CHAPTER 102. HOGANSVILLE UNIFIED DEVELOPMENT ORDINANCE OUTLINE

CHAPTER 102-A. UNIFIED DEVELOPMENT ORDINANCE ADMINISTRATION

ARTICLE I. GENERAL PROVISIONS

Sec. 102-A-1.1. Title.

(1) Contents of Titles. The regulations of Title 25 shall be known and may be cited as the "Hogansville Unified Development Ordinance" or "UDO". It consists of four (4) Titles: Title 102-A, Unified Development Ordinance Administration; Title 102-B, Land Use and Zoning; Title 102-C, Development and Permitting; and Title 102-D, Rules of Interpretation and Definitions. Title 102-A contains regulations generally applicable to the City of Hogansville and specifically addresses administration applicable to all four (4) Titles. Title 102-B serves as the City of Hogansville Zoning Ordinance and, together with the additional sections noted in subsection (2) below as well as the Official Zoning Map, is intended to constitute a Zoning Ordinance within the meaning of O.C.G.A. § 36-66-1 et seq. Title 102-C regulates development and permitting activities in the City of Hogansville. Title 102-D contains all rules of interpretations and definitions applicable to Titles 102-A, 102-B, and 102-C.

(2) Zoning Procedures Act Compliance. Titles 102-A, excluding section 102-A-1-9, and 102-B constitute Zoning Ordinances within the meaning of O.C.G.A. § 36-66-1 § (Zoning Procedures Act), as does section 102-D-1-1 of Title 102-D as well as all defined words and terms in section 102-D-1-2 that are contained in, or referred to in, Titles 102-A or 102-B. Collectively, these sections shall be known and may be cited as "The Zoning Ordinance of the City of Hogansville" or "Zoning Ordinance". All other sections of the UDO do not constitute Zoning Ordinances within the meaning of the Zoning Procedures Act, including Title 102-C, section

102-A-1-9 in Title 102-A, as well as those provisions of section 102-D-1-2 that are not contained in or referred to in Titles 102-A or 102-B. Changes to the text of the sections that constitute the Zoning Ordinance, as well as the Official Zoning Map and amendments and other zoning decisions and actions made pursuant to the Zoning Ordinance, shall comply with the public notice and hearing procedures provided therein as well as the Zoning Procedures Act.

Sec. 102-A-1.2. Purpose.

The purpose of the UDO is to:

(1) Promote the health, safety, order, prosperity, aesthetics, and the general welfare of the present and future residents of the City;

(2) Protect the environmental integrity of the City;

(3) Encourage an aesthetically attractive environment, both built and natural, and to provide for regulations that protect and enhance these aesthetic considerations;

(4) Encourage appropriate economic development activities that provide desirable employment and enlarge the tax base;

(5) Improve the City's appearance;

(6) Improve mobility including pedestrian activities and establish a multi-modal transportation network;

(7) Protect property against blight and depreciation;

(8) Encourage the most appropriate use of land, buildings, and other structures throughout the City;

(9) Facilitate and regulate the adequate provision of public infrastructure necessary to accommodate appropriate growth and development; and

(10) Implement relevant elements of the City's adopted Comprehensive Plan and other adopted plans and policies.

Sec. 102-A-1.3. Authority.

The UDO is enacted pursuant to the authority conferred by Constitution of the State of Georgia, the Charter of the City, and Federal, State and local authority applicable hereto.

Sec. 102-A-1.4. Applicability.

(1) The provisions of the UDO shall apply throughout the City of Hogansville. The City may enter into agreements with the County or other regulatory agencies to carry out the purpose of the UDO. These agreements may include, but are not limited to, enforcement of provisions, resolution of disputes, and cooperative monitoring and management of storm sewer systems and management programs, except as hereinafter provided, as of the date of adoption of the UDO.

(2) In interpreting and applying the provisions of the UDO, they shall be considered the minimum requirements for the promotion of the public safety, health, morals and general welfare.

(3) All buildings and structures erected, all uses of land, water, buildings, or structures established, all structural alterations or relocations of existing buildings, all enlargements of, additions to, changes in and relocations of existing uses, and all land development is subject to all regulations of this ordinance:

   (a) Development activity. Any person proposing to rezone property, secure permits, undertake land disturbance activities, construct, demolish, expand, or modify a structure or a building for occupancy, develop or subdivide land within incorporated areas of Hogansville, Georgia, obtain a variance, special use permit or special administrative permit, or undertake any other development permission or activity, shall comply with all regulations set forth in the UDO, and, where required, shall make application to the City of Hogansville Department of Community Development and pay a fee pursuant to the established fee schedule.

   (b) Use. No building, structure, premises or land shall be used or occupied, and no building or structure or part thereof shall be erected, remodeled, extended, enlarged, constructed, or altered in any manner except in conformity with the regulations herein specified for the district in which it is located.

   (c) Height and density. No building or structure shall be erected or altered so as to exceed the height limits or density regulations herein specified for the zoning district in which it is located.

(d) Lot size. No lot shall be reduced in size so that the lot width or depth, front, side or rear yards, lot area per family or other requirements herein specified are not maintained.

(e) Yard use. The yard or other open space required for a building for the purpose of complying with the provisions herein specified shall not be used as a part of a yard or other open space required for another building, unless otherwise specifically authorized.

(f) Number of principal buildings on a residential lot. Only one (1) principal building and its customary accessory building(s) may be erected on any lot used for a dwelling within the City, except for multi-family dwellings. The number and size of buildings so allowed shall be determined by the regulations within the code applicable to the respective zoning districts.

(g) Repairs. Nothing in the UDO shall prevent the strengthening or restoration to a safe or lawful condition of any part of any building or structure declared unsafe or unlawful by the Building Official, the fire chief or any other duly authorized City official.

(h) Land in close proximity to corporate limits. When considering the setback, buffer strip and fencing requirements contained in the UDO for new construction or additions to existing buildings or structures located on land which is adjacent to or contiguous with the corporate limits of Hogansville, the City may consider and take into account the zoning and zoning requirements applicable to adjacent and contiguous land in the unincorporated area of Troup County.

Sec. 102-A-1.5. Transitional provisions.

(1) The UDO shall take effect and shall be in force upon its adoption by the City Council of Hogansville, Georgia.

(2) Any development or building activity for which a valid and complete application for a Land disturbance permit or Building permit has been received prior to the adoption of the UDO may, at the developer's option, proceed to completion, and Land disturbance permits and Building permits may be issued under those regulations that applied at the time of tender of such applications, provided that

the requested Land disturbance permit or Building permit is issued within 180 calendar days of the date of adoption of the UDO.

(3) Any development or building activity for which a valid Land disturbance permit or Building permit has been issued prior to the adoption of the UDO may, at the developer's option, proceed to completion and valid Land disturbance permits and Building permits may be issued under those regulations that applied at the time of issuance of such permits, subject to the remaining provisions of this section.

(4) The adoption of the UDO shall not be construed to affect the validity of any Land disturbance permit or Building permit lawfully issued prior to the adoption of the UDO, provided:

(a) Such permit has not by its own terms expired prior to such effective date;

(b) Actual building construction is commenced prior to the expiration of such permit; and

(c) Actual building construction is carried on pursuant to said permit and limited to and in strict accordance with said permit.

Sec. 102-A-1.6. Severability.

Should any section or provision of the UDO be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the UDO as a whole, or any part thereof other than the part so declared unconstitutional or invalid. The City Council hereby declare that it would have adopted the remaining parts of the UDO if it had known that such part or parts thereof would be declared or adjudged invalid or unconstitutional.

Sec. 102-A-1.7. Amendments.

(1) This UDO may be amended by the Hogansville City Council. Such amendments shall be effective as of their date of adoption, unless otherwise stated. If such amendments are to those portions of the UDO that constitute a Zoning Ordinance identified in Title 102-A, all procedures applicable to the Zoning Ordinance shall apply.

(2) No amendment to the UDO shall be construed to affect the validity of any unexpired building or development permit lawfully issued prior to the adoption of said amendment, consistent with section 102-A-1-5.

Sec. 102-A-1.8. Duties to administer, interpret and enforce the UDO.

(1) Generally. This Chapter shall be administered by the Zoning Administrator in cooperation with the Planning Commission and the City Council. The City Manager and, at his/her direction, the City Clerk shall fulfill the functions of the Zoning Administrator until such time as the City Council makes the Zoning Administrator a full-time or part-time position and instructs the City Manager to fill the position.

(2) Office created. There is hereby created the office of Zoning Administrator of the City.

(3) Duties. The Zoning Administrator shall administer the provisions of this Chapter as follows:

(a) Serve as administrative secretary to the Planning Commission.

(b) Maintain public records concerning the administration of this Chapter, including all maps, amendments, certificates of zoning compliance, conditional uses, variances, and records of public hearings.

(c) Issue certificates of zoning compliance for all permitted uses, for conditional uses recommended by the Planning Commission and approved by the City Council, and for variances which are approved by the City Council.

(d) Issue certificates of zoning compliance for conditional uses which pose no greater impact on the surrounding community than uses of right. Any conditional uses which in the opinion of the Zoning Administrator will constitute a possible impact to the safety, health, general welfare or morality of the community will be presented to the Planning Commission for recommendation to the City Council.

(e) Collect data and keep informed as to the best zoning practices in order to be qualified to make recommendations to the Planning Commission, all of which must be approved by the City Council.

(f) It shall be the duty of the City fire marshal to enforce all State, County, and City fire codes. The City fire marshal shall also enforce all adopted codes relating to ADA Compliance, as adopted by the State.

Sec. 102-A-1.9. Fees.

(1) Fees for permits and other approvals required under the UDO shall be established from time to time by resolution of the City Council.
(2) Application and plan review fees shall be submitted with the application, and upon acceptance of said submission for review and consideration, shall not be refundable, except where otherwise specified herein. Failure to pay a required application fee shall cause the application to be returned to the applicant without acceptance for review or consideration by the City.
(3) Permit fees, if any, shall be submitted as a prerequisite to issuance of a permit.
(4) Prior to approval of a Final Plat or Certificate of Occupancy, the developer shall pay to the City such fees and performance and/or maintenance bonds as shall be required by the UDO or established by the City Council.
(5) Application and plan review fees are provided in the below UDO Fee Schedule.

Sec. 102-A-1.10. Relationship to other ordinances, statutes and resolutions.

(1) In their interpretation and application, the provisions of the UDO shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals or general welfare. Whenever the provisions of any other ordinance or statute require more restrictive standards than those of the UDO, the more restrictive standards shall govern, unless otherwise specified.
(2) Whenever the provisions of the UDO impose standards that are more restrictive than are required in or under any other statute, ordinance or resolution, these UDO standards shall govern, unless otherwise specified.

ARTICLE II. ENFORCEMENT AND PENALTIES

Sec. 102-A-2.1. Violations of this Unified Development Ordinance.

(1) All uses of land, buildings or structures shall be completed in accordance with approved zoning, development plans and permits, including any conditions attached thereto. The building inspector shall make periodic field inspections as required. When a violation is found to exist while an existing development plan or permit is in effect, the building inspector shall proceed with notice as prescribed in section 102-A-2-4. No certificate of occupancy or completion shall be issued unless all on-site improvements, landscaping, and exterior building facades are completed in accordance with the approved development plans and permits, unless a performance bond in accordance with the provision of the UDO is submitted and approved. Once development has been completed, action taken to secure compliance with the UDO may proceed under the provisions of this Article or other enforcement provisions specified elsewhere in the Code of Ordinances. All such unsafe buildings, structures or service systems shall be abated by repair and rehabilitation or by demolition in accordance with the provisions for unsafe buildings in section 102-C-2-4. See also 102-C-2-6 for UDO regulations pertaining to bond forfeiture.

(2) The Zoning Administrator or Building Official shall order discontinuance of illegal use of land, buildings or structures, illegal additions, alterations or structural changes; or shall take any other action authorized by the UDO to ensure compliance with or to prevent violation of its provisions. If it is found that any of the provisions of the UDO are being violated, the Zoning Administrator or Building Official shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it.

(3) Any person, entity, firm, or corporation violating any provision of the UDO shall be guilty of an offense and, upon conviction:

(a) Any person violating a provision of this Chapter shall be guilty of a misdemeanor, and upon conviction shall be punished for each violation

according to the laws of the State. Each day such a violation continues shall be deemed separate offense.

(b) In case any building is erected, constructed, reconstructed, altered, repaired, converted, or maintained or any building, lot, or acreage is used in violation of this Chapter, the city city council, zoning administrator, or any other appropriate authority, or any person who would be damaged by such violation, in addition to other remedies, may institute injunction, mandamus, or other appropriate action in proceeding to prevent such violation in the case of each such building or use.

(4) The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person, who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

(5) Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation of the UDO.

Sec. 102-A-2.2. Inspection and right of entry.

(1) Upon presentation of City identification to the developer, contractor, owner, owner's agent, operator or occupants, City employees authorized by the Zoning Administrator or Building Official shall be permitted to enter during all reasonable hours, or outside reasonable hours in the event of any emergency threatening life or property, any public or private property for the purpose of making inspections to determine compliance with the provisions of the UDO during the open period of any development plan or permit.

(2) Upon presentation of City identification to the developer, contractor, owner, owner's agent, operator or occupants, City employees authorized by the Zoning Administrator or Building Official may seek to enter, during all reasonable hours, or outside reasonable hours in the event of any emergency threatening life or property, any public or private property for the purpose of making inspections to determine compliance with the provisions of the UDO following issuance of a

Certificate of Occupancy. Where consent is not given to enter, such City employees may seek a warrant pursuant to section 102-A-2-3 to secure entry to the premises.

(3) If a property or facility has security measures in force which require proper identification and clearance before entry into its premises, the owner or operator shall make the necessary arrangements to allow access to Zoning Administrator or Building Official.

(4) The owner or operator shall allow Zoning Administrator or Building Official ready access to all parts of the premises for the purposes of inspection, investigation, observation, monitoring, measurement, recording, enforcement, sampling and testing, photography, digital recording, and videotaping for ensuring compliance with the provisions of the UDO. The owner or operator shall allow the Zoning Administrator to examine and copy any records that are required under the conditions of any permit granted under the UDO.

(5) The Zoning Administrator or Building Official shall have the right to set up on any premises, property or facility such devices as are necessary to conduct any monitoring and/or sampling procedures.

(6) The Zoning Administrator or Building Official may require the owner or operator to install monitoring equipment and perform monitoring as necessary and make the monitoring data available to the Department. The owner shall maintain this sampling and monitoring equipment at all times in a safe and proper operating condition at his/her own expense.

(7) Any temporary or permanent obstruction to safe and easy access to the premises, property or facility to be inspected and/or sampled shall be promptly removed by the owner or operator at the written or oral request of the Zoning Administrator or Building Official and shall not be replaced. The costs of clearing such access shall be borne by the owner or operator.

(8) Unreasonable delays in allowing the Zoning Administrator or Building Official access to a facility, property or premises shall constitute a violation of the UDO.

(9) If the Zoning Administrator or Building Official has been refused access to any part of a premises, property, or facility and the Zoning Administrator or Building Official is able to demonstrate probable cause to believe that there may be a violation of

the UDO, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with the UDO or any order issued hereunder, or to protect the overall public health, safety, environment and welfare of the community, then the Department may seek issuance of an inspection warrant from the municipal court.

(10) The Zoning Administrator or Building Official may determine inspection schedules necessary to enforce the provisions of the UDO.

Sec. 102-A-2.3. Inspection warrants.

(1) The Zoning Administrator or Building Official, in addition to other procedures provided, may obtain an inspection warrant for the purpose of inspection or investigation of conditions relating to the enforcement of the UDO or observation, measurement, sampling or testing with respect to the provisions of the UDO.

(2) Inspection warrants may be issued by the municipal court when the issuing judge is satisfied that the Zoning Administrator or Building Official has established by oath or affirmation that the property to be inspected is to be inspected as a part of a legally authorized program of inspection that includes the property or that there is probable cause for believing that there is a condition, object, activity, or circumstance which legally justifies such an inspection of the property.

(3) An inspection warrant will be issued only if it meets the following requirements:

(a) The warrant is attached to the affidavit required to be made in order to obtain the warrant;

(b) The warrant describes, either directly or by reference to the affidavit, the property upon which the inspection is to occur and is sufficiently accurate that the executor of the warrant and the owner or occupant of the property or discharger can reasonably determine from it the property for which the warrant authorizes an inspection;

(c) The warrant indicates the conditions, objects, activities or circumstances which the inspection is intended to check or reveal; and

(d) The warrant refers, in general terms, to the code provisions sought to be enforced.

Sec. 102-A-2.4. Notice of violation.

(1) If the Zoning Administrator or Building Official determines that any violation of the UDO is taking place, or that a condition of rezoning, variance, or other permit or administrative approvals are not complied with, the Zoning Administrator or Building Official shall present to the owner, owner's agent, occupier, or party responsible for such use or activity, a notice of violation and order the use or activity to cease immediately.

(2) The notice shall at least contain the following information:
   (a) The name and address of the owner or responsible person;
   (b) The address or other description of the site upon which the violation is occurring;
   (c) A description of the nature of the violation;
   (d) A description of the remedial actions or measures necessary to bring an action or inaction into compliance with a permit, approved plan or the UDO;
   (e) The deadline or completion date of any such remedial actions or measures, to consist of not less than 10 days, except that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours' notice shall be sufficient; and
   (f) A statement of the penalty or penalties that may be assessed against the owner or responsible person to whom the Notice of Violation is directed.

(3) If the violation has not been corrected within a reasonable length of time, as noticed in the violation, the owner of the property on which such violation has occurred or the owner's agent, occupier, or other party responsible for the violation shall be subject to the penalties set forth in this UDO, provided that the Zoning Administrator or Building Official may, at their discretion, extend the time for compliance with any such notice.

(4) The Zoning Administrator or Building Official shall have authority to issue a warning notice prior to issuance of a notice of violation. A warning notice shall be discretionary when circumstances warrant such action in the opinion of the Zoning Administrator or Building Official and shall under no circumstances be required

prior to issuance of a notice of violation or other enforcement action. If issued, a warning notice shall include all of the requirements set forth in subsection 102-A-2-4(2). If a warning notice has not resulted in corrective action within the time specified in the notice, or within any time limit as extended by the Zoning Administrator or Building Official, the Zoning Administrator or Building Official may proceed with a notice of violation or other authorized enforcement action.

Sec. 102-A-2.5. Stop work orders and revocations.

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

Sec. 102-A-2.6. Other enforcement.

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 (see section 102-A-2-4), any one (1) or more of the following actions may be taken against the person to whom the notice of violation was directed. Before taking any of the following actions, the Zoning Administrator or Building Official shall first notify the applicant or other responsible person in writing of its intended action as provided in section 102-A-2-4. In the event the applicant or other responsible person fails to cure such violation after such notice and cure period, the Zoning Administrator or Building Official may take any one (1) or more of the following actions, in addition to issuing a citation pursuant to section 102-A-2-11(3):

(1) Withhold certificate of occupancy/completion. The Zoning Administrator or Building Official may refuse to issue a certificate of occupancy/completion 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.

(2) Suspension, revocation or modification of permit. The Zoning Administrator or Building Official may suspend, revoke or modify the permit authorizing the 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 Zoning Administrator or Building Official may deem necessary, to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.

CHAPTER 102-B. LAND USE AND ZONING

ARTICLE I. GENERAL PROVISIONS

Sec. 102-B-1-1. Purpose.

Title 102-B of this Unified Development Ordinance (UDO) is enacted for the purposes established in section 102-A-1-2. Together with Title 102-A, referenced words and terms in Title 25 D, and the official Zoning Map, it constitutes and may be referred to as the "Zoning Ordinance of the City of Hogansville".

Sec. 102-B-1-2. Authority.

Title 102-B of the UDO is enacted pursuant to the authority conferred by Article 9, Section II, Paragraph IV of the Constitution of the State of Georgia, the Charter of the City, the Zoning Procedures Act, and other Federal, State and local laws.
The regulations of Title 102-B shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided.

Sec. 102-B-1-3. Incorporation of Official Zoning Map.

(1) Official Zoning Map.
   (a) The City is hereby divided into zoning districts, as shown on the Official Zoning Map, which, together with all explanatory matter thereon, is hereby adopted by this reference and declared a part of this Zoning Ordinance.
   (b) The Official Zoning Map shall be adopted by the City Council, attested by the City Clerk, and bear the seal of the City under the following words: "This is to certify that this is the Official Zoning Map referred to in and a part of the Hogansville Zoning Ordinance" together with the date of adoption of the UDO. The Official Zoning Map, together with all notations, references, data and other information shown on the map, is adopted and incorporated into this Zoning Ordinance.
   (c) The location and boundaries of the zoning districts established by the Official Zoning Map are depicted on and maintained as part of the City's geographic

information system (GIS), under the direction of the City Manager. The latest adopted version of the Official Zoning Map shall be available for inspection in the offices of the City of Hogansville Community Development Department during regular business hours of the City.

(d) Maintenance and updates. The Zoning Administrator is responsible for directing revisions to the Official Zoning Map to reflect its amendment following the effective date of all Zoning Map amendments. No unauthorized person may alter or modify the Official Zoning Map. No zoning designation appearing on the Official Zoning Map which is not supported and established by legislative action adopted in the manner required by State law and the procedures and requirements of the Zoning Ordinance shall be considered to have been properly established. The Zoning Administrator may authorize digital and printed copies of the Official Zoning Map to be produced and must maintain digital or printed copies of superseded versions of the Official Zoning Map for historical reference.

(2) Replacement of Official Zoning Map.

(a) 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 ordinance adopted pursuant to the procedural requirements of State law and this Zoning Ordinance, adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Clerk, and bear the seal of the City under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted on _____, 2022 as part of the Hogansville Zoning Ordinance." 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 any property's zoning classification or status unless the action adopting said map is an amending action following all requirements of State law and this Zoning Ordinance.

(b) Unless the previous Official Zoning Map has been lost, or has been destroyed, the previous map or any significant remaining parts thereof, shall be preserved, together with all available records pertaining to its adoption or amendment.

(3) Annexation. Any land annexed by the City shall be annexed in accordance with the procedures adopted by State law and City Code. Such land shall be classified into a zoning category compatible with adjacent zoning and land uses, and sound planning principles, in accordance with the rezoning procedures in this Zoning Ordinance as well as all applicable State law.

Sec. 102-B-1-4. Division of City into districts.

For the purposes of this Zoning Ordinance, the City is divided into zoning districts designated as follows:

ES-R, estate single-family residential district.

SU-R, suburban single-family residential district.

TN-R, traditional neighborhood low-density single-family and two-family residential district.

TN-MX, traditional neighborhood mixed use district.

CR-MR, corridor medium-density residential district.

CR-MX, corridor mixed use district.

DT-MX, downtown mixed use district.

G-RL, general rural district.

G-B, general business district.

G-I, general industrial district.

PUD, planned unit development zoning district overlay.

~~Downtown~~ Historic district special zoning district overlay.

Downtown business special zoning district overlay.

Sec. 102-B-1-5. Interpretation of zoning district boundaries.

(1) The Zoning Administrator is the final authority in determining the current zoning status of land, buildings and structures in the City.

(2) Where uncertainty exists with respect to the location of any zoning district boundaries as shown on the Official Zoning Map the following rules apply:
   (a) Where possible, the rezoning file shall be used for delineating zoning boundaries. Such records shall have precedence over information otherwise contained on a map.
   (b) Where a zoning district boundary line is shown as approximately following a corporate limits line, a land lot line, a lot line or the centerline of a street, a County road, a State highway, an interstate highway, or a railroad right-of-way or such lines extended, then such lines shall be construed to be the zoning district boundary lines.
   (c) Where a zoning district boundary line divides a lot, each portion shall be governed by the zoning district that each portion is classified.
   (d) Where areas appear to be unclassified on the Zoning Map, and classification cannot be established by the above rules and there is no other evidence of its existing or past classification, such areas shall be classified ES-R until action is taken by the City Council to amend the Zoning Map.
(3) Where uncertainties continue to exist or further interpretation is required beyond that presented in the above subsections, the question shall be presented to the City Council to enact a clarifying ordinance and City Council's action shall be recorded on the Zoning Map.

Sec. 102-B-1-6. Relationship to Comprehensive Plan and character area map.

The City of Hogansville Comprehensive Plan, consisting of the character area map and related policies, is hereby established as the official policy of the City concerning future land uses and shall serve as a guide regarding the appropriate manner in which property shall be zoned in the City. The most recent version of the Comprehensive Plan, as adopted by the City Council, shall identify zoning districts that are authorized within each of the City's character areas as delineated on the character area map. No rezoning of property in the City shall be done in a manner inconsistent with the character area map and related policies of the Comprehensive Plan.

Sec. 102-B-1-7. Relationship to previous approvals.

Nothing herein shall repeal conditions of use, operation, or site development imposed by zoning approval(s), special use permits, variances or permits issued under previous ordinances or resolutions. When such conditions conflict with zoning actions, the more restrictive provision shall prevail. All variances, exceptions, modifications and waivers heretofore granted by the Zoning Administrator, City Manager, or City Council shall remain in full force and effect. All terms, conditions and obligations heretofore imposed by the City Council shall remain in effect except where otherwise provided under Article 102-B-50 for nonconforming situations and for previously adopted site plans.

Sec. 102-B-1-8. Zoning verification and zoning compliance.

(1) Upon request, the Zoning Administrator shall have authority to issue written zoning verifications stating the existing zoning of a particular parcel or property.

(2) Upon request, the Zoning Administrator shall have authority to issue written certificate of zoning compliance, certifying that a proposed structure, land use, or alteration complies with the provisions of the UDO. Such requests shall be accompanied by simple sketch of the site indicating such information as may be needed to present a record of existing conditions and proposed usage, including proposed off-street parking and/or loading areas. A certificate of zoning compliance shall become invalid after the use authorized is suspended or abandoned for the period of nine (9) months.

ARTICLE II. BASE ZONING DISTRICTS

Sec. 102-B-2-1. Applicability.

This Article sets forth the overall purpose and intent of each of the base zoning districts in the City of Hogansville's Unified Development Ordinance (UDO). See additional standards pertinent to each property in Titles 102-B and 102-C.

Sec. 102-B-2-2. ES-R, estate single-family residential district.

Purpose and intent. This zoning district is intended primarily for single-family residences and related accessory uses located in largely undeveloped areas of the City.

Sec. 102-B-2-3. SU-R, suburban single-family residential district.

Purpose and intent. This zoning district is intended primarily for single-family residences and related accessory uses located outside of the traditional City core.

Sec. 102-B-2-4. TN-R, traditional neighborhood low-density residential district.

Purpose and intent. This zoning district is intended primarily for single-family residences, smaller multi-family residences similar in size, scale, and appearance to single-family residences, and related accessory uses located in older established City neighborhoods.

Sec. 102-B-2-6. TN-MX, traditional neighborhood mixed use district.

Purpose and intent. This zoning district is intended primarily for mixed use development of a size, scale, and appearance that is compatible in close proximity to traditional single-family residences, and related accessory uses located in older established City neighborhoods.

Sec. 102-B-2-7. CR-MR, corridor medium-density residential district.

Purpose and intent. This zoning district is intended primarily for multi-family residential development along major transportation corridors.

Sec. 102-B-2-8. CR-MX, corridor mixed use district.

Purpose and intent. This zoning district is intended primarily for mixed use development along major transportation corridors.

Sec. 102-B-2-9. DT-MX, downtown mixed use district.

Purpose and intent. This zoning district is intended primarily for mixed use development within the area that also contains the historic district in the downtown of the City.

Sec. 102-B-2-10. G-RL, general rural district.

Purpose and intent. This zoning district is intended primarily for large-site development for rural residences and agricultural uses.

Sec. 102-B-2-11. G-B, general business district.

Purpose and intent. This zoning district is intended primarily for large-site development for offices and businesses.

Sec. 102-B-2-12. G-I, general industrial district.

Purpose and intent. This zoning district is intended primarily for large-site development of industrial uses and businesses.

Sec. 102-B-2-13. PUD, planned unit development special zoning district.

Purpose and intent. This zoning district is an overlay district intended primarily for facilitating development that is located on property containing abnormal topographical or environmental constraints.

Sec. 102-B-2-14. ~~Downtown~~ Historic district special zoning district overlay.

Purpose and intent. This zoning district is an overlay district intended primarily as the historic district for the downtown of the City.

Sec. 102-B-2-15. Downtown business special district overlay.

Purpose and intent. This zoning district is an overlay district intended primarily as the entertainment district for the downtown of the City.

ARTICLE III. SPECIAL ZONING DISTRICTS

Sec. 102-B-3-1. Interpretation and applicability of special zoning districts.

(1) This Article establishes standards that apply to the development, use, or alteration of land, buildings and structures within the boundaries of a special zoning district.

(2) The zoning district regulations of this Article contain additional standards and procedures that are supplemental to all other regulations and requirements of the UDO. Should the requirements of these special district standards and procedures conflict with standards of other requirements of the UDO, the requirements of the special district shall apply.

  (a) The provisions of the special districts shall apply to all parcels of land and rights-of-way within the boundaries of the special zoning districts.

  (b) The provisions of the special districts shall apply to all applications for land disturbance permits, plan review, plat approval, sign permits, and building permits for all property within the respective special zoning district boundaries, unless expressly exempted.

  (c) All special zoning districts identified as "overlays" shall also require conformance with the approved underlying zoning district regulations.

Sec. 102-B-3-2. PUD, planned unit development special overlay zoning district.

(1) Purpose and intent. The PUD, Planned Unit Development special district is intended to permit the planning and development of parcels of land that are suitable in location and character for the uses proposed as unified and integrated developments in accordance with detailed development plans. The existing Zoning Map and underlying zoning regulations governing all properties within the Planned Unit Development special zoning district shall remain in full force and effect. The regulations contained within this section constitute an overlay district that shall be overlaid upon, and shall be imposed in addition to, said existing zoning regulations. Except where it is otherwise explicitly provided, whenever the following overlay regulations are at variance with said existing underlying zoning regulations, the

regulations of this section shall apply. The PUD district is intended to provide a means of accomplishing the following specific objectives:

(a) To provide flexibility, unity, and diversity in land planning and development, resulting in convenient and harmonious groupings of uses, structures and common facilities;

(b) To allow appropriate relationships of open spaces to intended uses and structures; and

(c) To provide a procedure that can relate the type, design, and layout of residential, commercial, and industrial development to the particular site, thereby encouraging preservation of the site's natural characteristics.

(2) Minimum Standards. The following minimum standards shall apply to all PUD districts:

(a) PUD districts shall have a minimum contiguous area of 10 acres.

(b) PUD Districts may vary the following dimensional standards of existing zoning districts: minimum rear yards, minimum side yards, minimum front yards, minimum parking ratios, and minimum lot size. All dimensional standard variations shall be delineated as part of an approved PUD district.

(c) A minimum of 25 percent of the lot area shall be dedicated open space, which shall meet the provisions for open space in section 102-B-5-5.

(d) The boundaries of each PUD, upon approval, must be shown on the Zoning Map, and shall be in conformance with the adopted Comprehensive Plan, as well as any adopted master plan.

(3) Application of regulations.

(a) Site plan. Development of the PUD is governed by a site plan that designates the standards of zoning and development for the PUD. The site plan must be submitted as a part of the PUD rezoning application.

(b) At a minimum the site plan must include:

(i) Analysis of existing site conditions. An analysis of existing site conditions including a boundary survey and topographic map of the site including information on all existing manmade and natural features, utilities, all streams and easements, and features to be retained, moved or altered. The existing

shape and dimensions of the existing lot to be built upon including the size, measurement and location of any existing buildings or structures on the lot shall be included;

(ii) Master plan. A master plan outlining all proposed regulations and calculations which shall include, but not be limited to, information on all proposed improvements including proposed building footprints, doors, densities, parking ratios, open space, height, sidewalks, yards, under and over-head utilities, internal circulation and parking, landscaping, grading, lighting, drainage, amenities, and similar details including their respective measurements;

(iii) Landscape plan. A landscape plan showing proposed regulations and calculations which shall include, but not be limited to, information on landscaping, tree species and the number of all plantings and open space including the landscaping that is being preserved, removed and that which is replacing the landscaping that is removed;

(iv) Architectural design. Preliminary architectural plans and all elevations with sufficient detail to demonstrate proposed design criteria shall include, but not be limited to, scaled floor plans and elevation drawings of proposed buildings and structures and information on building materials, features, exterior finish legend, windows, doors, colors, and items affecting exterior appearance, such as signs, air conditioning, grills, compressors, and similar details including their respective measurements. As a part of the architectural design, a "four-sided" design philosophy must be used. Materials used shall be enduring in their composition;

(v) Phasing plan. Should a PUD be expected to require five (5) years or longer to complete, a phasing plan shall be provided by the applicant that indicates the timeframe for construction and development of different aspects of the PUD;

(vi) Type and location of all intended uses;

(vii) Expected gross land areas of all intended uses, including open space;

(viii) Gross floor area or density and residential unit size for all buildings or structures;

(ix) Multi-modal circulation plan;

(x) Street cross-sections;

(xi) Parking analysis;

(xii) Plan of how environmental features will be protected or impacted; and

(xiii) Any other information deemed necessary by the Zoning Administrator.

(c) To the extent that the approved site plan and development standards for a PUD contradict the development regulations and the UDO, the approved site plan for the PUD district governs.

(d) Due to the mixed use nature of PUD proposals, design must be determined based upon the context and guidance of the Comprehensive Plan and specific character area plans for the area in which the PUD is located, as applicable.

(e) Any additional information deemed necessary by the Zoning Administrator to determine compliance with ordinance standards.

Sec. 102-B-3-3. ~~Downtown~~ Historic district special zoning district overlay.

This special district is regulated by the Hogansville Historic Preservation Commission. See Article XIV for the regulations and procedures of this district.

Sec. 102-B-2-15. Downtown business special zoning district overlay.

(1) Establishment of downtown business special district overlay; boundaries. The downtown business overlay district shall encompass and include all of that area as follows:

(a) All that area fronting on either side of Main Street from Church Street to Molyneaux;

(b) All that area fronting on either side of Commerce Street;

(c) All that area fronting on either side of High Street;

(d) All that area fronting on either side of College Street from its intersection with Commerce Street to its intersection with Main Street; and

(e) All that area fronting on either side of Oak Street from its intersection with High Street to its intersection with Main Street.

(2) Vending machines and merchandise; restricted. Except as otherwise set forth in this division, all vending machines or any other items for sale within the downtown business special district overlay shall be located fully within enclosed buildings.

(3) Exception for permitted special events.

(a) Sales and displays otherwise prohibited by this UDO shall be allowed, on a limited basis, for permitted special events, festivals and Downtown Development Authority sponsored events which are properly permitted pursuant to the terms of this section.

(b) Any person desiring to display or sell items within the downtown business special district overlay outside of enclosed buildings in conjunction with a special event or festival shall obtain a permit from the city which shall be for a period not to exceed three (3) successive days. Said application must be submitted at least 15 days in advance of the event, and shall contain the following information, and any other information reasonably requested by the city:

(i) The name, address and telephone number of the person seeking to conduct the special event;

(ii) If the special event is to be conducted for, on behalf of, or by an organization, the name, address and telephone number of the headquarters of the organization, and of the authorized and responsible heads of such organization;

(iii) The date(s) when the special event is to be held; and

(iv) The hours when the special event will begin and terminate.

(c) The cost of such special event permit shall be as established by the established fee schedule, but such permit fee shall be waived for events sponsored by the Downtown Development Authority or any other nonprofit organization.

(d) The city manager or his designated representative shall act upon the application for a special event permit within five (5) working days after the receipt thereof. Such application shall be granted as provided for in this section when, from a

consideration of the application and from such other information as may otherwise be obtained, it is determined:

(i) The conduct of the special event will not substantially interrupt the safe and orderly movement of pedestrian and vehicular traffic within the area of the event;

(ii) The conduct of the special event will not require the diversion of so great a number of police officers and other city personnel as to prevent normal services provided by the city;

(iii) The concentration of persons and vehicles at assembly points of the event will not unduly interfere with proper fire and police protection to areas contiguous to the event area; and

(iv) The information contained in the application is not found to be false or nonexistent in any material detail.

(4) Sidewalk displays of merchandise.

(a) Within the downtown business special district overlay, no merchant or other person shall use or occupy the sidewalks of the city for the display of goods, wares or merchandise except as set forth in this code section. A merchant may display goods, wares or merchandise on city sidewalks immediately adjacent to such merchant's store premises providing all of the following conditions are met:

(i) The merchant holds a then-current license or occupation tax certificate from the city for the sale of goods and merchandise of the type that will be displayed on city sidewalks;

(ii) The display shall not obstruct building entrances, fire exits, utility meters, seller entrances, stand pipes or other safety equipment;

(iii) An area of not less than five feet of unobstructed pedestrian passage way shall be maintained at all times between any display and the nearest curb, tree, pole or other permanent object situate in the right-of-way;

(iv) All sidewalk displays as provided for in this section shall be removed from the sidewalk during any time when the business displaying such merchandise is closed to customers;

(v) All final sales transactions between merchant and customer shall be conducted within the business establishment and not on the city sidewalk;

(vi) Merchandise must be placed in a manner so as not to interfere with pedestrian traffic on the sidewalk;

(vii) Any merchant displaying goods, wares or merchandise on city sidewalks must execute an indemnification agreement in favor of the city in a form satisfactory to the city; and

(viii) The city shall have the right to require any merchant placing merchandise on the sidewalk to immediately remove same in the event that access to said portion of the sidewalk is required for repair of any city facilities or for any other lawful public purpose.

(b) This section shall not prohibit the display and sale of goods and merchandise during festivals or other special events that are approved and sanctioned by the city council pursuant to subsection (3) of this section.

ARTICLE IV. ZONING PROVISIONS FOR ALL DISTRICTS

Sec. 102-B-4-1. Dimensional standards of zoning districts.

The following Space Dimensions Table states the space dimensions required for each lot in a zoning district:

Space Dimensions Table

SPACE DIMENSIONS	ES-R [12]	SU-R [12]	TN-R [12]	TN-MX [1,10]	CR-MR	CR-MX [10]	DT-MX	G-RL	G-B	G-I
Maximum number of primary dwellings (per lot)	1	1	1	N/A	N/A	N/A	N/A	1	N/A	N/A
Building Coverage (Maximum, % of lot area)	50% [2]	50% [2]	70% [2]	80% [2]	60% [2]	80% [2]	100%	50%	80%	80%
Lot Size (Minimum, square feet)	14,000	10,000	5,000 [2, 3]	None	None	None	None	1 acre	10,000	1 acre
Lot Frontage (Minimum)	75′ [11]	60′ [11]	50′ [2,11]	50′ [2]	50′ [2]	50′ [2]	None	100′	100′	100′
Building Height [4] (Maximum)	35'	35'	40'	40′	40′ [9]	40′ [9]	40′ [6]	35'	40′ [9]	40′ [9]
Side Yard (Minimum) [5,14]	15′ [2]	10′ [2]	5′ [2]	None	10′ [2]	10′ [2]	None	20′	15′	15′
Street Side Yard (Minimum)	10′ [2]	10′ [2]	5′ [2]	None	10′ [2]	10′ [2]	None	15′	10′	10′
Rear Yard (Minimum) [14]	25′ [2, 7]	25′ [2, 7]	20′ [2, 7]	25′ [2]	25′ [2]	15′ [2]	None	40′	15′	15′
Front Yard – Arterials and Collectors (Minimum) [8,13]	35′ [2]	35′ [2]	30′ [2]	25′ [2]	25′ [2]	25′ [2]	None	40′	40′	40′
Front Yard – All other street types (Minimum) [8,13]	20′ [2]	20′ [2]	20′ [2]	25′ [2]	25′ [2]	25′ [2]	None	25′	25′	25′
Front Yard (Maximum) [8,13]	None	None	None	40′ [2]	None	None	40′ [2]	None	None	None

(1) TN-MX density. Non-residential uses shall be further limited to a maximum square footage of 6,000 square feet per each individual use within buildings in this district.

(2) Context-sensitive dimensions. Designated dimensional requirements shall not apply to a property where the average space dimension located within 200 feet of the subject property does not comply with the corresponding dimensional requirement of the Space Dimensions Table. In such case, the Zoning Administrator

may adjust the dimensional requirement to a dimension that is no greater than the greatest and no less than the least dimension that is located within 200 feet of the subject property.

(3) TN-R Cottage Court building typologies. Cottage Court building typologies in TN-R zoning districts shall have the following minimum lot requirements:
   (a) Cottage Court developments shall provide a minimum lot area of 10,000 square feet.
   (b) Individual Cottage Court lots within such developments shall provide a minimum lot area of 1,600 square feet.

(4) Maximum building heights. See also transitional height plane provisions in sec xxx.

(5) Townhouses. Townhouses shall be permitted to have zero-lot-line setbacks for individual units. Listed side yard dimensions shall apply to the yards provided adjacent to the entire row of townhouses and shall not be applied to individual townhouse units within the row of townhouses.

(6) DT-MX building heights. Maximum building heights within the DT-MX district and the Downtown Hogansville Historic District may be further reduced through requirements for building stepbacks or additional overall height reductions imposed through the obtaining of a certificate of appropriateness from the Historic Preservation Commission.

(7) R district accessory structure rear yard setbacks. Accessory structures in R districts shall be permitted to be located within five (5) feet of a property line.

(8) For lots defined as Through Lots, the minimum and maximum setback requirements for Front Yards shall apply to both street frontages.

(9) Special Use Permit building heights. Special Use Permits may be granted in the designated zoning districts and with the following additional regulations:
   (a) Uses designated in the Permittee Uses Table as Public/Institutional Uses may be erected to a maximum height of 100 feet.
   (b) Uses designated in the Permittee Uses Table as Places of Worship may be erected to a maximum height of 75 feet.
   (c) All other uses may be erected to a maximum height of 60 feet.

(d) Building height increases shall also require that side yard and rear yard minimum setback requirements be increased by the total dimension of increased building height that is requested and approved. Variances to decrease the increased yard dimension requirement of this subsection shall be prohibited.

(10) Residential uses in the CR-MX district. Single-family attached dwellings, single-family detached dwellings, and two-family dwellings buildings within CR-MX districts shall be required to be built in accordance with the space dimension standards and all other UDO regulations applicable to the ES-R, SU-R, or TN-R zoning district. Such uses are permitted to choose from the ES-R, SU-R, or TN-R zoning districts for purposes of meeting this regulation.

(11) Properties with a residential attached or detached front-facing garage shall have a minimum lot frontage of 50 feet. This increased lot frontage requirement shall not apply to properties with garages that are rear or side facing, or with front-facing garage doors located 20 feet or greater behind the primary building façade.

(12) Properties that are developed as single-family rental homes and that do not have separate individual parcels for each dwelling, shall established developable lot areas for the sole purpose of facilitating the application of ES-R, SU-R, or TN-R dimensional standards to all buildings, structures, and developable lot areas within the development.

(13) When front loaded garages are provided for residential dwelling uses, the minimum front yard setback requirements shall also become the maximum front yard setback requirement.

Items noted as "None" or "N/A" for designated zoning districts within the chart have no such corresponding regulation.

Sec. 102-B-4-2. Access to public and private streets.

(1) Every building erected or moved shall be on a lot adjacent to an approved public or private street or alley, and all structures shall have safe and convenient access for servicing, fire protection, and required off-street parking.

(2) In the event a land-locked lot exists that has been legally subdivided through the applicable subdivision process as of the effective date of this Zoning Ordinance, the property owner shall be entitled to building permits, provided:
   (a) All other zoning and development standards are met, or appropriate variances are approved to allow the lot to be developed or altered as proposed; and
   (b) The property owner has acquired an access easement to an approved public or private street or alley in compliance with the standards established in Title 102-C. Said easement shall be duly recorded and made part of the property deed.

Sec. 102-B-4-3. Encroachments into required yards.

(1) The following setback encroachments are permitted:
   (a) Architectural features, such as: Cornices, eaves, chimneys, canopies, landings, bay windows, energy generation devices, affixed or stand-alone air conditioners, fencing, retaining walls or other similar features may encroach into the required front, side, and rear yard setbacks, provided such encroachments do not exceed three (3) feet, and provided such features are no closer than three (3) feet to the side or rear yard property line.
   (b) Unenclosed decks, inclusive of staircases, may encroach into required rear and side yard setbacks provided such features are no closer than three (3) feet to the side or rear yard property line.
   (c) Patios, driveways, walkways, unenclosed staircases and similar surfaces may encroach into all setbacks.
   (d) Unenclosed porches and stoops, inclusive of staircases, may encroach into required front yard up to 12 feet. For townhomes, such features may encroach up to the property line or the edge of an access easement in the case of a private street.

Sec. 102-B-4-4. Building height exceptions.

The height limitations of this Zoning Ordinance shall not apply to unoccupied portions of buildings such as spires, belfries, cupolas, domes, chimneys, fire towers, public monuments, water tanks, water towers, silos, mechanical and electrical equipment and

associated screening, smokestacks, derricks, conveyors, flagpoles, or aerials. The maximum height allowed for these elements shall be the maximum height allowed in the designated zoning district plus an additional 15 percent.

Sec. 102-B-4-5. Fences and retaining walls.

(1) This section regulates fences, walls, and fences and walls in combination.

(2) General conditions.

  (a) Fences and walls shall be maintained in good repair.

  (b) Fences and walls may step down a slope, however supports shall be vertical and plumb.

  (c) Posts shall be anchored in concrete.

  (d) Supports shall face inward to the property.

  (e) Barbed wire shall be permitted on fences and walls on properties within G-RL, and G-I zoning districts. Fences and walls for all other uses are prohibited from utilizing barbed wire.

(3) Fences, general.

  (a) Fences in the front yard:

    (i) Maximum height: Fences shall not exceed four (4) feet in height and shall not extend into the public right-of-way. See section 102-B-4-6 for corner lot restrictions. Properties within G-R and G-I zoning districts are allowed fences up to six (6) feet in height. Fence posts and pillars shall be permitted to be located an additional one (1) foot higher than the maximum height allowed for the remaining fencing elements.

    (ii) Materials. Fences shall not be made of wire, woven metal, or chain link, unless located on property within G-RL and G-I zoning districts. All other fences shall be ornamental or decorative fences constructed of brick, stone, stucco, split rail, wood, aluminum, or wrought iron. The fence shall be a minimum of 50 percent transparent. Exposed block, tires, junk or other discarded material shall be prohibited fence materials. No barbed wire, razor wire, chain link fence or similar elements shall be visible from any public

plaza, ground level or sidewalk level outdoor dining area, street or thoroughfare, or public right-of-way.

(b) Fences in interior side and rear yards.

(i) Maximum height. Fences shall not exceed eight (8) feet in height.

(ii) Materials. If a fence is constructed of chain link or other metal fencing, fence shall be vinyl, powder coated, or galvanized.

(4) Retaining walls.

(a) Maximum height. Retaining walls in the front yard are limited to four (4) feet in height. A retaining wall located adjacent to a sidewalk along a public street shall not exceed two (2) feet in height. Retaining walls shall be limited to eight (8) feet in height within interior side and rear yards.

(b) Materials. Retaining walls shall be constructed of decorative concrete modular block or shall be faced with stone or brick or textured cement masonry.

(5) Fences and retaining walls combined:

(a) Fences erected within five (5) feet of the top of a retaining wall shall be regulated by this section.

(b) Fences and retaining walls combined that are erected within 10 feet of a front yard property line:

(i) Maximum height. Fences and retaining walls combined within 10 feet of a front yard property line shall not exceed two (2) feet for the wall and four (4) feet for the fence.

(ii) Materials. Fences shall not be made of wire, woven metal, or chain link, unless located on property of an agricultural or industrial, use. All other fences shall be ornamental or decorative fences constructed of brick, stone, stucco, split rail, wood, aluminum, or wrought iron. The fence shall be a minimum of 50 percent transparent. Exposed block, tires, junk or other discarded material shall be prohibited fence materials. Retaining walls shall be constructed of decorative concrete modular block or shall be faced with stone or brick or textured cement masonry.

(c) Fences and retaining walls combined in all other locations on a lot:

(i) Maximum height. Fences and retaining walls in combination in the rear yard cannot exceed eight (8) feet each, provided their combined height does not exceed 12 feet. Retaining walls and fences in the front yard shall not exceed four (4) feet each, provided their combined height does not exceed six (6) feet.

(ii) Materials. Chain link and other metal fencing shall be vinyl, powder coated, or galvanized. If fences and retaining walls in combination are located in the front yard, wire, woven metal, or chain link fences are prohibited, unless located on property of an agricultural or industrial use. Retaining walls shall be constructed of decorative concrete modular block or shall be faced with stone or brick or textured cement masonry. Any portion of a combined fence and wall that exceeds 10 feet shall be transparent for a minimum of 50 percent of the length of the fence so as to reduce the appearance of an opaque structure.

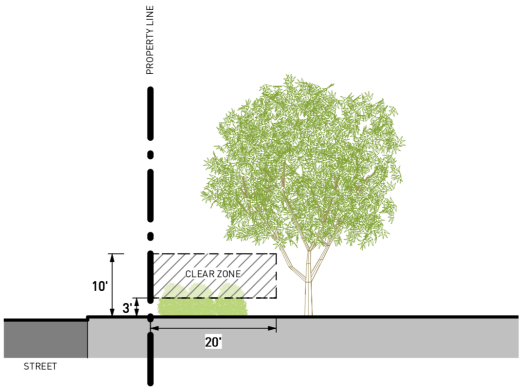
(6) Method of measurement. Heights of fences and retaining walls shall be measured from the grade plane.

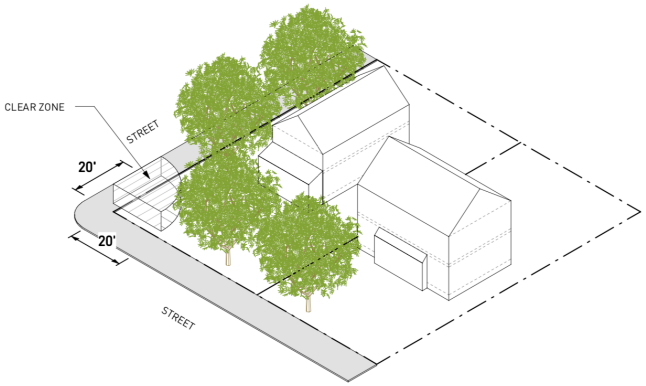
(7) Exceptions. Temporary chain link security fences up to six (6) feet in height may be erected to surround the property up to 30 days prior and 30 days following completion of demolition, rehabilitation, or new construction.

Sec. 102-B-4-6. Corner visibility.

On corner lots within all zoning districts, no fence, shrubbery, sign or other obstruction to traffic line of sight vision shall exceed a height of 30 inches within the triangular area formed by the intersection of right-of-way lines at two (2) points measured 20 feet along the property line from the intersection. Within said triangle, there shall be no sight obscuring wall, fence or foliage higher than 30 inches above grade or in the case of trees, foliage lower than 10 feet. Vertical measurement shall be made at the top of the curb on the street or alley adjacent to the nearest side of the triangle or if no curb exists, from the edge of the nearest traveled way.

Corner Visibility Illustrations





Sec. 102-B-4-7. Accessory Structures.

(1) General provisions for accessory structures. All accessory buildings and structures, including accessory dwellings, shall be subject to the following additional requirements:

(a) An accessory building or structure shall be clearly subordinate to the primary structure in all dimensional aspects.

(b) An accessory building or structure shall be located behind the front yard façade of the primary structure in the following locations:

i. In all ES-R, SU-R, and TN-R districts; and

ii. In areas of other zoning districts that have uses and densities predominantly similar to those permitted in the districts listed in subsection (i) above.

(c) Dimensional standards

i. Dimensional standards for accessory buildings and structures shall be the same as those for principal structures and for zoning districts in sections 102-B-4-1 and 102-B-5-2.

ii. For uses other than agricultural and industrial, a maximum of three (3) accessory structures shall be permitted per lot.

iii. For uses other than agricultural and industrial, accessory structures containing area meeting the definition of floor area shall be limited to a maximum of 1,500 square feet of such floor area.

iv. Accessory structures not containing area meeting the definition of floor area shall be limited to the following maximum lot coverage: no limit for agricultural and industrial uses; and 25 percent for all other uses.

v. Whenever a lot abuts upon an approved alley, one-half (½) of the alley width may be considered as a portion of the required yard.

(d) No accessory structure shall be constructed upon a lot until construction of the principal building has commenced, except when provided for industrial and agricultural uses.

(e) Accessory dwellings.

(i) The lot owner is required to reside in either the primary dwelling or the accessory dwelling for at least eight (8) months of the year. An affidavit will be required of the owner confirming residency.

Sec. 102-B-4-8. Yards.

(1) Yards, general. Required yards shall be provided as an area unoccupied and unobstructed by any structure or portion of a structure from 42 inches above the general ground level of the graded lot upward.

(2) Front yards, general.

(a) For residential dwellings, excluding multi-family dwellings:

(i) The front yard shall be landscaped and sodded with the exception of driveways, terraces, and walkways, which may occupy a maximum of one-half (½) of the front yard.

(ii) Parking for automobiles, motorized vehicles, and non-motorized vehicles is only permitted in front yards when located on the permitted access driveway on asphalt or gravel surface. For parking regulations for recreational vehicles and boats, see Sec. 102-B-7-3(12).

(iii) A minimum of two (2) trees shall be planted on lots used for all single-family attached, single-family detached, townhome, two-family, and industrialized building residential uses.

(iv) Driveway curb cuts within front yards shall not exceed a width equal to 1/2 of the width of the lot frontage.

(v) Driveways within front yards shall not exceed a width equal to 1/2 of the width of the front yard.

(vi) Buildings shall provide a primary pedestrian entrance adjacent to and oriented towards the front yard.

(b) For multi-family dwellings and all other non-residential uses:

(i) Buildings shall provide a primary pedestrian entrance adjacent to and oriented towards the front yard.

(ii) The primary pedestrian entrance required in subsection (i) above shall include a pedestrian walkway that provides a safe and unobstructed connection from parking areas and adjacent public sidewalks to the primary pedestrian entrance.

(iii) The following elements shall be permitted in front yards when such elements are located on private property: benches, trash receptacles, pet stations, bicycle parking racks, outdoor dining, display of public art, other street furniture, or other similar elements.

(3) Landscape strips shall be provided along the frontage of all multi-family dwelling uses and nonresidential uses abutting a street right-of-way, except for properties in the TN-MX and DT-MX zoning districts, when the Zoning Administrator determines that building placement prevents the location of said strips.

(a) Landscape plantings shall be provided in a landscape strip for a minimum depth of 10 feet.

(b) One (1) tree shall be planted for every 40 linear feet of length of street frontage, or portion thereof.

(c) 10 shrubs shall be planted for every 40 linear feet of length of street frontage, or portion thereof.

(d) Clumping is permitted provided that adequate spacing is allowed for future growth and there is no gap greater than 50 feet.

(e) The remaining ground area shall be sodded, seeded, or hydroseeded with grass, and/or planted with groundcover species and/or provided with other landscaping material, or any combination thereof.

(f) The following alternatives exist to the 10-foot landscape strip requirements:

(i) An earth berm at least two and one-half (2½) feet higher than the finished elevation of the parking lot, with one (1) shade tree and five (5) shrubs for every 40 linear feet of frontage.

(ii) A six (6) foot landscaped strip with a minimum three (3) foot grade drop from the right-of-way to the parking lot. One (1) shade tree and five (5) shrubs for every 40 linear feet.

(4) No part of any yard, other open space, or off-street parking or loading space required in connection with any building, structure, or use by this Article shall be considered to be part of a required yard, open space, off-street parking or loading space for any other building or structure.

Sec. 102-B-4-9. Unified development plans – properties under common ownership.

(1) Unified development plans are permitted in all zoning districts except ES-R, SU-R, TN-R, and G-RL.

(2) Unified development plans are permitted when one or more parcels of land is under common control and either directly adjoining each other or directly across from each other along a public or private thoroughfare.

(3) Unified development plans shall be used to establish conformance with on-site parking, loading, garbage collection, and open space requirements utilizing the entire area under common control.

(4) Unified development plans are permitted to include parcels with different zoning district designations, with the exception of parcels listed in subsection (1) of this section that are prohibited from utilizing unified development plans.

(5) Properties developed pursuant to an initial approved unified development plan may be subdivided into different ownership that can be acknowledged as separate parcels, even if any of the subdivided parcels would not meet all the on-site parking, loading, and open space requirements after the subdivision is completed.

(6) Any changes from the approved unified development plan shall require a new or amended unified development plan, which shall be based on the same area of land as the initial approval. Where a single property owner no longer owns all parcels,

the applicant shall obtain authorization from all property owners prior to permit submittal, with the exception of public streets deeded to the City of Hogansville.

ARTICLE V. CIVIC DESIGN

Sec. 102-B-5-1. Application.

The following standards shall apply to all zoning districts. When the requirements of these standards are more restrictive than other portions of the UDO, these standards shall prevail, unless expressly exempted.

Sec. 102-B-5-2. Building typology.

(1) This section provides standards for a variety of building types. Building types provide many key dimensional standards for each zoning district. Not all accessory building types are listed in this section. Such other accessory building types may be approved if in compliance with the use and dimensional requirements provided elsewhere in the UDO.

(2) Building types are applied to help reinforce the existing character and scale of the City. Note that these building types are for zoning purposes only and are not linked to the Building Code.

(3) The following building types are permitted in the zoning districts delineated in the following chart. Allowable building types are indicated with a "P".

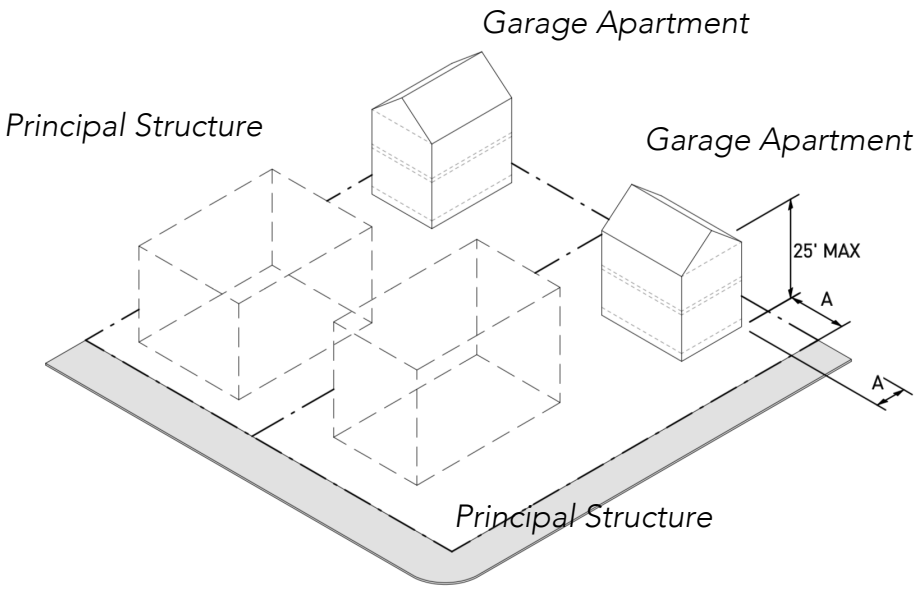
(4) Building types are prohibited in zoning districts that are not indicated with a "P".

(5) The illustrative drawings provided in this Article do not represent required architectural elements, styles, or regulations and are intended to be informational only. Each building typology includes an illustration and additional building design regulations provided in charts for each building type. Notations provided on the corresponding illustrations in the form of letter designations such as "A" through "D" are further defined in each building typology chart.

BUILDING TYPE	ES-R	SU-R	TN-R	TN-MX	CR-MR	CR-MX	DT-MX	G-RL	G-B	G-I
Garage Apartment	P	P	P	P	P	P		P		
Backyard Cottage	P	P	P	P	P	P		P		
Cottage House [1]			P	P	P	P				
Detached House	P	P	P	P	P	P		P		
Cottage Court			P	P	P	P				
Two-Family Dwelling			P	P	P	P				
Attached House				P	P	P				
Townhouse				P	P	P				
Walk-up Flat				P	P	P				
Stacked Flat				P	P	P				
Single-Story Shopfront				P		P	P		P	P
Mixed Use Building				P		P	P			
General Building				P		P			P	P
Civic Building				P		P	P		P	
Manufactured Home								P		

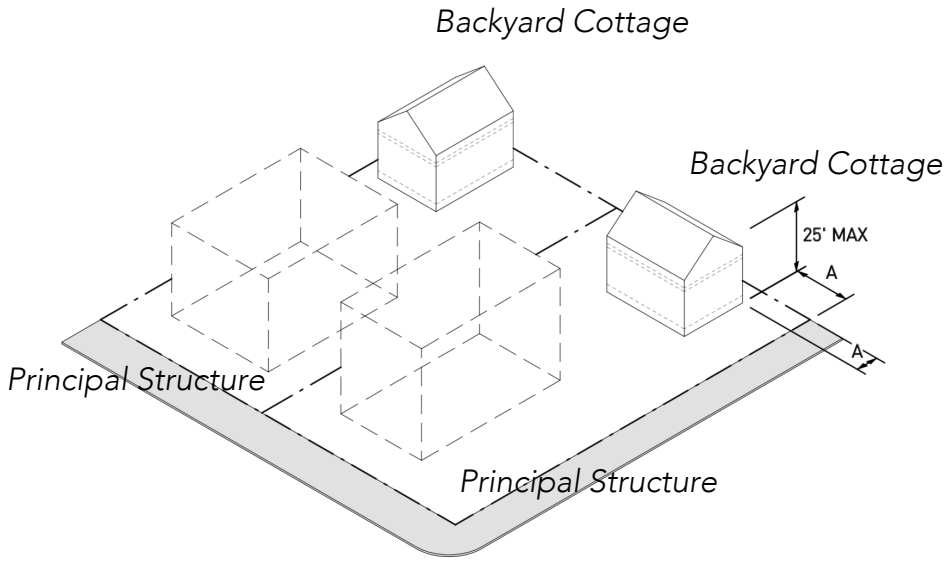
(1) Cottage Houses shall only be permitted within a Cottage Court development.

Garage Apartment



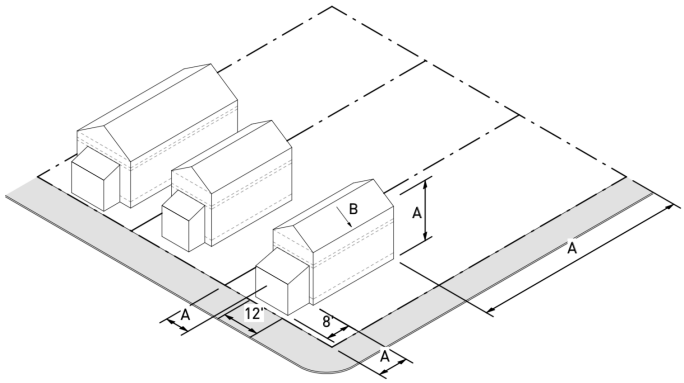
Garage Apartment	
A building type designed to accommodate a small self-contained accessory dwelling unit located above a garage on the same lot as a principal structure for a detached single-family dwelling use.	
Uses allowed in this building type: Accessory Dwellings for a detached Single-Family Dwelling only.	
See section 102-B-5-3 for additional architectural regulations.	
See section 102-B-7-3 for supplementary regulations for accessory dwellings.	
A	See the Space Dimensions Table in section 102-B-4-1 for maximum number of primary dwellings, building coverage, impervious surface area, lot size, front yard, side yard, street side yard, and rear yard requirements.
	Maximum height: No taller than the principal structure, but never taller than 25'.
	Maximum floor area: 1,000 square feet and 1,300 square feet including un-conditioned area.
	Wheels must be removed from any accessory dwellings wheeled onto the property.
	Exterior finish materials, roofs and roof pitch, windows, and eaves must visually match in type size and placement, the exterior finish materials of the primary dwelling.
	Fire escapes or exterior stairs for access to an upper level accessory suite shall not be located on the front of the primary dwelling.

Backyard Cottage



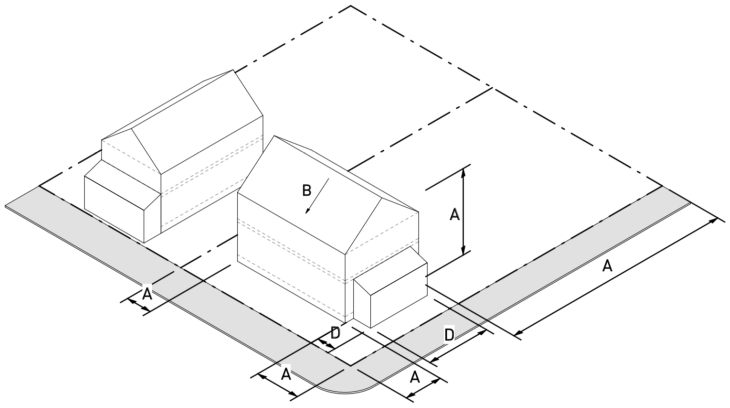
Backyard Cottage	
A building type designed to accommodate a small self-contained accessory dwelling unit located above a garage on the same lot as a principal structure for a detached single-family dwelling use.	
Uses allowed in this building type: Accessory Dwellings for a detached Single-Family Dwelling only.	
See section 102-B-5-3 for additional architectural regulations.	
See section 102-B-7-3 for supplementary regulations for accessory dwellings.	
A	See the Space Dimensions Table in section 102-B-4-1 for maximum number of primary dwellings, building coverage, impervious surface area, lot size, front yard, side yard, street side yard, and rear yard requirements.
	Maximum height: No taller than the principal structure, but never taller than 25'.
	Maximum floor area: 1,000 square feet.
	Wheels must be removed from any accessory dwellings wheeled onto the property.
	Exterior finish materials, roofs and roof pitch, windows, and eaves must visually match in type size and placement, the exterior finish materials of the primary dwelling.
	Fire escapes or exterior stairs for access to an upper level accessory suite shall not be located on the front of the primary dwelling.

Cottage House



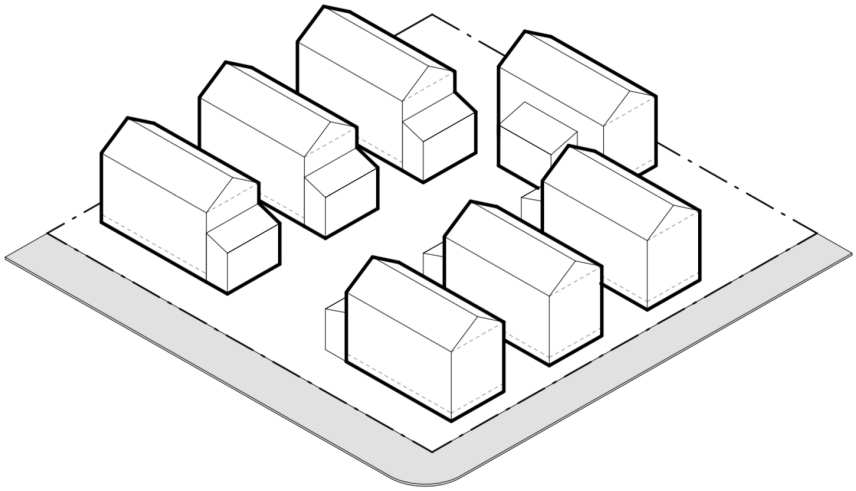
Cottage House	
A building type designed to accommodate 1 small dwelling unit only as part of a Cottage Court.	
Minimum floor area shall be ~~750~~ 250 square feet per dwelling, excluding lofts.	
Uses allowed in this building type: Accessory Dwellings, Single-Family Detached Dwellings.	
See section 102-B-5-3 for additional architectural regulations.	
A	See the Space Dimensions Table in section 102-B-4-1 for maximum number of primary dwellings, building coverage, impervious surface area, lot size, building height, side yard, street side yard, rear yard, and front yard requirements.
B	Roof pitch for the primary roof structure shall be a minimum of 6:12. Roof materials shall be asphalt, fiberglass shingle, cedar, slate or standing seam metal. Gables, dormers, cornices, chimneys, and other design features shall be provided.
	Front porches and/or stoops on the façade of the principal structure shall be required when such treatments are established by a majority of the dwellings on the block face. Front porches, when required, shall: 1. Be a minimum of 12-feet wide or 1/3 the width of the front façade, whichever is greater, and a minimum of 8 feet deep; 2. Contain roofs, a minimum of 6-inch wide porch roof supports, and steps; and 3. For parcels with more than 1 street frontage, the front porch requirements of this section shall only be required to be applied to the primary building façade.
	Wheels must be removed from any accessory dwellings wheeled onto the property.

Detached House



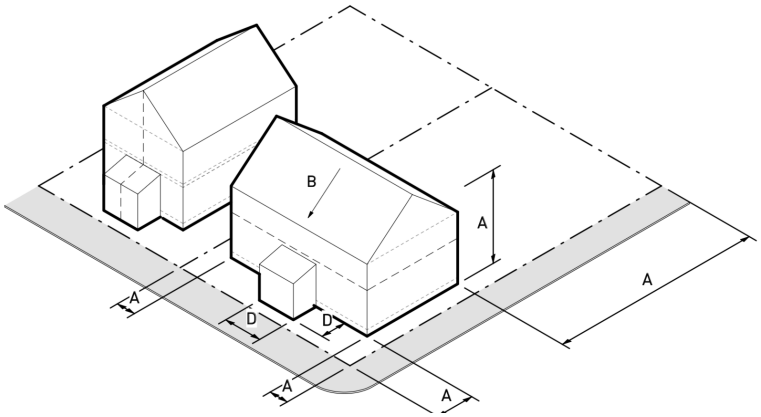
Detached House	
A building type designed to accommodate 1 dwelling unit on an individual lot with yards on all sides.	
Minimum floor area shall be 1,500 square feet per dwelling.	
Uses allowed in this building type: Accessory Dwellings, Single-Family Detached Dwellings.	
See section 102-B-5-3 for additional architectural regulations.	
A	See the Space Dimensions Table in section 102-B-4-1 for maximum number of primary dwellings, building coverage, impervious surface area, lot size, building height, side yard, street side yard, rear yard, and front yard requirements.
B	Roof pitch for the primary roof structure shall be a minimum of 6:12. Roof materials shall be asphalt, fiberglass shingle, cedar, slate or standing seam metal. Gables, dormers, cornices, chimneys, and other design features shall be provided.
D	Front porches and/or stoops on the façade of the principal structure shall be required when such treatments are established by a majority of the dwellings on the block face. Front porches, when required, shall: 1. Be a minimum of 12-feet wide or 1/3 the width of the front façade, whichever is greater, and a minimum of 8 feet deep; 2. Contain roofs, a minimum of 6-inch wide porch roof supports, and steps; and 3. For parcels with more than 1 street frontage, the front porch requirements of this section shall only be required to be applied to the primary building façade.

Cottage Court



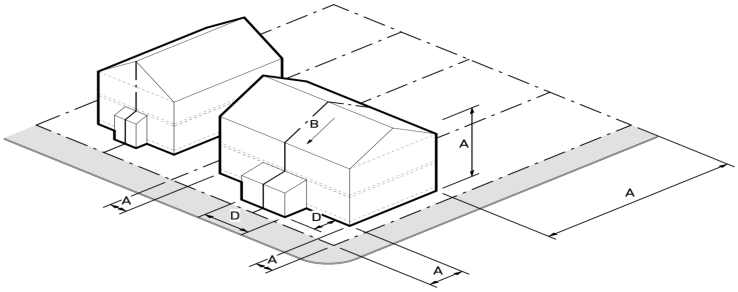
Cottage Court	
A building type designed to accommodate 5 to 12 dwelling units organized around a shared internal courtyard.	
Uses allowed in this building type: Accessory Dwellings, Single-Family Detached Dwellings.	
See section 102-B-5-3 for additional architectural regulations.	
Individual dwellings shall meet the requirements for the Cottage House building type.	
	For the larger parcel related to the development, see the Space Dimensions Table in section 102-B-4-1 for maximum number of primary dwellings, building coverage, impervious surface area, lot size, building height, side yard, street side yard, rear yard, and front yard requirements that apply to the entire Cottage Court development.
	The individual lots within the Cottage Court development, whether they be subdivided or not, are not required to meet the front yard, rear yard, and lot coverage requirements in Space Dimensions Table in section 102-B-4-1 and may also be treated as fee-simple or condominium lots.
	Cottage court development shall be designed to orient the units around a shared internal courtyard. Each unit shall have a direct entrance from the courtyard.
	The minimum courtyard size shall be the sum of the number individual Cottages within the development multiplied by 400 square feet. A minimum of 70 percent of the courtyard shall consist of pervious material, of which a minimum of 50 percent of the courtyard shall be landscaped. Courtyards shall not be parked or driven upon except for emergency access and permitted temporary events.

Two-Family Dwelling



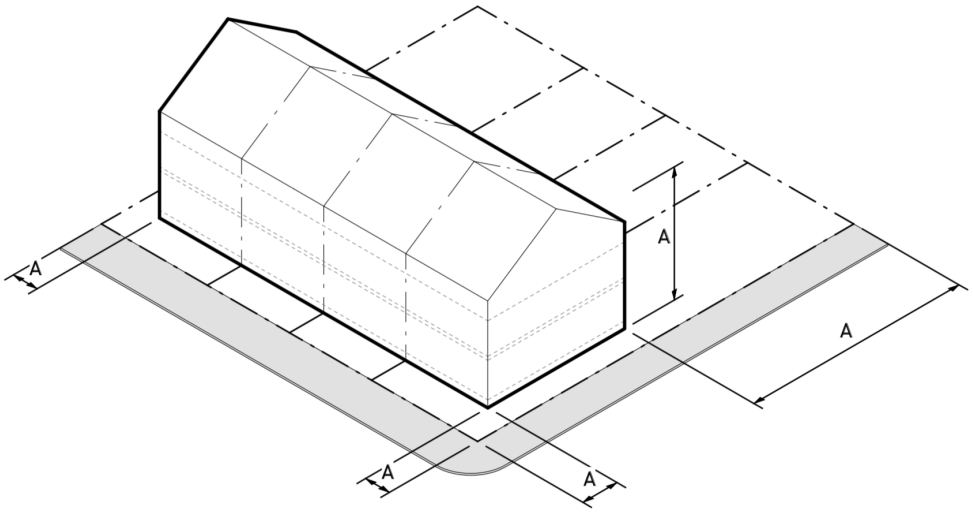
Two-Family Dwelling	
A building type designed to accommodate 2 dwelling units that share a common wall or floor/ceiling on a single individual lot.	
Uses allowed in this building type: Accessory Dwellings, Two-Family Dwellings.	
See section 102-B-5-3 for additional architectural regulations.	
A	See the Space Dimensions Table in section 102-B-4-1 for maximum number of primary dwellings, building coverage, impervious surface area, lot size, building height, side yard, street side yard, rear yard, and front yard requirements. Side yard requirements do not apply to common walls permitted as part of this building type.
B	Roof pitch for the primary roof structure shall be a minimum of 6:12. Roof materials shall be asphalt, fiberglass shingle, cedar, slate or standing seam metal. Gables, dormers, cornices, chimneys, and other design features shall be provided.
D	Front porches and/or stoops on the façade of the principal structure shall be required when such treatments are established by a majority of the dwellings on the block face. Front porches, when required, shall: 1. Be a minimum of 12 feet wide or 1/3 the width of the front façade, whichever is greater, and a minimum of 8 feet deep; 2. Contain roofs, a minimum of 6-inch wide porch roof supports, and steps; and 3. For parcels with more than 1 street frontage, the front porch requirements of this section shall only be required to be applied to the primary building façade.

Attached House



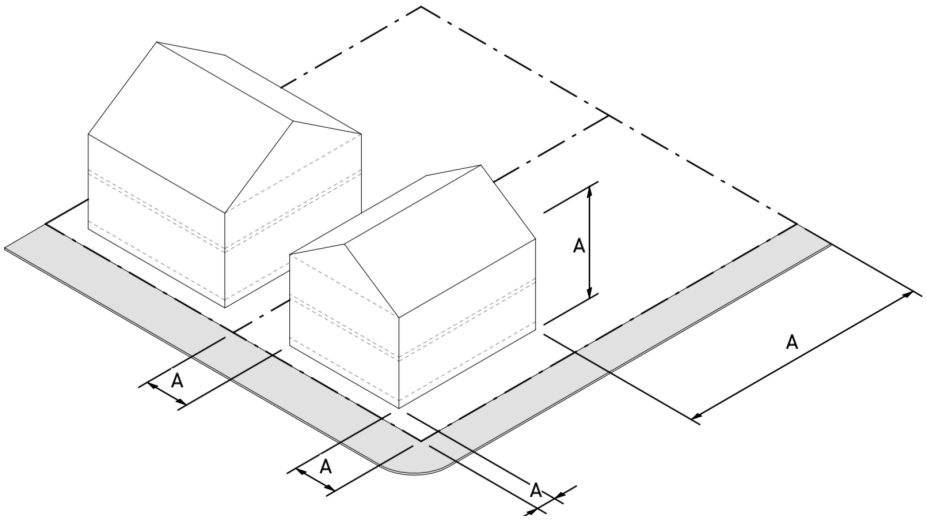
Attached House	
A building type that accommodates 2 dwelling units that share a common wall along the lot line between 2 lots.	
Uses allowed in this building type: Accessory Dwellings, Single-Family Attached Dwellings.	
See section 102-B-5-3 for additional architectural regulations.	
A	See the Space Dimensions Table in section 102-B-4-1 for maximum number of primary dwellings, building coverage, impervious surface area, lot size, building height, side yard, street side yard, rear yard, and front yard requirements. Side yard requirements do not apply to common walls permitted as part of this building type.
B	Roof pitch for the primary roof structure shall be a minimum of 6:12. Roof materials shall be asphalt, fiberglass shingle, cedar, slate or standing seam metal. Gables, dormers, cornices, chimneys, and other design features shall be provided.
D	Front porches and/or stoops on the façade of the principal structure shall be required when such treatments are established by a majority of the dwellings on the block face. Front porches, when required, shall: 1. Be a minimum of 12 feet wide or 1/3 the width of the front façade, whichever is greater, and a minimum of 8 feet deep; 2. Contain roofs, a minimum of 6-inch wide porch roof supports, and steps; and 3. For parcels with more than 1 street frontage, the front porch requirements of this section shall only be required to be applied to the primary building façade.

Townhouse



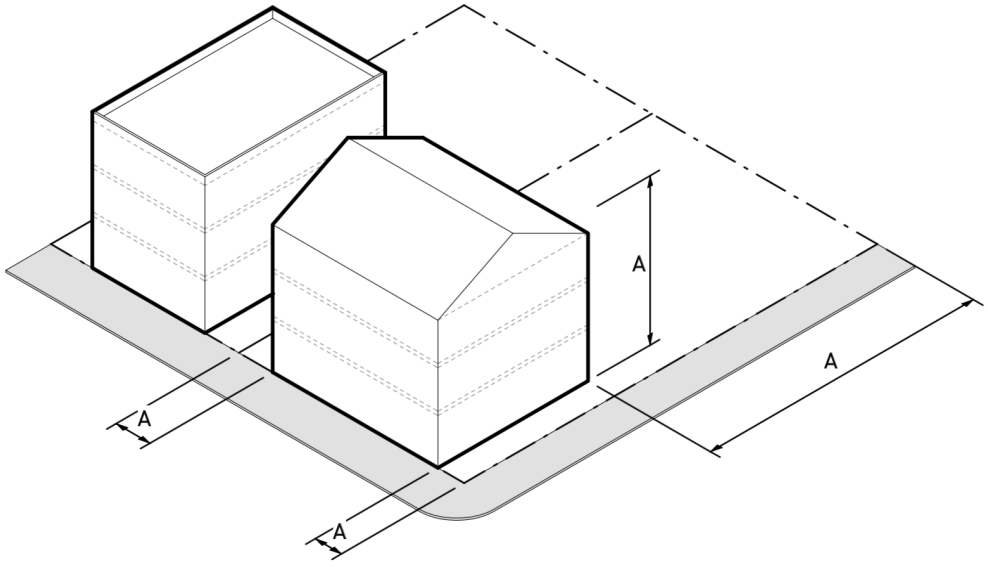
Townhouse	
A building type designed to accommodate 3 to 6 dwelling units where each unit is separated by a common side wall. Units cannot be vertically mixed.	
Uses allowed in this building type: Townhouse Dwellings.	
See section 102-B-5-3 for additional architectural regulations.	
A	See the Space Dimensions Table in section 102-B-4-1 for maximum number of primary dwellings, building coverage, impervious surface area, lot size, building height, side yard, street side yard, rear yard, and front yard requirements. Side yard requirements do not apply to common walls permitted as part of this building type.
	Gables, dormers, cornices, chimneys, and other design features shall be provided.
	Each townhouse shall have a minimum of 200 square feet of private yard space in either the front or rear, not including driveways and alleys.
	All townhouse buildings shall include a continuous sidewalk 5 feet in width connecting front entrances of all dwellings to each other.
	Buildings containing individual townhome units shall be located a minimum distance of 16 feet from any other such buildings containing individual townhome units.
	Townhome developments shall provide proposed deed covenants and restrictions requiring the maintenance of jointly owned areas.

Walk-up Flat



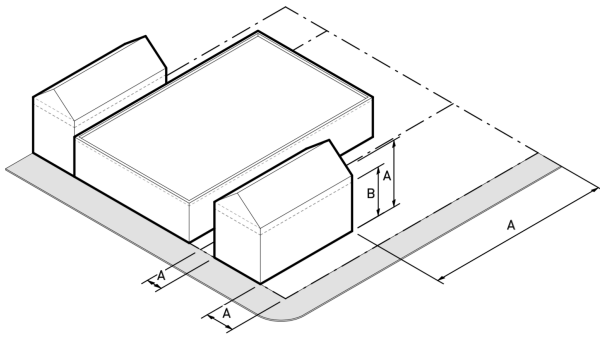
Walk-up Flat	
A building type designed to accommodate 3 to 12 dwelling units vertically and horizontally integrated.	
Uses allowed in this building type: Multi-family Dwellings.	
See section 102-B-5-3 for additional architectural regulations.	
A	See the Space Dimensions Table in section 102-B-4-1 for maximum number of primary dwellings, building coverage, impervious surface area, lot size, building height, side yard, street side yard, rear yard, and front yard requirements. Side yard requirements do not apply to common walls permitted as part of this building type.
	Gables, dormers, cornices, chimneys, and other design features shall be provided.
	Minimum floor area for multi-family dwelling units shall be as follows: studio: 450 square feet; 1 bedroom: 600 square feet; 2 bedrooms: 800 square feet; 3 bedroom: 1,000 square feet per unit. Existing buildings that are converted to contain multi-family dwelling uses shall not be required to meet these minimum floor area size standards for dwelling units.
	Developments containing multiple residential buildings shall locate such residential buildings a minimum distance of 16 feet apart from each other. This setback requirement shall not be required for accessory structures.

Stacked Flat



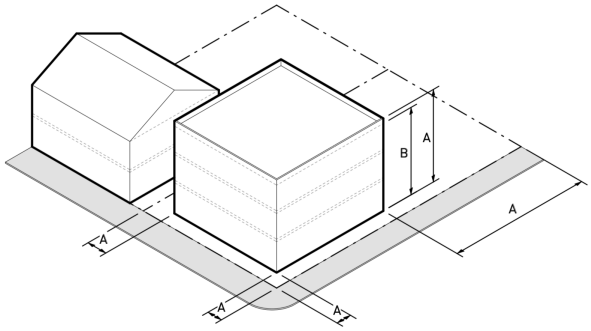
Stacked Flat	
A building type designed to accommodate 13 or more dwelling units vertically and horizontally integrated.	
Uses allowed in this building type: Multi-family Dwellings.	
See section 102-B-5-3 for additional architectural regulations.	
A	See the Space Dimensions Table in section 102-B-4-1 for maximum number of primary dwellings, building coverage, impervious surface area, lot size, building height, side yard, street side yard, rear yard, and front yard requirements. Side yard requirements do not apply to the common walls permitted as part of this building type.
	Minimum floor area for multi-family dwelling units shall be as follows: studio: 450 square feet; 1 bedroom: 600 square feet; 2 bedrooms: 800 square feet; 3 bedroom: 1,000 square feet per unit.
	Multi-family units shall provide a minimum of 60 percent of units with a balcony or porch that may be occupied. Existing buildings that are converted to contain multi-family dwelling uses shall not be required to meet these minimum floor area size standards for dwelling units.
	Developments containing multiple residential buildings shall locate such residential buildings a minimum distance of 16 feet apart from each other. This setback requirement shall not be required for accessory structures.

Single-Story Shopfront



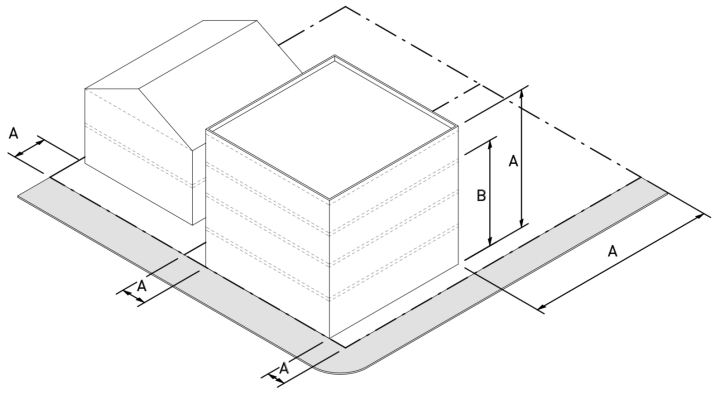
Single-Story Shopfront	
A single-story building type designed to accommodate retail or commercial activity.	
Uses allowed in this building type: Commercial uses; Industrial uses; and Public/Institutional uses.	
Cargo containers containing principal uses shall be permitted when meeting the requirement of this building type.	
See section 102-B-5-3 for additional architectural regulations.	
A	See the Space Dimensions Table in section 102-B-4-1 for building coverage, impervious surface area, lot size, building height, side yard, street side yard, rear yard, and front yard requirements.
B	Delineation of the building at the sidewalk level shall be executed through windows, belt courses, cornice lines or similar architectural detailing.
	When located in the DT-MX zoning district, all buildings shall have their primary facade and pedestrian entrance directly fronting and facing a public or private street.
	Every building shall reduce its perceived height and bulk by dividing the building mass into smaller scale components. Building walls exceeding 100 continuous horizontal linear feet shall utilize offsets, such as projections, recesses, and changes in floor level, to add architectural interest and variety, and to relieve the negative visual effect of a simple long wall.
	Variation in the roofline of buildings and offsets in pitched roofs and gables shall be required. Parapets in building masses exceeding 100 continuous linear feet shall be varied in height and projection and shall use decorative elements such as crown moldings, dental, brick soldier courses, or similar detail.
See Fenestration Illustration	The length of facade without intervening fenestration for principal structures, architectural detailing or entryway shall not exceed 20 feet.
	Fenestration treatment for principal structures shall be provided for a minimum of 65 percent of the length of all ground floor street frontages. Fenestration shall not utilize painted glass, reflective glass or other similarly treated or opaque windows.

Mixed Use Building



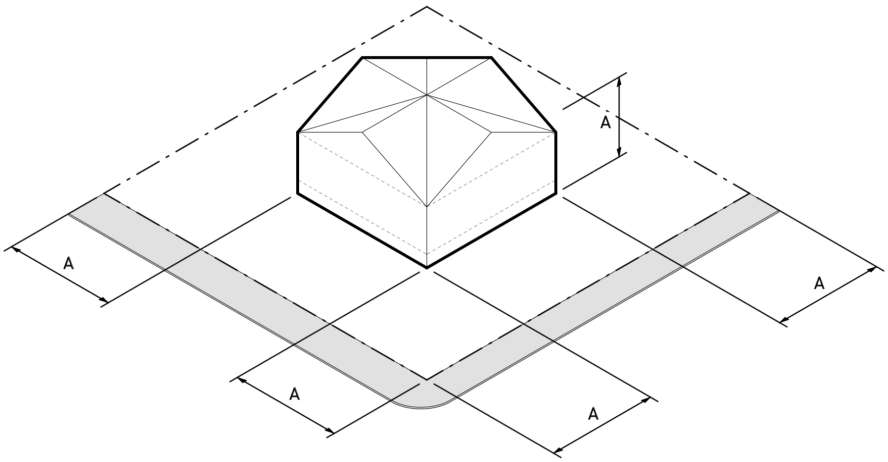
Mixed Use Building	
A multi-story building type designed to accommodate ground floor residential, retail, office or commercial uses with upper-story residential or office uses.	
Uses allowed in this building type: Commercial uses; Industrial uses; Public/Institutional uses; and Residential uses.	
See section 102-B-5-3 for additional architectural regulations.	
Portions of buildings with multi-family uses shall meet the requirements for the Stacked Flat building type for such portions of building.	
A	See the Space Dimensions Table in section 102-B-4-1 for maximum number of primary dwellings, building coverage, impervious surface area, lot size, building height, side yard, street side yard, rear yard, and front yard requirements.
B	Delineation of building floors at the third story above sidewalk level and lower shall be executed through windows, belt courses, cornice lines or similar architectural detailing.
	When located in the DT-MX zoning district, all buildings shall have their primary facade and pedestrian entrance directly fronting and facing a public or private street.
	When located in the DT-MX zoning district, ground floor residential uses shall be prohibited from being located within 20 feet of any building façade fronting along a public street.
	Every building shall reduce its perceived height and bulk by dividing the building mass into smaller scale components. Building walls exceeding 100 continuous horizontal linear feet shall utilize offsets, such as projections, recesses, and changes in floor level, to add architectural interest and variety, and to relieve the negative visual effect of a simple long wall.
	Variation in the roofline of buildings and offsets in pitched roofs and gables shall be required. Parapets in building masses exceeding 100 continuous linear feet shall be varied in height and projection and shall use decorative elements such as crown moldings, dental, brick soldier courses, or similar detail.
See Fenestration Illustration	The length of facade without intervening fenestration for principal structures, architectural detailing or entryway shall not exceed 20 feet.
	Fenestration treatment for principal structures shall be provided for a minimum of 65 percent of the length of all ground floor street frontages. Fenestration shall not utilize painted glass, reflective glass or other similarly treated or opaque windows.

General Building



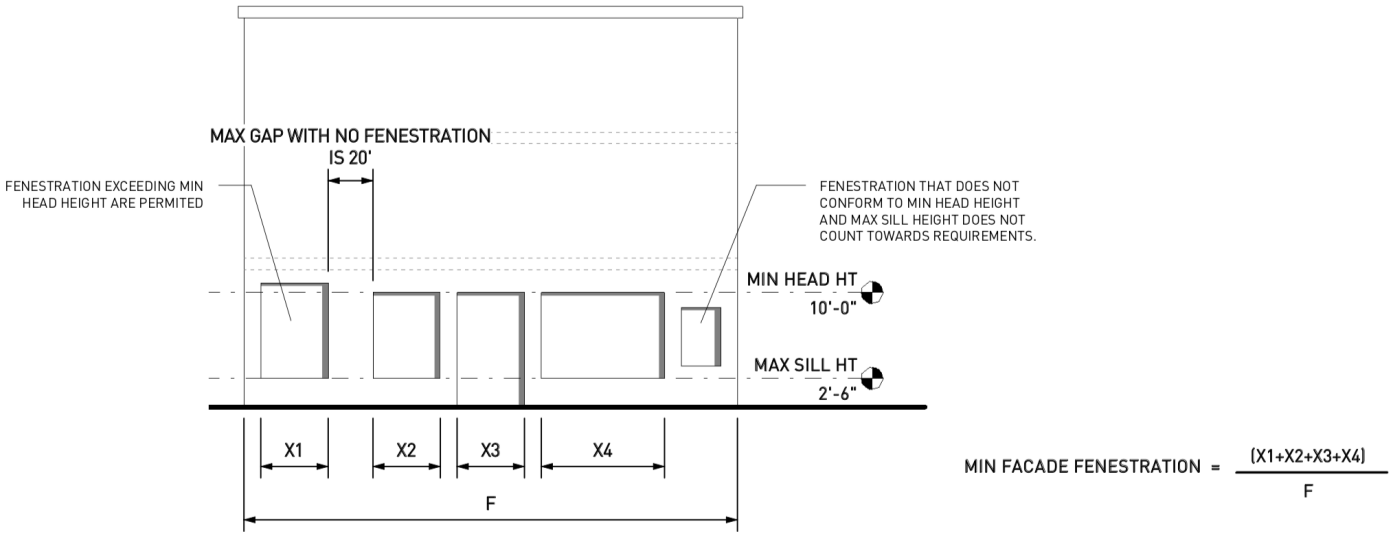
General Building	
A building type designed to accommodate commercial, office or industrial activity. Not intended for retail sales or personal service uses.	
Uses allowed in this building type: Agricultural uses; Commercial uses; Industrial uses; and Public/Institutional uses.	
See section 102-B-5-3 for additional architectural regulations.	
A	See the Space Dimensions Table in section 102-B-4-1 for building coverage, impervious surface area, lot size, building height, side yard, street side yard, rear yard, and front yard requirements.
B	Delineation of building floors at the third story above sidewalk level and lower shall be executed through windows, belt courses, cornice lines or similar architectural detailing.
	All buildings shall have their primary facade and pedestrian entrance directly fronting and facing a public or private street.
	Every building shall reduce its perceived height and bulk by dividing the building mass into smaller scale components. Building walls exceeding 100 continuous horizontal linear feet shall utilize offsets, such as projections, recesses, and changes in floor level, to add architectural interest and variety, and to relieve the negative visual effect of a simple long wall.
	Variation in the roofline of buildings and offsets in pitched roofs and gables shall be required. Parapets in building masses exceeding 100 continuous linear feet shall be varied in height and projection and shall use decorative elements such as crown moldings, dental, brick soldier courses, or similar detail.

Civic Building

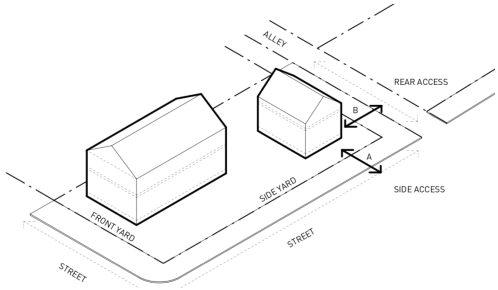


Civic Building	
A building type designed to accommodate civic, institutional or public uses.	
Uses allowed in this building type: Public/Institutional uses.	
See section 102-B-5-3 for additional architectural regulations.	
A	See the Space Dimensions Table in section 102-B-4-1 for building coverage, impervious surface area, lot size, building height, side yard, street side yard, rear yard, and front yard requirements.

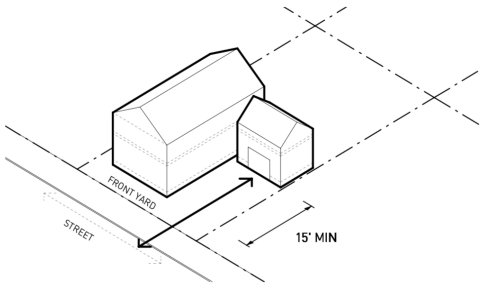
Single-Story Shopfront and Mixed Use Building Fenestration Illustration



Garage Placement on Corner Lots Illustration



Garage Placement on Interior Lots Illustration



Sec. 102-B-5-3. Building architecture.

(1) For all uses.

(a) Exterior building materials, excluding architectural accents or metal split seam roofing, shall be primarily brick, glass, wood, hardy plank, stucco, textured concrete masonry, cementitious fiberboard, or stone for all building facades, the sides of buildings perpendicular to the building façade, and for all portions of buildings viewable from a public right-of-way.

(b) Vinyl may be incorporated around the soffit, gables, eaves and window area for trim.

(c) Cementitious fiberboard lap siding shall only be permitted on buildings less than four (4) stories.

(d) HVAC units shall be either physically located or screened with vegetative or fence buffer so as not to be visible from the right-of-way.

(2) Additional standards for ES-R, SU-R, and TN-R zoning districts.

~~(a) All utilities shall be underground.~~

(b) Streetlights shall be required in type and number as determined by City.

(e) No duplicate exterior elevations (front facade designs) including similar massing shall be constructed on the same street within 125 linear feet in either direction, measured from the center of the front property line. The developer/builder will be responsible for providing documentation certifying compliance with this requirement prior to issuance of any building permit.

(f) Residential dwellings with front doors set back and recessed from all or a portion of the primary building façade shall provide a horizontal structural awning a minimum depth of two (2) feet and a minimum length of 10 feet that connects the front door façade and area to the further extended primary building façade. Such structural awnings shall incorporate the roofing materiality of the principle structure, or a roofing material of similar or greater quality.

(3) Additional standards for CR-MR, and CR-MX zoning districts.

(a) Structural steel or structural aluminum. Corrugated metal panels shall be permitted on a maximum of 25 percent of front building facades and side

exterior building facades. Aluminum composite material (ACM) panels are permitted without limitation.

(b) All elevations of the building should be designed in a consistent and coherent architectural manner. Where a change in material, color, or texture along the exterior side of a building is proposed, the demarcation of the change shall occur a minimum of 20 feet on both adjacent sides of the building or to the natural dividing point established by the physical plane of the building.

(c) Roofs: Exposed roof materials for pitched roofs shall consist of asphalt shingles, standing seam metal roof or lap seam metal roofing panel, tile or similar roof materials.

(d) Pre-engineered color coated wall panels. Pre-engineered color coated wall panels with a 20-year color warranty shall be permitted on a maximum of 35 percent of exterior building facades.

(e) Multi-family dwelling units shall be independently served by interior stairways.

(4) Additional standards for G-I zoning districts. No building shall be constructed with a wooden frame. The exterior finish of all buildings shall be common brick, concrete blocks, tile bricks, enamel metal siding, their equivalent or better, but no building thereon shall be covered with asbestos siding or galvanized sheet metal. If the exterior walls are constructed of concrete or concrete blocks, unless the exterior finish is stucco, gunite or their equivalent, the joints shall be rubbed down and the walls covered sufficiently with standard waterproofing paint.

(5) Industrialized buildings.

(a) All such structures shall be built in accordance with the building typology regulations provided in this article.

(b) All structures erected or located within the City shall be constructed, erected or installed on a permanent foundation and meet the physical requirements of the zoning district in which it is constructed including, but not limited to, setbacks, minimum square footage, etc.

(c) Where an industrialized building (residential, commercial or industrial) is to be installed, the unit must bear the insignia of the State department of community affairs (DCA) or the Southern Building Code Congress International (ICC). All

such structures shall be affixed to the foundation in accordance with minimum standards of the certifying agency. All manufactured housing shall be considered for ad valorem tax purposes as real property. All such modular and industrialized buildings shall meet the following standards:

(i) The pitch of the roof shall have a minimum vertical rise of six (6) feet for each 12 feet of horizontal run; and shall be finished with a type of shingle commonly used in conventional residential construction;

(ii) The exterior siding of the home shall consist of wood, hardboard, vinyl, brick, masonry or aluminum (vinyl covered or painted) comparable in composition, appearance and durability to the exterior siding commonly used in conventional residential construction;

(iii) A curtain wall, not pierced except for required ventilation and access and constructed of masonry, shall be installed so it encloses the area under the manufactured home to the ground level;

(iv) The tongue, axles, transporting lights and towing apparatus are removed after placement on the lot and before a certificate of occupancy is issued;

(v) All modular homes shall be installed in accordance with O.C.G.A. §§ 8-2-110—8-2-121 et seq.

Sec. 102-B-5-4. Transitional heights.

(1) Transitional Heights.

(a) Transitional Height Planes. A transitional height plane is an imaginary plane having a vertical component and angular component specifically designed to restrict the maximum height of all parts of buildings or structures within CR-MR, CR-MX, DT-MX, G-B, and G-I zoning districts and their relationship to adjoining ES-R, SU-R, TN-R, TN-MX, and G-RL districts. Transitional height planes shall comply with the following components and regulations:

(i) A vertical component measured at the required yard or buffer setback adjoining the common property line by a 40 foot vertical distance above the finished grade;

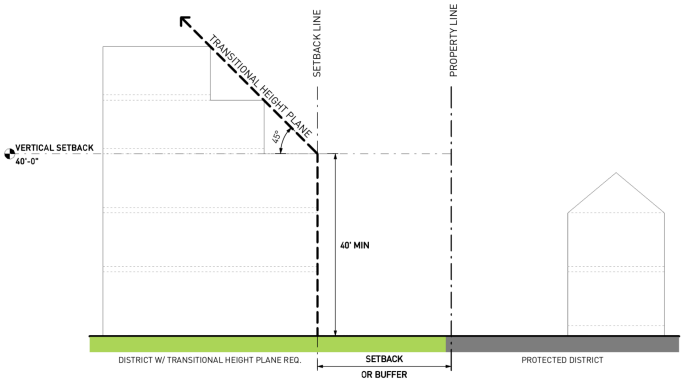
(ii) An angular component extending inward over an adjoining CR-MR, CR-MX, DT-MX, G-B, and G-I district at an angle of 45 degree;

(iii) Such vertical and angular component calculations shall be made on a point-by-point basis and not average grade; and

(iv) No portion of any structure shall protrude through the transitional height planes specified in subsection (1)(b) below.

(b) Where CR-MR, CR-MX, DT-MX, G-B, and G-I zoning districts adjoin ES-R, SU-R, TN-R, TN-MX, and G-RL districts without an intervening public street, height within this district shall be limited by the transitional height plane requirements.

Transitional Height Plane Illustration



Sec. 102-B-5-5. Open space.

(1) The following specified amounts of dedicated open space shall be required as part of future development:

(d) Multi-family uses within CR zoning districts – open space shall be provided at a minimum of five (5) percent of the total lot area of such use.

(e) Any use or combination of uses that exceed 100,000 square feet of floor area in a G-B zoning district – open space shall be provided at a minimum of 10 percent of the total lot area of such use.

(f) A minimum of five (5) percent of the total land area of any major subdivision shall be provided as open space for all developments that include residential uses. The location of open space shall be submitted with the preliminary plan.

See section 102-C-9-44 for greenspace requirements for major residential subdivisions.

(2) The required open space in subsection (1) above shall meet all of the following requirements:

(a) Open space provided in excess of the minimum requirements of the UDO for yards, landscape zones and buffers shall be permitted to count towards the open space requirement of this section.

(b) Common amenities including parks, plazas, courtyards, community greens, and town centers shall be permitted to count towards the open space requirement of this section.

(c) Open space shall not include areas devoted to public or private vehicular access or parking, including required parking lot landscaping.

(d) Water features, including stormwater management that are designed and fully landscaped as an amenity may be counted toward open space requirements.

(e) All open space shall be fully implemented prior to occupancy and if not completed, a performance bond is required in accordance with section C-9-48 and section C-9-49. Maintenance bonds shall be issued in accordance with section C-9-48 and section C-9-49.

(f) Open spaces shall be prominently located adjacent to residences and businesses and are to be focal points for the area surrounding the development. Open spaces shall provide appropriate fixtures such as benches, fountains, pathways, planting beds, lawn and or playground equipment.

Sec. 102-B-5-6. Outdoor lighting.

(1) Purpose. The regulations of this section are intended to:

(a) Permit reasonable uses of outdoor lighting for nighttime safety, utility, security, productivity, enjoyment and commerce;

(b) Curtail and reverse the degradation of the nighttime visual environment and the night sky;

(c) Preserve the dark night sky for astronomy;

(d) Minimize glare, obtrusive light and artificial sky glow by limiting outdoor lighting that is misdirected, excessive or unnecessary;

(e) Conserve energy and resources to the greatest extent possible; and

(f) Help protect the natural environment from the damaging effects of night lighting from human-made sources.

(2) General regulations. Outdoor lighting fixtures shall be located, aimed or shielded to minimize glare and stray light trespassing across lot lines and into the public right-of-way.

At Property Lines Including Rights-of-Way	Maximum Footcandles
At property line abutting a residential or an agricultural use	0.5
At property line abutting an office or institutional use	1.0
At property line abutting all other uses	1.5

Off-Street Parking Lots	Minimum Footcandles	Average Footcandles	Maximum Footcandles
Agricultural uses	None	None	4.0
Residential uses	0.5	2.0—3.0	4.0
Office-professional uses	1.0	3.0—4.0	6.0
Industrial uses	1.0	4.0—5.0	8.0
All other uses	2.0	6.0—7.0	12.0

(3) Parking areas. All lighting fixtures servicing parking lots must be directed downward and not towards buildings or other areas.

(4) Specific lighting regulations in the DT-MX district:

(a) The following are expressly prohibited:

(i) Aerial lasers;

(ii) Searchlight-style lights;

(iii) Light sources that exceed 200,000 lumens or intensity in any direction of 2,000,000 candelas or more;

~~(iv) Mercury vapor lamps;~~

~~(v) Low-sodium vapor lamps;~~

(vi) LED light strips.

(b) The following luminaries and lighting systems are expressly exempt from the regulations of this division:

(i) Underwater lighting used for the illumination of swimming pools and fountains;

(ii) Temporary holiday lighting;

(iii) Lighting required and regulated by the Federal Aviation Administration, or other authorized Federal, State or local government agency;

(iv) Emergency lighting used by police, fire, or medical personnel, or at their direction;

(v) All outdoor light fixtures producing light directly from the combustion of fossil fuels, such as kerosene and gasoline; and

(vi) Security lighting controlled and activated by a motion sensor device for a duration of 10 minutes or less.

Sec. 102-B-5-7. Home Garages.

(1.) This section provides residential attached and detached garage regulations for all residential dwellings. With the exception of subsection (3), the following regulations shall not apply to properties with garages that are rear or side facing, or to properties with front-facing garage doors located 20 feet or greater behind the primary building façade.

(2.) Garage doors shall provide architectural detailing with the appearance of multiple materials, textures, and hardware upon the door panels.

(3.) Front-facing, side-facing, and rear-facing garages shall be equipped with a garage door.

(4.) Front-facing garage doors shall not exceed a width equal to 1/2 of the width of the primary building façade.

(5.) Driveways providing access to front-facing garages must be located a minimum distance of ten (10) feet from any other driveways located on adjoining parcels.

(6.) For developments creating multiple adjacent dwellings with front-facing garages, the front yard setbacks of the garage facades shall be staggered and stepped back to achieve a minimum of three (3) feet in dimensional variation from adjacent front-facing garages.

(7.) For dwellings on lots with more than one (1) street frontage and with rear or side yards facing a street, a landscape strip shall be provided between a house and the street. Such landscape strips shall be provided in accordance with the standards specified in Sec. 102-B-4-8(3).

ARTICLE VI. PERMITTED AND PROHIBITED USES

Sec. 102-B-6-1. Table of permitted and prohibited uses.

(1) The following regulations shall apply to uses in all zoning districts.

(a) General use regulations. No building, structure or land, or parts thereof, shall hereafter be used or occupied, and no building or structure or part thereof shall be erected, constructed, reconstructed, moved or altered, except in conformity with the regulations of the UDO.

(b) Permitted uses.

(i) The following Table of Permitted and Prohibited Uses states the permitted principal and accessory uses authorized within each zoning district. Symbols used in the table have the following meanings:

P = Permitted as a Principal use;

A = Permitted as an Accessory Use;

SUP = Permitted subject to obtaining a Special Use Permit – See section 102-B-12-7;

SAP = Permitted subject to obtaining a Special Administrative Permit – See section 102-B-12-8; and

Supplemental Provisions – Uses that have additional regulations in Article 102-B-30 Supplemental Use Standards are so indicated.

(ii) The Zoning Administrator is authorized to prepare a written interpretation determining whether a proposed use not specifically listed in this table is so similar in nature to a permitted use that it is also intended to be permitted in the same zoning district(s). Such determination by the Zoning Administrator may consider factors such as: NAICS definitions of uses, the common usage of two (2) or more terms to describe the same land uses; the similarity in the scale and intensity of the uses; and the similarity in the impacts of comparable uses in terms of traffic, noise, light, parking requirements, customers, hours of operation, impacts on the environment, and impacts on abutting properties.

(iii) Any use not listed in the Table of Permitted and Prohibited Uses as permitted within a district, and not determined by the Zoning Administrator to be similar in nature to a listed use, is prohibited within that district.

TABLE OF PERMITTED AND PROHIBITED USES	SUPPLEMENTAL	R ES	R SU	R TN	MX TN	MR CR	MX CR	MX DT	R L G	B G	I G
ACCESSORY USES											
Accessory Dwelling, Attached	Y	A	A	A	A	A	A	A	A		
Accessory Dwelling, Detached	Y	A	A	A	A	A	A	A	A		
Cafeteria					~~A~~		A	A		A	A
Car Wash							A			A	A
Cargo Containers	Y						A		A		A
Club Houses, Recreation associated with Residential Subdivisions		A	A	A	A	A	A		A		
Day Care - Adult Day Care Center, After School Program, Day Care Center, Nursery School (As Accessory Uses for Places of Worship Only)	Y	A	A	A	A	A	A	A	A	A	
Donation Bin	Y						A			A	A
Drive-Thru Facility							A			A	A
Farmers' Market					A		A	A	A	A	
Garden, Hobby		A	A	A	A	A	A	A	A	A	A
Greenhouse, Non-Commercial		A	A	A	A	A	A	A	A	A	A
Helicopter Landing Area							A		A	A	A
Home Occupation	Y	A	A	A	A	A	A	A	A		
Horse Stables	Y								A		
Ice Vending							A			A	
Kennel and Animal Boarding, Hobby	Y	A	A						A		A
Livestock Raising	Y								A		A
Outdoor Dining	Y				A		A	A		A	
Outdoor Display and Sales	Y				A		A	A		A	A
Outdoor Storage	Y						A			A	A
Parking Lots, Parking Decks					A	A	A	A		A	A
Poultry Raising	Y	A	A	A					A		
Recreational Vehicle and Boat Parking (for Single-Family Dwelling uses only)	Y	A	A	A					A		

TABLE OF PERMITTED AND PROHIBITED USES	SUPPLEMENTAL	R ES	R SU	R TN	MX TN	MR CR	MX CR	MX DT	RL G	B G	I G
ACCESSORRY USES (continued)											
Solar Panels, Wind Turbines, Rainwater Collection Systems		A	A	A	A	A	A	A	A	A	A
Swimming Pools and Tennis Courts		A	A	A	A	A	A	A	A		
AGRICULTURAL USES											
Commercial Agriculture, Forestry, Fishing	Y									P	P
Commercial Community Garden	Y	SUP	SUP	SUP	P		P	P	P		
Farmers markets, Roadside markets, Roadside stands	Y						SUP		SUP	P	
Non-commercial Agriculture, Forestry, Fishing		P	P	P		SUP			P		P
Timber Harvesting	Y								P		
COMMERCIAL USES											
Alcoholic Beverages, Packaged and Retail Sales							P	P			
Amusement and Recreation Industries							SUP	SUP		P	
Automobile Dealers							P			P	P
Automotive Parts, Accessories, Tire Stores							P			P	P
Automotive Repair, Maintenance	Y						P			P	P
Bed-and-Breakfast Inns	Y	SUP	SUP		P		P	P	SUP		
Brewpubs, Microbreweries					SUP		P	P		P	
Building Material, Garden Equipment, Supplies Dealers					SUP		P			P	P
Car Washes (Commercial)							P			P	P
Cemeteries (Private)	Y	SUP	SUP						SUP	P	P
Cemeteries (Religious, Institutional)	Y	SUP	SUP								
Civic and Social Organizations					SUP		P	P		P	P
Commercial and Industrial Machinery and Equipment, Including Sales and Rental					SUP		P			P	P
Commercial Banking					P		P	P		P	
Commercial Parking Lots, Parking Decks	Y				SUP		P	P		P	P

TABLE OF PERMITTED AND PROHIBITED USES	SUPPLEMENTAL	R ES	R SU	R TN	MX TN	MR CR	MX CR	MX DT	RL G	B G	I G
COMMERCIAL USES (continued)											
Consumer Fireworks Retail Sales Facility, Retail Sales Stands	Y										P
Convenience Stores					P		P	P		P	
Data Processing, Hosting, Related Services							P			P	P
Distilleries, Microdistilleries							P	P		P	P
Drive-In Motion Picture Theaters							P			P	
Dry Cleaning, Laundry Services					SUP		P	P		P	P
Farm Wineries							P	P		P	P
Flea Market							P			P	P
Funeral Homes, Funeral Services					P		P			P	P
Furniture and Home Furnishings Stores					P		P	P		P	P
Gasoline Stations	Y						P			P	P
General Merchandise Stores, including Warehouse Clubs and Supercenters							P	P		P	
General Rental Centers							P			P	
Grocery Stores					P		P	P		P	
Hotels, Motels	Y				P		P	P		P	P
Kennels and Animal Boarding (Commercial)							P		SUP	P	P
Libraries, Archives							P	P		P	
Massage and Spa Establishments	Y				SUP		SUP	SUP		SUP	P
Mobile Food Vendors	Y				P		P	P		P	P
Motion Picture Theaters (except Drive-Ins)							P	P			
Motor Vehicle Dealers (Sales and Rental), including Recreational Vehicles, Boats, and Utility Trailers							P			P	P
Museums, Similar Institutions					P		P	P			
Bars, Taverns					P		P	P			
Open Yard Sales	Y						P			P	P

TABLE OF PERMITTED AND PROHIBITED USES	SUPPLEMENTAL	R ES	R SU	R TN	MX TN	MR CR	MX CR	MX DT	R L G	B G	I G
COMMERCIAL USES (continued)											
Other Professional and Business Offices					P		P	P		P	P
Pawn, Title Services							P			P	P
Performing Arts, Spectator Sports, Related Industries							P	P		P	
Personal Care Services					P		P	P		P	
Pet Care, Veterinary Services	Y				P		P		SUP	P	P
Radio and Television Broadcasting							P	P		P	P
Restaurants					P		P	P			
Retail Stores					P		P	P		P	
Sexually Oriented Businesses											P
Special Event Centers, Commercial Entertainment							SUP	SUP		P	P
Taxidermy Services					P		P	P	SUP	P	P
Telephone Call Centers							P			P	P
Used Merchandise Stores					P		P	P		P	
INDUSTRIAL USES											
Commissary Kitchens							SUP			P	P
Distribution Centers										P	P
~~Heavy Manufacturing~~	-		-	-	-	-	-	-		-	~~P~~
Junkyard, Salvage Yard	Y										SUP
Light Manufacturing										P	P
Motor Vehicle Towing	Y										P
Personal Storage	Y						P			P	P
Recreational Vehicle and Boat Storage	Y						P			P	P
Recycling Centers											P
Recycling Collection							P			P	P
Remediation, Other Waste Management Services											SUP
Sewage Treatment Facilities					P		P	P		P	P

TABLE OF PERMITTED AND PROHIBITED USES	SUPPLEMENTAL	R ES	R SU	R TN	MX TN	MR CR	MX CR	MX DT	R L G	B G	I G
INDUSTRIAL USES (continued)											
Support Activities for Transportation Services							P			P	P
Truck Stop										P	P
Truck Terminals										P	P
Warehousing	Y						SUP			P	P
Waste Collection											SUP
Wreckage, Inoperable Vehicle Storage											SUP
PUBLIC/INSTITUTIONAL USES											
Child and Youth Services							SUP			P	
Colleges, Universities, Professional Schools							SUP			P	P
Day Care - Adult Day Care Center	Y				SUP		P	P			
Day Care - After School Program	Y				SUP		P	P			
Day Care - Day Care Center	Y				SUP		P	P			
Day Care - Family Day Care Home	Y	SUP	SUP	SUP					SUP		
Day Care - Nursery School	Y				SUP		P	P			
Elementary and Secondary Schools	Y	P	P	P	P	P	P	P	P	P	
Hospitals					P		P			P	
Individual and Family Services					P		P	P		P	
Medical and Diagnostic Laboratories							P	P		P	P
Offices of Health Practitioners					P		P	P		P	
Places of Worship	Y	SUP	SUP	SUP	SUP	SUP	P	P	SUP	P	P
Services for the Elderly and Persons with Disabilities							P	P		P	
RESIDENTIAL DWELLING USES											
Dwellings, Manufactured Home	Y								P		
Dwellings, Multi-family	Y				P	P	P	P			
Dwellings, Single-family attached	Y				P	P	P	P			
Dwellings, Single-family detached	Y	P	P	P	P	P	P	P	P		
Dwellings, Townhome	Y				P	P	P	P			
Dwellings, Two-family	Y			P	P	P	P	P			

TABLE OF PERMITTED AND PROHIBITED USES	SUPPLEMENTAL	R ES	R SU	R TN	MX TN	MR CR	MX CR	MX DT	R L G	B G	I G
RESIDENTIAL GROUP LIVING USES											
Social Service Facility, including Halfway House, Drug Rehabilitation Centers, Drug Dependency Treatment Facilities	Y						SUP			SUP	
Assisted Living Facility, Nursing Home	Y					SUP	P			P	
Continuing Care Retirement Communities, Assisted Living Facilities for the Elderly						SUP	P			P	
Dormitories, Fraternities, Sororities										SUP	
Monastery, Convent						SUP	P			P	
Personal Care Home (2-4 residents)	Y	P	P	P	P	P	P		P	SUP	
Personal Care Home (5-15 residents)	Y	SUP	SUP	SUP		P				SUP	
Personal Care Home (16-24 residents)	Y	SUP	SUP	SUP	SUP	P	SUP	SUP		SUP	
Roominghouse, Boardinghouse	Y	SUP	SUP	SUP	P	SUP	P	P		P	
TEMPORARY USES											
Construction Field Office	Y	P	P	P	P	P	P	P	P	P	P
Open Air Seasonal Sales	Y				P		P	P	P	P	P
Real Estate Sales Offices, Model Homes	Y	P	P	P	P	P	P	P	P	P	P
Special Events and Festivals	Y	P	P	P	P	P	P	P	P	P	P
Temporary Portable Storage Container	Y	P	P	P	P	P	P	P	P	P	P
Warming Center	Y				P			P		P	P
Yard/Garage Sales	Y	P	P	P	P	P	P	P	P	P	P

(2) General accessory use provisions. In addition to those accessory uses listed in the Table of Permitted and Prohibited Uses, accessory uses shall be permitted as a subordinate use to the primary use existing on the site. Certain accessory uses shall be subject to the additional standards described in this section. Accessory uses shall be operated in a way that presents no nuisance to the surrounding properties or larger community.

(a) Accessory uses provided as part of Commercial uses shall include those normally appurtenant to such development, as provided for in other sections of the UDO.

(b) Any accessory use normally appurtenant to a permitted use shall be allowed provided that such use conforms to all performance standards set forth for that district.

(c) Such structures and uses shall be located on the same lot as the principal building to which they are accessory.

(d) In all zoning districts, no accessory use shall be permitted in public rights-of-way.

(3) Specific accessory use provisions. Accessory uses are organized by major use category as presented in section 102-B-6-1, Table of Permitted and Prohibited Uses.

ARTICLE VII. SUPPLEMENTAL USE STANDARDS

Sec. 102-B-7-1. Measurements.

In interpreting the distance requirements between incompatible uses, measurements shall be made along a straight line drawn from the closest point of the property line of the site occupied by the subject use to the closest point of the property line of the site occupied by the limiting use.

Sec. 102-B-7-2. Supplemental use provisions.

The following standards shall apply to the supplemental uses listed. Listed uses shall also meet all district requirements and other applicable UDO provisions. Should the standards of this Article conflict with other standards provided in the UDO, the standards of this Article shall apply. The following supplemental use standards are organized by major use category as presented in section 102-B-6-1, Table of Permitted and Prohibited Uses. Accessory and temporary uses that permit uses containing supplemental provisions found in other sections of this Article shall comply with the corresponding provisions of those sections.

Sec. 102-B-7-3. Accessory uses.

(1) Accessory uses are permitted in conjunction with an allowed principal use. Allowed accessory uses are those listed in section 102-B-6-1, Table of Permitted and Prohibited Uses.

(2) Accessory dwellings.

  (a) Only one (1) accessory dwelling may be created per principal dwelling unit.

  (b) An accessory dwelling may be developed adjacent to either an existing or new principal dwelling.

  (c) The equipment of an accessory building or equipment of part of a principal building with one (1) or more of the following or similar items, systems or equipment shall be considered prima facie evidence that such accessory building or such part of the principal building is a separate and distinct dwelling unit and is subject to the regulations of the zoning district in which it is located:

utility services; utility meters; mailboxes; kitchen equipment such as sink, stove, oven, and/or cabinets.

(3) Cargo containers.

(a) No cargo container utilized for an accessory use shall be erected, placed or otherwise located within the City except in conformity with the regulations of this section and any other applicable zoning or other restriction within the Code.

(b) Cargo containers utilized for an accessory use shall be permitted without restriction in G-I districts.

(c) Cargo containers utilized for an accessory use shall be permitted in the CR-MX districts only upon satisfying the following criteria:

(i) Cargo containers shall be allowed on a permanent basis on lots of one (1) acre or more. Such cargo containers shall be permanently and fully screened from view from all adjacent properties, which shall require either fencing material one (1) foot higher than the height of the cargo container, or planted landscape material that within six (6) months of installation is one (1) foot higher than the height of the cargo container.

(ii) Placement of cargo containers shall comply with all applicable building and setback lines. No more than one (1) permanent cargo container shall be allowed per lot, regardless of lot size.

(iii) Cargo containers shall be allowed on a temporary basis on lots of less than one (1) acre, but not for greater than 90 days. Neither a permit nor screening shall be required for the placement of a temporary cargo container.

(d) Cargo containers utilized for a principal use shall be permitted and shall be classified as a Single Story Shopfront building type (Sec. 102-B-5-2).

(4) Day care facilities.

(a) Shall be permitted as an accessory use for a place of worship, in all zoning districts that permit places of worship.

(b) Where permitted as an accessory use, such use shall meet the supplemental use provisions for day care facilities provided in section 102-B-7-7.

(5) Donation bins.

(a) Are limited to one (1) per parcel.

(b) Shall only be permitted on a parcel that also contains a principal building that contains at least one (1) operating business.

(c) Hogansville Police Department shall be furnished with a key to the locking mechanism.

(d) Shall be located as follows:

(i) Shall not be located within 1,000 feet of any other such use.

(ii) Shall not be located within 100 feet of any residentially zoned parcel.

(iii) Shall not be located within 20 feet of any public right-of-way.

(iv) Shall not be permitted to obstruct pedestrian or vehicular circulation, nor be located in any public right-of-way, landscape zone, sidewalk, parking space, fire lane or loading zone.

(v) Shall not be located between a building and a street.

(vi) Shall only be permitted to display signage on one (1) side.

(vii) Shall be clearly visible from the principal building and be no more than 10 feet from a continually operating light source of at least one (1) foot-candle.

(viii) Shall be fabricated of durable and waterproof materials not including wood.

(ix) Shall be placed on a surface that is paved with durable cement.

(x) Shall have a collection opening that has a tamper-resistant locking mechanism.

(xi) Shall be no more than 84 inches high, 60 inches wide and 50 inches deep.

(xii) Shall not be electrically or hydraulically powered or otherwise mechanized.

(xiii) Shall have the following information conspicuously displayed on at least two (2) inch type visible from the front of the Collection Container: the name, address, 24-hour telephone number, and, if available, the Internet Web address, and email address of the owner and operator of the Collection Container and the parcel owner/owner agent; address and parcel number of the site; Instructions on the process to register a complaint regarding the Collection Container to the City Code Enforcement Division; the type of material that may be deposited; a notice stating that no material shall be left outside the Collection Container; the pickup schedule for the Collection

Container; and if owned by a nonprofit organization, a statement describing the charitable cause that will benefit from the donations.

(6) Home occupation.

(a) Other than the occupant of the dwelling, employees are prohibited from working within the dwelling or on the property.

(b) No stock in trade can be kept or commodities sold on the premises.

(c) No chemical, electrical, or mechanical equipment can be used, except equipment that is normally used for family, domestic, or household purposes.

(d) Other than a nameplate not more than 24 square inches in area, no exterior indication that the building or property is being used for any purpose other than the dwelling can be attached to the dwelling unit. No other signs, free standing or attached, related to the home occupation are permitted on the property.

(e) Each person carrying on a home occupation must obtain a business license.

(f) No sales displays can be visible from outside the dwelling.

(g) Contact with the public is limited to no more than two (2) visitors in the dwelling at one (1) time.

(h) Operations and client visits to the premises are prohibited between 12:00 midnight and 6:00 a.m.

(i) Commercial deliveries are limited to no more than 20 deliveries to the premises per week.

(j) No more than 25 percent of the total floor area of the main dwelling can be used for a home occupation.

(k) No outdoor open storage related to the home occupation is allowed on the premises.

(l) No vehicle exceeding a one (1) ton capacity is allowed to park on the premises.

(m) The term "home occupation" includes but is not limited to the following uses: art studio; design services; professional office of a learned profession, real estate agent, insurance agent, or other similar occupation; teaching; beauty parlor, barbershop; web based services; massage therapist; piano/music teacher; and educational tutor.

(n) The term "home occupation" does not include: restaurants; veterinarian offices; medical, dental, or chiropractic offices, or offices of similar health-related professions.

(7) Horse stables. See City Code Chapter 10, Sec. 10-32.

(8) Kennel and animal boarding (hobby).

(a) Where permitted as a principal use, shall locate all structures, and elements used for housing animals, at least 200 feet from any property zoned or used for residential purposes.

(b) Outdoor kennels or runs must be at least 300 feet from the nearest property zoned or used for residential purposes.

(9) Livestock raising. See City Code Chapter 10, Sec. 10-32.

(10) Outdoor dining. When located within public sidewalk areas, the following regulations shall apply:

(a) A minimum five (5) feet of unobstructed sidewalk area shall be maintained.

(b) No permanent structure or ornamentation shall be located within the encroachment area and no element shall be attached to the sidewalk in any way.

(c) At such time as the outdoor dining use is discontinued, sidewalks shall comply with all requirements of the UDO.

(11) Outdoor display and sales. The following regulations apply to outdoor display and sales within the downtown business overlay district.

(a) No merchant or other person shall use or occupy the sidewalks of the City for the display of goods, wares or merchandise except as set forth in this section. A merchant may display goods, wares or merchandise on City sidewalks immediately adjacent to such merchant's store premises providing all of the following conditions are met:

(i) The merchant holds a then-current license or occupation tax certificate from the City for the sale of goods and merchandise of the type that will be displayed on City sidewalks;

(ii) The display shall not obstruct building entrances, fire exits, utility meters, seller entrances, stand pipes or other safety equipment;

(iii) An area of not less than five (5) feet of unobstructed pedestrian passage way shall be maintained at all times between any display and the nearest curb, tree, pole or other permanent object situate in the right-of-way;

(iv) All sidewalk displays as provided for in this section shall be removed from the sidewalk during any time when the business displaying such merchandise is closed to customers;

(v) All final sales transactions between merchant and customer shall be conducted within the business establishment and not on the City sidewalk;

(vi) Merchandise must be placed in a manner so as not to interfere with pedestrian traffic on the sidewalk;

(vii) Any merchant displaying goods, wares or merchandise on City sidewalks must execute an indemnification agreement in favor of the City in a form satisfactory to the City; and

(viii) The City shall have the right to require any merchant placing merchandise on the sidewalk to immediately remove same in the event that access to said portion of the sidewalk is required for repair of any City facilities or for any other lawful public purpose.

(b) This section shall not prohibit the display and sale of goods and merchandise during festivals or other special events that are approved and sanctioned by the City Council.

(12) Outdoor storage.

(a) No property owner for any zoning classification within the City shall allow or cause to occur any motor vehicle, mechanical device, equipment or other similar item, or any parts of any such items, which is or are visible from the street or an adjoining property to remain outdoors on such property in a state of disrepair for more than 30 days. Such item(s) must be moved indoors, removed from the property, or restored to a properly functioning condition.

(b) The City shall be authorized to provide written notice to the property owner and/or occupant of the property of any violation of any section of this Article concerning outdoor storage on property within the City. If such violation is not corrected to bring the property within compliance with this Article after such 30-

day written notice, the City shall be authorized to tow, remove and/or otherwise take custody of any and all such motor vehicles, mechanical devices, equipment, parts, and/or other personal property constituting a violation of this Article.

(c) It shall further be unlawful for any property owner and/or occupant of the property to violate the provisions of this Article. Each such violation shall constitute a separate offense, specifically including an offense for each motor vehicle, mechanical device, piece of equipment and/or part found to be in violation of this Article. Each and every such violation shall constitute grounds the revocation or suspension of a business license, and a civil penalty of up to $500.00 may be levied for each violation in accordance with applicable provisions of the City Code.

(13) Poultry raising. See City Code Chapter 10, Sec. 10-32.

(14) Recreational vehicle and boat parking.

(a) A maximum of one (1) recreational vehicle and one (1) boat may be parked or stored on a single-family property in the side or rear yard only.

(b) Recreational vehicles and boats shall not be parked in side yards adjacent to a public street.

(c) No such equipment shall be used for living, sleeping or housekeeping purposes when parked or stored on a residential lot or in any location not approved for such use.

Sec. 102-B-7-4. Agricultural uses.

(1) Commercial agriculture, forestry, and fishing shall provide a minimum 50-foot buffer from the property line of any adjacent residence.

(2) Community garden.

(a) A community garden must be primarily used for growing and harvesting food and ornamental crops for consumption or donation or for sale off-site.

(b) Distribution, pick-up, and delivery of product and goods and services is permitted only between the hours of 7am and 7pm.

(c) Only mechanical equipment designed for household use may be used.

(d) Detached accessory structures such as storage or utility buildings, gazebos, trellises, or greenhouses are permitted, subject to compliance with the requirements of the zoning district.

(e) Where lighting is installed, only motion-detecting fixtures are permitted. All-night lighting is prohibited.

(3) Farmers markets, roadside markets, roadside stands.

(a) Such uses are subject to all State health regulations and any other requirements from the State regarding the sale of food and produce.

(b) See City Code Chapter 62.

(c) Timber harvesting.

(a) Such activities shall be conducted consistent with "Georgia's Best Management Practices for Forestry" as established by the State environmental protection division.

(b) Nothing in these standards shall be interpreted to prevent standard silviculture practices that promote healthy forest-keeping practices.

(c) It shall be unlawful for any timber harvester subject to this Article to obstruct, encroach upon, or injure materially any part of any public road.

(d) Any timber harvester who unlawfully obstructs, encroaches upon, or injures any part of any public road shall be responsible for reimbursing the impacted jurisdiction for the costs of removal of said obstructions or encroachments and the costs of repairs incurred by the impacted jurisdiction, including any costs associated with traffic management; provided, however, that such costs shall be limited to those costs which are directly incurred from such damages. Costs incurred for traffic management may include, but are not limited to, costs incurred for flagging, signing, or provision of detours, provided that these activities are directly caused by the obstruction, encroachment, or injury to the public road system.

(e) The City shall periodically make an inspection of public roads and shall notify each timber harvester then conducting harvesting operations of all actions reasonably necessary to maintain and ensure the return of the condition of the public roads to a state equal to that existing immediately prior to the instituting

of harvesting operations. Upon notice from the City on any project that is being done contrary to the provisions of this Article, all work shall be immediately stopped. Such notice shall be in writing and shall be given to the timber harvester and the owner of the subject property and shall state the conditions under which work may resume. When an emergency exists, written notice shall not be required. If the timber harvester does not complete such repairs as are reasonably periodically necessary within five days of notice, the City may, at its sole option, complete the repairs and charge the costs of the same (including any costs associated with traffic management which are directly incurred from the obstruction, encroachment upon or injury to any public road caused by the harvesting operations) to the timber harvester and against the posted bond or irrevocable letter of credit. The timber harvester shall remain liable for any additional maintenance cost, traffic management cost, and the cost of returning the public roads to their prior condition upon the completion of harvesting operations.

(f) No timber harvester shall commence timber harvesting operations until he has first posted or caused to be posted along the public road onto which the timber operator will enter from his/her timber harvesting 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 36 inches by 36 inches, orange in color and posted at least three feet from the road surface of said public road.

(g) No timber harvester shall park or leave unattended a truck or other motor vehicle or trailer upon a public road.

(h) All harvesting operations shall be conducted on the tract identified in the notice and off public roads and rights-of-way. Logging and skidding of logs on public roads and rights-of-way are strictly prohibited.

(i) Ditches constituting a part of the public drainage system or otherwise benefitting a public right-of-way shall be kept clear of all debris and residue at all times to permit proper drainage.

(j) Prior to commencing any timber harvesting operations, the City shall inspect the point of access to the public road from the tract described in the notice in order to determine its suitability. If graveling or a culvert is required at the point of access, it shall be promptly installed by the timber harvester as directed and to the design specifications required by the City. The Zoning Administrator may also impose such other design specifications and requirements as in his/her sole discretion are necessary to protect and to provide for the safe and efficient use of the public road system. The point of access shall be maintained by the timber harvester so long as timber harvesting operations are ongoing.

(k) The timber harvester shall give written notification to the City within 24 hours following completion of the timber harvesting operations. The City shall inspect all affected public property and public rights-of-way to assure that the same has not been damaged or has been restored to its original condition, including any shaping of ditches, grading or seeding as required. The timber harvester shall be notified in writing of any deficiencies and given 15 business days to correct said deficiencies. If not accomplished during that period, the City shall be authorized to complete the work at the cost of the timber harvester.

Sec. 102-B-7-5. Commercial uses.

(1) Automotive repair, maintenance.

(a) Automobile repair facilities, service stations and similar businesses engaged in the maintenance and repair of motor vehicles, including car wash or detailing businesses, shall adequately screen areas designed for the outdoor storage of vehicles in need of maintenance or repair, in a state of maintenance or repair, and/or awaiting pickup after maintenance or repair. Any such outside storage area shall be located in the rear of the property behind the primary structure on the property. No junk or abandoned vehicles or parts of vehicles will be stored on site for any such repair or service facility beyond 30 days.

(b) Any outdoor work/storage area where any vehicles are stored shall be in the rear yard only surrounded by a solid visual barrier fence or wall at least eight feet in height. The visual barrier shall be painted or constructed of one color and

material providing a consistent appearance. The fence or wall shall provide screening of the outdoor work/storage area from view of the public street and all surrounding properties. The fence or wall shall be maintained perpetually and immediately repaired as needed. There shall be sufficient distance between stored vehicles and fence or wall to allow for proper maintenance of the fence or wall.

(c) No vehicle or part of a vehicle may be parked upon or stored upon any portion of the right-of-way of any road adjacent to the property. Additionally, no vehicle or part of a vehicle may be parked upon or stored upon any sidewalk or parking lot on the property so as to impede the flow of pedestrian or vehicular traffic on, into or out of the property.

(d) Services shall not allow objectionable smoke, noise, odors or other adverse impacts on adjoining properties. No burning of any waste materials is permitted unless it is part of an approved contained heat system specifically for reuse of waste materials.

(e) Any draining of fluids or removal of batteries from wrecked, salvage or towed vehicles must be completed in an enclosed structure on a concrete pad or floor or other impervious surface approved by the Zoning Administrator, senior Building Official or City engineer. Any drained fluids shall be disposed of in a manner consistent with Georgia Rules of Hazardous Waste Management and applicable State and Federal regulations.

(2) Bed and breakfast inns.

(a) No guest shall stay in a bed and breakfast inn for a period in excess of 30 consecutive days.

(b) No restaurant and eatery use shall be permitted. Meals may only be served on the premises and only for guests and employees of the bed and breakfast inn.

(c) Rooms shall not be equipped with cooking facilities.

(3) Cemeteries.

(a) Cemeteries shall be located on a site containing not less than 10 acres.

(b) Any new cemetery shall be enclosed by a fence or wall not less than four (4) feet in height.

(c) All structures shall be set back no less than 25 feet from any property line or street right-of-way line.

(d) All graves or burial lots shall be set back not less than 25 feet from any property line or local street right-of-way lines and not less than 50 feet from the right-of-way line of any thoroughfare classified as a collector, arterial, or avenue by the City.

(e) Prior to approval of the request for the location of a new cemetery, a site plan and perpetual care plan must be submitted to the Zoning Administrator.

(4) Commercial Parking Lots, Parking Decks. Commercial parking lots and parking decks shall be permitted to be utilized for the parking of vehicles by the public for any fee. Storage and/or recreational vehicle and boat parking uses shall not be permitted as part of this use and shall only be permitted in accordance with delineation of allowable uses in the Table of Permitted and Prohibited Uses.

(5) Consumer fireworks retail sales facility, consumer fireworks retail sales stand.

(a) Such uses shall be provided primarily for the retail display and sale of consumer fireworks to the public.

(b) For consumer fireworks retail sales stands, the permanent or temporary building or structure shall have a floor area of not greater than 880 ft 2 (74m 2), other than tents, canopies, or membrane structures, that is used primarily for the retail display and sale of consumer fireworks to the public.

(c) Such uses shall comply with NFPA 1124 and shall require a Fire Marshall inspection prior to opening.

(6) Extended-stay hotels and motels.

(a) Extended-stay motels/hotels are limited to no more than 25 guest rooms per acre.

(b) Each guest unit must contain a minimum square footage per unit of 300 square feet.

(c) Extended-stay hotels/motels shall not be more than four (4) stories in height.

(d) Extended-stay hotels/motels must be constructed on a tract of land containing at least two (2) acres.

(e) Extended-stay hotels/motels must contain an enclosed, heated and air conditioned laundry space containing a minimum of three (3) clothes washers and three (3) clothes dryers for the use of guests.

(f) Extended-stay hotels/motels must provide a minimum of 1,000 square feet for recreational use by guests. In computing the 1,000 square feet requirement, swimming pools, fitness or recreation centers and other recreational facilities may be used in determining the square footage required by this subsection.

(g) Management must be on the property 24 hours a day, seven (7) days a week.

(h) Daily maid service must be included in the standard room rate.

(i) No applicant shall operate, conduct, manage, engage in, or carry on an extended-stay motel/hotel under any name other than their name and the name of the business as specified on the occupation tax certificate.

(j) Any application for an extension or expansion of a building or other place of business where an extended-stay motel/hotel is located shall require inspection and shall comply with the provisions and regulations of this Article.

(7) Gasoline stations.

(a) All repair and maintenance activities shall be carried on entirely within an enclosed building.

(b) Outdoor storage is prohibited.

(c) Outside above-ground tanks for the storage of gasoline, liquefied petroleum gas (other than single-service sizes), oil, and other flammable liquids or gases shall be prohibited at any gasoline service station.

(d) Overnight accommodations, showers, and overnight customer parking shall be prohibited.

(8) Kennels and animal boarding (commercial).

(a) All structures, and elements used for housing animals shall be located at least 200 feet from any property zoned or used for residential purposes.

(b) Outdoor kennels or runs must be at least 300 feet from the nearest property with any zoning designation that allows dwellings.

(9) Massage and spa establishments.

(a) Each massage establishment and spa establishment shall have an owner, manager or supervisor on the premises at all hours that the establishment is occupied by patrons or is open to the public. Further, each massage establishment shall have a State-licensed massage therapist on the premises at all hours that the establishment is occupied by patrons or is open to the public. No massage establishment shall hold itself out as being open for business at any time when there is no State-licensed massage therapist on the premises. In addition to the other penalties and remedies provided herein, if during an inspection there is no owner, manager, or supervisor, or, if applicable, State-licensed massage therapist on the premises, the establishment must cease operations and close until an owner, manager or supervisor or State-licensed massage therapist, as applicable, is on the premises.

(b) No massage establishment or spa establishment shall be or remain open for business between the hours of 9:00 p.m. and 7:00 a.m. No person shall be or remain inside a massage establishment or spa establishment between the hours of 10:00 p.m. and 6:00 a.m. No massage establishment or spa establishment shall hold itself out as open at a time that the establishment is prohibited, under this subsection, from being open for business.

(c) A readable sign shall be posted at the main entrance identifying the establishment. Signs shall comply with the sign requirements of this UDO.

(d) Ordinary beds or mattresses shall not be permitted in any massage establishment or spa establishment.

(e) Massage establishments, spa establishments, and their employees shall ensure that storefront windows are not blocked by curtains, blinds, posters, advertisements, or any other screening material.

(10) Mobile food vendors.

(a) Permit Required.

(i) It shall be unlawful for any person to sell, or offer for sale, food of any type from a commissary, mobile retail food establishment, pushcart or temporary food establishment without a permit first having been granted under this

section, except for City-sponsored events, and without having been granted a license pursuant to Chapter 18 of the City Code.

(ii) An application for a permit hereunder shall be submitted to the Zoning Administrator setting forth all information required hereunder and in compliance with this section. The Zoning Administrator shall develop a form of application for the purpose of compliance with this section. Such permits shall be valid for one (1) year from the effective date of the permit.

(iii) The following information shall be provided with each application for a mobile food vendor permit: name of the mobile food vendor; make, model, and license plate number of vending unit; owner's contact information; operator's contact information; type of vendor (street vending unit or sidewalk vending unit); copy of approved permit from the Troup County Health Department; list of operating locations and times; signatures from property owners indicating consent for the use of their property; signature of applicant indicating agreement to the listed requirements; and a traffic management plan demonstrating the applicant's plan to properly address vehicular and pedestrian traffic generated by the mobile food business.

(b) Prohibited Conduct and Requirements.

(i) Except for ice cream trucks, no mobile food vendor shall conduct business or operate in the public right-of-way.

(ii) A mobile food vendor shall not operate on any private property without the prior consent of the owner.

(iii) A mobile food vendor shall maintain a $1,000,000 liability insurance policy. Proof of current liability insurance, issued by an insurance company licensed to do business in Georgia, protecting the mobile food vendor, the public and the City from all claims for damage to property and bodily injury, including death, which may arise from operation under or in connection with the permit. Such insurance shall name the City as an additional insured and shall provide that the policy shall not terminate or be canceled prior to the expiration date without 30 days advanced written notice to the City.

(iv) Except for ice cream trucks, a mobile food vendor shall not make sounds or announcements to call attention to the mobile food vehicle either while traveling on the public rights-of-way or when stationary. At all times said mobile food vendor shall be in compliance with the City of Hogansville noise ordinance.

(v) The license under which a mobile food vendor is operating must be firmly attached and visible on the mobile food vendor or pushcart at all times.

(vi) Any driver of a mobile food vendor motorized vehicle must possess a valid driver's license.

(vii) Except for ice cream trucks, mobile food vendors are allowed only in zoning districts that permit commercial uses.

(viii) Mobile food vendors shall not be located within 15 feet of any street intersection or pedestrian crosswalk or 10 feet of any driveway.

(ix) No sale or offer for sale shall be made by any mobile food vendor between 11:00 p.m. and 6:30 a.m. unless such sale is in conjunction with a City-approved special event or film production permit.

(x) Vending structures shall not be left unattended or stored at any time on the open vending site when vending is not taking place or during restricted hours of operation.

(xi) No sale or offer for sale of ice cream, frozen milk, frozen dairy or ice confection products shall be made from a mobile food vendor unless each side of the vehicle is marked, in letters and numbers at least three (3) inches in height, with the name and address of the mobile food vendor licensee.

(xii) The mobile food vendor shall comply with all State, Federal and local health and safety regulations and requirements and shall obtain and maintain any and all licenses required by any other health, organization or governmental organization having jurisdiction over this subject matter.

(xiii) The following safety regulations shall apply to any and all vehicles operating under this section or used for mobile retail food establishments: every vehicle shall be equipped with a reverse gear signal alarm with a sound distinguishable from the surrounding noise level; every vehicle shall be

equipped with two (2) rear-vision mirrors, one (1) at each side, firmly attached to the outside of the motor vehicle, and so located as to reflect to the driver a view of the highway to the rear, along both sides of the vehicle; and the mobile food vendor may sell food and non-alcoholic beverage items only.

(xiv) When located on properties meeting the definition of a Mobile food park, Mobile food vendors shall be permitted to remain on the property with no limit to the number of days per calendar week. When located on properties that do not meet the definition of a Mobile food park, Mobile food vendors shall be limited to a total of three (3) days per calendar week on the same property. Mobile food parks shall be equipped with portable trash receptacles and shall be responsible for proper disposal of solid waste. All disturbed areas must be cleaned following each stop to a minimum of 25 feet from the sales location and liquid spills near the vendor shall be properly cleaned following each stop.

(xv) Notwithstanding any provision herein to the contrary, a mobile food vendor may return to and from a particular lot during the three (3) day period of limitation referenced herein. Merchants participating in events on public property sanctioned and approved by the Downtown Hogansville Development Authority or the Troup County Parks and Recreation Commission shall be exempt from the durational requirements of this section. Also, a mobile food vender operating on the lot of an existing and operating restaurant (as defined in Section 30-20-96) or special events center shall be exempt from said durational requirements.

(c) Indemnity. As part of the permitting process set forth herein, any person or entity receiving a permit set forth herein shall execute an indemnity agreement indemnifying and releasing the City of Hogansville, its agents, employees and elected officials from any and all liability against any and all claims, actions and suits of any type whatsoever.

(11) Open yard sales. All items and structures sold or held as inventory to be sold shall be located a minimum distance of 75 feet from any public right-of-way.

(12) Pet care and veterinary services.

(a) All structures, and elements used for housing animals shall be located at least 200 feet from any property zoned or used for residential purposes.
(b) Outdoor kennels or runs must be at least 300 feet from the nearest property with any zoning designation that allows dwellings.

Sec. 102-B-7-6. Industrial uses.

(1) Junkyard, salvage yard.
(a) All junkyards, junk businesses, salvage operation, salvage yards and towing or wrecker services located within the City shall be no less than 10 acres in area and shall be screened and buffered from view by a solid visual barrier fence or wall at least eight (8) feet in height. The visual barrier shall be painted or constructed of one color and material providing a consistent appearance. The fence or wall shall provide screening of the outdoor work/storage area from view of the public street and all surrounding properties. The fence or wall shall be maintained perpetually and immediately repaired as needed. There shall be sufficient distance between stored vehicles and fence or wall to allow for proper maintenance of the fence or wall.
(b) Vehicles shall not be stacked on top of each other. Only one (1) vehicle height shall be permitted within the vehicle storage areas.
(c) Services shall not allow objectionable smoke, noise, odors or other adverse impacts on adjoining properties. No burning of any waste materials is permitted unless it is part of an approved contained heat system specifically for reuse of waste materials.
(d) Any draining of fluids or removal of batteries from wrecked, salvage or towed vehicles must be completed in an enclosed structure on a concrete pad or floor or other impervious surface approved by the Zoning Administrator, senior Building Official or City Engineer. Any drained fluids shall be disposed of in a manner consistent with Georgia Rules of Hazardous Waste Management and applicable State and Federal regulations.
(e) Towing and/or wrecker services are subject to basic commercial and industrial design standards.

(f) The site plan submitted with application for a building permit, land disturbance or special use showing the location of structures, storage area, fencing and/or wall materials and parking plan for employees, customers and compliance with American with Disabilities Act.

(g) The construction or operation of the towing or wrecker or service station shall not add to the contamination of the soil, create additional drainage runoff or alter topography in such a way that creates hazards to the site, adjoining properties or the City.

(h) The ground surface in the outdoor work/storage area shall be covered with gravel, asphalt or concrete or other material as approved by the Zoning Administrator.

(i) Vehicles may not be stored at an outdoor work/storage area for longer than 12 months. A code enforcement officer, Zoning Administrator or senior Building Official may inspect records at any time the business is open for compliance with this requirement.

(2) Motor vehicle towing.

(a) Areas where any towed vehicles are stored must be located a minimum of 300 feet from the nearest property with any zoning designation that allows residential dwelling uses.

(b) Outdoor work/storage area where any towed vehicles are stored shall be in the rear yard only surrounded by an eight (8) foot solid visual barrier fence or wall. The visual barrier shall be painted or constructed of one (1) color and material providing a consistent appearance. The fence or wall shall provide screening of the outdoor work/storage area from view of a public thoroughfare and all surrounding properties. The fence or wall shall be maintained perpetually and immediately repaired as needed. There shall be sufficient distance between stored vehicles and fence or wall to allow for proper maintenance.

(c) Vehicles shall not be stacked. Only one (1) vehicle height shall be permitted within the vehicle storage areas.

(d) Motor vehicle towing services shall not allow objectionable smoke, noise, odors or other adverse impacts on adjoining properties or the City. No burning of any

waste materials is permitted unless it is part of an approved contained heat system specifically for reuse of waste materials.

(e) Any draining of fluids or removal of batteries from wrecked or towed vehicles must be completed in an enclosed structure on a concrete pad or floor or other impervious surface approved by the Zoning Administrator. Any drained fluids shall be disposed of in a manner consistent with Georgia Rules of Hazardous Waste Management and applicable Federal Regulations.

(f) The site plan submitted with an application for building permit or land disturbance showing the location of structures, storage area, fencing and/or wall materials and parking plan for employees, customers and compliance with American with Disabilities Act, shall be reviewed by the Zoning Administrator and the Troup County Health Department, for compliance with these standards.

(g) The construction or operation of the motor vehicle towing service shall not add to the contamination of the soil, create additional drainage runoff or alter topography in such a way that creates hazards to the site, adjoining properties or the City.

(h) The ground surface in the outdoor work/storage area shall be covered with gravel, asphalt or concrete or other material as approved by the Zoning Administrator.

(i) Vehicles may not be stored at an outdoor work/storage area for longer than 12 months. The Zoning Administrator or a code enforcement officer may inspect records at any time the business is open for compliance with this requirement.

(j) No wrecked or towed vehicles may be towed to the tow truck operator's residence for any reason.

(k) Towing and wrecker service businesses are a separate type of business from salvage yards and junk yards. Towing and wrecker service businesses that store and resell used vehicle parts or dismantle, demolish, and abandon inoperable vehicles shall comply with all City of Hogansville ordinances that are applicable to salvage and junk yards.

(3) Personal storage.

(a) When located within CR-MX and G-B zoning districts, the primary building façade of all buildings associated with such use shall be required to be designed as a single story shopfront (see section 102-B-5-2).

(b) Self storage units shall be located a minimum of 1,500 feet from the property boundary of any other such use.

(c) No sale of merchandise or flea markets shall be conducted on the property.

(d) No outdoor storage is permitted.

(e) No outdoor speakers or amplification shall be permitted.

(4) Recreational vehicle and boat storage.

(a) When located within CR-MX and G-B zoning districts, the primary building façade of all buildings associated with such use shall be required to be designed as a single story shopfront (see section 102-B-5-2).

(b) No sale of merchandise shall be conducted on the property.

(c) No outdoor storage is permitted within CR-MX and G-B zoning districts.

(d) No outdoor speakers or amplification shall be permitted within CR-MX and G-B zoning districts.

(e) Recreational vehicle parks are permitted as part of this use and shall meet the following additional regulations.

(i) Recreational vehicle parks are for the convenience of tourists and transient visitors to City and are not intended to provide permanent housing for citizens of the City.

(ii) Recreational vehicles are allowed as a temporary residence. They shall be placed in a recreational vehicle park only, and residents who own recreational vehicles shall not be allowed to rent recreational vehicles or to attach recreational vehicles to electrical or water hookups in yards of single-family or multifamily residential areas. Recreational vehicles shall not be located in manufactured home parks and rented as a permanent residence.

(iii) Any proposed recreational vehicle park shall submit to the Planning Commission for approval a site plan which shall conform to the regulations set forth in section 102-403(1) and (2).

(iv) A development permit shall be required prior to any grading, installation of facilities or advertising of a proposed park. Development permits may be obtained from the city planning and zoning office during normal business hours.

(v) Each individual space for use by a recreational vehicle shall be 1,000 square feet. The lot area shall be graded and gravel inserted and surrounded on three sides by landscape timbers or other similar material, to ensure that space provided for the recreational vehicle to park is level and capable of sedimentation and erosion control.

(vi) For the purposes of the development of a recreational vehicle park, the minimum lot size shall be two (2) acres.

(vii) Any recreational vehicle park shall provide one (1) shower and restroom facilities for every six (6) rental spaces.

(viii) Each individual space shall provide electrical hookup for the recreational vehicle in accordance with the current National Electrical Code, as amended.

(ix) Each individual space shall provide a water source for the recreational vehicle to fill water storage tanks.

(x) Individual spaces in the park shall include a concrete picnic table, benches and a charcoal grill constructed of wrought iron or other similar material, permanently attached to a concrete pad.

(xi) Streets which provide access to the individual spaces shall be constructed to City standards and shall be of all-weather construction. The street system shall be maintained by the park owner and shall not be the responsibility of the City.

(xii) Each recreational vehicle park shall be provided with a sanitary method of solid waste collection and disposal. Collection facilities shall be either in the form of bulk containers (dumpsters) of sufficient size and adequately distributed throughout the park to meet the needs of the park residents, or at least two individually covered refuse containers having a capacity of 30 gallons or less for each occupied lot. Bulk containers shall be enclosed with a minimum of a four-foot-high chainlink fence and placed upon a concrete pad

extending at least 18 inches around each container perimeter. If individual containers are utilized, stands must be provided to hold the refuse containers upright. Collection services shall be provided at least once weekly and waste conveyed to the nearest approved sanitary landfill. Refuse areas shall be maintained in a clean, sanitary manner so as not to attract, harbor or breed insects, rodents or any manner of vermin or pest.

(xiii) The entrance and exit for a recreational vehicle park to or from a major arterial, collector or local street shall be no more than 80 feet. There shall be only one ingress and egress from a U.S., State, City or local road, with an internal street system providing access to individual spaces.

(xiv) Recreational vehicle park shall position individual spaces so recreational vehicles shall be in reverse frontage to U.S., State, City or local roads, with the street system constructed and maintained by the park owner. Interior street systems for parks shall be constructed to City standards and approved by the City engineer.

(xv) All recreational vehicle parks shall have a minimum of one (1) wastewater treatment disposal system approved by the County health department. Each unit shall be a minimum of 1,000 gallons in capacity.

(5) Warehousing.

(a) When located within CR-MX zoning districts, the primary building façade of all buildings associated with such use shall be required to be designed as a single story shopfront (see section 102-B-5-2).

(b) Such use shall be located a minimum of 1,500 feet from the property boundary of any other such use.

(c) No sale of merchandise or flea markets shall be conducted on the property.

(d) No outdoor storage is permitted within CR-MX zoning districts.

(e) No outdoor speakers or amplification shall be permitted within CR-MX zoning districts.

Sec. 102-B-7-7. Public/Institutional uses.

(1) Day care facility.

(a) Where a day care facility, except an adult day care center, is provided as a principal use or requires a special permit, an outdoor play area must be provided and must meet the size, location, and fence requirements for playgrounds set forth in the Rules for Child Care Learning Centers as adopted and amended by the Georgia Department of Early Care and Learning pursuant to O.C.G.A. § 20-1A-1 et seq.

(b) Where a day care facility is allowed as of right or requires a special permit, it may be established and operated in the City only in accordance with the following policies and procedures:

(i) Day care facilities shall be operated only in zoning districts in which they are allowed as a permitted use or as a special permit use.

(ii) Persons seeking to operate a day care facility in the City must file an application with the City. Each day care facility application shall include a description of the program. The application shall also certify that the proposed day care facility will meet and be operated in conformance with all State, Federal and local laws and regulations. The Zoning Administrator may require clarification or additional information from the applicant that is deemed necessary to determine whether operation of the proposed day care facility will meet applicable laws, regulations and development standards.

(iii) If the Zoning Administrator determines an application to operate a day care facility is in compliance with the applicable requirements, the Zoning Administrator shall approve the application for permit, but the Certificate of Occupancy or approval for operation of any day care facility shall not be issued until the applicant has submitted proof of registration or authorization from the applicable Georgia Department to operate the day care facility.

(iv) Day care facilities must have a business license with the City.

(v) No permit for the operation of a day care facility shall be transferable.

(vi) No such facility shall be located within 1,000 feet of any other such facility.

(c) Where a day care facility requires a special permit, the following items, which are in addition to the special permit standards, shall be considered in determining whether the day care facility shall be approved:

(i) The suitability of the proposed facility in view of the use and development of adjacent and nearby properties.

(ii) The impact that the proposed facility will have on the public safety, traffic on the public streets, transportation facilities, utilities, and other public services.

(iii) The impact that the proposed facility will have on established property values and on the health, safety, comfort and general welfare of the residents of the City.

(2) Places of worship.

(a) When located in ES-R, SU-R, TN-R, and G-RL districts the following standards shall apply:

(i) Provide a continuous landscaped buffer at least 15 feet wide along all side or rear property lines adjacent to ES-R, SU-R, TN-R, and G-RL zoned property, except for perpendicular crossings of driveways or utility lines.

(ii) Accessory uses shall be limited to the following: parking; classrooms; library; assembly hall and kitchen for social and educational gatherings and meals; gymnasium; playground; storage building; day care facilities, after school care, or pre-kindergarten (Pre-K); cemeteries; outdoor recreation, provided that the property contains at least five (5) acres, fields do not provide outdoor lights, and recreational activity is limited to 9:00 a.m. to 9:00 p.m.

(iii) Sound systems, where provided, shall be prohibited from being audible beyond all property lines adjacent to ES-R, SU-R, TN-R, and G-RL zoned property.

(3) Elementary and Secondary Schools.

(a) When located in ES-R, SU-R, TN-R, and G-RL districts the following standards shall apply:

(i) Provide a continuous landscaped buffer at least 30 feet wide along all side or rear property lines adjacent to ES-R, SU-R, TN-R, and G-RL zoned property, except for perpendicular crossings of driveways or utility lines.

(ii) Sound systems, where provided, shall be prohibited from being audible beyond all property lines adjacent to ES-R, SU-R, TN-R, and G-RL zoned property.

Sec. 102-B-7-8. Residential dwelling uses.

(1) All residential dwelling uses.

(a) Short term rentals in single-family zoning districts. All residential dwelling uses within ES-R, SU-R, TN-R, and G-RL zoning districts shall be prohibited from having paying guests for less than 30 days. The short-term rental limitations of this subsection shall not apply when such lots are located on lakefront lots.

(2) Manufactured homes.

(a) Nonconforming manufactured home parks. Nonconforming mobile/manufactured home parks lawfully existing at the time of adoption of the ordinance from which this division is derived may be continued, but if such nonconforming use is discontinued for a period of 90 days, the manufactured home park shall be made to conform with the requirements of this division prior to its being occupied again. Any expansion or addition to an existing manufactured home park shall be in compliance with this division.

(b) Annual report of location; location decal. Every person holding title to or possession of a manufactured home which is placed or located within the limits of the city shall report the location of, and obtain a location decal for, the manufactured home from the county tax commissioner annually, no later than April 1 of each year. Such location decal shall be designed in such manner and affixed to the manufactured home in such manner as to cause it to be easily visible for inspection.

(c) Occupancy permit. Any owner of a manufactured home, whether locating or relocating the manufactured home, shall obtain a permit from the city indicating compliance with all applicable codes before any person is authorized to occupy any newly installed manufactured home.

(d) Conditions for moving manufactured home into or within city. A manufactured home permit to move a manufactured home into or within the city will not be issued until the following conditions have been met in accordance with established administrative procedures:

(i) A valid location decal must be issued from the tax commissioner's office and attached to the manufactured home.

(ii) All manufactured homes located in the city shall be model year 1985 or later.

(iii) All manufactured homes must be located at an approved manufactured home space, or in an approved manufactured home park subject to the requirements of this division.

(iv) For individual lots not approved under the manufactured home park regulations, a sanitary permit must be obtained from the county health department for on-site sewage disposal, or, if sewer service will be provided, a letter shall be provided by the local government providing the service verifying it will allow public sewer hookup.

(v) All manufactured homes located on individual lots will adhere to the appearance standards set forth in article V of this UDO.

(e) Building permit. A building permit shall be required to locate a manufactured home in the city except under the following condition: Manufactured homes may be brought in the county and located on a sales lot of a state-approved dealer as listed in the office of the state safety commissioner for sale without a building or sanitary permit. However, under no exceptions shall any manufactured home, which is located on a sales lot, be occupied unless all permit requirements in this section are met. Installation must comply with the Rules and Regulations for Manufactured Homes, chapter 120-3-7, appendix A, made and promulgated by the state safety fire commissioner pursuant to authority set forth in state law.

(f) Temporary electrical power. The city, after inspection, is authorized to permit the applicable power company to provide temporary power not to exceed 120

volts for the express purpose of completing necessary construction and installation of the manufactured home. This provision specifically does not authorize permanent power hookup or occupancy of the manufactured home. It shall be unlawful for temporary power to be utilized on a permanent basis or for occupancy of such home

(g))Minimum construction standards. Each newly installed manufactured home in the city shall conform to the minimum construction standards required by U.S. Department of Housing and Urban Development (HUD), as required by the National Mobile Home and Safety Standards Act of 1974, 42 USC 5401 et seq., before that manufactured home is entitled to receive any utility service to the manufactured home. It is the intent of this subsection to prohibit moving manufactured homes into the city that do not conform to the applicable Department of Housing and Urban Development construction standards, as expressed in 42 USC 5401 et seq., and regulations established pursuant to that act. To that end, no manufactured home shall be allowed to locate or relocate for permanent or temporary occupancy in the city unless that manufactured home complies with the minimum construction standards required by HUD, which compliance must be evidenced by the affixation of a permanent label or tag certifying the compliance. Manufactured homes which do not display certification compliance shall not be eligible for a city building and/or occupancy permit. Any manufactured home in the city which legally exists at the time of adoption of the ordinance from which this division is derived that does display certification compliance shall not be required to have certification. However, any manufactured home which does not display certification shall be considered a nonconforming structure and shall not be relocated to any other site within the city.

(h) Installation requirements. All newly installed manufactured homes shall be permanently connected to water, sewage and electrical service in compliance with applicable health codes and chapter 120-3-7, Rules and Regulations for Manufactured Homes, plus appendix A of that document, made and promulgated by the state safety fire commissioner. All manufactured homes

shall be installed on an approved pier system and secured with approved tiedown devices, and shall have an approved plumbing system, an approved electrical system and an approved landing at each exit as required by the rules and regulations mentioned in this subsection and in compliance with appearance standards for the appropriate zoning district. Each manufactured home shall be installed such that the finished floor level of the manufactured home shall not exceed an average height higher than 80 inches in elevation from the finished grades, in accordance with chapter 120-3-7, appendix A. All manufactured homes shall be installed to meet the manufacturer's regulations. At the time of inspection, the space beneath each manufactured home shall be enclosed, with the exception of ventilation and access openings, and according to the appearance standards in article V of this UDO. The enclosing materials shall extend from the lower edge of the exterior walls of the manufactured home to the ground surface level of the pad on which it is located. All ventilation and access openings shall be covered with wire mesh screen or its equivalent.

(i) Inspection of manufactured homes.

(i) Foundation. The building inspector shall require the foundation to be inspected to ensure compliance with the Rules and Regulations for Manufactured Homes, as may be subsequently revised. The Rules and Regulations for Manufactured Homes are incorporated as a part of this division by reference. Until the foundation is inspected and approved by the city, no additional work will be approved.

(ii) Plumbing. The city shall require the external plumbing system to be inspected, including water and sewage hookups, to ensure compliance with Rules and Regulations for Manufactured Homes and the appropriate, applicable, accepted plumbing codes used by the city for site-built homes. Until the plumbing system is inspected and approved by the city, no additional work will be approved.

(iii) On-site sewage systems. Where individual on-site sewage systems are installed with public or community water systems, the minimum lot size shall

be no less than required in the zoning district in which the home is located. All on-site sewage systems shall be subject to county health department approval. Where individual on-site sewage systems are installed in conjunction with private water systems, the minimum lot size shall be no less than three-fourths acre.

(iv) Stairs and landings. The city shall require stairs and landings to comply with section 1108, Stairway Construction, of the Georgia State Building Code, as amended, and also to section P, appendix A of the Rules and Regulations for Manufactured Homes, as amended.

(v) Electrical system. The city shall require inspection of the electrical system to ensure compliance with the Rules and Regulations for Manufactured Homes and the current National Electrical Code, as amended.

(vi) Gas system. The city shall require inspection of the gas system to ensure compliance with the current Standard Gas Code, as amended.

(vii) Until these inspections have been made and the manufactured home is found to be in compliance with all applicable codes, no permanent power may be installed, and no occupancy shall be permitted. Evidence of compliance will be shown by written documentation provided to the applicant and a sticker attached to the electrical meter base.

Sec. 102-B-7-9. Residential group living uses.

(1) Social Service Facility, including Halfway House, Drug Rehabilitation Centers, Drug Dependency Treatment Facilities.

(a) Persons seeking to operate such a facility must file a permit application with the City.

i. If required by State regulations, such uses shall be approved by the appropriate State licensing agency.

ii. Such uses shall be located at least 3,000 feet from any other such use, measured in a straight line from property line to property line.

iii. Each permit application shall include an affidavit that the applicant either has applied for or will immediately apply for the corresponding permit or authorization for the operation of the facility from the State of Georgia Department of Community Health in accordance with its rules and regulations and the affidavit shall also certify that the proposed facility will meet and be operated in conformance with all applicable State and Federal laws and regulations and with all codes and regulations of the City.

iv. All application forms and information submitted to the State of Georgia Department of Community Health shall be submitted with the City permit application.

v. The Zoning Administrator may require clarification or additional information from the applicant that is deemed necessary to determine whether operation of the proposed home will meet applicable laws, regulations and development standards.

vi. No permit for the operation of the facility shall be transferable.

vii. No facility shall be operated without both a valid permit from the City and a valid license from the State of Georgia Department of Community Health.

viii. All such facilities must provide at least 80 square feet of personal living space per resident or that amount required by the State of Georgia for the licensing of such facilities, whichever is greater.

ix. No signs shall be permitted other than those permitted by the regulations of the zoning district within which such facility is located.

x. All applications shall include a "good neighbor plan" which contains, at minimum, the following components: (1) hours of operation; (2) designated staff member, telephone number and administrative procedure for neighborhood complaints or concerns; and (3) a grounds maintenance plan.

xi. Each social service facility governed by this ordinance shall be required to apply for and received accreditation by the Council on Accreditation (group living services) or Commission on Accreditation of Rehabilitation Facilities (group home care) within two (2) years of the receipt of the special use permit required hereunder, and shall maintain such accreditation while operating the social

service facility. Those group treatment facilities operating as a nonconforming use shall be required to apply for and receive such accreditation by August 1, 2023, and shall maintain such accreditation while operating the social service facility.

xii. Any special permit which has been issued or which may hereafter be issued by the City to any permitee under this code section may be suspended or revoked for due cause as hereinafter defined, and after a hearing has been held by the City Council for the purpose of considering any such suspension or revocation. At least five (5) days prior to such hearing, written notice of the time, place and purpose of such hearing, and a statement of the charge or charges upon such hearing is to be held, shall be given to the holder of such permit for which suspension or revocation is to be considered. Due cause for the suspension or revocation of a permit shall consist of a violation of any laws or ordinances applicable to regulating such social service facility, violation of regulations made pursuant to authority granted for the purposes of regulating such facility, or failure of the permittee or his/her employees to promptly report to the police department any violation of the law or ordinances, any breach of the peace, disturbance or altercation resulting in violence which may occur in or upon the permitted premises. A decision shall be rendered in writing by the City Council within ten (10) days of the hearing referenced hereinabove. Appeal of such decision shall be by writ of certiorari or any other lawful process to the Superior Court of Troup County.

(2) Personal Care Home, Assisted Living Facility, Nursing Homes.

(a) Persons seeking to operate such a facility must file a permit application with the City.

(b) Each permit application shall include an affidavit that the applicant either has applied or will immediately apply for the corresponding permit or authorization for the operation of the facility from the State of Georgia Department of Community Health in accordance with its rules and regulations and the affidavit shall also certify that the proposed facility will meet and be operated in

conformance with all applicable State and Federal laws and regulations and with all codes and regulations of the City.

(c) All application forms and information submitted to the State of Georgia Department of Community Health shall be submitted with the City permit application.

(d) The Zoning Administrator may require clarification or additional information from the applicant that is deemed necessary to determine whether operation of the proposed home will meet applicable laws, regulations and development standards.

(e) If the Zoning Administrator determines that an application to operate the facility has met all applicable requirements including the applicable permit requirements delineated in the Table of Permitted and Prohibited Uses for the respective zoning district of the proposed use, the Zoning Administrator shall approve the application for a permit, but the permit for operation shall not be issued until the applicant has obtained the corresponding permit or authorization for operation of the facility from the State of Georgia Department of Community Health.

(f) No permit for the operation of the facility shall be transferable.

(g) No facility shall be operated without both a valid permit from the City and a valid license from the State of Georgia Department of Community Health.

(h) All such facilities must provide at least 80 square feet of personal living space per resident or that amount required by the State of Georgia for the licensing of such facilities, whichever is greater.

(i) No signs shall be permitted other than those permitted by the regulations of the zoning district within which such facility is located.

(j) For personal care homes only, no such facility shall be located within 800 feet of any other such facility.

(3) Social Service Facility, Personal Care Home, Assisted Living, Nursing Home Requiring a Special Use Permit. When a social service facility, personal care home, assisted living facility or nursing home requires a special permit, the following items shall be considered in determining whether the facility shall be approved:

(a) The impact of the facility in view of the use and development of adjacent and nearby properties;
(b) The impact that the proposed facility will have on the public safety, traffic on the public streets, transportation facilities, utilities, and other public services; and
(c) The impact that the proposed facility will have on established property values and on the health, safety, comfort and general welfare of the residents of the City.

(4) Roominghouse, Boardinghouse. Where a roominghouse or boardinghouse is allowed as of right or as a special permit, the minimum floor area of each bedroom must be 80 square feet of usable floor area per occupant.

Sec. 102-B-7-10. Temporary uses.

(1) Construction field office. Temporary buildings used only in conjunction with construction work are permitted in any district but must be removed immediately upon completion of the construction work.
(2) Open air seasonal sales.
(a) A set of operating rules addressing hours of operation, maintenance and security must be prepared and submitted with a permit application.
(b) A site plan must be provided that depicts the proposed location of the sales area including any tents, fencing, temporary buildings, generators and lights.
(c) The on-site presence of a manager during hours of operation is required.
(d) Activities cannot obstruct pedestrian or vehicular circulation, including vehicular sight distances.
(e) Any temporary structures used in association with the use must be removed within 48 hours after the final day of sales.
(3) Real estate sales offices and model homes. Temporary buildings used only in conjunction with real estate sales offices and model homes are permitted in any district but must be removed immediately upon completion of the sales of homes in the respective development.
(4) Special events and festivals. Regulations for special events and festivals located within the downtown business overlay district.

(a) Sales and displays otherwise prohibited in the building typology regulations of section 102-B-5.2 shall be allowed, on a limited basis, for permitted special events, festivals and Downtown Development Authority sponsored events which are properly permitted pursuant to the terms of this Article.

(b) Any person desiring to display or sell items within the downtown business overlay district outside of enclosed buildings in conjunction with a special event or festival shall obtain a permit from the City which shall be for a period not to exceed three (3) successive days. Said application must be submitted at least 15 days in advance of the event, and shall contain the following information, and any other information reasonably requested by the City:

(i) The name, address and telephone number of the person seeking to conduct the special event;

(ii) If the special event is to be conducted for, on behalf of, or by an organization, the name, address and telephone number of the headquarters of the organization, and of the authorized and responsible heads of such organization;

(iii) The date(s) when the special event is to be held; and

(iv) The hours when the special event will begin and terminate.

(c) The special event permit fee shall be waived for events sponsored by the Downtown Development Authority or any other nonprofit organization.

(d) The City Manager or his/her designated representative shall act upon the application for a special event permit within five (5) working days after the receipt thereof. Such application shall be granted as provided for in this section when, from a consideration of the application and from such other information as may otherwise be obtained, it is determined:

(i) The conduct of the special event will not substantially interrupt the safe and orderly movement of pedestrian and vehicular traffic within the area of the event;

(ii) The conduct of the special event will not require the diversion of so great a number of police officers and other City personnel as to prevent normal services provided by the City;

(iii) The concentration of persons and vehicles at assembly points of the event will not unduly interfere with proper fire and police protection to areas contiguous to the event area; and

(iv) The information contained in the application is not found to be false or nonexistent in any material detail.

(5) Temporary storage container.

(a) Temporary storage containers shall be temporarily authorized as an accessory structure only when in compliance with each of the following requirements:

(i) Only one (1) temporary storage container is authorized per lot for a period of time not to exceed 90 days in any 365-day period. This 90-day time limit may be extended only by issuance of a building permit for an accessory shed/garage structure.

(ii) Such temporary storage containers may not exceed 900 cubic feet in volume.

(iii) Temporary storage containers shall not be located within five (5) feet of any property line. Temporary storage containers shall not be located within any public right-of-way, street, easement, storm water area, required buffer, or sidewalk unless a permit to do so has been issued, provided that no such permit may exceed the 90-day time limit set forth in subsection (i) above.

(6) Warming centers.

(a) Warming centers shall be permitted when temperatures are projected to be 40 degrees or colder.

(b) Warming centers shall be prohibited from being operational for more than 180 days in a calendar year.

(c) Warming centers shall not be located within 1,000 feet of another warming center.

(7) Yard/Garage sales. Yard sales and garage sales shall be subject to the following restrictions.

(a) No yard sale shall be conducted for more than 72 consecutive hours over three (3) days.

(b) Yard sales shall be open for business during daylight hours only, opening no earlier than sunrise and closing by sunset.

(c) A maximum of four (4) yard sales is allowed during any one (1) calendar year on any property or parcel.

(d) Items offered for sale and associated signage shall not be displayed within any public rights-of-way.

(e) Yard sales shall not create a nuisance to neighbors, shall not block driveways, sidewalks or other access ways and shall not create dangerous traffic conditions on adjacent and/or nearby roads.

(f) Open outdoor storage of yard sale items and display tables, except during the specified times of the sale, is prohibited. Tarps, blankets, or other similar coverings shall not be considered adequate enclosures for outdoor storage of yard sale items.

(g) All signage related to yard and estate sale events and flea markets shall be in accordance with the signage regulations of Article X of this UDO. Signage associated with yard and estate sales shall be removed within 24 hours of the end of the yard sale.

(h) Yard sales, including joint yard sales, may be allowed on other properties not owned by the primary organizer of the joint yard sale; provided that written permission is obtained from the property owner and that the other established restrictions set forth in this ordinance are observed.

ARTICLE VIII. OFF-STREET PARKING

Sec. 102-B-8-1. General requirements.

(1) It is the intent of the UDO that all buildings, structures, and uses of land shall provide off-street vehicular and bicycle parking and loading space in an amount sufficient to meet the needs caused by the building or use of land and that such parking and loading spaces be so oriented that they are readily useable for such purposes.

(2) Each use of land and each building or structure hereafter constructed or established shall provide off-street parking and loading according to the standards set forth herein. When a change is proposed to a building that is nonconforming as to parking or loading requirements, a conforming amount of parking or loading shall be supplied based upon the size of the addition.

(3) No addition, renovation, or change of use to an existing building shall be constructed which reduces the number of spaces, area, or usability of existing parking or loading space unless such building and its addition conform with the regulations for parking and loading contained herein.

(4) The parking lot shall not be modified, enlarged, relocated or expanded in a manner that violates any portion of the UDO.

(5) No parking area may be used for the sale, repair, dismantling, servicing or long-term storage of any vehicles or equipment, unless such use is permitted by the zoning district in which the area is located.

(6) Inoperable vehicles may not be parked in required parking spaces or in any side or front yard and shall be completely screened from view from all surrounding public streets.

Sec. 102-B-8-2. Minimum number of parking spaces required.

(1) For any use not listed, the Zoning Administrator shall determine the proper requirements by classifying the proposed use among the uses specified herein as to assure equal treatment. In making any such determination, the Zoning

Administrator shall follow the principles set forth in the statement of purpose for Title 102-B.

(2) Excess parking spaces. Any parking provided for a non-residential use that is greater than 200 percent of the minimum number of off-street parking spaces required by type of permitted use shall be "Grasscrete" or "Grasspave" or other pervious paving or grass paving systems as approved by the Zoning Administrator. Parking spaces provided within a parking structure shall be exempt from this requirement.

(3) Parking in the DT-MX zoning districts. No minimum parking is required.

(4) Off-site parking by special use permit. Required parking spaces shall be permitted to be located on property within 500 feet of a principle use through a special use permit. The measurement shall be made along a straight line drawn from the closest point of the property line of the principal building to the relocated parking space(s). Such parking space(s) shall be associated with the use and shall not thereafter be reduced or encroached upon in any manner.

(5) Parking in all other zoning districts. The following table states the minimum number of off-street parking spaces required by use. For calculations involving fractions of numbers, always round to the highest whole number.

Minimum Parking Table

Use	Parking Ratio
Accessory dwellings	1 per unit
Single-family dwellings, detached	1 per unit
Single-family dwellings, attached	1 per unit
Townhome dwellings	1 per unit
Two-family dwellings	1 per unit
Manufactured home dwellings	2 per unit or lot
Multi-family dwellings in TN-MX districts	.5 per unit
Multi-family dwellings in all other zoning districts (1 bedroom)	1 per unit
Multi-family dwellings in all other zoning districts (2+ bedrooms)	1.5 per unit

Group living residential uses	1 per 5 bedrooms
Places of worship	1 per each 8 seats in the sanctuary or meeting room where seating is fixed or 1 per 50 square feet of floor area of sanctuary or meeting room where seating is not fixed
Schools, public or private, elementary and middle	2 per classroom, plus 1 space per each 8 seats in auditorium or assembly area where seating is fixed or 1 per 50 square feet of floor area of auditorium or assembly area where seating is not fixed
Hotels, motels	1 space per guestroom
Conference and meeting facilities, place of lodging	1 space per 40 square feet of floor area of largest assembly room where seating is not fixed
Fraternity and sorority houses	1 per bed
Industrial and agricultural uses	2 spaces per 1,000 square feet of floor area
Offices	3 spaces per 1,000 square feet of floor area
Hospitals	2.5 spaces per hospital bed
Restaurants	1 per 150 square feet of floor area
All other uses	1 per 400 square feet of floor area

Sec. 102-B-8-3. Shared parking.

(1) Reduction of parking requirements through a shared parking arrangement may be granted by the Zoning Administrator as a special administrative permit.

(2) A to-scale map indicating location of proposed parking spaces shall be provided. Said map shall notate the number of spaces in each parking area.

(3) A shared parking study conducted by a professional engineer or architect shall be provided that demonstrates that each use will have adequate parking provisions at all times. Said calculation must receive Community Development Department review and approval. The study shall document that the arrangement avoids conflicting parking demands and provides for safe pedestrian circulation and access.

(4) For properties sharing parking spaces under this provision, parking leases shall be filed establishing access to the parking spaces for a minimum duration of 12 months and documentation of filing provided to the City.

(5) Shared parking agreements shall be fully executed and submitted to the Community Development Department for review prior to receiving a Certificate of Occupancy or Completion.
(6) A reduction in the number of parking spaces that would otherwise be required for each of the various uses on a multiple-use property must be clearly shown on the development plan. If shared parking is proposed for a combination of contiguous properties, a plan must be submitted covering all of the properties that will be sharing the parking spaces.
(7) Any subsequent change in land uses within the participating developments shall require proof that adequate parking will be available. Prior to any change in use, the owner must apply to the Zoning Administrator for an evaluation and confirmation of the change. If the Zoning Administrator finds that the parking reduction is no longer justified, the Zoning Administrator shall notify the owner to construct the number of parking spaces necessary to meet the difference in the required parking between the proposed and previous uses.

Sec. 102-B-8-4. Bicycle parking.

(1) Developments in all TN-MX, CR-MR, CR-MX, and DT-MX districts shall provide bicycle parking spaces at a ratio of at least one (1) bicycle parking space for every 20 automobile parking spaces provided.
(2) No development shall have fewer than three (3) bicycle parking spaces nor be required to exceed a maximum of 30 spaces.
(3) Bicycle parking spaces shall be located within 200 feet from the primary pedestrian entrance of the use requiring the bicycle parking, or in a location approved by the Zoning Administrator.
(4) Bicycle parking shall provide an inverted U steel frame or decorative rack approved by the Zoning Administrator. The rack shall be anchored to a concrete pad.

Sec. 102-B-8-5. Electric vehicle charging stations.

(1) Electric vehicle charging stations are permitted in all off-street surface parking lots and multi-level parking structures in the City.

(2) Spaces for electric vehicle charging shall be identified by pavement markings and by appropriate signage.
(3) Spaces reserved for electric vehicle charging stations may be counted as part of the minimum required parking spaces but shall not be counted toward the maximum.
(4) The owner of the property shall be responsible for the maintenance and operation of electric vehicle charging stations.

Sec. 102-B-8-6. Parking lot standards.

(1) Off-street surface parking shall not be located between the principal building and a street except where otherwise permitted below.
  (a) Automobile dealership uses.
  (b) Lots within CR zoning districts shall be permitted to have a maximum of 60 percent of all provided automobile parking located between a building's primary frontage and the street. Private drives meeting the standards for thoroughfares contained in Title 102-C shall be permitted to count as streets for purposes of complying with this requirement.
  (c) Lots within G-RL, G-B, and G-I shall be permitted to have automobile parking located between the building and the street.
(2) All off-street automobile parking spaces, except for single-family residential uses, shall be so arranged that vehicles will not be required to back onto a public street, road or highway when leaving the premises.
(3) Required dimensions for each parking space. Each automobile parking space shall be not less than eight and one-half (8½) feet wide and 18 feet deep. Parking spaces for compact cars shall not be less than eight (8) feet wide and 15 feet deep. Adequate interior driveways shall connect each parking space with a public right-of-way.
(4) All off-street surface parking lots shall:
  (a) Have access to a public street or private drive;
  (b) Be graded and paved with asphalt or concrete, including access drive(s), and be curbed when needed for effective drainage control;
  (c) Have all spaces marked with painted lines, curbstones or other similar devices;

(d) Be drained so as to prevent damage to abutting properties or public streets and where possible shall be drained towards infiltration swales located in the landscape strips required between vehicles;
(e) Provide future inter parcel access to adjoining off-street surface parking areas;
(f) Have adequate lighting if the facilities are to be used at night, provided such lighting shall be arranged and installed so as not to reflect or cause glare on abutting properties. The lighting shall be designed to comply with section 102-B-5-6 (outdoor lighting);
(g) Be designed so that wheel bumpers shall be placed at the head of all parking spaces that do not abut a curb and any spaces that abut a sidewalk. Wheel bumpers shall be made of concrete a minimum of six (6) feet long, five (5) inches high and six (6) inches wide and securely fastened to the pavement by steel re-bars or steel anchors. Individual wheel bumpers shall be placed a minimum of 24 inches from the end of each required parking space;
(h) Be designed to facilitate safe and convenient use by pedestrians; and
(i) Provide safe pathways from aisles of parking to the nearest building entrance and to the adjacent sidewalks for parking areas with more than 50 parking spaces. Such pathways shall be at least five (5) feet wide and consist of pathways constructed of pavers or other contrasting material.

(5) Developments shall be permitted to provide compact parking spaces to meet parking requirements.

Sec. 102-B-8-7. Stacking spaces for drive-through service windows and drive-through facilities.

(1) Stacking spaces shall be provided for any use having a drive-through service window or areas having drop-off and pick-up areas in accordance with the following:
(a) Inbound stacking spaces shall be provided before the first service window as stipulated below and at least one (1) outbound stacking space shall be provided after each service window of a drive-through facility.
(b) Each stacking space shall be a minimum of 16 feet long.

(c) Designed stacking spaces shall not interfere with circulation of the lot or free movement or access to parking spaces.

(d) Restaurants with drive-through service windows shall provide a minimum of 10 stacking spaces for inbound drive-through customers and one (1) additional outbound space after each service window.

(e) Other facilities with drive-through service windows shall provide three (3) stacking spaces for each window or drive-through service facility.

(f) Drive-through service window lanes shall be separated by striping or curbing from off-street parking areas. Individual lanes shall be striped, marked or otherwise distinctly delineated.

(g) Drive-through service windows and menu boards shall not be located between the building and a public street.

(h) Stacking lanes shall be a minimum of eight and one-half (8½) feet adjacent to the service window.

(i) Pedestrian pathways crossing drive-through lanes shall be clearly signed and identified using alternative materials or raised crosswalks. Painted crosswalks alone are not permitted.

Sec. 102-B-8-8. Landscaping in parking lots.

See section 102-C-3-51 for parking lot landscaping requirements.

Sec. 102-B-8-9. Parking for residential uses.

(1) If garages or carports are converted to living area, then the off-street parking requirements must be met elsewhere on the lot.

(2) Commercial vehicles, licensed by the State, buses and recreational vehicles shall not be allowed to park overnight on the street in any residential district.

(3) Commercial vehicles may be kept on properties that allow residential uses as follows:

(a) When such vehicle is parked or stored within a fully enclosed structure that meets all other criteria of the zoning district.

(b) When such vehicle is engaged in loading or unloading.

ARTICLE IX. OFF-STREET LOADING STANDARDS

Sec. 102-B-9-1. Provision of off-street loading.

(1) This section shall apply to all activities related to loading and unloading.

(a) Loading activities within 150 feet of a zoning district that allows residential uses shall only be permitted Monday through Friday from 7:00 a.m.—10:00 p.m. and on Saturdays from 9:00 a.m.—9:00 p.m.

(b) In no case shall loading activities hinder or obstruct the free movement of vehicles, cyclists and pedestrians over a street, sidewalk, alley, or interrupt parking lot circulation.

(c) All off-street loading activities and access shall be provided with an asphalt or concrete surface.

(d) Loading structures and bays. Loading structures and bays associated with loading areas shall be either screened or placed upon a site in a manner that prohibits visibility of such areas from view from a public right-of-way.

(e) Loading spaces.

(i) When required, one (1) or more off-street loading space shall be provided on the same or adjoining premises with the facility it serves, either inside or outside a building or structure.

(ii) A loading space shall have minimum dimensions of 12 feet wide and 35 feet deep.

(iii) The loading space shall maintain overhead clearance of 14 feet.

(iv) All off-street loading spaces shall have access from an alley, or if there is no alley, from a street.

(f) Minimum loading space requirements for non-residential uses:

Loading Table

Gross Floor Area	Required Loading Spaces
Buildings built before 1970	None
0 – 25,000 square feet	None
25,000 – 49,000 square feet	1

49,000 – 100,000 square feet	2
100,000 – 160,000 square feet	3
160,000 – 240,000 square feet	4
240,000 – 320,000 square feet	5
320,000 – 400,000 square feet	6
Each 90,000 above 400,000 square feet	1

ARTICLE X. SIGN REGULATIONS

Sec. 102-B-10-1. Short title.

This Article shall be known and cited as the "Sign Ordinance."

Sec. 102-B-10-2. Authorization and intent.

The public has a legitimate interest and concern in the construction, maintenance, and regulation of outdoor advertising within the City and it is therefore desirable to describe the manner of construction, compel the use of safe materials, limit size, height, and location with reference to streets; require clean and sanitary maintenance; and prohibit illegal advertisement pursuant to and in the exercise of the public health, safety and welfare powers of the City. It is the intent of the City Council to provide hereby the basis for regulation of such outdoor advertising consistent with the foregoing purposes and thereby regulate such advertising affixed to real property which is visible from any public right-of-way in order to promote public health, safety, traffic safety, welfare, and to protect aesthetic values and qualities in the City. The City Council so act, finding and understanding that signs provide an important medium through which individuals may convey a variety of messages, but that left completely unregulated, signs may also become a threat to public safety as a traffic hazard and detriment to property values and the City's overall public welfare as an aesthetic nuisance. By enacting the ordinance from which this Article is derived, the City Council intend to balance the rights of individuals to convey messages through signs and the rights of the public to be protected against the unrestricted proliferation of signs.

Sec. 102-B-10-3. Application of regulations.

(1) The requirements of this Article shall govern all signs located within the corporate limits of the City that may be viewed from a public right-of-way, private streets or adjacent property, except as otherwise exempt under this Article. The provisions of this Article do not apply to any sign not visible from public or private thoroughfares or adjacent properties.

(2) Any area which is annexed into or incorporated within the corporate limits of the City shall, on the effective date of annexation, be subject to all provisions of this Article. Any such annexed area shall be subject to and be governed by the signage requirements of the use zone within the City which is specified in the ordinance adopted by the City Council.
(3) The requirements of this Article shall not apply to canopies, awnings, and marquees that are regulated under sections 25-5-2 and 25-5-3 of the Code of the City of Hogansville, provided such canopies, awnings, and marquees are not used for advertising purposes.

Sec. 102-B-10-4. Sign permits.

(1) Permit required. Except as exempted from obtaining a permit, all persons desiring to post, install, erect, display, expand, relocate or substantially change a sign regulated by this Article within the City, shall first obtain a sign permit and all other permits required for the desired structure in accordance with City ordinances. A change in the copy of a sign shall not constitute a substantial change. However, a change in the mode of message conveyance (i.e. from screen-print panel to LED) shall be considered a substantial change requiring a sign permit.
(2) Application requirements. Applications for sign permits shall be submitted by the sign owner or the owner's agent to the Building Official on the form furnished by the City. Only complete applications will be accepted. Applications shall include the following:
    (a) The street address of the property upon which the sign is to be located. In the absence of a street address, the parcel identification number as assigned by the Troup County Tax Assessor shall be given.
    (b) The name(s) and address(es) of all owners of the real property upon which the sign is to be located.
    (c) The name, address, contact information and occupational tax certificate number and issuing jurisdiction of the sign contractor/installer.
    (d) Written consent of the owner or owner's agent specifically granting permission for the placement of the sign as proposed.

(e) The type of sign, height, face area and total cost of sign construction or installation.

(f) For free-standing signs, a site plan, drawn to scale, showing the location of the proposed sign in relation to property and right-of-way lines (or edge of pavement, as appropriate), acreage of the parcel, location of driveways and parking spaces, public or private easements, and building locations.

(g) For building signs, a to-scale drawing or photo-simulation of the building face upon which the proposed sign is to be installed showing the placement of the sign upon the building, dimensions of the wall and sign and its height from ground level.

(h) Construction and/or fabrication details of the proposed sign, including certification as to conformance with all structural and wind-load resistive standards of the building code by a qualified structural engineer, or prepared using standard drawings prepared by a structural engineer or other qualified professional meeting, or exceeding all requirements of the building code, if applicable.

(i) Whether or not the sign is to be illuminated and the method of illumination.

(3) Time for consideration and issuance of permit. The City shall process all sign permit applications within 30 business days of the City's actual receipt of a complete application and application fee for a sign permit. Revisions or amendments to an application shall extend the review period to 20 business days from the date of submission of the revision or amendment. Revisions or amendments received after the issuance of a permit shall constitute a new application.

(a) The Building Official shall reject any application as incomplete that does not include all items required for a sign permit application as set forth under subsection (2) of this section.

(b) The Building Official shall reject any application containing false material statements or omissions. Any rejected application later resubmitted shall be deemed to have been submitted on the date of resubmission instead of the original date of submission.

(c) Within 30 business days of receipt of a complete application, the Building Official shall:
   (i) Issue the permit; or
   (ii) Inform the applicant in writing of the reasons why the permit cannot be issued. Failure of the Building Official to act on a sign permit within 30 days shall result in a denial of the application.

(d) Upon determination that the application fully complies with the provisions of this Article, the building code, and all other applicable laws, regulations and Chapters of the City Code, the sign permit shall be issued by the Building Official.

(e) If it is determined that the application does not fully comply with the provisions of this Article, the building code and all other applicable laws, regulations and Chapters of the City Code, the Building Official shall reject the application and notify the applicant of the decision and reason(s) for the denial of the permit. The Building Official shall give such notice in writing by hand delivery, mail, e-mail or fax using the contact information provided on the application. The notice shall be post-marked or otherwise date-stamped on or before the 30th business day following the date of the completed application's receipt by the City. A denial pursuant to this section shall be appealable pursuant to the appeal procedures of subsection (6) below.

(4) Permit fees. A sign permit shall not be issued unless the appropriate permit fees have been paid. No refunds of permit fees will be made for sign permits that expired due to failure to erect the subject sign. If a person desires to erect a sign in the same location as for any expired permit, a new application must first be processed, and another fee paid in accordance with the fee schedule applicable at such time.

(5) Expiration of permit. A sign permit shall become null and void if the sign for which the permit was issued has not been completed and fully installed within six (6) months of the date of issuance, provided, however, that a 90-day extension shall be granted if a written request for extension is received by the Building Official prior to the expiration date of the initial permit.

(6) Appeals. Appeals from an administrative decision by the Zoning Administrator may be made by any person aggrieved, or by any officer, department, or board or bureau of the City affected by any decision of the Zoning Administrator or other City official based on this Article. Such appeal shall be taken to the Planning Commission and exercised in accordance with the appeal provisions contained in section 102-B-12-10.

Sec. 102-B-10-5. Exemption from permit requirements.

Each of the following types of signs is allowed, subject to the standards found in this Article, without the need for a permit.

(1) Official signs. Signs placed by or at the direction of a governmental body, governmental agency, board of education, public utility or public authority pursuant to O.C.G.A. § 32-6-50 et seq. or any other law. As provided by O.C.G.A. § 32-6-51, such signs are authorized within all rights-of-way or other properties controlled by such governmental body, agency, board of education, public utility or public authority and at such other locations as a governmental body, governmental agency, public utility or public authority may direct.

(2) Flags. Flags must meet the following requirements:

(a) All flags shall be displayed on flagpoles, which may be vertical or mast arm flagpoles. For non-residential properties, flagpoles shall not exceed the building height limit of the applicable zoning district, or 50 feet, whichever is less. Flagpoles on residential properties shall not exceed 25 feet in height.

(b) Flags shall be limited to no more than 60 square feet in area.

(c) Each single or two-family residential lot shall be allowed one (1) flagpole.

(d) Each multi-family, institutional, commercial, industrial or mixed-use lot shall be allowed a maximum of three (3) flagpoles.

(e) A maximum of two (2) flags shall be allowed per flagpole.

(f) Flags and flagpoles shall be maintained in good repair, and to the extent applicable shall be in compliance with the building code. Flagpoles with broken halyards shall not be used.

(g) On officially designated City, State, or Federal holidays, there shall be no maximum flag size or number or other limitations on the display of flags.

(h) This section shall not be construed to restrict the right to display eligible flags as banners as provided elsewhere in this Article.

(3) Street addresses. Numerals displayed for the purpose of identifying property location not to exceed 10 inches in height.

(4) Window signs. In nonresidential districts, window signs shall be allowed provided they do not exceed 20 percent of the available window area.

(5) Noncommercial Message Signs. Signs designed for temporary display and not permanently affixed to the ground that do not exceed an aggregate sign area of 16 square feet per lot in nonresidential districts and eight (8) square feet per lot in residential districts. Such signs shall have a maximum height of five (5) feet from ground level and be set back at least two (2) feet from any right-of-way.

(6) Directory signs for multi-tenant developments. As defined by this Article, such signs are permitted provided they do not exceed four (4) square feet each nor six (6) feet in height.

(7) Display boards located next to drive-thru lanes. Such signs are permitted provided they do not exceed eight (8) feet in height or 32 square feet in area.

(8) Incidental signs. Small signs as defined in this Article of no more than two (2) square feet, such as signs on gasoline pumps.

(9) Sidewalk and sandwich board signs. In the TN-MX, CR-MX, DT-MX, and G-B districts on private property or within the public right-of-way, each tenant space is permitted one (1) sandwich board sign subject to the following requirements:

(a) Each sign shall not exceed 30 inches wide by 45 inches tall.

(b) Each sign must be located within 10 feet of the pedestrian entrance of the premises.

(c) Each sign shall not obstruct a continuous through pedestrian zone of at least five (5) feet in width.

(d) Such a sign may be utilized only during the hours of operation of the store or entity using it and shall be removed during the hours it is closed.

Sec. 102-B-10-6. Prohibited signs.

The following signs shall be prohibited in the City:

(1) Any sign not specifically authorized by this Article as a permitted sign.

(2) Animated and flashing signs. Signs (excluding changing signs) that flash, blink, rotate, revolve, or have moving parts or visible bulbs, and signs containing reflective elements that sparkle in the sunlight or otherwise simulate illumination during daylight hours.

(3) Dilapidated signs. Signs that are dilapidated or in such condition as to create a hazard, nuisance or to be unsafe or fail to comply with any provision of the building code.

(4) Fringe, streamers, pennants, air or gas filled figures, search lights, beacons and other similar temporary event signs, other than as specifically authorized in this Article.

(5) Obscene signs. Obscene signs, as defined by the State at O.C.G.A. § 16-12-80, as amended.

(6) Obstructions. No sign shall obstruct any fire escape, window, door, or opening usable for fire prevention or suppression, or prevent free passage from part of a roof to any other part thereof. No sign shall extend above a parapet wall, be affixed to a fire escape, or interfere with any opening required for ventilation. No sign shall interfere with road or highway visibility or obstruct or otherwise interfere with the orderly movement of traffic or pedestrians. No sign shall pose a hazard to traffic or pedestrians due to structural deficiencies of such sign.

(7) Portable signs except as specifically authorized in section 102-B-10-14(1).

(8) Private signs placed on public property. Any sign posted or erected on public rights-of-way or any other public property except as authorized by the governmental body, agency or public authority having jurisdiction over such property.

(9) Roof signs. This prohibition does not apply to the face of a parapet wall, provided that the sign must not extend above the top of the parapet wall.

(10) Snipe signs.

(11) Sound or smoke emitting signs. A sign that emits or utilizes in any manner any sound capable of being detected on any traveled road or highway by a person with normal hearing, or a sign that emits smoke, vapor or odors.

(12) Signs advertising illegal activity. Signs that advertise an activity illegal under State or Federal law.

(13) Signs imitating public warning or traffic devices.

(a) Any sign that displays intermittent lights resembling the flashing lights customarily used in traffic signals or in police, fire, ambulance, or rescue vehicles, and any sign that uses the words "stop", "go", "slow", "caution", "danger", "warning" or other message or content in a manner that might mislead or confuse a driver.

(b) Any sign that uses the words, slogans, dimensional shape or size, or colors of governmental traffic signs.

(c) No red, green, and yellow illuminated sign shall be permitted within 300 feet of any traffic light.

(14) Window signs in the following locations:

(a) Dwellings and uses in all zoning districts.

(b) Individual or aggregate window signs exceeding 20 percent of the window area per building elevation for all other districts and uses.

Sec. 102-B-10-7. General sign requirements.

The following standards shall apply unless otherwise specified in this Article.

(1) Building signs.

(a) A building sign may not project higher than the wall or surface to which it is attached.

(b) A building sign may not project more than 18 inches from the wall surface unless approved as a projecting sign.

(c) Changeable copy signs and changing signs are prohibited as building signs.

(2) Freestanding signs.

(a) Freestanding pole signs.

(i) Freestanding signs shall be allowed as accessory uses only.

(ii) Freestanding signs shall be setback at least 15 feet from the curb or edge of pavement of the roadway or two (2) feet behind the right-of-way, whichever is greater.

(iii) No freestanding sign shall be located within 30 feet of the nearest intersecting point of two (2) street right-of-way lines.

(iv) Freestanding signs shall be located at least 50 feet from other freestanding signs on the same side of the road.

(b) Freestanding monument signs.

(i) Monument signs located within 100 feet of a public right-of-way shall display the street address of the property, except where the sign is located on property that has more than one (1) street frontage and the property address is assigned from a street other than the street frontage whereupon such sign is erected.

(ii) Street numbers shall be of contrasting colors against the background, visible from both directions of travel along the street, and no less than six (6) inches nor more than 10 inches in height.

(iii) Monument signs shall have a substantial base with stone, brick, or other compatible material to help give the sign a sense of being permanent, "anchored," and durable. The base of the monument sign shall be limited to a height equal to 50% or less of the total height of the monument sign.

(iv) The design details, construction materials, color, and architectural style shall be consistent with that of the principal buildings on the site. Signs shall integrate compatible architectural elements on the sides and top to frame the sign pane(s).

(v) Architectural lines which complement that of the building shall be incorporated, especially with respect to the top of the sign. Columns, pilaster, cornices, and similar details can provide design interest and keep the sign in scale with adjacent buildings.

(3) Miscellaneous signs as accessory uses for multi-family and nonresidential uses.

(a) Within the area between a street right-of-way line and the minimum building setback required from that street right-of-way line on the property, the following applies:
    (i) Permanently installed miscellaneous freestanding signs may be located only within three (3) feet of driveways or curb cuts that provide access into or from the property.
    (ii) There shall be no more than two (2) such signs per driveway or curb cut and each such sign shall not exceed six (6) square feet in area nor more than three (3) feet in height.
(b) Miscellaneous freestanding signs located farther from the street than the minimum building setback from that street right-of-way line on the property shall be allowed provided that such signs are no more than six (6) square feet in area nor more than six (6) feet in height.

(4) Projecting signs.
(a) A projecting sign shall not project more than 36 inches beyond the wall to which it is attached.
(b) A projecting sign shall be finished on both sides.
(c) A projecting sign shall be mounted perpendicularly to the wall.

(5) Ground clearance under signs.
(a) Projecting signs shall provide a minimum of eight (8) feet of clearance from ground level to the bottom of the sign.
(b) Under-canopy signs of greater than four (4) square feet shall be rigidly mounted, and there shall be eight (8) feet of clearance below the base of any rigidly mounted under-canopy sign over a pedestrian walkway. There shall be a minimum clearance of seven (7) feet below the base of any non-rigidly mounted under-canopy sign over a pedestrian walkway. A minimum of 14 feet of clearance shall be maintained for an under-canopy sign above a vehicular driveway or service area.
(c) Awning, mansard and marquee signs shall be no less than eight (8) feet above the ground when erected over pedestrian walkways and 14 feet above ground over vehicular pathways at the lowest extremity of the sign.

(6) Project entrance signs. Where permitted, project entrance signs shall meet the following standards:
   (a) Each project entrance may have no more than one (1) such sign per entrance if double-faced or two (2) signs if attached to symmetrical entrance structures.
   (b) The sign must be constructed of brick, stone, masonry or equivalent architectural material and be monument-style or integral to walls/fencing separating the project from the street.
   (c) The maximum face area shall not exceed 40 square feet.
   (d) The height of the structure shall not exceed eight (8) feet including embellishments which shall not extend more than two (2) feet above the main body of the structure.
   (e) Signs shall not be internally illuminated.
   (f) Signs shall be located a minimum of 15 feet from the edge of a street or two (2) feet behind the right-of-way, whichever is greater.

(7) Murals, art, other graphics.
   (a) Murals, art works, pictures, other graphics not including trademarked logos, images or words and public service items such as temperature/times diodes and clocks that are clearly separated from advertising messages are excluded from signage requirements, except that such items may not extend above the roof line of any building
   (b) Murals shall be permitted in all districts, except that in the Hogansville historic district no paint shall be applied to historic (50 years and older) unpainted brick walls. Murals shall require sign permits but no sign permit fee.

(8) Materials. Permanent signs shall be made of high-quality durable material and shall be well-maintained. Approved materials are metal with a minimum thickness of six (6) mm, high density urethane (HDU) or wood. If plywood is to be used, it must have smooth and weather resistance surfaces, such as those with medium-density overlay (MDO) board. Other high-quality materials shall be given consideration, and if of comparable quality and durability may be allowed in the discretion of the Zoning Administrator. Hand painted signs that are not professionally painted will not be allowed. Signs shall complement the material and color of the building.

(9) Nothing in this Article shall prohibit non-commercial speech on any sign provided for in this Article, subject to size, spacing, height and other structural limitations contained herein.

(10) Illumination. All signs that are illuminated shall be effectively shielded so as to prevent beams or rays of light from causing glare to or impairing the vision of an aircraft pilot, motor vehicle driver, or pedestrian, or otherwise interfering with the operation of an aircraft or motor vehicle. Signs in ES-R, SU-R, TN-R, CR-MR, and G-RL zoning districts shall not be internally illuminated.

(11) Maintenance. All signs shall be regularly repaired as needed and maintained in a safe and attractive state. Broken, unsafe, or damaged signs shall be repaired by the owner as soon as practicable. The City reserves the right to compel removal of or to remove any sign that, due to damage, unsafe condition or neglect, represents an immediate danger to the general public, if the owner shall have refused to comply with a written repair order from the Building Official.

(12) No message may be displayed on any portion of the structural supports of any sign.

Sec. 102-B-10-8. Sign standards for ES-R, SU-R, TN-R, CR-MR, and G-RL zoning districts.

In the ES-R, SU-R, TN-R, CR-MR, and G-RL zoning districts, the following signs are permitted:

(1) Project entrance signs subject to section 102-B-10-7(6).

(2) Properties developed with a nonresidential use, excluding home occupations, such as a school, church, library or other similar nonresidential use are allowed the following:

(a) In lieu of a project entrance sign, one (1) monument sign per street frontage. Monument signs shall be limited to no more than 36 square feet in area and six (6) feet in height. Up to a maximum of 25 percent of the face area may be changeable copy.

(b) Building signs. One (1) building sign per street facing wall, totaling no more than 24 square feet, provided that if a projecting sign is used it shall be no more than

16 square feet and subject to the requirements of section 102-B-10-7(4) and section 102-B-10-7(5)(a).

(3) Changeable copy (except as otherwise in section 102-B-10-8(2)(b), changing and internally illuminated signs are not permitted.

(4) Miscellaneous signs subject to section 102-B-10-7(3).

(5) Standard information signs as provided for in section 102-B-10-9.

ES-R, SU-R, TN-R, CR-MR, and G-RL District Signage Table

Sign Type	Maximum Number	Maximum Size	Maximum Height	Minimum Setback
Project entrance sign (monument signs)	1 per entrance if two-sided; 2 per entrance if placed on symmetrical structures	40 square feet	8 feet	15 feet from the edge of the street, pavement or 2 feet behind the right-of-way, whichever is greater
Monument signs for permitted non-residential uses in lieu of project entrance sign	1 per street frontage, up to maximum of 2	36 square feet per sign (up to 25% may be changeable copy)	6 feet	15 feet from the edge of the street pavement or 2 feet behind the right-of-way, whichever is greater
Building signs for permitted non-residential uses	1 per street frontage	24 square feet in total per street facing wall for wall, awning, canopy signs 16 square feet for projecting signs	N/A	N/A
Miscellaneous signs (Sec. 102-B-10-7(3))	2 per driveway	6 square feet	3 feet if within the setback; 6 feet if beyond the setback	N/A

Sec. 102-B-10-9. Standard informational sign.

In addition to any other sign authorized by this section, each lot zoned residential may contain no more than one (1) standard informational sign. Provided, however, to the extent said sign is a commercial sign, the copy of the commercial sign shall be limited to commercial activities lawfully occurring on the premises as zoned. Examples of this

allowed commercial sign category include real estate signs and signs regarding on-going home renovation or repair. Nothing contained in this section shall be construed to prohibit non-commercial speech to be included on such standard informational signs, wholly or partially, at the discretion of the sign owner.

Sec. 102-B-10-10. Sign standards for TN-MX districts.

In TN-MX districts, the following signs are permitted:

(1) For residential uses, the regulations of section 102-B-10-8 for ES-R, SU-R, TN-R, and G-RL zoning districts shall apply.

(2) Freestanding signs.

  (a) One (1) monument sign per street frontage, but in no case more than two (2) per lot. Monument signs shall be limited to no more than 72 square feet in area and 12 feet in height. Up to a maximum of 25 percent of the face area may be changeable copy; or

  (b) One (1) pole sign per street frontage, but in no case more than two (2) per lot. Pole signs shall be limited to no more than 50 square feet in area and 15 feet in height. Up to a maximum of 25 percent of the face area may be changeable copy.

(3) Building signs. Building signs subject to the following restrictions:

  (a) The maximum sign area allowed on each building elevation visible from a public or private street is as follows:

    (i) For single-occupant buildings (or multiple tenants sharing common space through a common entrance), the maximum allowable area for building signage is 10 percent of the area of the wall (including windows and doors) up to a maximum of 200 square feet, whichever is more restrictive.

    (ii) For multi-tenant buildings where each tenant possesses a separate exterior entrance, the maximum allowable area for building signage is 10 percent of the front façade of each individual business, including windows and doors, up to a maximum of 200 square feet whichever is more restrictive.

  (b) In addition to the building signage permitted above, not more than one (1) projecting sign per storefront facing a public street. Projecting signs shall not

exceed 16 square feet and shall comply with section 102-B-10-7(4) and section 102-B-10-7(5)(a).

(4) Temporary sigs as provided for in section 102-B-10-14.

(5) Miscellaneous signs as provided for in section 102-B-10-7(3).

TN-MX District Signage Table

Sign Type	Maximum Number	Maximum Size	Maximum Height	Minimum Setback
Freestanding signs	1 per street frontage, up to a maximum of 2 per property	Monument = 72 square feet per sign (up to 25% may be changeable copy)	Monument = 12 feet	15 feet from the edge of the street pavement or 2 feet behind the right-of-way, whichever is greater
		Pole = 50 square feet per sign (up to 25% may be changeable copy)	Pole = 15 feet	
Building Sign (wall, canopy, awning)	N/A	Single tenant: 10% of the area of the wall, up to 200 square feet	N/A	N/A
		Multi-tenant: 10% of the front façade for each individual business		
Projecting Signs	1 per street facing storefront	16 s.f.	At least 8' clearance to bottom of sign	N/A
Miscellaneous Signs	2 per driveway	6 square feet	3 feet if within the setback; 6 feet if beyond the setback	N/A

Sec. 102-B-10-11. Sign standards for CR-MX, G-B, and G-I zoning districts.

In the CR-MX, G-B, and G-I zoning districts, the following signs are permitted:

(1) For residential uses, the regulations of section 102-B-10-8 for ES-R, SU-R, TN-R, CR-MR, and G-RL zoning districts shall apply.

(2) Freestanding signs are permitted on individual parcels subject to the following:

(a) One (1) freestanding sign per street frontage.

(b) Maximum height: In CR-MX, G-B, and G-I zoning districts, the maximum height is 15 feet.

(c) Maximum freestanding sign face area: In CR-MX, G-B, and G-I zoning districts, the freestanding sign face area is 100 square feet.

(d) Properties upon which more than one (1) independently owned and operated business use is located shall be allowed five (5) feet of additional sign height for a maximum of 20 feet and granted an additional 25 square feet of sign area for each additional independently owned and operated business up to a maximum of 200 square feet provided the freestanding sign meets the definition of a monument sign.

(e) Freestanding signs may be internally or externally illuminated.

(f) In the CR-MX zoning districts, a changing sign may be permitted subject to section 102-B-10-15 as a portion of a freestanding sign. Up to a maximum of 50 percent of the face of a freestanding sign may be changeable copy or a changing sign.

(3) Project entrance signs. Commercial and industrial subdivisions may construct a project entrance sign subject to the standards contained in section 102-B-10-7(6).

(4) Building signs. Building signs subject to the following restrictions:

(a) The maximum sign area allowed on each building elevation visible from a public or private street is as follows:

(i) For single-occupant buildings (or multiple tenants sharing common space through a common entrance), the maximum allowable area for building signage is 10 percent of the area of the wall (including windows and doors) up to a maximum of 200 square feet, whichever is more restrictive.

(ii) For multi-tenant buildings where each tenant possesses a separate exterior entrance, the maximum allowable area for building signage is 10 percent of the front façade of each individual business, including windows and doors.

(b) Projecting signs shall not exceed 16 square feet and shall comply with the requirements of section 102-B-10-7(4) and section 102-B-10-7(5)(a).

(5) Canopy signs on a freestanding or attached canopy that covers and protects pumps that dispense gasoline or diesel fuels for retail customers. One (1) sign is allowed on each of three (3) sides and each sign is limited to no more than 20 percent of the area of the canopy wall to which it is attached. All signage must be provided only upon the canopy surface and shall not be located beyond the canopy surface.

(6) Temporary sigs as provided for in section 102-B-10-14.

(7) Miscellaneous signs as provided for in section 102-B-10-7(3).

(8) Special freestanding interstate signs. Properties located within CR-MX zoning districts and adjacent to Interstate 85 right-of-way shall be permitted to have freestanding interstate signs. The following additional regulations shall apply to such signs.

(a) Regulations regarding billboards set forth by the GDOT shall be complied with.

(b) The property shall be at least 0.75 of an acre in size.

(c) The maximum sign height shall be 75 feet from the elevation of the ground at the base of the sign.

(d) The surface area of the sign shall not exceed 400 square feet per sign face, and not more than 800 square feet of total sign area when all sign faces are combined.

(e) The location of each interstate sign shall be set back not more than 100 feet from I-85, but at least 10 feet from I-85 and 40 feet from all other property lines.

(f) No freestanding interstate sign shall be located within 1,000 feet of another freestanding sign.

(g) The face of each sign shall be perpendicular to the centerline of the interstate nearest to its location. No sign shall have more than two (2) faces.

(h) Interstate signs shall not be changing signs.

CR-MX, G-B, and G-I Districts Signage Table

Sign Type	Maximum #	Maximum Size	Maximum Height	Minimum Setback

Freestanding signs	1 per street frontage, up to a maximum of 2 per property	Monument = 150 square feet per sign (up to 50% may be changeable copy, or, in the CR-MX, a changing sign)	Monument = 15 feet	15 feet from the edge of the street pavement or 2 feet behind the right-of-way, whichever is greater; 50 feet from all other freestanding signs
		Pole = 100 square feet per sign (up to 50% may be changeable copy, or, in the CR-MX, a changing sign)	G-B and G-I Pole = 15 feet	
Building sign (wall, canopy, awning)	N/A	Single tenant: 10% of the area of the wall, up to 200 square feet	N/A	N/A
		Multi-tenant: 10% of the front façade for each individual business		
Projecting Signs	1 per street facing storefront	16 square feet	At least 8' clearance to bottom of sign	N/A
Gas canopy signs	1 sign on each of 3 sides of the canopy	20% of the area of the canopy wall	N/A	N/A
Special interstate signs CR-MX only)	1 sign on a lot at least 0.75 of an acre and within 1,000 feet of the centerline of I-85 and within 1,500 feet of the centerline of Lafayette Parkway, Hamilton Road or Whitesville Road	400 square feet	75 feet	At least 10 feet but not more than 100 feet from I-85 R/W; At least 40 feet from all other property lines; At least 1,000 feet from all other freestanding signs
Miscellaneous signs	2 per driveway	6 square feet	3 feet if within the setback; 6 feet if beyond the setback	N/A

Sec. 102-B-10-12. Sign standards for the DT-MX district.

(1) General signage requirements.

(a) Portable signs are prohibited.

(b) Roof signs (signs affixed flush to or extended above building roof) are prohibited.

(c) Roof line: No advertising device of any kind, including but not limited to signs, pennants, banners, balloons, flags or other displays used to attract attention, shall extend above the roof line of any building.

(d) Internal and external lighting:

(i) Lighting is permitted when effectively shielded to prevent glare which may impair the vision of drivers, pedestrians in the public right-of-way and parking areas, and occupants of adjacent properties.

(ii) No sign shall be flashing or intermittently lit except time and temperature displays.

(2) Specific regulations for the DT-MX zoning district:

(a) Each storefront and each ground floor entrance to upper story businesses in the town center shall be allowed a maximum of 75 square feet of signage for each street frontage. A storefront is the ground floor portion of a building which provides pedestrian access to, and usually display area for, the business or businesses located within.

(b) Each storefront and entrance shall be allowed a maximum of three (3) signs for each street frontage.

(c) The following types of signs shall be allowed:

(i) Freestanding signs (pole signs and monument signs):

(A) Maximum number: One (1) pole sign or monument sign per principal building.

(B) Maximum size: 40 square feet per sign face.

(C) Maximum height: 12 feet.

(D) Minimum distance: 15 feet from adjoining lot line.

(ii) Pole signs: Where pole signs are provided, businesses may be permitted to attach one (1) sign to the bar of the pole closest to their entrance as follows:

(A) Maximum size: 12 square feet per sign face;

(B) Maximum height: Eight (8) feet above sidewalk;

(C) Maximum width: Three (3) feet;

(D) The sign may not extend above the bottom of the glass globe on poles with pedestrian lights;

(E) The sign may be of rigid material or fabric material as long as the fabric is fastened securely and maintained in good condition. Attachment shall be with standard bar and on the building side of the bar.

(iii) Wall signs:

(A) Maximum size: 50 square feet;

(B) Maximum number: One (1) wall sign per storefront or entrance;

(C) Signs may not extend more than 18 inches from the façade. However, where a sign extends more than six (6) inches from the façade, it must be a minimum of eight (8) feet above the sidewalk.

(iv) Awning and canopies:

(A) Awnings and canopies may extend over the public right-of-way but shall reach no closer than four (4) feet to the face of the street curb or to areas where there is vehicular traffic;

(B) Awnings and canopies shall be at least eight (8) feet above the ground at all points;

(C) Awnings or canopies that have lighting, including neon, attached shall be allowed only after approval of the Historic Preservation Commission.

(v) Projecting signs:

(A) Projecting signs may not be used on any building which has a freestanding sign;

(B) Maximum number: One (1) projecting sign per tenant;

(C) Maximum size: 12 square feet per sign face;

(D) Maximum width: Three (3) feet;

(E) Height: Signs must be a minimum of eight (8) feet above the sidewalk and may not reach above the bottom of second story windows;

(F) Projecting signs may extend over the public right-of-way but shall reach no closer than four (4) feet to the face of the street curb or to areas where there is vehicular traffic.

DT-MX District Signage Table

Sign Type	Maximum Number	Maximum Size	Maximum Height	Minimum Setback
Freestanding Signs	One (1) pole sign or monument sign per principal building	40 square feet per sign (up to 25% may be changeable copy)	12 feet	15 feet from adjoining lot line
Individual Signs attached to Pole Signs	Businesses may attach one (1) sign to the bar of the pole closest to their entrance	12 square feet per sign face	8 feet	N/A
Building Signs (wall)	One (1) per storefront or entrance	50 square feet per sign	Signs may not extend more than 18 inches from the façade. Where a sign extends more than six (6) inches from the façade, it must be a minimum of eight (8) feet above the sidewalk	
Building Signs (awnings and canopies)	N/A	N/A	Signs may extend over the public right-of-way but shall reach no closer than four (4) feet to the face of the street curb or to areas where there is vehicular traffic; Signs shall be at least eight (8) feet above the ground at all points	
Projecting Signs	1 per tenant	12 square feet per sign	At least 8' above the sidewalk	Signs may extend over the public right-of-way but shall reach no closer than four (4) feet to the face of the street curb or to areas where there is vehicular traffic

Sec. 102-B-10-13. Signs in overlay zoning districts.

For signs in overlay zoning districts, the regulations governing signage for the underlying zoning districts shall apply.

Sec. 102-B-10-14. Temporary event signs.

In addition to other signs allowed on a non-residentially zoned property, signage is allowed for the duration of a temporary event. Such additional signs shall not be restricted as to the message displayed on the sign, but they must comply with the

provisions of this section. Temporary event signs must comply with all requirements of this Article, except as modified by the provisions of this section, including prohibitions listed in section 102-B-10-6. One (1) temporary event sign is allowed on a non-residentially zoned lot subject to the following requirements:

(1) Size requirements and type.
  (a) Freestanding signs.
    (i) Area of sign. 32 non-illuminated square feet.
    (ii) Height of sign. Six (6) feet in height.
  (b) Wall sign area. Six (6) non-illuminated square feet.
  (c) Banners area. 24 square feet.
  (d) Portable signs area. 32 square feet and permitted only within CR-MX zoning districts.

(2) Duration. Temporary event signs may be placed on any property upon initiation of a temporary event and must be removed upon termination of the event. Banners and portable signs must follow the duration period as set forth in section 102-B-10-14(3). 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 upon the closing of the sale or execution of the rental agreement.
  (b) Construction. Initiation upon commencement of construction for which a land disturbance permit has been issued, and termination upon the issuance of a certificate of occupancy, installation of a permanent sign, or expiration/termination of the land development permit, whichever is to occur first.
  (c) Special business promotions. Initiation upon the announcement of the special sale or sales event and termination upon its completion or 30 days after initiation, whichever occurs first. Business promotion signs 16 square feet or greater in size may not be approved more often than four (4) times each calendar year on the same property.
  (d) Public announcement. Initiation upon the placement of the sign and termination within 30 days after placement.

(3) Number of signs. Only one (1) sign related to each temporary event may be located on a lot at any one (1) time and only one (1) temporary event at a time is allowed on a lot, in addition to the following:

(a) Sale or lease of a lot, building or premises. One (1) freestanding temporary event sign per lot that is available for sale or lease. For a planned center or a storefront development, one (1) additional temporary event wall sign may be placed on the wall façade of the space that is available for sale or lease.

(b) Banners. One (1) banner per street frontage, not to exceed 30 days per calendar quarter.

(c) Portable signs. One (1) portable sign per lot, not to exceed 30 days per calendar quarter.

(d) Multi-tenant developments with tenant spaces possessing separate entrances. Each business conducting a special business promotion event is allowed one (1) temporary event wall sign, subject to the duration requirements in section 102-B-10-14(2).

(4) Location.

(a) All temporary event signs must be set back at least 15 feet from the edge of the street pavement or two (2) feet behind the right-of-way, whichever is greater.

(b) A temporary event sign must be located at least 10 feet from any other sign.

(c) A temporary event sign shall be erected and maintained only with the permission of the owner of the property on which the sign is to be located.

(d) Permits and sign approval. A temporary sign permit shall be required for the following signs. Upon expiration of the permit, the sign and any supporting structures shall be removed:

(i) Banners.

(ii) Portable signs.

(iii) Special business promotion signs that are 16 square feet and larger.

Sec. 102-B-10-15. Changing signs.

Changing signs or signs employing changing sign technology shall be allowed only within the CR-MX zoning districts as a portion of a conforming, freestanding sign and are further subject to the following requirements:

(1) For residential uses, the regulations of section 102-B-10-8 for ES-R, SU-R, TN-R, and G-RL zoning districts shall apply.

(2) Each message displayed on any changing sign display shall remain static for at least 30 seconds following the completion of its transition from the previous message. As used in this subsection "static" shall mean a display that is fixed in one (1) position with no portion of the display being in motion or changing in color or light intensity.

(3) When a message is changed mechanically, the transition between a complete static display of the previous message and a complete static display of the next message shall be accomplished in three (3) seconds or less. The transition period shall be measured as that period between any movement of any part of the display of the previous message and the time that the display of the next message is fully static.

(4) When a message is changed electronically, the transition between a complete static display of the previous message and a complete static display of the next message shall be accomplished in two (2) seconds or less. The transition period shall be measured as that period between the time that the previous message is static and fully illuminated and the next message is static and fully illuminated.

(5) No changing sign may include animated, flashing, full-motion video or other intermittent elements. The transition period between two (2) fully illuminated static messages displayed in an electronically changed sign shall not be considered an intermittent element so long as the purpose of the changing light intensity is to fade or dissolve into the next message.

(6) No changing sign may have any type of changing effect on the border of the sign that is not fully integrated with a static message display and which does not transition to the next static message display in the same manner as the rest of the display.

(7) No display or other effect from any electronically changed sign shall cause a glare or other condition that impairs the vision of the driver of any motor vehicle or which otherwise interferes with the safe operation of a motor vehicle.

(8) Message transitions achieved by means of the scrolling of the letters, numbers or symbols shall be completed within two (2) seconds and shall remain static for at least 60 seconds following the completion of the transition from the previous message.

(9) All signs shall appropriately adjust display brightness as ambient light levels change so that the brightness of the display does not cause a glare or other condition that impairs the vision of the driver of any motor vehicle or which otherwise interferes with the safe operation of a motor vehicle. The maximum illumination, intensity, or brightness of electronic signs shall not exceed 5,000 nits (candelas per square meter) during daylight hours, or 500 nits (candelas per square meter) between dusk to dawn. The sign must have an automatic phased proportional dimmer control, photocell or other light sensing device, or a scheduled dimming timer, or another approved device, which produces a distinct illumination change that reduce nighttime brightness levels (compared to daytime brightness levels). The applicant shall provide written certification from the sign manufacturer that the light intensity has been factory pre-set or can be programmed not to exceed the levels specified in this subsection; end-user manipulation of pre-set levels or to exceed those specifications herein shall not be permitted. Unless another industry standard is accepted, the measurement for purposes of this paragraph shall be at any point 10 feet from the surface of the changing sign.

(10) No malfunction of a changing sign shall cause a glare or other condition that impairs the vision of the driver of any motor vehicle or which otherwise interferes with the safe operation of a motor vehicle.

(11) Any changing sign currently in existence shall comply with the regulations of this part. If a changing sign currently in existence cannot meet these requirements due to the limitation of the technology being employed, the owner of the sign shall be allowed to continue the existing use upon a showing, satisfactory to the Zoning Administrator, that the requirements of this part cannot be met.

Sec. 102-B-10-16. Nonconforming signs.

Signs that were approved and legally erected under previous sign restrictions and have become non-conforming with respect to the requirements of this Article, including amendments, may continue in existence subject to the following provisions of this section.

(1) Signs shall not be repaired, rebuilt, replaced or altered except in conformity with this Article after damage exceeding 50 percent of the signs' replacement cost at the time of damage.

(2) Signs shall not be enlarged or altered in a way that would increase the degree of nonconformity of the sign.

(3) A non-conforming sign shall not be replaced by another non-conforming sign, except that the substitution or interchange of poster panels, painted boards or de-mountable material on non-conforming signs shall be permitted. A change in the mode of message conveyance (i.e. from screen-print panel to LED) shall not be permitted on a non-conforming sign.

(4) Minor repairs and maintenance of non-conforming signs such as electrical repairs or lettering repair shall be allowed. However, no structural repairs or changes in the size or shape of the signs shall be permitted except to make the sign comply with the requirements of this Article.

(5) Portable signs, banners, and other signs allowed under this Article which are not fixtures or freestanding signs are considered personal property, unattached to the real property on which they are placed, and thus have no nonconforming or grandfather rights under this section.

(6) In all zoning districts, signs shall be removed which:
   (a) Were illegally erected or maintained with respect to prior ordinances.
   (b) Are made of paper, cloth or non-durable materials, except as otherwise permitted by this Article.
   (c) Are located in the public right-of-way, except as otherwise permitted by this Article.

ARTICLE XI. NONCONFORMING SITUATIONS

Sec. 102-B-11-1. General provisions.

(1) Within the zoning districts established by this Zoning Ordinance, or in other provisions or amendments, there exist lots, uses of land, uses of land and buildings, uses of land and structures, open uses, and characteristics of buildings and structures that were lawful before this Zoning Ordinance and the official Zoning Map was adopted, but that would be prohibited under the terms of said Zoning Ordinance and official Zoning Map, or future amendments thereto ("nonconforming situations"). Such nonconforming situations are hereby declared to be incompatible with authorized and permitted uses and regulations within the districts involved. It is the intent of the City to require the cessation of certain of these nonconforming situations, and to allow others to continue, on a limited basis, until they are otherwise removed or cease. It is further the City's intent that nonconforming situations not be used as grounds for adding other buildings, structures, or uses of land prohibited by this Article, and that no such nonconforming building, structure, or use of land be enlarged, expanded, moved, or otherwise altered in any manner that increases the degree of non-conformity.

1. Whenever nonconforming situations are otherwise specifically addressed in other provisions of this UDO, the nonconforming provisions in this Article shall not apply to said provisions.

Sec. 102-B-11-2. Reversions and changes.

(1) Nonconforming situations that are changed to a conforming state shall not be permitted to revert to a nonconforming situation.

(2) No nonconforming situation shall be changed to another nonconforming situation.

(3) When any portion of a nonconforming use of land, buildings, structures, or combinations thereof is discontinued for a continuous period of one (1) year or more, any future use of such land, building, or structure shall be limited to those uses permitted in that district under the provisions of the Zoning Ordinance. Vacancy or non-use of the land, building, or structure, regardless of the intent of the

owner or tenant, shall constitute discontinuance under this provision, unless such cessation is a direct result of governmental action impeding access to such land.

Sec. 102-B-11-3. Nonconforming use of land.

Nonconforming uses consisting of land used for storage yards, used car lots, auto wrecking, junk yards, golf driving ranges, miniature golf, shed sales and other uses where the only buildings or structures on the lot are incidental and accessory to the use of the lot and where such use of the land is not permitted to be established hereafter under this Article in the district in which it is located, shall be governed by the following restrictions in addition to the other requirements in this Article:

(1) When any portion of such nonconforming use of land has been changed to a conforming use, said portion shall not thereafter be used for any nonconforming use.
(2) No such nonconforming use of land shall be enlarged to cover more land than was occupied by such nonconforming use at the time it became legally nonconforming.

Sec. 102-B-11-4. Nonconforming use of land and buildings in combination and nonconforming use of land and structures in combination.

The following regulations apply to the nonconforming use of land and buildings in combination and the nonconforming use of land and structures in combination:

(1) Such uses of land and buildings or land and structures shall not be enlarged, expanded, moved, or otherwise altered in any manner that increases the degree of nonconformity.
(2) A nonconforming use of a building may be extended into those interior parts of a building which were constructed and manifestly designed for such use prior to the enactment of this Zoning Ordinance.

Sec. 102-B-11-5. Nonconforming characteristics of buildings, structures and uses.

Nonconforming characteristics of buildings, structures, or uses, such as lighting, parking, loading, and similar elements, shall not be enlarged, expanded, moved, or otherwise altered in any manner that increases the degree of nonconformity.

Sec. 102-B-11-6. Area extensions prohibited.

A nonconforming use, or building or structure in combination with a use, or nonconforming characteristics of a building, structure, or use, shall not be extended or enlarged beyond the area of use or beyond the conforming size, height, or other dimensions or characteristics of the use, building or structure.

Sec. 102-B-11-7. Nonconforming uses requiring a special permit.

(1) No nonconforming use, building or structure requiring a special permit, including any use, building or structure that was authorized as of right prior to the adoption of the UDO, but would require a special permit upon the adoption of the UDO, shall be enlarged, expanded, moved, or otherwise altered in any manner except after application for and approval of the now-required special permit. Normal repair and maintenance of such buildings and structures is authorized without the need for a special permit.

(2) No such use, building, or structure that has been discontinued for a continuous period of one (1) year or more shall be reestablished unless such cessation is a direct result of governmental action impeding access to the property or unless a special permit authorizing such use is granted.

Sec. 102-B-11-8. Reconstruction.

Any building or structure constituting a nonconforming use of land and buildings, nonconforming use of land and structures, or buildings or structures with nonconforming characteristics that have been unintentionally damaged by fire or natural causes such as flood or storms, may be reconstructed to its previous nonconforming state and used as it was prior to damage if said reconstruction has begun within one (1) year of the date of the damage.

Sec. 102-B-11-9. Buildings and structures.

Nothing in this Article shall prevent the strengthening or restoration to a safe condition of any part of any building, structure, or land declared unsafe by the Zoning Administrator.

Sec. 102-B-11-10. Nonconforming signs.

For regulations pertaining to nonconforming signs, see section 102-B-10-16.

Sec. 102-B-11-11. Site plans in existence prior to the effective date of this UDO.

a. Subject to property interests legally vested under State law prior to the adoption of this UDO, all site plans adopted as part of previous zoning map amendments that are in existence prior to the effective date of this UDO shall be replaced by the regulations of this UDO, except as follows:
   (a) Any proposed development that is subject to previously approved site plans that was not constructed prior to the effective date of this UDO may be constructed in accordance with the uses(s), height, location, parking ratios, landscaping plans, hours of operation, and density applicable to that previously approved site plan. Such development shall be deemed conforming for purposes of this Article as to such previously approved uses(s), height, location, parking ratios, landscaping plans, hours of operation, and density. Except as otherwise provided herein, all other regulations of this UDO shall apply to said parcel unless compliance with the UDO regulations renders construction of such development consistent with such prior uses(s), height, location, parking ratios, landscaping plans, hours of operation, and density structurally unfeasible.
   (b) Any development subject to a site plan constructed prior to the effective date of this UDO that is partially or fully destroyed by unintentional means such as fire, storm or other hazards may be reconstructed on its previous footprint to its previous uses(s), height, location, parking ratios, landscaping plans and density. Such rebuilt principal buildings shall be deemed conforming for purposes of this Article as to such previous use(s), height, location and density.

ARTICLE XII. PROCEDURES

Sec. 102-B-12-1. Administrative bodies.

The provisions of the Zoning Ordinance shall be administered by the Zoning Administrator in association with the City Council.

Sec. 102-B-12-2. City Council.

The specific duties of the City Council with respect to the Zoning Ordinance shall include, but not be limited to, the following:

(1) Recommendations. Receiving from the Zoning Administrator and from the Planning Commission recommendations concerning the Comprehensive Plan, amendments to the Comprehensive Plan character area map, amendments of provisions of the Zoning Ordinance, special use permits, variances, or any other matters relating to planning and zoning within the City.

(2) Public meetings. Conducting public hearings and meetings for the purpose of receiving information and public comment and taking final action on amendments to the Comprehensive Plan and the Comprehensive Plan character area map, text of the Zoning Ordinance, official Zoning Map, special use permits, variances, and other actions pursuant to the Zoning Ordinance.

Sec. 102-B-12-3. Planning Commission.

(1) Established; membership; officers.

(a) There is hereby created the City Planning Commission, whose purpose is to carry out the provisions of this Chapter assigned to it within applicable provisions of the laws of the State. This Chapter, including the official zoning maps, may be amended by the City Council on its own motion, on a petition, or on recommendation of the Planning Commission, but no amendment shall become effective unless it has been proposed by or submitted to the Planning Commission for review and recommendation.

(b) Members of the Planning Commission shall be appointed by the City Council. The Planning Commission shall consist of ~~five (5)~~ seven (7) members~~, two (2) of~~

~~which will be serving members of County planning and zoning~~, who are citizens of or own property within the City and who shall be appointed for ~~two (2)~~ three (3) year terms, beginning on January 5 through January 4 of each year, or until their successors shall be appointed. No member shall hold any elective public office within the City. Unexpired terms shall be filled by the City Council. Members are removable for cause by the City Council upon written charges and after a public hearing.

(c) The Planning Commission shall elect a chair and vice-chair (who shall be acting chair in the absence of the chair) on an annual basis. The chair may not succeed him/herself.

(2) Powers of chair. The chair (or in his/her absence the vice-chair) shall preside at all meetings and hearings of the Planning Commission and decide all points of order or procedure. The chairman shall appoint any committees which may be found necessary. The chairman shall be the deciding vote in any vote ending in a tie.

(3) Duties of secretary. The Zoning Administrator (secretary to the Planning Commission) shall conduct all correspondence of the Planning Commission; keep a minutes book recording attendance and the vote of each member upon each question, or, if absent, the failure to vote, indicating such fact; keep records of examinations and hearings and other official actions; and carry out such other official duties as may be assigned by the commission.

(4) Meetings. Meetings of the Planning Commission will be held at least monthly. Notice must be provided to each member at least 48 hours prior to such meeting and such other public notice as required by law shall be provided and abided by. The Zoning Administrator shall inform the members of the Planning Commission of meetings.

(5) Quorum. Three (3) members of the Planning Commission shall constitute a quorum for the conduct of all business.

(6) Conflicts of interest.

(a) Neither the Zoning Administrator nor any member of the Planning Commission shall appear for or represent any person in any matter pending before the Planning Commission.

(b) No member of the Planning Commission shall hear or vote upon an appeal in which he is directly or indirectly interested in a financial way.

(7) Order of business. The order of business at meetings shall be as follows:

(a) Roll call.

(b) Review and approval of minutes of previous meeting.

(c) Report of committees, if any.

(d) Unfinished business.

(e) Hearing of cases.

(f) New business.

(8) Failure to attend meetings; vacancies. Failure to attend three (3) consecutive meetings or more shall be considered automatic resignation from the Planning Commission, and upon such resignation by other means, or other vacancies occurring in office, the chair or secretary (Zoning Administrator) shall inform the City Council of such occurrence as promptly as possible, so the city council may appoint a replacement to fill the unexpired term.

Sec. 102-B-12-4. Amendments, Procedures, and Standards.

(1) Initiation of amendments.

(a) Amendments to the official Zoning Map or to the Comprehensive Plan character area map may be initiated by:

(i) The owner(s) of the subject property or the authorized agent(s) of the owner(s) of the property by application, provided that all requests for amendments to the Comprehensive Plan character area map are made in conjunction with a corresponding request for an amendment to the Zoning Map for the same areas and parcels;

(ii) A request by the mayor or one (1) or more members of the city council; or

(iii) City staff.

(b) Amendments to the text of the Zoning Ordinance may only be initiated by:

(i) A request by the mayor or one (1) or more members of the city council;

(ii) Official action of the Planning Commission; or

(iii) City staff.

(c) No amendment to the text of the Zoning Ordinance, the official Zoning Map or the Comprehensive Plan character area map shall become effective unless it has followed all procedures for notice and public hearing pursuant to the requirements of State law and this Article.

(d) Application schedule.

(i) Review and consideration of amendments to the Zoning Ordinance text, the official Zoning Map and the Comprehensive Plan character area map will be scheduled before the Planning Commission and the City Council in accordance with a schedule prepared annually by the Zoning Administrator.

(ii) Following a request to amend the Zoning Ordinance text, the official Zoning Map, or the Comprehensive Plan character area map, pursuant to Sec. 102-B-12-4(1), the Zoning Administrator shall, upon determination that the request is complete, refer the application to the Planning Commission for review and recommendation.

(iii) If any proposed amendment of the official Zoning Maps or the Comprehensive Plan character area maps is denied by the City Council, no request for amendment involving the same property shall be accepted for filing until the expiration of six (6) months following said denial.

(2) Content of applications.

(a) Amendments. Applications to amend the official Zoning Map or the Comprehensive Plan character area map shall be submitted on a form available from the Zoning Administrator and shall, at a minimum, include the following:

(i) The name, address, telephone number, and email address of the owner, and the same information from the applicant, if different.

(ii) The street address and tax parcel identification number of the property to be reclassified.

(iii) The applicant's interest in the property, if the applicant is not the owner.

(iv) A narrative description of the intent of the proposed amendment and the intended timing and phasing of development.

(v) The current and proposed zoning and Comprehensive Plan character area map classification, existing and proposed uses of the property proposed to be reclassified and all zoning and Comprehensive Plan character area map classifications of properties abutting the subject property.

(vi) If the application requests a change in the official Zoning Map, the applicant shall provide a written statement addressing the standards governing the exercise of zoning in subsection (7)(a) of this section. If the application requests a change in the Comprehensive Plan character area map, the applicant shall provide a written statement addressing the standards for review of Comprehensive Plan character area map amendments in subsection (7)(b) of this section.

(vii) Any other plans, information, or documentation the Zoning Administrator may reasonably deem necessary or appropriate to a full and proper consideration and disposition of the particular application consistent with required review standards.

(viii) If the proposed amendment to the official Zoning Map would meet the thresholds of a development of regional impact (DRI) as described in section 102-B-12-5, the applicant shall prepare and submit to the Zoning Administrator the necessary documentation required by such section.

(3) Withdrawal of applications.

(a) An application for an amendment to the official Zoning Map or Comprehensive Plan character area map may be withdrawn upon a written request by the applicant.

(4) Procedures for review.

(a) Pre-application conference. Prior to submission of an application for an amendment to the Comprehensive Plan character area map or official Zoning Map, an application seeking a variance, or an application seeking a special permit, the applicant should schedule a pre-application conference with the

Zoning Administrator. The purpose of this meeting is to acquaint the applicant with the requirements of the UDO and the views and concerns of the City. No decisions on the application or assurances that a particular proposal will be approved shall be made.

(b) Application acceptance. Within five (5) business days after the established deadline for applications for an amendment to the official Zoning Map or the Comprehensive Plan character area map, the Zoning Administrator shall determine whether the application is complete. If the Zoning Administrator determines the application is complete, it will be accepted as filed and processed. If the Zoning Administrator determines the application is not complete, the application will not be deemed to have been filed, and the Zoning Administrator shall send a written statement to the applicant (by email or first-class mail) specifying the application's deficiencies. The application shall be returned to the applicant with a refund of fees paid, and the Zoning Administrator shall take no further action until the completed application is re-submitted for a subsequent application cycle. No application that has been determined as complete shall be amended in a manner that would impact the required advertising, except as provided for in this section.

(c) Application review. When the Zoning Administrator determines an application for an amendment to the official Zoning Map or the Comprehensive Plan character area map is complete and has been properly filed, the Zoning Administrator shall submit the application to the Planning Commission for their review pursuant to section 102-B-12-4(7). The Zoning Administrator shall distribute copies of the application for review and comment to representatives from City agencies and departments having jurisdiction over the proposed action.

(d) Site review. Prior to issuing its findings regarding a proposed amendment, the Zoning Administrator shall conduct a site review of the property and surrounding area and consult with and/or review comments from the representatives of the appropriate City agencies and departments regarding the impact of the proposed amendment upon public facilities and services.

(e) Staff analysis and standards of review.

(i) The Zoning Administrator shall prepare an analysis of each proposed amendment and shall present its findings in written form to the Planning Commission. Copies of the written findings of the staff shall be made available to the public at the Planning Commission meeting.

(ii) In preparing the analysis for an amendment to the official Zoning Map, the Zoning Administrator shall consider and apply the standards in subsection (7)(a) of this section.

(iii) In preparing the analysis for an amendment to the Comprehensive Plan character area map, the Zoning Administrator shall consider and apply the standards in subsection (7)(b) of this section.

(iv) The Zoning Administrator shall prepare a report including all analysis and recommendations for presentation to the Planning Commission and City Council, which report shall be a matter of public record.

(v) The Zoning Administrator's report may recommend amendments to the applicant's request which would reduce the land area for which the application is made, change the zoning district requested, or recommend conditions of rezoning which may be deemed advisable so that the purpose of this Article will be served and health, public safety, and general welfare secured.

(f) Public hearing and first read. Following the receipt of recommendation from the Planning Commission of an application for an amendment to the official Zoning Map or an amendment to the Comprehensive Plan character area map or a text amendment, and upon a determination to proceed with consideration of the proposed amendment, the City Council shall place it on the agenda of a regular meeting for a public hearing and a first read in accordance with the requirements of the Zoning Ordinance.

(g) Developments of regional impact (DRI). If the proposed amendment would meet the thresholds of a DRI, as described in section 102-B-12-5 of this Article, the City shall follow the procedures outlined in said section 102-B-12-5.

(5) Notice of public hearings.

(a) Legal notice. Due notice of public hearings, pursuant to this section, shall be published in a newspaper of general circulation within the City. The legal advertisement shall be published at least 15 days but not more than 45 days prior to the date of each required public hearing.

(b) Signs posted. For an application to amend the official Zoning Map or Comprehensive Plan character area map, or a special use permit, or a variance from the requirements of this Zoning Ordinance, the Zoning Administrator shall post a sign or signs at least 15 days prior to each public hearing required by this section. A sign shall not be required for amendments to the text of the Zoning Ordinance, nor for amendments to the zoning map initiated by the City Council.

(c) When a proposed zoning amendment, variance or special use permit 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 public hearing shall be held by the Planning Commission on the proposed action. Such public hearing shall be held at least six months but not more than nine months prior to the date of final action on such zoning decision by the City Council. The hearing required by this subsection shall be in addition to a public hearing otherwise required under this section. Such public hearing shall be noticed as required in this subsection and shall include a prominent statement that the proposed zoning decision relates to or will allow the location or relocation of a rehabilitation center.

(6) Rules of procedure for public hearings.

(a) Public hearing procedures for the City Council. For each matter concerning the amendment of the Comprehensive Plan character area map, the official Zoning Map, text of the Zoning Ordinance or for any matter concerning the issuance of a special use permit or other matter on the agenda that requires a public hearing and a vote of the City Council, the following procedures shall be followed:

(i) These rules of procedure and presentation, as well as standards governing the exercise of the power of zoning, as applicable, shall be in writing and shall be available for distribution to the general public.

(ii) The Mayor shall announce each matter to be heard and state that a public hearing is to be held on such matter.

(iii) The Mayor may request a report from the staff regarding its findings and recommendations.

(iv) The Mayor shall provide an opportunity for the applicant and any who support the applicant's petition to speak. The Mayor shall provide equal opportunity for those who wish to speak in opposition to the applicant's petition. The Mayor may limit the presentation of those for and against a petition to a reasonable length of time, but not less than 10 minutes per side.

(v) Prior to speaking, each speaker shall identify himself/herself. Each speaker shall limit remarks to data, evidence and opinions relevant to the proposed petition. Speakers shall address all remarks to the City Council.

(vi) Following the allotted time for proponents and opponents, the Mayor shall close the public hearing with respect to the subject matter.

(7) Application review standards.

(a) Standards governing the exercise of zoning power. In reviewing the application of a proposed amendment to the official Zoning Map, the City Council, the Planning Commission, and the Zoning Administrator shall consider the following standards:

(i) Whether a proposed rezoning will permit a use that is suitable, in view of the use and development of adjacent and nearby property.

(ii) Whether a proposed rezoning will adversely affect the existing use or usability of adjacent or nearby property.

(iii) Whether the property to be affected by a proposed rezoning has a reasonable economic use as currently zoned.

(iv) Whether the proposed rezoning will result in a use that will or could cause an excessive or burdensome use of existing streets, including the volume and nature of resulting traffic changes, transportation facilities, utilities or schools.

(v) Whether the proposed rezoning is in conformity with the policies and intent of the Comprehensive Plan.

(vi) Whether there are other existing or changing conditions affecting the use and development of the property that give supporting grounds for either approval or disapproval of the proposed rezoning.

(vii) Whether, and the extent to which, the proposed amendment would result in significant adverse impacts on the natural environment.

(viii) The feasibility of serving the property with public water and sewer service and the impacts of such on the City infrastructure.

(b) Standards for review of Comprehensive Plan character area map amendments. When considering an amendment to the Comprehensive Plan character area map, the City Council, the Planning Commission, and the Zoning Administrator shall consider:

(i) Whether a proposed Comprehensive Plan character area map amendment would result in a Comprehensive Plan character area map classification that is more consistent with the text and policies of the Comprehensive Plan than the current classification of the property on the Comprehensive Plan character area map.

(ii) Whether the proposed amendment would result in a character area that is more compatible with the current and future character area of adjacent and nearby property.

(iii) Whether the proposed amendment would result in more efficient use of publicly financed community facilities and infrastructure.

(iv) The extent to which the proposed amendment would increase adverse impacts on the natural environment; especially water quality, greenspace preservation and air quality.

(v) Whether the proposed amendment would reduce dependence on the automobile.

(vi) The extent to which the proposed amendment would increase adverse impacts on historic or cultural resources.

(vii) If an amendment would affect only a single parcel, whether it should be made part of an area-wide review of future character areas that includes

review of character areas for the subject parcel and other surrounding property.

(viii) The degree to which the proposed amendment would have adverse impacts on land in adjacent municipalities and local governments.

(ix) Whether the proposed amendment would result in any negative impacts on the public water and sewer systems or would conflict with adopted long-term water and sewer plans.

(8) Action by Planning Commission. In making a recommendation on a proposed amendment to the Comprehensive Plan character area map or to the official Zoning Map, or a text amendment, the Planning Commission shall review and consider the application and materials of record, the findings and recommendations of the Zoning Administrator and the applicable standards in subsection (7) of this section.

(a) Recommendation. The Planning Commission shall make a recommendation to the City Council to:

(i) Approve the proposed amendment as requested by the applicant;

(ii) Approve the proposed amendment with conditions; or

(iii) Deny the proposed amendment.

(b) No recommendation. A motion that fails by majority vote shall not be deemed as approval of the opposite position, and a new motion must be made to approve the opposite position. If the Planning Commission fails to make a decision on a recommendation regarding an amendment, it shall be deemed to have given a recommendation of "no recommendation" on the proposed amendment.

(c) Time limit. The Planning Commission shall have 60 days from the date of receipt for a proposed amendment from the Zoning Administrator within which to forward its report and recommendation to the City Council, which shall be done at the next regular meeting of the City Council following action of the board. If the Planning Commission shall fail to file such report and recommendation within the 60-day period, it shall be deemed to have given a recommendation of "approval" on the proposed amendment.

(9) Action by the City Council.

(a) Considerations by the City Council. In making a decision on an amendment to the Comprehensive Plan character area map or the official Zoning Map, or a text amendment, the City Council shall review and consider the application and materials of record, the findings and recommendations of the Zoning Administrator, the recommendation of the Planning Commission, and the applicable standards in subsection (7) of this section.

(b) Actions by the City Council. Subsequent to the public hearing, the City Council shall take one (1) of the following actions regarding the proposed amendment:
  (i) Approve the proposed amendment as requested;
  (ii) Approve the proposed amendment with conditions;
  (iii) Deny the proposed amendment; or
  (iv) Refer the matter back to the Planning Commission for reconsideration at its next regularly scheduled or called meeting; if such referral includes a public hearing, the matter shall be re-advertised in accordance with subsections (5)(a) and (5)(b) of this section; or
  (v) Defer final action until the next regularly scheduled or special called meeting.

(c) Time limit. The City Council shall have 90 days from receipt of the recommendation of the Planning Commission within which to take final action.

(d) Notification and final record of action. Within 10 business days following final action by the City Council, written notification shall be mailed to the applicant and property owner. Thereupon the Zoning Administrator shall record the map amendment on the official Zoning Map or Comprehensive Plan character area map, as appropriate.

Sec. 102-B-12-5. Developments of regional impact (DRI).

(1) Application. When an amendment for a rezoning, special use permit, variance, preliminary plat review or permit includes any proposed development of a use and intensity that meets the definition of a DRI in the most recently published standards of the Three Rivers Regional Commission (TRRC), it shall be deemed to be a DRI. The documents for such rezoning, special use permit, variance, preliminary plat

review or permit shall include the information required for review of a DRI in accordance with the most recently published procedures of the TRRC.

(2) Procedures. The applicant shall provide all documentation and attend all meetings necessary to meet the most recently published standards and procedures for review of DRI applications required by TRRC.

(3) Recommendation from TRRC. No final action shall occur on such a rezoning, special use, variance, preliminary plat review or permit application until a recommendation is received from TRRC regarding the DRI.

Sec. 102-B-12-6. Special permits, general.

(1) Purpose. The purpose of this section is to provide for uses that are generally compatible with the use characteristics of a zoning district but that require individual review of their location, design, intensity, configuration and public facility impact to determine the appropriateness of the use within a particular site in the district and its compatibility with adjacent uses. A special permit may not be approved in a given zoning district unless it is listed as a special use permit or a special administrative permit for the subject district in section 102-B-6-1, Table of Permitted and Prohibited Uses.

(2) Application procedures.

(a) Special permit applications may be initiated upon application by the owner(s) of the subject property or the authorized agent of the owner(s).

(b) Applications for special permits shall be for one (1) of the following special permit types: special use permit or special administrative permit.

(c) Applications for special permits shall be made on forms published and provided by the Zoning Administrator. Applications shall not be considered filed unless complete in all respects and all fees paid.

(d) Each applicant shall complete all questions and requested materials contained within the required application form, including responses to the criteria in subsection 5 below, and all applicable supplemental regulations in Article 102-B-30.

(3) Staff analysis, findings of fact, and recommendation.

(a) City staff shall conduct a site inspection and shall prepare an analysis of each application for special permit summarizing its findings in written form.

(b) Staff review of each application for special permit shall be based on the criteria contained in subsection (5) of this section and in addition, where applicable to the use proposed, to the applicable supplemental regulations contained in Article 102-B-30.

(c) The Zoning Administrator shall prepare a report including all analysis and recommendations for presentation to the Planning Commission and City Council, which report shall be a matter of public record.

(d) The Zoning Administrator's report may recommend amendments to the applicant's request which would reduce the land area for which the application is made or recommend conditions of the special permit which may be deemed advisable so that the purpose of this Article will be served and health, public safety, and general welfare secured.

(4) Time limits of special use permits.

(a) Time limits for the duration of each special permit may be further specified as part of the special permit approval.

(b) Subject to any limit in duration, or unless otherwise provided within the regulations for a particular special use permit, the special permit shall become an integral part of the zoning applied to the subject property and shall be extended to all subsequent owners and interpreted and continually enforced by the Zoning Administrator in the same manner as any other provision of the UDO, subject to the limitations provided in subsections (7) of this section.

(5) Special permit criteria to be applied. The following criteria shall be applied by the Zoning Administrator in evaluating and deciding any application for a special administrative permit, and by the Zoning Administrator, the Planning Commission, and the City Council in evaluating and deciding any application for a special use permit. No application for a special permit shall be granted unless satisfactory provisions and arrangements have been made concerning each of the following criteria, all of which are applicable to each application:

(a) Whether or not the proposed plan is consistent with all of the requirements of the zoning district in which the use is proposed to be located, including required parking, loading, setbacks and transitional buffers.

(b) Compatibility of the proposed use with land uses on adjacent properties and other properties within the same zoning district, including comparisons of the size, scale and massing of proposed buildings in relation to the size, scale and massing of adjacent and nearby lots and buildings.

(c) Adequacy of the ingress and egress to the subject property, and to all proposed buildings, structures, and uses thereon, including the traffic impact of the proposed use on the capacity and safety of public streets providing access to the subject site, as well as impacts on pedestrian movements and safety.

(d) Consistency with the City's water and sewer systems, including the feasibility and impacts of serving the property with public infrastructure.

(e) Adequacy of other public facilities and services, including stormwater management, schools, parks, sidewalks, and utilities, to serve the proposed use.

(f) Whether or not the proposed use will create adverse impacts upon any adjacent or nearby properties by reason of noise, smoke, odor, dust, or vibration, or by the character and volume of traffic generated by the proposed use.

(g) Whether or not the proposed use will create adverse impacts upon any adjoining land use by reason of the manner of operation or the hours of operation of the proposed use.

(h) Whether or not the proposed use will create adverse impacts upon any environmentally sensitive areas or natural resources.

(6) Development of an approved special permit. The issuance of a special permit shall only constitute approval of the proposed use, and development of the use shall not be carried out until the applicant has secured all other permits and approvals required.

(7) Expiration of a special permit. Unless a building permit or other required approval is secured within 12 months, and construction subsequently undertaken pursuant to such building permit, the special permit shall expire automatically unless the permit is extended in accordance with subsection (8) of this section.

(8) Time extension of a special permit. The time limitations imposed on special permits by subsection (4) and expiration date established pursuant to subsection (7) of this section may be extended, upon written request by the applicant and approval of the special use permit time extension by the City Council and the approval of the special administrative permit time extension by the Zoning Administrator.

Sec. 102-B-12-7. Special use permits.

(1) Authority. The City Council may, in accordance with the procedures, standards and limitations of Article 102-B-55, take final action on applications for special use permits for those uses listed as authorized by special use permit in each of the zoning districts in section 102-B-6-1, Table of Permitted and Prohibited Uses.

(2) Applications. Applications for a special use permit shall be submitted on a form available from the Zoning Administrator and shall not be accepted until it is determined by the Zoning Administrator to be complete and all fees paid. Following the acceptance of a completed application for a special use permit, the Zoning Administrator shall present such request to the Planning Commission for review and recommendation. The Planning Commission recommendation for such application shall be presented to the City Council for a decision.

(3) Public hearings required. Before deciding on any special use permit pursuant to the requirements set forth in this section, the City Council shall provide for public notice and a public hearing thereon. No application for a special use permit shall be decided by the City Council unless it has first been submitted to the Planning Commission for review and recommendation pursuant to the requirements of this section.

(4) Notice of public hearings. Notice of public hearing on any proposed application for a special use permit shall be provided as is required in subsection 102-B-12-4(5) of this Article and shall, in addition to the information required in subsection 102-B-12-4(5), indicating the special use requested for the subject property.

(5) Withdrawal of application. An application for a special use permit may be withdrawn upon a written request by the applicant.

(6) Action by the Planning Commission.

(a) The secretary shall provide the members of the Planning Commission complete information on each proposed application for a special use permit, which the board considers including a copy of the application and supporting materials, and the written report of the Zoning Administrator applying the required criteria in section 102-B-12-6(5) and the supplemental regulations of Article 102-B-30, where applicable, to each application.

(b) Prior to initiating a motion regarding its recommendation to the City Council, the Planning Commission shall review and consider each of the criteria contained in section 102-B-12-6(5) of this Article, and the supplemental regulations contained in Article 102-B-30, where applicable to the proposed use.

(c) The Planning Commission recommendation on each application shall be based on a determination as to whether or not the applicant has met the criteria contained in section 102-B-12-6(5), the supplemental regulations contained in Article 102-B-30, where applicable to the proposed use, and the requirements of the Comprehensive Plan character area and zoning district in which such use is proposed to be located.

(d) The Planning Commission may recommend the imposition of conditions based upon the facts in a particular case in accordance with section 102-B-12-14.

(e) The Planning Commission may recommend approval of the special use permit application, approval of the application with conditions, or denial of the application. Failure to achieve a majority vote shall result in no recommendation to the City Council on the matter.

(f) Time limit. The Planning Commission shall have 60 days from the date of receipt of a special use permit application from the Zoning Administrator within which to file its report and recommendation with the City Council. If the Planning Commission shall fail to file such report and recommendation within the 60-day period, it shall be deemed to have given a recommendation of "no recommendation" on the proposed amendment.

(7) Action by the City Council.

(a) The secretary shall provide the City Council information from decisions of the Planning Commission on each proposed application for special use permit, including a copy of the application and supporting materials, and the written report of the Zoning Administrator containing the required criteria in section 102-B-12-6(5) and the supplemental regulations of Article 102-B-30, where applicable, to each application.

(b) After a public notice as required in subsection (3) of this section, the City Council shall conduct a public hearing in a manner consistent with section 102-B-12-4(6) of this Article. The City Council shall review and consider each of the criteria contained in section 102-B-12-6(5) of this Article, and the supplemental regulations contained in Article 102-B-30, where applicable to the proposed use.

(c) The decision of the City Council on each application for special use permit shall be based on a discretionary determination as to whether or not the applicant has met the criteria contained in section 102-B-12-6(5), the supplemental use standards contained in Article 102-B-30 where applicable to the use proposed, the consistency of the application with the Comprehensive Plan, the requirements of the zoning district in which such use is proposed to be located, and whether additional conditions could be imposed which would help ensure the compatibility of the special use with the surrounding properties. The City Council may impose conditions based upon the facts in a particular case in accordance with section 102-B-12-14.

(d) The City Council, after conducting the public hearing with public notice required by this section, shall take one (1) of the following actions:

(i) Vote to approve the application.

(ii) Vote to approve the application with conditions.

(iii) Vote to deny the application.

(iv) Vote to defer the application to its next regular meeting or special called meeting.

(v) Vote to refer the matter back to the Planning Commission for reconsideration at their next regularly scheduled meeting or special called meeting. If such

referral includes a public hearing, the matter shall be re-advertised in accordance with subsections 102-B-12-4(5)(a) and (5)(b).

(e) Time limit. The City Council shall have 90 days from the date of the regular meeting at which it first receives the report and recommendation of the Planning Commission for a special use permit within which to take final action.

Sec. 102-B-12-8. Special administrative permits.

(1) Authority. The Zoning Administrator may, in accordance with the procedures, standards and limitations of Article 102-B-55, take final action on applications for special administrative permits for those uses listed as authorized by special administrative permit in each of the zoning districts in section 102-B-6-1, Table of Permitted and Prohibited Uses.

(2) Withdrawal of application. An application for a special administrative permit may be withdrawn upon a written request by the applicant prior to the decision of the Zoning Administrator, however, there shall be no refund of application fees after an application has been deemed filed by the Zoning Administrator.

(3) Action by the Zoning Administrator.

(a) The Zoning Administrator's decision on each application shall be based on a determination as to whether or not the applicant has met the criteria contained in section 102-B-12-6(5) and the supplemental regulations of Article 102-B-30, where applicable to the proposed use, and the requirements of the Comprehensive Plan character area and zoning district in which such use is proposed to be located.

(b) Ability to impose conditions. The Zoning Administrator may attach reasonable conditions to a special administrative permit when necessary to prevent or minimize adverse impacts upon surrounding property or the environment.

(c) The Zoning Administrator may recommend approval of the special administrative permit application, approval of the application with conditions, or denial of the application.

(d) Decisions shall be made within 45 days of filings unless extended by mutual consent of the applicant and Zoning Administrator.

(e) Decisions shall be in writing and shall be transmitted to the applicant by first class mail or email.

(4) Reporting to the Planning Commission. The Zoning Administrator shall report to the Planning Commission all decisions on special administrative permits at regular board meetings.

Sec. 102-B-12-9. Variances.

(1) Authority. The City Council may, in accordance with the procedures set forth in this section, take final action on applications for variances.

(2) Purpose. The purpose of a variance is to provide a mechanism when, owing to special conditions, the strict application of the Zoning Ordinance would impose on a landowner exceptional and undue hardship.

(3) Initiation. A written petition for a variance may be initiated by the owner(s) of the subject property or the authorized agent(s) of the owner(s) of the property for which relief is sought. Applications shall be filed on forms provided by the Zoning Administrator and shall not be considered filed unless complete in every respect.

(4) Application procedures. The application shall contain the following information and documentation:

(a) Name, address, telephone number, and email address of owner(s) and applicant, if not owner.

(b) Legal description, street address, lot number and subdivision name, if any, of the property that is the subject of the application.

(c) The size of the subject property.

(d) The purpose for the requested variance, and a statement of the intended development of the property if the variance is granted.

(e) The specific provision of the Zoning Ordinance from which a variance is requested.

(f) A statement concerning each of the Standards for granting variances in subsection (8) of this section.

(g) A statement explaining how the proposed variance is consistent with the general spirit and intent of the Zoning Ordinance and the Comprehensive Plan.

(5) Staff report.

(a) The Zoning Administrator shall conduct a site inspection and shall prepare an analysis of each application for variance applying the criteria and standards set forth in subsection (8) of this section. The staff report shall be presented in written form to the Planning Commission at the scheduled hearing date.

(b) The Zoning Administrator shall prepare a report including all analysis and recommendations for presentation to the Planning Commission, which report shall be a matter of public record.

(c) The Zoning Administrator's report may recommend amendments to the applicant's request which would reduce the land area for which the application is made, or recommend conditions of the variance which may be deemed advisable so that the purpose of this Article will be served and health, public safety, and general welfare secured.

(6) Public notice procedures. The public notice procedures for a variance application shall be in conformance with subsection 102-B-12-4(5).

(7) Public hearing procedures. The public hearing procedures for a variance application shall be in conformance with section 102-B-12-4(6)(a) of this Article. The City Council may administer oaths and compel attendance of witnesses by subpoena.

(8) Standards for granting variances.

(a) Granting variances. City Council shall not grant a variance unless it has, in each case, made specific findings of fact based directly upon the particular evidence presented supporting written conclusions that the variance meets each of the following criteria:

(i) Arises from a condition that is unique and peculiar to the land, structures and buildings involved.

(ii) Is necessary because the particular physical surroundings, the size, shape or topographical condition of the specific property involved would result in unnecessary hardship for the applicant; as distinguished from a mere inconvenience, if the provisions of the Zoning Ordinance are literally enforced.

(iii) The condition requiring the requested relief is not ordinarily found in properties with the same zoning district designation as the subject property.

(iv) The condition is created by the regulations of the Zoning Ordinance and not by an action or actions of the property owner or the applicant.

(v) The granting of the variance will not impair or injure other property or improvements in the neighborhood in which the subject property is located, nor impair an adequate supply of light or air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, create a hazard to air navigation, endanger the public safety or substantially diminish or impair property values within the neighborhood.

(vi) The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structures.

(vii) The variance desired will not be opposed to the general spirit and intent of the Zoning Ordinance or the purpose and intent of the Comprehensive Plan.

(b) No variance shall be authorized to:

(i) Allow a structure or use not authorized in the applicable zoning district or a density of development that is not authorized within such district.

(ii) Conflict with or change any requirement enacted as a condition of zoning or of a special use permit authorized by the City Council.

(iii) Reduce, waive or modify in any manner the minimum lot area established by the Zoning Ordinance in any zoning district.

(iv) Reduce, waive or modify in any manner the minimum lot area established by the City Council through a special condition of approval.

(v) Permit the expansion or enlargement of any nonconforming situation or nonconforming use requiring a special use permit.

(vi) Permit the re-establishment of any non-conforming situation or nonconforming use requiring a special use permit where such use has lapsed.

(9) Action by the Planning Commission.

(a) The secretary shall provide the members of the Planning Commission complete information on each proposed application for a variance, which the board

considers including a copy of the application and supporting materials, and the written report of the Zoning Administrator applying the required criteria in section 102-B-12-9(8) to each application.

(b) Prior to initiating a motion regarding its recommendation to the City Council, the Planning Commission shall review and consider each of the criteria contained in section 102-B-12-9(8) of this Article.

(c) The Planning Commission recommendation on each application shall be based on a determination as to whether or not the applicant has met the criteria contained in section 102-B-12-9(8.

(d) The Planning Commission may recommend the imposition of conditions based upon the facts in a particular case in accordance with section 102-B-12-14.

(e) The Planning Commission may recommend approval of variance application, approval of the application with conditions, or denial of the application. Failure to achieve a majority vote shall result in no recommendation to the City Council on the matter.

(f) Time limit. The Planning Commission shall have 60 days from the date of receipt of a variance application from the Zoning Administrator within which to file its report and recommendation with the City Council. If the Planning Commission shall fail to file such report and recommendation within the 60-day period, it shall be deemed to have given a recommendation of "approval" on the proposed amendment.

(10) Action by the City Council.

(j) The secretary shall provide the City Council information from decisions of the Planning Commission on each proposed application for special variance, including a copy of the application and supporting materials, and the written report of the Zoning Administrator containing the required criteria in section 102-B-12-9(8) to each application.

(k) After a public notice as required in section 102-B-12-9(6), the City Council shall conduct a public hearing in a manner consistent with section 102-B-12-9(7) of this Article. The City Council shall review and consider each of the criteria contained in section 102-B-12-9(8) of this Article.

(l) The decision of the City Council on each application for variance shall be based on a discretionary determination as to whether or not the applicant has met the criteria contained in section 102-B-12-9(8), the consistency of the application with the Comprehensive Plan, the requirements of the zoning district in which such use is proposed to be located, and whether additional conditions could be imposed which would help ensure the compatibility of the variance with the surrounding properties. The City Council may impose conditions based upon the facts in a particular case in accordance with section 102-B-12-14.

(m) The City Council, after conducting the public hearing with public notice required by this section, shall take one (1) of the following actions:

(i) Vote to approve the application.

(ii) Vote to approve the application with conditions.

(iii) Vote to deny the application.

(iv) Vote to defer the application to its next regular meeting or special called meeting.

(v) Vote to refer the matter back to the Planning Commission for reconsideration at their next regularly scheduled meeting or special called meeting. If such referral includes a public hearing, the matter shall be re-advertised in accordance with subsections 102-B-12-4(5)(a) and (5)(b).

(n) Time limit. The City Council shall have 90 days from the date of the regular meeting at which it first receives the report and recommendation of the Planning Commission for a variance within which to take final action.

(11) Successive applications. An application for a variance affecting all or a portion of the same property that was denied by the City Council shall not be accepted sooner than six (6) months after the date of final decision by the City Council.

Sec. 102-B-12-10. Appeals to the Planning Commission.

(1) Procedures.

(a) Eligibility for appeal. Appeals to the Planning Commission may be initiated by any aggrieved person affected by any decision, final order, requirement, determination or interpretation of any administrative official of the City, with

respect to the provisions of the Zoning Ordinance. These appeals shall be taken by filing with the secretary of the Planning Commission a written notice of appeal, specifying the grounds thereof, within 10 days after the action being appealed was taken. A failure to act shall not be construed to be an order, requirement or decision within the meaning of this paragraph.

(b) A person shall be considered aggrieved for purposes of this section if:
   (i) Said person or said person's property was the subject of the action being appealed; or
   (ii) Said person has a substantial interest in the action being appealed that is in danger of suffering special damage or injury not common to all property owners similarly situated.

(c) Transmission of records. The Zoning Administrator shall transmit to the Planning Commission all documents, digital information, or other matters constituting the record upon which the action being appealed was taken.

(2) Hearings. The Planning Commission shall hear the appeal and matters referred to it within 45 days of receiving the complete and sufficient application for appeal and give notice to the appellant and official(s) subject to the appeal.

(3) Decisions of the board. Following the consideration of all testimony, documentary evidence and matters of record, the Planning Commission shall make a determination on each appeal. The board shall decide the appeal within a reasonable time but, in no event, more than 45 days from the date of the initial hearing. An appeal may be sustained only upon an expressed finding by the Planning Commission that the administrative official's action was based on an erroneous finding of a material fact or a misinterpretation of a regulation of this code.

Sec. 102-B-12-11. Appeals from decisions of the Planning Commission.

Appeals of all final decisions of the Planning Commission under the provisions of this Article shall be as follows:

(1) Review of decisions. Any person aggrieved by a final decision of the Planning Commission may seek review of such decision by petitioning the Superior Court of

Troup County for a writ of certiorari, setting forth plainly the alleged errors. Such petition shall be filed within 30 days after the final decision of the Planning Commission is rendered.

(2) Notice to the board. In any such petition filed, the secretary of the Planning Commission shall be authorized to acknowledge service of a copy of the petition and writ for the Planning Commission. Service upon the City as defendant shall be as otherwise provided by law. Within the time prescribed by law, the Planning Commission shall cause to be filed with the Troup County Superior Court a duly certified record of the proceedings before the Planning Commission, including a transcript or detailed minutes of the evidence heard before it, and the decision of the Planning Commission.

Sec. 102-B-12-12. Burden of proof in appeals and variances.

(1) Requirements. The standards and requirements of the Zoning Ordinance and decisions made by public officials are presumed to be valid. It shall be the responsibility of an applicant seeking relief to assume the burden of proof and rebut this presumption by presenting sufficient facts and evidence to meet all required standards of review.

(2) Review. It is the duty of the Planning Commission to review such facts and evidence in light of the intent of the UDO to balance the public health, safety and general welfare against the injury to a specific applicant that would result from the strict application of the provisions of the UDO to the applicant's property.

Sec. 102-B-12-13. Administrative variances.

(1) Authority. Applications for authorized administrative variances may be submitted to the Zoning Administrator, who shall make final decisions on such applications in accordance with this section.

(2) Limitations. Applications for administrative variances shall be considered on the following provisions exclusively:

(a) Front yard – variance not to exceed a decrease of more than 10 percent deducted from the required setback.

(b) Side yard – variance not to exceed a decrease of more than 25 percent deducted from the required setback.
(c) Rear yard – variance not to exceed a decrease of more than five (5) feet deducted from the required setback.
(d) Heights of structures in required yards – variance not to exceed an increase of more than five (5) inches added to the maximum allowable height.
(e) Height of building – variance not to exceed an increase of more than five (5) feet added to the maximum allowable height.
(f) Storefront fenestration percentage requirements – variance not to exceed a decrease of more than 20 percent deducted from the minimum required fenestration.
(g) Storefront intervening fenestration distance requirements – variance not to exceed an increase of more than 30 feet added to the length of facade allowed without intervening fenestration, architectural detailing or entryway.
(h) Landscape zone – variance not to exceed a decrease of more than five (5) feet deducted from the required minimum width – but in no case shall a landscape zone administrative variance deduction be permitted to exceed 50 percent of the required minimum width.
(i) Street tree spacing – variance not to exceed an increase of more than five (5) feet added to the minimum required spacing distance.
(j) Sidewalk widths – variance not to exceed a decrease of more than two (2) feet deducted from the required minimum width.
(k) Outdoor dining encroachment into required sidewalks – variance to allow outdoor dining areas to encroach a maximum two (2) feet into an adjacent required public sidewalk.
(l) Open space calculations – variance not to exceed a decrease of more than 10 percent deducted from the required minimum calculation.
(m) Block dimensions – variance not to exceed an increase of more than 25 percent added to the maximum allowable dimension.
(n) Fences – variance not to exceed an increase of more than two (2) feet added to the maximum allowable height.

(o) Retaining walls – variance not to exceed an increase of more than 10 feet added to the maximum allowable height.

(p) Loading requirements – variance not to exceed a decrease of more than one (1) loading space deducted from the required minimum calculation.

(q) Restaurants with drive-through service window car stacking – variance not to exceed a decrease of more than three (3) stacking spaces for inbound drive-through customers.

(r) Storm water retention facilities – variance to allow stormwater retention facilities to eliminate minimum setback requirements when such facilities are located within a master planned development that results in the creation of multiple new parcels within a larger project area.

(s) Buffers

(i) If it is clearly demonstrated that the existing topography and/or vegetation will achieve the purpose of this division.

(ii) If it is clearly demonstrated that, for topographic reasons, no required screening device could possibly screen the ground level activities of the use from the first-floor view of the residential structure abutting the use.

(iii) The adjoining property owners mutually agree in writing that the required buffer is not necessary for a satisfactory use and enjoyment of their property rights.

(iv) It is clearly demonstrated that an existing or proposed public right-of-way separation between adjoining properties will achieve the purposes of this division.

(3) Application procedures.

(a) Form. An application shall be submitted on a form provided by the Zoning Administrator.

(b) Documentation. The application shall be in such a form and contain such information and documentation as shall be prescribed by the Zoning Administrator, but shall contain at least the following:

(i) Name and address of the applicant.

(ii) Size of the subject property.

(iii) A statement of the hardship imposed on the applicant by the Zoning Ordinance and a statement demonstrating why the variance will not be materially detrimental or injurious to other property or improvements in the neighborhood in which the subject property is located.

(iv) Should the Zoning Administrator determine that a site plan is necessary to adequately review the administrative variance, said plan shall be drawn to scale, showing property lines with dimensions, and any improvements, structures and buildings. Should the Zoning Administrator determine that a plat is necessary to adequately review the administrative variance, said plat shall be prepared by an architect, engineer, landscape architect or land surveyor whose State registration is current and valid, with the preparer's signature and seal affixed to the plat.

(v) Any other pertinent information as requested by the Zoning Administrator.

(c) Within 15 business days after an application has been determined to be complete, the Zoning Administrator shall either grant the administrative variance, grant the administrative variance with conditions, or deny the administrative variance with reasons clearly stated in accordance with the standards set forth in subsection (5) of this section. The Zoning Administrator may impose such requirements and conditions with respect to the location, construction, maintenance and operation of any use or building, in addition to those expressly set forth in this Zoning Ordinance, as may be deemed necessary for the protection of adjacent properties or the environment.

(4) Expiration. An administrative variance shall automatically expire one (1) calendar year from the date of approval, unless the proposed use or development has begun in utilization of the administrative variance allowance.

(5) Standards for issuance of administrative variances. In deciding whether to grant an application for an administrative variance, the Zoning Administrator shall consider all of the applicable standards provided in subsection 102-B-12-9(8). Approval of an administrative variance shall require demonstration of a hardship, in compliance with all said criteria.

(6) Appeals of decisions to the Planning Commission. The final decision of the Zoning Administrator made pursuant to the provisions of this section may be appealed to the Planning Commission pursuant to section 102-B-12-10. Decisions made by the Planning Commission shall be final. Appeals of decisions made by the Planning Commission shall be pursuant to section 102-B-12-11.

(7) Reporting to the Planning Commission and the City Council. The Zoning Administrator shall report to the Planning Commission and City Council all decisions on administrative variances at regular Planning Commission and City Council meetings.

Sec. 102-B-12-14. Conditional approval and alterations to conditions.

(1) Conditions of approval. The Planning Commission and the Zoning Administrator may recommend, and the City Council may impose, reasonable conditions upon the approval of any amendment to the Comprehensive Plan character area map, official Zoning Map, approval of a special use permit, or approval of a variance that it finds necessary to ensure compliance with the intent of the Comprehensive Plan or Zoning Ordinance. Such conditions may be used when necessary to prevent or minimize adverse impacts upon property or the environment. For example, conditions may include but shall not be limited to the following:

(a) Limitations or requirements on the size, intensity of use, bulk and location of any structure.

(b) Increased landscaping, buffer, screening or setback requirements from property lines or water bodies.

(c) Greenspace and open space conservation.

(d) Driveway curb cut limitations.

(e) Restrictions to land uses or activities that are permitted.

(f) Prohibited locations for buildings, structures, loading or parking areas.

(g) The provision of adequate ingress and egress.

(h) Making project improvements for streets, sidewalks, parks or other community facilities.

(i) Building height, massing or compatible architectural design features.

(j) Hours of operation.

(k) The duration of a special use.

(l) A requirement that development shall conform to a specific site plan.

(m) Other conditions that the City Council finds are necessary as a condition of approval of an amendment to the Comprehensive Plan character area map, official Zoning Map or special use permit.

(2) Such conditions, limitations or requirements shall be:

(a) Set forth in the motion approving the amendment, special use permit, or variance.

(b) Set forth in the local ordinance that officially records the amendment.

(c) In effect for the period of time specified in the amendment. If no time period is stated, the conditions shall continue for the duration of the matter which it conditions and become an integral part of the Comprehensive Plan character area map amendment, official Zoning Map amendment, special use permit, or variance to which the conditions are attached and shall be:

(i) Required of the property owner and all subsequent owners as a condition of their use of the property; and

(ii) Interpreted and continually enforced by the department in the same manner as any other provision of the UDO.

(3) Alterations to conditions of approval.

(a) Alterations or repeal of conditions attached to any amendment to the Comprehensive Plan character area map, official Zoning Map, approval of a special use permit, or approval of a variance shall be made only by the City Council following a duly advertised public hearing conducted in accordance with subsection 102-B-12-4(4) of this Article. Notice shall be provided in accordance with subsection 102-B-12-4(5).

(b) Except for minor changes authorized as an administrative variance under section 102-B-12-13(2), alterations or repeal of conditions attached to a variance granted by the Planning Commission shall be made only by the Planning Commission following a duly advertised public hearing conducted pursuant to

procedures provided in subsection 102-B-12-9(7) of this Article. Notice shall be provided in accordance with subsection 102-B-12-4(5).

Sec. 102-B-12-15. Conflict of interest and disclosure of campaign contributions.

i. Conflict of interest. Any member of the City Council or of the Planning Commission who knows or reasonably should know that he/she:
   (a) Has any direct ownership in any real property to be affected by a rezoning action under consideration by the City government;
   (b) Has a 10 percent or more direct ownership interest in the total assets or capital stock in any business entity which has any direct ownership in any real property affected by a rezoning action under consideration by the City government; or
   (c) Has a spouse, parent, sibling or child with any interest as described in subsections (1)(a) and (b) of this section; shall disclose the nature and extent of such interest, in writing, to the City Council as soon as he/she knows of its existence. Such an official, also shall disqualify him/herself from voting on the rezoning action and shall not take any other action on behalf of him/herself or anyone else to influence action on the rezoning action. If any written disclosures made pursuant to this section result in the inability of the City Council to obtain a quorum for the purpose of making a final decision when considering a rezoning action, the City Council shall initiate the special master process set forth in O.C.G.A. § 36-67A-5. Moreover, questions of interpretation as to the application of this statute should be resolved by reference to State law governing campaign contribution disclosures, O.C.G.A. § 36-67A-1 et seq.

ii. When any opponent of a rezoning action has made, within two (2) years immediately preceding the filing of the rezoning action being opposed, campaign contributions aggregating $250.00 or more to an official of the City, it shall be the duty of the opponent to file a disclosure with the City Council showing:
   (a) The name and official position of the local government official to whom the campaign contribution was made; and
   (b) The dollar amounts and description of each campaign contribution made by the opponent to the local government official during the two (2) years immediately

preceding the filing of the application for the rezoning action and the date of each such contribution.

(c) The disclosure required by this section shall be filed at least five (5) calendar days prior to the first hearing by the City Council or any of its agencies on the rezoning application.

ARTICLE XIII. ANTENNAS AND TOWERS

Sec. 102-B-13-1. Purpose.

This Article is designed and intended to balance the interests of the residents of the City of Hogansville, telecommunications providers and telecommunications customers in the siting of telecommunications facilities within the City of Hogansville so as to protect the health, safety and integrity of residential neighborhoods and foster, through appropriate zoning and land use controls, a competitive environment for telecommunications carriers that does not unreasonably discriminate among providers of functionally equivalent personal wireless services and shall neither prohibit nor have the effect of prohibiting the provision of personal wireless services, and so as to promote the City of Hogansville as a pro-active City in the availability of personal wireless telecommunications service. To that end, this Article shall:

(1) Provide for the appropriate location and development of telecommunications facilities in the City of Hogansville;
(2) Protect the built and natural environment of the City of Hogansville by promoting compatible design standards for telecommunications facilities;
(3) Minimize adverse visual impacts of telecommunications facilities through careful design, siting, landscape screening and innovative camouflage techniques;
(4) Avoid potential damage to adjacent properties from tower or antenna failure through engineering and careful siting of telecommunications tower structures and antennas;
(5) Maximize use of any new and existing telecommunications towers so as to minimize the need to construct new towers and minimize the total number of towers throughout the City;
(6) Maximize and encourage use of alternative telecommunications tower structures as a primary option rather than construction of additional single use towers; and
(7) Encourage and promote the location of new telecommunications facilities in areas which are not zoned for residential use.

Section 102-B-13-2. Federal and State Law.

The regulations of this Article must be applied within the procedural and regulatory constraints of applicable Federal and State telecommunications statutes.

Section 102-B-13-3. Exclusions.

The following shall be exempt from this Article:

(1) Any tower and antenna under 50 feet in total height which is owned and operated by a federally licensed amateur radio operator.
(2) Satellite dish antennas.
(3) Towers and antennas operated by local, State or Federal government for a necessary governmental function.

Section 102-B-13-4. Placement of telecommunications facilities by zoning district.

(1) No telecommunications facilities shall be allowed within 1,500 feet of any dwelling within any ES-R, SU-R, TN-R, TN-MX, DT-MX, and G-RL district within the City of Hogansville. Subject to this limitation, monopole towers shall be allowed up to and including a height of 50 feet within such districts. Antennas shall be allowed, subject to applicable height restriction, within said districts on existing nonresidential structures.
(2) In any CR-MR, CR-MX, or G-B zoning district, telecommunications facilities shall be allowed, except that no tower shall be allowed within 500 feet of any dwelling in a CR-MR and CR-MX zoning district. Monopole towers within said district shall be allowed, subject to this limitation, up to a height including 50 feet. Antennas shall be allowed, subject to applicable height restriction, within said districts on existing nonresidential structures.
(3) In any DT-MX zoning district, towers shall be allowed subject to the following constraints:
    (a) Monopole towers in excess of 50 feet in height shall be allowed only when located a distance of at least 1,500 feet from the nearest dwelling;
    (b) Otherwise, monopole towers within said district shall not exceed a height of 50 feet, unless such are designed and intended to accommodate at least two (2) users, in which case said monopole tower shall not exceed a height of 80 feet.

(4) In any G-I zoning district, towers of unrestricted height shall be allowed, provided no telecommunications tower shall be allowed within a distance of 1,500 feet of any dwelling.
(5) Any telecommunications towers and antennas in all instances must comply with the airport special zoning district (section 102-B-3-2).
(6) In no district within the City shall an antenna as defined herein extend a distance greater than 20 feet above the structure to which it is attached.
(7) Measurements in this section shall be in a straight line from the base of the telecommunications facility to the nearest portion of the structure, building, dwelling, or other regulated structure.

Section 102-B-13-5. Preferred and disfavored sites.

(1) Preferred location sites:
   (a) Co-location sites: Any existing telecommunications tower(s) currently being used for transmitting or receiving analog, digital, microwave, cellular, telephone, personal wireless service or similar forms of electronic communication shall be a preferred location site regardless of the underlying zoning designation of the site, provided, however, that locations which meet this criteria shall be subject to the design and siting components of this Article. No more than two (2) towers shall be authorized at a co-location site, and no structure shall be allowed thereon higher than the existing structure (tower) located on the site.
   (b) Publicly used structures: Publicly used structures are preferred locations throughout the City because they appear in virtually all neighborhoods, are disbursed throughout the City, and due to their institutional or infrastructure uses are generally similar in appearance to or readily adaptable for telecommunications facilities. Therefore (telecommunications facilities) antennas should be less noticeable when placed on publicly used structures than when placed on commercial or residential structures. Publicly used structures include, but are not limited to, facilities such as police or fire stations, libraries, community centers, civic centers, courthouses, utility structures, water towers,

elevated roadways, flag poles, schools, hospitals, clock or bell towers, light poles and churches.

(c) Industrial and commercial structures: Wholly industrial and commercial structures such as warehouses, factories, retail outlets, supermarkets, banks, garages, medical facilities, office buildings or service stations shall be preferred locations particularly where existing visual obstruction or clutter on the roof or along the roof line can and will be removed as part of the installation of the telecommunications facility.

(2) Disfavored location sites: Any single-family structure or site or multifamily duplex shall be a disfavored site for the location of telecommunications facilities.

Section 102-B-13-6. Requirements for telecommunication facilities.

(1) Lighting: No illumination is permitted on telecommunications facilities unless required by the FCC, FAA or other State or Federal agency of competent jurisdiction or unless necessary for the air traffic safety. If lighting is required or necessary, the Zoning Administrator of the Department of Community Development may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding uses and views.

(2) Advertising: No advertising or signage is permitted on telecommunications facilities.

(3) Visual effects: If an antenna is installed on a structure other than a tower, the antenna and associated electrical and mechanical equipment must be of neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

(4) Accessory uses: Accessory structures used in direct support of a telecommunications facility shall be allowed but shall not be used for offices, vehicle storage or other outdoor storage. Mobile or immobile equipment not used in direct support of a telecommunications facility shall not be stored or parked on the site of the telecommunications facility.

(5) Lot size and setbacks: Telecommunications facilities must be set back from any property line a sufficient distance to protect adjoining property from the potential impact of telecommunications facility failure by being sufficiently distant to accommodate such failure of the site, based on the engineer's analysis as required in section 102-B-13-7. Such setback distance shall in no event be less than the calculated distance covered by the telecommunications facility should such fail, plus an additional 10 feet.

(6) On-site vegetation: Existing on-site vegetation shall be preserved or improved, and disturbance of the existing topography shall be minimized, unless such disturbance would result in less visual impact of the site to the surrounding area.

(7) Buffer strip and fence: Any tower site (including the entire "guyed" area) shall be surrounded by a buffer strip and fence as approved by the Zoning Administrator based on applicable regulations of the UDO for buffers and fencing.

Section 102-B-13-7. Application requirements.

Application for a building permit for any wireless facility shall be made by the person, company or organization that will own and operate the telecommunications facility. An application will not be considered until it is complete, and the following information shall be submitted when applying for said permit and must be submitted for an application to be considered complete:

(1) Basis information: A report from a qualified, registered professional engineer licensed in the State of Georgia, documenting the following:
   (a) Wireless facility height and design, including technical, engineering, economic and other pertinent factors governing selection of the proposed design;
   (b) Total anticipated capacity of the telecommunications facility, including number and types of antennas which can be accommodated by the facilities;
   (c) Evidence of structural integrity of the tower structure; and
   (d) Structural failure characteristics of the telecommunications facility and demonstration that site setbacks are of adequate dimension (to contain debris).

(2) A definition of the area of service to be served by the antenna or tower and whether such antenna or tower is needed for coverage or capacity;

(3) The identity of a community liaison officer appointed by the applicant to resolve issues of concern to neighbors and residents relating to the construction and operation of the facility. Included within such designation shall be name, address, telephone number, facsimile number and electronic mail address, if applicable.
(4) Site plan: An applicant for a telecommunications facility building permit must present a site plan that discloses the following:
    (a) Location of guy wires;
    (b) Location to nearest residential structure;
    (c) Height elevations above ground level;
    (d) Height elevation above sea level;
    (e) Relation to slope set forth in the airport special zoning district; and
    (f) Full description of landscaping and fence material to be used.

Section 102-B-13-8. Co-location.

Applicant and owner shall allow other future personal wireless service companies, including public and quasipublic agencies, using functionally equivalent personal wireless technology to co-locate antennas, equipment and facilities on a telecommunications facility unless specific technical constraints or applicable law prohibit said co-location. Applicant and other personal wireless carriers shall provide a mechanism for the construction and maintenance of shared facilities and infrastructure and shall provide for equitable sharing costs in accordance with industry standards.

Section 102-B-13-9. Action on application; appeals.

(1) The Zoning Administrator shall approve or deny the application for a new wireless support structure within 150 calendar days of the date of complete application, unless another date is agreed to by the applicant and the Zoning Administrator in writing. The Zoning Administrator shall have 30 days from the date of application to determine if an application is complete and shall notify the applicant in writing of any additional materials required. If so notified, the time within which such information is being provided by the applicant shall not count against the 150-day decision period herein. Any such decision denying a request to place, construct or

modify a telecommunications facility shall be in writing and supported by evidence contained within a written record.

(2) The Zoning Administrator shall approve or deny the application for a colocation within 90 calendar days of the date of complete application, unless another date is agreed to by the applicant and the Zoning Administrator in writing. The Zoning Administrator shall have 30 days from the date of application to determine if an application is complete and shall notify the applicant in writing of any additional materials required. If so notified, the time within which such information is being provided by the applicant shall not count against the 90-day decision period herein. Any such decision denying a request to place, construct or modify a telecommunications facility shall be in writing and supported by evidence contained within a written record. If the application for a co-location or modification of a wireless facility is subject to the streamlined process of O.C.G.A. § 36-66B-4 as amended, the application entitled to streamlined processing shall be reviewed for conformance with applicable site plan and building permit requirements, including zoning and Comprehensive Plan character area map conformity but shall not otherwise be subject to additional approvals beyond the initial approval issued for the wireless support structure or wireless facility.

(3) The Zoning Administrator shall approve or deny the application for an eligible facility request subject to review under section 6409 of the Spectrum Act within 60 calendar days of the date of complete application, unless another date is agreed to by the applicant and the Zoning Administrator in writing. The Zoning Administrator shall have 30 days from the date of application to determine if an application is complete and shall notify the applicant in writing of any additional materials required. If so notified, the time within which such information is being provided by the applicant shall not count against the 60-day decision period herein. Following a supplemental submission, the Zoning Administrator will have 10 days to notify the applicant that the supplemental submission did not include the missing information. If the Zoning Administrator does not act within the 60 days the application is granted, the decision shall be considered to be approved. The decision shall be in

writing and be supported by a written record documenting the reasons for the denial and the evidence in support of the decision.

(4) Appeals from a decision of the Zoning Administrator may be taken to the Planning Commission per the appeals provisions of section 102-B-12-10.

Section 102-B-13-10. Maintenance of Facilities.

(1) All wireless transmission facilities and related fencing and landscaping shall be maintained by the facility owner in good condition, order, and repair so that they shall not endanger the life or property of any person, nor shall they be a blight upon the property.

(2) All maintenance or construction on wireless transmission facilities shall be performed by persons employed by or under contract to the owner between the hours of 8:30 a.m. and 5:30 p.m. Monday through Friday except in cases of emergency. Access to facilities on City owned property shall be determined on a case-by-case basis by the department responsible for such property. The hours of access to City sites shall not exceed those specified above. Persons may not be present on site unless performing construction or maintenance at such site.

Section 102-B-13-11. Liability Insurance.

(1) All permitted wireless telecommunications facilities shall secure and at all times maintain public liability insurance for personal injuries, death and property damage, and umbrella insurance coverage, for the duration of the permit in amounts as set forth below:
   (a) Commercial general liability covering personal injuries, death and property damage: $1,000,000 per occurrence/$2,000,000 aggregate; and
   (b) Automobile coverage: $1,000,000 per occurrence/ $2,000,000 aggregate; and
   (c) A $3,000,000 umbrella coverage; and
   (d) Workers compensation and disability: Statutory amounts.

(2) For a wireless telecommunications facility on City property, the commercial general liability insurance policy shall specifically include the City and its officers,

commissions, employees, committee members, attorneys, agents and consultants as additional insured.

(3) The insurance policies shall be issued by an agent or representative of an insurance company licensed to do business in the State and with a best's rating of at least A.

(4) The insurance policies shall contain an endorsement obligating the insurance company to furnish the City with at least 30 days' prior written notice in advance of the cancellation of the insurance.

(5) Renewal or replacement policies or certificates shall be delivered to the City at least 15 days before the expiration of the insurance that such policies are to renew or replace.

(6) Before construction of a permitted wireless telecommunications facility is initiated, but in no case later than 15 days after the grant of the application, the applicant shall deliver to the City a copy of each of the policies or certificates representing the insurance in the required amounts.

(7) A certificate of insurance that states that it is for informational purposes only and does not confer rights upon the City shall not be deemed to comply with this section.

Section 102-B-13-12. Indemnification.

(1) Any application for wireless telecommunication facilities that is proposed for City property, pursuant to this Article, shall contain a provision with respect to indemnification. Such provision shall require the applicant, to the extent permitted by the Article, to at all times defend, indemnify, protect, save, hold harmless, and exempt the City and its officers, commissions, employees, committee members, attorneys, agents, and consultants from any and all penalties, damages, costs, or charges arising out of any and all claims, suits, demands, causes of action, or award of damages, whether compensatory or punitive, or expenses arising there from, either at law or in equity, which might arise out of, or are caused by, the placement, construction, erection, modification, location, products performance, use, operation, maintenance, repair, installation, replacement, removal, or restoration of said facility, excepting, however, any portion of such claims, suits, demands, causes

of action or award of damages as may be attributable to the negligent or intentional acts or omissions of the County, or its servants or agents. With respect to the penalties, damages or charges referenced herein, reasonable attorneys' fees, consultants' fees, and expert witness fees are included in those costs that are recoverable by the City.

(2) Notwithstanding the requirements noted in subsection (1) of this section, an indemnification provision will not be required in those instances where the City itself applies for and secures a special use permit for wireless telecommunications facilities.

Section 102-B-13-13. Fines.

(1) In the event of a violation of this Article or any permit issued pursuant to this Article, the City may impose and collect, and the holder of the permit for wireless telecommunications facilities shall pay to the County, fines or penalties as set forth below.

(2) If the applicant fails to comply with provisions of this Article such shall constitute a violation of this Article and shall be subject to a fine not to exceed $350.00 per day per violation following due and proper notice and, further, each day or part thereof that a violation remains uncured after proper notice shall constitute a separate violation, punishable separately.

(3) Notwithstanding anything in this Article, the holder of the permit for wireless telecommunications facilities may not use the payment of fines, liquidated damages or other penalties, to evade or avoid compliance with this Article or any section of this Article. An attempt to do so shall subject the holder of the permit to termination and revocation of the special use permit. The City may also seek injunctive relief to prevent the continued violation of this Article, without limiting other remedies available to the County.

Section 102-B-13-14. Abandoned towers.

Any telecommunications facility that is not operated for a continuous period of 12 months shall be considered abandoned, irrespective of whether the owner or operator

intends to make use of it or any part of it. In such case, the owner of the telecommunications facility and the owner of the property where such facility is located shall be under a duty to remove the abandoned telecommunications facility. If such antenna and/or tower is not removed within 60 days of receipt of notice from the City notifying the owner(s) of such abandonment, the City may remove such tower and/or antenna and place a lien upon the property for the costs of removal. The City may pursue all legal remedies available to it to ensure that abandoned telecommunications tower or facilities are removed. Any delay by the City in taking such action shall not under any circumstances operate as a waiver of the City's right to take such action. The City may seek to have a telecommunications facility removed regardless of the owner's or operator's intent to operate the tower or antenna and regardless of any permits, Federal, State or otherwise, which may have been granted.

Section 102-B-13-15. Pre-existing towers/nonconforming uses.

Use of all telecommunications facilities lawfully permitted and operative prior to the adoption of the UDO, and which do not comply with the provisions of Article 102-B-60, or amendments thereto, shall be allowed as a nonconforming use and shall be treated as a nonconforming use in accordance with section 102-B-50. Routine maintenance, including replacement with new tower or antenna of like construction and height shall be permitted on such existing telecommunications facilities. Any existing unused tower or antenna so replaced shall be removed within 30 days of the new tower or antenna becoming operational. New construction other than routine maintenance shall comply with the requirements of this Article.

(1) A telecommunications facility that has received City approval as of the date of final approval of this UDO, in the form of a building permit, but has not yet been constructed or placed in operation, shall be considered an existing telecommunications facility as long as such building permit is current and not expired. The zoning district regulations of the Zoning Ordinance contain additional standards and procedures that are supplemental to all other regulations and requirements of this Article. Should the requirements of these zoning district

standards and procedures conflict with standards of other requirements of this Article, the requirements of the zoning district shall apply.

(2) Placement of an antenna on a nonconforming structure shall not be considered an expansion of the nonconforming structure.

ARTICLE XIV. HISTORIC PRESERVATION

Sec. 102-B-14-1. Authorization and intent.

(1) In support and furtherance of its findings and determination that the historical, cultural and aesthetic heritage of the City of Hogansville, Georgia, are among its most valued and important assets and the preservation of this heritage is essential to the promotion of the health, prosperity and general welfare of the people;

(2) In order to stimulate revitalization of the business districts and historic neighborhoods and to protect and enhance local historical and aesthetic attractions to tourists and thereby promote and stimulate business;

(3) In order to enhance the opportunities for Federal or State tax benefits under relevant provisions of Federal or State law; and

(4) In order to provide for the designation, protection, preservation and rehabilitation of historic properties and historic districts and to participate in Federal or State programs to do the same;

(5) The City Council hereby declares it to be the purpose and intent of this division to establish a uniform procedure for use in providing for the protection, enhancement, perpetuation and use of places, districts, sites, buildings, structures, objects, and landscape features having a special historical, cultural or aesthetic interest or value, in accordance with the provisions of the division and the City design manual.

Sec. 102-B-14-2. Creation of a historic preservation commission.

(1) Creation of the commission. There is hereby created a commission whose title shall be the "City of Hogansville Historic Preservation Commission" (hereinafter "commission").

(2) Commission position within the City. The preservation commission shall be part of the planning functions of the City.

(3) Commission members—Number, appointment, terms and compensation. The commission shall consist of a minimum of three (3) members and a maximum of seven (7) members, with such members to be appointed by the mayor and ratified by the City Council. All members shall be residents of the City and shall be persons who have demonstrated special interest, experience or education in history, architecture or the preservation of historic resources. Members shall serve three (3)-year terms. In order to achieve staggered terms, initial appointments shall be: one (1) member for one (1) year; three (3) members for two (2) years; and three (3) members for three (3) years. Members shall not receive a salary, although they may be reimbursed for expenses. Members may be reappointed.

(4) Statement of the commission's powers. The preservation commission shall be authorized to:

(a) Prepare and maintain an inventory of all property within the City having the potential for designation as historical property;

(b) Recommend to the City Council specific districts, sites, buildings, structures, or objects to be designated by ordinance as historic properties or historic districts;

(c) Review applications for certificates of appropriateness, and grant or deny same in accordance with the provisions of this Article;

(d) Recommend to the City Council that the designation of any district, site, building, structure or object as a historic property or as a historic district be revoked or removed;

(e) Restore or preserve any historic properties acquired by the City;(

(f) Promote the acquisition by the City of facade easements and conservation easements, as appropriate, in accordance with the provisions of the Georgia Uniform Conservation Easement Act of 1992 (O.C.G.A. §§ 44-10-1—44-10-5);(7)Conduct educational programs on historic properties located within the City and on general historic preservation activities;

(g) Make such investigations and studies of matters relating to historic preservation including consultation with historic preservation experts, the City Council or the

commission itself may, from time to time, deem necessary or appropriate for the purposes of preserving historic resources;

(h) Seek out local, State, Federal or private funds for historic preservation, and make recommendations to the City Council concerning the most appropriate uses of any funds acquired;

(i) Submit to the historic preservation division of the department of natural resources a list of historic properties or historic districts designated;(

(j) Perform historic preservation activities as the official agency of the Hogansville historic preservation program;

(k) Employ persons, if necessary, to carry out the responsibilities of the commission;

(l) Receive donations, grants, funds, or gifts of historic property and acquire and sell historic properties. The preservation commission shall not obligate the City without prior consent;

(m) Review and make comments to the historic preservation division of the department of natural resources concerning the nomination of properties within its jurisdiction to the national register of historic places; and

(n) Participate in private, State and Federal historic preservation programs and with the consent of the City Council enter into agreements to do the same.(e)Commission's power to adopt rules and standards. The preservation commission shall adopt rules and standards for the transaction of its business and for consideration of applications for designations and certificates of appropriateness, such as bylaws, removal of membership provisions, and design guidelines and criteria. The preservation commission shall have the flexibility to adopt rules and standards without amendment to this Article. The commission shall provide for the time and place of regular meetings and a method for the calling of special meetings. The commission shall select such officers as it deems appropriate from among its members. A quorum shall consist of a majority of the members.

(5) Conflict of interest. The commission shall be subject to all conflict of interest laws set forth in Georgia Statutes and in the City Charter and ordinances.

(6) Commission's authority to receive funding from various sources. The commission shall have the authority to accept donations and shall ensure that these funds do not displace appropriated governmental funds.

(7) Records of commission meetings. A public record shall be kept of the commission resolutions, proceedings and actions.

Sec. 102-B-14-3. Recommendation and designation of historic districts and properties.

(1) Preliminary research by commission.

(a) Commission's mandate to conduct a survey of local historical resources. The commission shall compile and collect information and conduct surveys of historic resources within the City.

(b) Commission's power to recommend districts and buildings to the City Council for designation. The commission shall present to the City Council recommendations for historic districts and properties.

(c) Commission's documentation of proposed designation. Prior to the commission's recommendation of a historic district or historic property to the City Council for designation, the commission shall prepare a report for nomination consisting of:

(i) A physical description;

(ii) A statement of the historical, cultural, architectural and/or aesthetic significance;

(iii) A map showing district boundaries and classification (i.e., contributing, noncontributing) of individual properties therein, or showing boundaries of individual historic properties;

(iv) A statement justifying district or individual property boundaries; and

(v) Representative photographs.

(2) Designation of a historic district.

(a) Criteria for selection of historic districts. A historic district is a geographically definable area, which contains buildings, structures, sites, objects, and landscape features or a combination thereof, which:

(i) Has special character or special historic/aesthetic value or interest;

(ii) Represents one or more periods, style, or types of architecture typical of one or more eras in the history of the City, County, State or Region; and

(iii) Causes such area, by reason of such factors, to constitute a visibly perceptible section of the City or County.

(b) Boundaries of a historic district. Boundaries of a historic district shall be included in the separate ordinances designating such districts and shall be shown on the official zoning map of the City.

(c) Evaluation of properties within historic districts. Individual properties within historic districts shall be classified as:

(i) Contributing (contributes to the district);

(ii) Noncontributing (does not contribute to the district).

(3) Designation of a historic property; criteria for selection of historic properties. A historic property is a building, structure, site, or object, including the adjacent area necessary for the proper appreciation or use thereof, deemed worthy of preservation by reason of value to the Nation, City or the State, for one of the following reasons:

(o) It is an outstanding example of a structure representative of its era;

(p) It is one of the few remaining examples of a past architectural style;

(q) It is a place or structure associated with an event or persons of historic or cultural significance to the City, the State, or the region; or

(r))It is the site of natural or aesthetic interest that is continuing to contribute to the cultural or historical development and heritage of the municipality, County, State or region.

(4) Requirements for adopting an ordinance for the designation of historic districts and historic properties.

(a) Application for designation of historic districts or property. Designations may be proposed by the City Council, the commission, or:

(i) For historic districts, a historical society, neighborhood association or group of property owners may apply to the commission for designation;

(ii) For historic properties, a historical society, neighborhood association or property owner may apply to the commission for designation.

(b) Required components of a designation ordinance. Any ordinance designating any property or district as historic shall:

(i) List each property in a proposed historic district or describe the proposed individual historic property;

(ii) Set forth the name(s) of the owner(s) of the designated property or properties;

(iii) Require that a certificate of appropriateness be obtained from the commission prior to any material change in appearance of the designated property; and

(iv) Require that the property or district be shown on the official zoning map of the City, and kept as a public record to provide notice of such designation.

(c) Require public hearings. The commission and the City Council shall hold a public hearing on any proposed ordinance for the designation of any historic district or property. Notice of the hearing shall be published in at least three consecutive issues in the principal newspaper of local circulation, and written notice of the hearing shall be mailed by the commission to all owners and occupants of such properties. All such notices shall be published or mailed not fewer than ten nor more than 20 days prior to the date set for the public hearing. A notice sent via the United States mail to the last known owner of the property shown on the City tax digest and a notice sent via attention of the

occupant shall constitute legal notification to the owner and occupant under this Article.

(d) Notification of historic preservation division. No fewer than 30 days prior to making a recommendation on any ordinance designating a property or district as historic the commission must submit the report, required in subsection 102-374(a)(3), to the historic preservation division of the State department of natural resources.

(e) Recommendations on proposed designations. A recommendation to affirm, modify or withdraw the proposed ordinance for designation shall be made by the commission within 15 days following the public hearing and shall be in the form of a resolution to the City Council.

(f) City Council action on the commission's recommendation. Following receipt of the commission recommendation, the City Council may adopt the ordinance as proposed, may adopt the ordinance with any amendments it deems necessary, or reject the ordinance.

(g) Notification of adoption of ordinance for designation. Within 30 days following the adoption of the ordinance for designation by the City Council, the owners and occupants of each designated historic property, and the owners and occupants of each structure, site or work of art located within a designated historic district, shall be given written notification of such designation by the City Council, which notice shall apprize said owners and occupants of the necessity of obtaining a certificate of appropriateness prior to undertaking any material change in appearance of the historic property designated or within the historic district designated. A notice sent via the United States mail to the last known owner of the property shown on the City tax digest and a notice sent via United States mail to the address of the property to the attention of the occupant shall constitute legal notification to the owner and occupant under this Article.

(h) Notification of other agencies regarding designation. The commission shall notify all necessary agencies within the City of the ordinance for designation.

(i) Moratorium on applications for alteration or demolition while ordinance for designation is pending. If an ordinance for designation is being considered, the commission shall have the power to freeze the status of the involved property.

Sec. 102-B-14-3. Application to preservation commission for certificate of appropriateness.

(1) Approval of material change in appearance in historic districts or involving historic properties. After the designation by ordinance of a historic property or of a historic district, no material change in the appearance of such historic property, or of a contributing or noncontributing building, structure, site or object within such historic district, shall be made or be permitted to be made by the owner or occupant thereof, unless or until the application for a certificate of appropriateness has been submitted to and approved by the commission. A building permit shall not be issued without a certificate of appropriateness.

(2) Submission of plans to commission. An application for a certificate of appropriateness shall be accompanied by drawings, photographs, plans and documentation required by the commission.

(3) Interior alterations. In its review of applications for certificates of appropriateness, the commission shall not consider interior arrangement or use having no effect on exterior architectural features.

(4) Technical advice. The commission shall have the power to seek technical advice from outside its members on any application.

(5) Review of applications for certificates of appropriateness. Prior to reviewing an application for a certificate of appropriateness, the commission shall take such action as may be reasonably required to inform owners of any property likely to be affected materially by the application and shall give the applicant and such owners an opportunity to be heard. In cases where the commission deems it necessary, it may hold a public hearing concerning the application.

(6) Acceptable commission reaction to applications for certificate of appropriateness. The commission may approve the certificate of appropriateness as proposed, approve the certificate of appropriateness with any modifications it deems necessary, or reject it.

(a) Approval. The commission shall approve the application and issue a certificate of appropriateness if it finds that the proposed material change(s) in the appearance would not have a substantial adverse effect on the aesthetic, historic, or architectural significance and value of the historic property or the historic district. In making this determination, the commission shall consider, in addition to any other pertinent factors, the following criteria for each of the following acts:

(i) Reconstruction, alteration, new construction or renovation. The commission shall issue certificates of appropriateness for the above proposed actions if those actions conform in design, scale, building material, setback and site features, and to the secretary of interior's standards for rehabilitation and guidelines for rehabilitating historic buildings.

(ii) Relocation. A decision by the commission approving or denying a certificate of appropriateness for the relocation of a building, structure, or object shall be guided by the historic character and aesthetic interest the building, structure or object contributes to its present setting and considering the following:

(A) Whether there are definite plans for the area to be vacated and what the effect of those plans on the character of the surrounding area will be.

(B) Whether the building, structure or object can be moved without significant damage to its physical integrity.

(C) Whether the proposed relocation area is compatible with the historical and architectural character of the building, structure, site or object.

(b) Demolition. A decision by the commission approving or denying a certificate of appropriateness for the demolition of buildings, structures, sites, trees judged to be 50 years old or older, or object shall be guided by:

(i) The historic, scenic or architectural significance of the building, structure, site, tree, or object.

(ii) The importance of the building, structure, site, tree, or object to the ambiance of a district.

(iii) The difficulty or the impossibility of reproducing such a building, structure, site, tree, or object because of its design, texture, material, detail, or unique location.

(iv) Whether the building, structure, site, tree, or object is one of the last remaining examples of its kind in the neighborhood or the City.

(v) Whether there are definite plans for use of the property if the proposed demolition is carried out, and what the effect of those plans on the character of the surrounding area would be.

(vi) Whether any reasonable measures can be taken to save the building, structure, site, tree, or object from collapse.

(vii) Whether the building, structure, site, tree, or object is capable of earning reasonable economic return on its value.

(7) Undue hardship. When, by reason of unusual circumstances, the strict application of any provision of this Article would result in the exceptional practical difficulty or undue economic hardship upon any owner of a specific property, the commission, in passing upon applications, shall have the power to vary or modify strict adherence to provisions of this Article, or to interpret the meaning of this Article, so as to relieve such difficulty or hardship; provided such variances, modifications or interpretations shall remain in harmony with the general purpose and intent of said provisions, so that the architectural or historical integrity, or character of the property, shall be conserved. In granting variances, the commission may impose such reasonable and additional stipulations and conditions as will, in its judgment,

best fulfill the purpose of this Article. An undue hardship shall not be a situation of the person's own making.

(8) Deadline for approval or rejection of application for certificate of appropriateness.

(a) The commission shall approve or reject an application for a certificate of appropriateness within 45 days after the filing thereof by the owner or occupant of a historic property, or of a building structure, site, or object located within a historic district. Evidence of approval shall be by a certificate of appropriateness issued by the commission. Notice of the issuance or denial of a certificate of appropriateness shall be sent by United States mail to the applicant and all other persons who have requested such notice in writing filed with the commission.

(b) Failure of the commission to act within said 45 days shall constitute approval, and no other evidence of approval shall be needed.

(9) Necessary action to be taken by commission upon rejection of application for certificate of appropriateness.

(a) In the event the commission rejects an application, it shall state its reasons for doing so, and shall transmit a record of such actions and reasons, in writing, to the applicant. The commission may suggest alternative courses of action it thinks proper if it disapproves of the application submitted. The applicant, if he or she so desires, may make modifications to the plans and may resubmit the application at any time after doing so.

(b) In cases where the application covers a material change in the appearance of a structure which would require the issuance of a building permit, the rejection of the application for a certificate of appropriateness by the commission shall be binding upon the building inspector or other administrative officer charged with issuing building permits and, in such a case, no building permit shall be issued.

(10) Requirement of conformance with certificate of appropriateness.

(a) All work performed pursuant to an issued certificate of appropriateness shall conform to the requirements of such certificate. In the event work is performed

not in accordance with such certificate, the commission shall issue a cease and desist order and all work shall cease.

(b) The City Council or the commission shall be authorized to institute any appropriate action or proceeding in a court of competent jurisdiction to prevent any material change in appearance of a designated historic property or historic district, except those changes made in compliance with the provisions of this Article or to prevent any illegal act or conduct with respect to such historic property or historic district.

(11) Certificate of appropriateness void if construction not commenced. A certificate of appropriateness shall become void unless construction is commenced within nine months of date of initial issuance. Certificates of appropriateness shall be issued for a period of six months and are renewable.

(12) Recording applications for certificate of appropriateness. The commission shall keep a public record of all applications for certificates of appropriateness, and of all the commission's proceedings in connection with said application.

(13) Acquisition of property. The commission may, where such action is authorized by the City Council and is reasonably necessary or appropriate for the preservation of a unique historic property, enter into negotiations with the owner for the acquisition by gift, purchase, exchange, or otherwise, to the property or any interest therein.

(14) Appeals. Any person adversely affected by any determination made by the commission relative to the issuance or denial of a certificate of appropriateness may appeal such determination to the City Council. Any such appeal must be filed with the City Council within 15 days after the issuance of the determination pursuant to subsection (h)(1) or, in the case of a failure of the commission to act, within 15 days of the expiration of the 45-day period allowed for the commission action in subsection (h)(2). The City Council may approve, modify, or reject the determination made by the commission, if the governing body finds that the commission abused its discretion in reaching its decision. Appeals from decisions of the City Council

may be taken to the superior court of Troup County in the manner provided by law for appeals from conviction for the City ordinance violations.

(15) [Certain parties exempt.] The Department of Transportation and any contractors, including cities and counties, performing work funded by the department of transportation are exempt from this division. Governmental entities, including the City, are exempt from the requirement of obtaining certificates of appropriateness; provided, however, that governmental entities shall notify the commission no fewer than 45 days prior to beginning any undertaking within the historic district or affecting a historic property that would otherwise require a certificate of appropriateness and allow the commission an opportunity to comment.

Sec. 102-B-14-4. Maintenance of historic properties and buildings and zoning code provisions.

(1) Ordinary maintenance or repair. Ordinary maintenance or repair of any exterior architectural or environmental feature in or on a historic property to correct deterioration, decay, or to sustain the existing form, and that does not involve a material change in design, material or outer appearance thereof, does not require a certificate of appropriateness.

(2) Failure to provide ordinary maintenance or repair. Property owners of historic properties or properties within historic districts shall not allow their buildings to deteriorate by failing to provide ordinary maintenance or repair. The commission shall be charged with the following responsibilities regarding deterioration by neglect:

   (a) The commission shall monitor the condition of historic properties and existing buildings in historic districts to determine if they are being allowed to deteriorate by neglect. Such conditions as broken windows, doors and openings which allow the elements and vermin to enter, the deterioration of a building's structural system shall constitute failure to provide ordinary maintenance or repair.

(b) In the event the commission determines a failure to provide ordinary maintenance or repair, the commission will notify the owner of the property and set forth the steps which need to be taken to remedy the situation. The owner of such property will have 30 days in which to do this.

(c) In the event that the condition is not remedied in 30 days, the commission, at the direction of the City Council, may perform such maintenance or repair as is necessary to prevent deterioration by neglect. The owner of the property shall be liable for the cost of such maintenance and repair performed by the commission.

(3) Affirmation of existing building and zoning codes. Nothing in this Article shall be construed as to exempt property owners from complying with existing City or County building and zoning codes, nor prevent any property owner from making any use of this property not prohibited by other statutes, ordinances or regulations.

Sec. 102-B-14-5. Boundaries.

(1) Boundaries of the district known as the "Hogansville Historic District" are as duly designated and cited by ordinance of the City Council dated December 15, 2003, titled "Historic District Ordinance", and shown upon the official zoning map of the City. Said map shall be kept in the office of the Zoning Administrator as a public record. Boundaries may be enlarged or otherwise changed only by the legal designation protocol set forth in the City's historic preservation ordinance.

(2) Significant other buildings or structures. The following structures and sites not within the historic district shall be designated as historic properties:

#94	Shank-Strain	204 Taliaferro
#95	Jennings	213 Taliaferro
#98	Water Stand Pipe	School Property
#99	Amphitheater	School Property
#113	Darden-Harris	100 Brazel
#114	Bigham-Whipple	102 Brazel

#115	McKee	302 N. Highway 29

TITLE 102-C. DEVELOPMENT AND PERMITTING

ARTICLE I. PERMITTING PROCESS

Sec. 102-C-1-1. Building permits and development permits.

(1) No land, building or other structure shall be graded, located, erected, moved, altered, added to, or structurally altered without a building permit issued by the City. No building permit shall be issued except in conformity with the provisions of this Article.

(2) Each application for a building permit, with the required fee, shall be filed with the Building Official on a form furnished by the City for the specific work to be done, including a general description and the location of the proposed work. The application shall be signed by the owner or his/her agent or contractor. The application shall indicate the proposed occupancy.

(3) Building permits shall become invalid if the work authorized by the permit is suspended or abandoned for a period of six (6) months. To resume work, an application for a building permit or a development permit shall be resubmitted to the City Clerk for approval by City staff.

(4) Submittal materials.

(a) Each application shall contain two (2) copies of the land plat from the County tax office showing the exact location, the size of the building, the distance to property and building lines, the total acreage and the square footage of the lot or parcel. These copies may be duplicates.

(b) Where private sewage systems are used, a copy of the permit for the septic system, issued by the County health department, shall accompany the application for the permit.

(c) The application for a development permit shall be accompanied by two (2) copies of a dimensional sketch plan. The required sketch plan shall include the following information:

(i) Names. The name of the proposed development, and the name, address, and phone number of the owner and the designer of the site plan and professional seal.

(ii) Date and legend. Date, north arrow, and graphic scale.

(iii) Survey boundaries. Surveyed boundaries of the entire tract and its relationship to adjoining properties, public rights-of-way and easements.

(iv) Location map. A general location map at a scale sufficient to indicate existing zoning on and adjacent to the site, adjoining roads and the adjacent areas, at a scale no smaller than one inch equals 1,000 feet.

(v) Building locations and orientation to public street. Location and orientation of all proposed buildings, and their shape, size and setback, in appropriate scale.

(vi) Parking and loading facilities. All required parking and loading facilities.

(vii) Right-of-way. The location, length and width and the name or purpose of all rights-of-way of streets, roads, alleys, railroads, public crosswalks, and applicable easements.

(viii) Buffers. The location and design of the proposed buffer and landscaping for the proposed development.

(ix) Environmentally sensitive areas. Location of water supply watersheds, groundwater recharge areas, and wetlands, and the boundary and elevation of the 100-year floodplain as determined by the flood insurance rate map.

(x) Proposed improvements. The names, where appropriate, locations and dimensions of proposed streets, alleys, sidewalks, easements, buildings, parking, loading, dumpsters, open spaces, and recreation areas and facilities.

Sec. 102-C-1-2. Issuance of denial; penalty for commencing work without permit.

(1) The Building Official shall act upon an application for a permit within five (5) working days from time the application is filed with the City. If the Building Official

is satisfied the work described in the application and contract documents filed conforms to the requirements of the technical codes, State law, and this Article, the Building Official is authorized to issue a permit to the applicant.

(2) If the application for a permit and the documents describing the work do not conform to technical codes, State law or this Article, the Building Official shall not issue a permit, but shall notify the applicant in writing of the reasons for refusal to issue the permit. This written notification shall be postmarked no later than five (5) working days from the time the application is filed with the City.

(3) Any person who begins any work on a building, structure, or electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a penalty of $100.00 per day from the beginning date of construction until the permit application is received by the City, plus the price of the required permits.

Sec. 102-C-1-3. Certificate of occupancy.

(1) A certificate of occupancy, issued by the City, with approval from the Zoning Administrator, is required in advance of the use or occupancy of:

  (a) Any lot or a change in the use thereof.

  (b) A building hereafter erected or altered or a change in the use of an existing building.

  (c) Any nonconforming use existing at the time of enactment of the ordinance from which this Article is derived or at the time of enactment of an amendment to this Article that is changed, extended, altered, or rebuilt thereafter.

(2) The certificate of occupancy shall state specifically wherein the nonconforming use fails to meet the provisions of this Article.

(3) No certificate of occupancy shall be issued unless the lot or building or structure complies with all provisions of this Article.

(4) A record of all certificates of occupancy shall be kept on file in the office of the building inspector and a copy shall be furnished on request to any person having a proprietary or tenancy interest in the building or land involved.

ARTICLE II. SOIL EROSION, SEDIMENTATION AND POLLUTION CONTROL

Sec. 102-C-2-1. Title.

This Article shall be known as the "City of Hogansville Soil Erosion, Sedimentation and Pollution Control Ordinance."

Sec. 102-C-2-2. Exemptions.

(1) 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 one (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 one (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 Building Official 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 O.C.G.A. § 12-7-6(b) and the buffer zones provided by this paragraph shall be enforced by the local issuing authority;

(e) Agricultural operations as defined in O.C.G.A. § 1-3-3, "definitions", to include raising, harvesting or storing of products of the field or orchard; feeding, breeding or managing livestock or poultry; producing or storing feed for use in the production of livestock, including but not limited to cattle, calves, swine, hogs, goats, sheep, and rabbits or for use in the production of poultry, including but not limited to chickens, hens and turkeys; producing plants, trees, fowl, or animals; the production of aquaculture, horticultural, dairy, livestock, poultry, eggs and apiarian products; farm buildings and farm ponds;

(f) Forestry land management practices, including harvesting; provided, however, that when such exempt forestry practices cause or result in land-disturbing or other activities otherwise prohibited in a buffer, as established in subsections 102-C-2-2 (o) and (p), no other land-disturbing activities, except for normal forest management practices, shall be allowed on the entire property upon which the forestry practices were conducted for a period of three years after completion of such forestry practices;

(g) Any project carried out under the technical supervision of the Natural Resources Conservation Service (NRCS) of the United States Department of Agriculture;

(h) Any project involving less than one acre of disturbed area; provided, however, that this exemption shall not apply to any land-disturbing activity within a larger common plan of development or sale with a planned disturbance of equal to or greater than one (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 one 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 local issuing authority from regulating any such project which is not specifically exempted by subsections (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 State 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 (1) 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 State highway authority, or the State road and tollway authority is a secondary permittee for a project located within a larger common plan of development or sale under the State general permit, in which case a copy of a notice of intent under the State general permit shall be submitted to the local issuing authority, the local issuing authority shall enforce compliance with the minimum requirements set forth in O.C.G.A. § 12-7-6 as if a permit had been issued, and violations shall be subject to the same penalties as violations by permit holders;

(j) Any land-disturbing activities conducted by any electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the 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 local issuing authority shall enforce compliance with the minimum requirements set forth in O.C.G.A. § 12-7-6 as if a permit had been issued, and violations shall be subject to the same penalties as violations by permit holders; and

(k) Any public water system reservoir.

Sec. 102-C-2-3. Minimum requirements for erosion, sedimentation and pollution control using best management practices.

(1) General provisions. Excessive soil erosion and resulting sedimentation can take place during land-disturbing activities if requirements of the Article and the NPDES general permit are not met. Therefore, plans for those land-disturbing activities which are not exempted by this Article shall contain provisions for application of soil erosion, sedimentation and pollution control measures and practices. The provisions shall be incorporated into the erosion, sedimentation and pollution control plans. Soil erosion, sedimentation and pollution control measures and practices shall conform to the minimum requirements of subsections 102-C-2-3 (2) and (3). The application of measures and practices shall apply to all features of the site, including street and utility installations, drainage facilities and other temporary and permanent improvements. Measures shall be installed to prevent or control erosion, sedimentation and pollution during all stages of any land-disturbing activity in accordance with requirements of this Article and the NPDES general permit.

(2) Minimum requirements/BMPs.

(a) Best management practices as set forth in subsections 102-C-2-3 (2) and (3) shall be required for all land-disturbing activities. Proper design, installation, and maintenance of best management practices shall constitute a complete defense

to any action by the Building Official or to any other allegation of noncompliance with subsection (b) of this section 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(b).

(b) 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 O.C.G.A. § 12-5-30(f), the "Georgia Water Quality Control Act", for each day on which such discharge results in the turbidity of receiving waters being increased by more than 25 nephelometric turbidity units for waters supporting warm water fisheries or by more than ten nephelometric turbidity units for waters classified as trout waters. The turbidity of the receiving waters shall be measured in accordance with guidelines to be issued by the Building Official. This paragraph shall not apply to any land disturbance associated with the construction of single-family homes which are not part of a larger common plan of development or sale unless the planned disturbance for such construction is equal to or greater than five (5) acres.

(c) Failure to properly design, install, or maintain best management practices shall constitute a violation of any land-disturbing permit issued by a local issuing authority or of any State general permit issued by the Division pursuant to O.C.G.A. § 12-5-30(f), the "Georgia Water Quality Control Act", for each day on which such failure occurs.

(d) The Building Official may require, in accordance with regulations adopted by the board, reasonable and prudent monitoring of the turbidity level of receiving waters into which discharges from land disturbing activities occur.

(e) The LIA may set more stringent buffer requirements than stated in subsection 102-C-2-3(3)(o), (p) and (q), in light of O.C.G.A. § 12-7-6(c).

(3) The rules and regulations, ordinances, or resolutions adopted pursuant to O.C.G.A. § 12-7-1 et seq. for the purpose of governing land-disturbing activities shall require, as a minimum, protections at least as stringent as the State general permit; and best management practices, including sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the Manual for Erosion and Sediment Control in Georgia published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted, as well as the following:

(a) Stripping of vegetation, regrading and other development activities shall be conducted in a manner so as to minimize erosion;

(b) Cut-fill operations must be kept to a minimum;

(c) Development plans must conform to topography and soil type so as to create the lowest practicable erosion potential;

(d) Whenever feasible, natural vegetation shall be retained, protected and supplemented;

(e) The disturbed area and the duration of exposure to erosive elements shall be kept to a practicable minimum;

(f) Disturbed soil shall be stabilized as quickly as practicable;

(g) Temporary vegetation or mulching shall be employed to protect exposed critical areas during development;

(h) Permanent vegetation and structural erosion control practices shall be installed as soon as practicable;

(i) To the extent necessary, sediment in run-off water must be trapped 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.;

(j) Adequate provisions must be provided to minimize damage from surface water to the cut face of excavations or the sloping of fills;

(k) Cuts and fills may not endanger adjoining property;

(l) Fills may not encroach upon natural watercourses or constructed channels in a manner so as to adversely affect other property owners;

(m) Grading equipment must cross flowing streams by means of bridges or culverts except when such methods are not feasible, provided, in any case, that such crossings are kept to a minimum;

(n) Land-disturbing activity plans for erosion, sedimentation and pollution control shall include provisions for treatment or control of any source of sediments and adequate sedimentation control facilities to retain sediments on-site or preclude sedimentation of adjacent waters beyond the levels specified in subsection 102-C-2-3 (2)(b);

(o) Except as provided in subsections (p) and (q) of this section, there is established a 25-foot buffer along the banks of all State waters, as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, except where the Building Official determines to allow a variance that is at least as protective of natural resources and the environment, where otherwise allowed by the Building Official pursuant to O.C.G.A. § 12-2-8, where a drainage structure or a roadway drainage structure must be constructed, provided that adequate erosion control measures are incorporated in the project plans and specifications, and are implemented; along any ephemeral stream. As used in this provision, the term "ephemeral stream" means a stream: that under normal circumstances has water flowing only during and for a short duration after precipitation events; that has the channel located above the ground-water table year round; for which ground water is not a source of water; and for which runoff from precipitation is the primary source of water flow, Unless exempted as along an ephemeral stream, the buffers of at least 25 feet

established pursuant to O.C.G.A. tit. 12, ch. 5, art. 5, pt. 6, the "Georgia Water Quality Control Act", shall remain in force unless a variance is granted by the Building Official as provided in this paragraph. The following requirements shall apply to any such buffer:

(i) 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/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

(ii) The buffer shall not apply to the following land-disturbing activities, provided that they occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream; cause a width of disturbance of not more than 50 feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented:

(A) Stream crossings for water lines, or

(B) Stream crossings for sewer lines.

(p))There is established a 50-foot buffer as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, along the banks of any State waters classified as "trout streams" pursuant to O.C.G.A. tit. 12, ch. 5, art. 2, the "Georgia Water Quality Control Act", except where a roadway drainage structure must be constructed; provided, however, that small springs and streams classified as trout streams which discharge an average

annual flow of 25 gallons per minute or less shall have a 25-foot buffer or they may be piped, at the discretion of the landowner, pursuant to the terms of a rule providing for a general variance promulgated by the board, so long as any such pipe stops short of the downstream landowner's property and the landowner complies with the buffer requirement for any adjacent trout streams. The Building Official 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:

(i) 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/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

(ii) The buffer shall not apply to the following land-disturbing activities, provided that they occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream; cause a width of disturbance of not more than 50 feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented:

(A) Stream crossings for water lines, or

(B) Stream crossings for sewer lines.

(q) There is established a 25-foot buffer along coastal marshlands, as measured horizontally from the coastal marshland-upland interface, as determined in accordance with O.C.G.A. tit. 12, ch. 5, the "Coastal Marshlands Protection Act of 1970." And the rules and regulations promulgated thereunder, except where the Building Official determines to allow a variance that is at least as protective of natural resources and the environment, where otherwise allowed by the Building Official pursuant to O.C.G.A. § 12-2-8, where an alteration within the buffer area has been authorized pursuant to O.C.G.A. § 12-5-286, for maintenance of any currently serviceable structure, landscaping, or hardscaping, including bridges, roads, parking lots, golf courses, golf cart paths, retaining walls, bulkheads, and patios; provided, however, that if such maintenance requires any land-disturbing activity, adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented, where a drainage structure or roadway drainage structure is constructed or maintained; provided, however, that if such maintenance requires any land-disturbing activity, adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented, on the landward side of any currently serviceable shoreline stabilization structure, or for the maintenance of any manmade storm-water detention basin, golf course pond, or impoundment that is located entirely within the property of a single individual, partnership, or corporation; provided, however, that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented. For the purposes of this paragraph maintenance shall be defined as actions necessary or appropriate for retaining or restoring a currently serviceable improvement to the specified operable condition to achieve its maximum useful life. Maintenance includes emergency reconstruction of recently damaged parts of a currently serviceable structure so long as it occurs within a reasonable period of time after damage occurs. Maintenance does not include any modification that changes the character, scope or size of the original design and

serviceable shall be defined as usable in its current state or with minor maintenance but not so degraded as to essentially require reconstruction.

(i) 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; provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his/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.

(ii) The buffer shall not apply to crossings for utility lines that cause a width of disturbance of not more than 50 feet within the buffer, provided, however, that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented.

(iii) The buffer shall not apply to any land-disturbing activity conducted pursuant to and in compliance with a valid and effective land-disturbing permit issued subsequent to April 22, 2014, and prior to December 31, 2015; provided, however, that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented or any lot for which the preliminary plat has been approved prior to December 31, 2015 if roadways, bridges, or water and sewer lines have been extended to such lot prior to the effective date of this Act and if the requirement to maintain a 25-foot buffer would consume at least 18 percent of the high ground of the platted lot otherwise available for development; provided, however, that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented.

(iv) Activities where the area within the buffer is not more than 500 square feet or that have a "minor buffer impact" as defined in [Rule] 391-3-7-.01(r),

provided that the total area of buffer impacts is less than 5,000 square feet are deemed to have an approved buffer variance by rule. Bank stabilization structures are not eligible for coverage under the variance by rule and notification shall be made to the division at least 14 days prior to the commencement of land disturbing activities.

(4) Nothing contained in O.C.G.A. § 12-7-1 et seq. shall prevent any local issuing authority from adopting rules and regulations, ordinances, or resolutions which contain stream buffer requirements that exceed the minimum requirements in subsections 102-C-2-3 (2) and (3).

(5) 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. 102-C-2-4. Application/permit process.

(1) General. The property owner, developer and designated planners and engineers shall design and review before submittal the general development plans. The local issuing authority shall review the tract to be developed and the area surrounding it. They shall consult the zoning ordinance, storm water management ordinance, subdivision ordinance, flood damage prevention ordinance, this Article, and any other ordinances, rules, regulations or permits, which regulate the development of land within the jurisdictional boundaries of the local issuing authority. However, the owner and/or operator are the only parties who may obtain a permit.

(2) Application requirements.

(a) No person shall conduct any land-disturbing activity within the jurisdictional boundaries of the City without first obtaining a permit from the City to perform such activity and providing a copy of notice of intent submitted to EPD if applicable.

(b) 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 102-C-2-4(3). Erosion, sedimentation and pollution control plans, together with supporting data, must demonstrate affirmatively that the land disturbing activity proposed will be carried out in such a manner that the provisions of subsections 102-C-2-3 (2) and (3) will be met. Applications for a permit will not be accepted unless accompanied by four copies of the applicant's erosion, sedimentation and pollution control plans. All applications shall contain a certification stating that the plan preparer or the designee thereof visited the site prior to creation of the plan in accordance with EPD Rule 391-3-7-.10.

(c) In addition to the local permitting fees, fees will also be assessed pursuant to O.C.G.A. § 12-5-23(a)(5), provided that such fees shall not exceed $80.00 per acre of land-disturbing activity, and these fees shall be calculated and paid by the primary permittee as defined in the State general permit for each acre of land-disturbing activity included in the planned development or each phase of development. All applicable fees shall be paid prior to issuance of the land disturbance permit. In a jurisdiction that is certified pursuant to O.C.G.A. § 12-7-8(a), one-half of such fees levied shall be submitted to the division; except that any and all fees due from an entity which is required to give notice pursuant to O.C.G.A. § 12-7-17(9) or (10) shall be submitted in full to the division, regardless of the existence of a local issuing authority in the jurisdiction.

(d))In addition to the local permitting fees, fees will also be assessed pursuant to O.C.G.A. § 12-5-23(a)(5), provided that such fees shall not exceed $80.00 per acre of land-disturbing activity, and these fees shall be calculated and paid by the primary permittee as defined in the State general permit for each acre of land-disturbing activity included in the planned development or each phase of development. All applicable fees shall be paid prior to issuance of the land disturbance permit. In a jurisdiction that is certified pursuant to O.C.G.A. § 12-7-8(a), one-half of such fees levied shall be submitted to the division; except that

any and all fees due from an entity which is required to give notice pursuant to O.C.G.A. § 12-7-17(9) or (10) shall be submitted in full to the division, regardless of the existence of a local issuing authority in the jurisdiction.

(e) Immediately upon receipt of an application and plan for a permit, the local issuing authority 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 local issuing authority. No permit will be issued unless the plan has been approved by the district, and any variances required by subsections 102-C-2-3(3) (o), (p) and (q) has been obtained, all fees have been paid, and bonding, if required as per subsection 102-C-2-3(2)(g), have been obtained. Such review will not be required if the local issuing authority and the district have entered into an agreement which allows the local issuing authority to conduct such review and approval of the plan without referring the application and plan to the district. The local issuing authority with plan review authority shall approve or disapprove a revised plan submittal within 35 days of receipt. Failure of the local issuing authority with plan review authority to act within 35 days shall be considered an approval of the revised plan submittal

(f))If a permit applicant has had two or more violations of previous permits, this section, or the Erosion and Sedimentation Act, as amended, within three (3) years prior to the date of filing the application under consideration, the local issuing authority may deny the permit application.

(g) The local issuing authority may require the permit applicant to post a bond in the form of government security, cash, irrevocable letter of credit, or any combination thereof up to, but not exceeding, $3,000.00 per acre or fraction thereof of the proposed land-disturbing activity, prior to issuing the permit. If the applicant does not comply with this section or with the conditions of the

permit after issuance, the local issuing authority may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance. These provisions shall not apply unless there is in effect an ordinance or statute specifically providing for hearing and judicial review of any determination or order of the local issuing authority with respect to alleged permit violations.

(3) Plan requirements.

(a) Plans must be prepared to meet the minimum requirements as contained in subsections 102-C-2-3(2) and (3), 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/her level of involvement with the process, as developed by the commission and in consultation with the division and the stakeholder advisory board created pursuant to O.C.G.A. § 12-7-20.

(b) 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.

(4))Permits.

(a) Permits shall be issued or denied as soon as practicable but in any event not later than 45 days after receipt by the local issuing authority of a completed

application, providing variances and bonding are obtained, where necessary and all applicable fees have been paid prior to permit issuance. The permit shall include conditions under which the activity may be undertaken.

(b) No permit shall be issued by the local issuing authority unless the erosion, sedimentation and pollution control plan has been approved by the district and the local issuing authority has affirmatively determined that the plan is in compliance with this Article, any variances required by subsections 102-C-2 (3)(o) and (p) are obtained, bonding requirements, if necessary, as per subsection 102-C-3(2)(f) are met and all ordinances and rules and regulations in effect within the jurisdictional boundaries of the local issuing authority are met. If the permit is denied, the reason for denial shall be furnished to the applicant.

(c) Any land-disturbing activities by a local issuing authority shall be subject to the same requirements of this 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.

(d) If the tract is to be developed in phases, then a separate permit shall be required for each phase.

(e) The permit may be suspended, revoked, or modified by the local issuing authority, as to all or any portion of the land affected by the plan, upon finding that the holder or his/her 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.

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

Sec. 102-C-2-5. Inspection and enforcement.

(1) Employees and/or authorized representatives of 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 local issuing authority shall regulate primary, secondary and tertiary permittees as such terms are defined in the State general permit. Primary permittees shall be responsible for installation and maintenance of best management practices where the primary permittee is conducting land-disturbing activities. Secondary permittees shall be responsible for installation and maintenance of best management practices where the secondary permittee is conducting land-disturbing activities. Tertiary permittees shall be responsible for installation and maintenance where the tertiary permittee is conducting land-disturbing activities. If, through inspection, it is deemed that a person engaged in land-disturbing activities as defined herein has failed to comply with the approved plan, with permit conditions, or with the provisions of this Article, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this Article.

(2) The local issuing authority must amend its ordinances to the extent appropriate within 12 months of any amendments to the Erosion and Sedimentation Act of 1975.

(3) The City 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.

(4) 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/her official duties.

Sec. 102-C-2-6. Penalties and incentives.

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

(2) Stop-work orders.

(a) For the first and second violations of the provisions of this Article, the Building Official or the local issuing authority 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 Building Official or the local issuing authority shall issue a stop-work order requiring that land-disturbing activities be stopped until necessary corrective action or mitigation has occurred; 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 Building Official or the local issuing authority shall issue an immediate stop-work order in lieu of a warning;

(b) For a third and each subsequent violation, the Building Official or the local issuing authority shall issue an immediate stop-work order; and;

(c) All stop-work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred.

(d) When a violation in the form of taking action without a permit, failure to maintain a stream buffer, or significant amounts of sediment, as determined by the local issuing authority or by the Building Official or his/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 local issuing authority or by the Building Official or his/her designee. All such stop work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred. Such stop work orders shall apply to all land-disturbing activity on the site with the exception of the installation and maintenance of temporary or permanent erosion and sediment controls.

(3) Bond forfeiture. If, through inspection, it is determined that a person engaged in land-disturbing activities has failed to comply with the approved plan, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance with the plan and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this Article and, in addition to other penalties, shall be deemed to have forfeited his/her performance bond, if required to post one under the provisions of subsection 102-C-2-4(2)(f). The local issuing authority may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance.

(4) Monetary penalties. Any person who violates any provisions of this Article, or any permit condition or limitation established pursuant to this Article, or who negligently or intentionally fails or refuses to comply with any final or emergency order of the Building Official 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 any City charter to the contrary, municipal courts shall be authorized to impose penalty not to exceed $2,500.00 for each violation. Notwithstanding any limitation of law as to penalties which can be assessed for violations of County ordinances, any magistrate court or any other court of competent jurisdiction trying cases brought as violations of this Article under County ordinances approved under this Article shall be authorized to impose penalties for such violations not to exceed $2,500.00 for each violation.

Each day during which violation or failure or refusal to comply continues shall be a separate violation.

Sec. 102-C-2-7. Education and certification.

(1) Persons involved in land development design, review, permitting, construction, monitoring, or inspection or any land-disturbing activity shall meet the education and training certification requirements, dependent on their level of involvement with the process, as developed by the commission in consultation with the division and the stakeholder advisory board created pursuant to O.C.G.A. § 12-7-20.

(2) For each site on which land-disturbing activity occurs, each entity or person acting as either a primary, secondary, or tertiary permittee, as defined in the State general permit, shall have as a minimum one person who is in responsible charge of erosion and sedimentation control activities on behalf of said entity or person and meets the applicable education or training certification requirements developed by the commission present on site whenever land-disturbing activities are conducted on that site. A project site shall herein be defined as any land-disturbance site or multiple sites within a larger common plan of development or sale permitted by an owner or operator for compliance with the State general permit.

(3) Persons or entities involved in projects not requiring a State general permit but otherwise requiring certified personnel on site may contract with certified persons to meet the requirements of this Article.

(4) If a State general permittee who has operational control of land-disturbing activities for a site has met the certification requirements of O.C.G.A. § 12-7-19(b)(1), then any person or entity involved in land-disturbing activity at that site and operating in a subcontractor capacity for such permittee shall meet those educational requirements specified in O.C.G.A. § 12-7-19(b)(4) and shall not be required to meet any educational requirements that exceed those specified in said paragraph.

Sec. 102-C-2-8. Administrative appeal and judicial review.

(1) Administrative remedies. The suspension, revocation, modification or grant with condition of a permit by the local issuing authority upon finding that the holder is not in compliance with the approved erosion, sediment and pollution control plan; or that the holder is in violation of permit conditions; or that the holder is in violation of any ordinance; shall entitle the person submitting the plan or holding the permit to a hearing before the City Manager or his/her designee within 15 days after receipt by the local issuing authority of written notice of appeal.

(2) Judicial review. Any person, aggrieved by a decision or order of the local issuing authority, after exhausting his/her administrative remedies, shall have the right to appeal de novo to the superior court of Troup County.

Sec. 102-C-2-9. Effectivity, validity and liability.

(1) Neither the approval of a plan under the provisions of this Article, nor the compliance with provisions of this Article shall relieve any person from the responsibility for damage to any person or property otherwise imposed by law nor impose any liability upon the local issuing authority or district for damage to any person or property.

(2) The fact that a land-disturbing activity for which a permit has been issued results in injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided for in this Article or the terms of the permit.

(3) No provision of this Article shall permit any persons to violate the Georgia Erosion and Sedimentation Act of 1975, the Georgia Water Quality Control Act or the rules and regulations promulgated and approved thereunder or pollute any waters of the State as defined thereby.

(4) If any section, paragraph, clause, phrase, or provision of this Article shall be adjudged invalid or held unconstitutional for any reason, such decisions shall not affect the remaining portions of this Article, which shall remain in full force and effect.

ARTICLE III. WATERSHED PROTECTION

Sec. 102-C-3-1. Purpose and intent.

This division is enacted pursuant to the laws of the State for the following purposes:

(1) To establish measures to protect the quality of the present and future water supply for the City;

(2) To minimize the transport of pollutants and sediment to the water supply;

(3) To maintain the yield of the water supply watershed; and

(4) To establish regulations for the management of Blue Creek Reservoir.

Sec. 102-C-3-2. Conflict with other laws.

Whenever the provisions of this division and those of some other ordinance or statute apply to the same subject matter, that ordinance requiring the highest or most strict standard shall govern.

Sec. 102-C-3-3. Establishment of the watershed protection district.

The Hogansville Watershed Protection District is hereby designated and shall comprise the land that drains to the water supply intakes from the stream banks and the reservoir boundary to the ridge line of the City watershed. The boundary of the watershed protection district is defined by the ridgeline of the watershed within a radius of seven miles upstream of the water supply intakes or by the political boundaries of the City where those boundaries occur within the watershed. All lands in the district are within an area defined as a water quality critical area, pursuant to O.C.G.A. § 12-2-8. The boundary shall be set at places readily identifiable on the watershed protection district map.

Sec. 102-C-3-4. Conditions and performance standards.

All uses in the watershed protection district are subject to the following conditions and performance standards:

(1) Buffers. A buffer shall be maintained for a distance of 100 feet on both sides of the perennial stream as measured from the stream banks and for a distance of 100 feet from the reservoir boundary of Blue Creek Reservoir.

(2) Impervious surface. No impervious surface shall be constructed with a 150-foot setback area on both sides of the stream as measured from the stream banks or within a 150-foot setback area from the reservoir boundary.

(3) Septic tanks. Septic tanks and the drainfields of septic tanks are prohibited within 150 feet of a stream bank or of the reservoir boundary.

(4) Exemptions. Exemptions from buffer and setback requirements shall be as follows:

  (a) Mining activities permitted by the State department of natural resources under the Surface Mining Act (O.C.G.A. § 12-4-70 et seq.) are exempted from the provisions of this division.

  (b) Utilities from the stream corridor buffer and setback area provisions of this division in accordance with the following conditions if the utilities to be located in the buffer or setback areas cannot feasibly be located outside these areas:

    (i) The utilities shall be located as far from the stream bank as reasonably possible.

    (ii) The installation and maintenance of the utilities shall be such to protect the integrity of the buffer and setback areas as best as reasonably possible.

    (iii) The utilities shall not impair the quality of the drinking water stream.

  (c) Forestry and agricultural activities from the stream corridor buffer and setback area provisions of this division in accordance with the following conditions:

    (i) The activity shall be consistent with best management practices established by the forestry commission of the State department of agriculture.

    (ii) The activity shall not impair the quality of the drinking water system.

(5) Site plans required. Except for the exemptions listed in subsection (7) of this section, all forms of development within the watershed protection district shall be required to have a site plan prepared and approved according to this division before any building permits or other development related permits may be issued or any land disturbing activity may take place. Each site plan submitted under this division shall include the following:

(a) A site plan drawn to a scale and showing all planned improvements including the width, depth, and length of all existing and proposed structures, roads, watercourses, and drainageways; water, wastewater, and stormwater facilities; and utility installations.

(b) Location, dimensions, and area of all impervious surfaces, both existing and proposed, on the site.

(c) The orientation and distance from the boundaries of the proposed site to the nearest bank of an affected perennial stream or water body.

(d) Elevations of the site and adjacent lands within 200 feet of the site at contour intervals of no greater than five feet.

(e) Location and detailed design of any spill and leak collection systems designed for the purpose of containing accidentally released hazardous or toxic materials.

(f) Calculations of the amount of cut and fill proposed and cross sectional drawings showing existing and proposed grades in areas of fill or excavation. Elevations, horizontal scale and vertical scale must be shown on cross sectional drawings.

(6) Activities to comply with site plan. All development activities or site work conducted after approval of the site plan shall conform with the specifications of such site plan. Significant changes to the site plan, that would alter the amount and velocity of stormwater runoff from the site, increase the amount or provisions 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 vegetation during construction, or otherwise result in an alteration of the overall appearance of the development as proposed, can be amended only with the approval of the

building official. Minor changes such as realignment of streets, or minor alterations to drainage structures and other infrastructure, to meet unexpected conditions are exempted from this requirement.

(7) Exemptions from site plan requirement. The following activities and developments are exempt from the requirement for detailed site plans:

(a) Single-family detached homes constructed within a subdivision of fewer than five parcels.

(b) Repairs to a facility that is part of a previously approved and permitted development.

(c) Construction of minor structures such as sheds, or additions to single-family residences.

(d) Agriculture and forestry. Normal agricultural activities including planting and harvesting of crops are exempted if they conform to best management practices established by the State department of agriculture. Agricultural activities must conform to best management practices established by the State forestry commission.

(e) Mining activities. All mining activities that are permitted by the State department of natural resources under the Georgia Surface Mining Act

Sec. 102-C-3-5. Use limitations.

Within the watershed protection district the following limitations on permissible uses shall apply:

(1) New sanitary landfills are allowed only if they have synthetic liners and leachate collection systems.

(2) New hazardous waste treatment or disposal facilities are prohibited.

(3) New facilities which handle hazardous materials of the types and amounts determined by the State department of natural resources, shall perform their

operations on impermeable surfaces having spill and leak collection systems as prescribed by the State department of natural resources.

(4) The impervious surface area, including all public and private structures, utilities, or facilities, of the entire water supply watershed shall be based upon all assessment of the percentage of impervious surface present in the watershed district at the time of the adoption of the ordinance from which this division was derived. New impervious surface will be allowed up to the point where 25 percent of the watershed district as a whole is comprised of impervious surface.

(5) Recreational use of Blue Creek Reservoir is permitted subject to the following conditions:

   (a) Public access shall be limited to the road and concrete boat ramp maintained by the City.

   (b) Motorized boats shall utilize electric motors only.

   (c) Private docks shall be constructed with a minimum of impervious surface. The installation and maintenance of private docks shall be such to protect the integrity of the natural vegetated area and not to impair the quality of the drinking water.

Sec. 102-C-3-6. Blue creek reservoir use and protection.

(1) Uses of the reservoir. The public purposes of the Blue Creek Reservoir are flood control and recreation and as a potential water storage impoundment for the City water system. Consequently, water may periodically be drawn from the reservoir during periods of drought and/or high demand in accordance with the City's reservoir management plan and the level of the water pool will fluctuate accordingly. Recreational activity such as boating and fishing shall be available to the general public but only with the restrictions included in this section. No commercial use of any type, for any purpose is permitted.

(2) Permit requirement. A permit is required for any authorized construction within the established setbacks of the Blue Creek Reservoir.

(3) Encroachment resolution. Items placed on project lands longer than 24 hours that are not relative to a permit become an encroachment and are subject to summary removal at the owner's expense; and if impounded, ultimately disposed of if not claimed Encroachments are classified as either major or minor.

(a) Minor encroachments. Minor encroachments are portable personal properties. The City generally prefers to return minor encroachments to private land. The abandonment of personal property is often in the form of solid waste such as rubber tires, Styrofoam, lumber, steel, furniture, building debris, etc.

(b) Major encroachments. Major encroachments are considered to be items of more substantial value and can result in civil action to force removal. Major encroachments generally include storage sheds, swimming pools, decks, screen porches or even houses and garages.

(4) Fishing. Fishing is permitted by the general public from public lands, or on the lake, if from private property abutting the lake prior permission must be received from the property owner. All individuals fishing in the reservoir must comply with all fishing rules and regulations of the State department of natural resources concerning safety, licenses, creel limits and all other applicable requirement. Trot lines and set or bank poles are not permitted.

(5) Boating.

(a) This section pertains to all marine vessels or watercraft, including, but not limited to, power boats, cruisers, houseboats, sailboats, rowboats, canoes, kayaks, jet skis, wind surfboards or any other such equipment capable of navigation on water, whether in motion or at rest.

(b) Except as otherwise provided in this section, no marine vessel shall be operated on project waters with a gasoline, diesel, or other internal combustion engine or power plant, including but not limited to gas powered generators. Electric motors, canoes, jon boats, paddle boats, paddle boards and kayaks are permissible.

(c) All watercraft so required by applicable Federal, State and local laws shall display an appropriate registration on board whenever the marine vessel is operated on project waters.

(d) The maximum speed of watercraft on the reservoir shall be such that the vessel produces no wake.

(e) No watercraft shall be operated before sunrise and after sunset except with sufficient lighting for such to be observed for safety purposes.

(f) Water skis, parasail, ski-kites and other similar devices are prohibited.

(g) All marine vessels when not in actual operation shall be removed from project land and waters unless moored or stored at designated areas approved by the designated representative of the City.

(h) The City reserves the right to prohibit any marine vessel or watercraft prohibited by this section, or otherwise misusing the reservoir property, from the reservoir.

(6) Piers, boathouses, etc. prohibited.] Piers, boathouses or related structures are prohibited on public land or waters unless erected by the City for management purposes.

(7) Public access. The City reserves the rights to, at any time, restrict or prevent the use of the reservoir during periods of emergency demanding such restrictions or preventions of use.

(8) Additional restrictions on use of the reservoir. The following is expressly prohibited in or on the public areas of the reservoir and reservoir property:

(a) The possession or consumption of alcohol, drugs or any controlled substance;

(b) The possession or use of firearms, ammunition, bows and arrow, loaded firing devices or explosives;

(c) The operation or use of any audio or noise producing devices in such a manner as to unreasonably annoy or endanger other individuals, or as listed and described in City Code section 54-1;

(d) Pets;

(e) Glass containers of any kind;

(f) Littering or dumping;

(g) Cleaning of watercraft with soaps or solvents;

(h) Watercraft that are not properly registered or that do not carry appropriate flotation devices;

(i) The discharge of any pollutants.

(9) Damage, trespassing. It shall be unlawful for any person to damage, tamper with, trespass, or alter any property, barricades, structures or appurtenances owned by the City.

(10) Dam and intake restrictions. The dam, intake structure and immediate surrounding area are a restricted area. No person shall enter the restricted area, attempt to operate or tamper with such structures, physically climb or attempt to reach by shoreline such structures, or in any way attempt to manipulate water levels around such structures.

(11) Liability. All users of the City's reservoir shall hold the City safe and harmless from any claim, cost, loss, damage or obligation whatsoever that arises from the use of the reservoir facility.

(12) Violators. The City reserves the right to expel from the public areas of the reservoir or reservoir property persons, either temporarily or permanently, and/or revoke boating, docking, swimming, fishing or other privileges for reasons detrimental to the City and failure to follow the direction of City representatives and agents. Nothing in this section shall prohibit or limit the authority from seeking other remedies as may be provided by law.

(13) Watershed protection ordinance. All property abutting the reservoir and all property delineated by ordinance is subject to the provisions of section 102-C-3-7, the watershed protection plan adopted as an amendment to the City zoning ordinance on May 15, 2000.

Sec. 102-C-3-7. Watershed protection plan.

(1) The purpose of this plan and division is to establish the protection of drinking water watersheds in the City. This protection is necessary for the enhancement of public health, safety and welfare as well as to assure that surface sources of drinking water are of high quality in order to be treated to meet all State and Federal drinking water standards.

(2) This division is intended to operate and be enforced in conjunction with the "high water easement" owned by the City and recorded in the deed records of the County. This easement affects the property in and around the City reservoir between the ocean sea elevations of 739.0 and 714.0 feet elevation.

Sec. 102-C-3-8. Watershed restriction plan restrictions, setbacks and buffers.

(1) Generally. Any property within the watershed of the City's water supply shall comply with the following:

(a) Permitted residential uses. Permitted residential uses shall comply with the following:

(i) Minimum lot size per zoning district.

(ii) Minimum natural buffer shall be 100 feet.

(iii) Minimum setback from natural buffer for all structures, nitrification fields and impervious surfaces shall be 50 feet.

(iv) No multifamily residential or mobile home park uses allowed unless otherwise provided for by Title 102-B of this UDO.

(b) Permitted agricultural uses. Permitted agricultural uses shall comply with the following:

(i) Minimum natural buffer shall be 100 feet.

(ii) Minimum setback from natural buffer for all structures, nitrification fields and impervious surfaces shall be 75 feet.

(iii) No chemical treatment (herbicides, pesticides, fertilizers, or paint) allowed in the natural buffer without prior approval of the substance to be used.

(c) Commercial. No commercial structures or uses of any nature allowed unless otherwise provided by Title 102-B of this UDO.

(d) Industrial. No industrial structures or uses of any nature.

(e) Permitted recreational uses. Permitted recreational uses shall comply with the following:

(i) Minimum natural buffer shall be 100 feet.

(ii) Minimum setback from natural buffer for all structures, nitrification fields and impervious surfaces shall be 50 feet.

(iii) No chemical treatment (herbicides, pesticides, fertilizers, or paint) allowed in the natural buffer without prior approval of the substance to be used.

(iv) All buffers and setbacks shall apply to the reservoir and all tributaries.

(2) Other quality considerations.

(a) It shall be the responsibility of every developer or builder on all construction sites to present required plans and to comply with sediment control requirements promulgated by the City, State and Federal governments.

(b) Whenever the zoning district regulations are more restrictive than those contained in this section, the more restrictive provisions shall prevail.

(c) Nonresidential developments may be required to install any or all of, but not limited to, the following devices:

(i) Oil-water separators.

(ii) Grease traps.

(iii) Presetting basins.

(iv) No agricultural or recreational activity that does not strictly comply with Georgia Pesticide Act of 1976, Georgia Pesticide Use and Application Act of

1976, and 1982 Ga. Laws, House Bill 1780 (O.C.G.A. § 2-1-4) as amended, or with any and all other laws of the State, will be allowed.

(v) No gas powered boat engines may be operated or used in the water supply or the watershed of the water supply.

(vi) No gas operated engine may be operated to power a golf cart or personal off-road transport vehicle within the watershed of the water supply.

(vii) Hunting within the water supply watershed is prohibited.

(viii) No septic tank or drain field shall be allowed or permitted within the water supply watershed.

(3) Variance. No variance of the restrictions, requirements or prohibitions of this division shall be gained without an application being made to the mayor and City Council. The setback requirements shall not be varied and the only variance that may be granted, after due notice and application, shall be as to the buffer size, makeup and uses.

(a) Objective.

(i) The existing watershed protection ordinances for the City were developed pursuant to the Rules of Environmental Planning Criteria, Chapter 391-3-16, O.C.G.A. § 12-2-8 and provides protection for the quality of the water supply to the Blue Creek Reservoir.

(ii) The existing ordinance, as written, is without a mechanism for allowing alternate criteria or mitigative measures. This analysis provides mitigative criteria for the development of sites within a water supply watershed (Chapter 391-3-16.01).

(iii) The rationale behind requiring a buffer on each side of a perennial stream within a water supply watershed is to protect the source water by providing a vehicle for the filtering or cleansing of stormwater discharging to a stream. In the event that the regulated buffer is violated, a mechanism for providing an equal capacity of cleansing for the stormwater discharge must be supplied.

(iv) Chapter 391-3-16.01, Section 10 of the environmental planning criteria provides the legal authority for the City to review alternate or mitigative criteria with technical justification for the implementation of alternate of mitigative proposals rests with the property owner. All exceptions to this division must be submitted to the State department of natural resources, through the City for review and comment. This review must be obtained before construction plans can be reviewed for a building permit. The criteria for the development of mitigation plans is outlined in subsection (3)(b) of this section.

(b) Request for variance. If due to physical topographical or other reasons, a site cannot be developed in compliance with this division, for the purpose it was zoned, the owner/developer may request a variance. Application for a variance must develop alternate methods for providing the same level of water quality protection as afforded by natural buffer and impervious surface setback required in this division. An environmental assessment report shall be prepared in accordance with the guidance documents provided by the State department of natural resources. The report shall explain how the concepts of avoidance, minimization or mitigation have been addressed in the design of the proposed project. The report shall be prepared by one or more individuals having expertise in the following areas: erosion and sediment control, soils science and mechanics, aquatic biology, hydrology and environmental/civil engineering. A statement as to the qualifications of each of the report's authors shall be included as an appendix to the environmental assessment report.

(i) Stream buffer variance. The general principal in the preservation of natural stream buffers are as follows:

(A) Design the site facilities without conflict with natural stream buffers.

(B) Relocate the stream so that the site facilities will not conflict with the natural stream buffer requirement. Relocation of a stream requires a mitigation plan approved by the State department of natural resources.

(C) A combination of site configuration and stream relocation with approved mitigation plan.

(D) In the event reduction of the 100-foot buffer is proposed as a part of a site development plan, equivalent buffer must be provided downstream of the impacted area. An approved mitigation plan must be provided.

(E) The least preferred method of developing a site with a perennial stream is to pipe the stream. The initial reaction of the regulatory agencies is to disallow the piping of a stream. Stream piping is normally not allowed because of the adverse effect on cold water microorganisms and the normal small fish population. However, if the steam is enclosed with properly jointed concrete pipe, it will protect the water quality of the stream segment from contaminated runoffs and therefore, piping may be justified. Piping will require mitigation of the lost stream buffer. Lost or reduced buffer shall be compensated for by providing replacement buffer or the construction of wetlands. Replacement buffer shall be provided at the rate of five times the disturbed buffer area. In the event wetlands are constructed in lieu of replacement buffer, the area of the constructed wetland is 2.5 times the disturbed buffer. Replacement buffer and constructed wetlands shall be set aside as conservation easement as outlined under O.C.G.A. tit. 44, ch. 10 (O.C.G.A. § 44-10-1 et seq.).

(ii) Impervious surface variance. Mitigation plans for encroachment into the required 175-foot setback of impervious surfaces from a perennial stream shall be developed in accordance with the following:

iii. All impervious surfaces shall be contoured so that the stormwater runoff is direct to a "first flush" dry retention filter with a subsurface filtration system.

iv. The "first flush" of a storm event is of primary importance to water quality. This term describes the washing action that stormwater has on accumulated pollutants from impervious surfaces. This flushing creates a shock loading of pollutants. Studies have determined that the "first flush"

equates to the first one-half inch of rainfall over the impervious area. This runoff carries 90 percent of the pollution load from a storm.

v. Treatment of the first one-half inch of runoff will help minimize the effect of the stormwater on water quality.

vi. Surface oil skimming from the "first flush" unit shall be processed through an oil/water separator. Surface discharge from oil/water separators to State waters shall comply with the Rules and Regulations for Water Quality Control, State department of natural resources Chapter 391-3603(5).

(c) Landscape plan requirements. All applications for a variance shall be prepared and shall contain the information as set out in this subsection. A landscape plan is required for the replacement/replanting of buffer vegetation.

(i) A landscape plan shall be prepared by a landscape architect registered in the State.

(ii) The landscape plan check sheet and landscape plan shall contain the following information:

(A) Name, address and telephone number of property owner.

(B) Name, address, telephone number and seal of landscape architect who prepared the plan.

(C) Site location map, north point, scale of drawings.

(D) Show all pertinent site features: buildings, walks, drives, underground utilities, water bodies, etc.

(E) Show all property lines, distances to bodies of water and/or streams, and the limits of the natural buffer areas.

(F) Show calculations on the plan for: total area, buffer area disturbed (in acres and square feet). Indicate numbers of canopy and understory trees required by ordinance.

(G) Planting key: botanical and common name of all plant materials proposed; quantity of each species, size of plant material (caliper, height, width); condition (i.e., balled and burlapped, container grown, bare root, collected, etc.).

(H) Submit three copies of plans for review. One will be returned upon approval.

(iii) A landscape plan shall include two canopy trees with a minimum trunk caliper of 2½ inches (at four inches from the ground) for every 1,000 square feet of disturbed buffer area on the site.

(iv) A landscape plan shall include one understory tree with a minimum trunk caliper of one inch (at four inches from the ground) for every 1,000 square feet of disturbed buffer area on the site.e.Required trees shall be randomly placed so that the mature canopy covers the buffer area.

(v) All disturbed buffer areas shall be 100 percent covered with, deciduous trees, shrubs, and/or ground cover (not requiring mowing).

ARTICLE IV. WATER QUALITY

Sec. 102-C-4-1. Residential construction requirements.

On or after July 1, 1991, no construction may be initiated within the City for any residential building of any type which:

(1) Employs a gravity tank-type, flushometer-valve, or flushometer-tank toilet that uses more than an average of 1.6 gallons of water per flush; provided, however, this subsection shall not be applicable to one-piece toilets until July 1, 1992;

(2) Employs a shower head that allows a flow of more than an average of 2.5 gallons of water per minute at 60 pounds per square inch of pressure;

(3) Employs a urinal that uses more than an average of 1.0 gallons of water per flush;

(4) Employs a lavatory faucet or lavatory replacement aerator that allows a flow of more than 2.0 gallons of water per minute; or

(5) Employs a kitchen faucet or kitchen replacement aerator that allows a flow of more than 2.5 gallons of water per minute.

Sec. 102-C-4-2. Commercial construction requirements.

On or after July 1, 1992 there shall be no construction of any commercial building initiated within the City for any commercial building of any type which does not meet the requirements of section 102-C-4-1.

Sec. 102-C-4-3. Applicability.

The requirements of section 102-C-4-1shall apply to any residential construction initiated after July 1, 1991, and to any commercial construction initiated after July 1, 1992, which involves the repair or renovation of or addition to any existing building when such repair or renovation of or addition to such existing building includes replacement of toilets or showers or both.

Sec. 102-C-4-4. Exemptions.

(1) New construction and the repair or renovation of an existing building shall be exempt from the requirements of sections 102-C-4-1, 102-C-4-2, and 102-C-4-3 when:

(a) The repair or renovation of the existing building does not include the replacement of the plumbing or sewage system servicing toilets, faucets or showerheads within such existing buildings;

(b) Such plumbing or sewage system within such existing building, because of its capacity, design, or installation would not function properly if the toilets, faucets or showerheads required by this ordinance were installed;

(c) Such system is a well or gravity flow from a spring and is owned privately by an individual for use in such individual's personal residence; or

(d) Units to be installed are:

(i) Specifically designed for use by the handicapped;

(ii) Specifically designed to withstand unusual abuse or installation in a penal institution; or

(iii) Toilets for juveniles.

(2) The owner, or his/her agent, of a building undergoing new construction or repair or renovation who is entitled to an exemption as specified in subsection (1) of this section shall obtain the exemption by applying at the office of the building inspector for the City. A fee of $50.00 shall be charged for the inspection and issuance of such exemption.

Sec. 102-C-4-5. Enforcement; penalty.

(1) This division shall be enforced by the office of the building inspector of the City. Citations for violations may be issued by the chief building inspector of the City.

(2) Any person violating any of the provisions of this division shall, upon conviction in the municipal court of the City, be punished as provided in section 1-7 of the City Code.

Sec. 102-C-4-6. Declaration of water quality control policy.

It is declared to be the public policy of the City to encourage the use of clean, phosphate-free household laundry detergents and to prohibit the sale of household laundry detergents which contain more than 0.5 percent phosphorous by weight. The City finds that such use and sale will be a cost-effective way to reduce the amount of phosphorous in wastewater discharge so as to protect the State's rivers and lakes downstream and promote health, safety and welfare, prevent injury to human health, plant and animal life and property. It is vital to the health, well-being and welfare of present and future inhabitants of the City that these sources be protected against contamination and pollution.

Sec. 102-C-4-7. Phosphorous detergents prohibited.

It shall be unlawful for any person to sell at the retail level a household laundry detergent which contains greater than 0.5 percent phosphorous by weight and is intended to be used for domestic clothes-cleaning purposes.

Sec. 102-C-4-8. Penalties for violation.

(1) Any person violating any of the provisions of this division shall, upon conviction in the municipal court of the City, be punished as provided in section 1-7 of the City Code. Each sales transaction shall constitute a separate offense.

(2) In addition to the penalty provided in subsection (1) of this section, the City may maintain an action or proceeding in any court of competent jurisdiction to compel compliance with or restrain any violation of this division.

ARTICLE V. WETLANDS

Sec. 102-C-5-1. Purpose.

(1) The wetlands in the City indispensable and fragile natural resources with significant development constraints due to flooding, erosion and soil limitations. In their natural state, wetlands serve man and nature. They provide 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.

(2) 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.

(3) 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. 102-C-5-2. Establishment of the wetlands protection district.

(1) 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 and is hereby adopted by reference and declared to be a part of this Article, together with all explanatory matter thereon and attached thereto.

(2) The generalized wetlands map does not represent 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. 102-C-5-3. Protection criteria; requirements for local permit or permission.

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 City Building Official or authorized representative using the generalized wetlands map, a U.S. Army Corp of Engineers determination shall be required. If the U.S. Army Corp of Engineers 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. 102-C-5-4. Permitted uses.

The following uses shall be allowed as of right within the wetlands protection district to the extent that they are not prohibited by any other ordinance or law, including laws of trespass, and provided they do not require structures, grading, fill, draining, dredging except as provided in this Article. The activities listed in this section are exempted from the regulations of Section 404 of the Clean Water Act provided they do not have impacts on a navigable waterway that would necessitate acquisition of an individual Section 404 permit. However, under Section 10 of the Rivers 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 the State or of the United States in such a way that would require an individual Section 404 permit.

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

(3) Forestry practices applied in accordance with best management practice approved by the State 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 State 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 natural trails.

Sec. 102-C-5-5. Prohibited uses.

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

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

(2) Hazardous or sanitary waste landfills.

Sec. 102-C-5-6. Administration and enforcement procedures.

Any person violating any of the provisions of this Article shall, upon conviction in the municipal court of the City, be punished as provided in section 1-7 of the City Code and will also be subject to other administrative and enforcement procedures as permitted by law.

ARTICLE VI. FLOOD DAMAGE PREVENTION

Sec. 102-C-6-1. Statutory authorization.

Article IX, Section II of the Constitution of the State of Georgia and O.C.G.A. § 36-1-20(a) have delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City Council ordains as follows.

Sec. 102-C-6-2. Findings of fact.

(1) The flood hazard areas of Hogansville, Georgia, 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 relief and protection, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

(2) 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. 102-C-6-3. 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:

(1) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

(2) Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which increase flood heights, velocities, or erosion;

(3) Control filling, grading, dredging and other development which may increase flood damage or erosion;

(4) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands;

(5) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters.

Sec. 102-C-6-4. Lands to which this article applies.

This Article shall apply to all areas of special flood hazard within the jurisdiction of Hogansville, Georgia.

Sec. 102-C-6-5. Basis for area of special flood hazard.

(1) The areas of special flood hazard identified by the Federal Emergency Management Agency in its flood insurance study (FIS), dated July 3, 2012, with accompanying maps and other supporting data and any revision thereto, are adopted by reference and declared a part of this Article.

(2) For those land areas acquired by a municipality through annexation, the current effective FIS dated July 3, 2012, with accompanying maps and other supporting data and any revision thereto, for Troup County are hereby adopted by reference.

(3) Areas of special flood hazard may also include those areas known to have flooded historically or defined through standard engineering analysis by governmental agencies or private parties but not yet incorporated in a FIS.

(4) The repository for public inspection of the flood insurance study (FIS), accompanying maps and other supporting data is located at: 400 East Main Street, Hogansville, Georgia 30230.

Sec. 102-C-6-6. 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. 102-C-6-7. 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. 102-C-6-8. Abrogation and greater restrictions.

This Article is not intended to repeal, abrogate, or impair any existing Chapter, easements, covenants, or deed restrictions. However, where this Article and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

Sec. 102-C-6-9. Interpretation.

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

(1) Considered as minimum requirements;

(2) Liberally construed in favor of the governing body; and

(3) Deemed neither to limit nor repeal any other powers granted under State statutes.

Sec. 102-C-6-10. 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 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. 102-C-6-11. Penalties for violation.

Failure to comply with the provisions of this Article or with any of its requirements, including conditions and safeguards established in 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 $500.00 or imprisoned for not more than 60 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 prevent the City from taking such other lawful actions as is necessary to prevent or remedy any violation.

Sec. 102-C-6-12. Designation of article administrator.

The City Manager, or his/her designee, is hereby appointed to administer and implement the provisions of this Article.

Sec. 102-C-6-13. Permit procedures.

(1) Application for a development permit shall be made to the City Manager, or his designee, on forms furnished by the community 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 or proposed structures, earthen fill placement, storage of materials or equipment, and drainage facilities.

(2) Specifically, the following information is required:

   (a) Application stage.

      (i) Elevation in relation to mean sea level (or highest adjacent grade) of the lowest floor, including basement, of all proposed structures;

(ii) Elevation in relation to mean sea level to which any nonresidential structure will be floodproofed;

(iii) Design certification from a registered professional engineer or architect that any proposed nonresidential floodproofed structure will meet the floodproofing criteria of section 102-C-16(2); and

(iv) Description of the extent to which any watercourse will be altered or relocated as a result of a proposed development.

(b) Construction stage.

(i) 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 nonresidential structures, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same.

(ii) Any work undertaken prior to submission of these certifications shall be at the permit holder's risk.

(iii) The City Manager, or his/her designee, shall review the above referenced certification data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being allowed to proceed. Failure to submit certification or failure to make said corrections required hereby, shall be cause to issue a stop work order for the project.

Sec. 102-C-6-14. Duties and responsibilities of the administrator.

Duties of the City Manager, or his/her designee, 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 USC 1334. Require that copies of such permits be provided and maintained on file.

(3) Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding.

(4) When base flood elevation data or floodway data have not been provided in accordance with section 42-32, then the City Manager, or his/her designee, 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 this Article.

(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 section 102-C-13(2)(b).

(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 102-C-13(2)(b).

(7) When floodproofing is utilized for a structure, the City Manager, or his/her designee, shall obtain certification of design criteria from a registered professional engineer or architect in accordance with section 102-C-13(2)(a)(iii) and section 102-C-16(2) or section 102-C-18(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 Georgia Department of Natural Resources prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).

(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 City Manager, or his/her designee, 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 City Manager, or his/her designee, and shall be open for public inspection.

Sec. 102-C-6-15. Flood hazard reduction, 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 or 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:

(i) Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;

(ii) The bottom of all openings shall be no higher than one foot above grade; and

(iii) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwater in both 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 floodwaters into the system;

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

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

(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 nonconformity is not furthered, extended or replaced.

Sec. 102-C-6-16. Flood hazard reduction, specific standards.

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

(1) New construction and/or substantial improvements. 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 of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with standards of section 102-C-15(4) pertaining to elevated buildings.

(a) 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) Nonresidential construction. 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 watertight to one foot above the base flood elevation, 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 in section 102-C-14(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:

(i) Individual lots or parcels;

(ii) In new and/or substantially improved manufactured home parks or subdivisions;

(iii) In expansions to existing manufactured home parks or subdivisions; or

(iv) 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:

(i) The lowest floor of the manufactured home is elevated no lower than one foot above the level of the base flood elevation; or

(ii) The manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least an equivalent strength) of no less than 36 inches in height above grade.

(c) All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement (see section 102-C-15(6) above.)

(d) All recreational vehicles placed on sites must either:

(i) Be on the site for fewer than 180 consecutive days;

(ii) Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions); or

(iii) The recreational vehicle must meet all the requirements for new construction, including the anchoring and elevation requirements of subsections (3)(a) and (c) of this section.

(4) Floodway. Located within areas of special flood hazard established in section 102-C-6-5 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 this Article.

Sec. 102-C-6-17. Flood hazard reduction, building standards for streams without established base flood elevations and/or floodway (A-zones).

Located within the areas of special flood hazard established in section 102-C-6-5, 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 section 102-C-6-5, then the City Manager, or his/her designee,

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 Article. Only if data are not available from these sources, then the following provisions (subsections (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 three (3) feet above the highest adjacent grade at the building site. (NOTE: Require the lowest floor to be elevated one (1) 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 of section 102-C-6-16(4) pertaining to 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. The City Manager, or his/her designee, shall certify the lowest floor elevation level and the record shall become a permanent part of the permit file.

Sec. 102-C-6-18. Flood hazard reduction, standards for areas of special flood hazard (zones AE) with established base flood elevations without designated floodways.

Located within the areas of special flood hazard established in section 102-C-6-5, where streams with base flood elevations are provided but no floodways have been designated (zones AE), the following provisions apply:

(1) No encroachments, including fill material, new structures or substantial improvements shall be located within areas of special flood hazard, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

(2) New construction or substantial improvements of buildings shall be elevated or floodproofed to elevations established in accordance with section 102-C-6-16.

Sec. 102-C-6-19. Flood hazard reduction, standards for areas of shallow flooding (AO zones).

Areas of special flood hazard established in section 102-C-6-5 may include designated "AO" shallow flooding areas. These areas have base flood depths of one (1) to three (3) feet above ground, with no clearly defined channel. The following provisions apply:

(1) All new construction and substantial improvements of residential and nonresidential structures shall have the lowest floor, including basement, elevated to 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 floodwaters shall be provided in accordance with standards of section 102-C-6-16(4) pertaining to elevated buildings. The City Manager, or his/her designee, shall certify the lowest floor elevation level and the record shall become a permanent part of the permit file.

(2) 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 watertight to the specified FIRM flood level plus one (1) 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 section 102-C-13(2)(a)(iii) and section 102-C-13(2)(b).

(3) Drainage paths shall be provided to guide floodwater around and away from any proposed structure.

Sec. 102-C-6-20. Flood hazard reduction, standards for subdivisions.

(1) All 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.

Sec. 102-C-6-21. Flood hazard reduction, 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. 102-C-6-22. Flood hazard reduction, variance procedure.

(1) The City Council shall hear and decide requests for appeals or variance from the requirements of this Article.

(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 City Manager, or his/her designee, in the enforcement or administration of this Article.

(3) Any person aggrieved by the decision of the City Council may appeal such decision to the Superior Court of Troup County, as provided in O.C.G.A. § 5-4-1.

(4) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum to preserve the historic character and design of the structure.

(5) Variances may be issued for development necessary for the conduct of a functionally dependent use, provided the criteria of this 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.

(6) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(7) In reviewing such requests, the City Council shall consider all technical evaluations, relevant factors, and all standards specified in this and other sections of this Article.

Sec. 102-C-6-23. 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 this Article are minimum standards for flood loss reduction; therefore, any deviation from the standards must be weighed carefully. Variances shall only be issued upon 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 variance is 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 City Manager, or his/her designee, shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

(a) Upon consideration of the factors listed above and the purposes of this Article, the City Council may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Article.

ARTICLE VII. SOLID WASTE

Sec. 102-C-7-1. Solid waste, purpose.

The purpose of the rules and regulations contained in this Article is to provide for the protection of the public health by prescribing the manner of storage, collection, transportation and disposal of residential and industrial waste, garbage and refuse.

Sec. 102-C-7-2. Enforcement.

(1) Generally. The Building Official, or his/her designee, shall be responsible for the administration and enforcement of this Article. In the exercise of his/her solid waste management duties, the Building Official shall:

   (a) Supervise the collection of solid waste, including the operation and maintenance of equipment and the supervision of personnel;

   (b) Establish collection schedules in accordance with the provisions of this Article;

   (c) Supervise the operation and maintenance of the sanitary landfill and/or other disposal sites or facilities; and

   (d) Inspect and regulate the operations of private collectors and private transportation and disposal systems to ensure that such operations are in compliance with the provisions of this Article.

(2) Limitations of authority. All regulatory actions of the Building Official shall be subject to the review of the City Manager.

(3) Appeal. Any person aggrieved by a requirement of, or a fee charged by, the Building Official shall have the right to appeal to the City Council, which may, upon hearing, confirm, modify or revoke such requirement or fee.

Sec. 102-C-7-3. Precollection practices.

(1) Generally. No person shall keep or store solid waste outside of any residence or building within the City, except in proper containers for collection or unless

otherwise prepared, as set forth in this Article or under the express prior approval of the Building Official. Any unauthorized accumulation of solid waste is hereby declared to be a nuisance and is prohibited. The Building Official, or other duly designated City employee, shall notify the owner or occupant by written notice to remove the accumulation of solid waste from the property owned or occupied by him. Failure to remove such accumulation within three days of the date of such written notice shall be deemed a violation of this Article and shall subject the violator to penalties set forth in this Article. Each day during or upon which such unlawful accumulation continues shall be deemed a separate offense.

(2) Containers.

(a) Garbage containers shall be provided to the owner or occupant of each residence or establishment sufficient in number to accommodate all waste generated by the resident or establishment between collections. Containers shall be of durable metal or plastic, watertight, nonabsorbent, rust-resistant, rodentproof, and easily cleanable. Containers which do not meet the standards of this section or which have defects causing waste to be scattered upon the ground during collection or which hamper or injure the persons collecting wastes shall be promptly replaced.

(b) Paper or plastic bags of a type, size and material designed for solid waste disposal may be used to contain refuse for storage and collection, provided they are unbroken, sealed and loaded in such manner that normal handling will not cause the bag to open.

(c) No container shall be placed in the front of the residence outside of the allowable time where the container is permitted to be placed at the street for authorized pickup. Garbage containers shall be placed in a side or rear yard.

(3) Rubbish. Rubbish may be stored for collection in paperboard boxes or other throwaway containers strong enough to retain the waste; loose paper or cuttings shall be tied in bundles. Rubbish containers or bundles shall not exceed 50 pounds in weight. Limbs or cuttings shall not exceed five inches in diameter nor five feet in length.

(4) Placement. On days designated as collection days for the respective routes, rubbish shall be placed for collection on the curb or beside the roadway in front of the residence or establishment owning such garbage or rubbish, but not in the gutter, on top of storm drains, manhole covers, sidewalks, water meters, or in the street or alley in such manner as to interfere with pedestrian or vehicular traffic. Customers shall only place their container curbside in the front of their residence not earlier than 5:00 p.m. on the day prior to the scheduled service and said container must be removed to the side or rear yard no later than noon/12:00 p.m. on the day following scheduled pickup.

(5) Scavenging. No person other than the owner or authorized collection personnel shall sift the contents of or remove anything from containers, boxes or bundles containing garbage or rubbish.

(6) Vehicles. The accumulation of one or more motor vehicles or any major part thereof which does not have a current State license plate or which is in one of the following conditions:

(a) Resting on blocks;

(b) Without wheels;

(c) With major parts missing;

(d) Without tires; or

(e) In a state of repair which precludes further use; shall be an unauthorized accumulation of refuse, except where the vehicle is stored in an enclosed building or located on the premises of a licensed business enterprise operating in a lawful place and manner and the vehicle is necessary to the operation of such business. Where the motor vehicle or a major part thereof is not located in an enclosed building, such premises shall be screened on all sides by a fence or shrubbery so as to shield such accumulation from sight.

Sec. 102-C-7-4. Collection.

(1) Frequency. Garbage and rubbish shall be collected from residential premises at least weekly. Garbage and rubbish shall be collected from commercial and business establishments in congested areas daily except Sundays and legal holidays.

(2) Limitations.

(a) Industrial waste, animals, or waste from construction, demolition, landscaping or processing operations will not be collected, transported or disposed of by public equipment or facilities. Such waste collection, transportation, and disposal shall be by the owner and/or generators of such waste or animals, unless suitable arrangements are made with the City Manager for proper disposal and fees.

(b) It shall be a violation of this Article to place or cause to be placed in any container, box, or bundle, or otherwise for collection, any hazardous waste of any kind except upon specific prior arrangement with the Building Official.

(3) Collection vehicles. Vehicles used for collection and transportation of solid waste shall be kept clean and in good repair. Vehicles used for collection and transportation of solid waste shall be constructed in such a manner that the contents thereof cannot be spilled, leaked or blown from the vehicle. Vehicles used for collection and transportation of solid waste shall be readily identifiable by letter, not less than three inches high and easily legible, painted on the door of the vehicle cab or in an equally conspicuous place, showing the owner's name, telephone number, State permit number, truck number, and rated load capacity in cubic yards. The rated load capacity shall be as specified by the Building Official following his/her measurement of the load-carrying portion of the truck body. City-owned vehicles are exempt from the requirement of this subsection.

(4) Private contractors. No person other than employees of the City or authorized contracting companies will collect, transport or dispose of solid waste for pay in the City without having first applied for and received a license to engage in such business.

(5) Limitations on use of public disposal sites. No vehicle shall discharge waste at a publicly operated disposal site unless the operator thereof has in his/her possession a valid permit signed by the City Clerk.

Sec. 102-C-7-5. Fees.

(1) Charges for public collection and disposal. Monthly charges for public collection and disposal of solid waste shall be as fixed from time to time by the City Council.

(2) Billing.

(a) Service charges are levied against both the owner and the occupant of premises served, jointly and severally, but collecting from one shall relieve the other.

(b) Charges for solid waste collection and disposal service shall be billed and collected monthly in advance and shall be payable by the owner or occupant at the office of the City Clerk. Billings shall be combined with charges for City utility service. Due dates and penalties shall be as provided for delinquent utility payments.

Sec. 102-C-7-6. Open burning.

There shall be no open burning of solid waste in the City except in accordance with regulations of the State department of natural resources and a written permit from the City.

Sec. 102-C-7-7. Curbside junk.

Curbside junk, by definition, will be allowed.

Sec. 102-C-7-8. Penalties.

Any person convicted of violating any of the provisions of this Article shall be punished as provided in section 1-7 of the City Code.

Sec. 102-C-7-9. Tire disposal, purpose and authority.

(1) This Article is enacted for the purpose of promoting the health, safety and general welfare of the present and future inhabitants of the City and to provide for the orderly and safe disposal of scrap tires.

(2) This Article is enacted pursuant to the general assembly's express provision contained in O.C.G.A. § 12-8-40.1(1), (6), granting municipalities authority to abate or clean up scrap tires which are a threat or potential threat to human health.

Sec. 102-C-7-10. Tires on public rights-of-way or private property.

The City will not collect or dispose of any tires found on public rights-of-way or private property. It shall be unlawful to store any tires on residential property, to have tires exposed in residential areas, or to place tires on public rights-of-way.

Sec. 102-C-7-11. Scrap tires.

(1) All tire retailers shall be responsible for handling and disposing of scrap tires in accordance with State law. Purchasers of new or used tires should leave their scrap tires with the tire retailer for handling and disposal.

(2) All scrap tire generators must be issued a State and City identification number. In addition, all scrap tire generator facilities must be issued a State and City identification number.

(3) All scrap tire carriers must be issued a permit to transport scrap tires. All scrap tire carriers must keep an accurate manifest and record of tires transported and removed. Scrap tire carriers shall only take scrap tires to an approved facility which must have identification that it is an approved facility.

(4) Scrap tire generators, carriers and sorters must maintain disposal records and shall make records available upon request.

(5) The City shall provide information to its residents and citizens on the proper manner for disposing of scrap tires, and shall identify carriers that have been permitted to transport scrap tires. On certain dates and times, as may be announced by the Building Official, scrap tires may be disposed of at the City transfer station.

Sec. 102-C-7-12. Abatement of scrap tire nuisance.

(1) Abatement of the nuisance created by scrap tires or scrap tire materials shall be as follows:

(a) The City may abate any threat or potential threat to public health or the environment created or which could be created by scrap tires or other scrap tire materials by removing or processing the scrap tires or other scrap tire materials. Before taking any action to abate the threat or potential threat, the City shall give any person having the care, custody, or control of the scrap tires or materials or owning the property upon which the scrap tires or scrap tire materials are located notice of the City's intention and order the responsible party to abate the threat or potential threat in a manner approved by the City.

(b) Whenever the Building Official, or his/her assigned designee, has reason to believe that a violation of any provision of this section has occurred, he shall attempt to obtain a remedy with the violator by conference, conciliation, or persuasion. In the case of failure of such conference, conciliation, or persuasion to effect a remedy to such violation, the Building Official may issue an order directed to such violator. The order shall specify the provisions of this section or rule or regulation alleged to have been violated and shall order that necessary corrective action be taken within a reasonable time to be prescribed in such order. Any order issued by Building Official under this section shall be signed by the Building Official. Any such order shall become final unless the person named therein request in writing a hearing no later than 30 days after such order is served on such person.

(c) If the responsible party is unable or unwilling to comply with such order or if no person who has contributed or is contributing to the scrap tires or scrap tire

materials which are to be abated can be found, the Building Official may undertake the cleanup of the site.

(d) The public works department or its contractors may enter upon the property of any person at such time and in such manner as deemed necessary to effectuate the necessary corrective action to protect human health and the environment.

(e) The City shall not be liable for any loss of business, damages or taking of property associated with the corrective action.

(2) The City may bring an action or proceeding against the property owner or the person having possession, care, custody or control of the scrap tires or other scrap tire materials to enforce the corrective action order issued and to recover any reasonable and necessary expenses incurred by the solid waste department, including administrative and legal expenses. The public works department's certification of expenses shall be prima facie evidence that the expenses are reasonable and necessary. Notwithstanding any other provision of this Article, any generator of scrap tires who is identified as being a contributor to the materials which are the object of the abatement and who can document that he has fully complied with this section and all rules promulgated pursuant to this section in disposing of such scrap tires shall not be liable for any of the cost of recovery actions of the abatement.

ARTICLE VIII. TREE PRESERVATION AND REPLACEMENT STANDARDS

Sec. 102-C-8-1. Purpose.

The purpose of this Article is to firmly establish the value of trees to the community and to promote the health, safety, and general welfare of the public by recognizing the standards within this Article. Tree canopy preservation and tree replacement will be promoted as an integral part of the land development and construction process in the City. Specific benefits to our citizens attributed to trees include:

(1) Trees facilitate a harmonious community and help to conserve natural resources as well as provide wildlife habitats.

(2) Trees provide a more attractive place to live and enhance the aesthetic character of the community.

(3) Trees mitigate harmful vehicle emissions by reducing carbon dioxide levels.

(4) Trees are recognized for their importance in the production of oxygen, shading and cooling, noise and wind reduction, prevention of soil erosion, dust filtration and fostering improved air quality.

(5) Trees contribute to the economic value of real property.

(6) Trees help reduce the glare of motor vehicle lights, and enhance the appearance of open automobile parking areas and lands used for commercial, public/institutional, office, industrial, and residential purposes.

(7) Trees can enhance the natural functions of streams and related buffers.

Sec. 102-C-8-2. Applicability.

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

(1) Single-family residential outside of LDP.

(a) The removal of five (5) or fewer trees, other than specimen trees, is allowed with a permit (no fee associated with this permit) on any residential lot within a single calendar year.

(b) Trees under three-inch caliper that were not planted to meet the minimum ~~100~~ 50 inches per acre can be removed without a permit.

(c) Exemptions will be allowed to the five (5) tree per year limit by City staff if the property owner must remove trees in order to build a newly permitted structure, or to build an addition to or to make improvements to an existing structure, or to improve the health of other trees in the landscape.

(d) With regard to private property owners and/or residential lots not incidental to development, a tree removal permit is required for specimen tree removal. A permit will be granted if the specimen tree is clearly dead, dying, diseased with no chance for recovery or presenting imminent danger to life, limb or property. If City staff cannot adequately assess the condition of the tree, then the property owner shall be required to provide a letter stating such from a certified arborist (see section 84-16).

(e) Dead standing trees that are a danger to human life or property must be removed by the property owner after receiving notice from the City Code enforcement division. Dead tree determinations to be made by a third-party certified arborist. Any tree(s) located on private property with potential impact on other private property shall be deemed a civil matter and shall not involve the opinions or services of the City arborist.

(2) Non single-family residential outside of LDP.

(a) Any new construction, renovation, or alteration of a building that results in an expansion or alteration of the total square footage of the building footprint shall invoke the requirements contained in section 102-C-8-3. The tree ordinance shall be enforced by the City, designated agent, and/or the municipal court of the City.

(b) If specimen tree removal is requested, refer to the standards set forth in section 102-C-8-6.

(c) Trees under three-inch caliper that were not required by ordinance or conditions of zoning can be removed without a permit.

(d) Trees three-inch caliper and greater that do not meet the specimen tree criteria require a tree removal permit. City staff shall determine whether portions of the tree ordinance apply on a case-by-case basis.

(e) Dead standing trees that are a danger to human life or property must be removed by the property owner after receiving notice from the City Code enforcement division. Dead tree determinations to be made by a third-party certified arborist. Any tree(s) located on private property with potential impact on other private property shall be deemed a civil matter and shall not involve the opinions or services of the City arborist.

Sec. 102-C-8-3. General plan requirements.

An appropriately-scaled tree protection plan and/or tree replacement plan shall be submitted and approved as part of the pre-development site plans as required by the provisions of this Article. No plans shall be accepted by City staff unless tree protection and/or tree replacement plans are included in the initial submittal. All commercial parcels and residential lots under development shall comply with street tree and parking lot tree requirements. Street tree requirements are subject to the zoning categories identified within the subdivision regulations (see Article IX of this Chapter).

(1) The sidewalk landscape zone for any areas with trees between the sidewalk and back of curb shall be designed so that required street trees are planted in a suitable soil volume. Planting environment shall provide an average soil depth greater than or equal to three feet. Each street tree shall have a minimum area suitable for root growth of 200 square feet provided.

(2) In addition to or in conjunction with the tree protection areas, each single-family residential lot 7,500 square feet or greater shall contain a minimum of one (1) two-

inch caliper overstory tree. Root barrier, along with lateral pipe locations, shall be shown on HLP.

(3) In addition to or in conjunction with the tree protection areas, each single-family residential lot less than 7,500 square feet shall contain a minimum of one (1) two-inch caliper tree (overstory or understory). Root barrier, along with lateral pipe locations, shall be shown on HLP. Exception to subsections (2) and (3): In the cases where planting area is not available on single-family residential lots, a number of two-inch caliper overstory trees equal to the total number of single-family residential lots in the development shall be planted in other areas of the development. These trees shall be in addition to or in conjunction with the tree protection areas.

(4) Requests for a reduction of landscape zone from seven (7) feet shall only be considered under the following circumstance: Developer shall submit a design and implementation protocol incorporating a series of subsurface structural cells for approval by City staff (see Appendix D).

(5) Alternate methods of landscaping may be approved whenever the Zoning Administrator determines that the alternate method equals or exceeds the standards in this Article.

(6) Areas devoted to meeting minimum landscaping standards shall contain no structures, parking areas, patios, stormwater detention facilities, or any other accessory uses except for retaining walls and earthen berms constructed as part of an overall landscape design, sidewalks, driveways required to access the property, and signs otherwise permitted by this UDO.

Sec. 102-C-8-4. Tree replacement, tree density requirements.

The applicant shall provide a development plan demonstrating both responsible canopy preservation (excluding any 50-foot and 25-foot stream buffers) and tree replacement inches on sites submitted for development. Any trees saved (with undisturbed CRZs) or replaced in the 75-foot impervious zone will receive appropriate

inches. Please note: All properties applying for an LDP must meet the minimum ~~100~~ 50 inches per acre whether or not a site had trees prior to development. All trees designated for replacement shall be on an inch-for-inch basis. The density of ~~100~~ 50 inches per acre may be achieved as follows:

(1) Counting existing trees (inches measured at DBH) to be preserved with no impact to CRZ.

(2) Planting new trees (minimum two-inch caliper) for lots that do not have the required ~~100~~ 50 inches per acre.

Formula: Acreage x ~~100~~ 50 inches = required inches per acre

Example: 3.2 acres x ~~100~~ 50 inches = ~~320~~ 160 inches required

The minimum required inches per acre shall be calculated and established pursuant to the formula as shown above and calculations shall be in a prominent location on the tree preservation and replacement plan. All applicable sites brought in for land development must maintain a minimum of ~~100~~ 50 inches per acre. Street trees and/or parking lot trees planted after the minimum required inches per acre for the site has been satisfied can be counted toward specimen tree recompense.

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

Evergreen Tree Inches	Evergreen Tree Sold By Height
2 inches	6 feet minimum
3 inches	8 feet minimum
4 inches	12 feet minimum
5 inches	16 feet minimum
6 inches	18 feet minimum

Sec. 102-C-8-5. Preservation of existing trees.

An emphasis of this Article is the preservation of as many existing trees as possible. Thus, inch-for-inch credit will be given for preserving existing trees. No credit will be allowed for shrubs or for trees with impact to their CRZ. Please note: Administrative variances for encroachment into CRZ shall not be considered.

(1) All trees to be counted toward meeting the required ~~100~~ 50 inches per acre must be inventoried. Existing tree inventory information (caliper at DBH and genus) must be shown on the tree protection plan and must be provided by an ISA certified arborist, forester, surveyor or landscape architect along with a statement that the provider conducted the inventory in the field. If the plan is unclear or does not match current GIS information, a tree survey shall be required. Please note: Specimen trees must have a surveyed location.

(2) Tree protection fencing is required to be placed at the CRZ for all trees to be saved and locations shall be clearly delineated on the tree protection plan. All tree protection fencing shall be installed prior to and maintained throughout the land disturbing and construction process and should not be removed until final landscaping is installed, inspected and final approval granted by the City.

(3) Plot-sample surveys may be used to determine tree densities for large forested areas with a minimum size of five acres or greater that is to be preserved. For the purpose of this Article, a plot sample is defined as an area measuring 50 feet by 50 feet, for a minimum size of 2,500 square feet. Sampling areas must be located within the limits of a tree protection area. The sample must be taken in a portion of the site that is representative of its cover-type. The tree protection plan must delineate all ground cover-types and provide a general description of the types of trees present within the tree protection area (i.e., hardwoods, pine/hardwood mix, etc.). Other sampling and/or inventory methods must be approved by the City's designated representative.

(4) No credit inches will be given for trees preserved in mandatory stream buffers. The area (measured in acres) of the undisturbed stream buffers shall be excluded from the total site acreage when calculating required inches per acre. Any trees saved (with undisturbed CRZs) or replaced in the 75-foot impervious setback zone will receive appropriate inches.

(5) To aid preservation efforts, land owners shall have the option of moving existing trees to prevent their damage or destruction by development activities. To receive credit for transplanted trees, the following standards must be adhered to:

(a) Trees must be less than ten inches caliper measured six inches above grade.

(b) Trees must remain within the planting areas of the parcel.

(c) Trees shall not be moved to or from stream buffers or wetlands.

(6) Tree protection areas for subdivisions should be located in common areas, or in buffers required to be undisturbed by zoning or other regulations, or within building setbacks. If tree protection areas must be located on individual lots, the lots must be of sufficient size to reasonably expect the trees to be preserved at the completion of the building process. Please note: Staff shall have sole discretion over whether the lot is of sufficient size.

(7) With regard to subdivision developments, the City shall require that improvements be located so as to result in minimal disturbance to the natural topography of the lots and the protection of a maximum number of mature trees on the lot. Damage to mature trees located within setback and required yard areas be minimized as much as possible under the particular circumstances, as determined by City staff.

(8) Every lot in a subdivision shall have trees, either preserved or planted for which an LDP is obtained after the adoption of the ordinance from which this Article derives. These trees can be counted as part of the required ~~100~~ 50 inches per acre for the development. All planted trees must be a minimum of two-inch caliper and must be shown on the required house location plan (HLP). This requirement shall apply to the developer or homebuilder, whoever is the responsible party at the issuance of the certificate of occupancy for the individual lot.

Sec. 102-C-8-6. Preservation, replacement and removal of specimen trees.

A specimen tree is any tree which qualifies for special consideration for preservation due to its size, type and condition. The following criteria are used by the City to identify specimen trees. Both the size and condition criteria must be met for a tree to qualify.

(1) Minimum size criteria.

(a) Twenty-four-inch caliper at DBH—Oak, Beech, Ash, Blackgum, Sycamore, Hickory, Maple (does not include Silver Maple), Pecan, Walnut, Magnolia (does not include Bigleaf Magnolia), Persimmon, Sourwood, Cedar, Cypress or Redwood.

(b) Thirty-inch caliper at DBH—Tulip Poplar, Sweet Gum, River Birch, Silver Maple or Pine.c.Ten-inch caliper at DBH—American Holly, Dogwood, Redbud or other genus as determined by the City arborist such as Bigleaf Magnolia.

(2) Condition criteria.

(a) Life expectancy greater than 15 years.

(b) Relatively sound and solid trunk with no extensive decay or significant structural deficiencies.

(c) No more than two major and several minor dead limbs (excluding pine for minor limbs).

(d) A radial trunk dieback of no more than 20 percent or a canopy dieback of no more than 30 percent.

(3) Small trees can be classified as specimen if of a rare or unusual species, of exceptional quality, or socio-historical significance. Small trees may also qualify as specimen if used in a landscape as a focal point of the design. In order to claim this credit, the applicant must submit a letter from a certified arborist stating that the tree(s) meet these qualifications.

(4) An arborist report for each specimen tree that is shown to be impacted by a proposed development requiring an LDP must be submitted to the City to determine whether that tree meets the condition criteria for specimen status. The report must be prepared and signed by a certified arborist or a registered forester. The report must contain the following information:

(a) Site plan showing an accurate surveyed location of the tree.

(b) Identification/verification of the tree's size, genus and species.

(c) Description of the surrounding site conditions.

(d) Detailed description of the tree's condition.

(e) Digital photographs to illustrate any defects which would disqualify the tree from specimen status.

(5) The final determination of specimen tree status will be made by City staff after reviewing the report.

(a) If a specimen tree is to be removed, a plan or written documentation indicating the reason for removal must be submitted to the City

(b) The removal of any specimen tree impacted by a proposed development must be mitigated by replacing the removed specimen tree with minimum four-inch caliper trees of comparable species on an inch-for-inch replacement basis.

Example: Twenty-four-inch Oak would require replanting six four-inch caliper trees [24 / 4 = 6]. These recompense trees are in addition to the minimum ~~100~~ 50 inches per acre for a particular site.

(c) Any person who removes a specimen tree in violation of this Article shall be assessed a fine in accordance with section 102-C-8-13. In regard to specimen trees removed after being designated for preservation on an approved plan, the removed tree must also be replaced on an inch-for-inch basis with tree species with potential for comparable size and quality, regardless of the ~~100~~ 50 inches per acre requirement. If a tree is removed without approval and there is no evidence of its condition, size alone will be the determining factor for replacement. In regard to specimen trees removed on a residential lot that is not currently being developed, the fine shall be paid as referenced, however there shall be no requirement for replacement of the specimen tree.

(6) In order to encourage the preservation of specimen trees and the incorporation of these trees into the design of new development projects, the following incentive is offered: Preserved specimen trees will receive 1.5 x inches DBH (30-inch Oak x 1.5 = 45 inches).

Under no circumstance will this incentive allow the requirements of the tree preservation ordinance to be reduced administratively.

Sec. 102-C-8-7. Tree protection standards.

Allowing enough space for a tree's root system is a critical factor in tree protection throughout the development process. Disturbance within this critical root zone (CRZ) can directly affect a tree's chances for survival. In order to protect trees, the following standards shall apply:

(1) The CRZ for each tree or group of trees shall be represented on the plan by a circle the size of the CRZ.

(2) Site layout should be designed to accommodate tree protection areas.

(3) Construction activities shall be arranged to prevent encroachment into tree protection areas. Encroachment of up to 20 percent into the CRZ area of individual preserved trees shall be allowed. Encroachment beyond 20 percent into the CRZ area of individual preserved trees shall be prohibited. Specimen trees with encroachment into CRZ will not receive bonus credit as provided by subsection 102-C-8-7(6). Encroachment into the root plate shall be prohibited. Area of encroachment shall be shown on tree protection plans.

(4) No disturbance whatsoever shall occur within tree protection areas without prior written approval by the City. Disturbance permitted with approval from the City shall be limited to general maintenance (i.e., removal of dead trees and/or cleaning of underbrush by hand). Use of machinery shall not be allowed within the tree protection area.

(5) Active protective tree fencing shall be installed along the outer edge of and completely surrounding the CRZs of all specimen trees or stands of trees designated for preservation prior to land disturbance.

(6) Tree protection fencing shall be minimum four feet high and made of orange laminated plastic netting with wooden posts and rail fencing or other equivalent material as approved by the City.

(7) All protection zones should include signage in English and Spanish that identifies the areas as tree protection and preservation zones and include the name and phone number of the developer or designated agent.

(8) All tree save fencing must be installed prior to any clearing, grubbing, or grading and must be maintained in functioning condition throughout all phases of development and construction.

(9) Once tree protection areas are established and approved, any changes are subject to review and approval by the City.

(10) Developer shall notify any adjacent property owner a minimum of 14 days prior to construction dates (copy of notification to be provided to City for permit file) if visual assessment identifies boundary tree root plates are potentially within the proposed limits of disturbance. Any and all subsequent tree matters shall be a civil matter between the property owner and the developer.

Sec. 102-C-8-8. Tree replacement standards.

(1) The replacement of trees shall occur within the required yards, buffers, open space, parking lots, and landscape areas, as specified in the zoning ordinance and tree preservation and replacement ordinance. The following standards for replacement will be used to evaluate proposed tree planting plans:

   (a) Existing tree coverage, size, and type.

   (b) Number of trees to be removed from the lot or parcel.

   (c) Area to be covered with structures, parking, and driveways.

   (d) Grading plan and drainage requirements.

   (e) Character of the site and its environs.

(2) Replacement trees shall be ecologically compatible with the intended growing site, contribute to the diversity of the urban forest, and add to the overall aesthetic quality of the City.

(3) The spacing of replacement trees must be compatible with spatial site limitations with responsible consideration towards species sizes when mature. Typical spacing for overstory/street trees is 30 feet on center, with no overstory tree being planted less than 25 feet on center from any other tree. Spacing of understory trees and/or trees in parking lots shall be subject to approval of the City and within accepted horticultural standards.

(4) In the event that existing overhead power lines prohibit the planting of required overstory trees, an appropriate understory tree species may be selected and approved for required inches according to accepted horticultural standards and as approved by the impacted utility (see Appendix A).

(5) Trees selected for planting may be a species from the recommended tree species lists shown in the appendices. Use of a species not shown on these lists is subject to approval of the City, according to accepted horticultural standards (see Appendix A).

(6) Replacement trees shall be a minimum two-inch caliper measured six (6) inches above grade, and be protected by a 12-month guaranteed maintenance surety (110 percent of installed amount) beginning at the date of planting.

(7) Planting of replacement trees within utility, storm drainage, or sanitary sewer easements is not acceptable and no credit will be allowed toward the required inches per acre. City staff shall determine whether or not the applicant will be required to install root barriers to prevent future conflicts for trees planted directly adjacent to proposed easements or utility locations.

(8) Trees and plants selected for planting must meet the minimum requirements as provided in the "American Standard for Nursery Stock" (ANSI Standards latest edition).

(9) Tree planting may be delayed up to six (6) months in the case of unfavorable climate conditions (drought, flood, extreme heat or cold). Property owners must provide the City with a performance bond or cash escrow that identifies a target date for when the required numbers, sizes, and species of trees will be planted to meet the requirements of this Article.

(10) Each development site (parcel) should contain trees of sufficient number, size, and type to achieve the minimum required ~~100~~ 50 inches per acre, which is determined according to the size of the parcel and is intended to be consistent across uses and underlying zoning categories. Total replacement units should be gathered by using as diverse a palette of species of trees as possible. However, a minimum of 60 percent of the total replacement units required for any parcel must be achieved in the form of overstory trees. When fewer than ten trees are shown to be planted on a project, one species may be specified. When ten to 50 trees are shown, a minimum of three species of trees are required. When more than 50 trees are shown, a minimum of five species of trees are required.

(11) When 10 or more trees are to be planted, no single genus shall represent more than 30 percent of the required inches per acre.

Sec. 102-C-8-9. Acts of nature.

In the case of an act of nature, be it drought, flood, tornado, lightening, hurricane, wind, insects, snow, ice, rain, or hail, that destroys a tree after the 12-month performance bond or cash escrow has expired, the owner(s) of an affected parcel are excused from replacing those trees as required by the procedure established by this Article.

Sec. 102-C-5.3.10. Tree removal.

Tree removal should be considered a secondary option for meeting the requirements of this Article and should be pursued only if all avenues to preservation have been exhausted.

(1) The tree is located in the buildable area or street right-of-way of a parcel or lot on which improvement is to be made and the tree unreasonably restricts the permitted use of the property.

(2) The tree is diseased, injured beyond restoration, in danger of falling, or interferes with utility services.

Sec. 102-C-8-11. Tree species.

A diversity of tree species facilitates the long-term health of the urban forest. Lists of tree species deemed acceptable by the City for use in meeting the requirements of this Article are found in Appendix A.

Sec. 102-C-8-12. Public trees.

No person shall remove, destroy, break, cut, or deface any tree or shrub growing in any public right-of-way, easement or City park under any circumstances. No person shall directly or indirectly place stone or cement or similar substances about any tree growing in the public right-of-way which impedes the entrance of water and air to the roots of the tree. No person shall attach or place any rope, wire, sign poster, handbill or any other thing on any tree or shrub growing in any public right-of-way or City park. In the case of erection, demolition, or repair of any structure, the developer/owner shall implement best management practices per accepted industry standards around all nearby trees in a public right-of-way to prevent harm or injury.

Sec. 102-C-8-13. Tree preservation trust fund.

The ordinance from which this Article derives hereby establishes the Hogansville Tree Preservation Trust Fund. The fund will be used exclusively to purchase, install, and maintain trees throughout the City's public areas, including parks, green spaces, right-of-way, and government building sites and, upon resolution of the City Council, to improve the City's parks and/or green spaces as specified by the city council in such resolution.

(1) Occasionally a project site does not have the capacity or will not bear the required 100-inch per acre of trees. If a property owner or developer cannot meet the minimum site density requirement for tree replacement and/or specimen tree recompense, a mitigation fee for each tree required by this Article but not planted will be paid to the tree preservation fund or, upon resolution of the city council, the

owner or developer may be allowed to make improvements to the City's parks and/or green spaces as specified by the city council in such resolution. A schedule of mitigation fees is presented below:

Replacement	Mitigation Fee
Nonrecompense	$150.00 per inch
Recompense	$175.00 per inch

(2) A fine for each protected tree or specimen tree removed without a permit issued by the City will be paid to the tree preservation fund. Fine amounts will be based on the fee schedule shown above. Any person or entity violating any provision of this Article shall be guilty of a misdemeanor, and upon conviction shall be punished for each offense by a fine not exceeding $500.00, or by imprisonment not to exceed six months, as authorized and in accordance with section 1-7 of the City Code and other applicable portions of the City Code. Each day such violation continues shall be deemed to be a separate offense. At the discretion of the appropriate court, a violator of this code may be given a reasonable length of time to rectify or correct the violation.

- DBH measurement shall be rounded to the nearest whole number.
- Money collected from mitigation fees and fines under this Article shall be deposited into the tree preservation trust fund.

Sec. 102-C-8-14. Easements.

The City is hereby authorized to enter into agreements with the owners of private property located within the City for the purpose of acquiring easements to plant trees. Private property owners shall acquire ownership of trees after planting provided agreement to maintain the trees is reached and the City is absolved of any liability attributable to the planting or presence of the trees. No agreement may be longer than two years and all shall limit the City's interest to an area sufficient to allow planting of trees.

Sec. 102-C-8-15. Inspection.

(1) Every development within the City shall be required to undergo landscape inspection by the City's designated agent prior to the issuance of a certificate of occupancy. The inspection will determine whether the tree preservation or replacement plan has been implemented as required by this Article. At the time of inspection, the City shall collect an inspection fee. This fee will be determined by the City Council and used to cover the cost of labor and materials for performing tree and/or landscape inspections.

(2) Once completed, a written report will be prepared outlining the findings of the inspection and transmitted to the property owner or developer. If the inspection shows that tree planting has been implemented according to plan, and all other departments have signed off on final inspections, a certificate of occupancy will be issued. If the inspection reveals deficiencies between the approved tree protection and replacement plan and the condition of the development site, the property owner or developer will be notified of the nature and extent of the problems uncovered during inspection. Upon issuance of the report, all deficiencies must be corrected before a certificate of occupancy can be issued.

Sec. 102-C-8-16. Violation and penalty.

It shall be unlawful for any person, firm, organization, or society to violate the provisions of this Article. The removal or destruction of each tree shall constitute a separate offense. Violation of this Article shall constitute grounds for revoking or suspending any permit granted for the construction, demolition, or renovation of a structure on the lot or parcel. Upon revocation or suspension of permit, no new permit for construction, demolition, or renovation of any structure on the site shall be issued for not less than one month, and a civil penalty of $500.00 shall be levied for violating the requirements of this Article.

Sec. 102-C-8-17. Appeals.

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

Sec. 102-C-8-18. Validity.

Should any section of this provision of this Article be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Article in whole or any part thereof other than the part so declared invalid.

Sec. 102-C-8-19. Parking lot landscaping.

(1) Applicability.

(a) Generally. This section shall apply to at-grade nonresidential and multi-family parking lots.

(b) Car sales lots. Landscaped islands shall not be required within car display areas but shall be required in customer parking areas. Peripheral parking lot landscaping and street frontage landscaping shall be required.

(2) General requirements.

(a) Landscaped areas within and around parking lots must be large enough to provide for the health and continued growth of the vegetation. Curbing shall be provided around all landscaped areas. The curb shall be a minimum six (6) inch high and may contain breaks to help manage storm water runoff, if approved by the development review panel. Trees and shrubs shall be planted a minimum of 30 inches inside the curb to avoid injury from vehicle overhang and to allow clearance for the opening of car doors.

(b) Landscape islands and perimeter planting strips shall be well drained and contain suitable soil and natural irrigation characteristics for the planting materials they contain.

(c) Landscaping shall not obstruct the view between 24 inches high and 60 inches high on access drives, streets, or parking aisles.

(d) All parking lot landscaping shall be planted in a suitable soil volume. Planting environment shall provide an average soil depth greater than or equal to three (3) feet. Each parking lot tree shall have a minimum area suitable for root growth of 200 square feet, provided, however if this minimum square footage is not provided, subsurface soil cells shall be incorporated into the tree replacement plan. All applicable details to show an industry standard subsurface soil cell design shall be attached as part of the tree replacement plan.

(3) Interior parking lot landscaping requirements. Parking lots containing 20 or more spaces must provide landscaping as follows:

(a) One (1) landscape island with a tree shall be provided within the parking lot for every 20 parking spaces, or portion thereof. Additionally, every parking space shall be located within 70 feet of a landscape island planted with at least one (1) tree.

(b) A landscape island shall be located at the end of every parking aisle between the last parking space and an adjacent travel aisle or driveway.

(c) For single-loaded parking aisles, the island shall be no less than 200 square feet in area and planted with one (1) mid-canopy tree. For double-loaded parking aisles, the island shall be no less than 400 square feet in area and planted with one (1) overstory or two (2) mid-canopy trees. Where additional trees are proposed, an additional 100 square feet of planting area within the island shall be provided for each additional tree.

(d) Ground areas shall be sodded, seeded or hydroseeded with grass and/or planted with groundcover species, and/or provided with other landscaping material, or any combination thereof. No plant materials with the exception of trees shall exceed three (3) feet in height. When "other landscaping material" is used it shall be clearly noted. "Other landscaping materials" must be approved by the Zoning Administrator.

(e) Peripheral parking lot landscaping requirements. Parking lots containing five (5) or more spaces shall provide landscaping in a five (5) foot landscape strip adjacent to side and rear property lines which are not adjacent to a street right-of-way as follows:

(a) One (1) tree for each 50 linear feet of strip length, or portion thereof, shall be provided.

(b) One (1) shrub for each 50 linear feet of strip length, or portion thereof, shall be provided.

(c) Clumping is permitted provided that adequate spacing is allowed for future growth and there is no gap greater than 50 feet.

(d) The remaining ground cover shall be sodded, seeded or hydroseeded with grass, and/or planted with groundcover species and/or provided with other landscaping material, or any combination thereof.

(e) In the event the side or rear property line abuts a residential zone, buffering requirements per section 102-C-8-21 shall govern.

Sec. 102-C-8-20. Screening.

(1) Generally.

(a) Screening options below should not be used to produce monotonous, linear designs. If a long stretch of screening is required, options should be combined or alternated, or plant materials should be varied.

(b) In no case shall trash removal, loading, or delivery activities hinder or obstruct the free movement of vehicles, and pedestrians over a street, sidewalk, or alley.

(2) Screening requirements. In an effort to properly screen views of trash containment areas the following criteria has been established:

(a) All trash containment devices, including waste grease containers, compactors and dumpsters, shall be located and designed so as not to be visible from the view of adjacent streets and properties.

(b) All trash containment areas shall be enclosed so as not to be seen from off-site.

(c) The enclosure shall be a minimum of eight (8) feet in height or two (2) feet taller than the highest point of the waste grease containers, compactors or dumpsters, whichever is greater.

(d) The enclosure shall be constructed of material that is opaque and compatible with the design, materials and color selections used on the principal building. The building materials shall be masonry with metal framing. Where the interior of the dumpster enclosure will be visible from within or off-site, all unfinished surfaces on the interior of the dumpster enclosure shall be painted or stained black or dark brown.

(e) The enclosure shall contain gates for access and security, which must be maintained in good working order and kept closed when the dumpster is not being used.

(f) Trash containment areas shall be placed in the rear or side yard and shall be located a minimum of five (5) feet from property lines.

(g) Access to trash containment areas shall be provided via a paved, dust-free surface.

(h) Trash removal activities within 150 feet of residential uses shall only be permitted Monday through Friday from 7:00 a.m.—10:00 p.m. and on Saturdays from 9:00 a.m.—9:00 p.m.

(i) Temporary construction trash and recycling dumpsters, which are not enclosed, shall be permitted up until such time as the certificate of occupancy is issued.

(3) Heating, ventilation, air conditioning and other mechanical utility equipment, which is located on, beside or adjacent to any building or development, shall be fully screened from view from any public right-of-way. The screen shall exceed the height of the equipment, shall not interfere with the operation of the equipment, and shall utilize building materials and design which are compatible with those used for the exterior of the building.

(4) Loading spaces, loading docks, maintenance areas, and access driveways adjoining these areas shall be screened from adjacent properties and streets. Necessary screening shall be accomplished using one (1) or a combination of the following methods:

(a) Six (6) foot high sight-tight fence or wall; or

(b) Minimum two (2) foot high berm, densely planted with vegetation to achieve a screen with an ultimate height of at least six (6) feet; or

(c) Six (6) foot high evergreen screen (trees or shrubs, minimum six (6) feet high at planting, minimum nine (9) feet on center, double staggered row).

(5) Outdoor storage areas shall be screened from adjacent properties and streets using one (1) or a combination of the following methods:

(a) Six (6) foot high sight-tight fence or wall; or

(b) Minimum two (2) foot high berm, densely planted with vegetation to achieve a screen with an ultimate height of at least six (6) feet; or

(c) Six (6) foot high evergreen screen (trees or shrubs, minimum six (6) feet high at planting, minimum nine (9) feet on center, double staggered row).

(6) Storm water detention and retention facilities shall be screened from view from any public right-of-way. The visual screen shall comply with the standards listed below.

(a) The visual screen shall be a minimum of 36 inches in height within 24 months after planting.

(b) The visual screen may be formed through creation of a planted hedge, wall, earthen berm or combination thereof.

(c) When using an earthen berm, the slope shall not exceed three (3) to one (1) with a maximum crown width of two (2) feet. The berm shall be planted with turf of other landscaping materials.

(d) The visual screen may be included in a required perimeter planting strip.

(e) Visual screens in all zoning districts except for G-I zoning districts shall be prohibited from utilizing fencing elements when located in front or side yards. Fencing, where permitted, shall be regulated by the fencing standards of section 102-B-4-5.

(f) Storm water detention and retention facilities shall be located no closer than 15 feet to a property line.

(g) Visual screening areas shall be permitted to be interrupted by necessary maintenance access areas. Such areas shall be minimized and shall be located to reduce their visibility from a public right-of-way.

Sec. 102-C-8-21. Buffers.

(1) Generally. Buffers shall be required along-side and rear property lines which separate uncomplimentary uses in accordance with the table below or as a condition of zoning, special permit, or variance approval. Buffers are intended to eliminate or minimize potential nuisances such as dirt, litter, noise, glare of lights, signs, and unsightly buildings or parking areas. Where

noted for residential dwelling uses, the buffer requirement applies at the time of subdivision platting. If a buffer was not required at the time of subdivision platting, existing platted individual lots for single-family and two-family residential dwelling uses are not required to provide a buffer. Areas used to satisfy buffer requirements may also include areas similarly used to satisfy the yard and open space requirements of this code.

(2) Undisturbed buffers. Where required, undisturbed buffers must remain undisturbed and actively protected in perpetuity. Existing vegetation shall be used to meet the buffer requirement if it provides the same level of obscurity as the planted buffer requirements of this section. When existing vegetation is sparse, supplemental plantings may be required to provide a 100 percent opaque year-round visual screen.

(3) Minimum required buffers. Buffers shall be required according to the following table:

Adjacent Parcel Zoning	Zoning of Parcel to be developed, redeveloped or expanded					
	G-B, G-I	DT-MX	CR-MR, CR-MX	TN-MX	TN-R	ES-SR, SU-R, G-RL
ES-R, SU-R, G-RL	Type D	None	Type C	Type B	Type A	None
TN-R	Type D	None	Type C	Type A	None	Type A
TN-MX	Type D	None	Type C	None	None	Type A
CR-MR, CR-MX	Type B	None	None	Type A	None	Type B
DT-MX, G-B, G-I	None	None	None	None	None	Type A

(4) Planted buffer types defined. There shall be four (4) different buffer types as follows:

Buffer Type	Minimum Buffer Width	Tree Requirement	Shrub Requirement	Minimum Number of Planting Rows

Type A	12 feet	1 tree/200 sq. ft.	1 shrub 50 sq. ft.	1 rows
Type B	25 feet	1 tree/250 sq. ft.	1 shrub/75 sq. ft.	2 rows
Type C	50 feet	1 tree/300 sq. ft.	1 shrub/100 sq. ft.	3 rows
Type D	75 feet	1 tree/350 sq. ft.	1 shrub/150 sq. ft.	4 rows

(5) Planted buffer standards.

(a) Required buffer plantings allow for a mix of overstory, mid-canopy, understory and evergreen trees, and large shrubs which are adaptable to the region. The mix is designed to create a buffer which will give a satisfactory screen at least six (6) feet in height within two (2) to three (3) years of planting, under normal maintenance, while allowing room for the various plants to grow.

(b) Deciduous trees shall be at least eight (8) feet tall and a minimum caliper of two (2) inches at planting. Understory trees are required to fulfill between no less than 20 percent and no more than 30 percent of the required number of trees. Additionally, evergreen trees are required to fulfill at least 50 percent of the required trees planted in buffers, shall be at least six (6) feet tall at planting, and shall be a species which will achieve a height of at least 20 feet at maturity. Trees shall be distributed along the entire length of the buffer.

(c) Shrubs shall be a minimum of three (3) feet in height at the time of planting and shall be a species that will achieve a height of at least 10 feet at maturity. Shrubs shall be planted not closer than six (6) feet on center, not closer than six (6) feet to planted trees, and not within the drip line of existing trees. Shrubs shall be distributed along the entire length of the buffer.

(d) Buffer plantings shall be guaranteed for the lifetime of the development. Necessary trimming and maintenance shall be performed by the owner of the property on which the buffer is planted to maintain the health of the plant materials, to provide an aesthetically pleasing appearance, and to ensure that the buffer serves the purpose for which it is intended.

(e) Trees planted to meet the buffer requirements shall be selected from those noted in section 102-C-8-11as suitable for buffer planting. Trees shall be varied so that no one (1) species makes up more than 33 percent of the trees planted in the required buffer.

(f) Shrubs planted to meet the buffer requirement shall be selected from the following list:

Southern Wax Myrtle (Myrica cerifera)* — Evergreen;
Mountain-Laurel (Kalmia latifolia)* — Evergreen;
Piedmont Rhododendron (Rhododendron minus)* — Evergreen;
Crape Myrtle (Lagerstroemia indica) — Deciduous;
Japanese Camellia (Camellia japonica) — Evergreen;
Sasanqua Camellia (Camellia sasanqua) — Evergreen;
Oaklfeaf Hydrangea (Hydrangea quercifolia)* — Deciduous;
Yaupon Holly (Ilex Vomitoria) — Evergreen;
* Shrubs noted with an asterisk are desirable natives.

(6) Structural buffers.

(a) Non-vegetative materials utilized to satisfy the screening requirement of this Article, in addition to the use of existing vegetation and/or supplemental plantings, may consist of walls, fences, earthen berms or any combination thereof.

(b) If walls or fences are to be utilized, their placement and installation shall be such so as to cause minimal disturbance of existing vegetation and located so as to provide an effective visual screen.

(c) Non-vegetative screenings do not take the place of required vegetative buffers but are only intended to supplement planted buffers. Vegetative material shall be provided between the non-vegetative screen and the adjacent property.

(d) Non-vegetative materials shall be maintained by the owner of the property where the buffer is located. Fences used in buffers must be made of rot-resistant material or protected from deterioration with water-proofing material. The following fence and wall materials are permitted

for use in a required buffer: wood, brick, stone, wrought iron, iron, and powder coated aluminum.

(7) Disturbance or encroachments.

(a) Buffers shall contain no driveways, parking areas, patios, storm water detention facilities, or any other structure or accessory uses except for approved structural buffers.

(b) Underground utilities may be permitted to cross a buffer if the screening standards of this Article will be subsequently achieved to the satisfaction of the Zoning Administrator.

(c) Supplemental plantings or re-plantings, or authorized structural buffer devices shall be authorized to encroach into a buffer provided there is minimal disturbance of any significant existing vegetation.

(d) Land disturbance is authorized in areas of a buffer that are devoid of significant vegetation provided that the final grade and re-plantings of vegetation meet the screening requirements contained herein.

(e) Dying, diseased, noxious (including non-native, invasive vegetation), or dead vegetation may be removed from a buffer provided minimal disturbance occurs and written authorization has been given by the Zoning Administrator or his/her designee. Vegetation thus removed shall be replaced where necessary to meet the screening requirements contained herein.

(f) Protection during land-disturbing activities. During authorized land-disturbing activities, buffers shall be clearly demarcated and protected prior to commencement of, and during, construction in accordance with the approved tree preservation plan.

(g) Modification or waiver. The Planning Commission may modify or waive the buffer requirements when it can be demonstrated by the property owner that the specific buffer is not needed for the protection of surrounding areas because of intervening streets, roadways, drainage ways, or other factors such as natural growth of sufficient height and density to serve the same purpose as the required screening buffer.

(8) Maintenance. The responsibility for maintenance of buffers shall remain with the owner of the property. Any required plant that has died shall be replaced. Maintenance of planted areas shall consist of mowing, removal of litter and dead plant materials and necessary pruning. Fences and walls shall be kept in a condition that meets the requirements of this division.

(9) Surety for buffer installation.

(a) When the date for issuing a certificate of occupancy does not coincide with the planting conditions that are necessary to install a required buffer, the City Clerk shall accept a letter of credit or other acceptable surety for the buffer installation. Such surety shall be in the amount and form satisfactory to the City Clerk and shall certify the following:

(i) The creditor does guarantee funds in an amount to cover the cost of installing all buffers as estimated and approved by the building inspector;

(ii) In case of failure of the developer to complete the specified improvements, the creditor shall pay the government immediately, and without further action, such funds as are necessary to finance the completion of those improvements up to the limit of the secured credit; and

(iii) The letter of credit or other surety may not be withdrawn or reduced in amount until released by the building inspector after final inspection and certification of approval of the buffer.

ARTICLE IX. SUBDIVISIONS

Sec. 102-C-9-1. Purpose and intent.

This Article is enacted for the following purposes:

(1) To encourage economically sound and stable land development;

(2) To ensure the provision of required streets, utilities and other facilities and services to land developments;

(3) To ensure the provision of safe and convenient traffic access and circulation, both vehicular and pedestrian, in land developments; and

(4) To ensure that land is developed in conformity with the Comprehensive Plan of the City.

Footnotes:

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State Law reference— Approval by Planning Commission or governing authority on plat of subdivision required for filing or recording in superior court clerk's office, O.C.G.A. § 15-6-67(d); The Zoning Procedures Law, O.C.G.A. § 36-66-1 et seq.; local government zoning powers, O.C.G.A. § 36-66-2; conflicts of interest in zoning actions, O.C.G.A. § 36-67A-1 et seq.; Georgia Land Sales Act, O.C.G.A. § 44-3-1 et seq.; Georgia Condominium Act, O.C.G.A. § 44-3-70 et seq.; effect of zoning laws on covenants running with the land, O.C.G.A. § 44-5-60; authority to adopt plans and exercise the power of zoning, Ga. Const. art. IX, § II, ¶ IV; department of highway approval, O.C.G.A. § 32-6-150 et seq.

Sec. 102-C-9-2. Platting authority.

No plat of land subdivision shall be entitled to record in the office of the clerk of superior court of the County unless it shall have the approval of the Planning Commission for minor subdivisions (the creation of five (5) lots or less) and the City Council for major subdivisions (the creation of six (6) or more lots). The filing and recording of a plat of a subdivision without the necessary approvals, as required by this Article, is declared to be a misdemeanor.

Sec. 102-C-9-3. Use of a plat.

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 Planning Commission (minor subdivision) or City Council (major subdivision), and recorded in the office of the clerk of superior court of the County is prohibited, and the description by metes and bounds in the instrument of transfer or other document shall not exempt the transaction from penalties.

Sec. 102-C-9-4. Plat approval.

After this Article shall have been put into effect, any subdivision that fails to meet the requirements of this Article shall be disapproved by the Planning Commission (minor subdivision) or City Council (major subdivision).

Sec. 102-C-9-5. Acceptance of streets.

No public authority shall accept, improve or maintain any street not shown on an approved and recorded final plat unless such street shall have received the legal status of a public street prior to the adoption of this Article.

Sec. 102-C-9-6. Lots must abut public streets.

The transfer of, sale of, agreement to sell or negotiation to sell land, lots or property which does not abut a public street, a street accepted as a public street in accordance with this Article or a street which had attained the status of a public street prior to the effective date of the ordinance from which this Article was derived is hereby prohibited.

Sec. 102-C-9-6. Preapplication review procedure.

(1) Prior to submission of an application for a subdivision plat, the applicant should schedule a pre-application conference with the Zoning Administrator. The purpose of this meeting is to acquaint the applicant with the

requirements of the UDO. No decisions on the application or assurances that a particular proposal will be approved shall be made.

(a) The sketch plan should show in sketch form the proposed layout of streets, lots, street names, subdivision title and other features in relation to existing conditions. The sketch plan may be a freehand sketch made directly on a print of the topographic survey, if available. The sketch plan should include the existing topographic data or as much of this information as is necessary for consideration of the proposed plan.

(b) General information should be available to describe the existing conditions of the site and the proposed development as necessary to supplement the sketch plan. This information shall include data on land characteristics, existing and proposed covenants, community facilities, utilities, and streets, and information describing the subdivision proposal such as number of lots, typical lot width and depth, price range, minimum floor area in structures, business areas, playgrounds, parks and other areas.

(2) Under no circumstances shall favorable consideration by the Planning Commission (minor subdivision) or City Council (major subdivision) be construed as approval.

Sec. 102-C-9-7. Application for preliminary plat approval.

Following the preapplication review of a proposed subdivision and the payment of the required fee, nonrefundable, the subdivider shall submit to the Zoning Administrator, the following:

(1) Six (6) copies of the preliminary plat, accompanied by a letter of application. The letter of application shall contain the name and address of the developer and his/her agents, the zoning of the property to be subdivided, whether or not the subdivision will be developed in phases, and plans for potential annexation of adjoining property and plans for serving the proposed subdivision with sewer and water facilities. The plat shall be prepared in accordance with this section and with applicable City specifications. One (1)

copy shall be returned to the subdivider or his/her agent with a notation of the action taken by the Planning Commission or City Council.

(2) Sheet size. Sheet size shall be 24 inches by 36 inches. If the complete plat cannot be shown on one sheet of this size, it may be shown on more than one sheet with an index map on a separate sheet of the same size.

(3) Title block and north arrow. The preliminary plat will show the name of the proposed subdivision, its location by County and City, the name, address and registration number of the surveyor preparing the plat and the date of the plat. A north arrow shall be included with a notation referencing the bearings to magnetic north.

(4) General layout. The preliminary plat shall show information as to the proposed street layout and widths, and layout of lots, with a notation as to the minimum size and width of lots and any proposed open space. Any lands to be dedicated will be identified. Plat scale, total acreage of the site and total number of lots created shall also be indicated. Lot and block information and building setback lines shall also be indicated. The preliminary plat shall be clearly and legibly drawn at a scale not smaller than 100 feet to one inch and no scale may be used that shall destroy the intent of this Article.

(5) Topography. The preliminary plat shall show existing contour lines dashed and any proposed contour lines solid, both sets of lines to be not more than five (5) feet for land that slopes more than five (5) percent or contour lines at intervals of not more than two (2) feet for land that slopes less than five (5) percent. Contours shall be based on mean sea level (MSL), based on the datum plane of the U.S. Coast and Geodetic Survey, or other approved datum plane. Prominent drainage features such as lakes, depressions, streams, etc., which could affect the design of the subdivision, shall be shown. Engineering data showing the high-water elevation and how it was established shall be submitted. Ground elevations.

(6) Existing features. The preliminary plat shall show the locations and names of existing and platted property lines, streets (and their rights-of-way), railroads

(and their rights-of-way), public and private rights-of-way, sanitary sewers (and size), easements, storm drainage (and size), parks and other open spaces, land lot and land district lines, City limit lines and names of adjoining property owners or subdivisions.

(7) Location map. The preliminary plat shall include a small-scale map of sufficient clarity so that the location of the proposed subdivision can be readily determined.

(8))Water and sewer facilities. A statement from the subdivider or developer shall be submitted with the preliminary plat which will describe the method by which sanitary sewer and water facilities will be provided.

(9) Project report. As a minimum, the report shall include the following:

(a) Proposed name of subdivision and its acreage.

(b) Block numbers, lot numbers, and any development states.

(c) A complete listing of every land use proposed within the development, including total acreage and the amount of acreage devoted to each use.

(d) Proposed development standards including minimum lot sizes, minimum lot widths, minimum number of dwelling units, maximum square footage figures for nonresidential developments, minimum yards/building setbacks, landscape strips and buffers, height limitations, restrictive covenants, and any other such applicable standard and requirement. The report should also indicate any proposed exceptions or variances from the size, setback, frontage, density or other standards which are required in other conventional zoning districts, along with justification for such proposed exceptions or variations.

(e) Timeframe of development and provisions for ownership and management of the development.

(f) Intended plans for the provision of utilities, including water, sewer and drainage facilities.

(10) Street standards. All streets and sidewalks shall be built to State department of transportation and City standards and dedicated to the City upon completion and approval. All street names shall be approved by the

City. A maintenance bond of the surety shall be furnished to the City which shall name the City as a principal and shall be worded to include in its coverage a two-year maintenance warranty period following acceptance of improvements by the City. Street cross sections and centerline profiles shall be provided as may be required to determine conformance to the regulations of this Article.

(11) Future tract plan. In cases where a subdivision is to be developed in stages with additional plats being filed at a later date, the filing of the initial plat will be accompanied by a future tract plan, a reasonably accurate plat in sketch form of the entire tract which will show the future street system and topography for the entire tract. Once the required tract plan has been given approval by the Planning Commission or City Council, five (5) copies of the approved future tract plan must be provided for distribution to the various reviewing agencies and the City Manager.

(12) Completeness. If any of the facts required by this section are omitted or misrepresented on the plat, the Zoning Administrator may refuse to review the plat and shall return the plat to the subdivider or developer to be completed and revised.

(13) Final plat. The proposed final plat shall be submitted to the City Clerk, in triplicate, in sufficient time for action by the City within one (1) year of conditional approval of the preliminary plat. Preliminary plat approval shall expire and be null and void after a period of one (1) year unless an extension of time requested by the subdivider or his/her representative is approved by the Planning Commission.

(14) County and State requirements. The plat shall comply with all County and State requirements for filing in the deed records.

Sec. 102-C-9-8. Preliminary plat review and decision.

(1) Zoning Administrator review and recommendation.

(a) The Zoning Administrator shall prepare a report describing the application's conformance to this Article and shall include a

recommendation of approval, disapproval, or approval with changes or conditions.

(b) The Zoning Administrator shall afford a hearing on the preliminary plat, notice of the time and place of which shall be sent by registered or certified mail (or a signed statement by the developer or designated representative acknowledging the date of the hearing will satisfy the requirements of this subsection) to the person designated in the letter requesting preliminary plat review and approval not less than five (5) days prior to the date of the hearing.

(2) Planning Commission and City Council review and decision.

(a) For minor subdivisions.

(i) The Zoning Administrator shall provide the report and recommendation on the application to the Planning Commission for their use in the review and decision on the application.

(ii) The Planning Commission shall give conditional approval or disapproval to the preliminary plat, including a statement of the reasons for disapproval if the preliminary plat is disapproved. One (1) copy shall be returned to the subdivider or his/her agent and one copy added to the records of the Planning Commission.

(b) For major subdivisions.

(i) The Zoning Administrator shall provide the report and recommendation on the application to the Planning Commission and City Council for their use in the review and decision on the application.

(ii) The Planning Commission shall review the application and make a recommendation to the City Council for approval or disapproval to the preliminary plat, including a statement of the reasons for the recommendation of disapproval if the preliminary plat is recommended to be disapproved.

(iii) The City Council shall give conditional approval or disapproval to the preliminary plat, including a statement of the reasons for disapproval if

the preliminary plat is disapproved. One (1) copy shall be returned to the subdivider or his/her agent and one copy added to the records of the City Council.

(3) If action on a preliminary plat is not taken by the Planning Commission or City Council within 30 days of the date of the hearing, the preliminary plat shall be considered approved, and a certificate of approval shall be issued on demand. However, the applicant for approval may waive this requirement and consent to an extension of time.

Sec. 102-C-9-9. Certificate of preliminary approval.

A certificate of approval of the preliminary plat by the Planning Commission shall be inscribed on the plat as follows:

Pursuant to the land Subdivision Regulations of the City of Hogansville, Georgia, all the requirements of Preliminary Approval having been fulfilled, this Preliminary Plat was given Preliminary Approval by the City of Hogansville Planning Commission on

_____, 20___

This Preliminary Approval does not constitute approval of a Final Plat. This Certificate of Preliminary Approval shall expire and be null and void on (one year from preliminary approval):

_____

Date

_____ _____

Chair, City of Hogansville

Planning Commission

Sec. 102-C-9-10. Application for final plat approval.

After the preliminary plat of a proposed land subdivision has been given conditional approval by the Planning Commission (minor subdivision) or City Council (major subdivision), the subdivider may, within one (1) year from conditional approval, submit to the Planning Commission (minor subdivision) or City Council (major subdivision):

(1) A letter requesting review and approval of a final plat and giving the name and address of the person to whom the notice of the hearing by the Planning Commission (minor subdivision) or City Council (major subdivision) on the final plat shall be sent.

(2) Six (6) copies of the final plat and other related documents, as specified, the original of which shall be drawn in ink on durable tracing material.

Sec. 102-C-9-11. Review of final plat.

(1) The Planning Commission (minor subdivision) or City Council (major subdivision) shall check the final plat with the rules and regulations of this Article and shall afford a hearing on the final plat, notice of the time and place of which shall be sent by registered or certified mail or a signed statement, etc., to the person designated in the letter requesting final plat review and approval, not less than five (5) days prior to the date of hearing.

(2) Review and decision on final plats.

   (a) For minor subdivisions. The Planning Commission shall approve or disapprove the final plat. A notation of the action shall be made on all copies of the final plat, including a statement of the reasons therefor if the final plat is disapproved. If action is not taken by the Planning Commission within 30 days of the date of the public hearing, the final plat shall be considered approved, and a certificate of approval shall be

issued on demand. However, the applicant for approval may waive this requirement and consent to an extension of time.

(b) For major subdivisions.

(i) Planning Commission review. The Planning Commission shall make a recommendation to approve or disapprove the final plat. If action is not taken by the Planning Commission within 30 days of the date of the meeting to consider the final plat, the recommendation shall be considered to be for approval. However, the applicant may waive this requirement and consent to an extension of time. Not later than three (3) days after the hearing, the Planning Commission shall transmit its recommendations to approve or disapprove the final plat to the City for their approval or disapproval at the next regular meeting of the City Council.

(ii) City Council review and decision. The City Council shall approve or disapprove the final plat. A notation of the action shall be made on all copies of the final plat, including a statement of the reasons therefor if the final plat is disapproved. If action is not taken by the City Council within 30 days of the date of the public hearing, the final plat shall be considered approved, and a certificate of approval shall be issued on demand. However, the applicant for approval may waive this requirement and consent to an extension of time.

Sec. 102-C-9-12. Recording of final plat.

Upon approval of the final plat by the Planning Commission and the City Council, it shall be recorded in the office of the clerk of the superior court of the County.

Sec. 102-C-9-13. Final plat for development in stages.

The subdivider may submit a final plat for approval of a section of the preliminary plat, such section having been approved by the Planning Commission (minor subdivision) or City Council (major subdivision). Such final plat shall meet all specifications for final plat approval before recording by the Planning Commission (minor subdivision) or City Council (major subdivision). All necessary improvements must be installed prior to the recording or the procedure in section 102-C-9-49 shall be followed.

Sec. 102-C-9-14. Information required on final plat.

The final plat shall show but not be limited to the following:

(1) Sufficient data to locate readily and reproduce on the ground the bearing and length of every street line, lot line, boundary line, and building line. This shall include, but not be limited to, the radius, length of arch, central angle and tangent distance for the centerline of curved streets and curved property lines that are not the boundary of curved streets.

(2) Tract boundary lines, street rights-of-way lines, easement and other right-of-way lines, building setback lines and property lines of lots and other sites.

(3) All dimensions shall be accurate to the nearest one-tenth of a foot and angles accurate to the nearest minute.

(4) Name and width of all streets or other rights-of-way.

(5) Subdivision name and location, north point, date, and scale.

(6) Location, dimensions, purposes and holder of any easements and any areas or sites to be dedicated to public use or for uses other than residential with statement of purpose and limitations.

(7) Lots and sites in numerical order and blocks in alphabetical order.

(8) Accurate location, description, and material of monuments and markers.

(9) A statement, either directly on the plat or in an identified attached document, of any private covenants.

Sec. 102-C-9-15. Certifications.

The following certifications shall appear directly on the plat.

(1) Engineer's or surveyor's certification. An engineer's or surveyor's certification as follows:

It is hereby certified that this plat is true and correct and was prepared from an actual survey of the property by me under my supervision; that all monuments shown hereon actually exist or are marked as "future," and their location, size, type exist or are marked as "future," and their location, size, type and material are correctly shown; and that all engineering requirements of the Subdivision Ordinance of the City of Hogansville, Georgia, have been fully complied with.

By _____ Registered C.E. No. _____

_____ Registered Georgia Land Surveyor No. _____

(2) Owner's certification. An owner's certification as follows:

Owner's Certification

State of Georgia, County of Troup

The owner of the land shown on this Plat and whose name is subscribed hereto, in person or through a duly authorized agent, certifies that this plat was made from an actual survey, that all State and County taxes or other assessments now due on this land have been paid.

Agent _____ Owner _____

Date _____ Date _____

(3) Certificate of dedication. A certification by the owner setting forth the description of the areas and improvements he dedicates to the public and the extent of the title he/she is dedicating.

Certificate of Ownership and Dedication.

I (We) hereby certify that I (we) adopt this plan of subdivision, establish the minimum building setback lines, and dedicate all streets, alleys, walkways and other open spaces to public use as noted.

_____ , 20___

Date

_____

Owner

_____

Owner _____

(4) Certification of approval of water system. Certification of approval of water system as follows:

I hereby certify that the community or public water supply and distribution system installed, or to be installed, and/or the plans for private water supplies in the subdivision plat attached hereto meets the requirements of the health department. If provided by the City, must meet City requirements.

_____ , 20___

Date

_____

Health Officer

(5) Certification of sewer system. Certification of sewer system attached to the final plat as follows:

I hereby certify that the community or public sewerage collection and disposal system installed, or to be installed, and/or the plans for private sewage disposal system in the subdivision plat attached hereto meets the requirements of the health department. If City sewerage is provided, must meet City requirements.

Lot Numbers (Numbers) _____

_____

is (are) not approved for private sewage disposal system

_____ , 20___

Date

_____

Health Officer

(6) Certificate of approval for recording. Certificate of approval for recording, directly on the final plat as follows:

I hereby certify that the subdivision plat shown hereon has been found to comply with the Subdivision Ordinance of the City of Hogansville, Georgia,

and that it has been approved by the City of Hogansville Planning Commission for recording in the Office of the Clerk of Superior Court of Troup County, Georgia.

_____ , 20___

Date

_____ _____

Chair, City of Hogansville Planning Commission

_____ 20___

Date

_____

Mayor, City of Hogansville

Sec. 102-C-9-16. General design requirements, Suitability of land.

Land subject to flooding, improper drainage or erosion or that is for topographical or other reasons unsuitable for residential use shall not be platted for residential use or for any other use that will continue or increase the danger to health, safety, or property destruction, unless the hazards can be and are corrected prior to final plat approval. No land shall be platted for residential use which would be in conflict with the floodplains.

Sec. 102-C-9-17. Name of subdivision.

The name of the subdivision must have the approval of the Planning Commission (minor subdivision) or City Council (major subdivision). The name of the subdivision shall not duplicate nor closely approximate the name of an existing subdivision.

Sec. 102-C-9-18. Access.

Subdivisions shall be located so as to gain access over a public street.

Sec. 102-C-9-19. Conformance to adopted Comprehensive Plan and other plans.

(1) All streets, thoroughfares, and other features of the Comprehensive Plan of the City shall be taken into consideration by the subdivider.

(2) Whenever a plat proposes the dedication of land to public use that the Zoning Administrator finds not required or suitable for such public use, the Planning Commission (minor subdivision) or City Council (major subdivision) shall refuse to approve the plat.

Sec. 102-C-9-20. Clearing and grading.

The soil erosion and sedimentation control regulations of Article II of this Chapter must be adhered to in all phases of development and supersede any regulations within this Article concerning grading and clearing.

Sec. 102-C-9-21. General street design requirements.

(1) Existing streets adjacent to the subdivision shall be continued at the same or greater width, but in no case shall be less than the required width.

(2) See Chapter 82 of the City Code for additional regulations regarding streets, sidewalks, and other public places.

Sec. 102-C-9-22. Street names.

Street names shall require the approval of the City Council. Streets that are obviously in alignment with streets already existing and named shall be given the name of the existing street. Names of new streets shall not duplicate nor

closely approximate those of existing streets. At all street intersections, the subdivider shall erect at his/her expense street markers similar in construction and consistent with others posted in the City.

Sec. 102-C-9-23. Street jogs.

Street jogs with centerline offsets of less than 125 feet shall not be permitted.

Sec. 102-C-9-24. Cul-de-sac.

Except where topographic or other conditions make a greater length unavoidable, cul-de-sacs shall not be greater in length than 600 feet. Cul-de-sacs shall be provided at the closed end with a turnaround having a property line radius of at least 50 feet with an outside pavement radius of at least 40 feet.

Sec. 102-C-9-25. Development along major street, limited access highway or railroad right-of-way.

Where a subdivision abuts or contains a major street, a limited access highway, or a railroad right-of-way, the Planning Commission (minor subdivision) or City Council (major subdivision) may require a street approximately parallel to and on each side of such right-of-way either as a marginal access street, or at a distance suitable for an appropriate use of the intervening land, with a nonaccess covenant or reservation. Due regard should be given to requirements for approach grades and future grade separations in determining distances. Such lots shall have no access to a major street, or limited access highway, but only to the access street.

Sec. 102-C-9-26. Alleys.

Alleys may be required at the rear of all lots used for Multifamily, Commercial or Industrial developments. Alleys in residential subdivisions be permitted only when meeting the thoroughfare standards of section 102-C-9-47.

Sec. 102-C-9-27. Reserve strips.

Reserving strips which control access to streets, alleys and public grounds shall not be permitted.

Sec. 102-C-9-28. Easements.

Easements having a minimum width of 10 feet and located along the rear lot lines shall be provided for utility lines and underground mains and cables. The Planning Commission (minor subdivision) or City Council (major subdivision) may require a watercourse easement, the width of which may vary according to the localized conditions.

Sec. 102-C-9-29. Minor streets.

Minor streets shall be so laid out that their use by through traffic will be discouraged.

Sec. 102-C-9-30. Half streets.

Half street rights-of-way shall be prohibited, except where essential to the reasonable development of the subdivision and where it is determined to be practical to require the dedication of the other half when the adjoining property is subdivided, the other half of the street shall be platted with such tract.

Sec. 102-C-9-31. Dead-end streets.

Dead-end streets may be platted where the Planning Commission (minor subdivision) or City Council (major subdivision) deems desirable. Where land adjoins property not subdivided, the streets shall be carried to the boundaries of such property. Temporary turnarounds shall be provided for dead-end streets which are to be extended at a later date.

Sec. 102-C-9-32. Acceptance, opening and improving of streets by City.

The City Council shall not accept, lay out, open, improve, grade, pave, or light any street, or lay any utility lines in any street, which has not attained the status of a public street prior to the effective date of the ordinance from which this Article is derived, unless such street corresponds to the street location shown on an approved sketch plan.

Sec. 102-C-9-33. Street grades.

(1) Maximum and minimum street grades shall be as follows:
    (a) Major streets – Not in excess of five (5) percent.
    (b) State or County collector streets, residential avenues and non-residential avenues – Not in excess of eight (8) percent.
    (c) All other street types – Not in excess of 12 percent.
(2) No street grade shall be less than one-half percent.

Sec. 102-C-9-34. Horizontal curvature.

The minimum radii of centerline curvature shall be as follows:
(1) Major streets – Not less than 800 feet.
(2) State or County collector streets, residential avenues and non-residential avenues –Not less than 200 feet.
(3) All other street types – Not less than 100 feet.

Sec. 102-C-9-35. Tangents.

Between reverse curves, there shall be a tangent having a length not less than the following:

(1) Major streets – 200 feet.

(2) All other street types – 100 feet.

Sec. 102-C-9-36. Vertical alignment.

Vertical alignment shall be such that the following requirements are met:

(1) Major Streets – A sight distance of at least 500 feet at six (6) feet above ground level.
(2) All other street types – A sight distance of at least 200 feet at six (6) feet above ground level.

Sec. 102-C-9-37. Street intersections.

Street intersections shall be as nearly at right angles as possible. No street intersection shall be at an angle of less than 60 degrees.

Sec. 102-C-9-38. Curbline radius.

The curbline radius at street intersections shall be at least 25 feet. Where the angle of street intersection is less than 90 degrees, a longer radius may be required.

Sec. 102-C-9-39. Block lengths and widths.

Block lengths and widths shall be as follows:

(1) Blocks shall not be greater than 1,200 feet or less than 400 feet in length, except in unusual circumstances.

(2) Blocks shall be wide enough to provide two (2) tiers of lots of minimum depths except where abutting upon major streets, limited access highways, or railroads or where other situations make this requirement impracticable.

Sec. 102-C-9-40. Yard and lot sizes.

(1) Residential lots shall meet the lot width and lot area and yard requirements of the zoning regulations set forth in Article IV of Chapter 102-B. Commercial and Industrial lots shall be adequate to provide service areas and off-street parking suitable to use intended as determined by the Zoning Administrator.

(2) Residential corner lots shall have adequate width to meet any building setback requirements from both abutting streets.

Sec. 102-C-9-41. Lot lines.

Insofar as practical, side lot lines shall be at right angles to straight street lines or radial to curved street lines. However, the development review panel may authorize lot configurations and layouts of different configurations, sizes and layouts at the panel's discretion as may be deemed in the best interest of the City. Each lot shall only front upon a thoroughfare designated in the Street Thoroughfare Table in section 102-C-9-47 with the exception of alleys which shall not be permitted to be utilized as a street frontage. Such thoroughfares shall be the connected with the public street system unless an alternative width and configuration is authorized by the Zoning Administrator, or unless otherwise required by the applicable zoning classification.

Sec. 102-C-9-42. Lot arrangement.

(1) Double frontage and reverse 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) Flag lots.

(a) Flag lots are strongly discouraged, however, subdivisions designed with one (1) or more flag lots may be approved where conditions of hardship make standard design or frontage impossible or impractical due to the configuration of the lot to be subdivided. Private thoroughfares are a preferred solution.

(b) The Zoning Administrator shall have due cause to deny any plat that proposes any flag lot, when a reasonable alternative to such lot pattern is available.

(c) If permitted, no flag lot shall be allowed to be platted that has a "panhandle" portion (i.e., the narrow portion of the lot, designed for access rather than designed for building) that is more than 400 feet in length.

(d) If permitted, no flag lot shall abut another flag lot in any subdivision.

(e) If permitted, the Zoning Administrator shall have authority to determine the most feasible application of the requirements for yards, buffers, and setbacks pertaining to the zoning district for such lot.

Sec. 102-C-9-43. Sidewalks.

(1) Sidewalks and streetscapes are to be provided in conformity with the thoroughfare design standards of section 102-C-9-47. Any required sidewalk system within the subdivision must connect to any existing City sidewalk system adjacent to the subdivision development.

(2) Sidewalks shall be unobstructed for a minimum height of eight (8) feet.

(3) Sidewalks shall be designed to meet the construction standards of Chapter 82 of the City Code.

(4) Where newly constructed sidewalks abut narrower existing adjacent sidewalks, the newly constructed sidewalk shall provide an adequate transitional clear zone width for the purposes of providing a safe facilitation of pedestrian traffic flow between the adjacent sidewalks, as approved by the Zoning Administrator.

Sec. 102-C-9-44. Greenspace.

A minimum of 40 percent of the total tract area of any major subdivision shall be provided as greenspace for all developments submitted as residential dwelling uses, but not including multi-family residential dwelling uses. Calculations of greenspace shall be submitted with the application for subdivision and, in addition to the elements of open space listed in section 102-B-5-5, shall be permitted to include all yards, buffers, and landscape zones required elsewhere by the UDO. The greenspace requirement of this section shall not be required of minor subdivision developments.

Sec. 102-C-9-45. Landscaping plan requirements.

For subdivision plans which include 20 or more subdivided lots, there shall be required a streetscape design plan containing not less than the following:

(1) A subdivision decorative entrance of bedded plants or low growth shrubs and monument sign identifying the community, said facilities to be maintained by the homeowners association or developer designee.
(2) Street lighting to be designed and installed at distances and locations approved by the Zoning Administrator. A subdividor may upgrade to a more decorative lighting pole than is required by City specifications but such must be installed to standards established by City.

Sec. 102-C-9-46. Description of thoroughfare types.

The following thoroughfare types are those that are permitted to be constructed as part of new development within the City.

(1) Footpath. A paved or unpaved pedestrian way. Paths should connect directly to sidewalks when present.
(2) Multiuse Trail. A shared-use facility for pedestrians and non-motorized vehicles.
(3) Bike Lanes. Bike lanes are not thoroughfares but are permitted to be built as part of the following thoroughfares: Rural Roads, Residential Streets, Non-residential Streets, Residential Avenues, and Non-residential Avenues.

(4) Lane. A vehicular access way that is rural in character. Lanes are unpaved or lightly paved, and do not require curb and gutters.
(5) Alley. A narrow vehicular access way to the rear of lots providing service areas, parking access and utility easements. Commercial alleys must be paved, residential alleys are recommended as paved.
(6) Road. A local, slow movement thoroughfare suitable for rural and low-density districts. Roads are rural in character, without curbs. Roads are paved.
(7) Residential Street. A slow to medium movement thoroughfare, paved with curb and gutter, suitable for residential areas.
(8) Non-residential Street. A slow to medium movement thoroughfare, paved with curb and gutter, suitable for non-residential areas.
(9) Residential Avenue. A medium movement thoroughfare that connects residential areas to County and State thoroughfares, paved with curb and gutter, suitable for residential areas.
(10) Non-residential Avenue. A medium movement thoroughfare that connects non-residential areas to County and State thoroughfares, paved with curb and gutter, suitable for non-residential areas.
(11) County and State routes. Thoroughfares owned and managed by Troup County or the Georgia Department of Transportation.

Sec. 102-C-9-47. Thoroughfare specifications.

Bike/Ped Thoroughfares Table

Thoroughfare Elements	Width	Buffer From Street	Markings	Streetscape
Footpath	6′ minimum 15′ maximum	N/A	Not required	Not required
Multi-use trail	8′ minimum 15′ maximum	N/A	Not required	Not required
Bike lane - protected	5′ minimum	5′ minimum	Stencil	Not required
Bike lane – paved shoulder	5′ minimum	2′8″ minimum	Optional stencil	Not required

Street Thoroughfares Table

Thoroughfare Elements	Lane	Alley	Road	Residential Street	Non-residential Street	Residential Avenue	Non-residential Avenue
Design Speed (max)	10 MPH	10 MPH	35 MPH	25 MPH	25 MPH	30 MPH	30 MPH
Number of Travel Lanes	1 or 2	2	2	2	2	4	6
Pavement Width (min/max)	8′/24′	20′	24/30′	24′/50′	24′/50′	48′/85′	60′/115′
Right-of-Way Width (min/max)	8′/24′	10′/20′	24′/40′	34′/60′	44′/60′	68′/105′	80′/135′
Parking Lane Allowance	Not allowed	Not allowed	Not allowed	Yes on both sides	Yes on both sides	Yes on both sides	Yes on both sides
Curb Requirement	No	No	No	Yes	Yes	Yes	Yes
Street Tree Zone Requirement (min)	No	No	No	5′ on both sides	5′ on both sides	5′ on both sides	5′ on both sides
Sidewalk Requirement (min)	No	No	No	5′ on both sides	5′ on both sides	5′ on both sides	5′ on both sides

(1) The Thoroughfare Tables state the dimensional requirements for each thoroughfare type.

(2) The right-of-way width shall be the distance across a street from property line to property line.

(3) Where a subdivision abuts a public road or street which is less than 60 feet in width, the developer shall dedicate additional land to provide a width of 30 feet on the adjacent side of the centerline. Where a subdivision is traversed by a public road or street less than 60 feet in width, the developer shall dedicate additional land to provide a width of 30 feet on both sides of the centerline. Nothing in this subsection shall be construed to obligate the City or developer to improve such road or street.

(4) Approval may be denied on a proposed subdivision where the Planning Commission and/or the City Council deem a public road to the subdivision as being inadequate due to right-of-way width or construction until such time as the road has been brought up to City standards.

(5) Thoroughfares incorporating on-street parking lanes shall provide a minimum of nine (9) feet for such on-street parking lane areas.

(6) The requirements of this section shall not apply to thoroughfares owned and maintained by the County or State.

(7) Street tree zones shall meet the following additional regulations:

(a) One (1) tree shall be planted for every 40 linear feet of length of street frontage, or portion thereof.

(b) All newly planted trees planted within the street tree zone shall be selected from section 102-C-8-11 Tree Species List and shall be approved by the Zoning Administrator.

(c) Trees shall be planted a minimum of three (3) inches in caliper measured 36 inches above ground, shall be a minimum of 12 feet in height, shall have a minimum mature height of 40 feet, and shall be limbed up to a minimum height of seven (7) feet. Trees shall have a minimum planting area of 32 square feet.

(d) The remaining ground area of the street tree zone shall be sodded, seeded, or hydroseeded with grass, and/or planted with groundcover species and/or provided with other landscaping material, or any combination thereof and shall be approved by the Zoning Administrator.

Sec. 102-C-9-48. Required improvements.

(1) In every subdivision, the following street improvements and utilities shall be planned for and provided by the subdivider, by installation and/or payment, prior to the approval of the final plat:
   (a) Street base and paving requirements shall be in accordance with City or State requirements.
   (b) Where a public sanitary sewer is within 400 feet of the subdivision at its nearest point and connection by gravity flow is feasible, the subdivider shall connect with such sanitary sewer and provide a connection for each lot. The size of the mains shall be at least eight inches. The subdivider shall be responsible for the costs to existing facilities. Where sanitary sewers are not available, oxidation pond, septic tank, or other disposal device designed and installed according to the health department may be permitted.
   (c) Where a public water main is within 400 feet of the subdivision at its nearest point, the subdivider shall connect with such water main. In such cases, mains of at least six inches shall be required. The subdivider shall be responsible for the costs of all taps and extensions to existing facilities. Where an adequate public water supply is not reasonably accessible as determined by the Planning Commission, the subdivider shall provide evidence of an individual water supply to be approved by the health department.
   (d) A maintenance bond or other surety shall be furnished to the City which shall name the City as a principal equally with the owner and shall be worded to include in its coverage a one-year maintenance warranty period following acceptance of the improvements by the City.
(2) All utilities to be installed in the streets shall be placed and compacted prior to paving.

Sec. 102-C-9-49. Surety for completion of improvements.

In lieu of the completion of the required improvements in a subdivision, the subdivider may deposit surety for the completion of such improvements and present a final plat for approval.

(1) Requirements. To ensure the construction and installation of required improvements, the subdivider shall deliver to the City Council a certified check, surety bond and other acceptable security in such aggregate amount as is estimated by the City Council to be the total cost of the construction and installation of all public improvements which are the responsibility of the subdivider.

(2) Conditions. Bond or other surety posted shall run to the City and provide that the subdivider, his/her heirs or successors and assigns, and their agents and servants, will comply with applicable terms, conditions, provisions and requirements of this Article and any other applicable requirements; will faithfully perform and complete the work of constructing and installing such facilities or improvements in accordance with this Article and any other applicable requirements; and that the subdivider shall be responsible to the City for any unnecessary expense incurred through the failure of the subdivider, his/her heirs, successors and assigns, or their agent or servants, to complete the work of such construction in an acceptable manner, and from any damage growing out of negligence in performing or failing to perform such construction and installation. Before acceptance, any surety shall be approved by the 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. Bond and/or other surety posted pursuant to this Article shall be released or returned, as the case may be, at such time as the facilities guaranteed thereby have been installed and accepted. 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 and have been maintained by the developer for a period of one year.

(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 three months after substantial completion of any building or structure which such improvements or facilities are designed to serve, or within two years after the date of recording of the final plat, whichever is sooner, or if such construction or installation is not in accordance with the applicable specifications and requirements, then the proceeds from such surety deposits shall be used to pay for such work. Such work may be done under contract or by the 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 final plat is recorded subsequent to the installation of the required improvements:
"I hereby certify that a security bond or certified check in the amount of $ _____ has been received to assure completion of all required improvements in the subdivision plat attached hereto in the event of default by the developer."

_____ , 20___
Date

_____
Signature
Mayor
City of Hogansville

Sec. 102-C-9-50. Variances and waivers.

(1) Where the Planning Commission finds that extraordinary and unnecessary hardships may result from strict compliance with this Article, it may recommend a variance to the regulations so that substantial justice may be done and the public interest secured; provided that such variations will not

have the effect of nullifying the intent and purpose of the master plan, or of other regulations of this UDO, if any such potential exists.

(2) Where the Planning Commission finds that, due to the special circumstances of a particular plat, the provision of certain required improvements is not requisite in the interest of the public health, safety and general welfare or is inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the proposed subdivision, it may recommend waiver of such requirements subject to appropriate conditions.

(3) In granting variances and modifications, the City Council shall consider the recommendations of the Planning Commission, and shall require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so varied or modified.

ARTICLE X. BUILDINGS AND BUILDING REGULATIONS

Sec. 102-C-10-1. Duties and responsibilities of City Manager or his/her designated representative.

(1) Primary administration and enforcement of construction codes is vested in the City Manager, who may appoint one (1) or more building inspectors and delegate such functions as the manager, in his/her discretion, deems appropriate. In the event more than one (1) building inspector is employed, the manager may designate a chief building inspector to administratively head the department of building and code enforcement. The manager, and his/her designated representatives, shall have and exercise the following duties and responsibilities in the enforcement of State minimum standard codes and any other codes adopted by the City:

(a) To interpret, enforce, and administer the State minimum standard codes within the City in accordance with the provisions and procedural requirements of this Article;

(b) To inspect all existing buildings and structures as required by such codes and to permit and inspect new construction and the renovation, alteration, modification and repairs to existing structures to assure compliance with applicable State minimum code standards;

(c) Under the budget and personnel regulations of said City, to employ inspectors and other personnel necessary for the proper enforcement of such codes and to provide for the authority, functions, and duties of such inspectors;

(d) To bring enforcement actions, prosecute complaints and citations in the appropriate court and to appeal those decisions adverse to the best interest of the City;

(e) To study and make recommendations to the City Council as to ordinances relating to the administration and enforcement of State minimum standard codes; and

(f) To perform all other duties and functions imposed upon the chief administrative officer, by whatever name or title referred, in the State minimum standard codes.

(2) The duties and responsibilities of the manager and his/her designated representatives, as set forth in this section, may, by contract approved by the City Council, be exercised and performed by an independent contractor or by a designated representative of any County or other municipal corporation of this State. Upon approval of such contract, the acts of such contractor shall be deemed the acts of the City as if fully performed by the City, its officers and employees.

Sec. 102-C-10-2. Limitation of liability for code enforcement; no special duty created.

It is the intent of this Article to protect the public health, life safety and general welfare of properties and occupiers of buildings and structures within the City in general, but not to create any special duty or relationship with any individual person or to any specified property within or without the boundaries of the City. Approval of a permit and inspection of a property shall in no manner guarantee or warrant to the owner or occupants thereof that said property has been constructed, maintained, or operated in conformance with applicable codes, laws and regulations. The City reserves the right to assert all available immunities and defenses in any action seeking to impose monetary damages upon the City, its officers, employees and agents arising out of any alleged failure or breach of duty or relationship as may now exist or hereafter be created. To the extent any Federal or State law, regulation, or ordinance requires compliance as a condition precedent to the issuance of a permit, plan or design approval, inspection or other activity by the City, its officers, employees and agents, issuance of such permit, approval, or inspection shall not be deemed to constitute a waiver or estoppel of the condition precedent, and it

shall remain the obligation and responsibility of the owner, his/her design professional(s), and contractor(s) to satisfy such legal requirements.

Sec. 102-C-10-3. Building codes adopted.

(1) The following codes, pursuant to O.C.G.A. § 8-2-25, have mandatory Statewide application and shall be enforced by the City Manager or his/her designated representative, to-wit:

(a) International Building Code (ICC);

(b) National Electrical Code (NFPA);

(c) International Fuel Gas Code (ICC);

(d) International Mechanical Code (ICC);

(e) International Plumbing Code (ICC);

(f) International Residential Code for One- and Two-Family Dwellings (ICC);

(g) International Energy Code Conservation Code (ICC);

(h) International Fire Code (ICC); and

(i) International Swimming Pool and Spa Code (ISPSC).

Which codes have mandatory statewide application and do not require adoption by local ordinance, shall be enforced by the City Manager, his/her designated representative, or designee(s) thereof, in accordance with the procedures hereinafter set forth.

(2) The following optional codes are hereby adopted within the City pursuant to O.C.G.A. § 8-2-25, to-wit: International Property Maintenance Code (ICC).

(a) The codes referenced within this section shall mean the current edition of such codes as approved by the State department of community affairs, and shall include the State amendments promulgated by the department of community affairs and any local amendments approved by said body.

Sec. 102-C-10-4. Findings of the existence of nuisance structures.

(1) The governing authority of the City finds and declares that within the corporate limits of the City there is the existence or occupancy of dwellings or other buildings or structures which are unfit for human habitation or for commercial, industrial, or business occupancy or use and are not in compliance with applicable State minimum standard codes as adopted by ordinance or operation of law or any optional building, fire, life safety, or other codes relative to the safe use of real property and real property improvements adopted by ordinance to be in force within the City; or general nuisance law and which constitute a hazard to the health, safety, and welfare of the people of the City and the State; and that the public necessity exists for the repair, closing, or demolition of such dwellings, buildings, or structures.

(2) It is further found and declared that within the corporate limits of the City where there is in existence a condition or use of real estate which renders adjacent real estate unsafe or inimical to safe human habitation, such use is dangerous and injurious to the health, safety, and welfare of the people of the City and a public necessity exists for the repair of such condition or the cessation of such use which renders the adjacent real estate unsafe or inimical to safe human habitation. Moreover, the City Council find that there exist in the City dwellings, buildings, or structures which are unfit for human habitation or for commercial, industrial, or business uses due to dilapidation and which are not in compliance with applicable codes; which have defects increasing the hazards of fire, accidents, or other calamities; which lack adequate ventilation, light, or sanitary facilities; or other conditions exist rendering such dwellings, buildings or structure unsafe or unsanitary, or dangerous or detrimental to the health, safety, or welfare, or otherwise inimical to the welfare of the residents of the City, or vacant, dilapidated dwellings, buildings, or structures in which drug crimes are being committed. Finally, it is the intent of the governing authority to invoke the procedures hereafter codified for private property which constitutes an endangerment to

the public health or safety as a result of unsanitary or unsafe conditions to those persons residing or working in the vicinity of the property.

Sec. 102-C-10-5. Nuisance abatement procedures.

Continued use of other laws and ordinances. It is the intent of the City Council that nothing in this Article shall be construed to abrogate or impair the powers of the courts or of any department of the City to enforce any provisions of any local enabling act, charter, ordinance or regulation nor to prevent or punish violations thereof; and the powers conferred by this Article shall be in addition to and supplemental to the powers conferred by any other law or ordinance, legislation, or regulation.

Sec. 102-C-10-6. Procedures; notice; hearing; appeal.

(1) Whenever a request is filed with the public officer by a public authority or by at least five (5) residents of the City charging that any dwelling, building, or structure is unfit for human habitation or for commercial, industrial, or business use and not in compliance with applicable codes; is vacant and being used in connection with the commission of drug crimes; or constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions, the public officer shall make an investigation or inspection of the specific dwelling, building, structure, or property. If the officer's investigation or inspection identifies that any dwelling, building, structure, or property is unfit for human habitation or for commercial, industrial, or business use and not in compliance with applicable codes; is vacant and being used in connection with the commission of drug crimes; or constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions, the public officer may issue a complaint in rem against the lot, tract, or parcel of real property on which such dwelling, building, or structure is situated or where such public health hazard or general nuisance exists and shall cause summons and a copy of the complaint to be served on

the interested parties in such dwelling, building, or structure. The complaint shall identify the subject real property by appropriate street address and official tax map reference; identify the interested parties; state with particularity the factual basis for the action; and contain a statement of the action sought by the public officer to abate the alleged nuisance. The summons shall notify the interested parties that a hearing will be held before the municipal court, at a date and time certain and at a place within the City where the property is located. Such hearing shall be held not less than 15 days nor more than 45 days after the filing of said complaint in court. The interested parties shall have the right to file an answer to the complaint and to appear in person or by attorney and offer testimony at the time and place fixed for hearing

(2) If after such notice and hearing, the court determines that the dwelling, building, or structure in question is unfit for human habitation or is unfit for its current commercial, industrial, or business use and not in compliance with applicable codes; is vacant and being used in connection with the commission of drug crimes; or constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions, the court shall state in writing findings of fact in support of such determination and shall issue and cause to be served upon the interested parties that have answered the complaint or appeared at the hearing an order:

(a) If the repair, alteration, or improvement of the said dwelling, building, or structure can be made at a reasonable cost in relation to the present value of the dwelling, building, or structure, requiring the owner, within the time specified in the order, to repair, alter, or improve such dwelling, building, or structure so as to bring it into full compliance with the applicable codes relevant to the cited violation and, if applicable, to secure the structure so that it cannot be used in connection with the commission of drug crimes;

(b) If the repair, alteration, or improvement of the said dwelling, building, or structure in order to bring it into full compliance with applicable codes relevant to the cited violations cannot be made at a reasonable cost in relation to the present value of the dwelling, building, or structure, requiring the owner, within the time specified in the order, to demolish and remove such dwelling, building, or structure and all debris from the property;

(c) For purposes of this Article, the court shall make its determination of reasonable cost in relation to the present value of the dwelling, building or structure without consideration of the value of the land on which the structure is situated; provided, however; that costs of the preparation necessary to repair, alter, or improve a structure may be considered. Income and financial status of the owner shall not be factored in the court's determination. The present value of the structure and the costs of repair, alteration, or improvement may be established by affidavits of real estate appraisers with a Georgia appraiser classification as provided in O.C.G.A. tit. 31, ch. 39A, qualified building contractors, or qualified building inspectors without actual testimony presented. Costs of repair, alteration, or improvement of the structure shall be the cost necessary to bring the structure into compliance with the applicable codes relevant to the cited violations in force in the jurisdiction.

(3) If the owner fails to comply with an order to prepare or demolish the dwelling, building or structure, the public officer may cause such dwelling, building, or structure to be repaired, altered, or improved, or to be vacated and closed, or demolished. Such abatement shall commence within 270 days after the expiration of time specified in the order for abatement by the owner. Any time during which such action is prohibited by a court order issued pursuant to O.C.G.A. § 41-2-13 or any other equitable relief granted by the court of competent jurisdiction shall not be counted toward the 270 days in which such abatement action must commence. The public officer shall cause to be posted on the main entrance of the dwelling, building or

structure a placard with the following words:
"This building is unfit for human habitation or commercial, industrial, or business use and does not comply with the applicable codes or has been ordered secured to prevent its use and connection with drug crimes or constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions. The use or occupation of this building is prohibited and unlawful."

(4) If the public officer has the structure demolished, reasonable effort shall be made to salvage reusable materials for credit against the cost of demolition. The proceeds of any monies received from the sale of salvaged materials shall be used or applied against the cost of the demolition and removal of the structure, and proper records shall be kept showing application of sales proceeds. Any such sale of salvaged materials may be made without the necessity of public advertisement and bid. The public officer and the City are relieved of any and all liability resulting from or occasioned by the sale of any such salvaged materials, including, without limitation, defects in such salvaged materials; and

(5) The amount of the cost of demolition, including all court costs, appraisal fees and administrative costs incurred by the municipal tax collector or City revenue officer, and all other costs necessarily associated with the abatement action, including restoration to grade of the real property after demolition, shall be a lien against the real property upon which such cost was incurred.

(a) The lien provided for in subsection (5) of this section shall attach to the real property upon the filing of a certified copy of the order requiring repair, closure or demolition in the office of the clerk of superior court of the County and shall relate back to the date of the filing of the lis pendens notice required under section 102-C-10-6(4). The clerk of superior court shall record and index such certified copy of the order in the deed records of the County and enter the lien on the general execution docket. The lien shall be superior to all other liens on the

property, except liens for taxes to which the lien shall be inferior, and shall continue in force until paid.

(b) Upon final determination of costs, fees and expenses incurred in accordance with this Article, the public officer responsible for enforcement actions in accordance with this Article shall transmit to the appropriate municipal tax collector or City revenue officer a statement of the total amount due and secured by said lien, together with copies of all notices provided to interested parties. The statement of the public officer shall be transmitted within 90 days of completion of the repairs, demolition or closure. It shall be the duty of the appropriate municipal tax collector or City revenue officer, whose duties include the collection of municipal taxes, to collect the amount of the lien using methods available for collecting real property ad valorem taxes, including specifically O.C.G.A. tit. 48, ch. 4, provided, however, that the limitation of O.C.G.A. § 48-4-78 which requires 12 months of delinquency before commencing a tax foreclosure shall not apply. The municipal tax collection or City revenue officer shall remit the amount collected to the governing authority of the City.

(c) Enforcement of liens pursuant to this Article may be initiated at any time following receipt by the municipal tax collector or City revenue officer of the final determination of costs in accordance with this Article. The unpaid lien amount shall bear interest and penalties from and after the date of final determination of costs in the same amount as applicable to interest and penalties on unpaid real property ad valorem taxes. An enforcement proceeding pursuant to O.C.G.A. § 48-4-78 for delinquent ad valorem taxes may include all amounts due under this Article.

(d) The redemption amount of any enforcement proceeding pursuant to this section shall be the full amount of costs as finally determined in accordance with this section together with interest, penalties and costs incurred by the governing authority, municipal tax collector or City

revenue officer in the enforcement of such lien. Redemption of property from the lien may be made in accordance with the provisions of O.C.G.A. §§ 48-4-80 and 48-4-81.

(6) Where the abatement action does not commence in the superior court, review of a court order requiring the repair, alteration, improvement, or demolition of a dwelling, building, or structure shall be by direct appeal to the superior court under O.C.G.A. § 5-3-29.

Sec. 102-C-10-7. Standards; powers; service of complaints.

(1) The public officer may determine, under existing ordinances, that a dwelling, building, or structure is unfit for human habitation or is unfit for its current commercial, industrial, or business use if he/she finds that conditions exist in such building, dwelling, or structure which are dangerous or injurious to the health, safety, or morals of the occupants of such dwelling, building, or structure; of the occupants of neighborhood dwelling, buildings, or structures; or of other residents of the City. Such conditions may include the following (without limiting the generality of the foregoing):

(a) Defects therein increasing the hazards of fire, accidents or other calamities;

(b) Lack of adequate ventilation, light, or sanitary facilities;

(c) Dilapidation;

(d) Disrepair;

(e) Structural defects;

(f) Uncleanliness; and

(g) Other additional standards which may from time to time by adopted and referenced herein by ordinance amendment.

The public officer may determine, under existing ordinances, that a dwelling, building, or structure is vacant, dilapidated, and being used in connection

with the commission of drug crimes based upon personal observation or report of a law enforcement agency and evidence of drug crimes being committed.

(2) The public officer(s) designated in this Article shall have such powers as may be necessary or convenient to carry out the purposes of this ordinance, including the following powers:

(a) To investigate the dwelling conditions in the City in order to determine which dwellings, building, or structures therein are unfit for human habitation or are unfit for current commercial, industrial, or business use or are vacant, dilapidated, and being used in connection with the commission of drug crimes;

(b) To administer oaths and affirmations, to examine witnesses, and to receive evidence;

(c) To enter upon premises for the purpose of making examinations; provided, however, that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession;

(d) To appoint and fix the duties of such officers, agents, and employees as he or she deems necessary to carry out the purposes of this Article; and

(e) To delegate any of his/her functions and powers under this Article to such officers and agents as he or she may designate.

(3) Service of complaints.

(a) Complaints issued by a public officer pursuant to this Article shall be served in the following manner. At least 14 days prior to the date of the hearing, the public officer shall mail copies of the complaint by certified mail or statutory overnight delivery, return receipt requested, to all interested parties whose identity and address are reasonably ascertainable. Copies of the complaint shall also be mailed by first class mail to the attention of the occupants of the property, if any, and shall be

posted on the property within three (3) business days of filing the complaint and at least 14 days prior to the date of the hearing.

(b) For interested parties whose mailing address is unknown, a notice stating the date, time and place of the hearing shall be published in the newspaper in which the sheriff's advertisements appear in Troup County once a week for two (2) consecutive weeks prior to the hearing.

(4) A notice of lis pendens shall be filed in the office of the clerk of superior court in the County in which the dwelling, building, or structure is located at the time of filing the complaint in the appropriate court. Such notice shall have the same force and effect as other lis pendens notices provided by law.(e)As provided by O.C.G.A. § 41-2-13, any person affected by an order issued by the public officer may petition to the superior court for an injunction restraining the public officer from carrying out the provisions of the order and the court may, upon such petition, issue a temporary injunction restraining the public officer pending the final disposition of the cause; provided, however, that such person shall present such petition to the court within 15 days of the posting and service of the order of the public officer. De novo hearings shall be had by the court on petitions within 20 days. The court shall hear and determine the issues raised and shall enter such final order or decree as law and justice may require; provided, however, that it shall not be necessary to file bond in any amount before obtaining a temporary injunction under this section.

(5) Orders and other filings made subsequent to service of the initial complaint and hearing shall be served in the manner provided in this section on any interested party who answers the complaint or appears at the hearing. Any interested party who fails to answer or appear at the hearing shall be deemed to have waived all further notice in the proceedings.

Sec. 102-C-10-8. Blighted Property Regulations, Purpose.

(1) The existence of real property which is maintained in a blighted condition increases the burden of the State and local government by increasing the need for government services, including but not limited to social services, public safety services, and code enforcement services. Rehabilitation of blighted property decreases this need for such government services.

(2) In furtherance of its objective to eradicate conditions of slum and blight within the City, this governing authority, in exercise of the powers granted to municipal corporations at O.C.G.A. tit. 36, ch. 61, Urban redevelopment, has designated those areas of the City where conditions of slum and blight are found or are likely to spread.

(3) In recognition of the need for enhanced governmental services and in order to encourage private property owners to maintain their real property and the buildings, structures and improvement thereon in good condition and repair, and as an incentive to encourage community redevelopment, a community redevelopment tax incentive program is hereby established as authorized by Article IX, Section II, Paragraph VII(d) of the 1983 Constitution of the State of Georgia.

Sec. 102-C-10-9. Ad valorem tax increase on blighted property.

(1) There is hereby levied on all real property within the City which has been officially identified as maintained in a blighted condition an increased ad valorem tax by applying a factor of seven (7) to the millage rate applied to the property, so that such property shall be taxed at a higher millage rate generally applied in the municipality, or otherwise provided by general law; provided, however, real property on which there is situated a dwelling house which is being occupied as the primary residence of one or more persons shall not be subject to official identification as maintained in a blighted condition and shall not be subject to increased taxation.

(2) Such increased ad valorem tax shall be applied and reflected in the first tax bill rendered following official designation of a real property as

blighted.(c)Revenues arising from the increased rate of ad valorem taxation shall, upon receipt, be segregated by the City Manager and used only for community redevelopment purposes, as identified in an approved urban redevelopment program, including defraying the cost of the City's program to close, repair, or demolish unfit building and structures.

Sec. 102-C-10-10. Identification of blighted property.

(1) In order for a parcel of real property to be officially designated as maintained in a blighted condition and subject to increased taxation, the following steps must be completed:

(a) An inspection must be performed on the parcel of property. In order for an inspection to be performed,

(i) A request may be made by the public officer or by at least five residents of the City for inspection of a parcel of property, said inspection to be based on the criteria as delineated in ordinance, or

(ii) The public officer may cause a survey of existing housing conditions to be performed, or may refer to any such survey conducted or finalized within the previous five years, to locate or identify any parcels which may be in a blighted condition and for which a full inspection should be conducted to determine if that parcel of property meets the criteria set out in this Article for designation as being maintained in a blighted condition.

(b) A written inspection report of the findings for any parcel of property inspected pursuant to subsection (a) above shall be prepared and submitted to the public officer. Where feasible, photographs of the conditions found to exist on the property on the date of inspection shall be made and supplement the inspection report. Where compliance with minimum construction, housing, occupancy, fire and life safety codes in effect within the City are in question, the inspection shall be conducted

by a certified inspector possessing the requisite qualifications to determine minimal code compliance.

(c) Following completion of the inspection report, the public officer shall make a determination, in writing, that a property is maintained in a blighted condition, as defined by this Article, and is subject to increased taxation.

(d) The public officer shall cause a written notice of his/her determination that the real property at issue is being maintained in a blighted condition to be served upon the person(s) shown on the most recent tax digest of Troup County as responsible for payment of ad valorem taxes assessed thereon; provided, however, where through the existence of reasonable diligence it becomes known to the public officer that real property has been sold or conveyed since publication of the most recent tax digest, written notice shall be given to the person(s) known or reasonably believed to then own the property or be chargeable with the payment of ad valorem taxes thereon, at the best address available. Service in the manner set forth at O.C.G.A. § 41-2-12 shall constitute sufficient notice to the property's owner or person chargeable with the payment of ad valorem taxes for purpose of this section, except that posting of the notice on the property will not be required.

(2) The written notice given to the person(s) chargeable with the payment of ad valorem taxes shall notify such person of the public officer's determination the real property is being maintained in a blighted condition and shall advise such person of the hours and location at which the person may inspect and copy the public officer's determination and any supporting documentation. Persons notified that real property of which the person(s) is chargeable with the payment of ad valorem taxes shall have 30 days from the receipt of notice in which to request a hearing before the City's municipal court. Written request for hearing shall be filed with the public officer and shall be date stamped upon receipt. Upon receipt of a request for hearing, the public

officer shall notify the municipal court and the building inspector or person who performed the inspection and prepared the inspection report.

(3) Within 30 days of the receipt of a request for hearing, the municipal court clerk shall set a date, time and location for the hearing and shall give at least ten business days' notice to the person(s) requesting the hearing, the public officer and the building inspector or person who performed the inspection and prepared the inspection report. Notice of scheduled hearings shall be published as a legal advertisement in the legal organ for Troup County, Georgia, at least five (5) days prior to the hearing. Hearings may be continued by the municipal court judge upon request of any party, for good cause.

(4) At the hearing, the public officer shall have the burden of demonstrating by a preponderance of the evidence that the subject property is maintained in a blighted condition, as defined by this Article. The municipal court judge shall cause a record of the evidence submitted at the hearing to be maintained. Upon hearing from the public officer and/or their witnesses and the person(s) requesting the hearing and/or their witnesses, the judge of municipal court shall make a determination either affirming or reversing the determination of the public officer. The determination shall be in writing and copies thereof shall be served on the parties by certified mail or statutory overnight delivery. The determination by the court shall be deemed final. A copy of such determination shall also be served upon the tax commissioner of Troup County, who shall include the increased tax on the next regular tax bill rendered on behalf of the City.

(5) Persons aggrieved by the determination of the court affirming the determination of the public officer may petition the superior court of Troup County for a writ of certiorari within 30 days of issuance of the court's written determination.

Sec. 102-C-10-11. Remediation or redevelopment.

(1) A property owner or person(s) who is chargeable with the payment of ad valorem taxes on real property which has been officially designated pursuant to this Article as property maintained in a blighted condition may petition the public officer to lift the designation, upon proof of compliance with the following:

(a) Completion of work required under a plan of remedial action or redevelopment approved by the Zoning Administrator which addresses the conditions of blight found to exist on or within the property, including compliance with all applicable minimum codes; or

(b) Completion of work required under a court order entered in a proceeding brought pursuant to Article 14, Article III, Unsafe or unfit buildings or structures.

(2) Before action on a petition to lift the designation, the public officer shall cause the property to be thoroughly inspected by a building inspector who, by written inspection report, shall certify that all requisite work has been performed to applicable code in a workmanlike manner, in accordance with the specifications of the plan of remedial action or redevelopment, or applicable court order. Upon finding required work to be satisfactorily performed, the public officer shall issue a written determination that the real property is no longer maintained in a blighted condition. Copies of this determination shall be served upon the person(s) chargeable with the payment of ad valorem taxes, and upon the tax commissioner of Troup County.

(3) All plans for remedial action or redevelopment shall be in writing, signed by the person(s) chargeable with the payment of ad valorem taxes on the real property and the Zoning Administrator, and contain the following:

(a) The plan shall be consistent with the City's Comprehensive Plan and all laws and ordinances governing the subject property, and shall conform to any urban redevelopment plan adopted for the area within which the property lies;

(b) The plan shall set forth in reasonable detail the requirements for repair, closure, demolition, or restoration of existing structures, in accordance with minimal Statewide codes; where structures are demolished, the plan shall include provisions for debris removal, stabilization and landscaping of the property;

(c) On parcels of five acres or greater, the plan shall address the relationship to local objectives respecting land uses, improved traffic, public transportation, public utilities, recreational and community facilities, and other public improvements;

(d) The plan shall contain verifiable funding sources which will be used to complete its requirements and show the feasibility thereof;

(e) The plan shall contain a timetable for completion of required work; and

(f) Any outstanding ad valorem taxes (State, school, County and City, including the increased tax pursuant to this Article) and governmental liens due and payable on the property must be satisfied in full.

Sec. 102-C-10-12. Decrease of tax rate.

(1) Real property which has had its designation as maintained in a blighted condition removed by the public officer, as provided in section 102-C-10-9, Identification of blighted property, shall be eligible for a decrease in the rate of City ad valorem taxation by applying a factor of 0.5 to the City millage rate applied to the property, so that such property shall be taxed at a lower millage rate than the millage rate generally applied in the municipality or otherwise provided by general law; such decreased rate of taxation shall be applied beginning with the next tax bill rendered following removal of official designation of a real property as blighted. The decreased rate of taxation may be given in successive years, depending on the amount of cost expended by the person(s) chargeable with payment of ad valorem taxes on the property to satisfy its remediation or redevelopment, with every

$25,000.00 or portion thereof equaling one year of tax reduction; provided, however, that no property shall be entitled to reduction in City ad valorem taxes for more than four successive years.

(2))In order to claim entitlement for a decreased rate of taxation, the person(s) chargeable with payment of ad valorem taxes on the property shall submit a notarized affidavit to the public officer, supported by receipts or other evidence of payment, of the amount expended.

Sec. 102-C-10-13. Notice to tax commissioner.

It shall be the duty of the public officer to notify the tax commissioner of Troup County in writing as to designation or removal of designation of a specific property as maintained in a blighted condition. Such notice shall identify the specific property by street address and tax map, block and parcel number, as assigned by the Troup County tax assessor's office. The public officer shall cooperate with the tax commissioner to assure accurate tax billing of those properties subject to increased or reduced ad valorem taxation under this Article.

Sec. 102-C-10-14. Vacant and foreclosed property regulations.

(1) The governing authority finds that there is a need to establish a foreclosure and vacant real property as a mechanism to protect property values in neighborhoods for all property owners.

(2) Due to the lack of adequate maintenance and security of properties that are foreclosed or where ownership has been transferred after foreclosure, the property values and quality of life of neighboring properties are negatively impacted.

(3) Improperly maintained and secured foreclosed properties can become a hazard to the health and safety of persons who may come on or near the property and can adversely affect the aesthetic and economic attributes of

communities. Difficulties also often arise in locating the person responsible for the condition of foreclosed real property. The governing authority finds that there is a substantial need directly related to the public health, safety and welfare to comprehensively address these concerns through the adoption of the provisions in this Article.

(4) This foreclosure and vacant real property registry will require owners and agents to provide the City with official information for contacting a party responsible for bringing foreclosed and vacant real property into compliance with applicable provisions of this Code.

Sec. 102-C-10-15. Registration of vacant or foreclosed property.

(1) Owner or agents of foreclosed real property or vacant real property, including foreclosed real property and vacant real property which is also residential rental property, are required to register such property with the City Clerk within 30 days of such property becoming foreclosed or vacant real property by following the provisions of this section unless otherwise exempted by this Article or State law.

(2) Any such owner or agent of foreclosed real property or vacant real property located within the jurisdiction of the City is required to file with the City Clerk a registration form in paper or electronic format. If the State department of community affairs has promulgated a standard vacant or foreclosed real property registry form the owner or agent shall use such form and the City shall only require use of such form. If the State department of community affairs has not promulgated such form the City may create its own form, but such form shall only require submission of the following information:

   (a) The real property owner's name, street address, mailing address, phone number, facsimile number, and e-mail address;

   (b) The agent's name, street address, mailing address, phone number, facsimile number, and e-mail address;

(c) The real property's street address and tax parcel number;

(d) The transfer date of the instrument conveying the real property to the owner; and

(e) At such time as it becomes available, recording information, including deed book and page numbers, of the instrument conveying the real property to the owner.

(3) Registration is required for all vacant or foreclosed real property unless otherwise exempted, pursuant to this Article, but is not required for vacant or foreclosed real property within 90 days of such real property's transfer:

(a) Pursuant to a deed under power of sale or deed in lieu of foreclosure, or

(b) To the first subsequent transferee after the vacant real property has been acquired by foreclosure under power of sale pursuant to the O.C.G.A. § 44-14-160, or acquired pursuant to a deed in lieu of foreclosure.

(4) Any owner or agent required to register any vacant or foreclosed real property pursuant to this Article or to Georgia law shall also be required to update the information specified in subsection (a) within 30 days after any change in such required information regardless of whether the information provided to the registry was in the deed under power of sale or deed in lieu of foreclosure.

Sec. 102-C-10-16. Foreclosed and vacant real property exemptions.

(1) Registration or payment of any administrative fees of foreclosed real property pursuant to this Article and State law is not required of transferees as described in subsection (2).

(2) Any transferee who acquires any real property by foreclosure under power of sale pursuant to the O.C.G.A. § 44-14-160 or acquires any real property pursuant to a deed in lieu of foreclosure and:

(a) The deed under power of sale or deed in lieu of foreclosure contains the information specified in section 102-C-10-15(2);

(b) The deed is filed with the clerk of the superior court within 60 days of the transfer; and

(c) Proof of the following is provided to the office or the officer in charge of the City foreclosed real property registry:

(i) A filing date stamp or receipt showing payment of the applicable filing fees; and

(ii) The entire deed under power of sale or entire deed in lieu of foreclosure.

(3) Any owner or agent required to register any vacant or foreclosed real property pursuant to this Article or to State law shall also be required to update the information specified in subsection (a) within 30 days after any change in such required information regardless of whether the information provided to the registry was in the deed under power of sale or deed in lieu of foreclosure.

Sec. 102-C-10-17. Removal from registry.

(1) Any owner or agent of a vacant or foreclosed real property may apply to the City to remove a vacant or foreclosed real property from the City registry when the real property no longer constitutes a vacant or foreclosed real property.

(2) Any application for removal allowed under subsection (a) shall be granted or denied by the City Clerk within 30 days, and if no such determination is made within 30 days then the application for removal from the registry shall be deemed granted.

Sec. 102-C-10-18. Appeal procedures.

(1) Any owner or agent aggrieved of any determination or decision of the City Clerk or the City in the administration of this Article may appeal to the municipal court of the City. All appeals hereunder must be taken within 30 days of the decision in question by filing with the municipal court clerk a notice of appeal specifying the grounds thereof.

(2) The City Clerk shall forthwith transmit to the notice of appeal and all the papers constituting the record upon which the action appealed was taken to the municipal court clerk who shall schedule an appeal hearing within 60 days following the date the appealing party submits its completed written appeal with subsection (1) above.

(3) The municipal court judge may call for further information to be provided within the next 35 days following the hearing and may continue the hearing for receiving such information or for such other proceedings and reasons as the municipal court judge deems appropriate.

(4) An appeal shall stay all proceedings in furtherance of the action appealed from unless the City Clerk certifies to the municipal court, after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate a stay would, in his/her opinion, cause imminent peril to life or property. In such case, the proceedings shall not be stayed except by order of the municipal court judge on notice to the City Clerk, and on due cause shown.

(5) The municipal court judge may, in conformity with the provisions of this Article, reverse or affirm, in whole or in part, or modify the decision, requirement, or determination of the City Clerk appealed from by the owner or agent and may make such decision, requirement, or determination, as may be appropriate under the circumstances.

Sec. 102-C-10-19. Administration.

(1) The foreclosure and vacant real property registry is subject to the Open Records Act of the State and the City may make such registry information available online.

(2) Registration information shall be deemed prima facie proof of the statements contained therein in any court proceeding or administrative enforcement proceeding in connection with the enforcement of this Article.

Sec. 102-C-10-20. Nuisances.

Nothing in this Article shall be construed to impair, limit, or preempt in any way the power of the City to enforce any applicable codes, as defined in State law, or to define or declare nuisances and to cause their removal or abatement by summary proceedings or otherwise.

Sec. 102-C-10-21. Penalties.

Any owner or agent required to register a vacant or foreclosed real property under this Article who fails to register or fails to update the information specified in subsection 102-C-10-15(1), Registration of vacant or foreclosed property, may be fined up to $500.00 per occurrence.

Sec. 102-C-10-22. Administrative fees.

Any owner or agent of a vacant or foreclosed real property which is required to be registered with the City under this Article shall be required to make a payment in the amount of $100.00 for administrative fees that reasonably approximate the cost to the City of the establishment, maintenance, operation and administration of the registry.