner lot and facing the intersecting street.
 - (5) In established neighborhoods, building placement on corner lots shall maintain a consistent pattern of development.
- (d) Projections into required yards.

The minimum yards and other open spaces required by this Development Code shall not be encroached upon, with the following exceptions:

- (1) Every part of a required yard shall be open from its lowest point to the sky, unobstructed, except for the ordinary projections of sills, belt courses, cornices, buttresses, ornamental features, chimneys and eaves, but none of these projections shall project into a minimum side yard more than 24 inches.
- (2) Open or enclosed fire escapes, fireproof outside stairways and balconies may project into a minimum yard or court not more than 3.5 feet. Ordinary projections of chimneys and flues shall be allowed.

ARTICLE 2. - DIMENSIONAL REQUIREMENTS BY ZONING DISTRICT

Sec. 2.1. - Consolidated requirements for lots and principal buildings.

- (a) Requirements for the City's zoning districts relating to the minimum area, width and frontage, the maximum height of a building, minimum setbacks for front, side and rear yards, and other dimensional requirements as they relate to a principal building are included in Table 4-A below.
- (b) Some requirements specific to certain zoning districts are not found in Table 4-A but are presented in this Article below.
- (c) No building shall be moved, erected, reconstructed or structurally altered, nor shall any building or land be used which does not comply with all the district regulations specified by this Article for the district in which the building or land is located in addition to other applicable provisions in this Code.

Sec. 2.1. - Consolidated requirements for lots and principal buildings.

Table 4-A: Area Requirements for Lots and Principal Buildings

Zoning District	Minimum Lot Area (in square feet)		Minimum Lot Width at the Building Line (in feet)	Minimum Yard Requirement (in feet)			Maximum Building Height (in feet)	Maximum Density (dwelling units per acre)	Minimum Dedicated Open Space (percent of gross acreage)
	Served by Approved Water and Sewer ¹	Not Served by Sewer ²		Front	Side	Rear			
RA	1 acre	1 acre	120	30	10 for a dwelling 25 for non-residential structures	30	35	n/a	n/a
R-1	10,000	As required by Environmental Health Department	100	30	10 for a dwelling 25 for non-residential structures	20	35	n/a	n/a
R-2	8,000	15,000 or as required by Environmental Health Department	75	30	8 for a dwelling 25 for non-residential structures	20	35	n/a	n/a
R-3	7,000	n/a	70	25	8 for a dwelling 25 for non-residential structures	30	35	n/a	10% for all uses with the exception of single-family development
R-4	See Sec. 2.2. - Specific requirements for R-4 zoning district.								
R-5 ⁴	5,000 for two-family dwelling	n/a	50	30	8 for a dwelling ³ 25 for non-residential structures	30	35	For townhome developments: Up to 7.5 du/ac, allowed by right; Between 7.5 and 12 du/ac, allowed upon approval as a Special Exception	30% for townhome developments, with recreational areas provided within open space
C-N ⁵	No minimum		n/a	35	25	35	35 (or two stories)	n/a	30%
C-1	No minimum		n/a	35	25	35	35 (or two stories)	n/a	30%

Sec. 2.1. - Consolidated requirements for lots and principal buildings.

Zoning District	Minimum Lot Area (in square feet)		Minimum Lot Width at the Building Line (in feet)	Minimum Yard Requirement (in feet)			Maximum Building Height (in feet)	Maximum Density (dwelling units per acre)	Minimum Dedicated Open Space (percent of gross acreage)
	Served by Approved Water and Sewer ¹	Not Served by Sewer ²		Front	Side	Rear			
C-2	No minimum		n/a	50	20	35	45	n/a	15% for non-residential uses 30% for multi-family uses, with recreational areas provided within open space
O-1	5,000 for non-residential uses	n/a	60	30	10 for a dwelling 25 for non-residential structures	20	35, residential buildings 45, nonresidential buildings	n/a	30%, with recreational areas provided within open space
	10,000 plus 1,000 square feet for each additional multi-family dwelling unit over two	n/a							
	5,000 square feet per two-family dwelling unit	n/a							
	8,000 square feet per dwelling unit	n/a							
I-1	10,000		n/a	50	50	50	45	n/a	n/a
I-2	10,000		n/a	Established upon master plan review by City Council			n/a	n/a	n/a

NOTES:

¹ Areas served by approved community water supply and wastewater treatment system

² Areas not served by an approved community wastewater treatment system

³ Zero lot line (ZLL) developments shall be allowed for residential developments meeting the building site requirements and density requirements of the R-5 district, with one side a zero lot line and the other side yard at least 10 feet.

⁴ See also Sec. 2.3. - Specific requirements for R-5 zoning district.

⁵ In addition to the requirements for the C-N District listed in this Section, the following shall also apply: a building shall not exceed 4,000 square feet in size.

Sec. 2.2. - Specific requirements for R-4 zoning district.

(a) Applicability.

In addition to requirements for manufactured homes in Chapter 3 *Restrictions on Particular Uses* and other applicable regulations in this Development Code, the following requirements in this Section shall apply in the R-4 zoning district.

(b) Manufactured home subdivisions.

(1) Manufactured home site area requirements.

Every principal building shall be located on a lot or parcel of land having an area of not less than 6,000 square feet, provided that the R-4 district is served by an approved community public water supply and wastewater treatment system.

(2) Front yard (setback from front property line).

There shall be a front yard of not less than 25 feet in depth measured from the street right-of-way line (property line to the wall of any principal building).

(3) Rear yard.

There shall be a rear yard of not less than 10 feet measured from the rear lot line to the wall of any principal building.

(4) Side yard.

There shall be a side yard on each side of any dwelling of at least 10 feet.

(c) Manufactured home parks.

(1) General requirements.

The following general requirements shall apply to the construction or remodeling of all manufactured home parks within the corporate limits of Fort Oglethorpe:

- a. Minimum area. A manufactured home park shall have as a minimum size of 4 acres and shall front upon a public highway or public street.
- b. Minimum number of spaces. A manufactured home park shall have as a minimum 10 spaces prepared with all utilities in place prior to its approval for occupancy.
- c. Length of residential occupancy. No space within a manufactured home park, except as provided below, shall be rented for residential use of a manufactured home except for periods of 30 days or more.

(2) Design.

The design of a manufactured home park shall conform to the following design requirements:

- a. Density. A maximum of 8 manufactured home stands per acre, excluding streets, is allowed.

- b. **Setback.** The manufactured home parks shall be designed so that manufacturers and their accessory structures shall be a minimum distance of 15 feet from adjoining property lines, 20 feet from internal park streets and at least 30 feet from any publicly dedicated street. Manufactured home stands shall be designed so as to provide a distance of at least 20 feet between manufactured homes.
- c. **Access.** The manufactured home park shall front upon at least one publicly dedicated street for a minimum width of 50 feet. Each manufactured home site and its parking area shall have direct access to the internal street system of the park.
- d. **Streets.** Streets within a manufacturing home park shall be privately owned, privately constructed, and privately maintained. Such private streets shall be well drained and provided with a hard-surfaced treatment with a minimum surface of 10 feet for one-way streets and 20 feet for two-way streets.
- e. **Parking.** Each manufactured home shall be provided with a minimum of two off-street parking spaces which are side by side. Parking on interior streets within a park is hereby prohibited. The required front yard may be used for the minimum parking; however, required side and rear yards may not be utilized for the minimum parking.
- f. **Open space.** A minimum 30% of gross acreage shall be set aside as open space and shall provide recreational areas within said open space. Open space shall not include required front, side or rear yards.
- g. **Utilities.**
 - 1. **Sewage.** The manufactured home park shall be provided with an approved sewage collection and treatment system.
 - 2. **Water.** An adequate potable water supply meeting state department of public health requirements shall be provided by the park operator. If a public water system is available at the park site, water service shall be connected to the system.
 - 3. **Easements.** Publicly dedicated easements of proper size for their intended purpose shall be provided within the park if individual manufactured home stands and accessory park uses are to be serviced by a public system.
 - 4. **Utility placement.** All water, sewer or gas lines shall be buried a minimum of 8 inches below the finished ground surface of the pad area and 24 inches in depth below the finished ground surface of any street right-of-way and shall be provided with adequate valve systems to allow the cutoff utility service to a manufactured home stand at the manufactured home stand and at the entrance of the utility service from the stand to the trunk line of the utility system. If overhead service lines are provided within the park, such lines shall be a minimum of 25 feet above the grade of interior streets and so placed that no wires extend over a manufactured home stand.

Sec. 2.4. - Specific requirements for PM Mixed Use zoning district.

(3) Improvements required for manufactured home stands.

Each manufactured home stand shall meet the following minimum requirements:

- a. Interior street access. Each stand shall be provided with access frontage of at least 40 feet.
 - b. Garbage cans. Private service with dumpsters shall be required.
 - c. Electric power supply. The electric power supply will be in accordance with local code requirements.
 - d. Stand identification. A property and street number designation or other appropriate numbering device properly identifying each manufactured home stand shall be placed at the interior side lot line at a point 10 to 15 feet from the interior road system of the park. Such device shall be a minimum of 6 inches in height.
- (d) See also the Manufactured Homes section in Chapter 3 *Restrictions on Particular Uses* of this Development Code.

Sec. 2.3. - Specific requirements for R-5 zoning district.

In addition to applicable regulations in Table 4-A and this Development Code, the following requirements shall apply in the R-5 zoning district.

- (a) Maximum density, townhome development.
- (1) Up to 7.5 dwelling units per acre are allowed.
 - (2) Between 7.5 and 12 dwelling units per acre are allowed upon approval by City Council as a special exception. In addition to the review criteria for special exceptions as set forth in this Code, approval of a townhome development at this density shall be based on:
 - a. Consistency with the intent of the R-5 district, as described in Chapter 2 of this Code.
 - b. Submittal of a master plan for the property, including enhanced recreational facilities (parks, playgrounds and/or dedicated open space), landscape plan and drainage plan.
- (b) See also Chapter 3, Sec. 1.17 Multifamily dwellings and two-family dwellings.

Sec. 2.4. - Specific requirements for PM Mixed Use zoning district.

In addition to applicable regulations in this Development Code, the following requirements shall apply in the PM zoning district.

- (a) Determining if an area is suitable for inclusion within a PM district.

The factors contained under the intent statement for the PM Mixed Use District section in Chapter 2 of this Development Code, as well as data submitted with the development plan of the applicant for a planned development, must be thoroughly considered by the

Planning Advisory Board and the Mayor and City Council when determining in which zoning district an area of land is to be placed. This will ensure that rational comprehensive planning principles encourage the development and preservation of land use patterns that provide healthful and safe living conditions for the residents of Fort Oglethorpe.

- (b) Allowed uses. Allowed uses in the PM zoning district shall be as shown in the approved development plan.
- (c) Plan review and approval procedures.

- (1) Pre-application conference.

Prior to filing a formal application for a PM zoning district, the applicant is encouraged to confer with the Director of Building, Planning and Zoning and the planning commission in order to review the general character of the plan (on the basis of tentative land use sketch, if available), and to obtain information on development standards and ordinances affecting the proposed project.

- (2) Submission of application for PM district approval.

- a. The applicant must file a petition with the Building, Planning and Zoning Director for approval of the proposed PM zoning district. This application must be supported by a development plan and a written summary of intent. The relationship between the proposed development and the surrounding area, both existing and proposed, must be shown. The following information must be presented with the application:
 - 1. A general location map.
 - 2. Existing topographic conditions, including contour intervals of no more than five feet based on field surveys or photogrammetric methods.
 - 3. The existing and proposed land uses and the approximate location of all buildings and structures.
 - 4. The approximate location of existing and proposed streets.
 - 5. The approximate location of all existing and proposed utilities, including a preliminary utility and drainage plan.
 - 6. The present zoning pattern in the area.
 - 7. A legal description of the subject property.
 - 8. The location and use of existing and proposed public, semipublic, and community facilities such as schools, parks, and open areas on the site. This includes areas proposed to be dedicated or reserved for community or public use.
 - 9. Perspective drawings of representative building types; however, this is not required for single-family detached dwellings.

- b. If a proposed development creates special problems or involves unusual circumstances, additional information may be required in order to properly evaluate the proposal as follows:
 - 1. An off-street parking and loading plan.
 - 2. An economic feasibility report or market analysis.
 - 3. A traffic study of the area, and a circulation plan within the proposed development as well as to and from existing streets adjacent to the site.
- (3) The written summary of intent submitted with the development plan must include the following information:
 - a. A statement of the present ownership of all land within the proposed development.
 - b. An explanation of the character of the proposed development; this includes a summary of acres, number and types of dwelling units, and gross density by type of land use.
 - c. A general statement of the proposed development schedule.
 - d. Agreements, provisions, and covenants which govern the use, maintenance and protection of the development and any common or open areas.
- (d) Review and approval of PM zoning district application.
 - (1) An application for approval of a PM zoning district is treated as an application for rezoning, following the procedures in Chapter 8 of this Code. This is because PM districts are created only upon request of a developer, whose application materials demonstrate a firm commitment to construction of a well-designed PM district.
 - (2) The power to approve a zoning map amendment creating a PM district rests with City Council. City Council may approve, disapprove, or conditionally approve the development plan.
 - (3) If the development plan is approved as submitted, the official zoning map will be changed to indicate the PM zoning district. If the plan is approved with modifications, the applicant must file with the Director of Building, Planning and Zoning the following:
 - a. Written notice of consent to the modifications.
 - b. A properly revised development plan.
 - (4) The official zoning map will then be changed. The site plan and supporting information of any approved plan will be properly identified and permanently filed with the Department of Building, Planning and Zoning.
 - (5) No building permits will be issued until the development plan has been approved by City Council.
- (e) Issuance of building permits.

The Director of Building, Planning and Zoning will issue building permits for building and structure in the area covered by the approved development plan if the proposed buildings and structures are in conformity with the approved development plan, the development schedule, and all other applicable regulations.

(f) Revision of development plan after approval of plan.

- (1) Minor extensions, alterations, or modifications of existing buildings or structure may be allowed after review and approval by the Director of Building, Planning and Zoning; such changes must be consistent with the purpose and intent of the development plan. A request for a revision of the development plan must be supported by a written statement indicating the nature of the revision and the reasons it is considered necessary or desirable to revise the development.
- (2) Any major or substantial change in the approved development plan which affects the intent and character of the development, the density of land use patterns, the location or dimensions of streets, or singular substantial changes must be reviewed and approved by City Council after receipt of recommendations from the Planning Advisory Board. A request for a revision of the development plan must be supported by a written statement indicating the nature of the revision and the reasons it is considered necessary or desirable to revise the development.

(g) Approval of PM district revoked if construction not begun.

Construction of the planned development must begin within one year of the approval of the PM zoning district. If no construction has begun by then, or if the applicant fails to maintain the approved development schedule, approval of the development plan will lapse. At its discretion and for good cause, the City Council may extend the period for beginning construction of any phase of the project for one additional year. If approval of the development plan lapses under this provision, the subject PM district will be removed from the official zoning map, and the zoning districts and regulations which were in effect prior to the approval of the development plan will be reinstated.

(h) Development standards for PM districts.

In addition to applicable development standards contained in this Chapter, the following standards are required within PM districts:

- (1) Development plan. The approved development plan must be carried out.
- (2) Density requirements. Density requirements or dwelling units (du) per acre shall be determined by the Planning Advisory Board and recommended to the City Council for approval. The intent of density requirements for mixed use development is to allow higher densities along heavy traffic areas and roadways adjacent to more intense uses such as commercial or industrial development. The lesser density development requirements would be more compatible adjacent to single-family or other residential development. Dwelling units per acre allowed:
 - a. Five dwelling units per acre

- b. Seven and one-half dwelling units per acre.
 - c. Ten dwelling units per acre.
 - d. Twelve dwelling units per acre.
- (3) Deviation from required densities.
- a. The City Council may allow higher net or gross residential densities, as well as a higher density of a particular residential use, as long as the applicant can show that such a higher density will not be detrimental to the surrounding neighborhood.
 - b. The City Council will consider a deviation from the specified maximum density only upon a favorable recommendation from the Planning Advisory Board.
- (4) Dimensional and bulk regulations.
- a. The location of all proposed buildings and structures must be shown on the approved development plan; minimum lot sizes, setback lines, lot coverages, and floor areas shown on the development plan must be adhered to.
 - b. The proposed location and arrangement of structures must not be detrimental to existing or proposed adjacent dwellings or to the development of a neighborhood.
- (5) Perimeter requirements. City Council, upon recommendation of the Planning Advisory Board, may impose the following requirements to protect the privacy of existing adjoining uses:
- a. Structures or buildings located at the perimeter of the PM district must be set back a distance of 30 to 50 feet from the boundary of the PM district.
 - b. Mixed-use development shall have a minimum 30% of gross acreage set aside as open space and shall provide recreational areas within said open space.
- (6) Control of area after completion.
- After completion of a planned development, the use of land and the construction, modification, or alteration of any buildings or structures within the PM district must conform to the approved development plan. If community needs are found to be changing in the future and a revision of the approved development plan is thought to be needed, procedures outlined in the revision of the development plan after approval of plan must be followed.
- (7) Sight distance.
- In order to ensure maintenance of adequate sight distances at intersections, no fence, wall, shrubbery, or other obstruction to vision between the heights of three feet and 15 feet above the ground is permitted within 20 feet of the intersection of the right-of-way of streets or of streets and railroads.
- (8) Open space not to be encroached upon.

Sec. 3.1. - Buffer requirements.

No open space may be encroached upon or reduced in any manner except in conformity with the yard, setback, off-street parking spaces, and other such required development standards contained in this Development Code. Shrubbery, driveways, retaining walls, fences, curbs, and buffers are not considered to be encroachments of yards. Required open space areas must be permanently maintained as open space in accordance with the requirements of this Code.

- (9) Landlocked lots. Landlocked lots are not eligible for placement within a PM zoning district.
- (10) Signs. See Chapter 5 of this Development Code.
- (11) Exterior cladding and other requirements for multifamily (apartments and townhomes) and two-family dwellings. See Chapter 3 of this Development Code, Sec. 1.17 *Multifamily dwellings and two-family dwellings*.
- (12) Development standards shown in approved development plan.

Other development standards shown in an approved development plan apply only to the development shown on the specific development plan. Such development standards must be maintained.

- (13) Design standards for all PM zoning district developments.
 - a. General. Condition of soil, groundwater level, drainage, and ground slope must not create hazards to the property, or to the health or safety of residents. The site must not be exposed to objectionable smoke, noise, odors, or other adverse conditions; and no part subject to flooding or erosion can be used for any purpose that would expose people or property to danger.
 - b. Soil and ground cover. Exposed ground surfaces throughout the development must be protected with a vegetative growth that prevents soil erosion, standing puddles, and dust. If this is not possible, such areas may be covered with a solid material such as stone or may be paved.
 - c. Site drainage. The ground surfaces throughout the development must be equipped to drain all surface water in a safe, efficient manner, either through grading or installation of drains.
 - d. Required buffer. A buffer is required along all lot lines of the development. This is in addition to common open space.

ARTICLE 3. - BUFFERS AND SCREENING

Sec. 3.1. - Buffer requirements.

- (a) Intent.
 - (1) To provide transition between incompatible land uses and to protect the integrity of less intensive uses from more intensive uses, buffering and screening will be required.

- (2) The buffer provides transition between the incompatible uses by requiring a landscape yard of a minimum specified depth along the shared property line.
- (3) The purpose of screening is to provide a year-round visual obstruction.

(b) Procedure.

Refer to Table 4-B below to determine any screening requirements for the proposed development.

- (1) First, identify the type of zoning for the proposed development (in the left-hand column of the table) and each adjoining property (along the top of the table).
- (2) Find where the zoning of the proposed development and each adjoining property intersect on the table. If a buffer is required, a capital letter will indicate the type of buffer to be applied. A description of each buffer type is provided in Table 4-B below.
- (3) When classifying a zoning district for, if the proposed use within a zoning district is also listed as an allowed use within a less-intensive zoning district, the corresponding class for the less-intensive zoning district may be applied. For example, a proposed commercial use within an industrial zoning district may be classified as a commercial zoning district for the purpose of using the table.
- (4) City Council may increase the minimum buffer width requirements given in this Article as a condition of rezoning, as a condition of a special exception approval, or as a condition to granting a variance.

(c) Required buffers table.

Zoning of Proposed Development	Zoning of Adjoining Property											
	R-1	R-2	R-3	R-4	R-5	R-A	C-N	C-I	C-2	O-1	I-1	I-2
R-4	A	A	A		A	A	B	B	B	B	B	C
R-5	A	A	A	A		B	C	C	C	B	C	C
C-N	A	A	A	A	B	A		C	C	B	C	C
C-1	A	A	A	A	B	A	C		C	B	C	C
C-2	A	A	A	A	B	A	B	C		B	C	C
O-1	A	A	A	A	B	A	C	C	C		C	C
I-1	A	A	A	A	A	A	B	B	B	B		C
I-2	A	A	A	A	A	A	A	A	A	C	C	

Sec. 3.2. - Buffer types.

The following descriptions correspond with the buffer types shown on Table 4-B and describe minimum required buffer widths and screening.

(a) Buffer type A.

Provide a 30-foot deep (as measured towards the interior of the property) landscape yard along the shared property line planted with:

- (1) Evergreen trees spaced a maximum of 10 feet on center or two staggered rows (spaced a maximum of 7 feet apart) of shrubs spaced a maximum of 8 feet on-center; and two rows of shade trees spaced a maximum of 35 feet on-center.
- (2) All plantings shall meet the installation and planting size requirements specified in the plant installation specifications section in Article 5 of this Chapter.

(b) Buffer type B.

Provide a 20-foot deep (as measured towards the interior of the property) landscape yard along the shared property line planted with:

- (1) Evergreen trees spaced a maximum of 10 feet on-center or two staggered rows (spaced a maximum of 7 feet apart) of shrubs spaced a maximum of 8 feet on-center, and one row of shade trees spaced a maximum of 35 feet on-center.
- (2) All plantings shall meet the installation and planting size requirements specified in the plant installation specifications section in Article 5.

(c) Buffer type C.

Provide a 10-foot deep (as measured towards the interior of the property) landscape yard along the shared property line planted with:

- (1) Evergreen trees spaced a maximum of 10 feet on center or two staggered rows (spaced a maximum of 7 feet apart) of shrubs spaced a maximum of 8 feet on-center.
- (2) All plantings shall meet the installation and planting size requirements specified in the plant installation specifications section in Article 5 of this Chapter, below.

(d) Location of stormwater management facilities in buffer areas.

Stormwater management facilities may be located in the required buffer subject to the following conditions:

- (1) No rip-rap, crushed stone, concrete or other impervious materials are exposed to view; and
- (2) Trees and other living organic materials can be planted along the stormwater management facility.

Sec. 3.3. - Parking lot screening.

See Article 5 of this Chapter.

Sec. 3.4. - Screening of dumpsters.

See Chapter 3 of this Development Code under the “Restrictions on Accessory Uses and Structures” section.

ARTICLE 4. - LANDSCAPING REQUIREMENTS

Sec. 4.1. - Applicability.

The requirements of this Article shall apply to:

- (a) All new public and/or private development; and
- (b) Existing public and/or private developments, when expansion in gross floor area (GFA) or parking spaces will trigger landscaping requirements based on the scope of work proposed as established below.
 - (1) Where a building expansion increases GFA at least 10% but no more than 25%, the applicant can choose to either comply with the street yard or parking lot landscaping requirements for the entire property.
 - (2) Where a building expansion increases GFA more than 25% but no more than 50%:
 - a. The entire property shall comply with the street yard requirements;
 - b. 50% of the existing parking lot and all of any expanded portions of the parking lot shall comply with the parking lot landscaping requirements; and
 - c. The entire property shall comply with the screening requirements.
 - (3) Where a building expansion increases GFA more than 50%, the entire property shall comply with all of the provisions of this Article.
 - (4) Where is a parking lot expansion of at least 10 spaces increases the total number of parking spaces by no more than 25%, the expanded portion of the parking lot shall comply with the parking lot landscaping provisions.
 - (5) Where a parking lot expansion of at least 10% spaces increases the total number of parking spaces more than 25% but no more than 50%, the entire expanded parking lot portion and 50% of the existing parking lot shall comply with the parking lot landscaping provisions.
 - (6) Where a parking lot expansion of at least 10 spaces increases the total number of parking spaces more than 25% but no more than 50%, the entire property including the expanded parking lot portion lot shall comply with the parking lot landscaping provisions.

Sec. 4.2. - Exemptions.

Single-family detached, two-family (duplex), and three-family (tri-plex) residential structures on their own lot are exempt from landscaping requirements. All other residential, commercial, public and/or private facilities are required to comply with the provisions of this Article.

Sec. 4.3. - Landscape plan submittal.

Proposed developments subject to the provisions of this Article shall file for a land disturbing permit and submit a landscape development site plan. This plan may be incorporated into a parking/paving plan, provided the scale is not less than 1 inch equals 40 feet. The following elements shall be shown on the landscape site plan:

- (a) Zoning of site and adjoining properties;
- (b) Existing and proposed contours at five feet intervals or less;
- (c) Boundary lines and lot dimensions;
- (d) Date, graphic scale, north arrow, titles and name of owner, and the phone number of the person or firm responsible for the landscape plan;
- (e) Location of all proposed structures and storage areas;
- (f) Drainage features and 100-year floodplain, if applicable;
- (g) Parking lot layout including parking stalls, bays, and driving lanes;
- (h) Existing and proposed utility lines, and easements;
- (i) All paved surfaces and curbs;
- (j) Existing trees or natural areas to be retained; and
- (k) The location of all required landscaped areas (street yard, landscaped peninsulas, landscaped islands, and screening buffers.)

Sec. 4.4. - Plant installation plan.

- (a) Prior to receiving a certificate of occupancy, a plant installation plan shall be submitted and approved containing the following information:
 - (1) Location, installation size, quantity, and scientific and common names of landscaping to be installed; and
 - (2) The spacing between trees and shrubs used for screening.
- (b) The applicant has the option of submitting both the landscape plan and plant installation plan at the same time.

Sec. 4.5. - Street yard requirements.

- (a) Intent.

The intent of this section is to add quality and definition to the street by planting trees within a landscaped area along the edges of the right-of-way.

- (b) Dimensions.

- (1) Except for points of access, a street yard shall be provided where the proposed development site adjoins the public street right-of-way, unopened streets and opened or unopened alleys being specifically exempt from this requirement.

- (2) The street yard shall have a minimum depth of 6 feet as measured from the edge of the public right-of-way towards the interior of the property.
- (3) The yard shall consist of sod grass or other natural living ground cover material.
- (4) No impervious surfaces are permitted in the street yard area.
- (5) Where street yards are adjacent to a paved parking lot, allowance will be granted for vehicular overhangs to extend across the street yard, provided a suitable curb or wheel stop is provided outside and adjacent to the yard to prevent actual vehicular trespass.

(c) Plantings.

- (1) Trees shall be planted within the street yard at a minimum ratio of one tree per 25 linear feet of total right-of-way frontage. Trees do not have to be evenly spaced in 25 feet increments. Fractions of trees shall be rounded up to the nearest whole number.
- (2) The minimum spacing between trees is 15 feet measured trunk to trunk. The maximum spacing is 40 feet measured trunk to trunk.
- (3) The trees referred to in this section shall have a minimum expected maturity height of at least 20 feet and a minimum expected canopy spread of 10 feet (see plant installation specifications section: Class II shade trees).
- (4) Unless otherwise noted, larger-species trees can be used in street yards as an acceptable substitute for Class II shade trees (see plant installation specifications section: Class I shade trees).

(d) Existing woodlands.

Existing woodlands along the street right-of-way frontage can be substituted for the street yard requirements subject to the following:

- (1) Existing woodlands to be set aside shall have a minimum depth of 20 feet as measured from the public street right-of-way;
- (2) The number of woodland trees (not including prohibited trees) having a minimum caliper of six inches shall equal or exceed the minimum street tree planting ratio of one tree per 25 linear feet;
- (3) No impervious surfaces are permitted within the protected woodlands area except for approved access points to the site; and
- (4) No cutting/filling activities or storage of materials/equipment are permitted within the protected woodlands.

Sec. 4.6. - Exemptions/special situations.

- (a) Where overhead power and communications lines encroach into the street yard, Class I shade trees cannot be planted or substituted for Class II shade trees (see plant installations specifications section: Class I shade trees). Stormwater management facilities may be located within the street yard subject to the following conditions:

Sec. 4.7. - Plant installation specifications.

- (1) No rip-rap, crushed stone, concrete, or other pervious materials are exposed to view; and
 - (2) Trees and other living organic materials can be planted along the stormwater management facility.
- (b) No trees shall be located within the traffic safety sight triangle as defined by City regulations or other regulations as defined by the owner of the right-of-way, whichever traffic safety sight triangle is larger.

Sec. 4.7. - Plant installation specifications.

(a) Intent.

All landscaping material shall be installed in a professional manner, and according to accepted planting procedures specified in an arboricultural specifications manual available from a certified arborist.

(b) Class I shade trees.

Class I shade trees are used to meet the canopy tree planting requirements specified in the street yard requirements of this Article and the parking lot landscaping requirements of Article 4.

- (1) All Class I shade trees shall be installed at a minimum caliper of two inches as measured from 2½ feet above grade level.
- (2) Class I shade trees shall also have a minimum expected maturity height of at least 35 feet and a minimum canopy spread of 20 feet.
- (3) Evergreen trees can be treated as Class I shade trees provided they meet the minimum maturity height and canopy spread criteria.
- (4) Recommend species are as follows:

Table 4-C: Recommended Class I Shade Tree Species

Common Name	Scientific Name
River Birch	Betula nigra
Princeton American Elm	Umlauts americans
Allee Elm	Ulmus parvifolia
Athena Elm	Ulmus parvifolia
Drake Elm	Ulmus parvifolia
Golden Raintree	Koelreuteria paniculata

Table 4-C: Recommended Class I Shade Tree Species

Common Name	Scientific Name
Black Gum	<i>Nyssa sylvatica</i>
Sweetgum	<i>Liquidambar styraciflua</i>
Seedless Honey Locust	<i>Gleditsia triacanthos</i> cultivars
American Hophornbeam	<i>Ostrya virginiana</i>
American Hornbeam	<i>Caprinus caroiiniana</i>
Europian Hornbeam	<i>Carpinus betulus</i> and cultivars
Katsura Tree	<i>Cercidophyllum japonicam</i>
Littleleaf Linden	<i>Tilia cordata</i>
Silver Linden	<i>Tilia tomentosa</i>
Southern Magnolia	<i>Magnolia grandiflora</i>
Red Maple	<i>Acer rubrum</i> and cultivars
Southern Sugar Maple	<i>Acer barbatum</i>
Sugar Maple	<i>Acer saccharum</i> and cultivars
English Oak	<i>Quercus robur</i>
Northern Red Oak	<i>Quercus borealis</i>
Overcup Oak	<i>Quercus lyrata</i>
Pin Oak	<i>Quercus palustris</i>
Red Oak	<i>Quercus rubra</i>
Sawtooth Oak	<i>Quercus acutissima</i>
Scarlet Oak	<i>Quercus coccinea</i>
Shumard Oak	<i>Quercus shumardii</i>
Swamp White Oak	<i>Quercus nigra</i>

Table 4-C: Recommended Class I Shade Tree Species

Common Name	Scientific Name
White Oak	Quercus alba
Willow Oak	Quercus phellos
Aristocrat Pear	Pyrus calleryana 'Aristocrat'
Cleveland Select Pear	Pyrus calleryana 'Cleveland Select'
Chinese Pistache	Pistacia chinensis
Japanese Pogodtree	Sophora japonica
Dawn Redwood	Metasequoia glyptostroboides
Japanese Zelkova	Zelkova serrata
Yellowwood	Cladrastis kentukea

(c) Class II shade trees.

Class II shade trees are intended to be used where understory trees area appropriate and for planting under overhead power lines where they encroach into the property.

- (1) All Class II shade trees shall be installed at a minimum caliper of 1½ inches as measured at 2½ feet above grade level from the base of the tree.
- (2) Class II trees shall have a maximum expected maturity height of 20 feet and a minimum canopy spread of 10 feet.
- (3) Recommended species of Class II shade trees are as follows:

Table 4-D: Recommended Species of Class II Shade Trees

Common Name	Scientific Name
Autumn Flowering Cherry	Prunus subhirtella variant autumnalis
Okame Cherry	Prunus campanulata
Yoshino Cherry	Prunus yedoensis
Carolina Cherrylaurel	Prunus carolina

Table 4-D: Recommended Species of Class II Shade Trees

Common Name	Scientific Name
Crapemyrtle	Lagerstroemia indica cultivars
Flowering Dogwood	Cornus florida and cultivars
Kousa Dogwood	Cornus kousa and cultivars
Thornless Cockspur	Crataegus crusgalli variant Hawthorne inermis
Winter King Hawthorne	Crataegus viridis 'Winter King'
Savannah Holly	Ilex xattenvata 'Savannah'
Sweetbay Magnolia	Magnolia virginiana
Amur Maple	Acer ginnala
Hedge Maple	Acer campestre
Trident Maple	Acer buergeranum
Golden Raintree	Koelreuteria paniculata
Redbud	Cercis canadensis
Serviceberry	Amelanchier species

(d) Screening trees.

- (1) Screening trees are used to meet the tree planting requirements required for screening.
- (2) All screening trees shall be installed at a minimum height of 5 to 6 feet and have a minimum expected mature spread of 8 feet.
- (3) Recommended species of screening trees are as follows:

Table 4-E: Recommended Species of Screening Trees

Common Name	Scientific Name
Atlas Cedar	<i>Cedrus atlantica</i>
Deodar Cedar	<i>Cedrus deodara</i>
Eastern Red Cedar	<i>Juniperus virginiana</i>
Leyland Cypress	<i>Cupressocyparis leylandii</i>
Carolina Hemlock	<i>Tsuga caroliniana</i>
Canadian Hemlock	<i>Tsuga canadensis</i>
American Holly	<i>Ilex opaca</i>
Foster Holly	<i>Ilex attenuate 'Fosteri'</i>
Southern Magnolia	<i>Magnolia grandiflora</i>
Loblolly Pine	<i>Pinus taeda</i>
Virginia Pine	<i>Pinus virginiana</i>
White Pine	<i>Pinus strobus</i>

(e) Screening shrubs.

- (1) All screening shrubs shall be installed at a minimum size of three gallons and have an expected maturity height of at least 8 feet and a mature spread of at least 5 feet.
- (2) Recommended species of screening shrubs are as follows:

Table 4-F: Recommended Species of Screening Shrubs

Common Name	Scientific Name
Burford Holly	Ilex cornuta 'Burfordiil
English Holly	Ilex aquifolium
Nellie R. Stevens Holly	Ilex cornuta 'Nellie Stevens'
Cherrylaurel	Prunus caroliniana
English Laurel	Prunus laurocerasus
Fragrant Olive	Eleagnus pungens
Leatherleaf Viburnum	Viburnum rhytidophyllum
Wax Myrtle	Myrica cerifera

(f) Prohibited plants.

The following plants are prohibited from being used to meet these requirements due to problems with hardiness, maintenance, and nuisance:

Table 4-G: Prohibited Species

Prohibited Species	
Kudzu Vine	Garlic Mustard
Purple Loosestrife	Paulownia
Japanese Honeysuckle	Multiflora Rose
Shrub Honeysuckle	Siberian Elm
Autumn Olive	Silver Poplar
Common Privet	Mimosa
Tree of Heaven	Mulberry
Lespedeza	Silver Maple

Sec. 4.8. - Utility easement policy.

Any tree or shrub used to meet the requirements of this Article shall not be located within existing or proposed utility easements.

Sec. 4.9. - Maintenance.

The property owner shall be responsible for the maintenance of all landscaping provided. All landscaped areas must present a healthy, neat and orderly appearance and shall be kept free from refuse and weeds. Any dead or diseased plant material shall be replaced by the property owner with new plantings that meet the requirements of this Article.

Sec. 4.10. - Tree and vegetation maintenance.

- (a) No person, other than the owner of a publicly owned property or a utility franchisee of that owner of publicly owned property, shall trim or remove trees from publicly owned property within the city. This prohibition shall not apply to dead trees, diseased trees that cannot be effectively treated or which, by virtue of the type of disease, are likely to infect other trees if not removed, or trees which constitute a hazard to life or property.
- (b) All trees shall be presumed to be healthy unless a certified arborist has issued a report stating that the tree is dead, diseased and cannot be effectively treated, or diseased and likely to infect other trees if not removed.
- (c) The Director of Building, Planning and Zoning may make a determination that a tree constitutes a hazard to life or property and shall make such determination in writing, specifying the reasoning behind the finding.
- (d) Alternatively, trees may be trimmed or removed from publicly owned property to improve the visibility of any sign by anyone other than the owner of the publicly owned property or a state utility franchisee if all of the following conditions are met:
 - (1) The trimming or removal of the tree is expressly authorized by the owner of publicly owned property. In the case of the city, this may only be done via a vote of the quorum of the City Council;
 - (2) The trimming or removal of the tree is in accordance with the provisions of this Article;
 - (3) Prior to the applicant seeking permission from the City the applicant must have obtained all valid permits required to remove the trees and vegetation, including, but not limited to, applicable vegetation permits and land disturbance permits.

Sec. 26.11. - Certificate of occupancy/bonding.

- (a) If the landscaping has not been installed and inspected for proper installation prior to receiving a certificate of occupancy, a certificate of occupancy may be granted provided the following conditions are met.
 - 1. Property owner posts a performance bond or irrevocable letter of credit or a certified check or cash with the City Finance Director;

Sec. 5.4. - Separation from walkways, sidewalks and streets.

2. The amount of the surety shall be based on material and installation costs of the uninstalled landscape material, including a 20% contingency cost, as shown on the submitted landscape plan; and
 3. The costs of the landscaping shall be certified by a landscape architect licensed in the State of Georgia.
- (b) After receiving the certificate of occupancy, the remaining landscape material shall be installed within 3 months. The bond or letter of credit shall be called if the required landscaping has not been installed by the end of the 3-month period and the funds applied to complete the landscaping work.

ARTICLE 5. - OFF-STREET PARKING AND LOADING

Sec. 5.1. - Applicability.

At the time of erection of any principal building or structure, or at any time any principal building or structure is enlarged or increased in capacity by adding dwelling units, guestrooms, floor space or seats, there shall be provided minimum off-street parking space with adequate means in ingress and egress from a public street or alley by an automobile of standard size, in accordance with this Article. There shall also be provided off-street loading, where applicable and in accordance with this Article.

Sec. 5.2. - General requirements for off-street parking.

- (a) Parking spaces for all dwellings shall be located on the same lot with the dwelling.
- (b) Areas reserved for off-street parking or loading shall not be reduced in area or changed to any other use unless the allowed use which it serves is discontinued or modified, or unless a reduction in areas is approved in accordance with variance procedures in Chapter 9 of this Code.
- (c) Lighting facilities shall be so arranged that light is reflected away from adjacent properties.
- (d) Signs and planting strips shall be arranged so that they do not obstruct visibility for drivers or pedestrians.

Sec. 5.3. - Construction and maintenance.

All off-street parking, loading, and service areas shall be constructed of concrete or asphalt. All such areas shall be at all times maintained at the expense of the owners thereof, in a clean, orderly, and dust-free condition.

Sec. 5.4. - Separation from walkways, sidewalks and streets.

All off-street parking, loading, and service areas shall be separated from walkways, sidewalks, and streets by curbing or other suitable protective device. Curbing and other protection devices must be set back a minimum of three feet to prevent vehicle overhang.

Sec. 5.5. - Parking area design.

(a) Parking spaces.

Off-street parking spaces shall have a minimum width of 9 feet and length of 18 feet.

(b) Interior driveways.

(1) There shall be provided adequate interior driveways to connect each parking space with a public right-of-way.

(2) Interior driveways shall be at least 24 feet wide where used with 90 degree angle parking, at least 18 feet wide where used with 60 degree angle parking, at least 13 feet wide where used with 45 degree parking, and at least 12 feet wide where used with parallel parking, or where there is no parking, interior driveways shall be at least 10 feet wide for one-way traffic movement and at least 20 feet wide for two-way traffic movement.

Sec. 5.6. - Pavement markings and signs.

(a) Each off-street parking space shall be clearly marked, and pavement directional arrows or signs shall be provided in each travelway, wherever necessary.

(b) Markers, directional arrows and signs shall be properly maintained so as to ensure their maximum efficiency.

(c) No sign, whether permanent or temporary, shall be placed within the public right-of-way.

Sec. 5.7. - Location of required off-street parking spaces on other property.

(a) If the required automobile off-street parking spaces cannot reasonably be provided on the same lot on which the principal use is located, such spaces may be provided on other off-street property lying not more than 400 feet from the main entrance to the principal use.

(b) In this situation, the applicant shall submit with his application for a building permit or a certificate of occupancy an instrument duly executed and acknowledged, that accepts as a condition for the issuance of a building permit or a certificate of occupancy the permanent availability of such off-street parking spaces to serve the principal use.

Sec. 5.8. - Shared parking.

The parking spaces provided for separate uses may be combined in one parking lot, but the required spaces assigned to each use may not be assigned to another use, except as follows:

(a) Shared parking between day and night users.

One-half of the off-street parking spaces required by a use whose peak attendance will be at night may be shared with a use that will be closed at night or on Sunday.

(b) Mixed-use developments.

- (1) Parking spaces may be shared by more than one use if the Building, Planning and Zoning Director finds that the total number of spaces will be adequate at the peak hours of the uses they serve.
- (2) The ratios the table below may be used in determining the time of day and the day of the week at which the maximum number of spaces will be needed by the uses served by the shared parking facility.

Table 4-H: Percentage of Required Parking Spaces by Time Period

Type of Use	Weekdays		Weekends		Nighttime
	6 am to 5 pm	5pm to 1 am	6 am to 5 pm	5pm to 1 am	1am to 6 am
Office	100%	10%	10%	5%	5%
Retail	60%	90%	100%	70%	5%
Hotel	75%	100%	75%	100%	75%
Restaurant	50%	100%	100%	100%	10%
Entertainment/Recreation	40%	100%	80%	100%	10%
Religious Facility	10%	25%	100%	100%	10%

By way of example, the following illustrates shared parking calculations for a particular mixed-use development:

Example:

Spaces needed for uses in a mixed-use project, calculated individually:

	Factor	for	Spaces
Office	3.5/1,000	100,000 sf	350
Retail	5/1,000	100,000 sf	500
Hotel w/Restaurant	1.5/room	100 rooms	150
Family Restaurant	9.5/1,000	20,000 sf	190
Theater	1/4 seats	200 seats	50
Church	1/4 seats	400 seats	100

TOTAL if figured separately 1,340

Spaces Required applying the Peak Demand Percentages to the Example:

	Weekdays		Weekends		Nighttime
	6 am--5pm	5pm--1am	6 am--5pm	5pm--1am	1am--6am
Office	350	35	35	18	18
Retail	300	450	500	350	25
Hotel w/Restaurant	113	150	113	150	113
Family Restaurant	95	190	190	190	19
Theater	20	50	40	50	5
Church	50	50	100	100	10
TOTAL	928	925	978	858	189

Highest demand = 978 (instead of 1,340)

(c) Availability of shared spaces.

Parking spaces that are proposed to be shared among two or more uses must be clearly available to each use and not appear in any way to be serving a particular use, either through signage dedicating the spaces or through design techniques that would tend to orient use of the spaces to a particular business or building.

(d) Recordation of shared parking agreement.

Shared parking arrangements must be committed to writing in an instrument acceptable to the Building, Planning and Zoning Director, and approved by the owners of each of the affected properties or uses. The instrument must be approved by the Building, Planning and Zoning Director and shall be recorded with the Clerk of the Superior Court, and a copy of the recorded document must be supplied to the Building, Planning and Zoning Director. The document must be written to survive future changes in ownership in perpetuity, unless the agreement is dissolved with approval by the City Council.

Sec. 5.9. - Parking lot landscaping.

In addition to any landscaping required in Article 5 of this Chapter, there shall be a minimum amount of landscaping within the interior of a parking lot over 10 spaces for a non-residential use designed as follows:

- (a) Planter islands shall be a minimum of 250 square feet and shall be located at the terminus of each parking row and no further apart than every 10 spaces.
- (b) All planter islands must be designed with at least 60% coverage in shrubs and no more than 40% coverage in ground cover and landscaping materials. The planter island area shall include at a minimum one shade tree (see recommended tree species lists in Article 5 of this Chapter). No plant materials, with the exception of trees, shall exceed 3 feet in height. Turfgrass shall not be allowed in the planter islands.
- (c) Planter islands and landscape strips are usually defined by a barrier curb to prevent vehicular encroachment. Wheel stops or breaks in the barrier curb shall be provided in order to allow for drainage into areas designed to accommodate the stormwater discharge directed to them.
- (d) Planter islands and strips shall be designed to prevent compaction. This may be accomplished by planting a dense shrub cover or by elevating the planting area a minimum of 1 foot above the curb.
- (e) Parking lots with more than 100 spaces but less than 375 spaces shall provide planting strips with a minimum width of 5 feet and shall run continuously between all planter islands. These strips shall be planted with one tree for every 15 feet of the planter strip, taking into consideration the species and height at maturity.

Sec. 5.10. - Parking lot screening.

- (a) Along lot lines of a parking area which abut a residential zoning district, a dense planting of trees and shrubs shall be established on a strip of land not less than 8 feet in width adjacent to the districts, and such planting shall not be less than 6 feet in height and a

Sec. 5.11. - Number of off-street parking spaces required.

substantial bumper rail of wood, metal, or concrete shall be installed on the inside of the planting strip except where topography or other conditions would make the bumper rail unnecessary.

Sec. 5.11. - Number of off-street parking spaces required.

See the table below for the required minimum number of off-street parking spaces by land use type.

Table 4-I: Required Off-Street Parking Spaces	
Land Use Types/Examples	Parking Spaces
<i>Residential</i>	
Apartments	1½ per dwelling units
Duplexes	2 per dwelling unit
Efficiency apartments, housing for the elderly	1 per dwelling unit; 1 per 2.5 dwelling units
Manufactured homes (parks)	2 per manufactured home space
Roominghouses	1 per each guestroom
Single-family homes	2 per dwelling unit
<i>Commercial and Industrial</i>	
Amusement centers, arcades, assembly halls, or pool halls (without fixed seating arrangements)	1 per 100 square feet of gross floor space
Animal hospital or kennels	Parking area equals 30 percent of the total enclosed or covered area
Athletic hospital or health spa	1 per 100 square feet of gross floor area (excluding courts); 3 per court (racquet ball or tennis)
Auto repair services, garages	1 for each 400 square feet or retail area, plus 2 for each service bay; minimum of 4 spaces
Bars, nightclubs, taverns	2 per 100 square feet of gross floor area; minimum of 10 spaces
Bowling alleys	3 per alley
Funeral parlors	1 for every 4 seats in main assembly hall
Furniture store	1 per 400 square foot of floor area
General business; retail	1 for every 200 square feet of floor area designated for retail sales only
Grocery and food store	1 for every 100 square feet of floor area designated for retail sales only
Hotels and motels	1 for every sleeping unit

Sec. 5.12. - Off-street loading requirements.

Table 4-I: Required Off-Street Parking Spaces

Land Use Types/Examples	Parking Spaces
Medical offices	4 for every doctor and/or dentist; 1 for every 200 square feet of floor area
Mini-warehouse	1 for every 10 storage cubicles (parking equally distributed throughout site); 2 for every manager or quarters
Manufacturing, industrial and warehouses	1 for every 3 employees or the largest shift of the day; 1 for every 200 square feet exclusive of storage area
Office buildings (business, professional, commercial)	1 for every 300 square feet of floor area
Personal service establishments	1 for every 200 square feet of floor area
Restaurant (food consumed on premises)	1 for every 3 seats; minimum of 10
Restaurant (carry-out only)	1 for every 150 square feet of gross floor area; minimum of 10
Shopping centers	1 for every 250 square feet of gross floor area
Skating rink	1 for every 200 square feet of gross floor area
Theater or auditorium	1 for every 4 seats
Travel trailer parks	1 for every trailer site; 1 for every 2 employees
<i>Institutional</i>	
Churches	1 for every 2½ seats in main assembly hall
Governmental offices	1 for every 300 square feet of floor area
Hospital	2 for every 3 beds
Libraries	1 for every 300 square feet of floor space
Nursing homes	1 for every 2 beds, plus 1 for every employee on largest shift
Private club or lodge	1 for every two employees, plus 1 for every 200 square feet of gross floor area
Schools	1 for every 4 seats in assembly hall or 1 for every employee, plus 5 for every classroom for high schools and colleges

Sec. 5.12. - Off-street loading requirements.

- (a) On the same premises with every building, structure or part thereof, erected and occupied for manufacturing, storage, warehouse, truck freight terminal, goods display, department store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning or other uses similarly involving the receipt or distribution of vehicles, materials, or merchandise,

Sec. 5.13. - Storage and parking in residential zoning districts.

there shall be provided and maintained on the lot of adequate space for standing, loading and unloading services in order to avoid undue interference with public use of the streets and alleys.

- (b) Off-street loading spaces shall be:
 - (1) Provided as appropriate to the functions and scope of operation of individual or groups of buildings and uses;
 - (2) Designed and constructed so that all maneuvering to park and unpark is within the property lines of the premises; and
 - (3) Shall be provided so as not to interfere with the free, normal movement of vehicles and pedestrian on public rights-of-way.
- (c) Each off-street loading and unloading space, unless otherwise adequately provided for, shall be an area 12 feet by 50 feet, with 15-foot height clearance, and shall be provided according to the following table:

Table 4-J: Required Off-Street Loading Spaces	
Total Square Feet of Structure(s)	Minimum Number of Loading Spaces Required
0 - 10,000	1 space
10,001 - 100,000	1 space for the first 10,001 square feet, plus 1 additional space for each additional 40,000 square feet in excess of 10,001 square feet
100,001 - 500,000	3 spaces for the first 100,001 square feet, plus 1 additional space for each 60,000 square feet in excess of the 100,001 square feet
Over 500,000	7 spaces for the first 500,001 square feet, plus 1 space for each additional 100,000 square feet in excess of 500,001 square feet

Sec. 5.13. - Storage and parking in residential zoning districts.

- (a) Commercial vehicles and trailers of all types, including travel, boat, camping and hauling, shall not be parked or stored on any lot occupied by a dwelling or any lot in any residential zoning district except in accordance with the following requirements:
 - (1) No more than one commercial vehicle per dwelling shall be allowed, and in no case shall a commercial vehicle used for hauling explosives, gasoline, or liquefied petroleum products be allowed.
 - (2) A commercial vehicle shall be of a size no greater than 10,000 pounds gross vehicle weight.
 - (3) Recreational vehicles, travel trailers, hauling trailers, boats or boat trailers shall be allowed if parked or stored behind the front yard building line.

Sec. 5.13. - Storage and parking in residential zoning districts.

- (4) A recreational vehicle or travel trailer shall not be occupied either temporarily or permanently while it is parked or stored in any area except an RV park authorized under this Development Code.
 - (5) No overnight parking is allowed in the street right-of-way.
 - (6) Commercial vehicles and tractor trailer combinations, tractors or trailers shall not be placed or stored in residentially zoned districts that would limit access or safety on public streets.
- (b) It shall be prohibited use in all residentially zoned districts to park or store wrecked or junked vehicles, power driven construction equipment, used lumber or metal, or any other miscellaneous scrap or salvageable material in quantity.
- (c) The requirements of Sec. 90-101 *On-Street Parking in Residential Areas* in the City Code of Ordinances shall also apply.

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ARTICLE 1. - FINDINGS, PURPOSE AND INTENT

Sec. 1.1. - Findings.

The City of Fort Oglethorpe finds that the number, size, design characteristics, and locations of signs within the city directly affect the public health, safety and general welfare. The city finds that the signs need to be regulated in order to protect the public health, safety and general welfare of residents and nonresidents alike. The council has determined that signs can detract from the historical and aesthetic beauty of the City of Fort Oglethorpe, which is located adjacent to the Chattanooga-Chickamauga National Battlefield. The council has determined that a nationally recognized historic district is designated within the confines of the City of Fort Oglethorpe. The council has determined that parcels with historical significance are located within the confines of the City of Fort Oglethorpe.

Sec. 1.2. - Statement of legislative purpose.

- (a) The Mayor and Council recognize that signs provide an important medium through which individuals, businesses, and government may convey a variety of messages. However, left unregulated, signs can become a threat to the public health and safety as a traffic hazard, as a detriment to property values, and as an aesthetic nuisance affecting the overall economic growth of Fort Oglethorpe. Numerous professional studies have been prepared that examine and establish the effect of signs on traffic safety, aesthetics and economic prosperity, including the following:
- (1) Klauer, S.G., T.A. Dingus, V.L. Neale, J.D. Sudweeks, D.J. Ramsey. "The Impact of Driver Inattention on Near-Crash/Crash Risk: An Analysis Using the 100-Car Naturalistic Driving Study Data." National Highway Traffic Safety Administration. DOT HS 810 594. April 2006.
 - (2) Snyder, Jonathan, Samuel S. Fels Fund. "Beyond Aesthetics: How Billboards Affect Economic Prosperity." December 2011.
 - (3) Wachtel, J., 2009. "Safety Impacts of the Emerging Digital Display Technologies for Outdoor Advertising Signs." Prepared for AASHTO and the Standing Committee on Research of the National Cooperative Highway Research Program (NCHRP), April 2009. The Veridian Group, Inc., Berkeley, California.
 - (4) Weitz, Jerry, Ph.D.,AICP. "The Public Purpose of Roswell's Sign Ordinance and the Implications of Doing Without It: A Position Paper." December 7, 1999.
- (b) Based on a review of the cited materials and the studies referenced therein as well as other related studies, the Mayor and Council find that unregulated signs:
- (1) Can be a safety hazard to drivers and pedestrians;
 - (2) Can be a detriment to the public health;
 - (3) Can hamper economic growth;
 - (4) Can lower property values;

Sec. 1.3. - Purpose and intent.

- (5) Can adversely impact public investments;
- (6) Can degrade the utility of public safety signs; and
- (7) Can adversely impact the aesthetic quality of the community and surrounding environment.

Sec. 1.3. - Purpose and intent.

- (a) The purpose and intent of this Chapter is to establish standards to protect the public health, safety and general welfare of the citizens of the City of Fort Oglethorpe for the fabrication, erection, use, maintenance and alteration of signs, symbols, billboards, and markings within the city. These standards will provide an avenue for communication needs and allow and encourage creativity, effectiveness, and flexibility in the design and use of signs, symbols, billboards, and markings within the city while promoting health and safety and avoiding an environment that encourages visual blight.
- (b) It is the further purpose of this Chapter to prohibit the future erection, placement, or location of portable and certain other types of signs determined to be detrimental to the aesthetic sense, historic character and public health, safety and general welfare of the citizens of the city both generally and as it affects commerce.
- (c) The purpose and intent of the City of Fort Oglethorpe in enacting this Chapter are also as follows:
 - (1) To regulate the erection and placement of signs in order to provide for safe operating conditions for pedestrian and vehicular traffic without unnecessary and unsafe distractions to pedestrians and motor vehicle drivers;
 - (2) To protect the right to the use of allowed and properly permitted signs for the identification of activities and related products, services, and events and for non-commercial messages;
 - (3) To balance the rights of persons to promulgate their messages through properly permitted signs and the right of the public to be protected against the unrestricted proliferation of signs in the city;
 - (4) To enhance and build the economy of the city by promoting the reasonable and effective displays of business and commerce in the city;
 - (5) To protect the rights of individuals to privacy and the freedom from nuisances;
 - (6) To preserve the value of property on which signs are located and the value of property from which the signs may be visible;
 - (7) To maintain the use patterns of established zoning districts by allowing aesthetically compatible signs in such areas;
 - (8) To maintain and maximize the tree and vegetation coverage in the city;
 - (9) To ensure the protection of free speech rights under the Constitution of the State of Georgia and the Constitution of the United States of America;

Sec. 2.1. - Sign definitions.

- (10) To establish a permit system to allow specific types of signs in the city limits;
 - (11) To place reasonable controls on nonconforming signs that are by definition contrary to the public health, safety and general welfare while protecting the constitutional rights of the owners of said nonconforming signs;
 - (12) To provide for temporary signs in limited circumstances and to create a permitting procedure for such signs;
 - (13) To prohibit signs which are not expressly permitted by this Chapter, to provide for maintenance of signs, and the enforcement of provisions of this Chapter.
- (d) A determination has been made by the City Council that the regulations contained in this Chapter are the minimum amount of regulations necessary to achieve the purposes of the City of Fort Oglethorpe.

ARTICLE 2. - DEFINITIONS

Sec. 2.1. - Sign definitions.

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

Aggregate sign area means the area of all sign faces on a parcel, excluding the area of one face on all double-faced signs.

Animated sign means a sign that has moving parts or includes action, motion, or color changes, or the optical illusion of action, motion, or color changes, including signs using electronic ink, signs set in motion by movement of the atmosphere, or made up of a series of sections that turn, including any type of screen using animated or scrolling displays such as an LED (Light Emitting Diode) screen or any other type of video display, even if the message is stationary.

Architecturally treated means a structure that is constructed of or covered with such materials as brick, stone, painted or treated wood, or stucco, or covered with artificial representations of such materials that are visually undistinguishable from the natural materials and have a life expectancy of at least 20 years as evidenced by a manufacturer's warranty.

Area of sign face means the area, in square feet, within a continuous perimeter enclosing the limits of writing, representation, emblem, or any figure of 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 against which it is placed. The area of the support structure shall not be included in calculating area of sign face.

Awning sign - see under "Building sign."

Banner means a sign, with or without characters, letters, illustrations, or ornamentations, applied to cloth, paper, plastic or fabric of any kind with only such material for a backing. Flags and pennants as defined herein shall not be considered banners.

Sec. 2.1. - Sign definitions.

Beacon means a stationary or revolving light which flashes or projects illumination, single color or multi-colored, in any manner which is intended to attract or divert attention; except, however, this term is not intended to include any kind of lighting device which is required or necessary under the safety regulations described by the Federal Aviation Administration or similar agencies.

Billboard means a freestanding sign with a sign face of more than 182 square feet on multi-lane divided highways or more than 150 square feet on other streets and highways or a wall sign with a sign face of more than 300 square feet.

Building sign means a sign that in any manner is fastened to, projects from, or is placed upon the exterior wall, or a window, door or roof of a building. The term “building sign” includes but is not limited to the following:

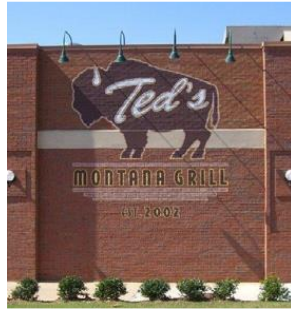
- a. Awning sign. A sign imposed, mounted or painted upon an awning.
- b. Building marker. A sign composed of concrete, bronze or other permanent material which is built into the surface of the building at the time of its construction.
- c. Canopy sign. A sign imposed, mounted or painted upon a canopy, as defined herein.
- d. Mansard sign. A sign imposed, mounted or painted upon the fascia portion of a mansard roof.
- e. Marquee sign. Any sign attached flat against or upon a permanent marquee of a building.
- f. Projecting sign. A sign affixed flat to a wall and extending more than 8 inches from the surface of such wall, or any sign attached to and extending at an angle from a wall surface (usually perpendicular).
- g. Roof sign. A sign that is mounted upon or above any portion of the roof of a building or structure including the upper slopes of a gambrel or mansard roof or any variations of such roofs. Signs mounted on the lower slope of a gambrel or mansard roof shall be considered wall signs.
- h. Under-Canopy sign. A display attached to the underside of a marquee or building canopy and protruding over a pedestrian walkway.
- i. Wall (or façade) sign. A sign that is painted on, applied to or mounted to the wall or surface of a building or structure, the sign display surface of which does not project more than 8 inches from the outside wall of such building or structure. The total lettering on one wall of a building or structure shall constitute one wall sign. Signs shall not project above the top edge of a wall or above or below the front wall, edge or face of a marquee.
- j. Window sign. Any sign that is applied, painted or placed behind, inside or upon a windowpane or a glass door in such a manner as to be viewable and/or readable from the exterior of the building.

Sec. 2.1. - Sign definitions.

The following are Illustrative Examples of Building Signs by Type:



Wall Sign



Wall Sign



Wall Sign



Awning Signs



Awning Sign



Building Marker



Canopy Sign



Mansard Sign



Marquee Sign



Projecting Sign



Projecting Sign



Roof (and Canopy) Sign



Under-Canopy Sign



Under-Canopy Sign



Window Sign



Window Signs

Canopy:

a. Building canopy. A permanent roof-like structure projecting from a building and open on at least one side for the purpose of shielding a pedestrian walkway from the elements.

b. Freestanding canopy. A freestanding roof-like structure supported by columns intended to shield a vehicular driveway or service area from the elements.

Certified arborist means a professional in the tree care industry who has passed an exam administered by the International Society of Arboriculture certifying such person as an arborist.

Changeable copy sign means a sign that is capable of changing the position or format of word messages or other displays on the sign face or of changing the visible display of words, numbers, symbols and graphics by the use of a matrix of electric lamps, moveable discs, moveable panels, light apertures or other methods, provided these changes are actuated by either a control mechanism or manually on the face of the sign. Tri-vision signs and LED signs are specifically excluded from the definition of changeable copy sign.

Column sign – see under “Freestanding sign.”

Commercial speech means 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.

Double-faced sign means a sign which has two display areas opposite each other or where the interior angle formed by the display area is 60 degrees or less, where one face is designed to be seen from one direction and the other face from another direction.

Feather banner means a banner mounted on a pole, such as the examples shown to the right. Such signs may be wind activated (see “animated sign”) or rigidly mounted in a stationary position.

Festoons are strings of light bulbs or other lighted devices, and strings of ribbons, tinsel, pennants, streamers, pinwheels or other similar devices designed to move in the wind.

Flag means a sign made of paper, woven natural or synthetic fabric, thin plastic or similar lightweight pliable material that is normally displayed by flying from a pole as a wind-activated device, and is used as a symbol or emblem of a particular country, governmental entity, organization or institution.

Flashing sign means 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. Flashing signs are considered animated signs.

Fluorescent color means a color that is intense, brilliantly colored and apparently giving off light, such as day glow (day-glo) colors.



Examples of Feather Banners

Sec. 2.1. - Sign definitions.

Freestanding sign means a sign which is attached to or part of a completely self-supporting structure, other than a building. The supporting structure shall be permanently and firmly set in or below the ground surface and be wholly independent of a building or any other structure, whether portable or stationary, for support. The term “freestanding sign” includes but is not limited to the following:

a. Stanchion sign. A sign that is mounted on one or more freestanding stanchions or columns such that the sign body is elevated above the ground by such supporting stanchions or columns, and such supporting stanchions or columns are each less than 10% of the width of the sign body.

b. Column sign. A sign that is mounted on one or more freestanding stanchions or columns such that the sign body is elevated above the ground by such supporting stanchions or columns, and such supporting stanchions or columns are each 10% of the width of the sign body or more.

c. Monument sign. A freestanding sign in which the entire bottom of the base of the sign structure is in contact with the ground, providing a solid and continuous background for the sign from the ground to the top of the sign structure; the base of which is as wide as or wider than the total width of the sign body plus any supporting columns.

d. Hybrid monument sign. A freestanding sign in which the entire bottom of the base of the sign structure is in contact with the ground, but a solid and continuous background for the sign from the ground to the top of the sign structure is not provided; the base of which is as wide as or wider than the total width of the sign body plus any supporting columns.

Sec. 2.1. - Sign definitions.

The following are Illustrative Examples of Freestanding Signs by Type:



Stanchion Sign



Stanchion Sign



Column Sign



Column Sign



Column Sign



Monument Sign



Monument Sign



Monument Sign



Hybrid Monument Sign

Ground clearance means the distance in vertical feet from the ground, sidewalk or other surface to the lowest point of the sign face or sign structure, whichever is lower.

Ground cover means low growing, spreading plants, other than turf grass, such as but not limited to ivy, liriopse, juniper, mondo grass or sedge.

Guy or guy wire means a cable used to support or stabilize a freestanding pole or structure, such as a lattice telecommunications or citizen's band antenna, utility pole or traffic signal stanchion.

Height of sign means the vertical distance in feet from the ground, sidewalk or other surface to the highest point of the sign face or sign structure, whichever is higher.

Historic impact area means the entire area designated by ordinance as a historic district as well as a buffer area 750 feet in depth completely surrounding each such historic district and measured from the district's exterior boundary.

Holiday or seasonal event means a day established as a legal holiday by federal, state or local law; a nationally recognized holiday such as Halloween or Mother's Day; a nationally recognized calendar season such as Fall or Spring; a religious day or term of days such as Easter, Yom Kippur or Christmas, or Lent, Ramadan or Hanukah.

Illuminated sign means any sign or portion thereof which is illuminated by artificial light, either from an interior or exterior source, including outline, reflective or phosphorescent light, whether or not the source of light is directly affixed as part of the sign, and shall also include signs with reflectors that depend upon sunlight or automobile headlights for an image.

Illuminated sign, direct means a sign illuminated by an internal light source.

Illuminated sign, indirect means a sign illuminated by an external light source directed primarily toward such sign.

Incidental sign means a sign of no more than 2 square feet that serves the purpose of guiding safe traffic movements onto, from or on property, and without which there is an increased risk of incompatible traffic movements or obstructions. Examples of incidental signs include but are not limited to, "Stop," "No Parking," "Entrance," "Loading Zone" and other similar traffic related directives.

Inflatable sign means a sign that is either expanded to its full dimensions or supported by gasses contained in the sign, or sign parts, at a pressure greater than the atmospheric pressure.

Iridescent color means a color which varies in color when seen at different angles; having a play of lustrous rainbow-like colors; pearlescent.

Kiosk means a freestanding sign structure, often 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.

Landscape materials means any combination of living plant materials, nonliving materials (such as rocks, pebbles, wood chips, mulch and pavers) and decorative features such as sculpture, patterned walks, fountains, and pools. This definition includes synthetic landscaping materials that are visually indistinguishable from natural materials.

Leased sign means an agreement by which a property owner conveys, usually for a specified rent, to other persons, permission to erect and maintain a sign upon their property.

LED sign means any sign or portion thereof that uses light emitting diode technology or other similar semiconductor technology to produce an illuminated image, picture, or message of any kind whether the image, picture, or message is moving or stationary. This type of sign includes any sign that uses LED technology of any kind, whether conventional (using discrete LEDs), surface mounted (otherwise known as individually mounted LEDs), transmissive, organic light emitting diodes (OLED), light emitted polymer (LEP), organic electro polymer (OEL), or any

Sec. 2.1. - Sign definitions.

other similar technology. For the purpose of this Chapter, LED signs are not considered changeable copy signs.

Mansard sign - see under “Building sign.”

Marquee means a roofed structure attached to and supported by a building and projecting over public or private sidewalks or rights-of-way.

Miscellaneous building sign means a building sign (as defined herein), other than a principal building sign, a temporary event sign or an incidental sign, commonly found on the wall of a nonresidential use property.

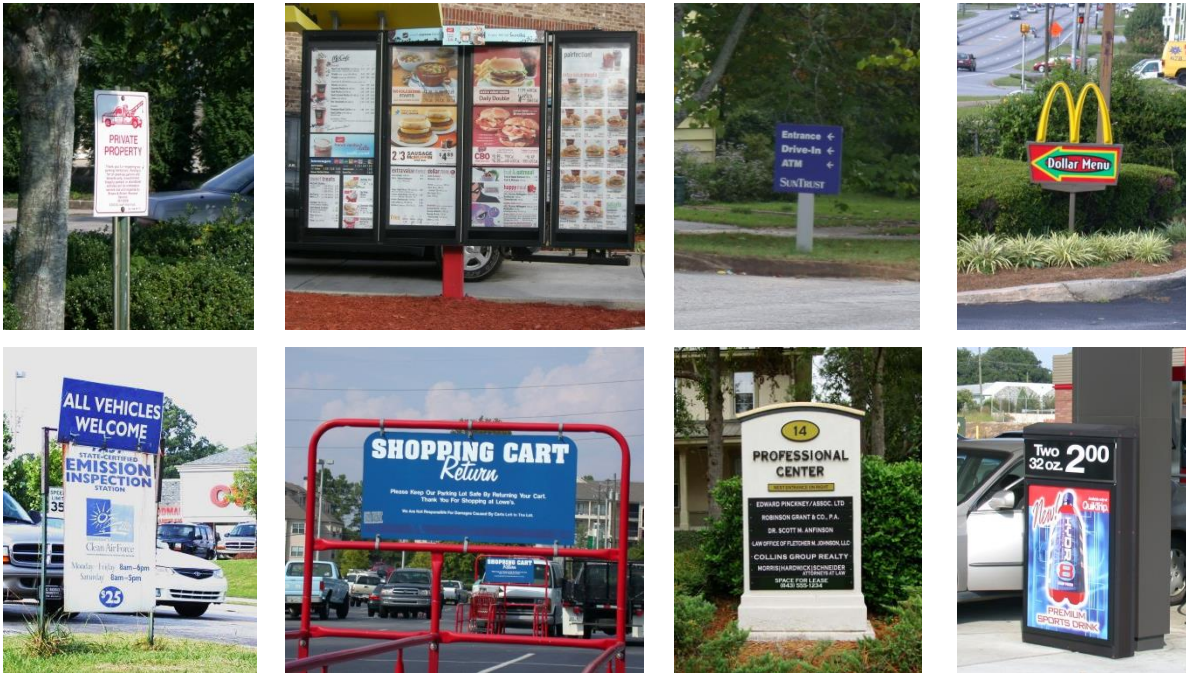
The following are Illustrative Examples of Miscellaneous Building Signs:



Miscellaneous freestanding sign means a freestanding sign, other than a freestanding principal sign, temporary event sign or incidental sign, commonly found on multi-family and nonresidential use properties located at entrance and exit driveways, drive-through windows, internal driving lanes, parking lots, designated handicap parking spaces, etc.

Sec. 2.1. - Sign definitions.

The following are Illustrative Examples of Miscellaneous Freestanding Signs:



Mobile billboard sign means an off-site advertising sign mounted on a vehicle or trailer that can become part of traffic flow or be parked at specific locations. Neither vehicles or trailers which advertise the company of their primary use nor campaign signs are considered mobile billboards.

Monument sign – see under “Freestanding sign.”

Nonconforming sign means a sign, legally existing at the time of erection, but which does not conform to the provisions of this Chapter.

Pennant means a lightweight plastic, fabric or similar material designed to move in the wind; pennants are often suspended from a rope, wire, or string in series. The term “pennant” shall not include a “banner” or a “flag” as defined herein.

Permittee means the person who secures a permit from the City to erect, install, attach or paint a sign.

Personal (noncommercial) speech means the expression of an idea, opinion or message that does not direct or attract 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.

Pole sign – see under “Freestanding sign.”

Sec. 2.1. - Sign definitions.

Portable sign means a sign, whether on its own trailer, wheels or otherwise, which was designed and manufactured so that it can be transported from one place to another, and sidewalk, sandwich and A-frame signs as further defined and regulated in this Chapter. Portable signs include, but are not limited to, signs mounted upon a trailer, bench, wheeled carrier or other non-motorized mobile structure with or without wheels.

Projecting sign - see under "Building sign."

Roof sign - see under "Building signs."

Seasonal event - see "Holiday or seasonal event."

Serial sign means a sign which contains individual panels arranged vertically or horizontally, or both, in rows between two vertical supports, each panel utilized by a separate entity. Serial signs are designed to share signage among multiple tenants on a lot. Serial signs may be wall or freestanding signs. Freestanding signs shall have a minimum of two vertical supports.

Sidewalk, sandwich and A-frame signs means a portable sign the support structure of which is not imbedded in the ground. Such signs are constructed in such a manner that they stand on their own but are not permanently installed. This includes a sign displayed on an easel.

Sign means any structure, device, object, design or display that is used or intended to be used to attract the attention of or to convey information to the public, and that is placed in such a way, whether out of doors or inside or near a window, as to be in the view of the general public from the exterior of any building on the property.



A-Frame Sign

Sign, aggregate area means the combined sign area of all sign faces of a particular category on a single parcel. For example, the aggregate sign area of all freestanding signs on a parcel is the sum total of the sign face areas of all freestanding signs on such parcel.

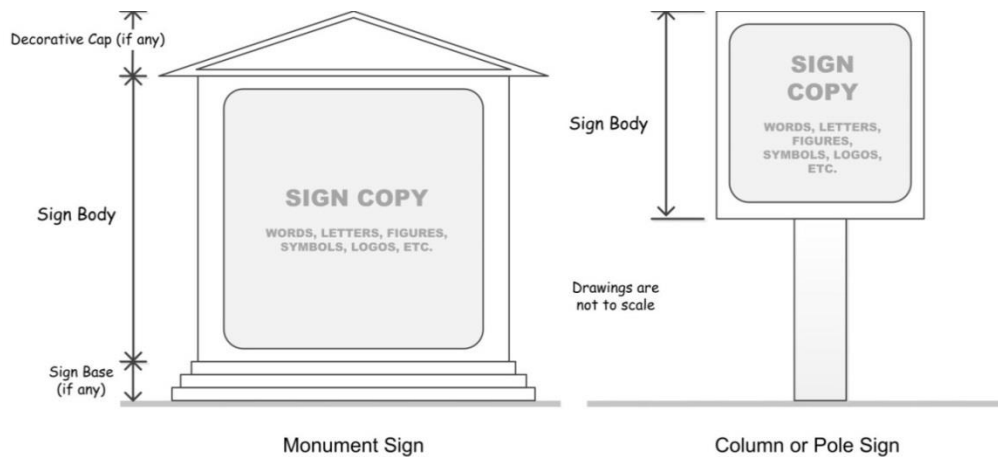
Sign, animated - see "animated sign."

Sign, banner means a sign of fabric, thin plastic or similar lightweight material that is mounted to a pole or a building at one or more edges and is intended or displayed as commercial speech. Flags displaying noncommercial speech shall not be considered to be banners.

Sign, billboard means any monument sign erected on undeveloped property.

Sign body means that portion of a sign structure that is intended or designed primarily to support or display the sign face, exclusive of the sign's base or decorative cap, if any.

Sec. 2.1.1. - Sign definitions.



Sign, building marker - see under “Building sign.”

Sign, canopy - see under “Building sign.”

Sign, changeable copy means a type of animated sign that is capable of changing the position or format of word messages or other displays on the sign face or change the visible display of words, numbers, symbols and graphics by the use of a matrix of electric lamps, movable discs, movable panels, light apertures or other methods, provided these changes are actuated by either a control mechanism or manually on the face of the sign. Changeable copy signs include the following types:

- a. Manually activated. A sign whose alphabetic, pictographic, or symbolic informational content can be changed or altered by placing such letters or other message elements directly on the sign face by hand.
- b. Electronic. A sign whose alphabetic, pictographic, or symbolic informational content can be changed and is displayed electrically or electronically. See also “LED sign.”

Sign, channeled letter means signs that have their letters cut out of the sign face or raised above the sign face, described as:

- a. Internally channeled letters. Letters or other symbols cut into a sign face and located above a recessed background surface, often designed for the background surface to be illuminated by an artificial light source.
- b. Reverse channeled letters. Letters or other symbols raised above a background surface designed to be illuminated from behind and within the letters or symbols by an artificial light source.



Sign copy means the words, letters, figures, symbols, logos, fixtures, colors or other design elements that are used to convey the message, idea or intent for which a sign has been erected or placed.

Sec. 2.1. - Sign definitions.

Sign, dilapidated/deteriorated means a sign that is structurally unsound, has defective parts, or is in need of painting or other maintenance.

Sign, double-faced means a sign structure with two sign faces that are parallel (back-to-back) or that form an angle to one another of no more than 60 degrees, where each sign face is designed to be seen from a different direction and the two sign faces are separated from each other at their nearest point by no more than 12 inches. Sign faces or sign modules on a single sign structure that are separated by more than 12 inches are treated as separate signs.

Sign face means 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.

Sign, height means the vertical distance from the ground to the highest point of the sign structure, as measured from the adjacent finished grade at the base of the sign.

Sign, incidental means a small sign, emblem or decal no larger than 1½ square feet in area. Such signs are normally located on doors, windows and gas pumps, or in parking lots or loading areas, may be freestanding or building signs, and are generally not readily visible or legible from public rights-of-way.

The following are Illustrative Examples of Incidental Signs:



Sec. 2.1. - Sign definitions.

Sign, Inflatable means a sign that is either expanded to its full dimensions through mechanical means of an air blower or supported by gasses contained within the sign, or sign parts, at a pressure greater than atmospheric pressure.

Sign, kiosk - see "Kiosk".

Sign, marquee - see under "Building sign."

Sign, mobile - see "Vehicular sign."

Sign module means each portion or unit of a sign face that is clearly separable from other such units by virtue of its individual or independent construction or framing.

Sign, monument - see under "Freestanding sign."

Sign, multi-faced means a single freestanding sign structure consisting of two sign faces (see "double-faced sign") or three or more sign faces that are separated from each other at their nearest point by no more than 12 inches. Sign faces or sign modules on a single sign structure that are separated by more than 12 inches are treated as separate signs.

Sign, neon means an illuminated sign containing a glass tube filled with neon or phosphors, which is bent to form letters, symbols or other shapes, or otherwise used to highlight, decorate or outline the sign.

Sign, nonconforming means a sign legally existing at the time of its placement or erection that could not have been approved under the terms of this Article.

Sign, permanent means any sign that is securely affixed to the ground or to a building and not readily removable. Temporary signs are not considered to be permanent signs.

Sign, portable - see under "Portable sign."

Sign, pre-permanent means a temporary sign used for signage by a new business until their permanent sign is installed.

Sign, principal means the main, most prominent or largest freestanding or building sign on a property's street frontage or principal building, other than a project entrance sign as defined in this Article. Such signs are of permanent construction and not placed as temporary signage.

Sign, prohibited means any sign, other than a non-conforming sign, not conforming to this Chapter.

Sign, project entrance means a permanent freestanding sign located at an entrance designed and permitted for vehicular access into a multi-family development, or into a development containing multiple lots, such as but not limited to a particular single-family residential subdivision, a townhouse condominium subdivision, or a commercial subdivision such as an office park or industrial park where buildings are located on separate lots.

Sec. 2.1. - Sign definitions.

The following are Illustrative Examples of Project Entrance Signs:



Sign owner means the person who has the legal right or exclusive title to the sign.

Sign, projecting - see under "Building sign."

Sign, roof - see under "Building sign."

Sign, stanchion - see under "Freestanding sign."

Sign, temporary means any sign, the use of which is short-term in nature, that is affixed to or placed on the ground or to a building but is readily removable and not intended for permanent installation.

Sign, under canopy - see under "Building sign."

Sign, wall - see under "Building sign."

Stanchion sign - see under "Freestanding signs."

Subtenant means a natural person, business or other entity that subleases or is otherwise allowed to occupy a portion of land or a building, the majority of which is also occupied by a tenant. For the purposes of this Development Code, a subtenant is not treated as a "tenant" as defined herein.

Swinging freestanding sign means a freestanding sign suspended from a horizontal structural support supported by vertical structural steel columns or wooden posts.

Swinging or projecting wall sign - see "Projecting sign" under "Building sign."

Temporary sign means a sign, the use of which is short-term in nature, that is affixed to or placed on the ground or to a building but is readily removable and not intended for permanent installation.

Tenant means a natural person, business or other entity that occupies land or buildings by ownership, under a lease, through payment of rent, or at will; the primary occupant, inhabitant, or dweller of a place. See also "subtenant."

Tenant frontage means the horizontal distance in feet between the walls that delimit an exterior façade of a tenant space. A "tenant space" may be a stand-alone building with a single

Sec. 2.1. - Sign definitions.

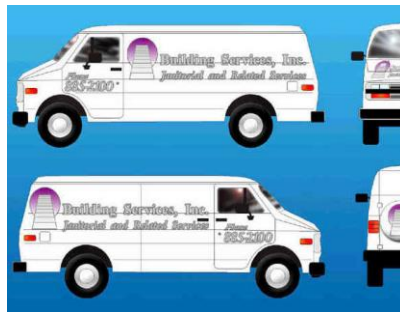
occupant, or a portion of a planned center that is separated from all other tenant spaces for occupancy by a single tenant.

Trim or trimming means the pruning of excess limbs or branches from trees or other vegetation.

Tri-vision sign means a sign designed with a series of triangular slats that mechanically rotate in sequence with one another to show three different sign messages in rotation. For purposes of this Chapter, a tri-vision sign is not a changeable copy sign.

Vehicular sign means any sign placed, mounted, painted on or affixed to a motor vehicle or to a freight, flat-bed or storage trailer or other conveyance, whether motorized or drawn.

The following are Illustrative Examples of Vehicular Signs:



Wall sign - see under “Building sign.”

Window sign - see under “Building sign.”

Zoning administrator means the zoning official of the City.

ARTICLE 3. - PERMIT REQUIRED, PROCEDURES.

Except as specifically excluded from the provision of this Chapter, it shall be unlawful for any person to post, construct, enlarge, replace, display, substantially change, or erect a sign in the city without having first obtained a sign permit.

Sec. 3.1. - Sign permits; when required.

- (a) Except for signs that are listed under (d) Procedures for obtaining a sign permit are contained in Chapter 8 – Procedures and Permits of this Development Code.
- (b) Exemptions from permit requirements., below, or are listed under Sec. 4.2. - Signs that are exempt from regulation, a sign permit must be issued by the City before a permanent sign may be:
 - (1) Erected or relocated;
 - (2) Attached to, suspended from, or supported on a building or structure; or
 - (3) Altered, enlarged, or materially improved (including the replacement of a sign face with an electronic changeable copy sign).
- (c) Any sign using electrical wiring and connection shall require a sign permit and an electrical permit. Such a sign permit shall become null and void if an electrical permit is not secured, if required, or if the sign for which the permit was issued has not been completed within a period of 6 months after the date of issuance.
- (d) Procedures for obtaining a sign permit are contained in Chapter 8 – Procedures and Permits of this Development Code.

Sec. 3.2. - Exemptions from permit requirements.

- (a) The following signs are exempt from the permit requirements of this Chapter.
- (b) The following types of signs shall be exempt from the permit requirements of this Chapter, provided that each is located and maintained in accordance with the provisions of this Chapter and all other applicable codes and regulations:
 - (1) Nonilluminated signs, having a sign area of less than 15 square feet, provided they are not located in the public right-of-way.
 - (2) Window signs installed for purposes of viewing from outside the premises. However, such signs shall not exceed 30% of the space available in the window where the sign is placed.
 - (3) Numerals displayed for purposes of identifying property location and not exceeding 4 inches in height in residential districts and 10 inches in height in nonresidential districts.
 - (4) Seasonal displays located outside of the public right-of-way that are erected for a maximum period of 30 days no more than twice a year.

Sec. 4.2. - Signs that are exempt from regulation.

- (5) Signs allowed under Sec. 1.1. - Miscellaneous freestanding signs., unless such signs require issuance of a building or electrical permit.
 - (6) Signs allowed under Sec. 8.2. - Miscellaneous building signs., unless such signs require issuance of a building or electrical permit.
 - (7) Incidental signs at the entrance drive of residences, estates, farms, ranches, and plantations which do not exceed 1½ square feet in area.
- (c) Every parcel may display no more than two flags that shall not count toward the maximum aggregate sign area limits provided in this Chapter without obtaining a permit.
- (1) Flagpoles in residential zoned districts shall not exceed 25 feet in height or the height of the primary structure, whichever is less. Flagpoles in commercial or industrial zoned districts shall not exceed 60 feet in height.
 - (2) The dimensions of any flag shall be proportional to the flagpole height such that the hoist side of the flag shall not exceed 50% of the vertical height.
 - (3) All flags mounted on a flagpole must have a minimum vertical clearance of 8 feet above the ground, sidewalk, private drive or parking area, as applicable. Flags mounted on a pole projecting from a building must provide a minimum vertical clearance of 8 feet above a sidewalk or other area of pedestrian movement.
 - (4) The display of the Flag of the United States of America shall be guided by Title 4, Section 3 of the US Code, which prohibits the use of the American Flag for commercial purposes.

ARTICLE 4. - APPLICABILITY

Sec. 4.1. - Signs that are regulated.

The regulations and requirements of this Article apply to all signs that are or are intended to be viewed from a public right-of-way or adjacent property, or that are intended to be viewed from outdoor areas of private property, except as otherwise exempt under this Section.

Sec. 4.2. - Signs that are exempt from regulation.

The following signs are exempt from the provisions of this Chapter.

- (a) Signs erected by or at the direction of the City or any government entity in the right-of-way or on any government owned parcel are exempt from provisions of this Chapter.
- (b) Historic markers authorized by the City are exempt.
- (c) Property address numbers as required by the City are considered “official governmental signs” and are exempt.
- (d) Incidental signs (as defined in this Chapter) that are located in conjunction with a multi-family or nonresidential use are exempt, provided such signs are not illuminated and that the aggregate of all such signs on a property may not exceed 9 square feet (unless a larger aggregate area is required by law or government regulation).

Sec. 4.3. - Prohibited signs.

- (e) Displays or decorations related to a holiday or seasonal event (as defined in this Chapter) that are placed on a property by the owner or with the owner's permission as personal (noncommercial) speech (also as defined in this Chapter) are exempt.
- (f) Window displays of goods available on a site are not considered to be signs and are exempt from these sign regulations.
- (g) A building design or color that is associated with a particular establishment or organization but which conveys no message is not considered to be a sign and is exempt from these sign regulations.

Sec. 4.3. - Prohibited signs.

The following types of signs are prohibited throughout the city:

- (a) All signs, other than legal non-conforming signs, which are not in compliance with this Article are prohibited and illegal and shall not be erected or maintained.
- (b) Privately owned signs erected on or above public property.
 - (1) No person shall erect a sign on or projecting over public property other than the governmental entity responsible for such property, or a public utility company or contractor occupying or working on public property pursuant to government contract or franchise.
 - (2) For the purpose of this Chapter the public right-of-way shall be measured and determined by the utility poles, unless otherwise indicated or more detailed information is available.
- (c) Any sign placed or erected on a property without the permission of the property owner.
- (d) Roof signs.
- (e) Vehicular signs, as defined in this Chapter, are not allowed to be placed or parked in such a manner as to be viewed or intended to be viewed from a public right-of-way, except that this prohibition shall not apply in the following circumstances:
 - (1) When such conveyances are actively being used to transport persons, goods or services in the normal course of business;
 - (2) When such conveyances are parked in an inconspicuous area; or
 - (3) When such conveyances are actively being used for storage of construction materials for, and on the same lot with, a bona fide construction project for which building and other applicable permits have been issued and where construction is underway.
- (f) Animated signs, with the exception of electronic changeable copy signs, banners and flags as may be regulated by this Chapter, are not allowed.
- (g) Signs that pose a threat to public safety are not allowed, such as:
 - (1) Signs containing or imitating an official traffic sign or signal or contain the words "stop", "go", "danger", "caution", "warning", or similar words, except for

Sec. 4.3. - Prohibited signs.

construction signs and barricades and except when the words are incorporated in the permanent name of a business.

- (2) Signs that display intermittent or blinking lights resembling the flashing lights customarily used in traffic signals or on police, fire, ambulance or rescue vehicles.
 - (3) Signs located so as to obscure, or otherwise interfere with the effectiveness of any official traffic sign, signal or device.
 - (4) Signs located so as to obscure, or otherwise interfere with a motor vehicle operator's view of approaching, merging, or intersecting traffic.
 - (5) Signs that obstruct any fire escape; any means of ingress, egress, or ventilation; or prevent free passage from one part of a roof to any other part thereto; and signs attached in any manner to a fire escape.
 - (6) Signs which interfere with road or highway visibility or obstruct or otherwise interfere with the safe and orderly movement of traffic.
 - (7) Signs which obstruct the orderly flow of pedestrian traffic on any sidewalk or public walkway.
 - (8) Signs which simulate an official traffic control or warning sign or hide from view any traffic sign, signal or public service sign.
 - (9) Signs on publicly owned rights-of-way other than publicly owned or maintained signs.
- (h) Handwritten, hand painted, handmade or other unprofessionally fabricated signs. A "professionally" hand-painted sign is one that has been prepared or created by a person engaged in the paid occupation of sign-painting and generally reproduces font sets created by such foundries as Adobe, Microsoft, BitStream, etc.

The following are illustrative examples of "professionally" hand-painted signs that would not be prohibited:



- (i) Window signs which exceed 30% of the window area.

Sec. 4.3. - Prohibited signs.

- (j) Signs which contain words, pictures, or statements which are obscene, as defined by O.C.G.A. § 16-12-80 (b), or displaying nudity as defined by the State of Georgia at O.C.G.A. Section 16-12-81 (b)(1).
- (k) Signs that advertise or encourage illegal activity as defined by local, state or federal laws.
- (l) Unshielded illuminated devices that produce glare or create a hazard or nuisance to motorists or occupants of adjacent properties.
- (m) Signs with lighting or control mechanisms that cause radio, television or other communications interference.
- (n) Motion picture mechanisms or video displays used in such a manner as to permit or allow moving or animated images to be visible from a public right-of-way or sidewalk.
- (o) Certain illuminated signs, as follows:
 - (1) Signs containing, including, or illuminated by any flashing, intermittent, or moving lights, scrolling lights, and/or utilizing changes in the intensity of lighting are prohibited.
 - (2) Any illumination of a sign that interferes with the effectiveness of, or obscures, an official traffic sign, device, or signal is prohibited.
 - (3) Any illumination of a sign that is not effectively shielded so as to prevent beams or rays of light from being directed at any portion of the traveled way of a street and which are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle, or which otherwise interfere with the operation of any motor vehicle, is prohibited.
 - (4) No red, green or yellow illuminated sign shall be placed within 300 feet of any traffic light.
 - (5) Search lights or spotlights, except for special business promotions or a new business "grand opening". For each event, such devices shall receive prior written approval by the City. Such lights shall not create a nuisance or interfere with vehicular traffic, and shall adhere to all applicable regulations of the Federal Aviation Administration (FAA).
- (p) Banners are prohibited except as allowed by this Chapter for specific types of signs, including temporary event signage for a grand opening or special business promotion event under ARTICLE 9. - TEMPORARY EVENT SIGNS
- (q) Portable signs are prohibited, except A-frame signs as may be allowed under this Chapter for a nonresidential use, or as provided for temporary signage for a grand opening or special business promotion event under ARTICLE 9. - TEMPORARY EVENT SIGNS
- (r) Festoons, as defined in this Development Code, are prohibited except as provided for temporary signage for a grand opening or special business promotion event under ARTICLE 9. - TEMPORARY EVENT SIGNS

Sec. 5.2. - Computation of sign area.

- (s) Inflatable signs, including air or gas filled balloons or other inflatable devices, are prohibited in all nonresidential zoning districts except as exempted as seasonal and holiday decorations under this Chapter or for temporary signage for a grand opening or special business promotion event under ARTICLE 9. - TEMPORARY EVENT SIGNS
- (t) Signs which emit or utilize in any manner any sound capable of being detected on any traveled road or highway by a person with ordinary hearing.
- (u) Signs erected by nailing, fastening or affixing the sign in any manner to any tree, post, curb, utility pole, or other structure located on any public right-of-way except as may otherwise be provided herein.
- (v) Signs which emit any visible smoke, steam, vapor, particles, or odor into the air.
- (w) Signs which emit any sound which can be heard at any place outside of the parcel on which the sign is erected.
- (x) Signs which have been attached to or painted on any telephone pole, light pole, telegraph pole, or any tree, rock or other natural object.

Prohibited signs shall be removed within 48 hours of notice of violation of this Section provided that where permanent signs are installed, the 48-hour period may be extended for up to two weeks by the Director of Building, Planning and Zoning or zoning administrator where removal requires engagement of a specialized contractor.

ARTICLE 5. - REQUIREMENTS THAT APPLY TO SIGNS IN GENERAL

Sec. 5.1. - Compliance with other codes and provisions.

- (a) Any sign that will be erected, replaced, reconstructed, repaired, altered, relocated or maintained within the city shall conform to the requirements of the International Building Code, Appendix H, and to the requirements of the National Electrical Code, Article 600, "Electrical Signs and Outdoor Lighting," as adopted with amendments by the State of Georgia. Where the provisions of the building or electrical code and this Article conflict or overlap, the most stringent requirement shall prevail and be controlling.
- (b) In accordance with the National Electrical Code specifications, all signs shall be located in such a way that they maintain horizontal and vertical clearance from all overhead utilities. In no case shall any sign be installed within 3 feet horizontally or vertically from any overhead utility line or utility guy wire.
- (c) Any sign that will be erected, replaced, reconstructed, repaired, altered or relocated within the city shall conform to all other provisions of this Code and other ordinances of the City.

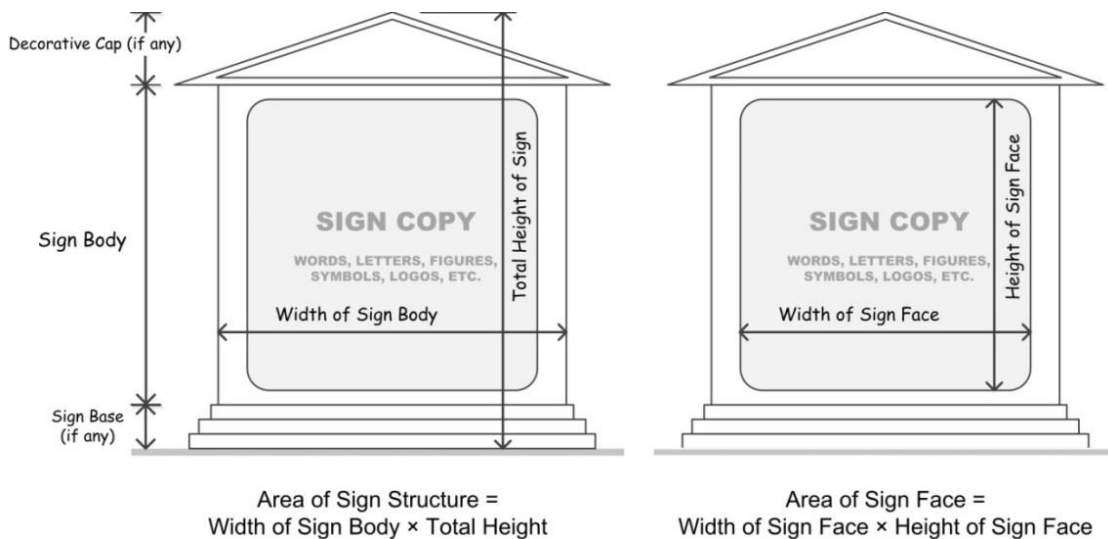
Sec. 5.2. - Computation of sign area.

- (a) Generally.
 - (1) The area of a sign face or module shall be computed by means of the smallest rectangle that will encompass the extreme limits of the writing, representation, emblem, color, or other display, together with any material or color forming an

Sec. 5.2. - Computation of sign area.

integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets other regulations of the City and is clearly incidental to the display itself.

- (2) If a sign face is composed of two or more sign modules, the sign face area shall be the area of each module, measured in accordance with the preceding paragraph (1), totaled together.
- (3) The area of a sign structure shall be computed by means of the smallest rectangle that will encompass the extreme limits of the sign, by multiplying:
 - a. The width of the body of the sign (exclusive of the sign's base or decorative cap, if any) measured at the widest portion of the sign body; times
 - b. The total height of the sign as defined in this Article under "sign height."
- (4) The following are examples of how sign structure and sign face area measurements are made; the signs shown are illustrative and only provided for clarity.



(b) Area of multi-faced signs.

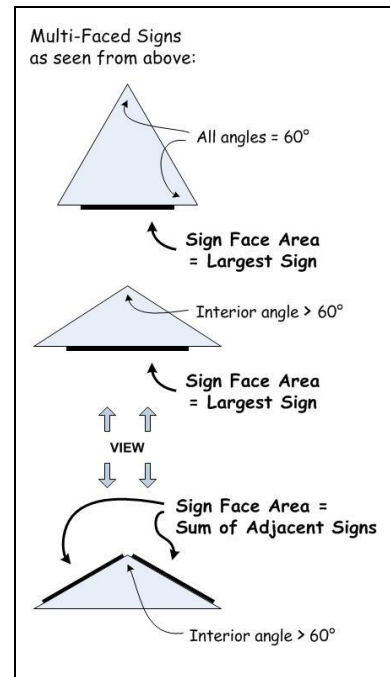
The sign face area of a sign structure with more than one side, and such sides are not more than 12 inches apart at their closest point, shall be computed as follows:

(1) Double-faced signs.

For double-faced signs, when the sign face surfaces are parallel (back-to-back), or where the smallest angle formed between the two faces is 60 degrees or less, the area of the sign shall be taken as the area of the largest side. For double-faced signs where the interior angle formed by the faces is more than 60 degrees, the sign face area shall be the total area of both sides.

(2) Signs with three or more faces.

- a. For sign structures having only three sides and the interior angle formed between each of the sides is 60 degrees, the sign face area shall be taken as the area of the largest of the three sides.
- b. For all other multi-faced signs with three or more sides, the sign face area shall be either the largest sign on any one side, or the largest total of all sign faces that are joined by an interior angle of more than 60 degrees, whichever can be viewed from an adjoining street.

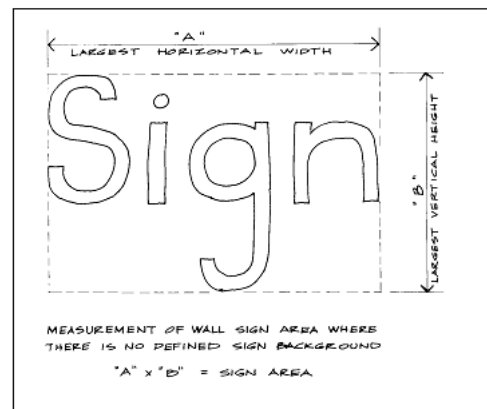


Sign Face Area
Three-sided Sign Structures

(c) Free-form signs.

For signs that have no identifiable frame or border, the smallest rectangle that includes all of the sign's words, letters, figures, symbols, logos, fixtures, colors or other design elements intended to convey the sign's message shall establish the area of the sign face.

Free-Form Sign



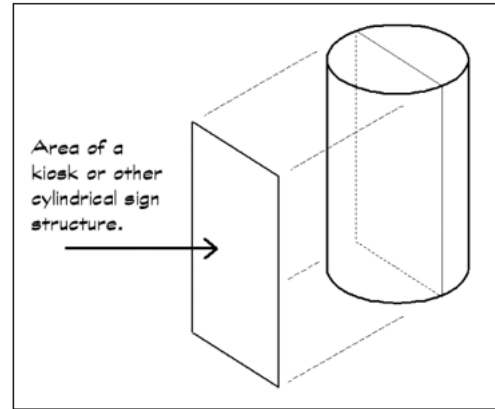
(d) Kiosks.

For a kiosk or other cylindrical sign structure, the area of the sign face shall be the largest measurement achieved from any view of the

sign structure. Measurements shall be made as a flat plane rectangle projected on or bisecting the sign structure.

Sec. 5.3. - Number of signs.

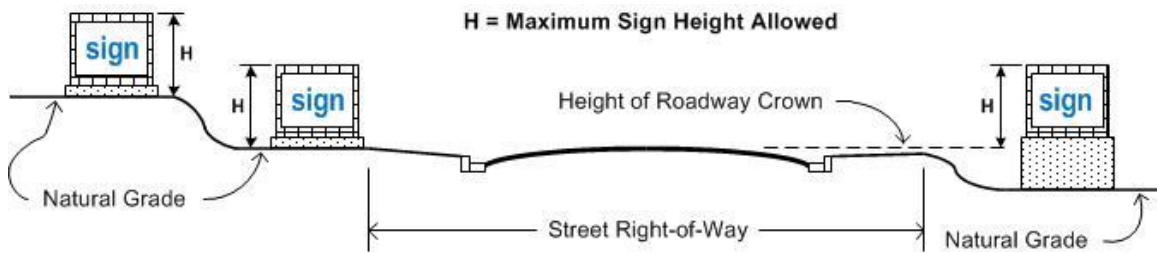
- (a) For the purpose of determining number of signs, a single sign shall be considered to be a single sign structure, display surface or display device containing the sign copy (as defined in this Development Code) or other elements organized, related, and composed to form a unit.
- (b) Refer to the definition of “sign face” and “sign copy” for additional information.



Kiosk Sign

Sec. 5.4. - Height measurements.

- (a) For a freestanding sign structure located within 100 feet of an adjacent street right-of-way (as measured perpendicular to the street), the following applies:
 - (1) For a sign located on land at or above the crown of the roadway in the adjacent street, the height of a sign shall be equal to the vertical distance from the average grade at the base of the sign to the highest point of any portion of the sign. Any earthen berms or other site improvements that raise the sign above the pre-construction natural grade of the land upon which the sign is placed shall be included in the height measurement of the sign.



Examples of Sign Height Measurements

- (2) For a sign located on land below the crown of the roadway in the adjacent street, the height of a sign shall be equal to the vertical distance from the crown of the roadway to the highest point of any portion of the sign. Any earthen berms, elevated foundations or other site improvements that raise the sign up to the level of the crown of the roadway shall not be included in the height measurement of the sign.
- (b) For a freestanding sign structure located 100 feet or more from an adjacent street right-of-way (as measured perpendicular to the street), the height of a sign shall be equal to the vertical distance from the average grade at the base of the sign to the highest point of any

Sec. 5.8. - Visibility clearance area.

portion of the sign. Any earthen berms or other site improvements that raise the sign above the pre-construction natural grade of the land upon which the sign is placed shall be included in the height measurement of the sign.

Sec. 5.5. - Illumination.

- (a) Illumination for signs shall not cast light on adjoining property or shine in such a manner as to cause traffic interference. Illumination shall be constant and shall not change, flash, scroll or stimulate movement.
- (b) Multiple message technology shall be allowed in accordance with Georgia law, to include spacing of at least 5,000 feet between any two multiple message signs.

Sec. 5.6. - Lighting restrictions.

In addition to illuminated signs that are prohibited under Sec. 4.3. - Prohibited , the following applies to all illumination of signs:

- (a) Only permanent signs shall be illuminated, either directly or indirectly.
- (b) A permit will not be issued for an illuminated sign on a nonresidential property within 100 feet from any property line of a residentially zoned parcel.
- (c) In a residential zoning district only project entrance signs may be illuminated, and such signs may only be illuminated indirectly by an external light source, such as floodlights or shielded neon tubes.
- (d) Any signage with internal lighting composed of light bulbs or neon tubing shall be covered so that the light sources are not directly visible from the outside.

Sec. 5.7. - Language and legibility.

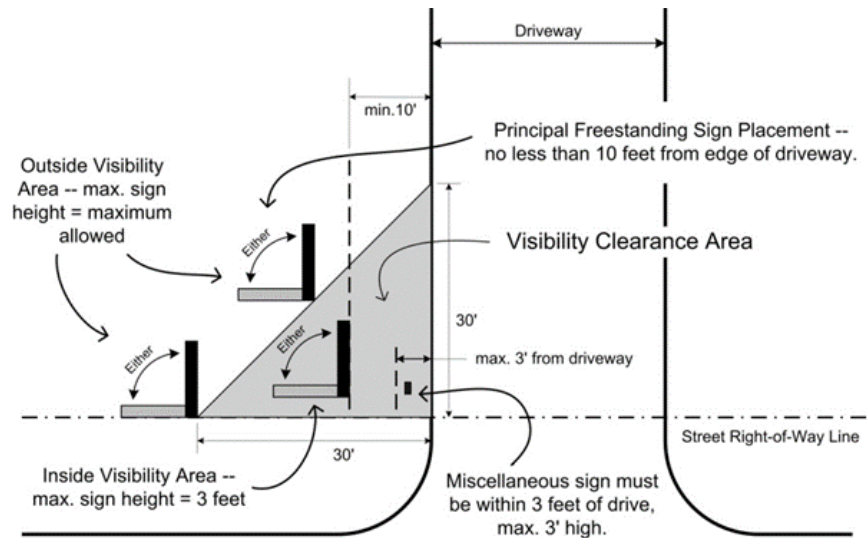
- (a) Every principal freestanding sign shall contain the street number and the official street name in English letters and Arabic numbers of a size equivalent to the predominant size of the letters and numbers on the sign.
- (b) To aid in proper and timely response in an emergency, the name of the business or the type of business on the premises must also be indicated in English.
- (c) Nothing in this Section shall prohibit the same and/or additional information on the sign from being written in a language other than English, provided that an English translation of the sign is included with the application for a sign permit.

Sec. 5.8. - Visibility clearance area.

- (a) No sign more than 3 feet in height shall be erected within 30 feet of an intersection with a public or private street, private drive or other access point, or otherwise interfere with traffic movement and visibility.

Sec. 5.9. - Electronic changeable copy signs.

- (b) Such visibility clearance area shall be established as the triangular area formed by the street right-of-way lines (or such lines extended to their intersection) and a line connecting such right-of-way lines at points 30 feet from the intersection of the right-of-way lines, or within 30 feet of the intersection of a street right-of-way line and the edge of a driveway.



Visibility Clearance Area and Sign Height Restrictions at a Driveway Entrance

Sec. 5.9. - Electronic changeable copy signs.

Electronic changeable copy signs, as defined in this Development Code, regardless of the technology employed, must conform to the following standards:

- (a) All electronic changeable copy signs viewable from a public street or sidewalk shall present only static displays (still pictures and printing). Such signs not viewable from a public street or sidewalk may display movies, animation or video containing motion.
- (b) Each static image shall be maintained for a duration of at least 8 seconds. The change time between each static image shall be perceived as instantaneous within the capability of the technology employed (generally about 1/10th of a second).
- (c) For signs viewable from a public street or sidewalk, no flashing, scrolling, or other variation in the static image that gives an illusion of movement or variation in light intensity during the display of a single image is allowed.
- (d) LED signs.

In addition to all other requirements of this Section and this Chapter, LED signs (as defined in this Development Code) must comply with the following:

- (1) All such signs shall be "tri-color" signs or better, in which each pixel consists of a group of at least one red, green and blue LED or similar light emitting device.

- (2) Maximum distances between pixels shall be as follows:
 - (3) For building signs, no more than 5 mm between pixels, measured center-to-center both horizontally and vertically.
 - (4) For freestanding signs (including billboards as defined in this Development Code), no more than 16 mm between pixels, measured center-to-center both horizontally and vertically.
 - (5) All such signs shall be certified by a Nationally Recognized Testing Laboratory (NRTL) recognized by the US Occupational Safety & Health Administration (OSHA) in accordance with 29 C.F.R. 1910.7.
 - (6) Maximum brightness.
 - a. The sign must employ a light sensing device that adjusts the brightness as ambient light conditions change.
 - b. The sign shall not operate at a brightness level of more than 0.30 foot candles above ambient light levels measured at 100 feet from the sign (150 feet for sign faces greater than 100 square feet in area), as certified under paragraph (f) below.
 - (7) A fail-safe device shall be installed that, in the event of a failure of the light sensing device, drops the brightness level to the lowest night-time level allowed, regardless of the time of day.
- (e) Other electronic changeable copy signs.
- (1) Electronic changeable copy signs utilizing TV-type displays (LCD or Plasma, for instance) must comply with the following in addition to all other applicable requirements of this Section and this Chapter:
 - c. Such signs shall be installed only as building signs.
 - d. Such signs shall have a minimum resolution of 1080p (High Definition) or equivalent.
 - e. At any time of the day or night, such signs shall not operate at a brightness level of more than 0.30 foot candles above ambient light levels measured at 100 feet from the sign (150 feet for sign faces greater than 100 square feet in area), as certified under paragraph (f) below.
 - (2) Electronic changeable copy signs utilizing incandescent bulbs are not allowed.
- (f) As part of an application for a sign permit, the sign owner must provide the City with a written statement from the installer that the sign will comply with the City's brightness requirements and all other requirements of this Section and shall certify to such compliance within 30 days after installation of the sign.
- (g) Operation of an electronic changeable copy sign in violation of any provision of this Section, including overriding the sign's light-sensing or fail-safe devices, may result in the disconnection of the electrical power supply to the sign at the owner's expense.

Sec. 5.10. - Construction and maintenance standards.

- (a) All signs for which a permit is required under this Chapter shall be constructed and maintained in accordance with all applicable building codes.
- (b) Signs for which a permit is not required under this Chapter and which are constructed of degradable material may be posted for a maximum of 60 days unless replaced with another sign of the same material. Any such replacement signs may be posted for a maximum of 60 days beyond the original 60-day period.
- (c) All freestanding signs with a display area greater than 100 square feet must be constructed to withstand winds of at least 120 miles per hour; in the event any other applicable code or regulation calls for wind tolerance in a greater amount, then such greater amount shall apply as the standard under this Chapter as well.
- (d) All signs, together with their supports, braces, guys and anchors, shall be kept in good repair and unless constructed of galvanized or non-corroding metal, shall be given a protective coating as necessary to maintain a clean appearance and safe condition.

ARTICLE 6. - RESIDENTIAL DISTRICT RESTRICTIONS

Sec. 6.1. - Residential restrictions in general.

The following shall apply to all properties located within residential zoning districts:

- (a) Other than subdivision entrance signs allowed under Sec. 6.3. - below, parcels located in residential zoning districts shall not contain signs having an aggregate sign area greater than 15 square feet.
- (b) No individual sign shall exceed 6 square feet in sign area in a residential zoning district.
- (c) Signs having a height of greater than 5 feet above the grade level of the center line of the adjacent street to which the parcel on which the sign is located shall not be located in residential zoning districts.

Signs meeting the standards of this Sec. 6.1. - are exempt from permitting requirements.

Sec. 6.2. - Historical district restrictions.

Parcels located in the designated historical districts shall comply with the following:

- (a) Such parcels shall not contain signs having an aggregate sign area greater than 15 square feet.
- (b) No individual sign shall exceed 6 square feet in a historical zoning district.
- (c) Signs having a height of greater than 5 feet above the grade level of the center line of the adjacent street to which the parcel on which the sign is located shall not be located in a residential zoning district.

- (d) The permitting requirements of this Section and those of Chapter 50, Historic Preservation in the City of Fort Oglethorpe Code of Ordinances shall be applicable to all permits issued in or adjacent as provided by definition herein.

Sec. 6.3. - Residential subdivision entrance signs.

Platted residential subdivisions consisting of more than two parcels may erect one monument sign at each entrance to the subdivision.

- (a) Such sign shall not exceed a height of 5 feet above the grade level of the center line of the adjacent street and shall not have a sign area greater than 25 square feet. Such entrance signs shall not count toward the maximum allowable signage on a residential parcel.
- (b) A project entrance sign may be lighted by external illumination. If floodlights or other incandescent bulbs are used, they may not be directed onto the street or toward vehicular traffic. If neon tubes are used, they must be shielded from view.

ARTICLE 7. - NONRESIDENTIAL DISTRICT REGULATIONS

Sec. 7.1. - Height requirements.

The following height requirements shall be applicable to signs located in nonresidential zoning districts:

- (a) No stanchion sign shall exceed 24 feet in height at the highest point on the sign.
- (b) Monument signs shall not exceed 6 feet in height.
- (c) All sign heights shall be measured in accordance with Sec. 5.4. - Height Measurements. The level of the ground shall not be altered in such a way as to provide additional sign height.

Sec. 7.2. - General size and location requirements.

- (a) No freestanding sign may be located within 30 feet of the intersection of street right-of-way lines extended.
- (b) No sign shall be located on any building, fence or other property belonging to another person without the consent of the owner, and as permitted under the provisions of this Chapter.
- (c) Billboards.
 - (1) Billboards shall not exceed 300 square feet per sign face.
 - (2) Billboards shall only be located on parcels located in commercial or industrial zoning districts and such billboards shall be located at least 750 feet away from any residential or historically zoned parcel, as measured along a straight line in every direction.
 - (3) Billboards shall only be located on parcels adjacent to designated state or federal highways and shall be oriented only towards those highways.

- (4) No billboard sign shall be located within 1,000 feet of another billboard sign, measured along a straight line in every direction.
 - (5) No billboard shall be located within 750 feet in any direction of a public park, public playground, public recreation area, public forest, scenic area, or cemetery; provided, however, that such sign may be located within 500 feet of a public park, public playground, public recreation area, public forest, scenic area, or cemetery when the sign is separated by buildings or other obstructions so that the sign located within the 750-foot zone is not visible from the public park, public playground, public recreation area, public forest, scenic area, or cemetery.
 - (6) No billboards shall be erected to a height in excess of 40 feet.
 - (7) All billboards must comply with the State of Georgia's outdoor advertising regulations including size and spacing limitations. A permit issued by the State of Georgia for the billboard is required as a prerequisite for issuance of a building permit by the City.
- (d) Stanchion signs.
- (1) Stanchion signs for parcels exceeding 3 acres shall not exceed a sign face area of 150 square feet.
 - (2) Stanchion signs for parcels less than 3 acres, but equal to or greater than 30,000 square feet shall not exceed a sign face area of 90 square feet.
 - (3) Stanchion signs for parcels less than 30,000 square feet in size shall not exceed a sign face area of 70 square feet.
 - (4) Stanchion signs shall only be located on property in commercial or industrial zoning areas and shall be limited to one such sign per parcel per street frontage.
- (e) Monument signs.
- (1) Monument signs and hybrid monument signs shall not exceed 60 square feet of total sign face area, which shall include signage and structure; and
 - (2) Shall be limited to one such sign per parcel per street frontage.
- (f) Wall and awning signs.
- (1) Wall and awning signs shall not project above the parapet wall.
 - (2) Wall signs shall not project beyond the building face. Awning signs shall not project beyond the building face by more than 4 feet.
 - (3) Wall and awning signs shall not exceed a sign face area of 300 square feet or 10% of the wall face of the premises to which the sign relates, whichever is less, on each street facing wall.
 - (4) The maximum wall or awning sign height shall be 10 feet.
 - (5) Wall signs shall only be located on property in commercial or industrial zoning districts.

- (6) Each building tenant shall be limited to one wall or awning sign on each street facing wall.
- (g) Maximum aggregate sign area.
 - (1) Parcels may contain more than one freestanding sign, provided that:
 - a. Parcels exceeding three acres shall be allowed a maximum aggregate sign face area of 300 square feet for the entire parcel.
 - b. Parcels less than three acres but greater than 30,000 square feet shall be allowed a maximum aggregate sign face area of 180 square feet for the entire parcel.
 - c. Parcels less than 30,000 square feet in size shall be allowed a maximum aggregate sign face area of 100 square feet for the entire parcel.
 - d. These limits shall not include the area of any wall signs, window signs or billboard signs located on the parcel.
 - (2) These limits shall include the area of all freestanding signs on the parcel.

Sec. 7.3. - Landscaping requirements for signs.

All stanchion, column, monument and hybrid monument signs regulated under this Chapter shall meet or exceed the following standards of this Section.

(a) Landscaping required.

There shall be established a landscaping area along the long side of each principal freestanding sign and each project entrance sign that extends no less than 2 feet out from the sign face. The sign landscaping area may be at ground level or accommodated within planters created as an integral part of the sign base. Within this sign landscaping area, the following standards shall apply:

- (1) All portions of the sign landscaping area shall be covered by landscape materials, as defined in this Code. A minimum of 80% of the required landscape area shall be covered with living plant materials, which may include any combination of ground covers and shrubs.
- (2) Shrubs that are provided within the sign landscaping area must be at least 12 inches tall at the time of planting and be of a species that will not normally exceed 4 feet in height at maturity.
- (3) Plant materials may be clustered for decorative effect following professional landscaping standards for spacing, location and design.

(b) Maintenance of required plant materials.

The owner, tenant and their agent, if any, and their successors and assigns shall be jointly and severally responsible for the maintenance in good condition of the plant materials used to meet the minimum landscaping requirements of this Section.

Sec. 7.4. - Master sign plans.

- (a) A master sign plan may be submitted by a property owner or their authorized representative for pre-approval of permits for permanent signs, typically for multiple-tenant developments where there is a need for numerous signs and/or sign locations.
- (b) Procedures for submitting a master sign plan are contained in Chapter 8 – Procedures and Permits of this Development Code.

ARTICLE 8. - ADDITIONAL REGULATIONS FOR SPECIFIC TYPES OF SIGNS

Sec. 1.1. - Miscellaneous freestanding signs.

Freestanding signs in addition to those regulated under this Chapter are allowed as accessory uses on a property occupied by a residential, commercial, industrial or institutional use if each sign complies with all of the following:

- (a) Within the area between a street right-of-way line and the minimum building setback required from that street right-of-way line for the zoning of the property, the following applies:

- (1) Permanent signs.

Permanently installed miscellaneous freestanding signs may be located only within 3 feet of driveways that provide access into or from the property. There shall be no more than two such signs per driveway and each such sign shall not exceed 6 square feet in sign face area nor be more than 3 feet in height.

- (2) Small temporary signs.

One temporary sign per parcel per street frontage shall be permitted at any given time without a sign permit or fee. Said sign may be a double-faced sign, shall not exceed 6 feet in height and 6 square feet per side, and shall not be located within any visibility clearance area required under Sec. 5.8. - Visibility clearance No balloons, streamers or other animated devices may be attached to or otherwise placed so as to draw attention to the sign and such a sign must be made of colors other than fluorescent type.

- (b) Miscellaneous freestanding signs located farther from the street than the minimum building setback from that street right-of-way line required by the zoning of the property, shall be allowed as follows:

- (1) On a property occupied by a multi-family or nonresidential use, one miscellaneous sign not to exceed 32 square feet in sign face area or more than 8 feet in height may be located on the property for each principal building on the lot, or for each drive-through service window on the building.

Sec. 8.2. - Miscellaneous building signs.

(2) Other miscellaneous freestanding signs are allowed beyond the minimum building setback, provided that such signs are no more than 6 square feet in sign face area nor more than 3 feet in height (except signs that are required by law to be higher than 3 feet, such as those marking a handicapped parking space).

(c) Portable signs are not allowed as miscellaneous freestanding signs except for an A-Frame sign for a nonresidential use (also known as a “sandwich board” sign). Such A-Frame signs must be located no farther from an entrance to the owner’s business than 6 feet and may be no larger than 6 square feet in sign face area nor be more than 3 feet in height. Such A-Frame signs must be stored indoors when the owner’s establishment is not open for business.



A-Frame Sign

Sec. 8.2. - Miscellaneous building signs.

Miscellaneous building signs (as defined in this Chapter) not otherwise prohibited under Sec. 4.3. - Prohibited , are allowed on nonresidential use properties in addition to the principal building signs allowed under this Chapter, as follows:

(a) General miscellaneous building signs.

Miscellaneous building signs are allowed, provided that such signs shall be placed only on a tenant space façade fronting on a dedicated public street. Such signs are limited as follows:

- (1) For single-occupant buildings, the maximum aggregate area for all miscellaneous building signs shall be 1 square foot of sign face area per linear foot of the length of the tenant frontage (as defined in this Chapter) on which the signs are affixed, or 10% of the area of the façade, whichever is greater. No single such sign shall be larger than 6 square feet in sign face area.
- (2) For planned centers, the maximum aggregate area for all miscellaneous building signs for each tenant space shall be 1 square foot of sign face area per linear foot of the tenant frontage (as defined in this Chapter), or 10% of the area of the tenant’s façade, whichever is greater. No single such sign shall be larger than 6 square feet in sign face area.
- (3) Such miscellaneous building signs placed in a window may not result in the obstruction of more than 50% of the window area in combination with all other signs in the window.

(b) Subtenant signs.

- (1) Each business that occupies space within a principal business as a subtenant is allowed one wall sign in addition to the principal building sign allowed for the principal business. Each subtenant wall sign shall not exceed 20 square feet in sign face area, nor shall the total for all such subtenant signs collectively exceed the sign face area allowed for the principal business.

(2) The following are examples of subtenant wall signs allowed by this Subsection:



(c) Sidewalk pedestrian signs.

Each tenant (other than a subtenant) located within a planned center is allowed to have one sidewalk pedestrian sign in lieu of an under-canopy sign allowed by this Article, as follows:

- (1) The sidewalk pedestrian sign must be post mounted in a sidewalk planter.
- (2) Each such sign is allowed to have a maximum sign face area of 6 square feet.
- (3) The following is an example of sidewalk pedestrian signs allowed by this Subsection:



(d) Convenience stores and service stations with pump islands.

Additional signage is permitted as follows:

- (1) One sign per freestanding or building canopy face per public street frontage with a maximum of 16 square feet each is allowed. The canopy sign shall not extend above or below the edge of the canopy.
- (2) Spreader bars (signs located under canopy over pump islands) shall be limited to no more than two signs per spreader bar, not to exceed 4 square feet per sign. However, total square footage for all spreader bars shall not exceed 24 square feet.

(3) On-site separate drive-through car wash building(s), shall be allowed one permanent wall sign, not to exceed 8 square feet with an approved sign permit. This sign shall be for incidental purposes only.

(e) Service entrance signs.

For any tenant space that has a service entrance at the rear of the building, at least one service entrance sign is required.

(1) Service entrance signs shall be located directly on or adjacent to the service entrance door.

(2) The combined area of signs at a single service entrance shall not exceed 6 square feet and must be clearly legible for public safety personnel.

Sec. 8.3. - Changeable copy signs.

(a) Manually activated changeable copy signs.

Manually activated changeable copy signs are permitted in conjunction with freestanding signs and wall signs so long as the changeable copy portion of the sign face does not exceed 60% of the overall sign face of the freestanding or wall sign; and provided that the total sign face does not exceed the size limitations imposed elsewhere by this Chapter.

(b) Electronic changeable copy signs.

Electronic changeable copy signs may be installed on any freestanding principal sign or principal building on a property occupied by a nonresidential use in accordance with the provisions of Sec. 5.9. - Electronic changeable copy signs

ARTICLE 9. - TEMPORARY EVENT SIGNS

Sec. 9.1. - Temporary event signs; allowed.

(a) Signs in addition to those allowed under this Chapter are allowed on a property for the duration of a temporary event (as defined below). Such additional signs shall not be restricted as to the message displayed on the sign.

(b) Temporary event signs must comply with all requirements of this Article, including the prohibitions of Sec. 4.3. - Prohibited and general requirements applying to all signs, except as modified by the provisions of this Article.

(c) Fixed location: All temporary event signs must be installed at a fixed location, either attached to the ground as a freestanding sign or attached to a building. Temporary event signs shall not be attached to a vehicle or other movable, animated or portable device, or attached to, held by or displayed upon a person.

Sec. 9.2. - Temporary event; defined.

A temporary event is an activity having a specific duration or the end of which is related to a specific action, usually lasting for only a few days or months at a time. Temporary events include but are not limited to such activities as:

Sec. 9.3. - Duration of temporary event sign placement.

- (a) The offering of a property or premises for sale or rent.
- (b) The construction of a building, subdivision or development project, or the rehabilitation, remodeling or renovation of a building.
- (c) Establishment of a new business or multi-family project, including temporary “pre-permanent” signage while awaiting installation of permanent signs, or for a “grand opening” of a new business.
- (d) A special business promotion other than a “grand opening,” such as but not limited to a “close-out sale” and a holiday or seasonal sales event.
- (e) A yard sale.
- (f) An election, political campaign, referendum or ballot proposition put to the voters as part of city, county, state or federal governance.
- (g) A public announcement of a special event or seasonal activity by an individual or a nonprofit organization.

Sec. 9.3. - Duration of temporary event sign placement.

Temporary event signs may be placed on any property upon initiation of a temporary event, and must be removed upon the termination of the event. Initiation and termination of particular events shall be interpreted as follows:

- (a) Sale or lease of a building or premises.

Initiation upon the availability of the building or premises for sale or lease, and termination within 7 days after the closing of the sale or execution of the rental agreement.

- (b) Building construction or remodeling.

Initiation upon issuance of a building permit authorizing the construction, interior finish or remodeling, and termination within 7 days after issuance of the Certificate of Occupancy.

- (c) Residential or nonresidential subdivision or condominium under development.

Initiation upon preliminary plat or site plan approval by the City. Termination upon the sale of 95% of the lots, dwelling units or buildings in the final phase, or at the end of 12 continuous months during which no building permits have been issued for new construction within the development, whichever occurs first.

- (d) Pre-permanent signage for a new business or multifamily project.

Initiation upon issuance of a Certificate of Occupancy for the first multi-family building in the project or for the new business’ premises, and termination upon the installation of the permanent signage for the project or business or 6 months from the date of issuance of the Certificate of Occupancy, whichever occurs first.

- (e) Grand opening for a new business.

Sec. 9.4. - Number of temporary event signs.

- (1) Initiation upon announcement of the grand opening event, which must occur within 6 months of issuance of the Certificate of Occupancy, and termination upon its completion or 30 days after initiation, whichever occurs first.
 - (2) A grand opening event may occur only once for a business that has newly occupied the property.
 - (3) Banners, portable signs, festoons and inflatable signs are allowed for a grand opening event.
- (f) Special business promotion.
- (1) Initiation upon announcement of the special sale or sales event, and termination upon its completion.
 - (2) A special business promotion event on the same property for each business or tenant may be held for any duration of time during October, November and December, and for one 30-day period in each of the other quarters of the year.
 - (3) Additional provisions apply to various types of signs placed during a special business promotion event (see Sec. 9.8. - Temporary banners, portable signs, festoons and inflatable signs).
- (g) Yard sale.
- Initiation 2 days prior to the announced date of the sale, and termination at the end of the announced date.
- (h) Election or political campaign.
- (1) For a local or state election: Initiation upon the opening day of qualification of candidates, and termination within 10 days after the election of all candidates to office or resolution of all ballot questions put to the voters in the election.
 - (2) For a national election: Initiation upon the nomination of candidates, and termination within 10 days after the election of all candidates to office or resolution of all ballot questions put to the voters in the election.
- (i) Public announcement.
- Initiation upon the placement of the sign and termination within 14 days after such placement.
- (j) Other temporary events.
- The initiation and termination dates for any temporary event not listed above shall be determined by the Director of Building, Planning and Zoning for each temporary event, based on considerations such as: normal beginning and ending dates for such an event, the scheduled occurrence of the event, or similarities to other temporary events listed above or having previously occurred.

Sec. 9.4. - Number of temporary event signs.

Sec. 9.4. - Number of temporary event signs.

Only one temporary sign related to each temporary event per business or tenant may be located on a property at any one time, except for the following:

- (a) Sale or lease of a building or premises.
 - (1) One freestanding sign per street frontage may be placed on a property that is available for sale or lease. For a planned center, one additional building sign may be placed on each tenant space that is available for sale or lease.
 - (2) For a commercial, industrial or institutional use building containing 50,000 square feet of gross floor area or more, the following shall apply:
 - a. During construction or remodeling of the building, no more than two temporary freestanding or wall signs shall be allowed.
 - b. During the start-up period while the building is initially for sale or lease, no more than two freestanding signs shall be allowed.
- (b) Residential or nonresidential subdivision or condominium under development.
 During construction of a residential or nonresidential subdivision or condominium development: one sign per entrance into the subdivision or development per builder.
- (c) Pre-permanent signage for a new business or multifamily project shall not exceed the number of permanent signs allowed for the project or business.
- (d) Grand opening for a new business.
 Up to 5 signs having a maximum aggregate area of 300 square feet are allowed, including any signs approved under Sec. 9.8. - of this Article.
- (e) Special business promotion.
 Under a Temporary Sign Permit, a maximum of 5 signs may be displayed having a maximum aggregate area not to exceed 300 square feet, including any signs approved under Sec. 9.8. - Temporary banners, portable signs, festoons and inflatable signs
- (f) Election or political campaign.
 No limit on the number of signs.

Table 5-A: Temporary Event Sign Examples ¹

Type of Temporary Event	Allowed Duration		Number Allowed on the Property
	Event Starts	Event Ends	
Sale or Lease of a Building or Premises	When put on the market	Within 7 days of closing of sale or execution of lease	1 freestanding per property, 1 building sign per tenant space, 1 per subdivision entrance

Sec. 9.5. - Size of temporary event signs.

Table 5-A: Temporary Event Sign Examples ¹

Type of Temporary Event	Allowed Duration		Number Allowed on the Property
	Event Starts	Event Ends	
Building Construction or Remodeling	Issuance of building permit	Within 7 days of issuance of Certificate of Occupancy	1 on the construction site
Subdivision or Condominium Project Under Development	Preliminary plat or Site Plan approval	Sale of 95% of lots or buildings, or 12 months of no building permits	1 per entrance into the subdivision or development, or 1 per 300 feet of frontage
Pre-Permanent Signage	Issuance of Certificate of Occupancy	When permanent signage installed or 6 months, whichever occurs first	Same as number of permanent signs
Grand Opening	Placement of grand opening event signs (within 6 months of issuance of Certificate of Occupancy)	End of sale or 30 days, whichever occurs first	5 including banners, portable signs, festoons and inflatable signs
Special Business Promotion	Announcement of special sale or sale event	End of sale ²	5 including banners, portable signs, festoons and inflatable signs
Yard Sale	2 days prior to announced date of sale	At the end of the sale	1 on yard sale site
Election or Political Campaigns	Opening day of qualification of candidates	Within 10 days after election complete	No limit
Public Announcement	Upon placement of the sign	Sign removed within 30 days of placement	1
Other Temporary Events	As determined by Director of Building, Planning and Zoning	As determined by Director of Building, Planning and Zoning	1

¹ Examples only. All provisions of ARTICLE 9. - TEMPORARY EVENT SIGNS apply in all cases.

² Limitations on frequency of special business promotion events apply, as noted in this Article.

Sec. 9.5. - Size of temporary event signs.

Temporary event signs are restricted to the following sign areas and sign heights:

Sec. 9.7. - Construction and lighting standards of temporary event signs.

- (a) Single-family residential, townhouse condominium or manufactured home lot.
Temporary event signs located on such subdivided lots shall not exceed 6 square feet in sign face area and 5 feet in height.
- (b) Residential or nonresidential subdivision or condominium development under construction.
Signage during construction of a residential or nonresidential subdivision or condominium development shall not exceed 32 square feet in sign face area and 8 feet in height.
- (c) Multi-family, manufactured home park or nonresidential use property (as defined in this Code).
Temporary event signs located on a multi-family, manufactured home park, or nonresidential use property shall not exceed 32 square feet in sign face area and 8 feet in height.
- (d) For a commercial, industrial or institutional use building containing 50,000 square feet of gross floor area or more, the following shall apply:
 - (1) During construction or remodeling, temporary event signs shall not exceed 64 square feet in area or more than 10 feet in height.
 - (2) During the start-up period while the building is initially for sale or lease, temporary event signs shall not exceed 64 square feet in area or more than 10 feet in height.

Sec. 9.6. - Location of temporary event signs.

- (a) All temporary event signs shall be located as follows:
 - (1) At least 10 feet from any street right-of-way line, back of street curb or edge of street pavement, whichever is farthest from the street.
 - (2) At least 10 feet from any side or rear property line and the pavement edge of a driveway.
 - (3) Temporary signs located within 30 feet of an intersection of two streets or a driveway and a street shall be no more than 3 feet in height.
- (b) Temporary event signs are not allowed to be placed within or over a public street right-of-way or private street easement.
- (c) A temporary event sign must be a freestanding sign or a building sign (as defined in this Article), and shall not be affixed to any tree, utility pole or official traffic sign or structure.
- (d) A temporary event sign shall be erected and maintained only with the permission of the owner of the property upon which the sign is located.

Sec. 9.7. - Construction and lighting standards of temporary event signs.

- (a) Construction standards for signs requiring building permits.

Sec. 9.8. - Temporary banners, portable signs, festoons and inflatable signs.

A temporary sign for which issuance of a building permit is required by the Building Code shall meet the same engineering design and materials standards as for permanent signs as required by the Building Code.

- (b) Construction standards for signs not requiring building permits.
 - (1) Nonpermanent but water-resistant construction materials may be used, such as but not limited to poster board, foam core board or illustration board.
 - (2) The words, letters, figures, symbols, logos, fixtures, colors or other design elements that convey the sign's message shall be permanently applied to the sign's face.
- (c) Electronic and manual changeable copy signs shall not be allowed.
- (d) Lighting.

Temporary signs shall not be illuminated.

Sec. 9.8. - Temporary banners, portable signs, festoons and inflatable signs.

All of the following types of signs are allowed as temporary signage during a "grand opening" or a "special business promotion" event through issuance of a temporary sign permit, and in accordance with the duration, number, size, location and lighting limitations of this Article. For holiday or seasonal decorations (in contrast to commercial signs), see Sec. 9.9. - of this Article 9.

- (a) Banners.

Banners are allowed with the following additional provisions:

- (1) For a banner that is no more than 12 square feet in sign face area, such banner shall be placed on the site or on a building in such a manner as not to create a safety hazard as determined by the Director of Building, Planning and Zoning. They shall meet the same setback requirements as all other temporary signs. Such a banner shall not be hung as an under-canopy sign, flown as a flag, attached to or hung from an existing freestanding sign, or used as any other form of sign.
- (2) A banner that is more than 12 square feet in sign face area but no more than 24 square feet in size shall be allowed only as a wall or window sign and shall be placed flush upon the wall or window to which it is attached. Such a banner shall not be hung as an under-canopy sign, flown as a flag, or used as any other form of sign.
- (3) A banner that is larger than 24 square feet in size is not allowed.

- (b) Portable signs.

No more than one portable sign is allowed on a property developed for commercial, industrial or institutional use, subject to the following restrictions:

- (1) Maximum size: The maximum size of a portable sign shall not exceed 32 square feet. Said sign shall not have flashing lights or animated devices, but may be internally illuminated and may be a manually activated changeable copy sign.

Sec. 10.1. - Registration of nonconforming signs.

- (2) Placement: The sign must be placed on the site in compliance with Sec. 9.6. - Location of temporary event signs
 - (3) Securely anchored: To prevent wind damage to the sign or other property, the sign must be securely anchored to the site in a manner acceptable to the Director of Building, Planning and Zoning.
 - (4) Electrical connections: All electrical connections to the sign must be in compliance with the Electrical Code as adopted by the City, and must be inspected prior to use.
- (c) Festoons.
- Festoons such as strings of light bulbs and other illuminated devices, and strings of ribbons, tinsel, pennants, streamers, pinwheels or other similar devices designed to move in the wind are allowed, provided that no part of any such festoon shall be located in or over a public right-of-way and no hazard to traffic safety shall be created.
- (d) Inflatable signs.
- Inflatable signs, such as air or gas filled devices and other inflatable devices, are allowed for a “grand opening” or a “special business promotion” event on parcels greater than 2.5 acres in land area. These devices shall be in the number and area of all “grand opening” or “special business promotion” signs allowed on the property. Inflatable devices must be deflated and properly disposed of or stored at the expiration of the permit period.

Sec. 9.9. - Holiday or seasonal decorations.

- (a) This Section does not apply to any holiday or seasonal displays or decorations exempted from regulation under Sec. 4.2. - (e) of this Chapter.
- (b) Holiday or seasonal displays or decorations not otherwise exempt and that are intended as commercial speech or convey a commercial message are regulated as “special business promotions” under this ARTICLE 9. - TEMPORARY EVENT SIGNS.

ARTICLE 10. - NONCONFORMING SIGNS

Sec. 10.1. - Registration of nonconforming signs.

- (a) Existing signs which are legal immediately prior to adoption of this Chapter and which would be required to obtain a permit under this chapter if they had been newly erected after enactment of this chapter must register with the Director of Building, Planning and Zoning within 90 days of the effective date of this Chapter. The information provided for registration will be the same information required in a permit application under the provisions of Chapter 8 of this Code, but no fee shall be required.
- (b) Nonconforming signs, which met all legal requirements when erected, may stay in place, provided that within 90 days of the effective date of this Chapter the owner of the nonconforming sign or the owner's agent registers the sign with the City.
 - (1) Such registration shall contain the same information required for issuance of a sign permit, which is found in the Procedures and Permits chapter of this Code.

- (2) In addition, the registration shall specify the sign being registered as nonconforming and shall state that the sign was completely installed before the effective date of this chapter.
 - (3) The burden of proof that an existing sign qualifies as a legal nonconforming sign lies with the owner of the sign.
 - (4) The payment of a fee is not required for the registration of a nonconforming sign; however, failure to register shall be considered an offense and may be punished as any other ordinance violation.
- (c) Existing signs which are legal immediately prior to adoption of this Chapter and which would be required to obtain a permit under this Chapter if they had been newly erected after enactment of this Chapter must register with the Director of Building, Planning and Zoning within 90 days of the effective date of this Development Code (from which this Chapter derives). The information provided for registration will be the same information required in a permit application under the following section of this Chapter, but no fee shall be required.

Sec. 10.2. - Maintenance and continuance.

- (a) Nonconforming signs shall be allowed until one of the following conditions occurs:
 - (1) The deterioration of the sign or damage to the sign makes it a hazard or unsightly; or
 - (2) The sign has been damaged by circumstances beyond the control of the owner to the extent that more than minor repairs are required to restore the sign; provided that signs damaged by Act of God and not due to the owner's action may be restored to their pre-damaged condition, provided that the useful life of the sign is not extended.
- (b) No change in shape, size or design, shall be allowed except to make a nonconforming sign comply with all requirements of this Chapter.
- (c) The substitution or interchange of poster panels or painted boards on nonconforming signs shall be allowed provided the size, shape, placement or location of said sign does not change.
- (d) 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.
- (e) An existing sign that was legally erected and that becomes nonconforming as to the setback requirements of this Code due to road widening may be moved to meet the setback requirements of this Code. Such sign shall not be increased in size or changed in any manner except as to become conforming.

CHAPTER 6. NATURAL RESOURCE PROTECTION

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ARTICLE 1. - SOIL EROSION, SEDIMENTATION AND POLLUTION CONTROL

Sec. 1.1. - Purpose and general provisions.

- (a) Excessive soil erosion and resulting sedimentation can take place during land-disturbing activities if requirements of this Article and the NPDES General Permit are not met. Therefore, plans for those land-disturbing activities which are not exempted by this Article shall contain provisions for application of soil erosion, sedimentation and pollution control measures and practices. The provisions shall be incorporated into the erosion, sedimentation and pollution control plans.
- (b) Soil erosion, sedimentation and pollution control measures and practices shall conform to the minimum requirements of CHAPTER 6. Sec. 1.4. - (a) and (b) 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-disturbing activity in accordance with requirements of this Article and the NPDES General Permit.

Sec. 1.2. - Definitions referenced.

- (a) The definitions of certain terms referenced in this Article are set forth in Chapter 10 *Interpretation and Definitions*.
- (b) In addition, the title "EPD Director" as used in this Article shall mean the Director of the Environmental Protection Division (EPD) of the Georgia Department of Natural Resources Environmental Protection.

Sec. 1.3. - Exemptions.

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

- (a) Surface mining, as the same is defined in O.C.G.A. 12-4-72, "The Georgia Surface Mining Act of 1968".
- (b) Granite quarrying and land clearing for such quarrying;
- (c) Such minor land-disturbing activities as home gardens and individual home landscaping, repairs, maintenance work, fences, and other related activities which result in minor soil erosion;
- (d) The construction of single-family residences, when such construction disturbs less than 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-disturbing activity shall be constructed between the residence and the point where vegetation has been wrested by normal stream flow or wave action from the banks of the trout waters. For primary trout waters, the buffer zone shall be at least 50 horizontal feet, and no variance to a smaller buffer shall be granted. For secondary trout waters, the buffer zone shall be at least 50 horizontal feet, but the EPD Director may grant variances to no less than 25 feet. Regardless of whether a trout stream is primary or secondary, for first order trout waters, which are streams into which no other streams flow except for springs, the buffer shall be at least 25 horizontal feet, and no variance to a smaller buffer shall be granted. The minimum requirements of subsection (b) of O.C.G.A. 12-7-6 and the buffer zones provided by this paragraph shall be enforced by the City;

- (e) Agricultural operations as defined in O.C.G.A. 1-3-3, "definitions", to include raising, harvesting or storing of products of the field or orchard; feeding, breeding or managing livestock or poultry; producing or storing feed for use in the production of livestock, including but not limited to cattle, calves, swine, hogs, goats, sheep, and rabbits or for use in the production of poultry, including but not limited to chickens, hens and turkeys; producing plants, trees, fowl, or animals; the production of aqua culture, horticultural, dairy, livestock, poultry, eggs and apiarian products; farm buildings and farm ponds;
- (f) Forestry land management practices, including harvesting; provided, however, that when such exempt forestry practices cause or result in land-disturbing or other activities otherwise prohibited in a buffer, as established in paragraphs (15) and (16) of CHAPTER 6.Sec. 1.4. - (b), no other land-disturbing activities, except for normal forest management practices, shall be allowed on the entire property upon which the forestry practices were conducted for a period of 3 years after completion of such forestry practices;
- (g) Any project carried out under the technical supervision of the Natural Resources Conservation Service (NRCS) of the United States Department of Agriculture;
- (h) Any project involving less than 1 acre of disturbed area; provided, however, that this exemption shall not apply to any land-disturbing activity within a larger common plan of development or sale with a planned disturbance of equal to or greater than 1 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-disturbing 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 a, b, c, d, e, f, g, i or j of this section;
- (i) Construction or maintenance projects, or both, undertaken or financed in whole or in part, or both, by the Department of Transportation, the Georgia Highway Authority, or the State Road and Tollway Authority; or any road construction or maintenance project, or both, undertaken by any county or municipality; provided, however, that construction or

maintenance projects of the Department of Transportation or the State Road and Tollway Authority which disturb one or more contiguous acres of land shall be subject to provisions of O.C.G.A. 12-7-7.1; except where the Department of Transportation, the Georgia Highway Authority, or the State Road and Tollway Authority is a secondary permittee for a project located within a larger common plan of development or sale under the state general permit, in which case a copy of a notice of intent under the state general permit shall be submitted to the City, the City shall enforce compliance with the minimum requirements set forth in O.C.G.A. 12-7-6 as if a permit had been issued, and violations shall be subject to the same penalties as violations by permit holders;

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

Sec. 1.4. - Minimum requirements for erosion, sedimentation and pollution control using best management practices (BMPs).

Best management practices as set forth in this CHAPTER 6. Sec. 1.4. - (a) and (b) shall be required for all land-disturbing activities.

- (a) Proper design, installation, and maintenance of best management practices shall constitute a complete defense to any action by the EPD Director 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).
 - (1) 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-disturbing permit issued by a local Issuing Authority 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 10 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 EPD Director. This paragraph shall not apply to any land disturbance associated with the construction of single family homes which are not part of a larger common plan of development or sale unless the planned disturbance for such construction is equal to or greater than 5 acres.

- (2) Failure to properly design, install, or maintain best management practices shall constitute a violation of any land-disturbing 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.
 - (3) The EPD Director may require, in accordance with regulations adopted by the State Board of Natural Resources, reasonable and prudent monitoring of the turbidity level of receiving waters into which discharges from land disturbing activities occur.
 - (4) The City may set more stringent buffer requirements than stated in CHAPTER 6. Sec. 1.4. - (b)(15) and (16) in light of O.C.G.A. § 12-7-6 (c).
- (b) The rules and regulations, ordinances, or resolutions adopted pursuant to O.C.G.A. 12-7-1 et. seq. for the purpose of governing land-disturbing activities shall require, as a minimum, protections at least as stringent as the state general permit; and best management practices, including sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the *Manual for Erosion and Sediment Control in Georgia* published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted, as well as the following:
- (1) Stripping of vegetation, regrading and other development activities shall be conducted in a manner so as to minimize erosion;
 - (2) Cut-fill operations must be kept to a minimum;
 - (3) Development plans must conform to topography and soil type so as to create the lowest practicable erosion potential;
 - (4) Whenever feasible, natural vegetation shall be retained, protected and supplemented;
 - (5) The disturbed area and the duration of exposure to erosive elements shall be kept to a practicable minimum;
 - (6) Disturbed soil shall be stabilized as quickly as practicable;
 - (7) Temporary vegetation or mulching shall be employed to protect exposed critical areas during development;

- (8) Permanent vegetation and structural erosion control practices shall be installed as soon as practicable;
- (9) To the extent necessary, sediment in 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-disturbing activity plans for erosion, sedimentation and pollution control shall include provisions for treatment or control of any source of sediments and adequate sedimentation control facilities to retain sediments on-site or preclude sedimentation of adjacent waters beyond the levels specified in CHAPTER 6.Sec. 1.4. - (a)(1) above;
- (15) Except as provided in paragraph (16) and (17) of this subsection, there is established a 25 foot buffer along the banks of all state waters, as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, except where the EPD Director determines to allow a variance that is at least as protective of natural resources and the environment, where otherwise allowed by the EPD Director pursuant to O.C.G.A. 12-2-8, where a drainage structure or a roadway drainage structure must be constructed, provided that adequate erosion control measures are incorporated in the project plans and specifications, and are implemented; or along any ephemeral stream. As used in this provision, the term 'ephemeral stream' means a stream: that under normal circumstances has water flowing only during and for a short duration after precipitation events; that has the channel located above the ground-water table year round; for which ground water is not a source of water; and for which runoff from precipitation is the primary source of water flow, Unless exempted as along an ephemeral stream, the buffers of at least 25 feet established pursuant to 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 EPD Director as provided in this paragraph. The following requirements shall apply to any such buffer:
 - a. No land-disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed state of vegetation until all land-

disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the 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-disturbing activities, provided that they occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream; cause a width of disturbance of not more than 50 feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented: (i) Stream crossings for water lines; or (ii) Stream crossings for sewer lines; and

(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 State Board of Natural Resources, so long as any such pipe stops short of the downstream landowner's property and the landowner complies with the buffer requirement for any adjacent trout streams. The EPD Director may grant a variance from such buffer to allow land-disturbing activity, provided that adequate erosion control measures are incorporated in the project plans and specifications and are implemented. The following requirements shall apply to such buffer:

- a. No land-disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed, state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the 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-disturbing activities, provided that they occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream; cause a width of disturbance of not more than 50 feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented: (i) Stream crossings for water lines; or (ii) Stream crossings for sewer lines; and
- (c) 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 CHAPTER 6. Sec. 1.4. - (a) and (b) of this Article.
- (d) The fact that land-disturbing activity for which a permit has been issued results in injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided for in this Article or the terms of the permit.

Sec. 1.5. - Application/permit process.

(a) General.

The property owner, developer and designated planners and engineers shall design and review before submittal the general development plans. The City shall review the tract to be developed and the area surrounding it. They shall consult this Article, this Chapter, other application Chapters in the UDC, 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.

(b) Application requirements.

- (1) No person shall conduct any land-disturbing activity within the jurisdictional boundaries of Fort Oglethorpe 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) The application for a permit shall be submitted to the City and must include the applicant's erosion, sedimentation and pollution control plan with supporting data, as necessary. Said plans shall include, as a minimum, the data specified in Subsection (c) below. Erosion, sedimentation and pollution control plans, together with supporting data, must demonstrate affirmatively that the land disturbing activity proposed will be carried out in such a manner that the provisions of CHAPTER 6. Sec. 1.4. - (a) and (b) of this Article will be met. Applications for a permit will not be accepted unless accompanied by a digital copy and three paper copies of the applicant's erosion, sedimentation and pollution control plans. All applications shall contain a certification stating that the plan preparer or the designee thereof visited the site prior to creation of the plan in accordance with EPD Rule 391-3-7-.10.
- (3) In addition to the local permitting fees, fees will also be assessed pursuant to paragraph (5) subsection (a) of O.C.G.A. 12-5-23, provided that such fees shall not

exceed \$80.00 per acre of land-disturbing activity, and these fees shall be calculated and paid by the primary permittee as defined in the state general permit for each acre of land-disturbing activity included in the planned development or each phase of development. All applicable fees shall be paid prior to issuance of the land disturbance permit. In a jurisdiction that is certified pursuant to subsection (a) of O.C.G.A. 12-7-8 half of such fees levied shall be submitted to the Division; except that any and all fees due from an entity which is required to give notice pursuant to paragraph (9) or (10) of O.C.G.A. 12-7-17 shall be submitted in full to the Division, regardless of the existence of a City in the jurisdiction.

- (4) Immediately upon receipt of an application and plan for a permit, the City shall refer the application and plan to the District for its review and approval or disapproval concerning the adequacy of the erosion, sedimentation and pollution control plan. The District shall approve or disapprove a plan within 35 days of receipt. Failure of the District to act within 35 days shall be considered an approval of the pending plan. The results of the District review shall be forwarded to the City. No permit will be issued unless the plan has been approved by the District, and any variances required by CHAPTER 6.Sec. 1.4. - (b)(15) and (16) have been obtained, all fees have been paid, and bonding, if required as per Subsection (6) below 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) If a permit applicant has had two or more violations of previous permits, this Section, or this Article, as amended, within three years prior to the date of filing the application under consideration, the City may deny the permit application.
 - (6) 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, \$3,000.00 per acre or fraction thereof of the proposed land-disturbing activity, prior to issuing the permit. If the applicant does not comply with this Section or with the conditions of the permit after issuance, the City may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance. These provisions shall not apply unless there is in effect an ordinance or statute specifically providing for hearing and judicial review of any determination or order of the City with respect to alleged permit violations.
- (c) Plan requirements.
- (1) Plans must be prepared to meet the minimum requirements as contained in CHAPTER 6.Sec. 1.4. - (a) and (b) 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-disturbing activity shall consider the interrelationship of the soil types, geological and hydrological characteristics, topography, watershed, vegetation, proposed permanent structures including roadways, constructed waterways, sediment control and 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 disturbing activity shall meet the education and training certification requirements, dependent on his or her level of involvement with the process, as developed by the Commission and in consultation with the Division and the Stakeholder Advisory State Board of Natural Resources created pursuant to O.C.G.A. 12-7-20.

- (2) Data Required for Site Plan shall include all the information required from the appropriate Erosion, Sedimentation and Pollution Control Plan Review Checklist established by the Commission as of January 1 of the year in which the land-disturbing activity was permitted.

(d) Permits.

- (1) Permits shall be issued or denied as soon as practicable but in any event not later than 45 days after receipt by the City of a completed application, providing variances and bonding are obtained, where necessary and all applicable fees have been paid prior to permit issuance. The permit shall include conditions under which the activity may be undertaken.
- (2) No permit shall be issued by the City unless the erosion, sedimentation and pollution control plan has been approved by the District and the City has affirmatively determined that the plan is in compliance with this Article, any variances required by CHAPTER 6.Sec. 1.4. - (b)(15) and (16) are obtained, bonding requirements, if necessary, as per CHAPTER 6.Sec. 1.5. - (b)(6) above are met and all ordinances and rules and regulations in effect within the jurisdictional boundaries of the City are met. If the permit is denied, the reason for denial shall be furnished to the applicant.
- (3) Any land-disturbing activities by a local issuing authority shall be subject to the same requirements of this Article, and any other ordinances relating to land development, as are applied to private persons and the division shall enforce such requirements upon the local issuing authority.
- (4) If the tract is to be developed in phases, then a separate permit shall be required for each phase.
- (5) The permit may be suspended, revoked, or modified by the City, as to all or any portion of the land affected by the plan, upon finding that the holder or his successor in the title is not in compliance with the approved erosion and sedimentation control plan or that the holder or his successor in title is in violation of this Article. A holder of a permit shall notify any successor in title to him as to all or any portion of the land affected by the approved plan of the conditions contained in the permit.

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

Sec. 1.6. - Inspection and enforcement.

- (a) The City will periodically inspect the sites of land-disturbing activities for which permits have been issued to determine if the activities are being conducted in accordance with the plan and if the measures required in the plan are effective in controlling erosion and sedimentation. Also, the City shall regulate primary, secondary and tertiary permittees as such terms are defined in the state general permit. Primary permittees shall be responsible for installation and maintenance of best management practices where the primary permittee is conducting land-disturbing activities. Secondary permittees shall be responsible for installation and maintenance of best management practices where the secondary permittee is conducting land-disturbing activities. Tertiary permittees shall be responsible for installation and maintenance where the tertiary permittee is conducting land-disturbing activities. If, through inspection, it is deemed that a person engaged in land-disturbing activities as defined herein has failed to comply with the approved plan, with permit conditions, or with the provisions of this Article, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this Article.
- (b) The Department of Building, Planning and Zoning 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-disturbing activities.
- (c) No person shall refuse entry or access to any authorized representative or agent of the City, the Commission, the District, or Division who requests entry for the purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out his official duties.
- (d) The District or the Commission or both shall semi-annually review the actions of counties and municipalities which have been certified as Local Issuing Authorities pursuant to O.C.G.A. 12-7-8 (a). The District or the Commission or both may provide technical assistance to any county or municipality for the purpose of improving the effectiveness of the county's or municipality's erosion, sedimentation and pollution control program. The District or the Commission shall notify the Division and request investigation by the Division if any deficient or ineffective local program is found.
- (e) The Division may periodically review the actions of municipalities 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 governing authority of any county or municipality certified pursuant to O.C.G.A. 12-7-8 (a) has not administered or enforced its ordinances or has not conducted the program in accordance with any agreement entered into pursuant to O.C.G.A. 12-7-7 (e), the Division shall notify the governing authority of the City in writing. The City so notified shall have 90 days within which to take the necessary corrective action to retain certification as a LIA. If the City does not take necessary corrective action within 90 days after notification by the Division, the Division shall revoke the certification of the City.

Sec. 1.7. - Penalties and incentives.

(a) Failure to obtain a permit for land-disturbing activity.

If any person commences any land-disturbing activity requiring a land-disturbing permit as prescribed in this Article without first obtaining said permit, the person shall be subject to revocation of his business license, work permit or other authorization for the conduct of a business and associated work activities within the jurisdictional boundaries of the City.

(b) Stop-work orders.

- (1) For the first and second violations of the provisions of this Article, the EPD Director or the City shall issue a written warning to the violator. The violator shall have five days to correct the violation. If the violation is not corrected within five days, the EPD Director or the City shall issue a stop-work order requiring that land-disturbing activities be stopped until necessary corrective action or mitigation has occurred; provided, however, that, if the violation presents an imminent threat to public health or waters of the state or if the land-disturbing activities are conducted without obtaining the necessary permit, the EPD Director or the City shall issue an immediate stop-work order in lieu of a warning;
- (2) For a third and each subsequent violation, the EPD Director or the City 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 City or by the EPD Director or his or her Designee, have been or are being discharged into state waters and where best management practices have not been properly designed, installed, and maintained, a stop work order shall be issued by the City or by the EPD Director. All such stop work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred. Such stop work orders shall apply to all land-disturbing activity on the site with the exception of the installation and maintenance of temporary or permanent erosion and sediment controls.

(c) **Bond forfeiture.**

If, through inspection, it is determined that a person engaged in land-disturbing activities has failed to comply with the approved plan, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance with the plan and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this 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 CHAPTER 6. Sec. 1.5. - (b)(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-disturbing activity and bring it into compliance.

(d) **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 EPD Director issued as provided in this Article shall be liable for a civil penalty not to exceed \$2,500.00 per day. For the purpose of enforcing the provisions of this Article, notwithstanding any provisions in the City charter to the contrary, municipal courts shall be authorized to impose penalty not to exceed \$2,500.00 for each violation. Each day during which violation or failure or refusal to comply continues shall be a separate violation.

Sec. 1.8. - Education and certification.

- (a) Persons involved in land development design, review, permitting, construction, monitoring, or inspection or any land-disturbing activity shall meet the education and training certification requirements, dependent on their level of involvement with the process, as developed by the commission in consultation with the division and the stakeholder advisory board created pursuant to O.C.G.A. 12-7-20.
- (b) For each site on which land-disturbing activity occurs, each entity or person acting as either a primary, secondary, or tertiary permittee, as defined in the state general permit, shall have as a minimum one person who is in responsible charge of erosion and sedimentation control activities on behalf of said entity or person and meets the applicable education or training certification requirements developed by the Commission present on site whenever land-disturbing activities are conducted on that site. A project site shall herein be defined as any land-disturbance site or multiple sites within a larger common plan of development or sale permitted by an owner or operator for compliance with the state general permit.
- (c) Persons or entities involved in projects not requiring a state general permit but otherwise requiring certified personnel on site may contract with certified persons to meet the requirements of this Article.
- (d) If a state general permittee who has operational control of land-disturbing 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-disturbing 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. 1.9. - Appeals.

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 Planning Advisory Board and City Council in accordance with the procedures in Chapter 9 *Appeals*.

Sec. 1.10. - Liability.

- (a) Neither the approval of a plan under the provisions of this Article, nor the compliance with provisions of this Article shall relieve any person from the responsibility for damage to any person or property otherwise imposed by law nor impose any liability upon the City or District for damage to any person or property.
- (b) The fact that a land-disturbing activity for which a permit has been issued results in injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided for in this Article or the terms of the permit.
- (c) No provision of this Article shall permit any persons to violate the Georgia Erosion and Sedimentation Act of 1975, the Georgia Water Quality Control Act or the rules and regulations promulgated and approved thereunder or pollute any Waters of the State as defined thereby.

ARTICLE 2. - GROUNDWATER RECHARGE AREA PROTECTION

Sec. 2.1. - Purpose.

- (a) The purpose within the city and surrounding communities, 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 and surrounding communities rely on as sources of public water.
- (b) Groundwater resources are contained within underground reservoirs known as aquifers. These aquifers are zones of rock beneath the earth's surface capable of containing or producing water from a well. They occupy vast regions of the subsurface and are replenished by infiltration of surface water runoff in zones of the surface known as groundwater recharge area. 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. 2.2. - Definitions referenced.

The definitions of certain terms referenced in this Article are set forth in Chapter 10 *Interpretation and Definitions*.

Sec. 2.3. - Establishment of the groundwater recharge area protection district.

- (a) The groundwater recharge area district is hereby established which shall correspond to all lands within the jurisdiction of the city that are mapped as significant recharge areas by the Georgia Department of Natural Resources in Hydrologic Atlas 18, 1989 edition. Said map is hereby adopted and made a part of this Article.
- (b) Determination of pollution susceptibility. Each recharge area shall be determined to have a pollution susceptibility of high medium, or low based on the Georgia Pollution Susceptibility Map. Hydrologic Atlas 20, 1992 edition. Said map is hereby adopted and made a part of this Article.

Sec. 2.4. - Protection criteria.

- (a) No construction may proceed on a building or manufactured home to be served by a septic tank unless the Catoosa County Health Department first approves the proposed septic tank installations as meeting the requirements of the Georgia Department of Human Resources for On-Site Sewage Management (Hereinafter DHR Manual), and subsections (b) and (c) below.
- (b) New homes served by a septic tank/drain field system shall be on lots having minimum size limitations as follows, based on application of Table MT-1 of the DHR Manual (Hereinafter DHR Table MT-1). The minimums set forth in Table MT-1 may be increased further based on consideration of other factors (set forth in Sections A-F) of the DHR Manual.
 - (1) 150% of the subdivision minimum lot size calculated based on application of DHR Table MT-1 if they are within a high pollution susceptibility area;
 - (2) 125% of the subdivision minimum lot size calculated based on application of DHR Table MT-1 if they are within a medium pollution susceptibility area;
 - (3) 110% of the subdivision minimum lot size calculated based on application of DHR Table MT-1 if they are within a low pollution susceptibility area.
- (c) New manufactured home parks served by septic tank/drainfield systems shall have lots or spaces having minimum size limitations as follows, based on application of Table MT-2 of the DHR Manual (hereinafter DHR Table MT-2). The minimums set forth in Table MT-2 may be increased further based on consideration of other factors (set forth in Sections A-F) of the DHR Manual.
 - (1) 150% of the subdivision minimum lot or space size calculated based on application of DHR Table MT-2 if they are within a high pollution susceptibility area;
 - (2) 125% of the subdivision minimum lot or space size calculated based on application of DHR Table MT-2 if they are within a medium pollution susceptibility area;

- (3) 110% of the subdivision minimum lot space or size calculated based on application of DHR Table MT-2 if they are within a low pollution susceptibility area.
- (d) New agricultural waster impoundment sites shall be lined if they are within a high pollution susceptibility area; a medium pollution susceptibility area and exceed 15 acre-feet; or a low pollution susceptibility area and exceed 50 acre-feet. As the minimum, the liner shall be constructed of compacted clay having a thickness of one-foot and a vertical hydraulic conductivity of less than 5×10^{-7} cm/sec or other criteria established by the natural resource and conservation service.
- (e) New above-ground chemical or petroleum storage tanks having a minimum volume of 660 gallons shall have secondary containment for 110% of the volume of such tanks or 10% of the volume of the largest tank in a cluster of tanks. Such tanks used for agricultural purposes are exempt, provided they comply with all federal requirements.
- (f) New facilities that handle hazardous materials of the types listed in Section 312 of the Resource Conservation and Recovery Act of 1976 (excluding underground storage tanks) and in amounts of 10,000 pounds or more on any one day, shall perform their operations on impervious surfaces and in conformance with any applicable federal spill prevention requirements and local fire code requirements.
- (g) Permanent storm water infiltration basins shall not be constructed in areas having high pollution susceptibility.

Sec. 2.5. - Exemptions.

Any lot of record approved prior to the adoption of this Article is exempt from the minimum lot size requirements contained in CHAPTER 6.Sec. 2.6. - (b) and CHAPTER 6.Sec. 2.6. - (c).

Sec. 2.6. - Administration and enforcement procedures.

- (a) Site plans.

Application for a local development permit with the City shall include a site plan, drawn at a scale of 1 = 50, with the following information:

- (1) A map of all planned excavation and fill, including calculations of the volume of cut and fill involved, cross-sectional drawings showing existing and proposed grades. Elevations, horizontal scale and vertical scale must be shown on the cross-sectional drawings.
- (2) A map of any wetland boundaries occurring within the site must be provided. This boundary may be included on other maps provided by the applicant.
- (3) Locations, dimensions and areas of all impervious surfaces, both existing and proposed, on the site and adjacent to the site for a distance of 200 feet.
- (4) The orientation and distance from the boundaries of the proposed site to the nearest bank of an affected perennial stream or water body.

- (5) Elevations of the site and adjacent lands with 200 feet of the site at contour intervals of no greater than two feet; and no greater than one foot for slopes less than or equal to two percent.
 - (6) Locations and detailed design of any spill and leak collection systems designed for the purpose of containing accidentally released hazardous or toxic materials.
 - (7) All proposed temporary disruptions or diversions of local hydrology.
- (b) Activities to comply with site plan.
- (1) All developed activities or site work conducted after approval of the site plan shall conform with the specifications of said site plan.
 - (2) Significant changes to the site plan 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 development, result in a considerable increase in the amount of excavations, fill or removal of the overall appearance of the development as proposed, can be amended only with the approval of the Director of Building, Planning and Zoning.
 - (3) Minor changes, such as the realignment of streets or minor alternations to drainage structures and other infrastructure to meet unexpected conditions are exempted from this requirement.
- (c) Exemptions to site plan requirements.
- The following activities and developments are exempt from the requirement for detailed site plans.
- (1) Single-family detached homes constructed within a subdivision of fewer than five parcels.
 - (2) Repairs to a facility that is party of a previously approved and permitted development.
 - (3) Construction of minor structures, such as sheds or additions to single-family residences.
- (d) Review procedures.
- (1) The applications shall be made to the Director of Building, Planning and Zoning or designated appointee and will be reviewed within 15 days.
 - (2) At the time of the applications, the applicant shall pay a filing fee as specified by the City. Filing fees up to the larger of (\$500.00 or \$100.00 per acre) may be required to evaluate the application. This fee may be used to retain expert consultants who will provide services pertaining to functional assessment, mitigation, and wetland boundary determinations, as deemed necessary by the Director of Building, Planning and Zoning.
 - (3) The review period shall include the preparation of findings (approval, approval with conditions, or disapproval) by the Director of Building, Planning and Zoning. The

applicant will receive written notification of the findings of the Director of Building, Planning and Zoning. Decisions of the Director of Building, Planning and Zoning or designated appointee may be appealed to the City Council in accordance with Chapter 9 *Appeals*.

(e) Duration of permit validity.

- (1) If construction described in the development permit has not commenced within 12 months from the date of issuance, the permit shall expire.
- (2) In construction described in the development permit is suspended or abandoned after work has commenced, the permit shall expire 12 months after the date that work ceased.
- (3) Written notice of pending expiration of the development permit shall be issued by the Director of Building, Planning and Zoning.

(f) Violations.

- (1) When a building or other structure has been constructed in violation of this Section, the violator may be required to remove the structure at the discretion of the Director of Building, Planning and Zoning.
- (2) When removal of vegetative cover, excavation, or fill has taken place in violation of this Section, the violator may be required to restore the affected land to its original contours and to restore vegetation, as far as practicable, at the discretion of the Director of Building, Planning and Zoning.
- (3) If the Director of Building, Planning and Zoning discovers a violation of this Section that also constitutes a violation of any provision of the clean water act as amended, the City Council shall issue written notification of the violation to the U. S. Environmental Protection Agency, the U. S. Army Corps of Engineers, and the landowner.

(g) Suspension, revocation.

- (1) The Director of Building, Planning and Zoning may suspend or revoke a permit if he finds that the applicant has not complied with the conditions or limitations set forth in the permit or has exceeded the scope of the work set forth in the permit.
- (2) The Director of Building, Planning and Zoning shall cause notice of denial, issuance, conditional issuance, revocation or suspension of a permit to be published in a daily newspaper having a broad circulation in the area where the recharge area is located.

(h) Judicial review.

(1) Jurisdiction.

All final decisions of the Director of Building, Planning and Zoning concerning denial, approval or conditional approval of a permit shall be reviewable in the Catoosa County Superior Court/Walker County Superior Court.

(2) Alternative actions.

Based on these proceedings and the decision of the Catoosa County Superior Court/Walker County Superior Court, the City Council may, within the time specified by the Catoosa County Superior Court/Walker County Superior Court elect to:

- a. Institute negotiated purchase or condemnation proceedings to acquire an easement or fee interest in the applicant's land;
- b. Approve the permit the application with lesser restrictions or conditions (i.e., grant a variance); or
- c. Institute other appropriate actions ordered by the court that fall within the jurisdiction of the City Council.

ARTICLE 3. - WETLANDS PROTECTION

Sec. 3.1. - Purpose.

- (a) The wetlands in the city are indispensable and fragile natural resources with significant development constraints due to flooding, erosion, and soils limitations. In their natural state, wetlands serve man and nature. They provided habitat areas for fish, wildlife, and vegetation; water quality maintenance and pollution control; flood control; erosion control; natural resource education; scientific study; and open space and recreational opportunities. In addition, the wise management of forested wetlands is essential to the economic well-being of many communities within the state.
- (b) Nationally, a considerable number of these important natural resources have been lost or impaired by draining, dredging, filling, excavating, building, pollution and other acts. Piecemeal or cumulative losses will over time, destroy additional wetlands. Damaging or destroying wetlands threatens public safety and the general welfare.
- (c) The purpose of this Article is to promote wetlands protection, while taking into account varying ecological, economic development, recreational and aesthetic values. Activities that may damage wetlands should be located on upland sites to the greatest degree practicable as determined through a permitting process.

Sec. 3.2. - Definitions referenced.

The definitions of certain terms referenced in this Article are set forth in Chapter 10 *Interpretation and Definitions*.

Sec. 3.3. - Establishment of the wetlands protection district.

- (a) The wetlands protection district is hereby established which shall correspond to all lands within the jurisdiction of the city that are mapped as wetland areas by the U.S. Fish and Wildlife Service National Wetlands Inventory Maps. This map shall be referred to as the generalized wetlands map hereby adopted by reference and declared to be a part of this Article, together will all explanatory matter thereon and attached thereto.
- (b) The generalized wetlands map does not represent the boundaries of jurisdictional wetlands within the city and cannot serve as a substitute for a delineation of wetland

boundaries by the U.S. Army Corp of Engineers, as required by Section 404 of the Clean Water Act, as amended. Any local government action under this Article does not relieve the landowner from federal or state permitting requirements.

Sec. 3.4. - Protection criteria; requirement for local permit or permission.

- (a) No regulated activity will be permitted within the wetlands protection district without written permission or a permit from the City. If the area proposed for development is located within 50 feet of a wetlands protection district boundary, as determined by the Director of Building, Planning and Zoning using the generalized wetlands map, a U.S. Army Corps of Engineers determination shall be required.
- (b) If the Corps determines that wetlands are present on the proposed development site, the local permit or permission will not be granted until a Section 404 Permit or letter of permission is issued.

Sec. 3.5. - Allowed uses.

- (a) The following uses listed in this Section shall be allowed as of right within the wetland protection district to the extent that they are not prohibited by any other ordinance or law, including laws of trespass, and provided they do not require structures, grading, fill, draining, or dredging except as provided herein.
- (b) The activities listed in this Section are exempted from Section 404 regulations provided they do not have impacts on a navigable waterway that would necessitate acquisition of an individual 404 Permit. However, under Section 10 of the River and Harbors Act, a permit may be required in some circumstances.
 - (1) Conservation or preservation of soil, water, vegetation, fish and other wildlife, provided it does not affect waters of Georgia or of the United States in such a way that would require an individual 404 Permit.
 - (2) Outdoor passive recreational activities, including fishing, bird watching, hiking, boating, horseback riding, and canoeing.
 - (3) Forestry practices are applied in accordance with best management practices approved by the Georgia Forestry Commission and as specified in Section 404 of the Clean Water Act.
 - (4) The cultivation of agricultural crops. Agricultural activities shall be subject to best management practices approved by the Georgia Department of Agriculture.
 - (5) The pasturing of livestock, provided that riparian wetlands are protected, that soil profiles are not disturbed and that approved agricultural best management practices are followed.
 - (6) Education, scientific research, and nature trails.

Sec. 3.6. - Prohibited uses.

The following uses are not allowed within the wetlands protection district:

- (a) Receiving areas for toxic or hazardous waste or other contaminants.

- (b) Hazardous or sanitary waste landfills.

Sec. 3.7. - Administration and enforcement procedures.

- (a) Site plans.

Application for a local development permit shall include a site plan, drawn at a scale of 1 = 50, with the following information:

- (1) A map of all planned excavation and fill, including calculations of the volume of cut and fill involved, cross-sectional drawings showing existing and proposed grades. Elevations, horizontal scale and vertical scale must be shown on the cross-sectional drawings.
- (2) A map of any wetland boundaries occurring within the site must be provided. This boundary may be included on other maps provided by the applicant.
- (3) Location, dimensions and area of all impervious surfaces, both existing and proposed, on the site and adjacent to the site and adjacent to the site for a distance of 200 feet.
- (4) The orientation and distance from the boundaries of the proposed site to the nearest bank of an affected perennial stream or water body.
- (5) Elevations of the site and adjacent lands within 200 feet of the site at contour intervals of no greater than 2 feet; and no greater than 1 foot for slopes less than or equal to 2%.
- (6) Locations and detailed design of any spill and leak collection systems designed for the purpose of containing accidentally released hazardous or toxic materials.
- (7) All proposed temporary disruptions or diversions of local hydrology.

- (b) Activities to comply with site plan.

- (1) All development activities or site work conducted after approval of the site plan shall conform with the specifications of said site plan.
- (2) Significant changes to the site plan 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 development, result in a considerable increase in the amount of excavation, fill or removal of the overall appearance of the development as proposed, can be amended only with the approval of the Director of Building, Planning and Zoning.
- (3) Minor changes, such as the realignment of streets or minor alternations to drainage structures and other infrastructure to meet unexpected conditions are exempted from this requirement.

- (c) Exemptions to site plan requirements.

The following activities and developments are exempt from the requirement for detailed site plans:

- (1) Single-family detached homes constructed within a subdivision of fewer than five parcels.
 - (2) Repairs to a facility that is part of a previously approved and permitted development.
 - (3) Construction of minor structures, such as sheds or additions to single-family residences.
- (d) Review procedures.
- (1) The applications shall be made to the Director of Building, Planning and Zoning and will be reviewed within 15 days.
 - (2) At the time of the application, the applicant shall pay a filing fee as specified by the City. Filing fees up to the larger of (\$500.00 or \$100.00 per acres) may be required to evaluate the application. This fee may be used to retain expert consultants who will provide services pertaining to functional assessment, mitigation, and wetland boundary determinations, as deemed necessary by the Director of Building, Planning and Zoning.
 - (3) The review period shall include the preparation of findings (approval, approval with conditions, or disapproval) by the Director of Building, Planning and Zoning.
 - (4) The applicant will receive written notification of the findings of the Director of Building, Planning and Zoning.
 - (5) Decisions of the Director of Building, Planning and Zoning may be appealed to the City Council in accordance with the procedures in Chapter 9 *Appeals*.
- (e) Duration of permit validity.
- (1) In construction described in the development permit has not commenced within 12 months from the date of issuance, the permit shall expire.
 - (2) In construction described in the development permit is suspended or abandoned after work has commenced, the permit shall expire 12 months after the date that work ceased.
 - (3) Written notice of pending expiration of the development permit shall be issued by the Director of Building, Planning and Zoning.
- (f) Penalties.
- (1) When a building or other structure has been constructed in violation of this Section, the violator may be required to remove the structure at the discretion of the Director of Building, Planning and Zoning.
 - (2) When removal of vegetative cover, excavation, or fill has taken place in violation of this Section, the violator may be required to restore the affected land to its original contours and to restore vegetation, as far as practicable, at the discretion of the Director of Building, Planning and Zoning.

- (3) If the Director of Building, Planning and Zoning discovers a violation of this Article that also constitutes a violation of any provision of the clean water act as amended, the Director of Building, Planning and Zoning shall issue written notification of the violation to the U. S. Environmental Protection Agency, the U. S. Army Corps of Engineers, and the landowner.
- (g) Suspension, revocation.
- (1) The Director of Building, Planning and Zoning may suspend or revoke a permit if he finds that the applicant has not complied with the conditions or limitations set forth in the permit or has exceeded the scope of the work set forth in the permit.
 - (2) The Director of Building, Planning and Zoning shall cause notice of denial, issuance, conditional issuance, revocation or suspension of a permit to be published in a daily newspaper having a broad circulation in the area where the wetlands are located.
- (h) Judicial review.
- (1) Jurisdiction.
All final decisions of the City concerning denial, approval or conditional approval of a permit shall be reviewable in the Catoosa County Superior Court/Walker County Superior Court.
 - (2) Alternative actions.
Based on these proceedings and the decision of the Catoosa County Superior Court/Walker County Superior Court, the City Council may, within the time specified by the Catoosa County Superior Court/Walker County Superior Court elect to:
 - a. Institute negotiated purchase or condemnation proceedings to acquire an easement or fee interest in the applicant's land;
 - b. Approve the permit application with lesser restrictions or conditions (i.e., grant a variance); or
 - (3) Institute other appropriate actions ordered by the court that fall within the jurisdiction of the City Council.
- (i) Amendments.
These regulations and the resource map may from time to time be amended in accordance with procedures and requirements in the general statues and as new information becomes available.
- (j) Relief assessment.
Assessors and boards of assessors shall consider requirements of these regulations in determining the fair market value of land.

ARTICLE 4. - STORMWATER MANAGEMENT

Sec. 4.1. - Purpose and intent.

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-development stormwater runoff and nonpoint source pollution associated with new development and redevelopment. It has been determined that proper management of post-development stormwater runoff will minimize damage to public and private property and infrastructure, safeguard the public health, safety, environment and general welfare of the public, and protect water and aquatic resources. This Article seeks to meet that purpose through the following objectives:

- (a) Establish decision-making processes surrounding land development activities that protect the integrity of the watershed and preserve the health of water resources;
- (b) Require that new development and redevelopment maintain the pre-development hydrologic response in their post-development state as nearly as practicable in order to reduce flooding, streambank erosion, nonpoint source pollution and increases in stream temperature, and maintain the integrity of stream channels and aquatic habitats;
- (c) Establish minimum post-development stormwater management standards and design criteria for the regulation and control of stormwater runoff quantity and quality;
- (d) Establish design and application criteria for the construction and use of structural stormwater control facilities that can be used to meet the minimum post-development stormwater management standards;
- (e) Encourage the use of nonstructural stormwater management and stormwater better site design practices, such as the preservation of greenspace and other conservation areas, to the maximum extent practicable. Coordinate site design plans, which include greenspace, with the county's greenspace protection plan;
- (f) Establish provisions for the long-term responsibility for and maintenance of structural stormwater control facilities and nonstructural stormwater management practices to ensure that they continue to function as designed, are maintained, and pose no threat to public safety; and,
- (g) Establish administrative procedures for the submission, review, approval and disapproval of stormwater management plans, and for the inspection of approved active projects, and long-term follow up.

Sec. 4.2. - Definitions referenced.

The definitions of certain terms referenced in this Article are set forth in Chapter 10 *Interpretation and Definitions*.

Sec. 4.3. - Applicability.

- (a) This Article shall be applicable to all land development, including, but not limited to, site plan applications, subdivision applications, and grading applications, unless exempt pursuant to subsection (b) below. These standards apply to any new development or redevelopment site that meets one or more of the following criteria:

- (1) New development that involves the creation of 5,000 square feet or more of impervious cover, or that involves other land development activities of one acre or more;
- (2) Redevelopment that includes the creation, addition or replacement of 5,000 square feet or more of impervious cover, or that involves other land development activity of one acre or more;
- (3) Any new development or redevelopment, regardless of size, that is defined by the City to be a hotspot land use; or,
- (4) Land development activities that are smaller than the minimum applicability criteria set forth in items (1) and (2) above if such activities are part of a larger common plan of development, even though multiple, separate and distinct land development activities may take place at different times on different schedules.
- (5) Land development activities that are smaller than the minimum applicability criteria set forth in items (1) and (2) above if such activities are within 200-ft of a state water or if any portion of the property lies within the 100-year floodplain.

(b) Exemptions.

The following activities are exempt from this Article:

- (1) Individual single-family or duplex residential lots that are not part of a subdivision or phased development project;
- (2) Additions or modifications to existing single-family or duplex residential structures;
- (3) Agricultural or silvicultural land management activities within areas zoned for these activities; and,
- (4) Repairs to any stormwater management facility or practice deemed necessary by the City.

Sec. 4.4. - Designation of administrator.

The Director of Building, Planning and Zoning is hereby appointed to administer and implement the provisions of this Article.

Sec. 4.5. - Compatibility with other regulations.

- (a) This Article is not intended to modify or repeal any other ordinance, rule, regulation or other provision of law.
- (b) 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. 4.6. - Stormwater design manual.

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

Sec. 4.7. - Permit application procedure.

- (a) No owner or developer shall perform any land development activities without first meeting the requirements of this Article prior to commencing the proposed activity.
- (b) Applications for land development permits shall be filed with the City.
- (c) Permit applications shall include the items set forth in Sec. 4.8. - below. A digital copy and three paper copies of the stormwater management plan and the inspection maintenance agreement, if applicable, shall be included).
- (d) The City shall inform the applicant whether the application, stormwater management plan and inspection and maintenance agreement are approved or disapproved.
- (e) If the permit application, stormwater management plan or inspection and maintenance agreement are disapproved, the City shall notify the applicant of such fact in writing. The applicant may then revise any item not meeting the requirements hereof and resubmit the same, in which event subsection (c) above and this subparagraph shall apply to such resubmittal.
- (f) Upon a finding by the City that the permit application, stormwater management plan and inspection and maintenance agreement, if applicable, meet the requirements of this Article, the City may issue a permit for the land development project, provided all other legal requirements for the issuance of such permit have been met.
- (g) Notwithstanding the issuance of the permit, in conducting the land development project, the applicant or other responsible person shall be subject to the following requirements:
 - (1) The applicant shall comply with all applicable requirements of the approved plan and this Article and shall certify that all land clearing, construction, land development and drainage will be done according to the approved plan;
 - (2) The land development project shall be conducted only within the area specified in the approved plan;
 - (3) The City shall be allowed to conduct periodic inspections of the project;
 - (4) No changes may be made to an approved plan without review and written approval by the City; and,
 - (5) Upon completion of the project, the applicant or other responsible person shall submit the engineer's report and certificate and as-built plans required by CHAPTER 6.Sec. 4.16. - (b).

- (6) All other ordinances or code Sections applicable to the specific type of development must be met and approved by the City prior to the issuance of the permit.

Sec. 4.8. - Permit application requirements.

- (a) Unless specifically exempted by this Article, any owner or developer proposing a land development activity shall submit to the City a permit application on a form provided by the City for that purpose.
- (b) Unless otherwise exempted by this Article, 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 Sec. 4.10. - below;
 - (2) Stormwater management plan in accordance with Sec. 4.11. - below;
 - (3) Inspection and maintenance agreement in accordance with Sec. 4.12. - below, if applicable;
 - (4) Performance bond in accordance with Sec. 4.13. - , if applicable; and,
 - (5) Permit application and plan review fees in accordance with Sec. 4.7. - and Sec. 4.9. - of this Article.

Sec. 4.9. - Application review fees.

The fee for review of any stormwater management application shall be based on the fee structure established by the City and shall be made prior to the issuance of any building permit for the development.

Sec. 4.10. - Stormwater concept plan and consultation meeting.

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

Existing conditions and proposed site layout sketch plans, which illustrate at a minimum: existing and proposed topography; perennial and intermittent streams; mapping of predominant soils from soil surveys unless it is determined that the site has previously been filled, then an on-site soil study must be conducted; boundaries of existing predominant vegetation and proposed limits of clearing and grading; and

location of existing and proposed roads, buildings, parking areas and other impervious surfaces.

(2) Natural resources inventory.

A written or graphic inventory of the natural resources at the site and surrounding area as it exists prior to the commencement of the project. This description should include a discussion of soil conditions, forest cover, topography, wetlands, and other native vegetative areas on the site, as well as the location and boundaries of other natural feature protection and conservation areas such as wetlands, lakes, ponds, floodplains, stream buffers and other setbacks (e.g., drinking water well setbacks, septic setbacks, etc.). Particular attention should be paid to environmentally sensitive features that provide particular opportunities or constraints for development.

(3) Stormwater management system concept plan.

A written or graphic concept plan of the proposed post-development stormwater management system including: preliminary selection and location of proposed structural stormwater controls; location of existing and proposed conveyance systems such as grass channels, swales, and storm drains; flow paths; location of floodplain/floodway limits; relationship of site to upstream and downstream properties and drainages; and preliminary location of proposed stream channel modifications, such as bridge or culvert crossings.

- (c) Local watershed plans, the city or county greenspace projection plan (if applicable), and any relevant resource protection plans will be consulted in the discussion of the concept plan.

Sec. 4.11. - Stormwater management plan requirements.

- (a) The stormwater management plan shall detail how post-development stormwater runoff will be controlled or managed and how the proposed project will meet the requirements of this Article, including the performance criteria set forth in Sec. 4.15. - .
- (b) This plan shall be in accordance with the criteria established in this Section and must be submitted with the stamp and signature of a professional engineer (PE) licensed in the State of Georgia, who must verify that the design of all stormwater management facilities and practices meet the submittal requirements outlined in the submittal checklist(s) found in the stormwater design manual.
- (c) The stormwater management plan must ensure that the requirements and criteria in this Article are being complied with and that opportunities are being taken to minimize adverse post-development stormwater runoff impacts from the development. All stormwater BMPs shall be designed in a manner to minimize the need for maintenance, and reduce the chances of failure. Design guidelines are outlined in the most recent version of the Georgia Stormwater Management Manual. The plan shall consist of maps, narrative, and supporting design calculations (hydrologic and hydraulic) for the proposed stormwater management system. The plan shall include all of the information required in

the stormwater management site plan checklist found in the stormwater design manual. This includes:

- (1) Common address and legal description of site.
- (2) Vicinity map.
- (3) Existing conditions hydrologic analysis.

The existing condition hydrologic analysis for stormwater runoff rates, volumes, and velocities, which shall include: a topographic map of existing site conditions with the drainage basin boundaries indicated; acreage, soil types and land cover of areas for each subbasin affected by the project; all perennial and intermittent streams and other surface water features; all existing stormwater conveyances and structural control facilities; direction of flow and exits from the site; analysis of runoff provided by off-site areas upstream of the project site; and methodologies, assumptions, site parameters and supporting design calculations used in analyzing the existing conditions site hydrology. For redevelopment sites, predevelopment conditions shall be modeled using the established guidelines for the portion of the site undergoing land development activities.

- (4) Post-development hydrologic analysis.

The post-development hydrologic analysis for stormwater runoff rates, volumes, and velocities, which shall include: a topographic map of developed site conditions with the post-development drainage basin boundaries indicated; total area of post-development impervious surfaces and other land cover areas for each subbasin affected by the project; calculations for determining the runoff volumes that need to be addressed for each subbasin for the development project to meet the post-development stormwater management performance criteria in Division 3; location and boundaries of proposed natural feature protection and conservation areas; documentation and calculations for any applicable site design credits that are being utilized; methodologies, assumptions, site parameters and supporting design calculations used in analyzing the existing conditions site hydrology. If the land development activity on a redevelopment site constitutes more than 50 percent of the site area for the entire site, then the performance criteria in Division 3 must be met for the stormwater runoff from the entire site.

- (5) Stormwater management system.

The description, scaled drawings and design calculations for the proposed post-development stormwater management system, which shall include: A map and/or drawing or sketch of the stormwater management facilities, including the location of nonstructural site design features and the placement of existing and proposed structural stormwater controls, including design water surface elevations, storage volumes available from zero to maximum head, location of inlet and outlets, location of bypass and discharge systems, and all orifice/restrictor sizes; a narrative describing how the selected structural stormwater controls will be appropriate and effective;

cross-Section and profile drawings and design details for each of the structural stormwater controls in the system, including supporting calculations to show that the facility is designed according to the applicable design criteria; a hydrologic and hydraulic analysis of the stormwater management system for all applicable design storms (including stage-storage or outlet rating curves, and inflow and outflow hydrographs); documentation and supporting calculations to show that the stormwater management system adequately meets the post-development stormwater management performance criteria CHAPTER 6. Sec. 4.15. - ; drawings, design calculations, elevations and hydraulic grade lines for all existing and proposed stormwater conveyance elements including stormwater drains, pipes, culverts, catch basins, channels, swales and areas of overland flow; and where applicable, a narrative describing how the stormwater management system corresponds with any watershed protection plans and/or local greenspace protection plan.

(6) Post-development downstream analysis.

A downstream peak flow analysis which includes the assumptions, results and supporting calculations to show safe passage of post-development design flows downstream. The analysis of downstream conditions in the report shall address each and every point or area along the project site's boundaries at which runoff will exit the property. The analysis shall focus on the portion of the drainage channel or watercourse immediately downstream from the project. This area shall extend downstream from the project to a point in the drainage basin where the project area is ten percent of the total basin area. In calculating runoff volumes and discharge rates, consideration may need to be given to any planned future upstream land use changes. The analysis shall be in accordance with the stormwater design manual.

(7) Construction-phase erosion and sedimentation control plan.

An erosion and sedimentation control plan in accordance with the Georgia Erosion and Sedimentation Control Act, ARTICLE 1. - Soil Erosion, Sedimentation and Pollution Control, or NPDES Permit for Construction Activities. The plan shall also include information on the sequence/phasing of construction and temporary stabilization measures and temporary structures that will be converted into permanent stormwater controls.

(8) Landscaping and open space plan.

A detailed landscaping and vegetation plan describing the woody and herbaceous vegetation that will be used within and adjacent to stormwater management facilities and practices. The landscaping plan must also include: the arrangement of planted areas, natural and greenspace areas and other landscaped features on the site plan; information necessary to construct the landscaping elements shown on the plan drawings; descriptions and standards for the methods, materials and vegetation that are to be used in the construction; density of plantings; descriptions of the stabilization and management techniques used to establish vegetation; and a description of who will be responsible for ongoing maintenance of vegetation for the

stormwater management facility and what practices will be employed to ensure that adequate vegetative cover is preserved.

(9) Operations and maintenance plan.

Detailed description of ongoing operations and maintenance procedures for stormwater management facilities and practices to ensure their continued function as designed and constructed or preserved. These plans will identify the parts or components of a stormwater management facility or practice that need to be routinely or periodically inspected and maintained, and the equipment and skills or training necessary. The plan shall include an inspection and maintenance schedule, maintenance tasks, responsible parties for maintenance, funding, access and safety issues. The options for person(s) or organization(s) responsible for maintenance include: Property owner or homeowner's association, provided that provisions for financing necessary maintenance are included in deed restrictions or other contractual agreements. Non-routine maintenances should also be addressed in the plan, this includes maintenance activities that are expensive but infrequent, such as pond dredging or major repairs to stormwater structures. Provisions for the periodic review and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures shall be included in the plan.

(10) Maintenance access easements.

The applicant must ensure access from public right-of-way to stormwater management facilities and practices requiring regular maintenance at the site for the purpose of inspection and repair by securing all the maintenance access easements needed on a permanent basis. Such access shall be sufficient for all necessary equipment for maintenance activities. Upon final inspection and approval, a plat or document indicating that such easements exist shall be recorded and shall remain in effect even with the transfer of title of the property.

(11) Inspection and maintenance agreements.

Unless an on-site stormwater management facility or practice is dedicated to and accepted by the City as provided in Sec. 4.12. - below, the applicant must execute an easement and an inspection and maintenance agreement binding on all subsequent owners of land served by an on-site stormwater management facility or practice in accordance with Sec. 4.12. - shall specify responsibilities for financing maintenance.

(12) Evidence of acquisition of applicable local and non-local permits.

The applicant shall certify and provide documentation to the City that all other applicable environmental permits have been acquired for the site prior to approval of the stormwater management plan.

Sec. 4.12. - Stormwater management inspection and maintenance agreements.

- (a) Prior to the issuance of any permit for a land development activity requiring a stormwater management facility or practice hereunder and for which the City requires ongoing maintenance, the applicant or owner of the site must, unless an on-site stormwater

management facility or practice is dedicated to and accepted by the City, execute an inspection and maintenance agreement, and/or a conservation easement, if applicable, that shall be binding on all subsequent owners of the site.

- (b) The inspection and maintenance agreement, if applicable, must be approved by the City prior to plan approval, and recorded in the deed records upon final plat approval.
- (c) The inspection and maintenance agreement shall identify by name or official title the person(s) responsible for carrying out the inspection and maintenance. Responsibility for the operation and maintenance of the stormwater management facility or practice, unless assumed by a governmental agency, shall remain with the property owner and shall pass to any successor owner. If portions of the land are sold or otherwise transferred, legally binding arrangements shall be made to pass the inspection and maintenance responsibility to the appropriate successors in title. These arrangements shall designate for each portion of the site, the person to be permanently responsible for its inspection and maintenance.
- (d) As part of the inspection and maintenance agreement, a schedule shall be developed for when and how often routine inspection and maintenance will occur to ensure proper function of the stormwater management facility or practice. The agreement shall also include plans for annual inspections to ensure proper performance of the facility between scheduled maintenance and shall also include remedies for the default thereof.
- (e) In addition to enforcing the terms of the inspection and maintenance agreement, the City may also enforce all of the provisions for ongoing inspection and maintenance in CHAPTER 6. Sec. 4.17. - of this Article.
- (f) The City, in lieu of an inspection and maintenance agreement, may accept dedication of any existing or future stormwater management facility for maintenance, provided such facility meets all the requirements of this Article and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.

Sec. 4.13. - Performance and maintenance bonds.

Reserved.

Sec. 4.14. - Modifications for off-site facilities.

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

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

Sec. 4.15. - Post-development stormwater management performance criteria.

- (a) Generally.

The following performance criteria shall be applicable to all stormwater management plans, unless otherwise provided for in this Article.

- (b) Water quality.

All stormwater runoff generated from a site shall be adequately treated before discharge. It will be presumed that a stormwater management system complies with this requirement if:

- (1) It is sized to treat the prescribed water quality treatment volume from the site, as defined in the Georgia Stormwater Management Manual;
- (2) Appropriate structural stormwater controls or nonstructural practices are selected, designed, constructed or preserved, and maintained according to the specific criteria in the Georgia Stormwater Management Manual; and,
- (3) Runoff from hotspot land uses and activities identified by the City are adequately treated and addressed through the use of appropriate structural stormwater controls, nonstructural practices and pollution prevention practices.

- (c) Stream channel protection.

Protection of stream channels from bank and bed erosion and degradation shall be provided by using all of the following three approaches:

- (1) Preservation, restoration and/or reforestation (with native vegetation) of the applicable stream buffer;
- (2) Twenty-four-hour extended detention storage of the one-year, 24-hour return frequency storm event;
- (3) Erosion prevention measures such as energy dissipation and velocity control.

- (d) Overbank flooding protection.

Downstream overbank flood and property protection shall be provided by controlling (attenuating) the post-development peak discharge rate to the pre-development rate for the 25-year, 24-hour return frequency storm event.

(e) Extreme flooding protection.

Extreme flood and public safety protection shall be provided by controlling and safely conveying the 100-year, 24-hour return frequency storm event such that flooding is not exacerbated.

(f) Structural stormwater controls.

- (1) All structural stormwater management facilities shall be selected and designed using the appropriate criteria from the Georgia Stormwater Management Manual.
- (2) All structural stormwater controls must be designed appropriately to meet their intended function.
- (3) For other structural stormwater controls not included in the Georgia Stormwater Management Manual, or for which pollutant removal rates have not been provided, the effectiveness and pollutant removal of the structural control must be documented through prior studies, literature reviews, or other means and receive approval from the City before being included in the design of a stormwater management system.
- (4) If hydrologic or topographic conditions, or land use activities warrant greater control than that provided by the minimum control requirements, the City may impose additional requirements deemed necessary to protect upstream and downstream properties and aquatic resources from damage due to increased volume, frequency, and rate of stormwater runoff or increased nonpoint source pollution loads created on the site in question.
- (5) Applicants shall consult the Georgia Stormwater Management Manual for guidance on the factors that determine site design feasibility when selecting and locating a structural stormwater control.

(g) Drainage system guidelines.

Stormwater conveyance facilities, which may include but are not limited to culverts, stormwater drainage pipes, catch basins, drop inlets, junction boxes, headwalls, gutter, swales, channels, ditches, and energy dissipaters shall be provided when necessary for the protection of public right-of-way and private properties adjoining project sites and/or public right-of-ways. Stormwater conveyance facilities that are designed to carry runoff from more than one parcel, existing or proposed, shall meet the following requirements:

- (1) Methods to calculate stormwater flows shall be in accordance with the stormwater design manual;
- (2) All culverts, pipe systems and open channel flow systems shall be sized in accordance with the stormwater management plan using the methods included in the stormwater design manual; and,

- (3) Design and construction of stormwater conveyance facilities shall be in accordance with the criteria and specifications found in the stormwater design manual.

(h) Dam design guidelines.

Any land disturbing activity that involves a site which proposes a dam shall comply with the Georgia Safe Dams Act and Rules for Dam Safety as applicable.

Sec. 4.16. - Construction inspections of post-development stormwater management system.

(a) Inspections to ensure plan compliance during construction.

- (1) Periodic inspections of the stormwater management system construction shall be conducted by the staff of the City or conducted and certified by a professional engineer who has been approved by the City. Construction inspections shall utilize the approved stormwater management plan for establishing compliance.
- (2) All inspections shall be documented with written reports that contain the following information:
 - a. The date and location of the inspection;
 - b. Whether construction is in compliance with the approved stormwater management plan;
 - c. Variations from the approved construction specifications; and,
 - d. Any other variations or violations of the conditions of the approved stormwater management plan.
- (3) If any violations are found, the applicant shall be notified in writing of the nature of the violation and the required corrective actions.

(b) Final inspection and as built plans.

- (1) Upon completion of a project, and before a certificate of occupancy shall be granted, the applicant is responsible for certifying that the completed project is in accordance with the approved stormwater management plan.
- (2) After final construction is completed, all applicants are required to submit actual "as built" plans for any stormwater management facilities or practices. The plan must show the final design specifications for all stormwater management facilities and practices and must be certified by a professional engineer.
- (3) A final inspection by the City is required before the release of any performance securities can occur.

Sec. 4.17. - Ongoing inspection and maintenance of stormwater facilities and practices.

(a) Long-term maintenance inspection of stormwater facilities and practices.

- (1) Stormwater management facilities and practices included in the stormwater management plan are subject to an inspection and maintenance agreement and must undergo ongoing inspections to document maintenance and repair needs and

ensure compliance with the requirements of the agreement, the plan and this Article. For BMPs maintained by the property owner or homeowner's association, inspection and maintenance reports shall be filed with the City, as provided for in the plan.

- (2) A stormwater management facility or practice shall be inspected on a periodic basis by the responsible person in accordance with the approved inspection and maintenance agreement. In the event that the stormwater management facility has not been maintained and/or becomes a danger to public safety or public health, the City shall notify the person responsible for carrying out the maintenance plan by registered or certified mail to the person specified in the inspection and maintenance agreement. The notice shall specify the measures needed to comply with the agreement and the plan and shall specify the time within which such measures shall be completed. If the responsible person fails or refuses to meet the requirements of the inspection and maintenance agreement, the City, may correct the violation as provided in CHAPTER 6. Sec. 4.17. - (d) hereof.
- (3) Inspection programs by the City may be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in stormwater management facilities; and evaluating the condition of stormwater management facilities and practices.

(b) Right-of-entry for inspection.

The terms of the inspection and maintenance agreement shall provide for the City to enter the property at reasonable times and in a reasonable manner for the purpose of inspection. This includes the right to enter a property when it has a reasonable basis to believe that a violation of this Article is occurring or has occurred and to enter when necessary for abatement of a public nuisance or correction of a violation of this Article.

(c) Records of maintenance activities.

Parties responsible for the operation and maintenance of a stormwater management facility shall provide records of all maintenance and repairs to the City.

(d) Failure to maintain.

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

Sec. 4.18. - Violations, enforcement and penalties.

(a) Generally.

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.

(b) Notice of violation.

(1) 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 therefore, the notice of violation shall be served on the owner or the responsible person in charge of the activity being conducted on the site.

(2) 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 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 shall be sufficient).

(c) Penalties.

(1) 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.

(2) 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 up to five calendar 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.

- (3) 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:

a. Stop-work order.

The City may issue a stop-work order which shall be served on the applicant or other responsible person. The stop-work order shall remain in effect until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violation or violations described therein, provided the stop-work order may be withdrawn or modified to enable the applicant or other responsible person to take the necessary remedial measures to cure such violation or violations.

b. Withhold certificate of occupancy.

The City may refuse to issue a certificate of occupancy for the building or other improvements constructed or being constructed on the site until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein.

c. Suspension, revocation or modification of permit.

The City may suspend, revoke or modify the permit authorizing the land development project. A suspended, revoked or modified permit may be reinstated after the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein, provided such permit may be reinstated [upon such conditions as the City may deem necessary] to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.

d. 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 10 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 as determined by the Municipal Court of the City of Fort Oglethorpe for each day the violation remains unremedied after receipt of the notice of violation.

e. 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 the municipal court of the City to answer charges for such violation. Upon conviction, such person shall be punished as determined by the Municipal Court of the City of Fort Oglethorpe. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

ARTICLE 5. - FLOOD HAZARD REDUCTION

Sec. 5.1. - Findings of fact.

- (a) The flood hazard areas of the city are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood and relief and protection, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
- (b) These flood losses are caused by the occupancy in flood hazard areas of uses vulnerable to floods, which are inadequately elevated, floodproofed, or otherwise unprotected from flood damages, and by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities.

Sec. 5.2. - Statement of purpose.

It is the purpose of this Article to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (a) Require that uses vulnerable to floods, including facilities, which serve such uses, be protected against flood damage at the time of initial construction;
- (b) Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which increase flood heights, velocities, or erosion;
- (c) Control filling, grading, dredging and other development which may increase flood damage or erosion;
- (d) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands; and
- (e) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters.

Sec. 5.3. - Objectives.

The objectives of this Article are:

- (a) To protect human life and health;

- (b) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
- (c) To help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize flood blight areas;
- (d) To minimize expenditure of public money for costly flood control projects;
- (e) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (f) To minimize prolonged business interruptions; and
- (g) To ensure that potential homebuyers are notified that property is in a flood area.

Sec. 5.4. - Definitions referenced.

The definitions of certain terms referenced in this Article are set forth in Chapter 10 *Interpretation and Definitions*.

Sec. 5.5. - Lands to which this Article applies.

This Article shall apply to all areas of special flood hazard within the jurisdiction of the city.

Sec. 5.6. - Basis for area of special flood hazard.

- (a) The areas of special flood hazard identified by the Federal Emergency Management Agency in its flood insurance study (FIS), dated September 11, 2009 or the current effective FIS with accompanying maps and other supporting data and any revision thereto, are adopted by reference and declared a part of this Article.
- (b) For those land areas acquired by a municipality through annexation, the current effective FIS, with accompanying maps and other supporting data and any revision thereto, for the county are hereby adopted by reference.

Sec. 5.7. - Establishment of development permit.

A development permit shall be required in conformance with the provisions of this Article prior to the commencement of any development activities.

Sec. 5.8. - Compliance.

No structure or land shall hereafter be located, extended, converted or altered without full compliance with the terms of this Article and other applicable regulations.

Sec. 5.9. - Interpretation.

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

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

Sec. 5.10. - 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; 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 hereunder.

Sec. 5.11. - Penalties for violation.

Failure to comply with the provisions of this Article or with any of its requirements, including conditions and safeguards established on connection with grants of variance or special exceptions shall constitute a violation. Any person who violates this Article or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$1,000.00 or imprisoned for not more than 30 days, or both, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall present the city from taking such other lawful actions as is necessary to prevent or remedy any violation.

Sec. 5.12. - Administration.

(a) Designation of flood damage administrator.

The Director of Building, Planning and Zoning is hereby appointed to administer and implement the provisions of this Article.

(b) Duties of the Director of Building, Planning and Zoning.

Duties of the Director of Building, Planning and Zoning shall include, but shall not be limited to:

- (1) Review proposed development to assure that the permit requirements of this Article have been satisfied;
- (2) Review proposed development to assure that all necessary permits have been received from governmental agencies from which approval is required by federal or state law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334. Require that copies of such permits be provided and maintained on file;
- (3) Review all permit applications to determine whether proposed building sited will be reasonably safe from flooding;
- (4) When base flood elevation data or floodway data have not been provide in accordance with CHAPTER 6.Sec. 5.6. - , then the Director of Building, Planning and Zoning shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other sources in order to administer the provisions of Sec. 5.14. - below;

- (5) 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 in accordance with CHAPTER 6.Sec. 5.13. - (b)(2) of this Article;
- (6) Review and record the actual elevation, in relation to mean sea level to which any new or substantially improved structures have been floodproofed, in accordance with section CHAPTER 6.Sec. 5.13. - (b)(2);
- (7) When floodproofing is utilized for a structure, the Director of Building, Planning and Zoning shall obtain certification of design criteria from a registered professional engineer or architect in accordance with Sec. 5.13.-(b)(1)c , CHAPTER 6.Sec. 5.14. - (b)(2)) or CHAPTER 6.Sec. 5.14. - (d)(2);
- (8) Make substantial damage determinations following a flood event or any other event that causes damage to structures in flood hazard areas;
- (9) Notify adjacent communities and the state department of natural resources prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency (FEMA);
- (10) For any altered or relocated watercourse, submit engineering data/analysis within six months to the FEMA to ensure accuracy of community flood maps through the letter of map revision process. Assure flood carrying capacity of any altered or relocated watercourse is maintained;
- (11) Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Director of Building, Planning and Zoning 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;
- (12) All records pertaining to the provisions of this Article shall be maintained in the office of the Director of Building, Planning and Zoning and shall be open for public inspection.

Sec. 5.13. - Permit procedures.

- (a) Application for a development permit shall be made to the city building inspection department, on form furnished by the Building, Planning and Zoning Department, prior to any development activities, and may include, but not be limited to the following: plans in duplicate drawn to scale showing the elevations of the area in question and the nature, location, dimensions, of existing proposed structures, earthen fill placement, storage of materials or equipment and drainage facilities.
- (b) Specifically, the following information is required:
 - (1) Application stage.
 - 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 floodproofed;
- c. Design certificate from a registered professional engineer or architect that any proposed nonresidential floodproofed structure will meet the floodproofing criteria in CHAPTER 6.Sec. 5.14. - (b)(2);
- d. Description of the extent to which any watercourse will be altered or relocated as a result of a proposed development.

(2) Construction stage.

- a. For all new construction and substantial improvements, the permit holder shall provide to the administrator an as-built certification of the regulatory floor elevation or floodproofing level immediately after the lowest floor or floodproofing is completed. Any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When floodproofing is utilized for non-residential structures, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same.
- b. Any work undertaken prior to submission of these certifications shall be at the permit holder's risk. The Director of Building, Planning and Zoning shall review the above referenced certification data submitted.
- c. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being allowed to proceed. Failure to submit certification or failure to make said correction required hereby, shall be cause to issue a stop-work order for the project.

Sec. 5.14. - Provisions for flood hazard reduction.

(a) General standards.

In all areas of special flood hazard the following provisions are required:

- (1) New construction and substantial improvements of existing structures shall be anchored to prevent flotation, collapse or lateral movement of the structure.
- (2) New construction and substantial improvements of existing structures shall be constructed with materials and utility equipment resistant to flood damage.
- (3) New construction and substantial improvements of existing structures shall be constructed by methods and practices that minimize flood damage.
- (4) Elevated buildings.

All new construction or substantial improvements of existing structures that include any fully enclosed area located below the lowest floor formed by foundation and other exterior walls shall be designed so as to be an unfinished 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 or meet the following minimum criteria:
 1. 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;
 2. The bottom of all openings shall be no higher than one foot above grade; and
 3. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwater in both direction.
 - b. So as not to violate the "lowest floor" criteria of this Article, the unfinished or flood resistant enclosure shall only be used for parking of vehicles, limited storage of maintenance equipment used in connection with the premises, or entry to the elevated area; and
 - c. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.
- (5) All heating and air conditioning equipment and components (including ductwork), all electrical, ventilation, plumbing, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
 - (6) 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.
 - (7) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
 - (8) 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.
 - (9) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
 - (10) 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.
- (b) Specific standards.

In all areas of special flood hazard the following provisions are required:

- (1) New construction and/or substantial improvements.
 - a. Where base flood elevation data are available, new construction and/or substantial improvement of any structure or manufactured home shall have the lowest floor, including basement, elevated no lower than one foot above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization standards of section 42-61(4), "Elevated buildings."
 - b. All heating and air conditioning equipment and components (including ductwork), all electrical, ventilation, plumbing and other service facilities shall be elevated at or above one foot above the base flood elevation.
- (2) Non-residential construction.
 - a. New construction and/or the substantial improvement of any structure located in A1-30, AE or AH zones, may be floodproofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be water tight to one foot above the base flood elevations, 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.
 - b. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the official as set forth above and in CHAPTER 6. Sec. 5.12. - (b)(6).
- (3) Standards for manufactured homes and recreational vehicles. Where base flood elevation data are available:
 - a. All manufactured homes placed and/or substantially improved on:
 1. Individual lots or parcels;
 2. In new and/or substantially improved manufactured home parks or subdivisions;
 3. In expansions to existing manufactured home parks or subdivisions; or
 4. On a site in an existing manufactured home park or subdivision where a manufactured home has incurred "substantial damage" as the result of a flood, must have the lowest floor including basement, elevated no lower than one foot above the base flood elevation.
 - b. Manufactured homes placed and/or substantially improved in an existing manufactured home park or subdivision may be elevated so that either:
 1. The lowest floor of the manufactured home is elevated no lower than one foot above the level of the base flood elevation; or

2. The manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least an equivalent strength) of no less than 36 inches in height above grade.
- c. All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement (CHAPTER 6.Sec. 5.14. - (a)(6)above).
- d. All recreation vehicles placed on sites must either:
 1. Be on the site for fewer than 180 consecutive days;
 2. Be fully licensed and ready for highway use, (a recreational vehicle is ready for highway use if it is license, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and as no permanently attached structures or additions); or
 3. The recreational vehicle must meet all the requirements for "new construction," including the anchoring and elevation requirements of subsections (a)—(c), above.

(4) Floodway.

Located within areas of special flood hazard established in CHAPTER 6.Sec. 5.6. - are areas designated as floodway. A floodway may be an extremely hazardous area due to velocity floodwaters, debris or erosion potential. In addition, the area 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. Development may be permitted however, 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 in flood levels or floodway widths during a base flood discharge. A registered professional engineer must provide supporting technical data and certification thereof;
- b. Only if subsection (4)a above is satisfied, then any new construction or substantial improvement shall comply with all other applicable flood hazard reduction provisions of Sec. 5.14. - above.

(c) Building standards for streams without established base flood elevations and/or floodway (A zones).

Located within the areas of special flood hazard established in CHAPTER 6.Sec. 5.6. - , where streams exist but no base flood data have been provided (A zones), or where base flood data have been provided but a floodway has not been delineated, the following provisions apply:

- (1) When base flood elevation data or floodway data have not been provided in accordance with CHAPTER 6.Sec. 5.6. - , then the Director of Building, Planning and Zoning shall obtain, review, and reasonably utilize any scientific or historic base flood elevation and floodway data available from a federal, state or other source in order to administer the provisions of this Section. Only if data are not available from these sources, then the following provisions (2) and (3) shall apply.
 - (2) No encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or 20 feet, whichever is greater, measured from the top of the stream bank, unless certification by a registered professional engineer is provided demonstrating that such encroachment shall not result in more than a one foot increase in flood levels during the occurrence of the base flood discharge.
 - (3) In special flood hazard areas without base 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 3 feet above the highest adjacent grade at the building site (Note: require the lowest floor to be elevated one foot above the estimated base flood elevation in A zone areas where a limited detail study has been completed). Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards CHAPTER 6.Sec. 5.14. - (a)(4), "Elevated buildings."
 - a. All heating and air conditioning equipment and components (including ductwork), all electrical, ventilation, plumbing and other service facilities shall be elevated no less than three feet above the highest adjacent grade at the building site.
 - b. The Director of Building, Planning and Zoning shall certify the lowest floor elevation level and the record shall become a permanent part of the permit file.
- (d) Standards for areas of shallow flooding (AO zones).

Areas of special flood hazard established in Sec. 5.6. 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. 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 the flood depth number specified on the flood insurance rate map (FIRM), above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, shall be elevated at least three feet above the highest adjacent grade. Openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of CHAPTER 6.Sec. 5.14. - (a)(4), "Elevated buildings."

- (2) The Director of Building, Planning and Zoning shall certify the lowest floor elevation level and the record shall become a permanent part of the permit file;
 - (3) New construction or the substantial improvement of a nonresidential structure may be floodproofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be water tight to the specified FIRM flood level plus one foot, above highest adjacent grade, with walls substantially impermeable to the passage of water and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the official as set forth above and as required in Sec. 5.13 – (b)(1)c. and CHAPTER 6.Sec. 5.13. - (b)(2));
 - (4) Drainage paths shall be provided to guide floodwater around and away from any proposed structure.
- (e) Standards for subdivisions.
- (1) New subdivision and/or development proposals shall be consistent with the need to minimize flood damage;
 - (2) All subdivision and/or development proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
 - (3) All subdivision and/or development proposals shall have adequate drainage provided to reduce exposure to flood hazards; and
 - (4) For subdivisions and/or developments greater than 50 lots or five acres, whichever is less, base flood elevation data shall be provided for subdivision and all other proposed development, including manufactured home parks and subdivisions. Any changes or revisions to the flood data adopted herein and shown on the FIRM shall be submitted to FEMA for review as a conditional letter of map revision (CLOMR) or conditional letter of map amendment (CLOMA), whichever is applicable. Upon completion of the project, the developer is responsible for submitting the "as-built" data to FEMA in order to obtain the final LOMR.
- (f) Standards for critical facilities.
- (1) Critical facilities shall not be located in the 100-year floodplain or the 500-year floodplain.
 - (2) All ingress and egress from any critical facility must be protected to the 500-year flood elevation.

Sec. 5.15. - Variances.

See Chapter 9 *Appeals* of this Development Code.

Sec. 5.16. - Director of Building, Planning and Zoning Appeals.

The administrative appeals process set forth in Chapter 9 *Appeals* shall be followed when it is alleged an error in any requirement, decision, or determination is made by the Director of Building, Planning and Zoning in the enforcement or administration of this Article.

ARTICLE 6. - ILLICIT DISCHARGE AND ILLEGAL CONNECTION

Sec. 6.1. - New development.

See Chapter 94, Article V *Illicit Discharge and Illegal Connection* in the City Code of Ordinances.

CHAPTER 7. INFRASTRUCTURE IMPROVEMENTS

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ARTICLE 1. - GENERAL REQUIREMENTS

Sec. 1.1. - Suitability of land.

Land subject to flooding, improper drainage or erosion, or which has topographical, geological or other constraints on its development, shall not be subject to development for any uses which may continue such conditions or increase the danger to health, safety, life or property, unless such constraints can be legally eliminated or abated.

Sec. 1.2. - Applicability of regulations.

- (a) All residential subdivisions and nonresidential development hereafter established in the city shall be developed in accordance with the design standards and requirements set forth in this Chapter.
- (b) All improvements required shall be constructed in accordance with the standards set forth in this Chapter, and under the inspection of the Building Official or his duly authorized representative and the engineering department of the respective utility.
- (c) The subdivider is required to install or construct the improvements described in this Chapter prior to having released the bond or other securities which guarantee installation of such required improvements.
- (d) Where the City Council finds that extraordinary hardships may result from strict compliance with the regulations of this Chapter due to unusual topographic or other conditions beyond the control of the subdivider, it may vary such regulations in accordance with the procedures for a variance in Chapter 9 *Appeals* so that substantial justice may be done and the public interest secured. See also the Infrastructure Improvements Variances Article in Chapter 9.

Sec. 1.3. - Engineering Technical Standards Manual.

- (a) See the Catoosa County Engineering Technical Standards Manual for “Standard Details” that are referenced in this Article.
- (b) The Catoosa County Engineering Technical Standards Manual is hereby adopted by reference.

Sec. 1.4. - Conformity to other regulations and plans.

- (a) All proposed subdivisions shall conform to the city comprehensive plan, this Unified Development Code, and other applicable development regulations and policies in effect at the time of submission.
- (b) All streets, thoroughfares and other features in the thoroughfare plan or other adopted plans of the City, whichever is the most recently adopted or amended, shall be taken into consideration by the subdivider.

Sec. 1.5. - Access requirements.

- (1) Every lot hereafter established shall front or abut on a street which is to be dedicated to the public and conforms to the requirements of this Chapter, with the exception

that private streets may be allowed in accordance with Sec. 3.8. - Private streets in this Chapter.

- (2) All projects abutting any federal, state or city roadway must provide proof of compliance with all state department of transportation requirements.

Sec. 1.6. - Blocks.

- (1) The lengths, widths and shapes of blocks shall be determined with due regard to:
 - a. Provisions of adequate building sites suitable to the special needs of the type of use contemplated;
 - b. Needs for convenient access, circulation control and safety of street traffic; and
 - c. Limitations and opportunities of topography.
- (2) Where the proposed subdivision is adjacent to or contains a major street, the long dimensions of the blocks shall be parallel, or approximately parallel, to the major streets.
- (3) Block lengths shall not be less than 400 nor more than 1,800 feet and shall normally be wide enough to allow two tiers of lots of appropriate depth.
- (4) Pedestrian crosswalks not less than 10 feet wide may be required where deemed essential in blocks over 800 feet long by the Building Official or Public Works Director to provide circulation or access to schools, playgrounds, shopping centers, bus stops and other community facilities.

Sec. 1.7. - Utility placement.

- (a) The developer is encouraged to place all utilities underground.
- (b) The street right-of-way shall be graded at least 6 feet, measured from the back of the curb or edge of the pavement on both sides of the street, to provide space for the installation of utilities, to prevent the encroachment of driveways into the street surface, to provide walkways off the paved vehicular surface, and to provide space for the future installations of sidewalks; provided, however, the City Council may waive this section in cases where the subdivider can demonstrate that the topography of the land being subdivided is such that compliance with this Section would be impractical.

Sec. 1.8. - Easements.

Lots and easements shall be arranged in such a manner as to eliminate unnecessary easement jobs or offsets, and to facilitate the use of easements for power distribution, telephone service, drainage, and water and sewer services.

Sec. 1.9. - Property markers.

All property line corners shall be marked with a metallic pin, at least ½-inch in diameter and 24 inches in length. The top level of such pin shall be approximately level with the finished grade. If the ground cannot be penetrated the required 24 inches, another type of permanent monument shall be installed.

ARTICLE 2. - WATER AND SEWER IMPROVEMENTS

Sec. 2.1. - Installation requirements; generally.

All water mains, sanitary sewers and laterals, and storm sewers shall be installed as necessary to prevent the future cutting of the pavement of any street, sidewalk or other required pavement.

Sec. 2.2. - Water lines.

(a) Connection to public system.

Where a public water supply is within 300 feet of the subdivision, the subdivider shall install all water lines which meet the requirements of the state water quality control department as are necessary to connect to the public water system.

(b) Construction.

All new water lines shall be constructed with ductile iron pipe, with the exception of the upgrading or rehabilitation of existing water mains. The use of other pipe type, materials, and methods is permissible when rehabilitation by excavation is not practical due to the existence of structures or close proximity of other utilities or when the expectation of damage or interruption of other utility services is a high probability.

(c) Water service.

The consumer shall furnish and maintain a private cutoff valve on the consumer's side of the meter.

Sec. 2.3. - Fireplugs.

Fireplugs shall be installed in accordance with the requirements of the International Fire Code. The water supply and pressure shall be sufficient to adequately serve the potential needs of the intended land use.

Sec. 2.4. - Public sanitary sewers; use and connection to.

(a) Use of public sewers required.

- (1) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the city, or in any area under the jurisdiction of the city, any human or animal excrement, garbage or other objectionable waste.
- (2) It shall be unlawful to discharge to any natural outlet within the city or in any area under the jurisdiction of the city any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Chapter.
- (3) Except as otherwise provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.

(b) Connection to public system.

(1) Existing structures.

The owners of all houses, buildings, or properties used for human occupancy, employment, recreation or other purposes, situated within the city and abutting on any street, alley or right-of-way in which there is located a public sanitary or combined sewer of the city is required at his expense to install suitable toilet facilities and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Chapter within one year after date of official notice to do so, provided the public sewer is within 300 feet of the property line.

(2) New subdivisions.

Where a public sanitary sewer system is within 300 feet of a proposed subdivision, the subdivider shall install a sanitary sewer system which meets the requirements of the state water quality control department, and shall connect such system at his expense to the public sanitary sewer. Stub-outs shall be provided for each lot and shall extend from the sewer line to points outside the roadway.

(3) The consumer's piping and apparatus shall be installed and maintained by the consumer at the consumer's expense, in a safe and efficient manner, and in accordance with Sec. 2.5. - Public sanitary sewers; construction.

Sec. 2.5. - Public sanitary sewers; construction.

(a) Construction Requirements.

- (1) All new sewer force mains shall be constructed with ductile iron pipe, with the exception of the upgrading or rehabilitation of existing sewer force mains. The use of other pipe type, materials, and methods is permissible when rehabilitation by excavation is not practical due to the existence of structures or close proximity of other utilities or when the expectation of damage or interruption of other utility services is a high probability.
- (2) No public sewer shall be less than 8 inches in diameter.
- (3) Pipe to be laid regardless of size and material must properly be bedded and backfield.
- (4) Bedding must be crushed stone.
- (5) Four-inch through 12-inch sewer pipe must have four inches of bedding. Sewer pipe 12 through 15 inches must have 8 inches of bedding.
- (6) Pipes not in location of streets must be backfield 4 inches above the pipe with same bedding material.
- (7) For a pipe to be laid in streets, the pipe must be backfield with crusher run to top of the ditch in layers of 12 inches and tamped separately.
- (8) Pipe must be lay flat and uniform. No turns will be allowed without the installation of manholes.

- (9) All sewers shall be designed to give mean velocities when flowing full, of not less than two feet per second.
 - (10) Building sewers shall be provided in accordance with the International Plumbing Code and the following requirements:
 - a. For building sewers 8 inches and larger manholes shall be provided and located not more than 200 feet from the junction of the building drain and building sewer, at each change of direction and at intervals of not more than 400 feet apart.
 - b. Manholes and manhole covers shall be of an approved type, however no manhole shall be smaller than 48 inches in diameter.
 - (11) All ditch crossings will be properly pierced and designed, approved and passed on before constructed.
 - (12) All sewers that are covered without an inspection will be uncovered to meet the requirements of the inspector.
 - (13) All sewer laterals for house connection must be installed in the same manner as main lines.
 - (14) All laterals must be properly marked as to location and plotted on a map such detail map in digital form and .DXF or .DWG format.
 - (15) Only one structure per lateral will be permitted.
 - (16) No sewer lateral shall be approved without a back-flow preventer on said lateral.
- (b) Separate sewers for buildings with multiple dwelling units or other units.
- A minimum 8 inch sewer line which connects all private sewer lines of condominium units shall be required. This 8 inch sewer line shall be publicly dedicated to the City by way of easement in order that the City may enter the property of the condominium association and service said 8 inch sewer line.
- (c) Specifications for building sewers.
- (1) The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench shall all conform to the requirements of the International Plumbing Code or other applicable rules and regulations of the City.
 - (2) In the absence of code provisions or in amplification of such provisions, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.
- (d) Elevation of sewer.
- Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit

gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

- (e) Specifications for connections.
 - (1) The connection of the building sewer into the public sewer shall conform to the requirements of the International Plumbing Code or other applicable rules and regulations of the city, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9.
 - (2) All such connections shall be made gastight and watertight.
 - (3) Any deviation from the prescribed procedures and materials must be approved by the Water and Sewer Director before installation.

Sec. 2.6. - Private sewage disposal.

The disposal of sewage by means other than the use of the available sanitary sewage system shall be in accordance with local and state law. The disposal of sewage by private disposal systems shall be permissible only in those instances where service from the available sanitary sewage system is not available.

Sec. 2.7. - Storm sewers and drainage.

- (a) Storm sewers and drainage structures shall be designed and installed as required in accordance with good engineering practice. In no case shall the size of pipe used for storm drainage be less than 15 inches in diameter. The subdivider shall provide either:
 - (1) Portland cement concrete or asphaltic concrete curb, the face of which shall not be less than 6 inches in height, with backfill sloping toward the curb and higher than the curb to ensure drainage of surface water into the storm drainage system; or
 - (2) Properly constructed drainage ditches with the valley line of the ditch at least 6 feet from the edge of the roadway surface. Where possible, the slopes of the ditch should be in a ratio of at least 3:1; but in no case shall they exceed a ratio of 2:1. Where the grade of the roadway exceeds 5%, the Public Works Director may require the developer to riprap the ditches.
- (b) Compliance with Chapter 94, Article V. Illicit Discharge and Illegal Connection of the City Code of Ordinances shall be required.

Sec. 2.8. - Easements.

- (a) Easements across lots or centered on rear or side lot lines shall be provided for utilities and drainage, where necessary, and shall not be less than a total of 15 feet wide, unless otherwise approved by the engineering department of the specific utility.
- (b) Where a subdivision is traversed by an existing or proposed watercourse, drainageway, channel or stream, there shall be provided a storm drainage easement or right-of-way conforming substantially with the lines of such existing or planned drainageway. The width of such drainage easement or right-of-way shall be sufficient to contain the ultimate channel and maintenance way for the tributary area upstream.

ARTICLE 3. - STREET DESIGN STANDARDS

Sec. 3.1. - Street design requirements; generally.

- (a) The minimum right-of-way as required by this Development Code must be shown on the final plat and dedicated to the City if the proposed development fronts on an existing city road. All building setback requirements shall be measured from this established right-of-way line.
- (b) Traffic studies shall be required for all residential subdivisions containing more than 250 lots or at the discretion of the Director of Public Works. Such studies will at a minimum address the level of traffic generated by the proposed development and its distribution on the existing road network; and the need for traffic signals, deceleration lanes, left turn lanes, other additional lanes and other traffic control devices on all existing and proposed roadways.
- (c) All streets with curb and gutter shall be constructed with a minimum 13-foot shoulder behind both curbs. See Standard Detail 201 "Residential Streets" and Standard Detail 202 "Nonresidential Streets." Residential and Nonresidential Streets may be designed using either curb and gutter or extruded curbs.
- (d) All streets shall have a minimum centerline grade of at least 1.0% including culs-de-sac and intersections.
- (e) Super-elevated curves shall be provided as per GDOT design guidelines for arterial streets.
- (f) Where a deflection angle of more than 10 degrees occurs, a horizontal curve of reasonably long radius shall be introduced.
- (g) The minimum length of crest vertical curves shall be 100 feet. Longer lengths may be required based on required stopping sight distance. The sight distance for crest vertical curves shall be measured along the roadway from 3½ feet above the pavement to an object 6 inches high, as discussed in the current AASHTO policy on design.
- (h) Vertical curves may be designed to extend past the end of a cul-de-sac provided stopping sight distance is met. See Standard Detail 203 "Minimum Stopping Sight Distance."
- (i) The minimum length of sag vertical curves shall be 100 feet. For Residential 3 and Nonresidential 1 class streets, minimum sag vertical curve length shall be 10 times the algebraic difference in grades, but in no case shall be less than 100 feet. Vertical curves may be designed to extend passed the end of a cul-de-sac provided stopping sight distance is met.
- (j) Sight distances at intersections shall be determined by the posted speed limit of the street (existing city road or state highway) onto which a vehicle must turn. Such distances shall be measured beginning from a point established 15 feet from the edge of the travel way on the centerline of the egress lane at a height of 3½ feet above the finish grade elevation. The line of sight is then extended the minimum required distance on either side to the centerline of the road terminating at a point 2 feet above the finish grade elevation (See Standard Detail 204 "Intersection Sight Distance for Driveways and Side Streets.")

Sec. 3.2. - Residential street design requirements.

- (k) If a subdivision street accesses a city road, the design consultant shall verify the intersection stopping distance and shall determine if hidden dips occur on the city road which will impact the proposed access point.
- (l) Roads may be constructed across an existing or proposed dam. The appropriate state approved professional shall provide a report certifying that the existing or proposed dam is structurally capable of supporting the road. Any road across a dam shall be a private street. Ingress and egress easements, not right-of-way, shall be granted. A second point of access to the subdivision across a public or private street must be provided. The section of road across the dam, and the dam itself, shall be maintained by the subdivision property owners or a mandatory homeowners' association.

Sec. 3.2. - Residential street design requirements.

- (a) Residential street classifications.
 - (1) Residential streets shall be classified into a street hierarchy system for design and construction purposes.
 - (2) Street design standards in residential subdivisions shall be based on road function and the number of dwelling units (d.u.) served by the street.
 - (3) Rural residential streets may be used only in residential subdivisions where lot sizes are 5 acres or larger.
 - (4) Residential street classifications and their corresponding dwelling unit thresholds are:

Street Classification	Dwelling Unit (d.u.) Threshold
Rural Residential	N/A
Residential 1	0-200 d.u.
Residential 2	201-400 d.u.
Residential 3	401-1000 d.u.

- (b) Multi-family, condominium, and manufactured home park streets shall be designed and constructed to the same standards as other residential streets.
- (c) Jogs in the centerline, pavement, or right-of-way shall not be permitted for residential streets.
- (d) The following residential street design standards in Table 7-B: Residential Street Design Requirements shall apply to all public streets in residential subdivisions. See also Standard Detail 201 "Residential Streets." Design requirements for arterial and collector streets shall be based on AASHTO and GDOT standards and approved by the Public Works Director.

(e) Depth requirements.

- (1) Depth checks on base material and asphalt cores shall be taken at random locations as specified in Article 4, Street Construction Standards along each road and at a minimum of three per street.
- (2) Any area found deficient shall be brought up to the required thickness prior to placing any additional layer of material.
- (3) All asphalt core holes shall be filled with hot mix asphalt of similar grade prior to approval of the final plat.

Table 7-B: Residential Street Design Requirements

Standard	Residential Street 3	Residential Street 2	Residential Street 1	Rural Residential Street
Dwelling units served	401-1000	201-400	0-201	N/A
Minimum right-of-way (feet)	60 ⁷	60 ^{2,7,9}	50 ⁷ 60 ^{2,7,8}	60
Minimum pavement width (feet) ¹	24	24 ⁶ 20	20	18
Minimum lane width (feet)	12	12	10	9
Maximum grade	14%	14% ²	14% ²	14%
Minimum stopping sight distance (feet)	250	160	160	160
Design speed (MPH)	35	25	25	25
Minimum radius of centerline curvature (feet)	440	100	100	100
Minimum length of tangent between reverse curves (feet)	100	0	0	0
Minimum sight distance at intersections, each way (feet)	325	200	200	200
Minimum length sag vertical curves (feet)	100 ³	100	100	100
Minimum length crest vertical curve (feet)	100 ⁴	100 ⁴	100 ⁴	100 ⁴
Internal subdivision street curb or edge of pavement radius (feet)	35	35	35	35
Entrance to subdivision radius (feet)	40	40	40	40
<p>¹ Minimum pavement width does not include curb and gutter.</p> <p>² Streets constructed without curb and gutter and where storm water management does not allow ditches to be within the 50-foot right-of-way.</p> <p>³ For Residential 3 Streets, sag length will be calculated as 10 times the algebraic difference in grades, with a minimum allowable sag length of 100 feet.</p> <p>⁴ For Residential 1, 2, and 3 Streets, greater crest lengths may be required based on the minimum stopping sight distance requirements. See Standard Detail 203 "Minimum Stopping Sight Distance."</p> <p>⁵ See also the paving requirements contained in Article 4 of this Chapter.</p>				

Sec. 3.3. - Nonresidential street design requirements.

⁶ Pavement width for main parkways.

⁷ Private streets shall contain access and utility easements in lieu of right-of-way.

⁸ For all residential streets constructed with curb and gutter. Residential subdivision curb and gutter may be either vertical faced or roll-over.

⁹ The applicant shall demonstrate to the Director of Public Works that the distribution of traffic to the proposed residential street system shall not exceed the dwelling unit thresholds for any of the proposed street classifications. Submitted construction plans must indicate the number of lots being served by each street for subdivisions that contain 201 lots or more.

Sec. 3.3. - Nonresidential street design requirements.

(a) Nonresidential streets shall be classified into a street hierarchy for design and construction purposes.

(1) Street design standards in non-residential subdivisions shall be based on road function and the average daily traffic (ADT) the street will accommodate, as determined in the current edition of ITE's Trip Generation Manual.

(2) Nonresidential street classes and their corresponding ADT thresholds are:

Non-residential: 1-10,000 ADT.

(b) Arterial or collector streets shall be required when ADT generated by the development will exceed 10,000 daily trips. Street design requirements for arterial and collector streets shall be based on AASHTO and Georgia DOT standards, and approved by the Director of Public Works.

(c) The applicant shall demonstrate to the Director of Public Works that the distribution of traffic to the proposed street system shall not exceed the ADT thresholds for any of the proposed street classifications.

(d) Pavement depth shall be based upon projected traffic loads designed by a professional engineer currently registered in the State of Georgia but in no event shall it be less than 6 inch/2 inch/1½ inch.

(e) Jogs in the centerline, pavement or right-of-way shall not be permitted.

(f) All nonresidential streets shall be constructed with either curb and gutter or extruded curbs. Nonresidential subdivision curb and gutter may be either vertical faced or rollover.

(g) The following non-residential street design standards shown in **Table 7-C: Nonresidential 1 Street Design Requirements** shall apply to all public and private streets constructed in nonresidential subdivisions. See Standard Detail 202, "Nonresidential Streets." The minimum standard for nonresidential subdivision street design and construction shall be a Non-Residential 1 Street.

(h) Grading and embankment specifications are the same as those in Article 4, Street Construction Standards. Pavement depth for any use other than automobiles shall be based on projected traffic loads and design by a professional engineer currently registered in the State of Georgia.

- (i) For subdivisions in commercial and industrial zones, pavement design shall be based on projected traffic loads.

Standard	Requirement
Minimum right-of-way width (feet)	60
Minimum pavement width (feet) ¹	24
Minimum lane width (feet)	12
Maximum grade	14%
Minimum stopping sight distance (feet)	250
Design speed (mph)	35
Minimum radius of centerline curvature (feet)	440
Minimum length of tangent between reverse curves (feet)	100
Minimum sight distance at intersections, each way (feet)	325
Minimum length sag vertical curves (feet)	100 ²
Minimum length crest vertical curve (feet)	100 ³
Internal subdivision street curb radius (feet)	40
¹ Minimum pavement width does not include curb and gutter. ² Sag length will be calculated as 10 times the algebraic difference in grades, with a minimum allowable sag length of 100 feet. ³ Greater crest lengths may be required based on the minimum stopping sight distance requirements. See Standard Detail 203 "Minimum Stopping Sight Distance."	

Sec. 3.4. - Development entrance requirements.

- (a) All development entrances.

All proposed subdivision developments (residential, nonresidential, and nonresidential single lot developments) where a new entrance is provided from an existing city road, shall construct deceleration lanes subject to the requirements of this Section, and Standard Detail 206 "Subdivision Entrance Intersection." The following requirements shall also apply to development entrances:

- (b) Residential entrances.

In addition to the requirements of subsection (a) above, the following shall also apply to residential subdivisions entrances:

- (1) Access to every residential subdivision shall be provided over a public street. Existing subdivisions with private streets can be continued without additional access to a public street, subject to subsection (2) below.

- (2) All residential subdivisions resulting in the creation of 150 or more lots shall be provided with a minimum of two entrances. Where the property configuration prohibits or makes impractical the installation of two public access entrances, an alternative access may be approved or this provision may be waived by the Director of Public Works for existing zoned property only. All property applying for rezoning that have less than the required number of entrances must receive approval from the City Council.
- (3) In the event an alternative second entrance is required, said entrance must be at least 20 feet wide with a 20-foot wide access easement and be constructed of all-weather surface. All alternative secondary access entrances and construction materials must be pre-approved by the Director of Public Works and the Director of Building, Planning and Zoning.
- (4) Any residential subdivision accessed by a city road shall conform to Standard Detail 206 "Subdivision Entrance Intersection."
- (5) Access onto a state road shall meet existing GDOT requirements. Before the plans can be approved, a copy of the GDOT permit or GDOT Letter of Intent shall be submitted to the Director of Public Works stating that a curb cut will be granted as long as the applicant meets all GDOT standards. The submitted construction plans must indicate by a note on the preliminary plat that the plans have been approved subject to all modifications or requirements placed upon the development by the GDOT.
- (6) Deceleration lane and taper length shall be based on the main roadway posted speed limit as follows in **Table 7-D: Deceleration Lane and Taper Width**. The Director of Public Works may require residential subdivisions exceeding 200 or at his discretion below 200 lots to install longer deceleration lanes and/or a center turn lane. If the Director of Public Works determines that the entrance onto a city roadway could result in a safety problem then the City may require the Developer to present a traffic study to address any safety concerns.

Main Road Speed Limit	Deceleration Lane Length (feet)	Transition Taper Length (feet)
55 mph	200	50
50 mph	150	40
45 mph	110	35
40 mph	90	30
35 mph or less	50	25

- (7) The minimum pavement width of a deceleration lane shall be 12 feet, and the minimum turning radius shall conform with Standard Detail 206. The minimum

Sec. 3.5. - Intersections.

pavement design for the proposed street shall be 6 inches/2 inches/1½ inches or match the existing pavement specification, whichever is greater.

- (8) Additional street right-of-way necessary for deceleration lanes shall be dedicated as needed, and as illustrated in Standard Detail 206 "Subdivision Entrance Intersection."
 - (9) The cross slope of any deceleration lane shall follow the crown or super elevation of the existing street.
 - (10) In cases involving rock cuts, deep fills or cuts, proximity to a floodplain, or other constraints to construction, the requirements for pavement widening for a full deceleration lane may be waived by the Director of Public Works.
 - (11) Vertical faced curb and gutter or concrete extruded curbs are required through the radius, excluding the tapers.
 - (12) The developer shall be responsible for the costs of any utility relocation or catch basins that must be constructed.
- (c) Non-residential entrances.

In addition to the requirements of this Section, the following shall also apply to non-residential project entrances:

- (1) All nonresidential subdivisions or developments will install a full deceleration lane, offset radii and tapers.
- (2) All driveways providing access to the street shall be designed as illustrated in Standard Detail 209 "Nonresidential Driveway on Existing Street Landing Requirements" and Standard Detail 210 "Nonresidential Driveway Landing Requirements on Existing Streets."

Sec. 3.5. - Intersections.

- (a) Street intersections shall be as nearly at right angles as possible, but in no case shall a street intersection be at an angle of less than 70 degrees. The 110 degree angle of the intersection should be directed towards the approach with the highest volume of traffic.
- (b) Interior street jogs or intersections shall have centerline offsets of a minimum of 125 feet. Exterior street jogs or intersections shall have centerline offsets of a minimum of 250 feet.
- (c) Islands at intersections shall meet sight distance requirements established by AASHTO and GDOT and the developer shall submit a maintenance agreement satisfactory to meet the City Attorney's approval. Anything extending more than 3 feet above the top of the curb within the right-of-way of the intersecting streets shall require approval by the Director of Public Works.
- (d) A utility easement shall be provided at all street intersections. This easement shall form a triangle with two, twenty-foot legs of the triangle leading away from the street right-of-way intersection. This easement miter shall be graded a minimum of 13 feet back from the intersecting right-of-way lines to provide for utility line placement (25 feet for overhead utilities).

Sec. 3.6. - Cul-de-sacs.

- (a) All permanent dead-end streets shall be constructed as cul-de-sacs with a turn-around provided at the closed end. Cul-de-sacs shall be constructed according to their street level classification.
- (b) Residential cul-de-sacs shall have a right-of-way radius of at least 50 feet, and a pavement radius of at least 40 feet, as measured to the back of the curb. See Standard Detail 205 "Cul-de-sac Details."
- (c) Nonresidential cul-de-sacs shall have a right-of-way radius of at least 75 feet, and a pavement radius of at least 60 feet, as measured to the back of the curb. See Standard Detail 205 "Cul-de-sac Details."
- (d) Islands at intersections shall meet sight distance requirements established by AASHTO and GDOT, and the developer shall submit a maintenance agreement satisfactory to meet the City Attorney's approval. Anything extending more than 3 feet above the top of the curb within the right-of-way of the intersecting streets shall require approval by Director of Public Works.

Sec. 3.7. - Temporary turn-arounds.

- (a) Stub-out streets shall not be allowed, except at unit lines. A temporary turn-around is required when the street length exceeds the minimum width of one lot permitted under the applicable zoning district.
- (b) A temporary turn-around shall be maintained for a period not to exceed 24 months. All such turn-arounds shall, at a minimum, be constructed with 6 inches of graded aggregate base, and have a minimum driving radius of 30 feet.
- (c) Where temporary turn-arounds are permitted, the Director of Public Works may require a performance guarantee for completion of a cul-de-sac. The Director of Building, Planning and Zoning or Director of Public Works may also require that the final plat record sufficient right-of-way to construct a permanent cul-de-sac. Such right-of-way will revert to typical street right-of-way when the street is extended.

Sec. 3.8. - Private streets.

- (a) General requirements.
 - (1) All lots must be located on a public street or road, with the exception that private streets may be used in the case of developments that wish to utilize entry gates, mixed forms of property ownership, or other non-traditional public road design requirements.
 - (2) Private streets shall be owned and maintained by a mandatory homeowners association and not by the City. Neither private nor public streets are necessary in a development that does not have separate lots, but only units, such as an apartment or condominium development. Internal driveways and parking lot aisles shall meet the requirements in the Off-Street Parking and Loading Article of Chapter 4 of this Code.

(b) Allowed locations.

Private streets may only be constructed in residential zoning districts and the PM zoning district.

(c) Design requirements.

- (1) Private streets, if approved by the City, shall meet all minimum geometric design requirements per International Fire Codes and all AASHTO design standards for that road's posted speed, but in no case shall the design speed be less than 15 miles per hour.
- (2) Private streets, if approved by the City, are encouraged to meet all construction requirements and standards that apply to public streets.
- (3) Private streets shall be located within a separate parcel of land, no less than 50 feet wide, that is owned by the homeowners association for the development. The width shall include the private street, any drainage structures, sidewalks, or utilities, and must provide the same minimum width required for right-of-way for a similar public street.
- (4) Private streets may not be located in an easement over multiple lots.
- (5) Private streets shall not be located within an easement coincident with the parcel required under the above subsection (4). The easement must be recorded with each lot's deed and grant the right of vehicular access to every other lot served by the street, as well as the right to place public and private utilities therein.

(d) Road maintenance.

- (1) The City shall not maintain roadways, signs or drainage improvements on private streets. All developments utilizing private streets are required to have a mandatory homeowners association.
- (2) As part of the mandatory homeowners association, covenants are required for any lots on a private street. Provisions for maintenance shall be included in the homeowners association covenants. The covenants shall set out the distribution of expenses, remedies for non-compliance with the terms of the agreement, right of use easements and other considerations. The covenants shall include the following items:
 - a. The covenants shall establish minimum annual assessments in an amount adequate to defray costs of ordinary maintenance and procedures for approval of additional needed assessments.
 - b. The covenants shall include a periodic maintenance schedule.
 - c. The covenants for maintenance shall be enforceable by any property owner served by the road or by the homeowners association established by the covenants.

- d. The covenants shall establish a formula for assessing maintenance and repair cost equitably to property owners served by the private road.
 - e. The covenants shall run with the land.
 - f. The covenants shall not be dissolved or be modified in any way so as to conflict with these regulations.
 - g. Maintenance shall include, but not limited to, road surfacing, shoulders, signs, storm drainage facilities and vegetation control.
 - h. A notice that no public funds of the City are to be used to build, repair or maintain the private road.
- (e) Owners release.
- (1) At the time of purchasing property that is served by the private street, upon any sale or resale of a property, the purchaser shall acknowledge by execution of a release that the street is private and not maintained by the City, and that maintenance of the street is the responsibility of the Homeowners Association. The release is to be prepared using a form acceptable to the City Attorney and shall be recorded with the Clerk of Superior Court along with any warranty deeds.
 - (2) The final subdivision plat shall provide notification that all properties served by the private street are perpetually subject to the provisions of this Development Code regarding the owner's release upon any sale or resale of the property.
 - (3) Failure to execute such a release shall not relieve the purchaser of maintenance responsibility for the private street.
- (f) Lot dimensional requirements.
- For a property served by a private street the following requirements shall apply:
- (1) The building setback, lot width and other dimensional requirements of the zoning district in which the property is located shall be measured from the private street parcel.
 - (2) Land located within the private street parcel shall not be included in the area of the lot for the purpose of meeting the minimum lot area required by the zoning district in which the property is located.
 - (3) The City may require additional easements for any utilities not located on the private street. All easements shall meet the minimum sizes required by the City.
- (g) Other standards.
- (1) Where private streets intersect public streets, private streets shall meet the requirements of public streets including intersection offset requirements, deceleration and acceleration lanes, intersection gradients, and other applicable design and construction requirements of this Development Code.

- (2) The HOA shall provide all maintenance activities and related actions to ensure compliance with the City's NPDES permit for stormwater discharges.
 - (3) A private street subdivision shall meet all other requirements and standards that apply to public subdivisions, such as stormwater runoff and detention requirements, the provisions of utilities, sidewalks, and traffic and street name signs.
 - (4) Private streets shall be denoted as such on the street name signs for each such street. Proposed streets, which are extensions of, or in alignment with, existing or other proposed streets shall have the same name. Street names shall not duplicate or be phonetically similar to existing street names. The City requires a different standard for a public street name sign indicating that the street is "private" or "not maintained by the City".
 - (5) The developer is to obtain the street signs from the City and install to City specifications at the developer's expense.
 - (6) Any gate placed across a private street that limits access to a subdivision or development shall provide for unimpeded access by emergency vehicles, government vehicles on official business, and delivery services including the U.S. Postal Service. Such gate shall be a breakaway or other construction acceptable to the City. Accessibility to such gated communities shall comply with all standards and requirements of the City Fire Chief for access activation, including the following:
 - a. Programmable keypad with an emergency override code as assigned by the Fire Marshal;
 - b. Once the override code is used to open the gate, the gate will remain open until emergency personnel release the gate for normal use;
 - c. Automatic opening of the gates in the event of power failure; and
 - d. Reassignment of an emergency override code without the approval of the Fire Chief is not allowed.
- (h) Final plat requirements.
- (1) Developments containing private streets shall meet all requirements of the Procedures and Permits Chapter of this Development Code relating to final plats, except that bonds or deposits shall not be submitted in lieu of the design professionals certified report for the private streets. A copy of the design professionals certified report shall be maintained with the Homeowners Association Board of Directors.
 - (2) All private streets shall be designated as such on the final plat.
 - (3) A notice in at least 12 point bold font shall be placed on the final plat that reads:

"The streets designated as 'private streets' on this plat are owned and maintained by the Homeowners Association of this development and are not owned or maintained by the City. No public funds of the City are to be used to build, repair, or maintain

these private streets. The owner, purchaser, lender, heirs, assigns or other parties taking title to or otherwise procuring an interest in any portion of this property are hereby notified of this fact."

Sec. 3.9. - Street names, addresses.

See Chapter 74, Article II *Road Naming and Addressing* of the City Code of Ordinances.

ARTICLE 4. - STREET CONSTRUCTION STANDARDS

Sec. 4.1. - Grading.

- (a) Before grading is started, the construction areas shall be cleared of all trees, stumps, roots, weeds, logs, heavy vegetation, and other objectionable matter, and shall be grubbed to a depth below the proposed grade in cuts and the natural ground in fills so as to expose suitable subgrade. The objectionable matter shall be removed from within the right-of-way limits and disposed of in such a manner that it will not become incorporated within the fills, nor in any manner hinder proper operation of the storm drainage system.
- (b) Suitable material may be used in the construction of embankments or at any other place needed. If rock is encountered, it shall be removed as determined by the developer's Geotechnical Engineer. Where boulders are encountered, they should be removed 6 inches below the proposed grade. Onsite materials may be used, provided they are used according to the recommendations of the Geotechnical Engineer. If imported fill is used to construct road embankments, the materials shall meet the following requirements:
 - (1) Standard Proctor Maximum Dry Density greater than 100 pounds per cubic foot within the top 2 feet of finished subgrade elevation; or 95 pounds per cubic foot below the top 2 feet.
 - (2) Liquid Limit less than 60.
 - (3) Plasticity Index less than 35.

Sec. 4.2. - Utility construction.

- (a) Prior to any base material being placed, all underground work that is to be within the right-of-way or the right-of-way subgrade shall be completed and backfilled with stone, if necessary. This includes all drainage, sewerage, water, telephone, electrical, gas, cable television, and other utilities to the end that the completed roadway will not be disturbed for the installation of any utility main or service connection for any utility.
- (b) Sanitary sewers and storm sewers shall be constructed in accordance with the requirements of this Chapter.
- (c) All underground utility conduits and piping shall be installed prior to proof rolling and placement of base material. Installation and backfill shall be observed by the developer's Geotechnical Engineer. In the event all utility construction is not complete due to circumstances beyond the control of the developer and/or contractor, proof rolling and placement of base material may begin subject to completion of all underground conduits

and piping beneath the road and 2 feet beyond the edge the proposed base material. Sanitary sewer tests shall be coordinated with the respective city representative having jurisdiction prior to base installation.

- (d) Utility trenches within the roadbed shall be backfilled with either crushed rock, soil, or flowable fill according to the following requirements:
- (1) Bedding.
 - a. All utility trenches shall be bedded with a 6-inch layer of either open-graded crushed rock or sand.
 - b. Bedding shall be placed and compacted using a vibratory compactor.
 - c. Where necessary, bell holes shall be cut into the bedding at pipe joints locations.
 - (2) Initial fill.
 - a. After the utility line has been placed, the utility trench shall be backfilled with open graded crushed rock or sand to at least 12 inches over the top of the utility.
 - b. The backfill shall be compacted using a vibratory compactor.
 - (3) Secondary fill.
 - a. From 12 inches over the top of the utility to 18 inches below the subgrade elevation, the utility trench may be backfilled with open-graded crushed rock ($\frac{1}{2}$ -inch diameter or less), sand, or soil fill.
 - b. Sand or soil backfill shall be placed in maximum one-foot layers and compacted.
 - c. Sand or soil backfill shall be compacted to achieve at least 95% of the standard Proctor maximum dry density.
 - d. Density tests shall be conducted for every one-foot layer of backfill at a frequency of one test per 100 feet for utilities running along the longitudinal axis of the road, or one test for utilities crossing the road.
 - e. Open-graded crushed rock backfill does not require compaction in lifts, but must be consolidated using vibratory compaction equipment.
 - f. The placement and consolidation must be observed by the Geotechnical Engineer.
 - (4) Final backfill.
 - a. The final 18 inches of the utility trench backfill shall be backfilled with dense-graded crushed rock.
 - b. The backfill shall be compacted to achieve at least 98% of the standard Proctor maximum dry density.
 - c. Density tests shall be conducted at a frequency of one test per 50 feet for utilities running along the longitudinal axis of the road, or two tests for utilities crossing the road.

- (5) Flowable fill.
 - a. Flowable fill may be used as backfill for utility trenches.
 - b. The material shall be designed to achieve a compressive strength of 150 to 500 psi.
 - c. The material shall meet the requirements of ACI 229R-99, Standard Specifications for Controlled Low Strength Cementitious Materials.
 - d. Flowable fill may be used instead of the secondary fill and the final backfill.
 - e. The material supplier shall submit a mix design verified by an independent testing laboratory within the past 6 months.
- (e) Open cut pavement repair shall be made in accordance with Standard Detail 211 "Open Cut Pavement Repair."

Sec. 4.3. - Subgrade.

- (a) All contractors must contact the Geotechnical Engineer prior to beginning subgrade work. This is imperative or the work may not be accepted.
- (b) The subgrade shall be prepared to the lines and grades as designed and staked by the developers' surveyor. All grades shall be verified by the Design Professional for final approval by the City.
- (c) After the subgrade has been graded and shaped, it shall be scarified to a depth of 8 inches, then re-compacted to achieve a density of at least 98% of the standard Proctor (ASTM D698) maximum dry density.
 - (1) The moisture content shall be within 3% of the optimum moisture content.
 - (2) The Geotechnical Engineer will conduct field density tests at a spacing of not more than 100 feet, staggered right and left of the centerline, with a minimum of three tests.
 - (3) Any areas that do not meet compaction requirements shall be re-compacted and retested.
- (d) If an existing subgrade passes both the proof rolling and density tests, then scarifying and re-compacting will not be required.
 - (1) Proof rolling shall be performed using a fully-loaded, dual-tandem dump truck.
 - (2) The subgrade shall be trafficked by parallel passes of the truck starting at one side of the roadway. Each pass shall overlap the preceding pass to ensure complete coverage.
 - (3) Two complete proof rolling coverages are required.

Sec. 4.4. - Fill and embankments.

- (a) Any roadway embankment steeper than a 3 to 1 slope shall be specially designed by a Geotechnical Engineer and then built to design specifications.

Sec. 4.5. - Base.

- (b) The embankment shall be protected from erosion using stormwater Best Management Practices.
- (c) Areas requiring 2 feet or more of fill shall be observed and tested by the Geotechnical Engineer.
 - (1) Fill shall be placed in level lifts, thickness of loose lifts shall not exceed 8 inches, and compacted to at least 95% of the standard proctor maximum dry density, with the final 12 inches compacted to 98% of a standard proctor maximum dry density.
 - (2) The moisture content shall be within 3% of the optimum moisture content.
 - (3) The Geotechnical Engineer shall conduct field density tests for each 1-foot layer of fill placed.
 - a. Testing frequency shall be at least one test per 10,000 square feet, or one test every 200 feet along the roadway centerline, staggered left and right of the centerline.
 - b. A minimum of three tests is required for each 1-foot layer.
 - c. Any areas that do not meet compaction requirements shall be re-compacted and retested.

Sec. 4.5. - Base.

- (a) All contractors must contact the Geotechnical Engineer prior to beginning the base operation. This is imperative or the work may not be accepted.
- (b) Before placing base material, the subgrade shall be proof-rolled in the presence of the Geotechnical Engineer.
 - (1) Proof-rolling shall be performed using a fully-loaded, dual-tandem dump truck.
 - (2) The subgrade shall be trafficked by parallel passes of the truck starting at one side of the roadway. Each pass shall overlap the preceding pass to ensure complete coverage of the roadway cross-section.
 - (3) Two complete proof-rolling coverages are required.
 - (4) Any areas that deflect or yield, in the opinion of the Geotechnical Engineer, shall be corrected before base material is placed.
- (c) Base material shall be a dense-graded mineral aggregate base meeting the requirements of the Georgia Department of Transportation Section 815 of the "Standard Specifications Construction of Transportation Systems" for graded aggregate base.
 - (1) The contractor shall provide a letter of certification from the base material supplier that the materials meet these requirements.
 - (2) Other types of base material may be used, if included in a design by a professional engineer and approved by the Geotechnical Engineer and the Director of Public Works.

- (3) The base material shall be compacted to at least 98% of the standard Proctor maximum dry density.
- (d) The base will be tested for thickness and compaction by the Geotechnical Engineer. Tests will be conducted at a maximum spacing of 200 feet, staggered right and left of the centerline.
- (e) Tolerances for base thickness.
 - (1) The minimum base design thickness shall be 6 inches.
 - (2) The average of all measurements shall be greater than or equal to the design thickness.
 - (3) Any test that is less than the design thickness, but no more than 0.5 inches less than the design thickness, may be evaluated by the Geotechnical Engineer for acceptance or for corrective actions.
 - (4) Any test that is more than 0.5 inches below the design thickness will require corrective actions.

Sec. 4.6. - Prime.

- (a) After the base course has been thoroughly compacted and worked to the lines and grades as shown on the typical cross section, it shall be dampened if necessary.
- (b) GDOT approved Asphalt Emulsion primers may be used according to section 412 of the Georgia Department of Transportation's "Standard Specifications Construction of Transportation Systems" (latest edition). Application shall be in accordance with manufacturers recommendations.
- (c) The type and grade of prime material shall depend on the condition of the base course and shall be approved by the Geotechnical Engineer and the Director of Public Works. The prime coat may be eliminated if approved by the Geotechnical Engineer and the Director of Public Works.

Sec. 4.7. - Binder.

- (a) Contractors must contact the Geotechnical Engineer prior to beginning the binder course installation. This is imperative or the work may not be accepted.
- (b) The binder asphalt shall be placed over the prime coat.
 - (1) The Geotechnical Engineer will test the thickness and compaction by obtaining cores every 500 feet, or a minimum of three cores.
 - (2) If any area does not meet the minimum thickness or compaction requirements, additional cores will be taken at 100-foot intervals until two consecutive cores meet the requirements. Areas that do not meet the requirements shall be removed and replaced. As an option, at the developer's discretion, the Geotechnical Engineer can be present during construction to check the laydown thickness and temperature of the asphalt and to conduct nuclear density tests after compaction. In this case, coring

will be reduced to three cores or one every 2,000 feet. In any case, a minimum of three cores will be required.

- (c) The binder asphalt shall meet the requirements of sections 400, 402, and 828 of the Georgia Department of Transportation "Standard Specifications Construction of Transportation Systems" (latest edition). The minimum binder design thickness shall be 2 inches.
- (d) Binder thickness tolerances.
 - (1) The average thickness of the binder shall be greater than or equal to the design thickness, with no individual test more than ¼ inch less than the design thickness.
 - (2) Areas deficient in thickness shall be evaluated by additional coring at 100-foot intervals to determine the area of deficient thickness. The deficiency may be corrected by increasing the thickness of the surface asphalt.

Sec. 4.8. - Backfill curbs.

- (a) Backfill behind curbs shall be completed promptly after the curbs are installed.
- (b) Until the backfill behind curbs is completed, measures should be taken to minimize infiltration of water to the pavement sub grade.
- (c) Careful attention must be given to slope of backfill to prevent water penetration behind curbs.

Sec. 4.9. - Tack coat.

- (a) A tack coat shall be applied over the binder before placing the surface asphalt.
- (b) The tack coat shall comply with section 413 of the Georgia Department of Transportation "Standard Specifications Construction of Transportation Systems" (latest edition), and applied at a rate of 0.05 gallons per square yard of residual bituminous material.
- (c) Other tack materials may be used or the tack coat may be eliminated, if approved by the Geotechnical Engineer and the Director of Public Works.

Sec. 4.10. - Surface.

- (a) The surface asphalt shall be placed over the binder asphalt as soon as possible, but no more than 10 days after placing the binder, to avoid rainwater infiltration and to prevent damage from truck traffic. The time may be extended at the Director of Public Works' discretion to deal with unusual circumstances, so long as the road continues to meet the structural requirements of this regulation.
 - (1) The Geotechnical Engineer will test the thickness and compaction by obtaining cores every 500 feet, or a minimum of three cores.
 - (2) Areas that do not meet the requirements shall be removed and replaced. As an option, at the developer's discretion, the Geotechnical Engineer can be present during construction to check the laydown thickness and temperature of the asphalt and to conduct nuclear density tests after compaction. In this case, coring will be

reduced to three cores or one every 2000 feet. In any case, a minimum of three cores will be required.

- (b) The surface asphalt shall meet the requirements of sections 400, 402, and 828 of the Georgia Department of Transportation "Standard Specifications Construction of Transportation Systems" (latest edition). The minimum design thickness of the surface asphalt shall be 1½ inches.
- (c) Asphalt thickness tolerances.
 - (1) The average thickness of the asphalt (binder plus surface) shall be greater than or equal to the design thickness, with no individual test more than 1/8 inch less than the design thickness.
 - (2) Areas deficient in thickness shall be evaluated by additional coring at 100 foot intervals to determine the area of deficient thickness.
 - (3) Deficient areas shall be corrected.

Sec. 4.11. - Seasonal limitations of asphalt.

The outside temperature away from artificial heat and in the shade shall be 40° and rising for plant mix.

Sec. 4.12. - Geotextiles.

- (a) Geotextiles may be incorporated into pavement designs if necessary for subgrade soil conditions.
- (b) Geotextiles shall meet the requirements of AASHTO M288-96 (or more recent editions).
- (c) Geotextiles shall meet MARV strength values for Class 2 if the subgrade CBR is greater than 3 and Class 1 for CBR is less than or equal to 3.

Sec. 4.13. - Optional rigid pavements.

The developer may choose to construct (concrete) rigid pavements instead of flexible (asphalt) pavements. Rigid pavement shall be designed and constructed to meet the following requirements:

- (a) Grading.
 - (1) The grading requirements shall be the same as Sec. 4.1. - above, except the requirements for liquid limit and plastic index are not applicable.
 - (2) The soils shall have a minimum CBR of 3.
- (b) Subgrade.

The subgrade requirements shall be the same as Sec. 4.3. - above.
- (c) Base.
 - (1) The base requirements shall be the same as Sec. 4.5. - above.
 - (2) The base thickness shall be a minimum of 4 inches.

- (d) Concrete mix.
 - (1) The concrete mix shall be designed to provide a 28-day compressive strength of 4,000 pounds per square inch with a 4-inch (+1) slump and maximum water cement ratio of 0.45.
 - (2) An air entraining agent shall be added to achieve a 5% air content.
 - (3) The concrete mix shall have a nominal maximum aggregate size of 1½ inches.
- (e) Concrete design.
 - (1) The concrete thickness shall be 6 inches.
 - (2) Reinforcing is not required.
 - (3) Control joints shall be spaced regularly in a square pattern as per the PCA recommendations.
 - (4) A longitudinal joint shall be constructed along the centerline. Lateral joints shall be spaced the same as the lane width.
 - (5) Joints shall be sealed using an approved joint sealer. The joint sealer shall be submitted to the Geotechnical Engineer for approval before installation.
- (f) Concrete placement.
 - (1) Concrete placement shall be according to American Concrete Institute (ACI) 304 Recommended Practice for Measuring, Mixing, Transporting, and Placing Concrete.
 - (2) Concrete shall be placed directly on the base.
 - (3) The ambient temperature at the time of placement shall be at least 40 degrees F, and the forecast temperature in the first 24 hours after placement shall be at least 32 degrees.
 - (4) No standing water or frozen base shall be present at the time of placement.
 - (5) The concrete mix is expected to arrive at the site at the correct slump. If trucks arrive with a slump more than 1 inch below the specified slump, then a maximum of 20 gallons of water may be added, with the approval of the concrete supplier, to adjust the concrete slump. No water may be added after placement begins. If trucks arrive with a slump more than 1 inch above the specified slump, the truckload shall be rejected.
 - (6) Concrete shall be placed within 90 minutes of the batch time.
- (g) Concrete protection and curing.
 - (1) Freshly placed concrete shall be protected from premature drying and excessive cold or hot temperatures. ACI 306.1 for cold-weather protection and with ACI 305R for hot-weather protection shall be complied with.
 - (2) Curing shall be accomplished in strict compliance with ACI 308.
- (h) Finish.

The concrete finish shall provide a durable, smooth surface, free of irregularities, but skid-resistant (such as burlap drag or broom finish).

Sec. 4.14. - Curbs and gutters.

- (a) Concrete curb and gutter may be used for public paved streets but it is not required. If concrete curb and gutter is not used, extruded concrete curbs must be used on public paved streets and extruded concrete curbs shall meet the design standards imposed by this Development Code and the Public Works Director.
- (b) Residential subdivision curb and gutter may be either vertical faced or rollover.
 - (1) Residential subdivision vertical faced curbing shall have a typical minimum section of 6 inch × 24 inch × 12 inch.
 - (2) Residential subdivision rollover curbing shall have a typical minimum section of 6 inch × 24 inch × 9 inch.
 - (3) The concrete shall have a minimum compressive strength of 3,000 PSI at 28 days.
 - (4) Vertical faced curb and gutter shall be used at all subdivision entrances, deceleration lanes and downhill culs-de-sac. See Standard Detail 207 "Curb and Gutter Cross Sections."
- (c) Nonresidential subdivision curb and gutter may be either vertical faced or rollover.
 - (1) Nonresidential subdivision vertical faced curbing shall have a typical minimum section of 6 inch × 24 inch × 12 inch.
 - (2) Nonresidential subdivision rollover curbing shall have a typical minimum section of 6 inch × 24 inch × 9 inch.
 - (3) The concrete shall have a minimum strength of 3,000 PSI at 28 days. See Standard Detail 207 "Curb and Gutter Cross Sections."
- (d) Parallel curb lines shall be at the same elevation on each side of the street at the same station except for intersections and approved super-elevated sections.
- (e) One-half (½) inch expansion joints or pre-molded bituminous expansion joint material shall be provided at all structures and radius points and at intervals not to exceed 500 feet in the remainder of the curb and gutter. Construction joints shall be provided at intervals not to exceed 20 feet.
- (f) Cracks in the concrete are permissible provided that there is no vertical displacement, or that any horizontal displacement shall not exceed 1/8th of an inch.
- (g) Graded aggregate base shall be placed under the curb and gutter or the area where curb and gutter is to be placed must pass a proof roll inspection for all roadways that are to be City accepted.

Sec. 4.15. - Construction testing.

- (a) Quality assurance.

Quality assurance during construction will be required.

- (1) All quality control testing which is a part of roadway construction will be performed by a reputable professional geo-technical and testing engineering company that will be employed by the developer and all associated costs will be paid by the developer.
- (2) The developer shall select a Geotechnical Engineering firm from the current Georgia Department of Transportation (GDOT) list of qualified professionals, or a firm acceptable to the City, and notify the Public Works Department of that selection. The following requirements shall apply:
 - a. The geotechnical firm shall contract directly with the developer to provide quality assurance on the project.
 - b. The developer shall be responsible for scheduling the geotechnical firm.
 - c. Minimum testing requirements are described in this Article.
 - d. Location and scheduling of testing shall be coordinated with the City's representative for assurance of reasonable conformance with the requirements described in this Chapter prior to performing tests to avoid the expense of retesting.
 - e. Testing milestones shall be established during the pre-application phase described in Chapter 8 of this Code.
 - f. A final report shall be required in accordance with Sec. 4.16. - below.

Sec. 4.16. - Submittal and procedural requirements.

- (a) The developer shall submit a pavement design prepared by a Georgia licensed professional engineer for approval of the Director of Public Works. For subdivisions that will be constructed in stages, the pavement design shall be based on the number of lots from all stages and on a field evaluation of the subgrade soils conducted by a Geotechnical Engineer.
- (b) The Geotechnical Engineer shall complete a field evaluation of the roadway before any roadway construction begins.
 - (1) The Geotechnical Engineer shall conduct a field exploration of the soils along the roadway alignment at a spacing of no greater than 500 feet and obtain samples of the subgrade soils for laboratory evaluation.
 - (2) A composite soil sample of each soil type shall be obtained and tested for plasticity (Atterberg limits, ASTM D4318) and standard Proctor moisture-density relationship (ASTM D698).
 - (3) California Bearing Ratio (ASTM D1883) tests shall be conducted on a composite sample representative of the soil conditions, as determined by the Geotechnical Engineer.
 - (4) The California Bearing Ratio (CBR) test shall be conducted on soaked samples.

- (5) CBRs less than 6 require base, and pavement thickness to be determined by Geotechnical Engineer evaluation.
- (c) A final report by the Geotechnical Engineer that the quality assurance tests and inspections have been performed and the construction has been completed in substantial compliance with the City design and construction standards, specifications, and applicable portions of this Code's regulations will be required before the plat is recorded.
 - (1) The final report shall be compiled in accordance with all applicable ASTM standards for geotechnical reporting.
 - (2) One copy of the final report shall be given to the City.
- (d) Preliminary or final plat approval does not constitute permission to begin any street or utility construction.
 - (1) Street and utility construction plans may be approved as a whole or in part.
 - (2) Construction of approved portions of the work shall not precede issuance of applicable Land Disturbing Activity Permits.
- (e) Public streets to be accepted by the City will be at the discretion of the City Council. Acceptance will be considered only upon separate written request by the developer, subdivider, or any person or persons who own all fee simple interest in the subject street.
- (f) See Chapter 8 for final plat approval requirements.
- (g) See Chapter 8 for requirements pertaining to official acceptance of improvements.

ARTICLE 5. - OTHER REQUIRED IMPROVEMENTS

Sec. 5.1. - Traffic control devices.

- (a) All required street name signs, traffic control signs and other traffic control devices shall be installed by the developer at the developer's expense.
- (b) All required street name signs shall be blue until final acceptance of the street by the City Council in accordance with the requirements of this Development Code.
- (c) The design and placement of all traffic control devices shall meet the requirements of the Manual on Uniform Traffic Control Devices (latest edition). The design professional shall show the placement of all required street markers.
- (d) All non-standard traffic control devices constructed of materials other than those provided by the City shall be the responsibility of the developer and the homeowners association and for the perpetual maintenance of these devices. All nonstandard traffic control devices shall provide "break-away" features and/or other appropriate safety measures prior to installation. The number, type and location of all traffic control devices shall be approved by the Director of Public Works.

Sec. 5.2. - Sidewalks.

- (a) Concrete sidewalks are required to be placed on both sides of the roadway for all Residential roads and for all new roads constructed to the interior of developments. Sidewalks are not required for a development containing a non-curb and gutter roadway section.
- (b) All sidewalks must follow a logical design. Sidewalk locations can be varied at the discretion of the Director of Public Works with prior approval.
- (c) Sidewalks shall be a minimum of 5 feet wide in residential areas and a minimum of 5 to 7 feet wide in non-residential areas.
- (d) Sidewalks shall be located on the east or north sides of streets, as established at the subdivision entrance.
- (e) Sidewalks shall be placed in the right-of-way and run parallel to the street. They shall be centered 4 feet from the back of the curb.
- (f) No certificate of occupancy will be granted for any specific lot that the installation of sidewalks are required until they are constructed.
- (g) All sidewalks shall be constructed in compliance with all handicapped and American National Standards Institute (ANSI) requirements.
- (h) The concrete shall be a minimum of 4 inches thick and shall have a minimum compressive strength of 3,000 PSI at 28 days.
- (i) Sidewalks shall be backfilled and stabilized by grass.
- (j) Handicapped access ramps shall be provided at all street intersections and curb cuts.
- (k) Amenity areas must be accessible by sidewalks from the nearest sidewalk in the subdivision.
- (l) When a subdivision project abuts a public right-of-way, sidewalks shall be required for a length equal to the distance of the required road improvements along the road frontage, Sidewalks will be constructed on both sides of the road (if development abuts both sides of the road) when the road is classified as an arterial, major collector or minor collector roadway.
- (m) For all streets without curb, all sidewalk design and locations shall be approved by the City Engineer.

Sec. 5.3. - Street lights.

- (a) Street lighting shall be required on all new City streets, excluding said streets in residential zoning districts, and shall meet the specifications as required by the Director of the Public Works Department and identified in this Development Code.
- (b) Street lighting shall be permissible, but not required, in residential zoning districts. Installation and maintenance shall be in accordance with this section.

- (c) Street lights are intended to provide illumination on public streets to a level that provides a reasonably safe and secure operating environment for pedestrian and vehicular traffic within the public right-of-way. Generally, street lights are installed along public streets, at major intersections, and at defined hazardous locations.
- (d) The City does not budget or fund the installation of utility poles or any types of decorative poles for street lighting. The developer is solely responsible for funding said installations and for coordinating said installations with the appropriate power company. If street lights are on NGEMC utility poles, the City will pay the monthly bill once the streets have been accepted by the City.
- (e) The fixture must be installed on a pole that is accepted for maintenance by the appropriate power company.
- (f) The American Standard Practice for Roadway Lighting, as sponsored by the Illuminating Engineering Society and approved by the American Standards Association shall be used as references.
- (g) In all cases, the design will utilize existing poles as much as possible. Where there are no existing poles, placement of street lights shall follow the standards described herein. In residential areas, poles are normally placed at every other property line, and lights will generally be placed on every other pole. The spacing between lights will typically vary between 250 feet and 400 feet, depending upon conditions including but not limited to terrain, existing poles, lot size, type of locality, and street condition. Every effort shall be made to achieve consistent spacing of lights in each particular area. Lights will not be installed within 200 feet of any existing light.
- (h) Usage and maintenance costs are the responsibility of the property owner(s).

ARTICLE 6. - CONSTRUCTION SCHEDULE

- (a) No construction activity of any kind, including grading, installation of improvements shall begin on any land within the jurisdiction of these regulations without prior approval of the construction plans.
- (b) Grading or land disturbing activities may commence only after a Land Disturbance Permit has been issued.
- (c) Utility installation shall not occur until the Public Works Department has approved the rough grade of the street and shoulder.
- (d) Periodic inspection during the installation of the required improvements in a development may be made by the Public Works Department to ensure conformity with the approved plans and specifications. Such inspections will be made at the following stages of construction:
 - (1) At the completion of clearing and stump removal.
 - (2) Beginning of grading operation to ensure proper compaction.

- (3) During the installation of storm sewer cross drains.
- (4) During the construction of curb and gutter, lateral storm drains, and storm drainage structures.
- (5) Beginning of subgrade preparation and after subgrade preparation.
- (6) Beginning of base installation and at the completion of base installation.
- (7) Beginning of asphalt installation.
- (8) At the completion of all grading and stabilization of shoulders through the following methods:
 - a. Hydroseeding
 - b. Wheat/Rye straw at 75% minimum coverage
 - c. Wood mulch at a minimum of 6 inches thick
 - d. Sod
- (9) During the life of the project for proper erosion and sedimentation control.

ARTICLE 7. - DEDICATION AND RESERVATION

Sec. 7.1. - Streets and public lands.

- (a) Upon completion of public improvement construction, the subdivider or land developer shall notify the Department of Building, Planning and Zoning and request an inspection. The appropriate City personnel shall inspect all public improvements and shall notify the subdivider or land developer by mail of non-acceptance or preliminary acceptance. If the public improvements are not acceptable, the reasons for non-acceptance shall be stated and corrective measures shall be outlined in a letter of notification. Upon notification, the subdivider or land developer shall correct all deficiencies identified in the non-acceptance letter within the time limit established by the Department of Building, Planning and Zoning. Once deficiencies are corrected, the subdivider or land developer shall again request inspection in writing. Acceptance of public improvements required by this Development Code to be approved by City Council shall be forwarded to City Council by the Director of Building, Planning and Zoning following approval.
- (b) Subdivision streets and right-of-ways and other lands to be dedicated to the public shall be accepted and dedicated by the City only upon the delivery to the City Council of the general warranty deed conveying fee simple title of such right-of-ways and lands. The warranty deed shall be accompanied by an attorney's certificate of title and a tax transfer form addressed to the City Council certifying that the grantor in such deed is vested with marketable fee simple title to the property conveyed thereby, free and clear of all liens and encumbrances, and further that the individual executing such deed has full authority to do so. Acceptance of such dedication shall be accomplished by Resolution of the City Council.

Sec. 7.2. - Utility reservation.

- (a) Permanent sanitary sewer easements shall be provided for all pipes except for reinforced concrete pipe (RCP) and ductile iron pipe (DIP) a width of four times the pipe's vertical depth. For RCP and DIP at depths from 0 to 5 feet, the easement width shall be 10 feet. For RCP and DIP at depths of 5 feet or greater, the easement shall be 20 feet in width.
- (b) When aerial utilities are placed in any development, a 12-foot easement shall be provided beyond the edge of the street right-of-way for tree clearing and the installation of necessary support guys with anchors. This easement will be shown on the final plat and provided to any public utility installing aerial facilities in the development.

Sec. 7.3. - Storm drainage.

- (a) Drainage easements shall be 20 feet wide for open channels, and easements shall be provided for all pipes, except for reinforced concrete pipe (RCP), a width of four times the pipe's vertical depth. For RCP at depths from 0 to 5 feet, the easement width is 10 feet. For RCP at depths of 5 feet or greater, the easement shall be 20 feet in width.
- (b) Drainage easements shall be provided where a subdivision is traversed by a watercourse, drainageway, natural stream or channel. They shall conform substantially to the limits of such watercourse plus any additional width as is necessary to accommodate future construction.
- (c) Construction or obstructions, including fences and other structures, shall be prohibited within drainage easements.
- (d) Drainage easements off the street right-of-way shall be clearly defined on the final plat and the plat of the individual property owner. The City will not maintain drainage easements outside of the street right-of-way.
- (e) The City maintains the right, but not the obligation to access drainage easements for emergency purposes as deemed necessary by the Stormwater Director and the Public Works Director. The following statement shall appear on all final plats: "The City of Fort Oglethorpe maintains the right to access drainage easements for emergency purposes as deemed necessary by the Building, Planning and Zoning Director and the Public Works Director."
- (f) Drainage and sanitary sewer easements may be combined when both are piped, but must be a minimum of 25 feet if it is a concrete pipe with 10-foot spacing, or 30 feet if it is a metal pipe.
- (g) It is the policy of the City that drainage easements dedicated to the public use are not accepted by the City for City maintenance and are not considered City property.
- (h) It is City policy that no city forces or equipment shall be used to perform construction to any drainage easement within the city, unless said easements lie within the City right-of-way and/or said work is necessary to protect City right-of-way.

ARTICLE 8. - MAINTENANCE

The developer shall be responsible for maintenance of any road constructed for either:

- (a) A period of 2 years from the date of the recording of the final plat of the subdivision in the Office of the Clerk of the Superior Court; or
- (b) Until such time as construction is completed on at least 85% of the lots which are subdivided, platted or otherwise available for construction within the subdivision, whichever last occurs.

ARTICLE 9. - RIGHT-OF-WAY PROTECTION

Sec. 9.1. - Purpose and intent.

The purpose of this Article is to provide procedures, rules and regulations governing any activity involving the utilization of city road rights-of-way in the city and to provide for the issuance of permits to protect the citizens, the environment, City infrastructure, and to assure the public's safety.

Sec. 9.2. - Road use permit.

- (a) Required.

No utility, contractor, or any other person or entity shall install, construct, maintain, renew, remove or relocate pipes, mains, conduits, cables, sewage systems, wires, poles, towers, or other equipment, facilities, or appliances in, on, along, over or under the rights-of-way of public roads that are a part of the city road system unless and until a permit is obtained prior to commencement of the work.

- (b) Exceptions.

- (1) The placement of mailboxes for the delivery of items from the U.S. Postal Service shall be exempt from the requirement for a permit, subject to the following standards:
 - a. Said mailboxes shall be constructed or designed in such a way that the design allows for the unit to break away upon impact.
 - b. It shall be the responsibility of the owner of the mailbox to maintain and repair those portions of the public rights-of-way impacted or damaged through the delivery of mail by vehicular traffic.
- (2) The provisions of this Article shall not apply when a bona fide emergency exists that requires immediate repair of the utility located in the City rights-of-way. Provided, however, that this exemption shall only apply during the time of the bona fide emergency repair and that an application for a permit shall be filed as soon as practicable with the Public Works Department as soon as the bona fide emergency has been addressed.

(c) Application.

(1) Generally.

- a. As a condition precedent to the granting of the road use permit, each utility, contractor or other authorized person desiring to use the city road system shall make an application in writing to the Public Works Department describing the nature, extent and location of the portion of the utility affected, including a description of the work to be performed in, on, along, over or under the public road system of the City.
- b. At all times it shall be the duty of the City to ensure that the normal operation of the utility does not interfere with the use of the city road system. This provision shall not prohibit utility construction work that impairs the use of the city road system, provided that such interference is temporary and provisions are made by the utility or contractor for the reasonable use of the city road system during construction.

(2) Utility Providers.

In addition to any information as may be required by the Public Works Department, Utility providers shall provide the following with their application:

- a. The location of the property on which the utility provider will engage in operations.
- b. The date utility operations are expected to commence and end.
- c. The name and address of all persons in a supervisory capacity engaged in the utility operation at the location for which the permit is requested.
- d. If the utility provider intends to engage independent contractors, then the name, SSN or E.I.N. of each independent contractor.
- e. In addition to the provisions of this section, the applicant for a permit will comply with all state and federal regulations pertaining to utility operations.

(d) Issuance of permit.

- (1) A permit will be issued to the applicant without charge when all required information and surety as required for the issuance of the permit has been provided.
- (2) Permits will not be issued for signage of any kind upon the rights-of-way of city roads, and the unauthorized placement of such shall be unlawful. Any unauthorized items placed upon the rights-of-way in the city shall be considered littering and the City, its officers and employees shall be empowered to remove and destroy such items.

(e) Damage to road system.

If a person using the city road system damages any part of the road system, the person shall reimburse the City for all reasonable expenses associated with the repair to the city road system. The Public Works Department may, in its discretion, require the person to

post a bond for the payment of damages to the road system prior to the issuance of a road use permit.

Sec. 9.3. - Driveway permit required.

- (a) No driveway connecting to a public street or a public right-of-way or public property shall be repaired or installed without first having approval from the Public Works Department. If the driveway connects to a State or U.S. numbered highway, approval of the Georgia Department of Transportation shall be required.
- (b) Application shall be made to the Public Works Department for processing (see Standard Detail 213). Approved permits will be issued by the Public Works Director or his/her assign.
- (c) A permit shall expire for work not started within 90 days or completed within 6 months after issuance of permit, and a new permit shall be required before beginning or completing the work.

Sec. 9.4. - Pavement patching.

- (a) Description of work.
 - (1) The extent of pavement patching consists of the repair of all pavement removed or damaged.
 - (2) Pavement patching includes repair of paved roads, streets, highways, walkways, driveways, patios, slabs on grade, and parking lots together with walls, curbing, gutters and headers, and other pavements and appurtenances. Pavement referred to under this Code section refers to asphaltic, cementious, brick, cobble or other large stone pavement materials together with underlying construction, irrespective of its composition.

- (b) Job conditions.

The following actions are required.

- (1) Traffic control:
 - a. Schedule and conduct work in a manner that will minimize inconvenience to vehicular and pedestrian traffic.
 - b. Provide flaggers, barricades, warning signs, warning lights, and other warning means as appropriate.
 - c. Flaggers, when utilized, must hold a valid Georgia DOT flagging certificate.
 - d. Maintain traffic on all roads and streets disturbed by sewer line construction unless prior arrangements are made with the City.
 - e. For road crossings, make two separate cuts so that at least one traffic lane is open at all times.
 - f. All traffic controls during construction must conform to Part VI of the Manual on Uniform Traffic Control Devices, ANSI D6.1e (latest edition).

- (2) Weather limitations: Conduct all operations during weather conditions appropriate to the work being performed.
 - (3) Grade control: Establish and maintain lines and elevations that will assure finished pavement patch having desirable appearance, function and strength.
- (c) Products.
- (1) For products not described below, use materials and gradations which have locally exhibited a satisfactory record of previous usage, and which for finished visible surfaces will permit obtaining appearance, color and texture reasonably matching remaining adjacent pavement of the same type.
 - (2) Asphalt concrete: Bituminous plant mixture of asphalt cement and aggregates complying with 12.5 mm Superpave hot plant mix of Section 828 of the Georgia Department of Transportation "Standard Specifications Construction of Transportation Systems."
 - (3) Soil cement material (pug mix): Soil cement mixture complying with Section 814.2.02 and placed in accordance with applicable provisions of Section 301 of the Georgia Department of Transportation "Standard Specifications Construction of Transportation Systems."
 - (4) Graded aggregate base: Uniform graded aggregate material complying with Section 815 of the Georgia Department of Transportation "Standard Specifications Construction of Transportation Systems."
 - (5) Bituminous prime: Cutback asphalt complying with Section 821 of the Georgia Department of Transportation "Standard Specifications Construction of Transportation Systems."
 - (6) Bituminous tack coat: Asphalt material complying with Section 413, topics 413.01 through 413.04 of the Georgia Department of Transportation "Standard Specifications Construction of Transportation Systems."
 - (7) Portland cement concrete: Concrete mix of Portland cement, aggregates, water, and air entraining admixture to produce the following properties: 4000 psi minimum compressive strength at 28 days per ASTM C39, 4 inches maximum slump per ASTM C143, and air content between 3% and 6%.
 - (8) Cold mix: Uniform bituminous mixture of aggregate, asphaltic material and, if it is required, mineral filler complying with 12.5mm Superpave cold mix of Section 401 of the Georgia Department of Transportation "Standard Specifications Construction of Transportation Systems."
- (d) Execution.
- (1) Pavement cuts:
 - a. Saw cut trench edges in paved areas to neat, straight lines before starting to break the pavement slab.

- b. Completely backfill the trench on half a road crossing before trenching the other half of pavement.
- (2) Backfill placement:
 - a. Place trench backfill materials in layers not more than 8 inches compacted thickness.
 - b. Commence backfill immediately after sanitary sewer is installed.
 - c. Complete new replacement base construction immediately after trench backfill.
 - d. For all city roads, see also the "Utility Construction" section of Article 4 in this Chapter.
- (e) Inspection:
 - (1) Examine areas and conditions under which pavement patching will be conducted, giving special attention to stability of subbase.
 - (2) Do not proceed with pavement patching work until unsatisfactory conditions have been corrected.
- (f) Preparation:
 - (1) Saw cut any ragged edges of existing pavement, or in the case of concrete work, remove existing pavement to nearest joint.
 - (2) Remove all loose material from underlying and adjacent surfaces.
- (g) Strength and stability:
 - (1) Use materials and construction techniques as necessary to obtain strength, stability and durability of pavement patch at least equal to that of remaining adjacent pavement of the same type.
 - (2) As a minimum, conform to pavement patch details in the Catoosa County Engineering Technical Standards Manual.
 - (3) Accomplish pavement patching utilizing material types and thicknesses not less than that of remaining adjacent pavement.
- (h) Placing:
 - (1) Construct pavement using methods and equipment in general use for the type of work being performed.
 - (2) Immediately after new base construction, cover pavement cut with steel plates or similar devices of sufficient thickness to span the cut without noticeable deflection. Maintain plates in place for not less than 24 hours and not more than seven days and until the soil cement material (if used) has gained sufficient strength to withstand traffic loads. Traffic may resume after installation of metal plates.
 - (3) Upon removal of the metal plates or similar devices, provide new pavement surface in accordance with one of the following options: i) Immediately apply new

permanent pavement surface materials indicated or ii) Immediately apply bituminous cold mixture over bond breaker paper over new base. Monitor performance and repair or replace materials regularly to maintain smooth traffic surface until placement of permanent pavement surface materials. At contractor's time selection prior to completion, remove cold mix and bond breaker paper and provide new permanent pavement surface materials. If performance or maintenance of cold mix patch is unsatisfactory in the opinion of the Director of Public Works, remove materials and provide new permanent pavement surface materials within 72 hours of notice by the Director of Public Works.

- (4) Traffic control devices in lieu of cover plates are permitted for pavement patching longitudinal to the street centerline in excess of 20 feet. Use traffic barricades, warning signs and lights, flaggers, and other means as appropriate to continuously control traffic 24 hours per day. Use devices such that at least 12 feet wide, one-way through traffic access is provided at all times. Upon removal of traffic control devices, install permanent pavement surface.
 - (5) Contractor assumes all responsibility for maintaining repairing and or replacing soil cement base that may be damaged during curing period.
 - (6) For existing surface of Portland cement concrete, furnish new Portland cement concrete structure thickness, including base and pavement surface, of not less than 7 inches; except for sidewalks that are to be not less than 4 inches thick, and driveways are to be not less than 6 inches thick.
 - (7) Provide not less than eight inches thickness of new graded aggregate base for replacement of asphalt concrete pavement at driveways, sidewalks and parking lots.
 - (8) For repair of asphalt concrete pavement, clean base and adjacent surfaces and apply bituminous tack coat or bituminous prime (as appropriate) to such surfaces before placing new asphalt concrete surface.
- (i) Finish:
- (1) Accomplish pavement patching using materials and techniques which result in visible, finished surfaces having appearance, color, and texture reasonably matching remaining adjacent pavement of the same type.
 - (2) Do not permit the finished surface to have dips, objectionable roughness or discontinuity or non-draining areas.
 - (3) Do not create any unsafe pavement condition.
- (j) Repairs:
- (1) If pavement patch or adjacent pavement settles or shows evidence of other distress resulting from the work, cut pavement out, repair subgrade, and reconstruct patch.
 - (2) Do not place additional pavement material on top of unsatisfactory previously repaired surfaces.

- (3) At expense of contractor, repair any pavement damaged beyond that minimum amount necessary to construct the work.

Sec. 9.5. - Public nuisance.

- (a) No person shall allow dirt, mud, gravel or other debris from adjoining land or resulting from any activity to accumulate upon the rights-of-way of any public road to such an extent that it becomes a nuisance or a hazard to persons traveling upon said roads, or that it creates an unsightly condition upon the public rights-of-way.
- (b) No person shall allow dirt, mud or other debris resulting from any activity to accumulate in ditches and drainage areas on public rights-of-way to such an extent that the usual flow of water or run-off is stopped, disturbed, changed or interrupted.
- (c) No person shall create any other type of public nuisance that interferes with or in any way damages the public rights-of-way in the city.
- (d) No person shall park or leave unattended a truck or other motor vehicle or trailer upon the rights-of-way of any city road.
- (e) No activity, whether permitted by this Code section or any other section, shall commence operation or continue to operate without first installing and maintaining, when necessary, a temporary drive cut and culvert to access property and installing and maintaining soil erosion and sedimentation controls sufficient to prevent dirt, mud, gravel or other debris from accumulating in the City drainage ditches or on city roads.
- (f) No timber operator shall commence timber operations until he has first posted or caused to be posted along the public road onto which the timber operator will enter from his timber operations, at least the following signs: one sign in each direction located 500 feet from the entrance which states "Slow trucks entering highway", one sign in each direction located 1,000 feet from the entrance stating "Warning: Logging Operation Ahead." Each such sign shall be not less than 36 inches × 36 inches, orange in color and posted at least 3 feet from the edge of the surface of said road.
- (g) No permitted activity shall continue in operation if the permittee fails to keep city roads free from dirt, mud, gravel or other debris resulting from the activity being performed.
- (h) Immediately upon the completion of the permitted activity, an inspection shall take place by the road superintendent to ensure that all City rights-of-way have been restored to its original condition. Failure to ensure restoration shall result in the forfeiture of the surety bond.
- (i) In addition to any other penalty provided for under the provisions of this Code section, or under the provisions of any state or federal law, any person in violation of this Code section shall reimburse the City for any and all costs and expenses incurred in abating said nuisance.

CHAPTER 8. PROCEDURES AND PERMITS

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ARTICLE 1. - CREATION OF ADVISORY BODY

Sec. 1.1. - Planning Advisory Board.

(a) Established.

- (1) Pursuant to the City's home rule powers granted in the Ga. Const. art. IX, § II, ¶ 1(a) and ¶ 4, the City Council establishes the Planning Advisory Board, for the purpose of advising the City Council regarding planned growth and development of the city through a comprehensive and continuous planning program to accomplish a coordinated and harmonious development of the city which will, in accordance with existing and future needs, best promote public health, safety, morals, order, convenience, prosperity and the general welfare, as well as efficiency and economy in the process of development.
- (2) The Planning Advisory Board shall be governed by the provisions of this Article.

(b) Membership.

The Planning Advisory Board shall consist of five members. All members shall be residents or business owners of the city and shall be appointed by the City Council. The terms of the members shall be for four years. Any vacancy in membership shall be filled for the unexpired term by the City Council, which shall also have the authority to remove any City-appointed member for cause, on written charges, after a public hearing. All members shall serve without compensation but may be reimbursed for actual expenses incurred in connection with their official duties.

(c) Organization, rules, staff and finances.

- (1) The Planning Advisory Board shall elect its chairman from among its members. The term of the chairman shall be one year with eligibility for reelection.
- (2) The City's Director of Building, Planning and Zoning shall serve as secretary to the Planning Advisory Board, shall provide for public notice of any public hearing of the board, shall draft an agenda for each meeting subject to board adoption at the meeting, and shall record and keep the minutes of board meetings. The Director of Building, Planning and Zoning shall post timely notice of any cancellation or change of venue of a scheduled meeting at the direction of the chairperson of the board.
- (3) The Planning Advisory Board may adopt rules of procedure consistent with the procedures established for its official duties under this Chapter.
- (4) The Planning Advisory Board shall meet at the time and place established on an annual schedule by the Planning Advisory Board, except that any official meeting may be cancelled by the chairperson of the board if there is no official business to be considered. All meetings of the Planning Advisory Board at which official action is taken shall be open to the public, and all records of the Planning Advisory Board shall be public records.

Sec. 2.1. - Outline of steps required for amendment to this Code.

- (5) The expenditures of the Planning Advisory Board, exclusive of gifts, shall be within the amounts appropriated for the purpose of the City Council.

Sec. 1.2. - Powers and duties.

The Planning Advisory Board shall have the following powers and duties:

- (a) To review applications and make findings and recommendations for rezoning requests and special exception requests as set forth in this Development Codes, in accordance with the review standards herein.
- (b) To review proposals and make findings and recommendations for code amendments in accordance with the review standards herein.
- (c) To make recommendations to City Council on variance requests and appeals referred to it by the Director of Building, Planning and Zoning, in accordance with the provisions, procedures and review standards contained in Chapter 9 *Appeals* of this Development Code.
- (d) To carry out such other duties, responsibilities or activities as may be directed or requested by the City Council.

Sec. 1.3. - Decisions by the Planning Advisory Board.

To have final authority, at least three members must concur to approve an application. Each official action shall contain a statement of the grounds and findings forming the basis for said decision, and the text of the motion and record of members' votes shall be incorporated in the minutes of the Planning Advisory Board.

ARTICLE 2. - ADOPTION OR AMENDMENT OF DEVELOPMENT CODE

Sec. 2.1. - Outline of steps required for amendment to this Code.

Amendments to the text of this development code or the adoption of a new Unified Development Code may be initiated only by the City Council of Fort Oglethorpe.

- (a) Amendment to this development code.

In the case of developing an initial development code (zoning map and text), or updating or amending an existing Unified Development Code, the City of Fort Oglethorpe Planning Advisory Board and the City Council will, where appropriate, utilize any new or existing land use studies, land use plans or other relevant documents as a resource for code development or code amendment. The Fort Oglethorpe City Council and the Fort Oglethorpe Planning Advisory Board will each hold at least one public hearing on any new development code or any proposed amendment to the current development code.

- (b) Public hearing.

Upon the completion of a preliminary development code document(s) by the Planning Advisory Board and after this document has been presented to and reviewed by the City Council, public hearings will be scheduled by both the Planning Advisory Board and the

Sec. 3.1. - Outline of steps required for rezonings and special exceptions.

City Council, respectively. The official public hearings will be held in accordance with Sec. 4.3. - of this Chapter.

(c) Required notices.

Notices of public hearings shall be published in a newspaper of general circulation within the territorial boundaries of the city. The public notice shall state the time, place and purpose of the hearing.

Sec. 2.2. - Standards to guide review and approval.

Standards to guide the review and approval of an amendment to this Development Code, and upon which findings of fact as appropriate shall be based, giving due weight or priority to those factors particularly relevant to the circumstances of the amendment, are as follows:

- (a) The extent to which a change in the economy, land use or development opportunities of the area has occurred;
- (b) The extent to which the proposed amendment is in compliance with the goals and policies of the Comprehensive Plan;
- (c) The extent to which the proposed amendment would require changes in the provision of public facilities and services;
- (d) The extent to which the proposed amendment would adversely or positively impact the public health, safety, and welfare;
- (e) The extent to which additional land area needs to be made available or developed for a specific type of use; and,
- (f) The extent to which area demographics or projections are not occurring as anticipated.

ARTICLE 3. - ZONING PROCEDURES

Sec. 3.1. - Outline of steps required for rezonings and special exceptions.

An application to rezone a property may be initiated at the request of the owner of the property or by the City Council of Fort Oglethorpe. Requests for a special exception to the provisions regulating districts may be similarly initiated by the owner of the property or by the City Council. In general, all private applications for changes in zoning districts (rezonings) and special exceptions shall follow the following steps in order to secure approval or denial.

- (a) Any petition for a zoning change or special exception by a property owner must be filed in the form of a written application with the Director of Building, Planning and Zoning and fees paid at that time.
- (b) The Director of Building, Planning and Zoning will inform the applicant of the public hearing dates at which his/her application will be considered.
- (c) The Director of Building, Planning and Zoning will advertise the public hearing(s) and provide notification to affected parties by the posting of a notice on the subject property.

- (d) Consideration of the proposed zoning change shall be carried out as referenced in Sec. 3.2.
- Zoning policies and procedures.

Sec. 3.2. - Zoning policies and procedures.

Policies and procedures are herein established to provide guidelines for the following zoning activities:

- (a) The proposed adoption of an application or other proposal which rezones property from one zoning classification to another;
- (b) The proposed approval of a special exception authorized for consideration within a zoning district;
- (c) The procedural requirements for zoning amendments sponsored by the City of Fort Oglethorpe;
- (d) The procedural requirements for zoning amendments sponsored by an owner of property; and,
- (e) The annexation of property by the City of Fort Oglethorpe.

Sec. 3.3. - Standards for review of a proposed rezoning or special exception.

- (a) Review of proposed rezonings.

All changes to any existing zoning classification of any property or a portion of any property must be reviewed by both the Fort Oglethorpe Planning Advisory Board and the City Council. For any such proposed zoning change, the City Council shall have the Planning Advisory Board prepare an evaluation of each such proposed rezoning considering each of the following factors, upon which findings of fact shall be based.

- (1) The existing land uses and zoning classification of nearby property;
- (2) The suitability of the subject property for the zoned purposes;
- (3) The extent to which the property values of the subject property are diminished by the particular zoning restrictions;
- (4) The extent to which the destruction of property values of the subject property promotes the health, safety, morals or general welfare of the public;
- (5) The relative gain to the public as compared to the hardship imposed upon the individual property owner;
- (6) Whether the subject property has a reasonable economic use as currently zoned;
- (7) The length of time the property has been vacant as zoned considered in the context of land development in the area in the vicinity of the property;
- (8) Whether the proposed zoning will be a use that is suitable in view of the use and development of adjacent and nearby property;
- (9) Whether the proposed zoning will adversely affect the existing use or usability of adjacent or nearby property;

Sec. 3.4. - Procedures for city initiated zoning activities.

- (10) Whether the zoning proposal is in conformity with the policies and intent of the land use plan;
 - (11) 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; and,
 - (12) 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.
- (b) Review of proposed special exceptions.

Consideration of a request for a special exception shall be evaluated using the following criteria, upon which findings of fact shall be based:

- (1) Will be consistent with the comprehensive plan for the physical development of the district, including any master plan or portion thereof adopted by the City Council.
- (2) Will be in harmony with the general character of the neighborhood considering population density, design, scale and bulk of any proposed new structures, intensity and character of activity, traffic and parking conditions;
- (3) Will not be detrimental to the use, peaceful enjoyment, economic value, or development of surrounding properties or the general neighborhood and will cause no objectionable noise, vibrations, fumes, odors, dust, glare, or physical activity;
- (4) Will not adversely affect the health, safety, security, morals, or general welfare of residents, visitors, or workers in the area; and
- (5) Will be served by adequate public services and facilities including schools, police and fire protection, water, sanitary sewers, public roads, storm drainage, and other public improvements.

Sec. 3.4. - Procedures for city initiated zoning activities.

- (a) The City Council may initiate a proposed rezoning or special exception affecting one or more properties by voice vote of a majority of a quorum present at a regularly scheduled meeting.
- (b) Public hearings.
 - (1) The public hearing held by the Planning Advisory Board and by the City Council shall be given public notice and held in accordance with ARTICLE 4. - PUBLIC HEARING PROCEDURES.
 - (2) The public hearings will be convened at the advertised time and place and will be presided over by the appropriate officials.
- (c) Recommendation of the Planning Advisory Board.

Sec. 3.5. - Procedures for rezoning request by citizens/property owner.

- (1) The Planning Advisory Board shall have no less than 15 days from the date of the public notice of its meeting to hear, review and make its recommendation to the City Council on any proposed rezoning or special exception.
 - (2) The Planning Advisory Board 's recommendation shall provide evaluation of each of the factors set forth in CHAPTER 8.Sec. 3.3. - (a) for rezonings or CHAPTER 8.Sec. 3.3. - (b) for special exceptions, as applicable. In making its recommendation, the Planning Advisory Board shall adopt findings of facts with regard to such factors that are applicable.
 - (3) Following the Planning Advisory Board's public meeting, as Secretary to the Board, the Director of Building, Planning and Zoning shall prepare and submit the Planning Advisory Board's recommendations to the City Council prior to the City Council's public hearing.
 - (4) If no report is submitted within 30 days, the Planning Advisory Board shall be deemed to have recommended the favorable adoption of the proposed zoning amendment or special exception.
- (d) Consideration by City Council.

The City Council at its official public hearing will review the evaluations and recommendations from the Planning Advisory Board and may choose to adopt or reject or modify the Planning Advisory Board's recommendations and/or findings of facts, or the business may be tabled for additional study to the next regular council meeting.

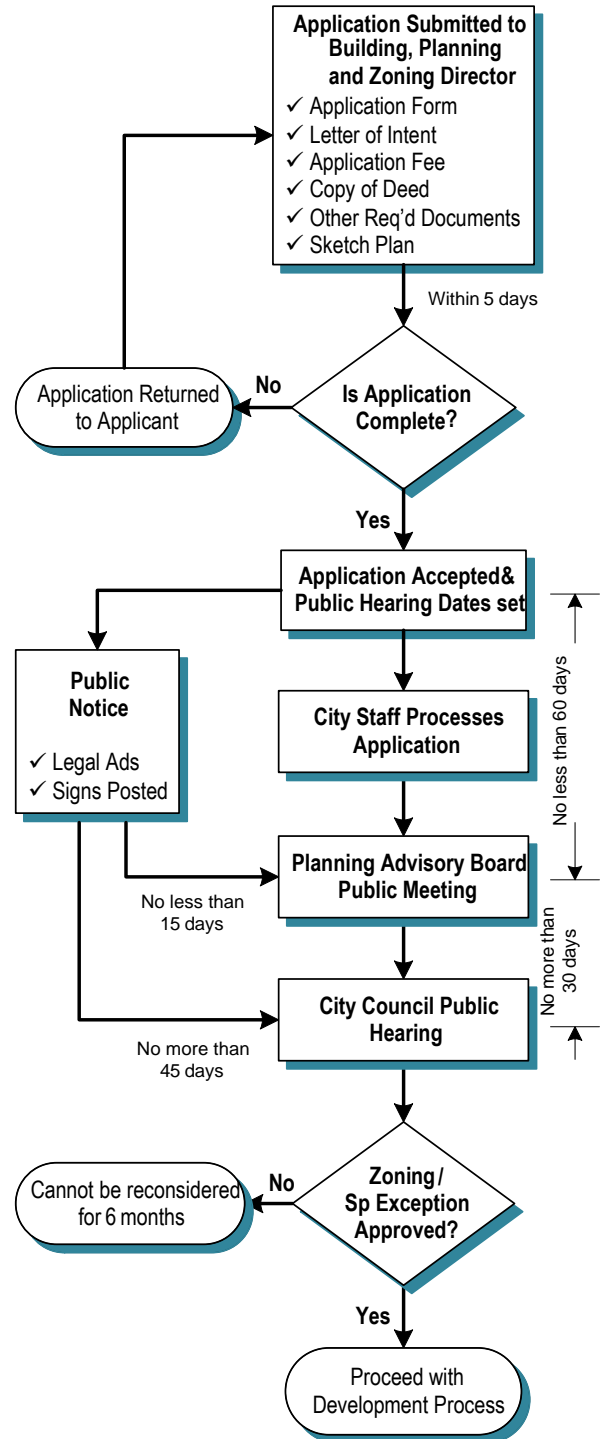
Sec. 3.5. - Procedures for rezoning request by citizens/property owner.

- (a) Application.
- (1) An application for a rezoning or special exception must be filed with the Director of Building, Planning and Zoning at City Hall on a prescribed form.
 - (2) Fees shall be paid at the time of application.
 - (3) The application form must be filed by the owner of the property or the owner's designated representative.
 - (4) Within five working days of receipt of the application, the Director of Building, Planning and Zoning will determine if the application is complete. Incomplete applications will be returned to the applicant.
- (b) Information to be submitted along with an application for a rezoning or special exception.
- The following information must be provided along with the completed application form:
- (1) Letter of intent stating the reasons for the rezoning or special exception request, a description of the proposal, and addressing each of the standards under Sec. 3.3. - Standards for review of a proposed rezoning or special exception, as applicable.
 - (2) Payment of fees as set forth in the schedule of fees adopted by the City Council.
 - (3) Copy of the Deed (with legal description) as proof of ownership.

- (4) If the applicant is not the owner of the property, provide a notarized property owner’s authorization for the applicant to act on behalf of the owner on the request (accompanied by an executed certificate of corporate resolution if the owner is a corporation).
 - (5) Political contribution disclosure if required under the requirements of O.C.G.A. 36-67A-3 of the Georgia Conflict in Interest in Zoning Actions Law.
 - (6) Such plans and other documents required under the following CHAPTER 8. Sec. 3.5. - (c).
- (c) Plans and other documents showing proposed use required.
- (1) An application for a rezoning or special exception proposing a multi-family residential use or a nonresidential use, or which would result in the subdivision of land, shall be accompanied by a sketch plan at an approximate scale and such other plans, elevations or additional information as the Director of Building, Planning and Zoning may require, showing the proposed development.
 - (2) Upon the receipt of a rezoning or special exception application, no building or other permits shall be granted except for uses or structures that conform essentially with the sketch plan and other documents submitted with the application for the rezoning or special exception.
- (d) Sketch plan standards.
- All applications for a rezoning or special exception shall be accompanied by a sketch plan of the proposed subdivision or development site prepared and stamped by a registered land surveyor, engineer, architect or landscape architect containing the following information:

Zoning or Special Exception Approval Process

Application Submitted by Property Owner



- (1) The sketch plan shall be clearly and legibly drawn at a scale of not less than 100 feet to one inch on a sheet size not to exceed 24 inches by 36 inches. The Building, Planning and Zoning Director may approve other sheet sizes as deemed appropriate.
- (2) The sketch plan shall be drawn on a boundary survey of the property, showing bearings and distances of all property boundary lines, land lot and district lines, known survey monuments, north arrow and scale, surveyor's name and registration number, and date of survey.
- (3) The following information shall be depicted on the sketch plan.
 - a. Project name.
 - b. Project owner and address (both local and permanent addresses if different) and telephone and fax number(s).
 - c. Name and address of person or company preparing the sketch plan.
 - d. Vicinity map.
 - e. Proposed use of property.
 - f. Total acreage.
 - g. Total number of lots and minimum lot sizes (if applicable).
 - h. Size, location, and names of adjoining existing streets or access drives and proposed rights-of-ways and roadways.
 - i. Proposed method of sewerage disposal (express as a note).
 - j. General development data (in tabular form) for multi-family or nonresidential site developments, such as number of residential units, gross square feet of nonresidential buildings, number of parking spaces, etc.
 - k. General development data (in tabular form) for single-family developments, such as minimum lot size, floor area of homes, and all relevant conditions of zoning.
 - l. Any other data requested by the Director of Building, Planning and Zoning necessary for an understanding and evaluation of the project.
- (4) The sketch plan shall show the following physical characteristics as appropriate to the proposed development to an approximate (not engineering) level of accuracy:
 - a. Location of ingress and egress points, internal roadways and parking areas.
 - b. Location of 100-year floodplain, lakes, ponds and other watercourses.
 - c. Dumpster location(s).
 - d. Proposed landscaping and tree-save areas.
 - e. Building heights.

- f. The approximate location and arrangement of existing buildings, parking areas and other improvements that are proposed to remain.
 - g. For multi-family and nonresidential developments, the approximate location and arrangement of proposed buildings, parking areas and other improvements including stormwater detention areas and all proposed buffers.
 - h. Location of existing and proposed sidewalks.
 - i. Existing zoning of the property and adjoining properties.
- (e) Public hearing dates.
- (1) The Director of Building, Planning and Zoning will inform the applicant of the public hearing dates.
 - a. The date scheduled for the Planning Advisory Board meeting shall be no less than 60 days following acceptance of the complete application by the Director of Building, Planning and Zoning.
 - b. The date scheduled for the City Council public hearing shall be no more than 30 days following the Planning Advisory Board's meeting at which the application is considered.
 - (2) Although the Fort Oglethorpe Planning Advisory Board will convene a public meeting (following the procedures for a public hearing) on each proposal to consider its recommendations, the official public hearing will be held by the City Council to consider approval or denial of the application.
 - (3) Public notice of each hearing and the procedures to be followed are presented in ARTICLE 4. - PUBLIC HEARING PROCEDURES.
- (f) Recommendation of the Planning Advisory Board.
- (1) All meetings of the Planning Advisory Board shall be held at such time as the Planning Advisory Board may establish. All meetings of the Planning Advisory Board shall be open to the public.
 - (2) The Planning Advisory Board shall have no less than 15 days from the date of the public notice of its meeting to hear, review and make its recommendation to the City Council on any proposed rezoning or special exception.
 - (3) The Planning Advisory Board's recommendation shall provide evaluation of each of the factors set forth in CHAPTER 8.Sec. 3.3. - (a) for rezonings or CHAPTER 8.Sec. 3.3. - (b) for special exceptions, as applicable. In making its recommendation, the Planning Advisory Board shall adopt findings of facts with regard to such factors that are applicable.
 - (4) Following the Planning Advisory Board's public meeting, as Secretary to the Board, the Director of Building, Planning and Zoning shall prepare and submit the Planning Advisory Board's recommendations to the City Council prior to the City Council's public hearing.

(5) If no report is submitted within 30 days, the Planning Advisory Board shall be deemed to have recommended the favorable adoption of the proposed zoning amendment or special exception.

(g) Consideration by City Council.

The City Council at its official public hearing will review the evaluations and recommendations from the Planning Advisory Board and may choose to adopt or reject or modify the Planning Advisory Board's recommendations and findings of facts, or the business may be tabled for additional study to the next regular council meeting.

Sec. 3.6. - Annexations

(a) All land proposed to be annexed to the corporate limits of the City of Fort Oglethorpe shall be considered in strict accordance to the Annexation of Territory Law of the State of Georgia (O.C.G.A. 36-36-1 et seq.) including the planning and zoning requirements and procedures therein, depending on the method of annexation that the City pursues.

(b) In addition, the City will follow the annexation procedures and provisions of the Zoning Procedures Law (O.C.G.A. 36-66-4 (d)) to the extent applicable.

(c) The required zoning hearing will be held prior to annexation but the zoning of the property will not be approved prior to the effective date of completion of the annexation.

Sec. 3.7. - Special Public Hearing; Drug Dependence Treatment Facilities

The following requirements are adopted as required by the Georgia Zoning Procedures Law (O.C.G.A. § 36-66-4(f)).

(a) When a proposed rezoning or special exception application relates to or will allow the location or relocation of a halfway house, drug rehabilitation center, or other facility for treatment of drug dependency, a special public hearing shall be held on the proposed request. Such special public hearing shall be held at least six months and not more than nine months prior to the date of final action on the application by the City Council. The hearing required by this subsection shall be in addition to the public hearings required for a rezoning or special exception.

(b) Notice of Special Public Hearing.

(1) The City shall give notice of such special public hearing by providing notice of the hearing in the same manner as required for public hearings under ARTICLE 4. - PUBLIC HEARING PROCEDURES.

(2) Both the posted notice and the published notice shall include a prominent statement that the proposed rezoning or special exception application relates to or will allow the location or relocation of a halfway house, drug rehabilitation center, or other facility for treatment of drug dependency.

(3) The published notice shall be at least six column inches in size and shall not be located in the classified advertising section of the newspaper.

Sec. 3.8. - Administrative assistance.

Sec. 4.1. - Public notice.

The Director of Building, Planning and Zoning shall provide such technical, administrative, and clerical assistance and office space as is required by the Planning Advisory Board to carry out its function under the provisions of these regulations.

Sec. 3.9. - Fees.

All applicants for a rezoning, a special exception, a home occupation license, or other required inspections, within a district, shall be accompanied by a fee payable to the City to defray expenses incidental to the processing of such applications. A listing of all applicable scheduled fees is available in the Director of Building, Planning and Zoning's office of City Hall.

ARTICLE 4. - PUBLIC HEARING PROCEDURES

Sec. 4.1. - Public notice.

(a) Published notice—Amendments.

For an amendment to the text of this Development Code, notice shall be given as required under Sec. 2.1. - (c).

(b) Public notice—Rezoning and Special Exceptions.

For an application for the rezoning of a property or granting of a special exception, the following shall apply:

(1) Notice in newspaper.

- a. At least 15 days but no more than 45 days prior to a public hearing required by this Chapter, notice shall be published in a newspaper of general circulation within the city. The notice shall state the time, place and purpose of the City Council hearing and the same for the Planning Advisory Board meeting that will precede the Council hearing. The notice shall also include the location of the property, the present zoning classification of the property, and the nature of the requested action.

(2) Posting of signs.

- a. In addition to the newspaper notice, a sign or signs shall be placed by the Director of Building, Planning and Zoning in a conspicuous location on the property frontage in such manner as to be legible from the public road. On lots with more than one road frontage, a sign will be placed facing each public road. If the property has no road frontage, the sign shall be placed on each road at a location where access will be gained to the property.
- b. The sign(s) must be in place no less than 15 days prior to the date of the public hearing and shall state the date, time and place for the public hearing and shall include the present zoning classification of the property and the nature of the proposed action (requested zoning classification or type of special exception).

(3) Sufficiency of public notice.

Sec. 4.3. - Conducting a public hearing.

Where published notice is given in accordance with this Section and a sign has been posted in accordance with this Section, no further notice to interested parties or adjacent or nearby property owners is required.

- (c) Appearance of a person at a public hearing shall constitute a waiver of any claims by such person based upon improper publication of notice or posting on the property by such person.

Sec. 4.2. - Withdrawal.

Any appellant wishing to withdraw an application prior to final action on the application shall file a written request for withdrawal with the Director of Building, Planning and Zoning.

- (a) The withdrawal request must be in writing and signed by the owner, the applicant or the owner's authorized agent.
- (b) If the request for withdrawal is received prior to the publication of notice for the public hearing as required under Sec. 4.1. - (a) Published notice—Amendments., the application shall be withdrawn administratively by the Director of Building, Planning and Zoning.
- (c) If a request for withdrawal of the application is received after notice has been published (or irretrievably set for publication) for the scheduled public hearing, the appeal may be withdrawn at the public hearing with the consent of those conducting the public hearing and removed from further consideration.

Sec. 4.3. - Conducting a public hearing.

- (a) Procedures.

All public hearings held by the Planning Advisory Board and the City Council for amendments under ARTICLE 2. - ADOPTION OR AMENDMENT OF DEVELOPMENT CODE or for applications submitted under ARTICLE 3. - ZONING PROCEDURES shall be held in accordance with the procedures of this Section.

- (b) Opening hearings.

- (1) The public hearing shall be convened at the scheduled time and place by the Chair of the Planning Advisory Board or the Mayor, or their designee as applicable, who shall act as the presiding official.
 - a. The presiding official may administer oaths and compel the attendance of witnesses by subpoena.
 - b. The presiding official shall conduct the public hearing informally, as strict adherence to the rules of evidence is not required.
 - c. All parties participating in the public hearing shall introduce only relevant evidence.
 - d. All parties participating shall have the right to present witnesses and to cross-examine witnesses.

- (2) The presiding official shall open the public hearing by stating the matter being considered at the hearing. At this time, the presiding official may summarize the public hearing procedures.
- (3) No person in attendance is to speak unless first formally recognized by the presiding official. Upon rising to speak each person recognized is to state their name and home address.
 - a. The presiding official may encourage reasonable limits on the number of persons who may speak for or against a proposal, on the time allowed for each speaker, and on the total time allowed for presentation of the application.
 - b. Such reasonable time limitations, however, shall not deny any member of the general public to speak at the public hearing.
 - c. No less than 10 minutes is to be provided for all of those speaking in support of an application and no less than 10 minutes is to be provided for all of those speaking against, unless such proponents or opponents take less time than the minimum allowed.
 - d. Altogether, the total amount of time afforded the proponents of the application and the opponents, including rebuttal and cross-examination, shall be equal. Neither side, however, is required to use the total time available.

(c) Background and recommendations.

The Director of Building, Planning and Zoning shall submit the assembled record of the application. The Director of Building, Planning and Zoning shall provide such information or explanation as appropriate to the circumstances of the application.

(d) Proponents of the application.

- (1) Persons who support the application will be asked to comment first. The applicant or their designated agent may, upon recognition and upon statement of name, address and relationship to the matter, present and explain the application. The applicant may appear in person or may be represented by an agent or counsel.
- (2) The applicant or the applicant's representative shall be required to attend the public hearing unless written notice of hardship is received prior to the hearing. Failure of the applicant or the applicant's representative to attend the public hearing, except in cases of hardship, may be due cause for the tabling of the application; provided, however, that final action by the Board must be taken within 60 days of final advertising.
- (3) The applicant shall have the burden of proof, which shall include the presentation of evidence and the burden of persuasion of each factor necessary to receive the approval of the request.
- (4) After completion of the presentation of the applicant, other persons who support the request will be asked to comment and will be allowed to speak in support of the

request upon recognition and upon identification of the person's name, address, and relationship to the matter.

(e) Persons opposing the application.

Persons who oppose the application will next be asked to comment. Each interested person, after being recognized, and providing their name, address and relationship to the matter, shall be afforded an opportunity to speak.

(f) Rebuttal.

The applicant shall have an opportunity for rebuttal concerning the request. Rebuttal must be limited to points or issues raised by opponents to the application at the hearing.

(g) Cross-examination.

Upon the request of any participant in the public hearing speaking in favor of or opposing the application, the presiding official shall allow such participant to ask a question or questions of any other participant. The question or questions shall be posed through the presiding official, who may determine the relevancy of the question or questions to the subject of the public hearing. Relevant questions shall be addressed by the participant to whom the question or questions are directed.

(h) Discussion.

All public comments having been heard, the members of the Planning Advisory Board or the City Council, as applicable, may discuss the matter among themselves. During this discussion period, the members may call on the Director of Building, Planning and Zoning, any proponent or opponent, or other persons in attendance to clarify points made previously, to answer questions or to provide additional information. Such persons may respond upon recognition.

(i) Delay, rescheduling or continuation of hearing.

A public hearing on an application may be delayed, rescheduled or continued to another time and date, provided the announcement of the new time, place and date is given at the time and place of the advertised hearing, which announcement shall constitute public notice for the delayed, rescheduled or continued hearing.

(j) Transcription.

(1) All proceedings of the Planning Advisory Board or the City Council, as applicable, shall be recorded on tape or other media. The recording of the proceedings shall be retained until any further appeals on a request have been exhausted.

(2) The appellant or any person in opposition to the request, at their expense, is allowed to have the public hearing transcribed by a court reporter.

Sec. 4.4. - Decisions

(a) Findings of fact.

Sec. 4.5. - Conditional approval of rezoning or special exception.

- (1) Following the public hearing, the Planning Advisory Board and the City Council, as applicable shall adopt findings of fact supporting their decision and may adopt any additional report it deems appropriate.
- (2) In order to approve an application, the Planning Advisory Board and the City Council, as applicable, shall further make a finding that the reasons set forth in the application justify the granting of the application and that approval would be the minimum needed to make possible the reasonable use of the land, building or structure.
- (3) In preparing its findings of fact, the Planning Advisory Board and the City Council, as applicable, must consider the standards for approval set forth under Sec. 2.2. - for a rezoning, or under CHAPTER 8.Sec. 3.3. - (b) for a special exception, as applicable.

(b) Decision.

- (1) The Planning Advisory Board shall take action to hear, review and make its recommendation to the City Council in accordance with CHAPTER 8.Sec. 3.5. - (f) above.
- (2) City Council shall take action to approve, approve with conditions or deny an application by majority vote no later than their next regularly scheduled meeting at which a quorum is present and the relevant official public hearing is held. If no decision obtains a majority vote, the application shall be considered denied unless the appellant agrees to a tabling of the application to the City Council's next regularly scheduled meeting.
- (3) If an application for approval of a rezoning or special exception on a property is denied by the City Council, an application for the same or any other rezoning or special exception on said property may not be accepted until the expiration of 6 months from the date of action by the City Council on the original application.

Sec. 4.5. - Conditional approval of rezoning or special exception.

In approving the rezoning of a property or a special exception for a property, the City Council may impose conditions of approval that it deems necessary in order to make the requested action acceptable and consistent with the purposes of this Development Code and of the zoning district(s) involved, to ameliorate negative issues identified through evaluation of the standards governing consideration of a rezoning or special exception, or to further the goals and objectives of any City adopted plan.

(a) Types of conditions.

Such conditions of approval may consist of any or all of the following:

- (1) Restrictions as to what land uses or activities shall be allowed;
- (2) Dedication of required rights-of-way to the City where insufficient amounts or none exist;
- (3) Setback requirements from any lot line;

- (4) Specified or prohibited locations for buildings, parking, loading, or storage areas or other land uses;
 - (5) Driveway curb cut restrictions;
 - (6) Maximum building heights or other dimensions;
 - (7) Special drainage or erosion provisions;
 - (8) Landscaping or planted area which may include the location, type and maintenance of plant materials;
 - (9) Fences, walls, berms, or other landscaping or buffering provisions or protective measures;
 - (10) Preservation of existing trees or planting of new trees or other vegetation;
 - (11) Special measures to alleviate undesirable views, light, glare, noise, dust or odor;
 - (12) Permitted hours of operation;
 - (13) Architectural style or materials;
 - (14) A requirement that the owner or developer must build or use the property according to a sketch plan of the property as adopted or modified by the conditions of approval;
 - (15) A limitation on exterior modifications of existing buildings; or
 - (16) Any other requirement that the City Council may deem appropriate and necessary as a condition of rezoning approval in furtherance of the public health, safety or welfare.
- (b) Such conditions of approval:
- (1) Shall only be valid if they are included in the motion approving the rezoning;
 - (2) Shall be in effect as long as the zoning or special exception is in effect;
 - (3) Shall be required of the property owner and all subsequent owners as a condition of their use of the property; and
 - (4) Shall be interpreted and continuously enforced by the Director of Building, Planning and Zoning in the same manner as any other provision of this Development Code.
 - (5) Project approval of a preliminary plat or site plan, a development permit or a building permit shall not be issued for a conditionally approved property until the Director of Building, Planning and Zoning determines that such plans or permits are in compliance with all applicable conditions of approval.
- (c) Change in conditions of conditional zoning approval.

Any application that proposes a change in the conditions of approval previously established by the City Council through action on a rezoning shall be considered a new application and therefore subject to all procedures and provisions of this Chapter regarding the approval of a rezoning.

ARTICLE 5. - DEVELOPMENTS OF REGIONAL IMPACT

Sec. 5.1. - Types of approvals covered.

The provisions of this Section apply to any type of official City action requested by a private party related to a development project, such as a rezoning or special exception approval, hardship variance approval, approval of a subdivision plat, issuance of a land disturbance permit or building permit, or hook-up to a public utility.

Sec. 5.2. - Thresholds for regional review.

- (a) Any development project for which any City action is requested that meets or exceeds any of the development thresholds adopted by the Georgia Department of Community Affairs (DCA) or, if applicable, alternative development thresholds adopted by the Northwest Georgia Regional Commission shall be considered as qualified for review as a Development of Regional Impact (DRI).
- (b) If a proposed development will be located in more than one jurisdiction and, in total, the proposed development meets or exceeds a DRI threshold; the local government in which the greatest acreage of the project is to be located is responsible for submitting the project to the Regional Commission as a potential DRI.

Sec. 5.3. - Application process.

The application process shall follow the process established by and described in the Rules of Georgia Department of Community Affairs, Chapter 110-12-3 Developments of Regional Impact.

Sec. 5.4. - Local government action.

The City may proceed with its development review process during the DRI process but shall take final official action regarding a project only after the Regional Commission completes the DRI process.

ARTICLE 6. - SIGN PERMITS

Sec. 6.1. - Sign permit applications.

- (a) Applications for permits shall be made upon forms provided by the City and shall contain or have attached thereto the following information:
 - (1) The name, address and telephone number of the applicant;
 - (2) The tax parcel ID and physical address of the building, structure or lot to which or upon which the sign is to be attached or erected;
 - (3) Two accurate drawings showing the position of the sign in relation to nearby buildings or structures, including other signs, driveways, parking areas, and any other limiting site features;
 - (4) One accurate drawing to scale of the plans, specifications and method of construction and attachment of the building or ground. The drawing shall specifically

Sec. 6.1. - Sign permit applications.

include the size of the sign face area, overall height and width of the sign structure, sign installation and its relation to existing rights-of-way and all driveways, a sight distance diagram, and any devices or landscaping around the base of the sign. For all signs over 35 square feet in sign area, the drawing shall be an engineered structural drawing designed to the International Building Code;

- (5) Name, address, telephone number and business license number of the number of the person erecting the sign;
 - (6) Written consent of the owner of the lot to which or upon which the sign is to be erected with respect to freestanding signs and written consent of the owner of the lot and tenant of the improved space upon which a wall sign is to be erected;
 - (7) The location and size of all other permanently installed freestanding signs on the lot upon which the sign is to be erected;
 - (8) The distance in feet to the nearest existing freestanding sign;
 - (9) The distance in feet from the location of the proposed sign to the nearest residentially zoned lot;
 - (10) The distance in feet from the location of the proposed sign to the edge of the nearest registered historic district, such distance to be measured as the crow flies from the site of the proposed installation to the nearest border of the historic district;
 - (11) The size of the lot upon which the sign is to be erected and the length of the street frontage for the street to which the sign is oriented;
 - (12) If the sign is to be lighted, an application for electrical permit meeting all standards of the City's electrical code;
 - (13) Such other information as the City shall require to show full compliance with this and other ordinances of the City;
 - (14) All applications for sign permits must be signed by the owner of the property upon which the sign is to be erected.
- (b) Use of foreign languages.
- (1) For any sign for which a Sign Permit is required that uses words in a language other than English, the English translation of the sign shall be provided on the Sign Permit Application.
 - (2) Nothing herein shall be construed to prohibit the use of foreign words or characters on a sign as long as they do not contain obscene language or advertise an illegal activity.
- (c) No review of the specific content of any proposed sign shall be made or required.

Sec. 6.2. - Time for consideration.

The City shall process all sign permit applications within 30 business days of the Director of Building, Planning and Zoning's actual receipt of a fully completed application and such sign permit fee as may be established from time to time by vote of the City Council.

- (a) The Director of Building, Planning and Zoning shall give notice to the applicant/owner of the decision of the City by hand delivery or by mailing a copy of the notice to the address of the applicant/proposed permittee on the permit application on or before the 30th business day after the department's receipt of the application.
- (b) If mailed, notice shall be deemed to have been given upon the date of mailing in conformity with this section.
- (c) If the City fails to respond in writing within the 30-day period, the permit shall be deemed to have been granted.
- (d) If the Director of Building, Planning and Zoning finds that conditions or stipulations are required to make the sign legally acceptable, the permit shall only be approved subject to the applicant's written agreement to such conditions.

Sec. 6.3. - Denial and revocation.

- (a) Procedure.
 - (1) The City shall deny permits to applicants who submit applications for signs that do not comply with the provisions of this Chapter, or which fail to comply with applicable building codes (including, but not limited to, any wind or hurricane resistance requirements) or other applicable local, state, or federal laws; or any applicants who submit incomplete applications or applications containing any false material statements.
 - (2) Violations of any provisions of this Chapter will be grounds for terminating a permit granted by the City for the erection of a sign.
 - (3) 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 Chapter, or that a sign has been erected contrary to the terms of the permit, the Director of Building, Planning and Zoning shall revoke the permit.
 - (4) Should the City deny a permit application, the reasons for denial shall be stated in the notice provided for in CHAPTER 8. Sec. 6.2. - (a), above.
 - (5) Any application denied and later re-submitted shall be deemed to have been submitted on the resubmittal date, instead of on the initial submission date.
 - (6) No permit shall be revoked or denied except for due cause which is defined as any of the following:
 - a. Violation of the provision of this Chapter, Development Code or any other City ordinance or any state or federal law; or,

Sec. 6.6. - Issuance of permits for temporary signs.

- b. Erroneous issuance of a permit which should not have been issued under the terms of this Chapter; or,
- c. Erecting or building a sign which does not conform to the information contained in the application; or,
- d. Failure to maintain the sign as required by this Chapter; or,
- e. Submission of an incomplete application or an application containing false material statements.

(b) Director of Building, Planning and Zoning.

An individual whose permit application has been denied or whose permit has been revoked may appeal the decision to the Planning Advisory Board in accordance with the procedures and requirements of Chapter 9 *Appeals* of this Code.

Sec. 6.4. - Permit expiration.

A sign permit shall become null and void if the sign for which the permit was issued has not been completed and installed within six months after the date of issuance. No refunds will be made for permits that so expired due to a failure to erect a permitted sign. If a person desires to erect a sign after the permit is expired, a new application will be required and will be subject to the regulations in effect at the time of the new application. A new application fee will be required.

Sec. 6.5. - Fees.

The cost of a sign permit shall be established from time to time by vote of the City Council and shall be payable in addition to any building permit or historic preservation certificate of appropriateness fees required. Differing fees for different categories of signs may be so established. A written list of applicable fees shall be maintained in the Department of Building, Planning and Zoning. The City Council may set such fees by resolution of the City Council.

Sec. 6.6. - Issuance of permits for temporary signs.

(a) Temporary sign permits; when required.

- (1) The Director of Building, Planning and Zoning is hereby authorized to issue a sign permit for any temporary sign provided all requirements of this Article are met. A temporary sign permit must be issued by the Director of Building, Planning and Zoning before a sign may be erected or attached to, suspended from, or supported on a building or structure except for temporary signs that are exempt from permitting under (b) below.
- (2) Any temporary sign using electrical wiring and connection shall require a sign permit and an electrical permit, both of which must be issued simultaneously.

(b) Temporary signs exempt from permitting.

The following signs may be erected or placed without securing a temporary sign permit or payment of a fee, provided that each is located and maintained in accordance with the

provisions of the Sign Regulations (Chapter 5) and all other applicable codes and regulations.

- (1) Temporary signs associated with the offering of a property or premises for sale or rent; the construction of a building, subdivision or development project; or the rehabilitation, remodeling or renovation of a building shall be allowed on any property, provided that:
 - a. The number of such signs shall be limited to the number allowed;
 - b. The signs do not exceed the maximum sizes allowed or 32 square feet, whichever is the smaller; and
 - c. These signs shall be removed upon the termination of the pertinent temporary event.
- (2) Temporary signs associated with a yard sale.
- (3) Temporary signs associated with an election, political campaign, referendum or ballot proposition put to the voters as part of city, county, state or federal governance.
- (4) Small Temporary Signs allowed as miscellaneous freestanding signs.

Sec. 6.7. - Master sign plans.

- (a) Master sign plans may be submitted by a property owner or their authorized representative for pre-approval of permits for permanent signs. The master sign plan must comply with the requirements of this Section.
- (b) Master sign plans shall illustrate all proposed signs in sufficient detail so as to provide knowledgeable review and design specificity. Master sign plans shall show, describe or illustrate all signs proposed to be located on a lot or within a development (and the buildings and structures related thereto) for which sign permits will be required.
- (c) Master sign plan applications must include:
 - (1) Information.

All of the information required for a sign permit application under Sec. 6.1. - Sign permit applications shall be submitted with an application for master sign plan approval, but including all signs proposed on the Plan individually and collectively.
 - (2) Specifications.

An accurate drawing to scale of the plans, specifications and method of construction and attachment of the sign or signs to the building or ground. The drawing shall specifically include the size of the sign structure(s) and sign face area(s), overall height of the sign(s), a site distance diagram, and any protective devices around the base of the sign(s). For any sign for which a building permit is required, the drawing shall be an engineered structural drawing designed to all Building Code requirements.
 - (3) Design.

Sec. 7.1. - General procedures.

The master sign plan shall include such drawings and specifications as may be required to clearly illustrate the design elements of the sign or signs, including the construction materials, size, letter style and color of all elements of the sign(s), including the sign structure, the sign face, and background surfaces. The plan shall also show landscaping details meeting the requirements of this Article, including the extent of the designated landscaping area, the location of specific landscape materials, and the botanical and common name of plants by location on the plan.

- (d) Signs that are otherwise exempt from permitting need not be shown on the master sign plan.
- (e) Approval.
 - (1) A master sign plan depicting signs that conform to all requirements of Chapter 5 of this Code may be approved administratively by the Director of Building, Planning and Zoning.
 - (2) If approval is denied by the Director of Building, Planning and Zoning, the applicant may appeal to the City Council for approval of the master sign plan.
 - (3) A master sign plan depicting signs that exceed or modify one or more requirements of Chapter 5 of this Code may only be approved by the City Council. Following review of a complete application by the Director of Building, Planning and Zoning, the plan will be placed on the agenda of the next available City Council meeting.
 - (4) Upon approval, the master sign plan shall supersede any conflicting restrictions and regulations of this Code for the property to which it pertains, and shall not be adversely affected by any subsequent amendments to this Code.
- (f) Recordation of approved master sign plan.
 - (1) The master sign plan as approved must be recorded by the owner in the office of the Clerk of Superior Court and a copy of the approved master sign plan, as recorded, must be filed with the Director of Building, Planning and Zoning prior to issuance of a sign permit for any part of the development or premises.
 - (2) The recorded master sign plan must be included in any sale, lease or other transfer of right of occupancy affecting any part of the development or premises to which the master sign plan applies.
 - (3) All tenants of the property or development, whether an owner, lessee, subtenant, purchaser or other occupant, must comply with the approved master sign plan.

ARTICLE 7. - SUBDIVISION PLAT APPROVAL

Sec. 7.1. - General procedures.

- (a) Two-step process.
 - (1) The procedure for review and approval of the subdivision plat consists of two separate steps.

Sec. 7.2. - Preapplication.

- a. The initial step is the preparation and submission to the Director of Building, Planning and Zoning of a preliminary plat of the proposed subdivision.
- b. The second step is the preparation and submission to the Director of Building, Planning and Zoning of a final plat, together with required certificates. This final plat becomes the instrument to be recorded in the Office of the Clerk of the County Superior Court, when approved and signed by the Director of Building, Planning and Zoning . All final plats must be stamped and in recordable form under the laws of the state.

(b) Exceptions.

- (1) The following subdivisions are exempt from the requirements of this Article in accordance with the provisions of this Section:
 - a. Plats which are developed solely with frontage on an existing road, which contain 10 lots or fewer, and in which no public improvements (such as new streets, stormwater drainage facilities or public utilities) are to be made.
 - b. The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots comply with this Development Code and with all ordinances and resolutions of the City.
- (2) Plats for exempted subdivisions shall be prepared in accordance with the applicable requirements for final subdivision plats under Sec. 7.3. - Requirements for plats to be submitted and Sec. 7.6. - Final plat approval.
- (3) The stormwater carrying capacity of the road, whether in an existing ditch or gutter, shall not be compromised. If the stormwater characteristics of the existing road are inadequate to accommodate the new lots, the Public Works Director may require improvement of the roadway ditch and associated drainage structures as appropriate.
- (4) Approval of final plat by the Director of Building, Planning and Zoning will authorize recordation of the plat with the Clerk of the Superior Court.
- (5) Prior to recordation of the final plat, no lots may be sold, and building permits and driveway permits on the lots may not be obtained.
- (6) Land subdivided under the provisions of this Sec. 7.1. - (b) may not be re-subdivided under the provisions of this Sec. 7.1. - (b). Any further subdivision of a lot or tract created by approval of a plat under this Sec. 503.01.b must be accomplished following all procedures for subdivision plat approval that follow in this Article.

Sec. 7.2. - Preapplication.

The subdivider is encouraged to consult early and informally with the Director of Building, Planning and Zoning to obtain advice and assistance before he or she begins to prepare the preliminary plat. This will enable the subdivider to become familiar with the city thoroughfare plan and other official plans which might affect the area.

Sec. 7.3. - Requirements for plats to be submitted.

Requirements for plats to be submitted are as follows:

	Preliminary	Final
<i>Vicinity Sketch Map (scale 1 inch = 800 feet)</i>		
Name and location	X	X
Owner and designer	X	X
North point, graphic scale, date	X	X
Boundaries, approximate dimensions, acreage of site	X	X
Community facilities	X	X
<i>Subdivision Plan (scale 1 inch = 100 feet maximum)</i>		
Name and location	X	X
Owner and designer	X	X
North point, graphic scale, date	X	X
Street, ROW and easement layout	X	X
Street plans and profiles		X
Street names	X	X
Typical street cross section	X	
Block and lot lines	X	X
Block and lot numbers		X
Setback lines	X	X
Existing utilities and possible connections	X	
Proposed improvements requested of the city (utility extensions)	X	
Proposed utility plans (water supply, sanitary sewage and storm drainage)	X	X
Dimensions (lots, roads)		X
Bearings and monuments		X
Contours at 5-foot intervals	X	
Present zoning	X	
Adjoining property names	X	
Certificates as required		X
Location of proposed open spaces	X	
Areas of periodic inundation	X	X

Sec. 7.4. - Preliminary plat approval.

- (a) Prior to making any street improvements or installing any utilities or selling any lots, the subdivider shall submit the complete subdivision plan for preliminary approval, although he may plan to construct only a portion of it initially.
- (b) The application for preliminary plat approval, including four prints of complete subdivision plans and a digital PDF copy, shall be submitted to the Director of Building, Planning and Zoning.

- (c) The Director Building, Planning and Zoning shall inspect the property to be divided and the proposed location of any roads or streets in such subdivision. The Director of Building, Planning and Zoning may transmit prints of the preliminary plat to each utility service, health department, fire department and any other agency for review and recommendations in relation to specific service problems. A print of the preliminary plat may also be transmitted to the Northwest Georgia Regional Commission for its review and recommendations.
- (d) The preliminary plat of the subdivision at a scale of not more than 1-inch equals 100 feet shall show the following:
 - (1) Name and location of the subdivision;
 - (2) The name and address of the owner and person to be notified of official actions;
 - (3) North point, graphic scale and date; north point shall be identified as magnetic, true or grid north;
 - (4) Topography at contour intervals shown by the U.S.G.S. topographic maps used by the;
 - (5) The location of all existing and proposed street or roads within the subdivision and adjacent to it;
 - (6) The width and purpose of any existing and proposed rights-of-way and easements in such subdivision;
 - (7) The total amount of acreage to be subdivided and the amount of acreage contained in each tract or lot in such subdivision;
 - (8) Any portion of the land in the subdivision subject to periodic inundation by storm drainage, overflow or ponding shall be clearly shown and identified on the plat; and
 - (9) The names of all streets, roads and alleys, and other rights-of-way.
- (e) Within 30 working days after the submission of the preliminary plat, the Director of Building, Planning and Zoning shall complete the review the plat and indicate its approval, disapproval or approval, subject to any required modifications unless the applicant waives this requirement and consents to the extension of such period. If the plat is disapproved or is approved subject to modifications, the reasons for such disapproval or the required modifications shall be indicated in writing on two copies of the plat.
- (f) One copy of the preliminary plat shall be retained in the Director of Building, Planning and Zoning's files, and one copy shall be returned to the subdivider at the time of approval or disapproval, signed by the Director of Building, Planning and Zoning along with any required changes or, modifications endorsed thereon. Failure of the Director of Building, Planning and Zoning to consider any preliminary plat within these 30 working days, or such period as extended, shall be considered as approval of such plat, as submitted.

- (g) Approval of the preliminary plat by the Director of Building, Planning and Zoning shall not constitute acceptance of the final plat, except when the final plat is completed during the specified time in substantial accordance with the layout shown on the preliminary plat.
- (h) Approval of the preliminary plat shall lapse unless a final plat, of all or part of the area shown on the preliminary plat, in substantial conformance therewith, is submitted within 12 months from the date of such approval, unless an extension of time is specifically applied for by the subdivider and expressly granted by the Director of Building, Planning and Zoning.

Sec. 7.5. - Construction of improvements; surety for completion of improvements

After the preliminary plat has been approved, the subdivider shall elect one of the following courses of action:

- (a) Construct all improvements required including, but not limited to, all streets and roads as shown on the preliminary plat, in accordance with the specifications required by Chapter 7 of this Development Code. Upon completion of all construction, obtain certification from the office of Building, Planning and Zoning that all roads and streets have been constructed in accordance with the requirements of this Development Code; or
- (b) Provide surety for the completion of such improvements as shown on the final plat submitted for approval. The subdivider shall deposit cash, deliver a certified check, or post a performance surety bond or irrevocable letter of credit with the City in an amount sufficient to ensure the completion of all required improvements by the subdivider as well as all other surety requirements of this section below. The bond shall be held by the City of Fort Oglethorpe Finance Director.
 - (1) Requirements of surety. To ensure the construction and installation of required improvements, the subdivider shall deliver to the Director of Building, Planning and Development a certified check, performance surety bond or irrevocable letter of credit, or cash in such aggregate amount as is required by the Director of Building, Planning and Zoning to be the total cost of the construction and installation of all public improvements which are the responsibility of the subdivider. Aggregate amount is determined as: \$200.00 per liner foot for roads and \$400.00 per linear foot for roads and utilities.
 - (2) Conditions of surety. The surety posted shall provide to the City and provide that the subdivider, his heirs or successors and assigns, and their agents and servants, will comply with all applicable terms, conditions, provisions and requirements of this Chapter and any other applicable requirements of this Development Code; will faithfully perform and complete the work of constructing and installing such facilities or improvements in accordance with this Development Code; and that the subdivider shall be responsible to the City for any unnecessary expense incurred through the failure of the subdivider, his heirs, successors and assigns, or their agents or servants, to complete the work of such construction in an acceptable manner, and from any damages growing out of negligence in performing or failing to perform such construction and installation. Before acceptance, any surety shall be approved by the

Sec. 7.6. - Final plat approval.

City. If a bond is offered, it shall be executed by a surety or guaranty company qualified to transact business in the state.

- (3) Duration and release. Bonds and/or other surety or cancellation of any bond shall be posted pursuant to this Chapter. Acceptances shall be in writing accurately identifying the improvements covered. Facilities shall not be accepted unless they conform to the applicable City specifications and requirements of Chapter 7 and this Code.
- (4) Default. If the construction or installation of any improvements or facilities for which a bond or other surety is posted is not completed within 90 days after substantial completion of any buildings or structures which such improvements or facilities are designed to serve, or within one year after the date of recording of the final plat, whichever is sooner, or if such construction or installation is not in accordance with applicable standards, the City may proceed to construct, install or modify such improvements or facilities in accordance with the applicable specifications and requirements, using the proceeds from such surety deposits to pay for such work. Such work may be done under contract or by city personnel. To the extent that any portion of a cash deposit is not required or used, such excess cash shall be repaid to the person making the deposit.
- (5) Certification of receipt of surety for required improvements. The following form shall be printed directly on the final plat as follows, where a preliminary plat is not used:

"I hereby certify that a cash bond, performance surety bond, letter of irrevocable credit or certified check in the amount of _____ has been received to ensure completion of all required improvements in the subdivision plat attached hereto in the event of default by the developer."

Date

Signature

Title

Sec. 7.6. - Final plat approval.

- (a) Final plat approval shall be obtained by the subdivider as the preliminary plat or portions of it are constructed or included in the posted surety. The final plat shall conform substantially to the preliminary plat as approved; and if submitted in portions, each portion shall conform to all requirements of these standards.
- (b) The subdivider shall submit seven paper copies of the proposed final plat and a digital PDF to the Building, Planning and Zoning Department.
- (c) The final plat shall contain all of the information which as required on the preliminary plat except the topographic contour lines shown on the preliminary plat and shall be drawn in compliance with all the appropriate laws of the state which govern the recordation of subdivision plats.
- (d) The following certification shall be presented along with the final plat:

- (1) Certification by a registered state land surveyor (seal affixed) of the accuracy of the survey and plat and the placement of all required monuments.
 - (2) Certification by the Director of Building, Planning and Zoning that the subdivider has complied with one of the following alternatives:
 - a. Constructed all roads, streets and other required improvements delineated in Chapter 7 in accordance with the specifications and requirements of the City; or
 - b. Deposited cash or certified check, or posted a surety bond or irrevocable letter of credit with the Director of Building, Planning and Zoning in an amount sufficient to ensure completion of all required improvements.
 - (3) Certification by the subdivider showing that the applicant is the legal owner of the land, and that he formally dedicates all streets, roads and rights-of-way for public use.
 - (4) State department of transportation certification of approval must be included for the proposed project if the project abuts any state or federal right-of-way.
 - (5) Certification by the subdivider that all lands considered for development do not fall within the 100-year floodplain. If any part of the development falls within a floodplain or floodprone area, then the certification shall state that the following requirements shall apply:
 - a. The Director of Building, Planning and Zoning has established that:
 1. The nature of the land use (i.e., recreational areas) would not lend itself to damage by water inundation to an appreciable extent;
 2. The area will be filled or improved in such a manner to prevent such periodic inundation; or
 3. Minimum floor elevations are required to prevent damage to buildings and structures.
 - b. The Director of Building, Planning and Zoning will require whatever additional engineering information he or she deems necessary to make a decision on any area of questionable drainage. Lakes, ponds and similar areas will be accepted for maintenance only if sufficient land is dedicated as a public recreation area, or if such area constitutes a necessary part of the drainage control system. Such park land will be subject to approval by the City Council.
- (e) When the plat has been approved by the Director of Building, Planning and Zoning, the following actions are required:
- (1) One copy with the approval of the Director of Building, Planning and Zoning certified therein shall be returned to the subdivider to be used for filing with the clerk of the court as the official plat of record.

Sec. 8.1. - Clearing permit, clearing and grubbing permit, and grading permit.

- (2) Within 10 working days from the date of final approval, the subdivider shall record the final plat in the office of the clerk of court.
 - (3) One copy containing all required certifications shall be retained by the Director of Building, Planning and Zoning, and one copy of the original tracing shall be given to the subdivider for his records.
 - (4) The Director of Building, Planning and Zoning must consider a final plat within 30 working days after the submission of the final plat. Failure of the Director of Building, Planning and Zoning to act on a final plat submission within these 30 working days shall be considered as approval of such submission. If the plat is disapproved, grounds for such disapproval shall be stated in writing by the Director of Building, Planning and Zoning and shall be stated in writing on two copies of the plat.
 - (5) One copy of the plat shall be retained in the Director of Building, Planning and Zoning's office, and one copy shall be returned to the subdivider at the time of the disapproval.
- (f) Approval of a final plat by the Director of Building, Planning and Zoning shall not constitute automatic acceptance by the public of the dedication of any street or other public way or ground. However, after approval of the final plat and the construction of streets shown thereon, the Director of Building, Planning and Zoning Public Works Director may recommend to the City Council that it accepts these streets as public roads and take over their perpetual maintenance. After obtaining this approval, if the subdivider requests that the City Council accept these streets as public streets, then the City Council shall accept these streets as public roads and take over their perpetual maintenance.

ARTICLE 8. - LAND DISTURBANCE PERMITS

Sec. 8.1. - Clearing permit, clearing and grubbing permit, and grading permit.

The following permits covering portions of the land development process may be issued in accordance with the requirements of this Development Code:

- (a) Clearing permit.
 - (1) A permit limited to clearing only with no grubbing or other land disturbance (as defined in the Georgia Soil Erosion, Sedimentation and Pollution Control Act) may be issued upon identification of the property, the limits of the area to be cleared and the type of activities to be undertaken, and approval of a Tree Protection/Replacement Plan as may be required by this Development Code. All clearing activities are to be consistent with the provisions of this Development Code, the Soil Erosion, Sedimentation and Pollution Control provisions of this Development Code, and any conditions of zoning.
 - (2) A clearing permit shall expire unless clearing activities are commenced within 60 consecutive calendar days of issuance of the permit or if activities lapse and are abandoned for a period exceeding 30 consecutive calendar days.

- (3) A clearing permit shall not be construed as approval of, or authorization to, construct any improvements, buildings, or other structures on the property.
- (b) Clearing and grubbing permit.
- (1) A clearing and grubbing permit may be approved based on approval of a Concept Plan and Tree Protection/Replacement Plan (if required) for the development. Appropriate soil erosion and sedimentation controls and tree protection measures shall be placed and maintained as required.
 - (2) A permit for clearing and grubbing shall expire unless activities are commenced within 60 days of issuance of the permit or if activities lapse and the project is abandoned for a period exceeding 14 calendar days.
 - (3) A clearing and grubbing permit shall be limited to the removal of vegetation and stumps and the placement of required tree protection measures and soil erosion and sedimentation facilities, and may authorize the removal of existing structures on the property at the option of the developer. No grading or construction activities may be started under a clearing and grubbing permit. The approval of a clearing and grubbing permit shall not imply the approval of or authorization to construct any improvements, buildings, or other structures on the property.
- (c) Grading permit.
- (1) A grading permit, which may include clearing and grubbing, may be issued in accordance with the following:
 - a. A development permit approved for a multi-family residential or a nonresidential project, as provided in this Article, below.
 - b. A preliminary subdivision plat approved under Sec. 7.4. - Preliminary plat approval above.
 - (2) A grading permit may also be issued for earth borrow or storage, where no development or construction is proposed or imminent, based on approval of a grading plan, soil erosion and sediment control plan, and hydrology study, consistent with the zoning category of the site.
 - (3) A grading permit shall expire unless activities are commenced within 60 consecutive calendar days of issuance of the permit or if activities lapse and the project is abandoned for a period exceeding 30 consecutive calendar days. Any site for which the grading permit expires shall immediately be stabilized to prevent erosion.
 - (4) A grading permit shall be limited in its authorization to land grading activities along with associated tree protection, clearing and grubbing, and demolition activities, and may authorize the construction of storm drainage improvements and soil erosion and sedimentation facilities as allowed by the permit.

Sec. 8.2. - Development permit.

- (a) Development activities authorized.

A Development Permit must first be issued to authorize all activities associated with the land development process, including grading; for the construction of such improvements as streets, surface parking areas and drives, sewer systems, stormwater drainage facilities, sidewalks, etc.; or for the construction of multi-family or nonresidential buildings and related structures and improvements in a multi-family or nonresidential project.

(b) Development permit approval.

A development permit (which may include grading, clearing, and grubbing) shall be issued at the developer's request and based on an approved Preliminary Subdivision Plat for a single-family or two-family residential subdivision or a Site Plan for a multi-family or nonresidential project, along with approval of all other development plans and documents required to be submitted under this Chapter. All plans approved for a development permit shall expire after 6 months if no permit is issued within said time period.

(c) Expiration of development permits.

A development permit shall expire 12 consecutive calendar months after issuance unless development activity as authorized by the permit are commenced within said 12-month period or if such authorized activities lapse and the project is abandoned for a period exceeding 60 consecutive calendar days. The Director of Building, Planning and Zoning may approve one extension not exceeding three consecutive calendar months within which time development activity must commence or the permit shall expire. Said extension shall be applied for within the first 12 consecutive calendar months after the permit's issuance.

(d) Lapse in construction activity.

For the purposes of this Development Code, a lapse in or suspension of development activity as authorized by a development permit, as a direct result of action or inaction on the part of the City of Fort Oglethorpe completely beyond the control of the developer, shall not be considered as a lapse in activity causing the development permit to expire. The 12 months within which development activity must begin shall exclude any such time period during which the activity is prohibited or has been caused to lapse by said City action or inaction.

(e) Expiration of approved development plans.

- (1) If construction activity has not commenced within the permit period and the Development Permit expires, the Director of Building, Planning and Zoning shall require new site plans to be submitted for the project. The new plans must comply with any changes or amendments to these regulations or other ordinances as adopted by the City.
- (2) Where development plans have been approved by the Director of Building, Planning and Zoning, and no development permit has been issued, new plans shall be submitted after 12 months if a Development Permit has not been issued and construction has not commenced on the project.

Sec. 8.3. - Stormwater Management Permit.

See Chapter 6 *Natural Resource Protection* of this UDC.

Sec. 8.4. - Environmental Approval: Wetlands and Groundwater Recharge Areas

For any property containing a wetlands or significant groundwater recharge areas, a site plan meeting the requirements established in Chapter 6 of this UDC shall be included along with the Stormwater Plan in an application for a Development Permit.

ARTICLE 9. - BUILDING PERMITS

Sec. 9.1. - Building permit applications.

- (a) An application for a building permit shall be submitted using the form(s) provided by the Director of Building, Planning and Zoning and accompanied by payment of all applicable fees.
- (b) Digital drawing files, if required, shall be submitted in Adobe PDF file format.

Sec. 9.2. - Environmental Health Department: on-site sewage disposal.

For any structure for which on-site sewage disposal will be provided, a permit issued by the Environmental Health Department shall be required prior to issuance of a building permit. Said permit may first require approval by the Environmental Health Department of a plan showing the location of the sewage disposal system and other site improvements, in accordance with their regulations.

Sec. 9.3. - Single-family and duplex residences.

- (a) A building permit for a single or two-family residence may be issued after the recording of a Final Plat or after the lot upon which the building is to be located has otherwise become a buildable lot of record.

Sec. 9.4. - Swimming pools.

- (a) Issuance of a building permit for a swimming pool as an accessory use to a single or two-family residence, whether to be issued at the same time as, or subsequent to, the permitting for construction of the dwelling, shall first require approval of a Swimming Pool Location Plan.
- (b) The plan shall show the proposed location of the swimming pool and enclosing fence relative to the residence, the property boundaries, setback lines, septic tank and septic tank drain field (if any), and any easements on the site. The location of such swimming pool shall comply with all requirements of the applicable zoning district and the International Swimming Pool and Spa Code as adopted by the City.
- (c) A Certificate of Occupancy shall not be issued until conformance to the approved Swimming Pool Location Plan has been field verified by the Department.

Sec. 9.5. - Multi-family and nonresidential structures.

- (a) Issuance of a building permit for any principal building other than a single-family detached or duplex residence (and associated accessory structures) shall first require issuance of a Development Permit for the building site, and the building permit shall be consistent with said Development Permit. (See Sec. 8.2. - Development permit, above.)
- (b) Building plans must be reviewed and approved by the Director of Building, Planning and Zoning prior to permitting for all multi-family and nonresidential structures and associated accessory structures.
- (c) Building Plan approval shall expire after one year, after which re-review and approval shall be required prior to issuance of a building permit for the building or additional buildings.

Sec. 9.6. - Issuance on buildable lots of record; exceptions.

Building permits shall only be issued on buildable lots of record, as defined in this Code, except under special circumstances limited to and as specifically described in this Section, below.

- (a) In a single-family detached and duplex residential subdivision, building permits for no more than two model home buildings, on specific lots may be issued by the Director of Building, Planning and Zoning on the basis of an approved Preliminary Plat after the approval by the Catoosa County Health Department, and subject to all limitations or requirements as may be established by the Director of Building, Planning and Zoning. No Certificate of Occupancy shall be issued for the completed model home(s) until the Final Plat encompassing the model home building lots has been approved and recorded.
- (b) In fee-simple townhouse subdivisions, a building permit may be issued on a buildable lot of record established for each building (containing any number of townhouse dwelling units) through recording of a Final Plat following completion of all required public improvements. Upon completion of the buildings, the Final Plat shall be re-recorded to establish individual lots for the townhouse units, based on their actual locations, prior to issuance of a Certificates of Occupancy.

Sec. 9.7. - Approval period.

No order of the Director of Building, Planning and Zoning permitting the erection or alteration of a building shall be valid for a period longer than 6 months unless such use is established within such period; provided, however, that where such use permitted is dependent upon the erection or alteration of a building, such order shall continue in force and effect if a building permit for said erection or alteration is obtained within such period, and such erection or alteration is started and proceeds to completion in accordance with such permit.

ARTICLE 10. - PRIVATE BUILDING PERMITTING REVIEW AND INSPECTIONS

Sec. 10.1. - Application of this article.

- (a) This Article applies to any requirements determined by the City to be necessary for approval of plans, permits, or applications for the issuance of building permits under this Code, referred to as “regulatory requirements” in this Article.
- (b) This Article shall not apply to hospitals, ambulatory health care centers, nursing homes, jails, penal institutions, airports, buildings or structures that impact national or state homeland security, or any building defined as a high-rise building in the State Minimum Standards Code; provided, however, that interior tenant build-out projects within high-rise buildings are not exempt from this Section.
- (c) Nothing in this Article shall apply to inspections for compliance with a state or local fire safety standard or erosion control standard.

Sec. 10.2. - Procedures.

- (a) No later than five business days after receipt of any application related to regulatory requirements, the Director of Building, Planning and Zoning shall either:
 - (1) Approve the application and issue the requested permit; or,
 - (2) Notify the applicant as to whether the submitted documents meet the requirements of a complete application.
- (b) Except as otherwise provided in this Article, time spent by the City determining whether an application is complete shall count toward the total 30 days for plan review or inspection.
 - (1) If the Director of Building, Planning and Zoning determines that the application is not complete, the applicant shall be provided written notice identifying the items that are not complete.
 - (2) The 30-day time period is tolled when the application is rejected as incomplete. If within 30 days after the City has provided notice that the application is incomplete the applicant submits revisions to address the identified deficiencies, the Director of Building, Planning and Zoning shall have an additional five business days to review the application for completeness.
- (c) Upon notification to the applicant that a complete application has been accepted, the City shall also notify the applicant as to whether the personnel employed or contracted by the City will be able to provide regulatory action within 30 days for plan review or provide inspection services within two business days of receiving a valid written request for inspection.
- (d) If the City determines that the personnel employed by the City cannot provide regulatory action or inspection services within the time frames required under paragraph (b) of this Section, the applicant shall have the option of retaining, at its own expense, a private professional provider to provide the required plan review or inspection in accordance with the provisions of this Article. If the applicant elects to utilize the services of a private professional provider, the regulatory fees associated with such regulatory action shall be

reduced by 50% and such reduced amount shall be paid to the City in accordance with the City's policies.

- (e) If the City determines that the personnel employed by the City can provide regulatory action or inspection services within the time frames required under paragraph (b) of this Section, a convenience fee not to exceed the full amount of the regulatory fees associated with such regulatory action shall be paid to the City in accordance with the City's policies. Upon payment in full of the convenience fees associated with the complete application, the applicant may nevertheless choose to retain, at its own expense, a private professional provider to provide the required plan review or inspection, subject to the requirements set forth in this Article.
- (f) If the City states its intent to complete the required plan review within the time prescribed by paragraph (b) of this Section, or any extension thereof mutually agreed to by the applicant and the City, and the City fails to complete such plan review in the time prescribed by paragraph (b) of this Section, or any extension thereof mutually agreed to by the applicant and the governing authority, the local governing authority shall issue the applicant a project initiation permit.
 - (1) The local governing authority shall be allowed to limit the scope of a project initiation permit and limit the areas of the site to which the project initiation permit may apply but shall permit the applicant to begin work on the project, provided that portion of the initial phase of work is compliant with applicable codes, laws, and rules.
 - (2) If the plans submitted for permitting are denied for any deficiency, the time frames and process for resubmittal shall be governed by subparagraphs (1) through (3) of paragraph (b) of Sec. 10.4. - below.
 - (3) Any delay in the processing of an application that is attributable to a cause outside the control of the City or through fault of the applicant shall not count toward days for the purposes of this Article.
- (g) Any plan review or inspection conducted by a private professional provider shall be no less extensive than plan reviews or inspections conducted by City personnel.
- (h) The person, firm, or corporation retaining a private professional provider to conduct a plan review or an inspection shall be required to pay to the City the same regulatory fees which are required by either paragraph (c) or (d) of this Section, as applicable.

Sec. 10.3. - Private professional providers.

- (a) A private professional provider performing plan reviews under this Article shall review plans to determine compliance with all applicable regulatory requirements. Upon determining that the plans reviewed comply with the applicable regulatory requirements, such private professional provider shall prepare an affidavit or affidavits on a form adopted by the Department of Community Affairs certifying under oath that the following is true and correct to the best of such private professional provider's knowledge and belief and in accordance with the applicable professional standard of care:

Sec. 10.4. - Procedures for permit issuance.

- (1) The plans were reviewed by the affiant who is duly authorized to perform plan review pursuant to this Section and who holds the appropriate license or certifications and insurance coverage stipulated in this Section;
 - (2) The plans comply with all applicable regulatory requirements; and
 - (3) The plans submitted for plan review are in conformity with plans previously submitted to obtain governmental approvals required in the plan submittal process and do not make a change to the project reviewed for such approvals.
- (b) All private professional providers providing plan review or inspection services pursuant to this Article shall secure and maintain insurance coverage for professional liability (errors and omissions) insurance.
- (1) The limits of such insurance shall be not less than \$1 million per claim and \$1 million in aggregate coverage for any project with a construction cost of \$5 million or less and \$2 million per claim and \$2 million in aggregate coverage for any project with a construction cost of more than \$5 million.
 - (2) Such insurance may be a practice policy or project-specific coverage. If the insurance is a practice policy, it shall contain prior acts coverage for the private professional provider. If the insurance is project-specific, it shall continue in effect for two years following the issuance of the certificate of final completion for the project.
 - (3) The Director of Building, Planning and Zoning or the City Council may establish, for private professional providers working within the city, a system of registration listing the private professional providers within their stated areas of competency. The permit applicant shall verify compliance with the insurance requirements of this paragraph.
- (c) The private professional provider shall be empowered to perform any plan review or inspection required by the City, including, but not limited to, inspections for footings, foundations, concrete slabs, framing, electrical, plumbing, heating ventilation and air conditioning (HVAC), or any and all other inspections necessary or required to determine compliance with all regulatory requirements and for the issuance of a building permit or certificate of occupancy by the City, provided that the plan review or inspection is within the scope of such private professional provider's area of competency.
- (d) Nothing in this Article shall authorize any private professional provider to issue a certificate of occupancy. Only the Director of Building, Planning and Zoning shall be authorized by the City Council to issue a certificate of occupancy.

Sec. 10.4. - Procedures for permit issuance.

- (a) The permit applicant shall submit a copy of the private professional provider's plan review report to the City within five days of its completion. Such plan review report shall include at a minimum all of the following:
 - (1) The affidavit of the private professional provider required under Sec. 10.3. - (a);
 - (2) The applicable fees; and

(3) Any documents required by the local official and any other documents necessary to determine that the permit applicant has secured all other governmental approvals required by law.

(b) No more than 30 days after receipt of both a permit application and the affidavit from the private professional provider required pursuant to this Section, the Director of Building, Planning and Zoning shall issue the requested permit or provide written notice to the permit applicant identifying the specific plan features that do not comply with the applicable regulatory requirements, as well as the specific code chapters and sections of such regulatory requirements. If the Director of Building, Planning and Zoning does not provide a written notice of the plan deficiencies within the prescribed 30-day period, the permit application shall be deemed approved as a matter of law and the permit shall be issued by the local Director of Building, Planning and Zoning on the next business day.

(1) If the Director of Building, Planning and Zoning provides a written notice of plan deficiencies to the permit applicant within the prescribed 30-day period, the 30-day period shall be tolled pending resolution of the matter. To resolve the plan deficiencies, the permit applicant may elect to dispute the deficiencies pursuant to this subsection or to submit revisions to correct the deficiencies.

(2) If the permit applicant submits revisions to address the plan deficiencies previously identified, the Director of Building, Planning and Zoning shall have the remainder of the tolled 30 day period plus an additional five business days to issue the requested permit or to provide a second written notice to the permit applicant stating which of the previously identified plan features remain in noncompliance with the applicable codes regulatory requirements, with specific reference to the relevant code chapters and sections of such regulatory requirements.

a. If the Director of Building, Planning and Zoning does not provide the second written notice within the prescribed time period, the permit shall be issued by the Director of Building, Planning and Zoning on the next business day.

b. In the event that the revisions required to address the plan deficiencies, or any additional revisions submitted by the applicant require that new governmental approvals be obtained, the applicant shall be required to obtain such approvals before a new plan report can be submitted.

(3) If the Director of Building, Planning and Zoning provides a second written notice of plan deficiencies to the permit applicant within the prescribed time period, the permit applicant may elect to dispute the deficiencies pursuant to this subsection or to submit additional revisions to correct the deficiencies. For all revisions submitted after the first revision, the Director of Building, Planning and Zoning shall have an additional five business days to issue the requested permit or to provide a written notice to the permit applicant stating which of the previously identified plan features remain in noncompliance with the applicable regulatory requirements, with specific reference to the relevant code chapters and sections.

- (c) Upon submission by the private professional provider of a copy of his or her inspection report to the City, the City shall be required to accept the inspection of the private professional provider without the necessity of further inspection or approval by the inspectors or other personnel employed by the City unless the Director of Building, Planning and Zoning has notified the private professional provider, within two business days after the submission of the inspection report, that it finds the report incomplete or the inspection inadequate and has provided the private professional provider with a written description of the deficiencies and specific code regulatory requirements that have not been adequately addressed.

Sec. 10.5. - Prequalification of private professional providers.

- (a) The City may provide for the prequalification of private professional providers who may perform plan reviews or inspections pursuant to this Article.
 - (1) No ordinance implementing prequalification shall become effective until notice of the City's intent to require prequalification and the specific requirements for prequalification have been advertised in the newspaper in which the sheriff's advertisements for that locality are published, and by any other methods the City ordinarily utilizes for notification of engineering, architecture, or construction related solicitations.
 - (2) The ordinance implementing prequalification shall provide for evaluation of the qualifications of a private professional provider only on the basis of the private professional provider's expertise with respect to the objectives of this Section, as demonstrated by the private professional provider's experience, education, and training.
 - (3) Such ordinance may require a private professional provider to hold additional certifications, provided that such certifications are required by ordinance for plan review personnel currently directly employed by the City.
- (b) Nothing in this Section shall be construed to limit any public or private right of action designed to provide protection, rights, or remedies for consumers.

Sec. 10.6. - Enforcement.

- (a) If the Director of Building, Planning and Zoning determines that the building construction or plans do not comply with the applicable regulatory requirements, the official may deny the permit or request for a certificate of occupancy, as appropriate, or may issue a stop-work order for the project or any portion thereof as provided by law, after giving notice to the owner, the architect of record, the engineer of record, or the contractor of record and by posting a copy of the order on the site of the project and opportunity to remedy the violation within the time limits set forth in the notice, if the official determines noncompliance with regulatory requirements, provided that:
 - (1) The Director of Building, Planning and Zoning shall be available to meet with the private professional provider within two business days to resolve any dispute after

issuing a stop-work order or providing notice to the applicant denying a permit or request for a certificate of occupancy or certificate of completion; and

- (2) If the Director of Building, Planning and Zoning and the private professional provider are unable to resolve the dispute or meet within the time required by this Section, the matter shall be referred to the City Council, which shall consider the matter not later than its next scheduled meeting.
- (b) Nothing in this Article shall limit the authority of the Director of Building, Planning and Zoning to issue a stop-work order for a building project or any portion of such project, which may go into effect immediately, after giving notice and opportunity to remedy the violation, if the official determines that a condition on the building site constitutes an immediate threat to public safety and welfare. A stop-work order issued for reasons of immediate threat to public safety and welfare shall be appealable to the City Council.

Sec. 10.7. - City immunity.

The City, the Director of Building, Planning and Zoning, and local building code enforcement personnel and agents of the City shall be immune from liability to any person or party for any action or inaction by an owner of a building or by a private professional provider or its duly authorized representative in connection with plan review and inspection services by private professional providers as provided in this Article.

Sec. 10.8. - Disciplinary guidelines for private professional providers.

When performing building code plan reviews or inspection services, a private professional provider is subject to the disciplinary guidelines of the applicable professional licensing board with jurisdiction over such private professional provider's license or certification under State Law, as applicable.

- (a) Any complaint processing, investigation, and discipline that arise out of a private professional provider's performance of plan reviews or inspection services shall be conducted by the applicable professional licensing board.
- (b) Notwithstanding any disciplinary rules of the applicable professional licensing board with jurisdiction over such private professional provider's license or certification under State Law, the Director of Building, Planning and Zoning may decline to accept plan reviews or inspection services submitted by any private professional provider who has submitted multiple reports which required revisions due to negligence, noncompliance, or deficiencies.

Sec. 10.9. - Exemption.

To the extent that a provision of this Article conflicts with requirements of federal laws or regulations or impairs the City's receipt of federal funds, such provision shall not apply.

ARTICLE 11. - COORDINATION

Sec. 11.1. - Coordination with and application of related codes.

Sec. 11.2. - Alternate materials and methods.

- (a) The planning, design and construction of new buildings, structures, facilities or premises shall be in conformance with the International Building Code, the International Fire Code, the National Electrical Code and all other codes adopted by the City Council under Chapter 18-51 of its Municipal Code of Ordinances. However, where operations, contents, processes or conditions are not covered by such codes, the applicable provisions of this Article shall apply.
- (b) Any alterations, additions or changes required in existing buildings, structures, facilities or premises because of a change in use, occupancy, exit design or other reason shall be made in compliance with the codes noted in subsection (a) of this section.
- (c) The Director of Building, Planning and Zoning shall coordinate with the Catoosa County Fire Marshal on the review of plans for new construction and/or renovations or alterations of existing buildings so as to ascertain compliance with the codes and standards under their respective jurisdictions.

Sec. 11.2. - Alternate materials and methods.

- (a) New construction.

The and the Director of Building, Planning and Zoning and Catoosa County Fire Marshal shall have the authority to jointly consider and approve a modification of any of the applicable codes for new construction with regard to matters relating to fire protection and safety to life in event of fire or related emergencies where the proposed design fire protection system, building use, or construction method involved is unusual or where such involves an unusual hazard, condition or hardship, and the provisions of the codes and standards in force do not clearly or adequately deal with the proposed design, protection system application or design, building use, or construction method, in their judgment.

- (b) Alternate materials.

It is the intent of this section to allow the use of designs, systems, methods or devices of equivalent or superior quality, strength, fire resistance, effectiveness, durability and safety to those prescribed by the applicable codes and standards, provided technical documentation, data, or other information or material acceptable to the Director of Building, Planning and Zoning and Catoosa County Fire Marshal is submitted for review and such demonstrates to their satisfaction the equivalency of the design, system, method or device for the intended use. Any modification or alternate safeguard jointly approved by the Director of Building, Planning and Zoning and Catoosa County Fire Marshal shall not afford a condition less safe to life and, where appropriate, property, than in their judgment would be provided with compliance with the provisions of applicable codes.

CHAPTER 9. APPEALS

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ARTICLE 1. - SCOPE OF THIS CHAPTER

This Chapter provides for relief from the requirements of this Development Code under the following topics:

(a) **Hardship variance:**

A reduction or other revision to the strict application of the minimum standards and provisions of this Code to a particular property or development that would result in undue hardship to the property owner, builder or developer can be considered under ARTICLE 2. - PROCESS FOR HARDSHIP VARIANCES, below.

(b) **Appeal from an administrative decision:**

An appeal from an administrative decision of the Director of Building, Planning and Zoning or any other city employee of general application, whether or not related to a particular property or development, can be considered under ARTICLE 3. - APPEALS OF AN ADMINISTRATIVE DECISION, below.

(c) **Special provisions for variances or decisions relating to the following:**

- (1) Signs;
- (2) Subdivisions; and,
- (3) Flood hazard reduction.

ARTICLE 2. - PROCESS FOR HARDSHIP VARIANCES

Sec. 2.1. - Review of hardship variances.

- (a) A request for a hardship variance from the minimum standards and provisions of this Code that apply to a particular property or development may be filed by the owner, or the owner's representative, of the property so affected.
- (b) Such hardship variance request shall be made by filing with the Director of Building, Planning and Zoning an application for approval of a hardship variance specifying the grounds thereof.
- (c) The Director of Building, Planning and Zoning will review the application for a hardship variance for completeness. Incomplete applications will be returned to the applicant.
- (d) Hardship variance requests that qualify for staff approval consideration will be reviewed under Sec. 2.2. - below.
- (e) For hardship variance requests that are not or could not be approved by the Director of Building, Planning and Zoning under Sec. 2.2. - , the Director of Building, Planning and Zoning shall forthwith transmit to the Planning Advisory Board the nature of the variance requested, the relevant requirements of this Code appealed from, and all documentation received from the applicant.

Sec. 2.2. - Staff approval of minor hardship variances.

(a) The Director of Building, Planning and Zoning may approve certain hardship variance requests under the following conditions of this Section.

- (1) Hardship variance requests that are not approved by the Director of Building, Planning and Zoning will be forwarded to the Planning Advisory Board following the process presented in this Article, following this Section.
- (2) In no case shall a variance from the conditions of approval imposed on a property through a zoning change granted by the City Council be administratively approved by staff.

(b) General limitations on relief.

Variances eligible for staff approval under this Section shall be limited to relief from the following requirements of this Development Code:

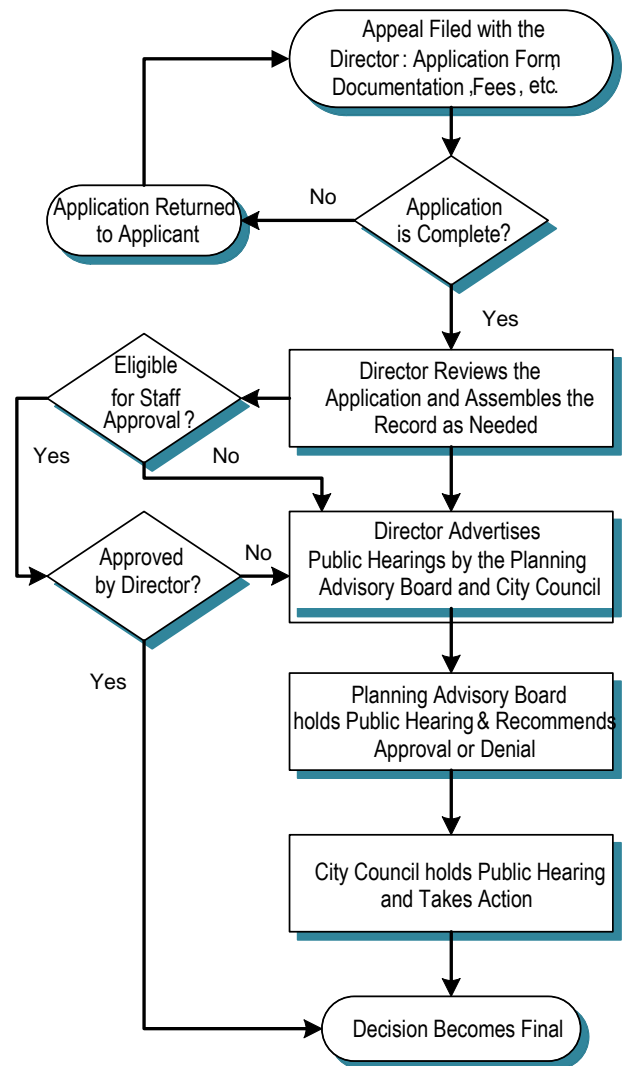
- (1) Minimum building setbacks.
- (2) Maximum building height.
- (3) Maximum height of a fence.
- (4) Minimum lot width for an existing lot of record.
- (5) Public street frontage for an existing lot of record.
- (6) Buffers and screening.
- (7) Parking requirements, such as the number of spaces required or improvement standards for parking lots. Approval of any change in parking lot improvement standards shall have the concurrence of the Fire Marshal.

(c) Standards for approval.

A variance may be granted by the Director of Building, Planning and Zoning upon findings that:

- (1) The relief, if granted, would not cause substantial detriment to the public good; and,

Hardship Variance Appeals Process



- (2) Would not be injurious to the use and enjoyment of the environment or of other property in the immediate vicinity; and,
 - (3) Would not diminish and impair property values within the surrounding neighborhood; and,
 - (4) Would not impair the purpose and intent of the Development Code.
- (d) Staff approval.

The Director of Building, Planning and Zoning, upon a finding that a variance listed below meets all of the standards for approval contained in subsection (c) above, may administratively approve such variance within and not exceeding the following parameters:

- (1) Minimum building setbacks.

Not to exceed a reduction in the minimum setback required by 10%, except the front setback may be reduced or waived for a multi-family or nonresidential use if the parking is located in the side or rear yards.

- (2) Maximum building height.

Not to exceed an additional 4 feet above the maximum allowed.

- (3) Maximum height of a fence.

Not to exceed an additional 2 feet above the maximum allowed.

- (4) Minimum lot width for an existing lot of record.

The minimum lot width required by the zoning district within which the lot is located may be reduced to the extent necessary to allow reasonable construction of a building on the lot, provided that all minimum building setbacks required by the zoning district within which the lot is located are not reduced.

- (5) Public street frontage for an existing lot of record.

The minimum public street frontage required by the zoning district within which the lot is located may be reduced to the extent necessary to allow reasonable construction of a building on the lot, provided that all minimum building setbacks required by the zoning district within which the lot is located are not reduced and adequate access for emergency vehicles to the lot from a public street is provided.

- (6) Buffers and screening.

The landscaping requirements for buffers and screening on a lot or development project may be reduced based on alternate buffer and screening solutions proposed that are deemed to be equally effective as the minimum standards required by this Development Code.

(7) Automobile parking requirements.

Not to exceed a change by more than 10% in the number of spaces required based on shared parking among two or more uses on site or the proximity of off-site spaces legally and permanently available to the use on the subject property.

- (e) If staff approval is denied by the Director of Building, Planning and Zoning, an application for the same staff approval of a variance affecting the same property shall not be reconsidered for a period of 12 months from the date of denial except for extenuating circumstances acceptable to the Director of Building, Planning and Zoning.

Sec. 2.3. - Powers of the Planning Advisory Board and City Council concerning hardship variances.

(a) Purpose.

- (1) The Planning Advisory Board shall make recommendations to the City Council for approval of the variance only in those specific cases where such variance from the terms of the Development Code will not be contrary to the public interest and where, owing to special conditions, a literal enforcement of the provisions of the Code will, in an individual case, result in unnecessary hardship, so that the spirit of this Code shall be observed, public safety and welfare secured, and substantial justice done. Otherwise, based on the Board's findings of fact, such variance shall be recommended for denial.

(b) Hardship criteria.

- (1) A hardship variance may be granted by the City Council, regardless of the recommendation made by the Planning Advisory Board, in such individual case of unnecessary hardship upon finding by the City Council that all of the following conditions apply:
- a. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography; and,
 - b. The application of this Code to this particular piece of property would create an unnecessary hardship; and,
 - c. Such conditions are peculiar to the particular piece of property involved, and not of the making of the applicant; and,
 - d. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this Code, provided, however, that no variance may be granted for a use of land or building or structure that is prohibited by this Code; and
 - e. Approval would be the minimum needed to make possible the reasonable use of the land, building or structure.
- (2) In no case may a hardship variance be granted for a use of land or building (a "use variance") that is prohibited within the zoning district.

(c) Authorization.

- (1) In hearing and deciding hardship variances, the City Council shall have the authority to grant such variances as may be in harmony with the general purpose and intent of this Code, public safety and welfare secured, and substantial justice done, including the following:
 - a. Interpret or modify the provisions contained in the Code in such a way as to carry out the intent and purpose of the Development Code as they apply to the particular property or development.
 - b. Interpret the boundaries as shown upon the zoning map fixing the use districts, accompanying and made part of this Code, where uncertainty exists relating to the particular property or development. In case of any question as to the location of the boundary line between zoning districts the City Council shall interpret the zoning map.
 - c. Allow the erection and use of a building or use of premises for public utility purposes.
 - d. Allow the modification of the off-street automobile parking space or loading space requirements where, in the particular instance, such modifications will not be inconsistent with the purpose and intent of such requirements.
 - e. Allow such modification of the height and area regulations as may be necessary to secure an appropriate improvement of a lot which is of such shape or so located with relation to surrounding development or physical characteristics that it cannot otherwise be appropriately improved without such modification.
 - f. Allow temporary buildings and uses for periods not to exceed six months.
 - g. Establish performance bonds to ensure compliance of any requirement which may be deemed necessary for approving any variance.
- (2) In making its recommendations to the City Council, the Planning Advisory Board shall consider the above criteria.
- (3) A hardship variance shall apply only to the particular property or development for which the variance was requested and shall not establish a precedent for any other hardship variance request or be made for general application.

(d) Application.

- (1) A majority vote of a quorum of the City Council shall be necessary to issue a hardship variance in favor of the applicant in any matter upon which it is authorized by this Article to render a decision.
- (2) A majority vote of a quorum of the members of the Planning Advisory Board shall be necessary to recommend approval of a variance in favor of the applicant in any matter upon which it is authorized by this Article to recommend a decision.

- (3) If a variance request is not approved by the City Council, it shall have been denied unless the request is tabled to a future meeting by a majority vote of a quorum present.
- (e) Standards.
- (1) In consideration of all appeals and all proposed variations to this Code, the City Council shall, before making any variations from the Code in a specific case, first determine that the proposed variation complies with all of the conditions set forth in (b) above; and in addition, meets the following general standards.
 - a. The proposed use will be of such location, size and character that it will be in harmony with the appropriate and orderly development of the surrounding neighborhood.
 - b. The proposed use will be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved, taking into consideration vehicular turning movements in relation to routes of traffic flow, proximity and relationship to intersections, adequacy of sight distances, location and access of off-street parking and provisions for pedestrian traffic, with particular attention to minimizing child-vehicle contacts in residential districts.
 - c. The location, size, intensity, site layout and periods of operation of any such proposed use will be designed to eliminate any possible nuisance emanating therefrom which might be noxious to the occupants of any other nearby permitted uses, whether by reason of dust, noise, fumes, vibration, smoke or lights.
 - d. The location and height of buildings or structures and the location, nature and height of walls and fences will be such that the proposed use will not interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value.
 - (2) The Planning Advisory Board, in making its recommendations, shall also consider the above general standards.
- (f) Upon hearing each hardship variance, the Planning Advisory Board and the City Council shall make findings of facts pertinent to the hardship variance, based on the hardship criteria contained in Sec. 2.3 - (b) and the standards listed under Sec. 2.3.- (e) above.
- (g) Conditions. The City Council, acting on any appeal in connection with a request for a hardship variance, may attach any conditions to its approval which it finds necessary to accomplish the reasonable application of the foregoing standards.

Sec. 2.4. - Appeal of City Council denial.

- (a) Any persons, jointly or severally, aggrieved by any decision of the City Council on a hardship variance may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the legality.

- (b) Such petition shall be presented to the court within 15 calendar days of the adoption of the minutes of the City Council meeting at which the decision was made. Otherwise the decision of the City Council shall be final.
- (c) Such appeal shall be filed *a certiorari*.

ARTICLE 3. - APPEALS OF AN ADMINISTRATIVE DECISION

Sec. 3.1. - Appellant.

Any person aggrieved by an alleged error in any order, requirement, decision or determination made in the interpretation or enforcement of this Development Code by the Director of Building, Planning and Zoning or any other city employee may initiate an appeal of such administrative decision.

Sec. 3.2. - Initiation of administrative decision appeal.

- (a) An appeal of an administrative decision shall be taken within 30 days of the action or interpretation appealed from, by filing the appeal in writing with the Director of Building, Planning and Zoning specifying the grounds of the appeal. The Director of Building, Planning and Zoning shall transmit a notice of said appeal to the Planning Advisory Board specifying the grounds thereof.
- (b) The Director of Building, Planning and Zoning may initiate an administrative appeal independently when an interpretation or clarification of the meaning of words or phrases, of the particular boundaries of a zoning district or of any other provision of this Development Code is needed.
- (c) An administrative decision appeal shall stay all proceedings in furtherance of the decision or interpretation appealed from, unless the Director of Building, Planning and Zoning certifies to the City Council, after the notice of appeal of an administrative decision has been filed with him or her, that by reason of facts stated in the certificate, a stay would, in his or her opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed otherwise than by a restraining order which may be granted by a court of record.

Sec. 3.3. - Action by the Director of Building, Planning and Zoning.

- (a) Upon receiving a notice of an appeal of an administrative decision, the Director of Building, Planning and Zoning shall assemble such memos, papers, plans or other documents from the appellant as may constitute the record for the appeal or as may provide an understanding of the issues involved.
- (b) The Director of Building, Planning and Zoning is authorized to resolve the appeal to the satisfaction of all parties involved, if possible, and may seek the advice of the City Attorney.
- (c) The Director of Building, Planning and Zoning shall transmit any unresolved appeal of an administrative decision and all related documentation to the Planning Advisory Board such that the appeal can be considered by the Board.

Sec. 3.4. - Action by the Planning Advisory Board on an appeal of an administrative decision.

- (a) The Planning Advisory Board shall initially hear and make recommendations to the City Council where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement or interpretation of this Development Code.
- (b) The Planning Advisory Board shall consider the appeal of the administrative decision at its next regularly scheduled meeting that occurs at least 15 days after the appeal has been advertised in accordance with the public notice requirements of Sec. 4.2. - of this Chapter 9, below.
- (c) A majority vote of a quorum of the members of the Planning Advisory Board shall be necessary to recommend approval of an appeal of an administrative decision.

Sec. 3.5. - City Council authority.

- (a) The City Council is authorized to:
 - (1) Decide appeals from any order, determination, decision or other interpretation by any administrative official acting under authority of this Development Code, where a misinterpretation or misapplication of the requirements or other provisions of this Development Code is alleged;
 - (2) Interpret the use of words or phrases within the context of the intent of this Development Code;
 - (3) Determine the boundaries of the various zoning districts where uncertainty exists; and,
 - (4) Interpret such other provisions of this Development Code as may require clarification or extension in specific or general cases.
- (b) In exercising the above powers, the City Council may, in conformity with the provisions of this Code, reverse or affirm, wholly or partly, or may modify any order, requirements, decision, or determination, and to that end shall have all the powers of the officer from whom the appeal is taken in relation to this Code and may issue or direct the issuance of a permit.

Sec. 3.6. - Decisions of the City Council.

- (a) The City Council shall consider the appeal at its next regularly scheduled meeting that occurs at least 7 days after the Planning Advisory Board meeting at which the appeal is considered.
- (b) In exercising its powers on such appeals, the City Council may, by majority vote of a quorum present, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination and to that end shall have all the powers of the administrative official from whom the appeal is taken.

- (c) If an appeal of an administrative decision is not approved by the City Council, it shall have been denied unless the request is tabled to a future meeting by a majority vote of a quorum present.
- (d) Decision final.
 - (1) The decision of the City Council shall be final and may be appealed only to a court of competent jurisdiction by such person or persons, jointly or severally, aggrieved by the decision, by presenting to the court a petition, duly verified, setting forth that such decision is illegal, in whole or in part, and specifying the grounds of the appeal.
 - (2) Such appeal must be taken within 15 days of the adoption of the minutes of the City Council meeting at which the decision was made.
 - (3) Such appeal shall be filed *a certiorari*.

ARTICLE 4. - PROCEDURES FOR HANDLING A HARDSHIP VARIANCE OR APPEAL OF AN ADMINISTRATIVE DECISION

Sec. 4.1. - Application and initial actions.

- (a) An application for a hardship variance or an appeal of an administrative decision shall include such descriptions, maps or drawings as needed to clearly illustrate or explain the action requested, and such filing fees as may be required. The Director of Building, Planning and Zoning may request such additional information from the appellant as necessary to provide a full understanding of the appellant's request.
- (b) Once the record has been assembled, the Director of Building, Planning and Zoning will:
 - (1) Schedule unresolved appeals for consideration at the next meeting of the Planning Advisory Board for which adequate public notice can be given; and
 - (2) Send a letter by first class mail to the appellant or the appellant's attorney notifying the appellant of either: administrative resolution of the matter; or the date, time and place of the public hearing.

Sec. 4.2. - Public notice.

- (a) For a hardship variance or appeal of an administrative decision relating to a particular property, public notice for the public hearings before the Planning Advisory Board and the City Council shall be provided in the same manner as for public notice for a rezoning or special exception under Chapter 8 *Procedures and Permits*.
- (b) For an appeal not related to a particular property, public notice for the public hearings before the Planning Advisory Board and the City Council shall be published in a newspaper of general circulation within the territorial boundaries of the city at least 15 days but not more than 45 days prior to each public hearing. The public notice shall state the time, place and purpose of the hearings and the nature of the requested action. All other provisions for a public notice for a rezoning or special exception under Chapter 8 shall apply.

Sec. 4.3. - Withdrawal.

Any appellant wishing to withdraw a hardship variance or appeal of an administrative decision prior to final action on the application shall file a written request for withdrawal with the Director of Building, Planning and Zoning in the same manner and procedures as set forth for a rezoning or special exception under Chapter 8 *Procedures and Permits*.

Sec. 4.4. - Public hearing.

The public hearings by the Planning Advisory Board and the City Council shall be conducted in accordance with procedures and provisions of Chapter 8 *Procedures and Permits* for a rezoning or special exception.

Sec. 4.5. - Decisions.

Decisions on a hardship variance or an appeal of an administrative decision shall be made in the same manner as for a rezoning or special exception under the provisions of Section 4.4 of Article 4 of Chapter 8 *Procedures and Permits* for a rezoning or special exception.

Sec. 4.6. - Conditional approval.

A hardship variance or an appeal of an administrative decision may be approved with appropriate conditions following the same provisions of Section 4.5 of Article 4 of Chapter 8 *Procedures and Permits* for a rezoning or special exception.

Sec. 4.7. - Written decision.

The appellant shall be informed in writing of the City Council's decision and the findings of fact regarding the decision, which will be sent by regular mail within 7 working days of the date of the decision. Failure to receive the written decision within 7 working days shall not constitute a procedural error on the part of the City, nor affect the decision of the City Council in any manner.

ARTICLE 5. - SIGN VARIANCES

- (a) Hardship variances from the regulations of the Chapter 5 *Sign Regulations* shall be limited to the minimum relief necessary to overcome the hardship. No variance shall be granted to allow a greater number of signs than would be allowed if the hardship did not exist. A variance from compliance with the sign regulations of Chapter 5 shall be limited to the following hardship situations:
 - (1) Where visibility of a conforming sign from the public street and within 50 feet of the proposed sign would be substantially impaired by existing trees, plants, natural features, signs, existing buildings or structures on a different lot; and
 - (2) Placement of the sign elsewhere on the lot would not remedy the visual obstruction; and such visibility obstruction was not created by the owner of the subject property; and the variance proposed would not create a safety hazard to traffic.

- (b) Variance applications shall be submitted to the Director of Building, Planning and Zoning and shall be heard under the same time frames and rules governing hardship variances under this Chapter 9, above.

ARTICLE 6. - INFRASTRUCTURE IMPROVEMENT VARIANCES

- (a) Hardship. Where the City Council finds that extraordinary hardships may result from strict compliance with the regulations of Chapter 7 of this Development Code due to unusual topographic or other conditions beyond the control of the subdivider, it may vary such regulations so that substantial justice may be done and the public interest secured; provided, however, that such variation will not have the effect of nullifying the intent or purpose of said regulations of Chapter 7 or other provisions of this Development Code, or of an adopted thoroughfare plan or elements of the Comprehensive Plan. Any variance, thus authorized, is required to be entered in writing in the minutes of the City Council, and the reason which justified the departure shall be set forth.
- (b) Application. Variance applications shall be submitted to the Director of Building, Planning and Zoning and shall be heard under the same time frames and rules governing hardship variances under this Chapter 9, above.
- (c) Submission of plans. Plans for all such developments shall be submitted to be approved by the Director of Building, Planning and Zoning in accordance with the requirements of Chapter 8, Procedures and Permits, whether or not such plat is to be recorded. No building permits shall be issued until such approval has been given.

ARTICLE 7. - FLOOD HAZARD REDUCTION VARIANCES

- (a) Application.
Variance applications shall be submitted to the Director of Building, Planning and Zoning and shall be heard under the same time frames and rules governing hardship variances under this Chapter 9, above.
- (b) City Council decision.
 - (1) The Planning Advisory Board and City Council shall hear and decide requests for variance from the requirements of the Flood Hazard Reduction Article in Chapter 6 *Natural Resource Protection*, in accordance with the procedural requirements in Article 2 of this Chapter.
 - (2) The City Council shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the Director of Building, Planning and Zoning in the enforcement or administration of the Flood Hazard Reduction Article in Chapter 6 of this UDC.
 - (3) Any person aggrieved by the decision of City Council may appeal such decision to the County Superior Court, as provided in O.C.G.A., section 5-4-1.
- (c) Circumstances where a variance may be granted.

- (1) 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 is the minimum to preserve the historic character and design of the structure.
 - (2) Variances may be issued for development necessary for the conduct of a functionally dependent use, provided the criteria of this article 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.
 - (3) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
 - (4) In reviewing such request, the City Council shall consider all technical evaluations, relevant factors, and all standards specified in this and other sections of this Article.
- (d) 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, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
 - (2) The provisions of the Flood Hazard Reduction Article in Chapter 6 Natural Resource Protection are minimum standards for flood loss reduction; therefore any deviation from the standards must be weighed carefully. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and, in the instance of an historic structure, a determination that the variances the minimum necessary so as not to destroy the historic character and design of the building.
 - (3) Any applicant 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 will be commensurate with the increased risk to life and property resulting from the reduced lowest floor elevation.
 - (4) The Director of Building, Planning and Zoning shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.
- (e) Upon consideration of the factors listed above and the purposes of the Flood Hazard Reduction Article in Chapter 6 *Natural Resource Protection*, the City Council may attach

Sec. 4.7. - Written decision.

such conditions to the granting of variances as it deems necessary to further the purposes of the Flood Hazard Reduction Article.

CHAPTER 10. INTERPRETATION AND DEFINITIONS

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ARTICLE 1. - INTERPRETATION.

Sec. 1.1. - Responsibility for interpretation.

The Building, Planning and Zoning Director shall be responsible for the interpretation of the terms and definitions of this Development Code in accordance with the authority described in Article 1 of this Code.

Sec. 1.2. - Use of figures and examples for illustration.

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

Sec. 1.3. - Use of words and phrases.

- (a) Except as specifically defined herein, all words used in this Development Code have their customary dictionary definitions.
- (b) For the purposes of this Development Code, certain words or terms used herein shall be defined as follows:
 - (1) Words used in the singular include the plural and words used in the plural include the singular.
 - (2) Words used in the present tense include the future tense.
 - (3) The word “structure” includes the word “building;” a “building” is a type of structure.
 - (4) The word “erected” includes the words “constructed,” “moved,” “located,” or “relocated.”
 - (5) The word “lot” includes the words “plot”, “parcel” or “tract.”
 - (6) The words “zoning map” or means the Official Zoning Map of the City of Fort Oglethorpe, Georgia.
 - (7) The words “road,” “street,” “highway,” and “thoroughfare” have the same meaning with regard to the requirements and restrictions of this Code.
 - (8) The word “person” includes the words “individuals,” “firms,” “partnerships,” “corporations,” “associations,” “governmental bodies,” and all other legal entities.
 - (9) The words “shall,” “will,” “is to,” and “must” are always mandatory and never discretionary.
 - (10) The words “may” and “should” are discretionary.
 - (11) The word “and” indicates that all of the conditions, requirements, or factors so connected must be met or fulfilled, while the word “or” indicates that at least one condition, requirement or factor so connected must be met.

- (12) The term “such as” is intended to introduce one or more examples in illustration of a requirement or point, and is intended to mean “including, but not limited, to the following.”
 - (13) The terms “include” or “including,” when used to introduce a list of items, is not intended to be exclusive only to the items on the list, but is intended to mean “including, but not limited to, the following.”
 - (14) The verbs “zone” and “rezone” have the same meaning and refer to the act of amending the Official Zoning Map through the process established by this Development Code.
 - (15) The nouns “zone,” “zoning district,” and “district” have the same meaning and refer to the zoning districts established under this Development Code.
 - (16) The word “day” means a calendar day unless otherwise specified as a “work” or “working” day or “business” day, which means Monday through Friday exclusive of City-recognized holidays.
 - (17) The words “used” or “occupied” include the words “intended, arranged, or designed exclusively to be used or occupied by a particular use or function.”
 - (18) References to the “City” and to the City Council and any public officials or appointed bodies of the City not otherwise named by political jurisdiction or defined in this Development Code shall always mean the City of Fort Oglethorpe, Georgia, and its governing body, appointed or employed officials, and appointed bodies as named. These include:
 - a. The Planning Advisory Board, created as such and appointed as such by the Fort Oglethorpe City Council.
 - b. The City Manager, appointed as such by the Fort Oglethorpe City Council, or the City Manager’s designee.
 - c. The City Attorney, appointed as such by the Fort Oglethorpe City Council, or the City Attorney’s designee.
 - d. The Building, Planning and Zoning Director, the City official appointed as such, or the Building, Planning and Zoning Director’s designee.
 - e. The Public Works Director, the City official appointed as such, or the Public Works Director’s designee.
 - f. The Public Utilities Director, the City official appointed as such, or the Public Utilities Director’s designee.
 - g. Other City officials, employees, or third parties (contractors) such as “City Engineer ” or “third party” shall mean the City official, employee, or contractor appointed as such by their respective department director.
- (c) References to an administrative department of the City of Fort Oglethorpe shall always mean the department created by the City Council as such. These include:

Sec. 1.4. - Meaning of Words and Phrases.

- (1) Department of Building, Planning and Zoning: References to action by the “Building, Planning and Zoning Department” shall mean action by the Building, Planning and Zoning Director or by that administrative official to whom responsibility for that action has been assigned by the Building, Planning and Zoning Director.
 - (1) Building Official: A reference to action by the “Building Official” shall mean action by that administrative official to whom responsibility for that action has been assigned by the Building, Planning and Zoning Director.
 - (2) Public Works Department: A reference to action by the “Public Works Department” shall mean action by the Public Works Director by that administrative official to whom responsibility for that action has been assigned by the Public Works Director.
 - (3) Public Utilities Department: A reference to action by the “Public Utilities Department” shall mean action by the Public Utilities Director by that administrative official to whom responsibility for that action has been assigned by the Public Utilities Director.
- (d) References to other public officials, departments, or appointed bodies, unless otherwise specified, shall always mean such persons or bodies having jurisdiction over or relative to the City of Fort Oglethorpe, Georgia. These include:
- (1) The Clerk of the Superior Court of Catoosa or Walker County, Georgia.
 - (2) The Catoosa or Walker County Environmental Health Department.
 - (3) The Georgia Soil and Water Conservation Commission (GSWCC).
 - (4) The Georgia Departments of Community Affairs (DCA), Transportation (GDOT), Human Resources (DHR), Natural Resources (DNR), and DNR’s Environmental Protection Division (EPD).
 - (5) The United States Army Corps of Engineers (USACE), the Federal Aviation Administration (FAA), the Federal Emergency Management Agency (FEMA), the Federal Communications Commission (FCC), and the Environmental Protection Agency (EPA).

Sec. 1.4. - Meaning of Words and Phrases.

- (a) All words and phrases are to be interpreted within the context of the sentence, paragraph, subsection, section, and Article in which they occur.
- (b) Words and phrases specifically relating to a category of use of land or a structure that are defined in this Development Code shall be interpreted as defined herein without regard to other meanings in common or ordinary use, unless the context of the word or phrase indicates otherwise. Words and phrases not defined in this Development Code shall be construed to have the meaning given by common and ordinary use, the meaning of which may be further clarified by use of the word or phrase in the *North American Industrial Classification System* (NAICS) published by the U.S. Department of Commerce, latest edition. See also the Interpretation of Uses Section in Chapter 2 of this Development Code.

- (c) Other words and phrases specifically defined in this Development Code shall be interpreted as defined herein without regard to other meanings in common or ordinary use, unless the context of the word or phrase indicates otherwise. Words and phrases not defined in this Development Code shall be construed to have the meaning given by common and ordinary use, the meaning of which may be further clarified by definition of the word or phrase in a dictionary of the English language in current circulation
- (d) Definitions are clearly identified as such in a Glossary of Definitions in this Chapter. Some definitions are also located throughout this Development Code in the Chapters, Articles or Sections to which they most readily refer. All definitions, regardless of location within a particular Chapter of this Code, apply equally to the use of such terms throughout the Code. If differences in wording occur between definitions of a term in a particular Chapter and in the Glossary in this Chapter, the definition contained within a particular Chapter of this Code shall control.

ARTICLE 2. - GLOSSARY.

Sec. 2.1. - A

Accessory building. A building the use of which is incidental to that of the main building and located on the same lot or parcel of land.

Accessory use. A use incidental and subordinate to the principal use or building and located on the same lot or parcel of land with such principal use or building.

Acreage. Acres collectively in a tract of land.

Agriculture. The raising of products including, but not limited to, soil crops, livestock, fish, fowl, and commercial timber, regardless of the quantity or value of production, in a customary manner on tracts of land.

Alley. A platted roadway which affords only secondary means of access to abutting property and not intended for general traffic circulation.

Alteration, structural. See "Structural alteration."

Apartment. See "Dwelling, multifamily."

Assisted living community. A "personal care home" serving 25 residents or more that is licensed by the Department of Community Health to provide assisted living care. "Assisted living care" means the specialized care and services provided by an assisted living community which includes the provision of personal services, the administration of medications by a certified medication aide and the provision of assisted self-preservation.

Aquifer. Any stratum or zone of rock beneath the surface of the earth capable of containing or producing water from a well.

Auction houses. Commercial establishments which cater to a wide segment of the population where tangible items excluding cars, boats, trailers, motor homes, trucks,

motorcycles, other motorized, self-propelled machines and real estate, are sold on a scheduled, open competitive bid basis to more than two people, provided that all sales, display, and storage be conducted within a completely enclosed building.

Sec. 2.2. - B

Bed and breakfast inn. A residence in which the frequency and volume of visitors are incidental to the primary use as a private residence and where guestrooms are made available for visitors for fewer than 30 days.

Block. A trace or parcel of land entirely surrounded by public highways or streets, other than alleys.

Boardinghouse, roominghouse. A dwelling having one kitchen and use for the purpose of providing meals or lodging, or both, for compensation to persons other than members of the family occupying each dwelling.

Brewpub. Any eating establishment in which beer or malt beverages are manufactured or brewed, subject to the barrel production limitation prescribed in Georgia Code Section 3-5-36 for retail consumption on the premises and solely in draft form. An "eating establishment" means an establishment which is licensed to sell distilled spirits, beer, malt beverages or wines and which derives at least 50% of its total annual gross food and beverages sales from the sale of prepared meal or food, provided, however, that barrels of beer sold to licensed wholesale dealers for distribution to retailers and retail consumption dealers, as authorized pursuant to subparagraph (c) of paragraph (2) of Georgia Code Section 3-5-36, shall not be used when determining the total annual gross food and beverage sales.

Brewery. An establishment where malt beverages are made, produced or bottled. "Malt beverage" means any alcoholic beverage obtained by the fermentation of any infusion or decoction of barley, malt, hops, or any other similar product, or any combination of such products in water, containing not more than 14% alcohol by volume and including ale, porter, brown, stout, lager beer, small beer, and strong beer. The term does not include sake, known as Japanese rice wine.

Buffer. That portion of a lot or parcel of land set aside for open space and/or visual screening purposes, pursuant to applicable provisions of this Development Code, to provide a visual and dimensional separation between different zoning districts or dissimilar land uses. Such buffer area may be either a natural buffer or landscaped buffer.

Building. Any permanent structure attached to the ground designed or built for the support, shelter or protection of persons, animals, chattels or property of any kind.

Building, alterations of. Alterations of buildings include any change in the supporting members of a buildings (such as bearing walls, beams, columns, and girders); any addition to a building; or any change of a building from one location to another.

Building, height of. The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs; to the deckline of mansard roofs, and the mean height between the eaves and the ridge for gable, hip or gambrel roofs.

Building line. A line parallel to the property line beyond which the foundation wall or any enclosed or covered porch, vestibule, or other enclosed or covered portion of a building shall not project; the line established by law beyond which a building shall not extend as determined by front, side, and rear yards herein.

Sec. 2.3. - C

Caliper. A measurement of the tree trunk diameter measured six inches above grade level.

Class I shade tree. Any plant having a central trunk, an expected maturity height of at least 35 feet, and an expected minimum mature canopy spread of at least 15 feet.

Class II shade tree. any plant having a central trunk and a maximum expected maturity height of 25 feet.

Carport. A roofed area open on one, two, or three sides and attached to the main building, for the storage of one or more motor vehicles.

Certified arborist. A professional in the tree care industry who has passed an exam administered by the International Society of Arboriculture certifying such person as an arborist.

Change of occupancy. A discontinuance of an existing use and the substitution of a use of a different kind or class. Change of occupancy is not intended to include a change of tenants or proprietors unless accompanied by a change in the type of use.

Clinic. An establishment where patients, who are not lodged overnight, except for observation or emergency treatment, are admitted for examination and treatment by one person or group of persons practicing any form of healing or health building services to individuals, which is lawful in the state.

Club. A building or facilities owned or operated by a corporation, association, person or persons, for a social, educational or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.

Comprehensive Plan. The plan adopted by the City of Fort Oglethorpe to comply with the Georgia Planning Act of 1989 [O.C.G.A. § 36-70-1 et seq.]; as amended.

Corner lot. See "Lot, corner."

Sec. 2.4. - D

Day care center (commercial). Any place operated by a person, society, agency, corporation, institution, or any other group wherein are received for pay seven or more children under 18 years of age for group care, without transfer of custody, for more than four hours and less than 24 hours per day.

Day care home (residential). Any place operated by any person who receives for pay three to six children under 17 years of age for group care, without transfer of custody, for more than four hours and less than 24 hours per day.

Density. The number of dwelling units developed on an acre of land. As used in this Development Code, all densities are stated in dwelling units per gross acre.

Development standards. Site design regulations such as lot area, lot coverage, height limits, frontage, and yard requirements (setback distances).

Depth of lot. See “Lot, depth of.”

Distillery. An establishment where distilled spirits are distilled, rectified or blended. “Distilled spirit” is any alcoholic beverage obtained by distillation or containing more than 21% alcohol by volume.

Double frontage lot. See “Lot, double frontage.”

Duplex. See “Dwelling, two-family.”

Dwelling. A building or portion thereof, designed or used exclusively for residential occupancy, but not including hotels, boardinghouses or motels.

Dwelling, multifamily. A residential building designed for occupancy by three or more families living independently of each other. Includes the term “dwelling, multiple.”

a. Apartment. A multifamily dwelling in which a dwelling unit may be located above another. Includes the terms “apartment complex” and “apartment house.”

b. Loft apartment. A dwelling unit located above commercial space and generally undivided except for a mezzanine area.

c. Townhouse. A multifamily dwelling in which the dwelling units may adjoin one another only at the vertical walls and no dwelling unit may be located above another. Include the term “townhome.”

Dwelling, single-family. A building designed for and occupied exclusively by one family. See also “modular home”, “manufactured home”, and “mobile home.”

Dwelling, two-family; duplex. A building designed for and occupied exclusively by two families living independently of each other in separate dwelling units within the same building.

Sec. 2.5. - E

Easement. A grant of rights by the property owner for use of a trip of land for specified purposes.

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. The following definitions are provided for the purpose of interpreting regulations pertaining to soil erosion, sedimentation and pollution control in Chapter 6 of this Code:

a. Best Management Practices (BMPs). 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.

b. Board. The Board of Natural Resources.

c. Buffer. 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.

d. Certified Personnel. A person who has successfully completed the appropriate certification course approved by the Georgia Soil and Water Conservation Commission.

e. Commission. The Georgia Soil and Water Conservation Commission (GSWCC).

f. CPESC. Certified Professional in Erosion and Sediment Control with current certification by EnviroCert, Inc., which is also referred to as CPESC or CPESC, Inc.

g. 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. Also known as excavation.

h. Department. The Georgia Department of Natural Resources (DNR).

i. 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.

j. Director. The Director of the Environmental Protection Division or an authorized representative.

k. District. The Catoosa County Conservation District.

l. Division. The Environmental Protection Division (EPD) of the Department of Natural Resources.

m. Drainage Structure. A device composed of a virtually nonerodible 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.

n. Erosion. The process by which land surface is worn away by the action of wind, water, ice or gravity.

o. 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 in Chapter 6 of this Code.

p. 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.

q. Final Stabilization. All soil disturbing activities at the site have been completed, and that for 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.

r. Finished Grade. The final elevation and contour of the ground after cutting or filling and conforming to the proposed design.

s. Grading. Altering the shape of ground surfaces to a predetermined condition; this includes stripping, cutting, filling, stockpiling and shaping or any combination thereof and shall include the land in its cut or filled condition.

t. Ground Elevation. The original elevation of the ground surface prior to cutting or filling.

u. 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 as described in Section III, Paragraph 5.

v. 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.

w. Local Issuing Authority. The governing authority of any county or municipality which is certified pursuant to subsection (a) O.C.G.A. 12-7-8.

x. 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.

y. Natural Ground Surface. The ground surface in its original state before any grading, excavation or filling.

z. 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.

aa. NOI. A Notice of Intent form provided by EPD for coverage under the State General Permit.

bb. NOT. A Notice of Termination form provided by EPD to terminate coverage under the State General Permit.

cc. Operator. The party or parties that have: (A) operational control of construction project plans and specifications, including the ability to make modifications to those plans and specifications; or (B) 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.

dd. 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.

ee. Permit. The authorization necessary to conduct a land-disturbing activity under the provisions of this Development Code.

ff. 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.

gg. 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.

hh. Project: The entire proposed development project regardless of the size of the area of land to be disturbed.

ii. Properly Designed. Designed 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.

jj. Roadway Drainage Structure. A device such as a bridge, culvert, or ditch, composed of a virtually nonerrodible 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.

kk. 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.

ll. Sedimentation. The process by which eroded material is transported and deposited by the action of water, wind, ice or gravity.

mm. Soil and Water Conservation District Approved Plan. An erosion, sedimentation and pollution control plan approved in writing by the Soil and Water Conservation District.

nn. Soil and Water Conservation District. See "District."

oo. 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.

pp. 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.

qq. State Water. Any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of Georgia which are not entirely confined and retained completely upon the property of a single individual, partnership, or corporation.

rr. 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.

ss. 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 at www.epd.georgia.gov. 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.

tt. Vegetative Erosion and Sedimentation Control Measures. Measures for the stabilization of erodible or sediment-producing areas by covering the soil with: (1) permanent seeding, sprigging or planting, producing long-term vegetative cover, or (2) temporary seeding, producing short-term vegetative cover; or (3) 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.

uu. 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.

vv. 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.

Sec. 2.6. - F

Façade. The exterior vertical surfaces of a building that comprise the front, side or rear wall.

Family. Any number of individuals living together as a single housekeeping unit and doing their cooking on the premises, as distinguished from a group of occupying a boardinghouse, lodginghouse or hotel.

Final plat. A plat of a tract of land which meets the requirements of this chapter and is in the form for recording in the office of the clerk of the county superior court.

Flood or flooding. A general temporary condition of partial or complete inundation of normally dry land areas from: (1) the overflow of inland or tidal waters; or (2) the unusual and rapid accumulation runoff of surface waters from any source.

The following definitions are provided for the purpose of interpreting regulations pertaining to flood hazard reduction in Chapter 6 of this Code:

- a. Accessory structure. A structure having minimal value and used for parking, storage and other non-habitable uses, such as garages, carports, storage shed, pole barns, hay sheds and the like.
- b. Addition (to an existing building). Any walled and roofed expansion to the perimeter of a building which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition, which is connected by a firewall or is separated by an independent perimeter load-bearing wall, shall be considered "new construction."
- c. Appeal. A request for a review of the Director of Building, Planning and Zoning's interpretation of any provision of flood hazard reduction regulations in Chapter 6.
- d. Area of shallow flooding. A designated AO or AH zone on a community's flood insurance rate map (FIRM) with base flood depths from one to three feet, and/or where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.
- e. Area of special flood hazard. The land in the floodplain within a community subject to a 1% or greater chance of flooding in any given year. In the absence of official designation by the Federal Emergency Management Agency, areas of special flood hazard shall be those designated by the local community and referenced in the Basis for Area of Special Flood Hazard Section in Chapter 6 in this Code.

f. Base flood. The flood having a one percent chance of being equaled or exceeded in any given year.

g. Basement. That portion of a building having its floor subgrade (below ground level) on all sides.

h. Building. Any structure built for support, shelter, or enclosure for any occupancy or storage.

i. Critical facility. Any public or private facility, which, if flooded, would create an added dimension to the disaster or would increase the hazard to life and health. Critical facilities include: (1) structures or facilities that produce, use, or store highly volatile, flammable, explosive, toxic, or water-reactive materials; (2) hospitals and nursing homes, and housing for the elderly, which are likely to contain occupants who may not be sufficiently mobile to avoid the loss of life or injury during flood and storm events; (3) emergency operation centers or data storage centers which contain records or services that may become lost or inoperative during flood and storm events; and (4) generating plants, and other principal points of utility lines.

j. Development. Any 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, and permanent storage of materials or equipment.

k. 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.

l. Existing construction. Any structure for which the "start of construction" commenced before April 27, 1988 (i.e. the effective date of the first floodplain management code or ordinance adopted by the community as a basis for that community's participation in the National Flood Insurance Program [NFIP]).

m. 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 April 27, 1988 (i.e. the effective date of the first floodplain management regulations adopted by a community).

n. 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.

o. Flood hazard boundary map (FHBM). An official map of a community, issued by the federal insurance administration, where the boundaries of areas of special flood hazard have been defined as zone A.

p. Flood insurance rate map (FIRM). An official map of a community, issued by the federal insurance administration, delineating the areas of special flood hazard and/or risk premium zones applicable to the community.

q. Flood insurance study. The official report by the federal insurance administration evaluating flood hazards and containing flood profiles and water surface elevations of the base flood.

r. Floodplain. Any land area susceptible to flooding.

s. Floodproofing. 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.

t. Floodway. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

u. Freeboard. A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

v. Highest adjacent grade. The highest natural elevation of the ground surface, prior to construction, adjacent to the proposed foundation of a building.

w. 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: a. by an approved state program as determined by the secretary of the interior, or b. directly by the secretary of the interior in states without approved programs.

x. Lowest floor. The lowest floor of the lowest enclosed area, including basement. An unfinished or flood resistant enclosure, used solely for parking vehicles, building access, or storage, in an area other than a basement, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of other provisions of this Development Code.

y. **Manufactured 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. The term also includes park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

z. **Mean sea level.** The average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this chapter, the term is synonymous with National Geodetic Vertical Datum (NGVD).

aa. **National Geodetic Vertical Datum (NGVD) as corrected in 1929.** A vertical control used as a reference for establishing varying elevations within the floodplain.

bb. **New construction.** Any structure for which the "start of construction" commenced on or after April 27, 1988 and includes any subsequent improvements to the structure (i.e., the effective date of the City's first floodplain management ordinance adopted as a basis for community participation in the (NFIP)).

cc. **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 pads) is completed on or after April 27, 1988 (i.e., the effective date of the City's first adopted floodplain management regulations).

dd. **North American Vertical Datum (NAVD) as corrected in 1988.** A vertical control used as a reference for establishing varying elevations within the floodplain.

ee. **Recreational vehicle.** A vehicle, which is: (1) built on a single chassis; (2) 400 square feet or less when measured at the largest horizontal projection; (3) designed to be self-propelled or permanently tow able by a light duty truck; and (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

ff. **Start of construction.** The date the development 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 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 dwellings units or part of the main structure (note: accessory structures are not exempt from any chapter 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.

gg. Structure. A walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank.

hh. Substantial damage. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

ii. Substantial improvement. Any reconstruction, rehabilitation, addition or other improvement of a structure, taking place during a five-year period, in which the cumulative cost equals or exceeds 50% of the market value of the structure prior to the "start of construction" of the improvement. (The market value of the structure should be: (1) the appraised value of the structure prior to the start of the initial repair or improvement; or (2) in the case of damage, the value of the structure prior to the damage occurring.) The 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: (1) those improvements of a structure required to comply with existing violations of state or local health, sanitary or safety code specification which are solely necessary to assure safe living conditions and which have been identified by the code enforcement official, and not solely triggered by an improvement or repair project; or (2) any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure."

jj. Substantially improved existing manufactured home parks or subdivisions. Where the repair, reconstruction, rehabilitation or improvement of the street, utilities and pads equals or exceed 50% of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

kk. Variance. A grant of relief from the requirements of the Flood Hazard Reduction Article in Chapter 6 of this Code which permits construction in a manner otherwise prohibited by the Article.

ll. 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, or other certifications, or other evidence of compliance required by this chapter is presumed to be in violation until such time as that documentation is provided.

Floor area. Except as may be otherwise indicated in relation to particular districts and uses, the term "floor area" shall be construed as the sum of the gross horizontal areas of the several floors, including basement areas, of a building. These areas are to be measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings, and exclude public corridors, common restrooms, attic areas with a headroom of less than

seven feet, unenclosed stairs or fire escapes, elevator structures, cooling towers, areas devoted to air conditioning, ventilating, heating, or other building machinery and equipment, parking structures, and basement space where the ceiling is not more than an average of 48 inches above the general finished and graded level of the adjacent portion of the lot.

Front yard. See "Yard, front."

Frontage. The distance for which property abuts one side of a street, road or highway, or other public way measured along the dividing line between the property and such road, or highway, or other public way.

Sec. 2.7. - G

Gross floor area (GFA). Total interior space as defined by the International Building Code.

Garage, mechanical. Any building or land where automotive vehicles are repaired, rebuilt, reconstructed or painted; where tires are recapped and welding work is performed.

Governing body. The mayor and council of the City of Fort Oglethorpe.

Grade.

a) For buildings adjoining one street only, the elevation of the sidewalk at the center of the wall adjoining the street;

b) for buildings adjoining more than one street, the average of the elevations of the sidewalk at the centers of all walls adjoining streets; and

c) for buildings having no wall adjoining a street, the average level of the finished surface of the ground adjacent to the exterior walls of the building.

Groundwater recharge area. Any portion of the earth's surface, where water infiltrates into the ground to replenish an aquifer. The following definitions are provided for the purpose of interpreting regulations pertaining to groundwater recharge area protection in Chapter 6 of this Code:

a. Aquifer. Any stratum or zone of rock beneath the surface of the earth capable of containing or producing water from a well.

b. Drastic. The standardized system for evaluating groundwater pollution potential using the hydrogeologic settings described in U. S. Environmental Protection Agency Document EPA-600-2-87;035. (Note: the DRASTIC methodology is the most widely used technique for evaluating pollution susceptibility).

c. Pollution susceptibility means the relative vulnerability of an aquifer of being polluted from spills, discharges, leaks, impoundments, applications of chemicals, injections and other human activities in the recharge areas.

d. Pollution susceptibility map means the relative vulnerability to pollution prepared by the Department of Natural Resources, using the DRASTIC methodology. (Georgia Department of Natural Resources Hydrologic Atlas 20: Groundwater Pollution Susceptibility Map of Georgia).

e. Recharge area. See “Groundwater recharge area.”

f. Significant recharge areas. Those areas mapped by the Georgia Department of Natural Resources in Hydrologic Atlas 18 (1989 edition).

Group development. A development comprising two or more structures, built on a single lot, tract or parcel of land, and designed for occupancy by separate families, firms or other enterprises.

Group personal care homes. See “Personal care home, group.”

Sec. 2.8. - H

Half story. See “Story, half.”

Half street. A street which does not meet the minimum right-of-way widths set forth in this Development Code.

Height of building. See “Building, height of.”

Home occupation. Any activity carried out for profit by the resident and conducted as an accessory use in the resident’s dwelling unit.

Hotel. A building or buildings kept, used, maintained and advertised as temporary lodging where sleeping accommodations are supplied for pay to transient guests staying no more than 30 days, with entrance to all rooms through a central interior lobby and with or without eating facilities. See also “hotel, extended stay.”

Hotel, extended stay. A building or buildings kept, used, maintained and advertised as temporary residence where sleeping and living accommodations are supplied for pay to guests for extended stays or stays longer than 30 days, with entrance to all rooms through a central interior lobby.

Sec. 2.9. - I

Impervious surface. A manmade structure or surface which prevents the infiltration of stormwater into the ground below the structure or surface. Includes concrete, asphalt, brick, metal, or any other material constructed or erected on landscaped or natural buffer areas that impede the percolation of water into the ground. Examples are buildings, roads, driveways, parking lots, decks, swimming pools, or patios.

Industrialized building. A building manufactured in accordance with the Georgia Industrialized Building Act (O.C.G.A. Title 8, Chapter 2, Article 2, Part 1) and the Rules of the Commissioner of the Georgia Department of Community Affairs issued pursuant thereto. State approved buildings meet the State Building and Construction Codes and bear an insignia of Approval issued by the Commissioner.

Interior lot. See “Lot, interior.”

Sec. 2.10. - K

Kennel. Any lot or premises on which three or more dogs, four months or more old are kept either permanently or temporarily, for purpose of sale, care, breeding or training for which any fee is charged.

Sec. 2.11. - L

Landscape area/landscaped yard. An area to be planted with trees, grass, shrubs, or other natural living ground cover material that does not include impervious surfaces.

Lot. A unit of land as defined in a single deed recorded in the Superior Court Deed Records. The description as specified in each recorded deed shall constitute a lot for the purpose of this Development Code. Provided further, that two or more adjoining lots in common ownership and which are physically unified by the existence of a common structure or development located thereon shall constitute and be considered as one lot for the purpose of this Development Code.

Lot, corner. A lot abutting two or more streets at their intersection.

Lot, depth of. The distance measured in the mean direction of the side lines of the lot from the midpoint of the front lot line to the midpoint of the opposite main rear line of the lot.

Lot, double frontage. A lot having a frontage on two nonintersecting streets, as distinguished from a corner lot.

Lot, interior. A lot other than a corner lot.

Lot, lines. The lines bounding a lot.

Lot of record. A lot which is a part of a subdivision, the map of which has been recorded in the office of the clerk of the circuit court of this county.

Lot, width of. The mean horizontal distance between the side lines of a lot measured at right angles to the depth.

Lot, through means a lot other than a corner lot having frontage on more than one street.

Sec. 2.12. - M

Manufactured home. A detached single-family dwelling unit, transportable in one or more sections, which, in the traveling mode, is 8 body feet or more in width or 40 body feet or more in length or, when erected on site, is 320 or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; except that such term shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, et seq..

M

Manufactured home park. A licensed business operation which leases spaces for permanent or for temporary occupancy for periods exceeding 30 days for manufactured homes.

Manufactured home space. A plot of ground within a manufactured home park designated for the accommodation of not more than one manufactured home of single-family occupancy.

Manufactured homeowner. The person who has legal title to the manufactured home.

Manufactured home subdivision. A manufactured home subdivision is defined as at least a 4-acre site which has been primarily designed for the subdivision of individual lots for manufactured home development.

Mechanical garage. See "Garage, mechanical."

Mini-warehouse. A building(s) that contains varying sizes of individual, compartmentalized, climate-controlled, and control-access stalls or lockers for storing the excess personal property of an individual or family. No business activities other than the rental or storage units shall be conducted on the premises. Includes the term "self-storage unit."

Mobile home. A structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length or, when erected on site, is 320 or more square feet and which is built on a permanent chassis and designed to be used as a single-family dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air-conditioning, and electrical systems contained therein and manufactured prior to June 15, 1976.

Modular home. As opposed to a "site-built" home, a modular home is an industrialized building that is a dwelling unit designed and constructed in compliance with the Georgia State Minimum Standard One and Two Family Dwelling Code which is wholly or in substantial part, made, fabricated, formed, or assembled in a manufacturing facility and cannot be inspected at the installation site without disassembly, damage to, or destruction thereof. Any such structure shall not contain a permanent metal chassis and shall be affixed to permanent load-bearing foundation. The term shall not include "manufactured homes" or "mobile homes." See also "Industrialized building."

Monument. Any permanent object serving to indicate a limit to or mark a boundary.

Motel. A building or buildings kept, used, maintained, and advertised as temporary lodging where sleeping accommodations are supplied for pay to guests staying no more than 30 days, with each room accessed from the exterior of the building rather than through a central lobby, and with or without eating facilities.

Multi lane divided highway. A highway consisting of four or more lanes with two or more lanes each in opposing directions separated by a grassed or barrier median.

Multiple dwelling. See "Dwelling, multifamily."

Sec. 2.13. - N

Natural buffer. An area of land set aside for preservation in its natural vegetative state, including existing plants with the exception that poisonous or non-native plant species may be removed. Natural buffers do not include impervious surfaces nor are they suitable for fill/cutting activities or storage of materials.

New development. As used in Chapter 4 pertaining to landscape regulations, new development is construction of a new building or structure on its own lot is considered, whereas buildings or structures constructed on a lot which already contains existing buildings is considered as an expansion.

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

Nonconforming structure. A structure or building whose size, dimensions, location on a property or other features were lawful prior to the adoption or amendment of this Development Code, but which, by reason of such adoption or amendment, no longer meets or conforms to one or more such requirements of this Development Code.

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

Nursing home. A facility that is licensed by the Georgia Department of Community Health which admits three or more patients on medical referral only and for whom arrangements have been made for continuous medical supervision; it maintains the services and facilities for skilled nursing care, rehabilitative nursing care, and has a satisfactory agreement with a physician and dentist who will be available for any medical and/or dental emergency and who will be responsible for the general medical and dental supervision of the home..

Sec. 2.14. - O

Occupant. The person who legally occupies the home under a right less than a freehold estate expressly granted by the owner of the home and/or the land upon which the home is located or to be located.

Open space. Any land either publicly or privately owned which is designated as being permanently undeveloped and used for recreation, conservation, or preservation.

Owner/occupant. The person who legally occupies a home and who has legal title to such home as well as legal title to real estate upon which such home is located or to be located.

Owner's engineer. The engineer or land surveyor registered and in good standing with the state board of registration who is the agent in his professional capacity of the owner of land which is proposed to be subdivided or which is in the process of being subdivided.

Sec. 2.15. - P

Personal care home. A dwelling, whether operated for profit or not, which is licensed by the Georgia Department of Community Health and which undertakes through its ownership or management to provide or arrange for the provision of housing, food service, and one or more personal services for two or more adults who are not related to the owner or administrator by blood or marriage. "Personal Services" includes, but is not limited to, individual assistance with or supervision of self-administered medication, assistance with ambulation and transfer, and essential activities of daily living such as eating, bathing, grooming, dressing, and toileting.

Personal care home, family. A "personal care home" which provides care for two to six adults.

Personal care home, group. A "personal care home" which provides care for seven to 24 adults.

Planned center. A single office, medical, commercial or industrial property that is in common or condominium ownership and is designed or intended for occupancy by two or more principal businesses that are separately owned. A planned center may consist of a single building, such as a shopping center, or multiple buildings, such as an office condominium center.

Plat. A map, plan, or layout of a county, city, town, or section of subdivision indicating the location and boundaries of properties.

Plat, preliminary. A tentative plan of the complete proposed subdivision submitted to the City in accordance with the requirements of this Development Code.

Property owner. The person who has legal title to real estate located in the city.

Principal building. The building in which is conducted the principal use of the parcel on which it is located. Parcels with multiple principal uses may have multiple principal buildings, but storage buildings, garages, and other clearly accessory uses shall not be considered principal buildings.

Publicly owned property. All real property within the city limits owned by any federal, state, county, municipal, or other publicly created entity.

Sec. 2.16. - R

Rear yard. See "Yard, rear."

Roominghouse. See "Boardinghouse."

Right-of-way. Access over or across particularly described property for a specific purpose or purposes.

Right-of-way line. The dividing line between a lot, tract or parcel of land and a contiguous street, railroad, or other public utility right-of-way.

Roominghouse. A building other than a hotel where lodging without meals for three, but not more than 20, persons is provided.

RV park. Any lot on which are temporarily parked two or more travel trailers for a period of less than 30 days.

Sec. 2.17. - S

Screening shrubs. Evergreen shrubs that maintain their foliage year-round.

Screening tree. Evergreen trees that maintain their foliage year-round.

Street yard. A designated landscaped area where private property abuts the public street right-of-way for the planting of grass, trees, and shrubs.

Setback. The distance from the property line to the nearest plane of the applicable building, structure, or sign, measured perpendicularly to the property line. The distance between the principal structure on a lot and a lot line is referred to as the front, side or rear setback.

Shopping center. A “planned center” that includes a combination of retail uses, commercial services, and/or office uses.

Sign. Any structure, device, object, design or display that is used or intended to be used to attract the attention of or to convey information to the public, and that is placed in such a way, whether out of doors or inside or near a window, as to be in the view of the general public from the exterior of any building on the property. See also Chapter 5 for additional definitions pertaining to signs.

Single-family dwelling. See “Dwelling, single-family.”

Single tier lot. A lot which backs upon an arterial street, a railroad, a physical barrier, or a residential or nonresidential use, and to which access from the rear of the lot is usually prohibited.

Site-built home. A single-family dwelling that is built on the construction site, that has a permanent foundation, and that is not designed or intended to be moved or relocated. Site-built homes are built in accordance with the current International Residential Code (IRC) for One and Two Family Dwellings. Includes the term “stick-built.” See also “modular home.”

Skirting/underpinning. Installation of acceptable material from the exterior base of the manufactured home to the ground which may or may not provide support to the home.

Streets are classified as follows:

a. Collector or secondary means a street which carries traffic from minor streets to the system of major streets.

b. Cul-de-sac means a short street designed to have one end permanently closed; the closed end shall be terminated by a vehicular turnaround; and the maximum length shall be 600 feet.

c. Marginal access means a street which is parallel with and adjacent to an arterial street and which provides access to abutting properties and protection from through traffic.

d. Minor or local means a street used primarily to provide access from abutting properties to collector streets.

e. The terms “minor arterial” and “principal arterial” refers to the Georgia Department of Transportation classifications.

Subdivider. The person, firm or corporation engaged in the process of creating a subdivision or having completed a subdivision of such land.

Subdivision means 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 sale, legacy, or building development, and includes all division of land involving a new street or a change in existing streets, and includes resubdivision and, where appropriate to the context, relates to the process of subdividing or to the land or area subdivided.

Soil erosion. See definitions under “Erosion, Sedimentation and Pollution Control Plan.”

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. The following definitions are provided for the purpose of interpreting regulations pertaining to stormwater management in Chapter 6 of this Code:

a. Applicant. A person submitting a post-development stormwater management application and plan for approval.

b. Best management practice (BMP). Structural device, measure, facility or activity that helps to achieve stormwater management control objectives at a designated site.

c. Channel. A natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

d. Conservation easement. An agreement between a landowner and the city or other government 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 but continues to leave the remainder of the fee interest in private ownership.

e. Detention. The temporary storage of stormwater runoff in a stormwater management facility for the purpose of controlling the peak discharge.

f. Detention facility. A detention basin or structure designed for the detention of stormwater runoff and gradual release of stored water at controlled rates.

g. Developer. A person who undertakes land development activities.

h. Development. A land development or land development project.

i. 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.

j. Erosion and sedimentation control plan. A plan that is designed to minimize the accelerated erosion and sediment runoff at a site during land disturbance activities.

k. Extended detention. The detention of stormwater runoff for an extended period, typically 24 hours or greater.

l. Extreme flood protection. Measures taken to prevent adverse impacts from large low-frequency storm events with a return frequency of 100 years or more.

m. Flooding. A volume of surface water that is too great to be confined within the banks or walls of a conveyance or stream channel and that overflows onto adjacent lands.

n. Greenspace or open space. Permanently protected areas of the site that are preserved in a natural state.

o. Hotspot. An area where the use of the land has the potential to generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in stormwater.

p. 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.

q. Impervious cover. A surface composed of any material that significantly impedes or prevents the natural infiltration of water into soil. Impervious surfaces include, but are not limited to, rooftops, buildings, streets and roads, and any concrete or asphalt surface.

r. Industrial stormwater permit. National Pollutant Discharge Elimination System (NPDES) permit issued to an industry or group of industries which regulates the pollutant levels associated with industrial stormwater discharges or specifies on-site pollution control strategies.

s. Infiltration. The process of percolating stormwater runoff into the subsoil.

t. 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.

u. Land development. Any land change, 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.

v. Land development activities. Those actions or activities which comprise, facilitate, or result in land development.

w. Land development project. A discrete land development undertaking.

x. Inspection and maintenance agreement. A written agreement providing for the long-term inspection and maintenance of stormwater management facilities and practices on a site or with respect to a land development project, which when properly recorded in the deed records constitutes a restriction on the title to a site or other land involved in a land development project.

y. New development. A land development activity on a previously undeveloped site.

z. Nonpoint source pollution. A form of water pollution that does not originate from a discrete point such as a sewage treatment plant 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 and 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.

aa. Nonstructural stormwater management practice or nonstructural practice. Any natural or planted vegetation or other nonstructural component of the stormwater management plan that provides for or enhances stormwater quantity and/or quality control or other stormwater management benefits, and includes, but is not limited to, riparian buffers, open and greenspace areas, overland flow filtration areas, natural depressions, and vegetated channels.

bb. Off-site facility. A stormwater management facility located outside the boundaries of the site.

cc. On-site facility. A stormwater management facility located within the boundaries of the site.

dd. 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), and that are intended to protect downstream properties from flooding for the two-year through 25-year frequency storm events.

ee. Owner. 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 person, firm or corporation in control of the site.

ff. Permit. The permit issued by the City of Fort Oglethorpe to the applicant which is required for undertaking any land development activity.

gg. Person. Except to the extent exempted from the Stormwater Management Article in Chapter 6 of this Code, any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, city, county or other political subdivision of the State, any interstate body or any other legal entity.

hh. Plan. A document approved at the site design phase that outlines the measures and practices used to control stormwater runoff at a site, both quality and quantity.

ii. Post-development. The time period, or the conditions that may reasonably be expected or anticipated to exist, after completion of the land development activity on a site as the context may require.

jj. Pre-development. Refers to the time period, or the conditions that exist, on a site prior to the commencement of a land development project and at the time that plans for the land development of a site are approved by the plan approving authority. Where phased development or plan approval occurs (preliminary grading, roads and utilities, etc.), the existing conditions at the time prior to the first item being approved or permitted shall establish pre-development conditions.

kk. Project. A land development project.

ll. Redevelopment. A land development project on a previously developed site, but excludes ordinary maintenance activities, remodeling of existing buildings, resurfacing of paved areas, and exterior changes or improvements which do not materially increase or concentrate stormwater runoff, or cause additional nonpoint source pollution.

mm. Regional stormwater management facility or regional facility. Stormwater management facilities designed to control stormwater runoff from multiple properties, where the owners or developers of the individual properties may assist in the financing of the facility, and the requirement for on-site controls is either eliminated or reduced.

nn. Runoff. Stormwater runoff.

oo. Site. The parcel of land being developed, or the portion thereof on which the land development project is located.

pp. 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.

qq. Stormwater management facility. Any infrastructure that controls or conveys stormwater runoff.

rr. Stormwater management measure. Any stormwater management facility or nonstructural stormwater practice.

ss. Stormwater management plan. A document describing how existing runoff characteristics will be affected by a land development project and containing measures for complying with the provisions of this article.

tt. Stormwater management system. The entire set of structural and nonstructural stormwater management facilities and practices that are used to capture, convey and control the quantity and quality of the stormwater runoff from a site.

uu. 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.

vv. Stormwater runoff. The flow of surface water resulting from precipitation.

ww. 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.

xx. 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.

Story. That portion of a building included between the surface of any floor and the surface of the floor next above it; or if there be no floor above it, then the space between the floor and the ceiling next above it.

Story, half. A story under a gabled, hopped or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than three feet above the finished floor of such story.

Street. A public thoroughfare which affords principal means of access to abutting property.

Structural alteration. Any change in the supporting members of a building, such as bearing walls, bearing partitions, columns, beams or girders; or any complete rebuilding of the roof or the exterior walls.

Structure. Anything constructed or erected, the use of which requires a location on the ground or attached to something having a location on the ground including, but without limiting, the generality of the foregoing: Signs, billboards, backstops for tennis courts, fences and pergolas.

Subdivision. A division of land into two or more lots, plats or sites.

Sec. 2.18. - T

Temporary event. An activity having a specific duration or the end of which is related to a specific action, usually lasting for only a few days or months at a time, as prescribed by this Development Code.

Territorial boundary. The area lying within the corporate limits of the City of Fort Oglethorpe.

Thoroughfare/transportation plan. The City thoroughfare/transportation plan, prepared as an element of the comprehensive plan, or as a stand-alone document.

Townhouse. See "Dwelling, multifamily."

Travel trailer. A mobile unit designed for camping, recreational travel or vacation use which is equipped with a chassis and provides partial housekeeping facilities. Includes the term "RV."

Two-family dwelling. See "Dwelling, two-family."

Sec. 2.19. - W

Wetlands. Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. The ecological parameters for designating wetlands include hydric soils, hydrophytic vegetation, and hydrological conditions that involve a temporary or permanent source of water to cause soil saturation. The following definitions are provided for the purpose of interpreting regulations pertaining to wetlands protection in Chapter 6 of this Code:

a. Generalized wetlands map. The current U.S. Fish and Wildlife Service National Wetlands inventory maps for the city.

b. Jurisdictional wetland. An area that meets the definitional requirements for wetlands as determined by the U.S. Army Corps of Engineers.

c. Jurisdictional wetland determination. A delineation of jurisdictional wetland boundaries by the U.S. Army Corps of Engineers, as required by section 404 of the Clean Water Act, 33 U.S.C./1344, as amended.

d. Regulated activity. Any activity which will, or which may reasonably be expected to, result in the discharge of dredged or fill material into waters of the U.S. excepting those activities exempted in section 404 of the Federal Clean Water Act.

Width of lot. See "Lot, width of."

Sec. 2.20. - Y

Yard. An area that lies between the principal building on a lot and the nearest lot line.

a. Yard, front. A yard extending the full width of the lot between the principal building and the right-of-way line, projected to the side lines of the lot.

b. Yard, rear. A yard extending the full width of the lot between the principal building and the rear lot line and projected to the side lines of the lot.

c. Yard, side. A yard extending from the front yard to the rear yard between the principal building and the side lot line. Any lot line not a rear line or a front line shall be deemed a side lot line.

Zero lot lines. The location of a building on a lot in such a manner that one or more of the buildings sides rests directly on a lot line.