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Article 1 General Provisions

Section 1.01 Title

This Article 1 of the Villa Rica Municipal Code shall be known as the “Villa Rica, Georgia Unified Development Code hereinafter referred to as the “Code”.

Section 1.02 Authority

The authority to establish the Code is adopted under Article IX, Section II, Paragraphs II and IV of the Constitution of the State of Georgia (1983), applicable State law, and the Charter of the City of Villa Rica, as amended.

Section 1.03 Effective Date

The Code shall be in full force and effect from and after its passage, approval and publication as provided by law.

Introduced for first reading this 29th day of June, 2006.

Passed and approved this 1st day of August, 2006.

Recorded this 1st day of August, 2006.

Section 1.04 Purpose

In accordance with the authority set forth in Section 1.02, and the City’s adopted Comprehensive Plan (hereinafter “the Plan”), the purpose of this Code is to:

A. Implement the Comprehensive Plan;

B. Promote public health, safety, comfort, order, and general welfare;

C. Conserve and protect property values;

D. Protect private property rights.

E. Promote orderly development and use of land and natural resources;

F. Facilitate safe and economical provision of streets, water, wastewater disposal, schools, parks, and other public requirements;

G. Regulate the density of population, the location and use of buildings, structures, and land for trade, industry, residence or other purposes.

H. Assure the adequate provision of facilities and services to new land developments in conformance with the Plan;

I. Assure the provision of needed open spaces through dedication, reservation, or other means for recreational, educational, and other purposes; and

J. Assure equitable and uniform procedures and standards for land development.

Section 1.05 Jurisdiction
The City shall enforce this code governing zoning, planning and subdivision, and building throughout the corporate City limits, and in extra-territorial areas of Douglas and Carroll County as authorized by State law.

Section 1.06 Application

A. Use of Land
Except as herein specifically provided hereinafter:

1. No building shall be erected, converted, enlarged, reconstructed, moved or structurally altered, nor shall any building or land be used, except under the following circumstances:
   a. For a use permitted in the district in which such building or land is located.
   b. In conformity with the applicable general development standards established in Article 4, supplementary conditions established in Article 5, the landscaping and tree preservation conditions established in Article 6, and other provisions of this code for the district in which such building is located.

2. Every building erected or structurally altered after the effective date of this Code shall be located on a lot as defined herein and in no case shall there be more than one principal building on one lot except as provided in this Code.

3. No manufactured home or mobile home may be used as an accessory structure in a residential district.

4. Except as provided herein, no structure or land shall be occupied or used without first obtaining a Certificate of Occupancy from the Community Development Director of the City of Villa Rica, as specified in Section 2.02.

5. Except as provided herein, no person shall conduct any land-disturbing activity without first obtaining a Land Disturbance Permit from the Community Development Director of the City of Villa Rica, as specified in Section 2.02.

B. Subdivision of Land
1. All divisions or subdivisions of land into two or more tracts, parcels or lots that are within the jurisdiction of the City of Villa Rica, Georgia shall be subject to the procedures and requirements of Article 2, except as provided by Section 1.07 of this Code.

2. No subdivision plat, as defined in this Code, shall be filed for record, recorded, or modified unless and until the approval of the Council is endorsed thereon by the City.

3. No land dedicated as a street or other public purpose shall be opened or extended as a street or for any other purpose, and no subdivision shall be made, nor subdivision plat, nor part thereof, shall be recorded before obtaining final approval from the Council and said approval shall be entered in writing on the final plat.

4. No parcel, tract, or lot of land in a subdivision created after May 3, 1988 shall be transferred, sold, or offered for sale; nor shall a building permit be issued for any structure thereon; nor shall a Certificate of Occupancy for the use of any land or structure thereon be issued until a plat of subdivision has been approved and recorded in accordance with this Code.

5. No person shall proceed with any construction work on the proposed subdivision, including grading, clearing, or grubbing, before obtaining preliminary plat approval and approval of the construction plans by the engineer. Construction work shall be the carrying out of any building activity or the making of any material change in the use or appearance of any structure or land.

Section 1.07 Subdivision Exemptions
The following divisions of land shall be exempt from compliance with the subdivision procedures established in Section 2.03 of this Code:

A. Exceptions granted by State law;

B. The public acquisition of land for the widening of existing streets or for constructing other public works;

C. Any lot, parcel or tract of land located within the area governed by these regulations that has been legally subdivided or resubdivided by map, deed, or other authorized instrument and recorded prior to the effective date of this Code;

D. Cemetery lots;

E. An interest in oil, gas, minerals or building materials, which is now or hereafter severed from the surface ownership of real property;

F. The creation of a leasehold for a space within a multi-occupant building or a commercial building site, provided that the property is a part of an approved subdivision or addition and regulated in accordance with the site plan requirements as set forth herein; and

G. The creation of a leasehold for agricultural use of the subject property, provided that the use does not involve the construction of a building(s) to be used as a residence or for any purpose not directly related to agricultural use of the land or crops or livestock raised thereon.

Section 1.08 Rules of Interpretation

A. Generally
This Code shall be interpreted to require the promotion of the public safety, health, convenience, comfort, prosperity, or general welfare.

B. Rules for Language
For the purpose of interpretation of the Code, the following rules of language shall apply:

1. Intent Controls
a. The Code shall be interpreted through the intent of the Mayor and City Council.

b. Every provision shall be construed, if possible, to give effect to all its provisions. When the words of a provision in its application to an existing situation are clear and free from all ambiguity, the letter of the provision shall not be disregarded under the pretext of pursuing the spirit. When the words of a provision are not explicit, the intention of the Mayor and City Council may be ascertained by considering, among other matters:

(1) The occasion and necessity for the provision;

(2) The circumstances under which it was enacted;

(3) The mischief to be remedied;

(4) The object to be attained;

(5) The former provision, if any, including other provisions upon the same or similar subjects;

(6) The consequences of a particular interpretation;

(7) Any contemporaneous legislative history; and
(8) Legislative, administrative, and city attorney interpretations of the provision.

2. Particular Controls the General
a. General words are construed to be restricted in their meaning by particular and specific words.

b. When a general provision is in conflict with a specific provision, the two shall be construed, if possible, so that effect may be given to both. If irreconcilable, the specific shall prevail and be construed as an exception to the general unless the general was enacted as a later amendment to the Code and it shall then be construed to have the latter general provision prevail.

a. In case of difference of meaning or implication between the text of the Code and the captions for each section, the text shall control.

b. Where an amendment is adopted and conflicts with or overlooks a provision of the Code, the two shall be interpreted together, if possible, and effect shall be given to each. If the amendment is irreconcilable, the latest in date of final adoption shall prevail.

c. When the Code has been amended more than once, the latest amendment shall be read into the Code as previously amended and not as originally adopted.

4. Words and Phrases
a. Grammar
(1) Words and phrases are construed according to the rules of grammar and according to their common and approved usage; but technical words and phrases and such others as have acquired a special meaning, or are defined by this Chapter, are construed according to the special meaning or their definition.

(2) Words used in the present tense include the future; words in the singular include the plural; and words of one gender include all other genders, unless the context clearly indicates the contrary within the time frame subject to extensions provided herein;

b. Specific Word Meaning
(1) All words, terms and phrases not otherwise defined herein shall be given their usual and customary meaning, unless the context clearly indicates a different meaning was intended.

(2) The words "shall" and “must” are always mandatory; the word “may” is permissive and is at the discretion of the City Council, Planning Commission or the Community Development Director, as the context may require;

(3) For the convenience of the reader, the following terms, which are also duplicated in the definitions set forth in Article 11, are defined:

(a) The term “Council” means the governing authority for the City of Villa Rica, Georgia, and comprises the City Council and Mayor. The terms “Council,” “City Council,” “Mayor and Council,” and “City” are synonymous.

(b) The term “lot” means a designated parcel, tract, or area of land established by plat, subdivision, or otherwise permitted by law, to be separately owned, used, developed, or built upon.

(c) The term “parcel” is a piece of land formally described and recorded with block and lot numbers, by metes and bounds, by ownership, or in a manner as to specifically identify the dimensions and/or boundaries.

(d) The term “plat” is a map of all or a portion of a subdivision that is presented to the Council for approval.
(e) The term “recorded” or “filed for record” means that an instrument or plat that is presented in the Office of the Clerk of the Superior Court for Carroll or Douglas County to be placed upon the permanent public land records in the applicable county. Where a document is recorded implies that it must be received by an officer in a suitable book or manner kept for that purpose; and

(f) The term “violate” includes the failure to comply with.

C. Computation of Time

Unless otherwise specifically provided, the timeframe specified for the performance of an act, duty, notice, matter, payment, or thing shall begin on the day following the submittal of an application or the preceding action. Specified timeframes shall not end on a Saturday, Sunday or a City-recognized holiday, but shall end on the following business day. All acts must be completed within the time frame subject to extensions.

D. Graphics

Illustrations are provided for the convenience of the user and in case of a conflict with the text, the text shall control.

Section 1.09 Coordination with Other Regulations and Plans

The use of buildings and land within the City shall be subject to all other applicable provisions of the Municipal Code as well as this Code, whether or not such other provisions of the Code are specifically cross-referenced in this Code. Cross-references to other provisions of the Code are for the convenience of the reader; lack of a cross-reference should not be construed as an implication or indication that other provisions of the Code do not apply.

A. Consistency with Comprehensive Plan

This Code, and any amendment to or actions pursuant to this Code, are intended to implement the goals and policies of the Villa Rica Comprehensive Plan and are hereby intended to be consistent with and in accordance with the adopted Plan for the City.

An amendment to the text of this Code is consistent with the Plan if it helps achieve the goals and objectives stated in the Plan in a manner consistent with applicable plan policies. An amendment to the zoning map is consistent with the Plan if the map amendment is consistent with the Future Land Use Map contained in the Plan.

B. Conflicts

Whenever any provision of this Code or any other applicable law, rule, contract, resolution or regulation of the City, County, State or federal government contains certain standards covering the same subject matter, the more restrictive requirements or higher standards shall govern.

Appendix A, containing the Subdivision Regulations of the City of Villa Rica, Appendix B, containing the Zoning Regulations of the City of Villa Rica, and Appendix C, containing Mixed Use Planned Development Regulations of the City of Villa Rica are hereby repealed and replaced with this Code.

C. Development Under Prior Regulations

1. Existing Uses and Situations

Existing legally established uses may continue as long as they are in compliance with this Code. Legal non-conforming situations may continue pursuant to Article 7 of this Code.

2. Non-conforming Lots

Subject to the provisions of Article 7 of this Code, existing legal lots that do not meet minimum area requirements may be developed as non-conforming lots, unless the plat specifies building setbacks. Development of vacant lots shall comply with new setbacks to the greatest extent possible. A variance shall be obtained from the Board of Adjustment to deviate from the standards of this Code.

3. Development Under Review

Development under prior regulations shall be allowed; provided the City has issued a valid development approval and the development approval has not expired. All new applications shall comply with the provisions of this Code.
except that a Final Plat may be approved if it is consistent with the approved Preliminary Plat and said Preliminary Plat has not expired. Any permit issued under prior regulations shall expire twelve (12) months after adoption of this Code unless the applicant completes all development authorized by the approval or the permittee or other person who has a vested right as set forth under Section 2.03.L.

D. Relationship to Private Agreements
This Code is not intended to abrogate, annul or otherwise interfere with any easement, covenant or any other private agreement or legal relationship; provided, however, that where the regulations of the Code are more restrictive or impose higher standards or requirements than such easement, covenant or other private agreement, the regulations of this Code shall govern.

E. Relationship to Other Regulations and Codes
This Code establishes many, but not all of the standards and procedures for development. Other portions of the Municipal Code, as well as other standards shall apply to development, including, but not limited to adopted building codes, fire codes, utility, street and drainage design and construction standards. References to these requirements are listed in the Appendix of this Code.

Section 1.10 Fees

A. Fee Required
Any action on an application for the development pursuant to Article 2 of this Code shall be subject to payment of the required fee, which shall be reviewed annually prior to budget adoption

B. Amount of Fee
The amount of fees for development permits and applications shall be as established by resolution of the City Council and as shown in Appendix C of this Code.

C. Payment
All fees shall accompany the application, shall be made payable to the City Treasury and shall be submitted to the Community Development Director.

Section 1.11 Responsibilities for Application of Code

A. City Council
The powers of the Council are provided as set forth in Section 1.02. Specific responsibilities described in this Code include the powers to:

1. Appoint members to the Planning Commission;

2. Decide all requests for amendments to the Plan and Future Land Use Map upon receipt of recommendations from the Planning Commission;

3. Decide all requests for amendments to the zoning map and the Code text upon receipt of recommendations from the Planning Commission;

4. Decide all requests for planned developments, major subdivisions, conditional use permits, and vested rights determinations upon recommendation of the Planning Commission;

5. Approve development agreements and rules and regulations for public improvements upon recommendation from the Community Development Director or other staff members;

6. Decide all appeals to actions of the Planning Commission except as provided for in this Code;

7. Decide all schedules for amortization of non-conforming or unlawful buildings, structures or uses, upon receipt of recommendation from the Planning Commission;
8. Adopt fees and authorize waivers to fees;

9. Decide appeals to any order, requirement, decision, or interpretation by the Community Development Director or other City staff member;

10. Grant or deny variances consistent with the procedures and standards established in this Code; and

11. Other responsibilities assigned by this Code, the City Charter, other sections of the Municipal Code or by State Law.

B. Planning Commission

The Planning Commission of Villa Rica shall be reconstituted and re-established in conformance with the Municipal Code. The Community Development Director shall serve as staff to the Commission.

1. Responsibilities

The Planning Commission shall act in an advisory capacity to the City Council. In addition to any duties, responsibilities, or powers enumerated by the Council by resolution, ordinance, or the Municipal Code, the responsibilities of the Planning Commission shall include:

a. Conduct public hearings and makes recommendations on plan amendments, conditional uses, planned unit development, subdivisions, site plans as applicable, and zoning amendments;

b. Recommend changes and amendments to the Zoning Map and the Code text;

c. Conduct hearings and make recommendations on comprehensive plan amendments; and

d. Make recommendations upon all other items referred to it by the City Council.

2. Public Hearing Procedures

a. Rules of Procedure

The Planning Commission may adopt rules of procedure consistent with the provisions of this Code.

b. Notice of Meetings

Publication of the notice of public hearing and notification of affected property owners shall be done in conformance with Article 2 of this Code. The meeting agenda shall be posted in the City Clerk's Office prior to the scheduled meeting.

1. Conduct of Meetings

(1) All meetings of the Planning Commission shall be open to the public.

1 The posting of a written notice for at least 24 hours at the place of regular meetings and giving of written or oral notice at least 24 hours in advance of the meeting to the legal organ in which notices of sheriff's sales are published in the county where regular meetings are held. Alternative notice may be provided to a newspaper having a general circulation. O.C.G.A. § 50-14-1(d).

The Agenda must provide for all matters expected to be considered O.C.G.A. § 50-14-1(e)(1).

Agenda shall be available upon request and posted at the meeting site, as far in advance of the meeting as reasonably possible, but not more than two weeks (14 days) prior. O.C.G.A. § 50-14-1(e)(1).
(2) The Planning Commission shall have a regularly scheduled meeting at least once a month, and more often if necessary, for the transaction of business.

d. Minutes

(1) The Planning Commission shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its deliberations and other official actions.

(2) The minutes shall be filed in the office of the Community Development Director.

e. Conflict of Interest.

A member of the Commission shall inform the Commission before the commencement of the public hearing, of any interest in the proposed action being reviewed by the Commission. The Commission Member shall not participate in any discussion or voting on any item for which the Commission Member or Commission Member’s mother, father, children, siblings or in-laws has an interest.

f. Quorum.

The Planning Commission shall have a quorum present before considering any business. A quorum shall constitute a majority of the qualified members of the Commission. The affirmative vote of the majority of the members present shall be required before the Commission shall approve a recommendation, action or development request.

g. Invalidity of a Vote

If a Commission member votes on a recommendation in which the Commission member has a conflict of interest, the member’s vote shall be voided.

3. Membership

a. Members of the Planning Commission shall be appointed by the City Council of the City of Villa Rica. The Commission shall consist of five (5) members who reside or own property within the City limits of Villa Rica, Georgia and who shall be appointed for a one (1) year term, beginning on February 1st through January 31st of each year, or until their successors shall be appointed.

b. No member shall hold any elective public office within the City of Villa Rica. Unexpired terms shall be filled by the City Council. Members are removable for cause by the City Council upon written notice and after a public hearing.

c. Failure to attend three (3) consecutive meetings or more shall be considered automatic resignation from the Planning Commission. Upon resignation by other means, or other vacancies occurring in office, the Chairman or Secretary (Zoning Administrator) shall inform the City Council of such occurrence as promptly as possible, so that the Council may appoint a replacement to fill the unexpired term.

(ORD-01-07, 2-6-07)

C. Community Development Director

In addition to the requirements promulgated in the Municipal Code, the Community Development Director shall have the responsibility and authority to administer and enforce the provisions of this Code, including, but not limited to the following powers and duties:

1. Serve as staff for the City Council and Planning Commission, and act as a liaison to other agencies and organizations in land use matters.

2. Review and render interpretations to all provisions of the Comprehensive Plan and Future Land Use Map.
3. Review and render interpretations, with any necessary assistance from the City Attorney, to all provisions of this Code and the Official Zoning Map.

4. Review and decide on applications as provided in Section 2.02 of this Code.

5. Accept applications for, review and prepare staff reports recommending approval, approval with conditions or denial of applications as provided in Section 2.03 of this Code.

6. Review and approve conveyances and plat adjustments or corrections as provided for in Section 2.03G.

7. Review and approve, approve with conditions, or deny applications for construction plan approval.

8. Review development improvement agreements and determine the amount of the letter of credit, cash escrow or surety bond required for the construction of public improvements.

9. Facilitate the creation and adoption of special area plans, corridor plans and neighborhood plans.

10. Administer and assist in the enforcement of the Code.

11. Keep a record of all permits, appeals, variances and such other related business and correspondence pertaining to the administration of this Code.

12. If the Community Development Director finds that the provisions of this Code are being violated, the Community Development Director shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering action necessary to correct it. The Community Development Director shall:

a. Order the discontinuance of the illegal use of land, buildings or structures;

b. Order the removal of illegal buildings or structures, or additions, alterations or structural changes thereto;

c. Order the discontinuance of any illegal work being done; or

d. Take any other action authorized by this Code and the City Council to ensure compliance and to prevent violation of its provisions.

e. The Community Development Director is hereby designated to administer and begin enforcement proceedings. The Council hereby designates the Community Development Director as the chief agent, and the persons assigned and fulfilling the positions there under, including but not limited to, the Community Development Director, code enforcement officers, inspector(s), and animal control officers as agents for the purposes of enforcing the Code, completing, signing, issuing, and serving citations.

13. Waive information requirements of this Code if the provisions of the Code can be accomplished without such information.

14. Other responsibilities as may be assigned and delegated by the City Council.

D. Coordination Between Officials
The Chief of Police and City Attorney shall provide assistance to the Community Development Director or his designee in the enforcement of this Code. They shall be ad hoc members of any committee established for the review of development applications. Officials of public utility companies also may be included in any plan review committee in order to determine that utilities will be available for the proposed development and will be sufficient to meet the needs of the new residents or utility users.

Section 1.12 Application of Regulations during Local Emergency
The City Council shall have the authority to waive certain standards of this Code during local emergencies declared by federal, state or local officials.

**Section 1.13 Severability**

It hereby is declared to be the intent of Villa Rica, Georgia that the provisions of this Code shall be severable. If any provision is declared invalid or unconstitutional by a court of competent jurisdiction, it is hereby declared to be the legislative intent that:

A. **Decisions Limited**
The effect of such decision shall be limited to that provision or provisions which are expressly stated in the decision to be invalid; and

B. **Remainder Stays in Effect**
Such decision shall not affect, impair or nullify this Code as a whole or any other part thereof, but the rest of the Code shall continue in full force and effect as if the portion declared unconstitutional has never been a part of the Code.
Article 2 Development Procedures

Section 2.01 Procedures Common to Applications

Any person proposing a land use or development shall comply with the procedures of this section. Table 2-1 summarizes the procedures and decision-makers involved in the development review process.

A. Application Process
The following procedures apply to all applications, except as modified in Sections 2.02 and 2.03.

1. Pre-Application Meeting Encouraged
Prior to preparing an application, applicants are encouraged to meet with the Staff to discuss the nature of the proposed application, application submittal requirements, the procedure for action and the standards for evaluation of the application.

At the pre-application conference, the Community Development Director or his designee may identify additional information needed to assess the project. The results of the pre-application conference, prepared by staff, shall be made part of the development file upon submittal of an application. At any time during the processing of any application, additional information may be required by the decision-maker to respond to issues or concerns that may not have been evident at the pre-application conference.

2. Application Requirements
Application materials shall be available in the office of the Community Development. Such applications shall be filed in advance of any public hearing or public meetings required pursuant to this Code. The Community Development Director or his designee may establish a schedule for filing any application for development approval requiring action by the Planning Commission or the City Council, which schedule shall provide adequate time for required notice. Completed applications shall be filed and processed according to the schedule.

3. Streamlining the Development and Permitting Process
The Community Development Director or his designee are authorized to shorten the time required to process applications for development, provided there is no conflict with local hearing and notice requirements.

4. Staff Review
The staff shall review the application and determine if the application is complete. If the application is incomplete, the Community Development Director shall return it to the applicant to be resubmitted in conformance with this Code. No incomplete application shall be processed and no timelines shall be applicable to incomplete applications.

5. Other Agency Reviews
All applications shall be reviewed by City staff and other appropriate agencies for compliance with City codes and policies. The staff may forward copies of the applications to various agencies for their review of the material submitted. Review agencies may request additional time for review, which may be granted by the decision-maker if good cause is shown and if such request is made within the review time. The agencies’ review is advisory and does not constitute approval or denial. Upon completion of staff review, the staff will provide its comments in writing to the applicant and the applicable decision maker.

6. Community Development Director’s Decision
After the applicant has had the opportunity to respond to the comments of staff and other agencies, the Community Development Director or his designee shall:

a. Approve, approve with conditions, or deny applications for which they are the decision-makers; or

b. Recommend approval or denial of the applications for which the Planning Commission or City Council are the decision-makers.

Article 2 Page 33
7. Appeals
Appeals to the Community Development Director’s decision shall be filed within thirty (30) days of the date when
the decision sought to be amended was served upon the party affected by the decision.

8. Amendments
Unless otherwise stated, a permit shall be amended through the process it was originally approved.

9. Validity
Unless otherwise stated, all permits and approvals shall expire within one year of issuance or approval, provided that
the decision-maker may approve an extension of up to twelve (12) months upon receipt of an application providing
evidence that the applicant can proceed with the initial permit in conformance with currently adopted codes and
policies.

10. Enforcement and Revocation
The Community Development Director or the Chief Building Inspector, as applicable, may revoke any permit for
failure to comply with the conditions of the permit.


The content of public hearing notices and method of giving notice for public hearings shall be done in conformance
with the requirements of this Code (see Table 2-1). The applicant shall pay all costs for notification, shall ensure its
timely delivery to the newspaper, shall provide the "Certificate of Publication" to the Community Development
Director, shall post signs and shall provide addressed, stamped, and unsealed notices for mailing. A public hearing
shall be held by the Planning Commission and/or the City Council in accordance with this Code and any rules
established by the Planning Commission or City Council.

1. Timing of Notice
If required, notice shall be published, mailed or posted by sign not more than forty-five (45) days nor fewer than
fifteen (15) days before the applicable hearing. For staff issued permits, signs shall be posted for the duration of
work being done pursuant to the permit.

2. Published Notice
In any instance in which a public hearing is required, a notice setting forth the date, time, place and purpose of such
hearing, the name of the applicant and identification of the subject property must be published at least once in the
Times Georgian.

3. Mailed Notice of Public Hearing
Mailed notice of a public hearing, as required in Table 2-1, shall be sent at the applicant's cost by first class U.S.
mail to every owner of property abutting the subject property. The notice shall be mailed to each affected property
owner at the mailing address listed in the official records of the County Tax Assessor.

a. Form of Notice
Mailed notice shall be in post card form stating the date, time and place of the hearing, a general description of the
proposal, the location of the property that is the subject of the hearing, and other such requirements as further
specified in this Code. The mailed notice must also include a statement explaining that members of the public may
be heard at the public hearing.

b. Receipt of Notice
The failure of a property owner to receive notice by mail, if timely sent and properly addressed to the current owner
of record, shall not be grounds for invalidating any action taken by the responsible decision-making body.
4. Property Sign

When required by Table 2-1, the applicant shall post City-approved signs giving notice of the pending application. The applicant shall post at least one sign on the subject property prior to the hearing, on or before the date of the public notice publication. At least one sign shall be visible from each street abutting the subject property. The sign(s) shall remain posted on the property until after the close of the final public hearing.

5. Agenda Notice

Notice shall be posted at City Hall at least forty-eight (48) hours prior to any public hearing.

C. Application and Public Hearing Procedures

1. Application Review

All applications shall be reviewed as a Type 1, Type 2, Type 3, Type 4 or Type 5 application in accordance with Table 2-1. These processes are illustrated in Exhibit 2-1.

a. Type 1

Type 1 applications shall be reviewed and decided upon by staff. Decisions may be appealed to the City Council in accordance with Section 2.03.K.

b. Type 2

Type 2 applications shall be reviewed by staff, which shall make a recommendation to the Planning Commission. The Planning Commission will conduct a public hearing, if required, and may approve the application, approve the application with conditions or deny the application. The Planning Commission action may be appealed to the City Council.

c. Type 3

Type 3 applications shall be reviewed by staff, which shall make a recommendation to the Planning Commission. The Commission shall conduct a public hearing as required, and make a recommendation to the City Council. The City Council will consider the application and may approve the application, approve the application with conditions or deny the application. The City Council may add or modify conditions of approval recommended by the Planning Commission and overturn any recommendation of the Planning Commission by a simple majority vote.

d. Type 4

Type 4 applications shall be reviewed by staff, which shall prepare findings of fact for review by the Planning Commission. The Planning Commission shall conduct a public hearing on the application and make a recommendation to the City Council. The City Council shall conduct a public hearing and may approve the application, approve the application with conditions or deny the application. The City Council may add or modify conditions of approval recommended by the Planning Commission and overturn any recommendation made by the Planning Commission by a simple majority vote.

e. Type 5

Type 5 applications shall be reviewed by staff, which shall make a recommendation to the City Council. The City Council will conduct a public hearing if required by this Code and may approve the application, approve the application with conditions or deny the application.
f. Type 6

Type 6 applications shall be reviewed by staff, which shall make a recommendation to the City Council. The City Council will conduct a public hearing if required by this Code and may approve the application, approve the application with conditions, or deny the application.

2. Purpose of Hearing

The purpose of a public hearing is to allow the applicant and all other interested parties a reasonable and fair opportunity to be heard, to present evidence relevant to the application, and to rebut evidence presented by others.

3. Conduct of Hearing

Public hearings shall be conducted in conformance with state law, this code, and adopted bylaws.

4. Applicant Not Present

If the applicant is not present at the public hearing of the Planning Commission or City Council, then the Commission or Council may elect to take no action on the application. The applicant’s absence shall be construed as authorization to defer action until the next meeting.

5. Record of Proceedings

The proceedings of all public hearings shall be recorded.

6. Continuance of Proceedings

a. Continuance by Applicant

Any applicant or authorized agent of an applicant shall have the right to one continuance before the Planning Commission or City Council, provided that a written request is filed.

b. Continuance by City

The Planning Commission or City Council may grant a continuance at any time for good cause shown. All motions to grant a continuance shall state the date on which the matter is to be heard. A majority vote of those members in attendance shall be required to grant a continuance.

(1) Reason

The record shall indicate the reason such continuance was made and any stipulations or conditions placed upon the continuance.

(2) Notice by City

If the Planning Commission or City Council continues a public hearing on its own motion, it may direct the Community Development Director to advertise the continuance of the public hearing.

(3) Notice by Applicant

If the continuance of a public hearing is made at the request of an applicant, the Planning Commission or City Council may direct the applicant to advertise the continuance of the public hearing at the applicant’s expense. Where an applicant is requested to advertise the continuance of the public hearing, the applicant shall submit a Certificate of Publication to the Community Development Director indicating that such publication has occurred.
### Table 2-1 Summary of Application Procedures

<table>
<thead>
<tr>
<th>Action</th>
<th>Recommending Agency</th>
<th>Decision Maker</th>
<th>Application Process</th>
<th>Applicable Section</th>
<th>Notice</th>
<th>Public Hearing</th>
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<td>Type 5</td>
<td>2.03 M</td>
<td>Publication</td>
<td>Yes</td>
</tr>
<tr>
<td>Condominiums</td>
<td>Staff</td>
<td>Planning Commission</td>
<td>Type 2</td>
<td>2.03 N</td>
<td>-</td>
<td>No</td>
</tr>
</tbody>
</table>

7. Action on Applications Requiring Notice

The decision-maker may take any action on an application that is consistent with the notice given, including approval of the application, conditional approval of the application or denial of the application. The decision-maker may allow amendments to the application if the effect of the amendments is to reduce the density or intensity of the original application, reduce the impact of the development, reduce the amount of land involved from that indicated in the notices of the hearing, or to approve a lower zoning classification. For purposes of this provision, zoning districts are listed in Article 3 of this Code from lowest to highest.

8. Notice of Final Determination
Within ten (10) days of the final determination on the development application, written notification of the decision shall be mailed to the applicant, stating the action taken and including all conditions imposed and times established for satisfaction of such conditions, if any. If the decision-maker denies the application, a written statement setting forth the basis for the denial shall be included.

D. Post-Decision Proceedings

1. Appeals of Action by Final Decision-Maker

Any appeal of a final action by the City of Villa Rica under this ordinance shall be to the Superior Court of Carroll County. Appeals must be filed within thirty (30) days of the date on which the final action was taken by the City. Findings of fact by the City may not be appealed. (ORD-02-07, 2-6-07)

2. Amendments and Revisions

The Community Development Director or his designee may approve minor amendments and revisions to the terms of approval of an application for development. Minor revisions must be authorized in writing by the Community Development Director and are subject to appeal to the City Council pursuant to Section 2.03.K of this Code. Minor revisions that may be authorized are technical corrections or clarifications. Minor revisions shall not result in higher densities, increased building height, additional units or floor area, abandonment of easements or variance from the minimum standards of this Code. Major amendments and revisions of a development proposal shall be reviewed by the approving body after a public hearing in accordance with the provisions of this section and other applicable sections of the Code.

3. Stay of Action

An appeal or protest stays all proceedings in furtherance of the action appealed unless the Community Development Director certifies to the decision-maker, after notice of appeal has been filed, that by reason of the facts stated in the certificate, a stay would, in the Community Development Director’s opinion, cause imminent peril to life or property.

4. Resubmittal

An application for a Zoning Map amendment to the affecting the same property shall not be submitted more than 12 months, said intervals to begin with the date of final decision by the City Council. (ORD-13-07-UDC, 9-4-07)

E. Expiration of Development Approval

1. Time of Expiration

Unless otherwise provided, development applications shall automatically expire, and all activities pursuant to such approval thereafter shall be deemed in violation of the Code, when:

a. the applicant fails to satisfy any condition that was imposed as part of the original or revised approval of the development application, or that was made pursuant to the terms of any development agreement; or

b. the applicant fails to present a subsequent development application as required by this title within the time required. If no time limit for satisfaction of conditions is specified in the original or revised approval of the development application, the time shall be presumed to be one (1) year from the date of approval.

2. Extension Procedures

Unless otherwise prohibited by the Code, the Community Development Director may extend a staff issued permit for a period not to exceed one hundred and twenty (120) days from the original date of expiration.
F. Revocation of Permit Approval

1. Duties of the Community Development Director

If the Community Development Director determines that there are reasonable grounds for revocation of a development permit or approval, the Community Development Director shall set a hearing before the final decision-maker. If the original permit approval being revoked was made by the Community Development Director, the hearing shall be conducted by Planning Commission. All other revocations shall be reviewed by the City Council. If the City Council was the original decision-maker, the Council may, at its sole discretion, refer the proposed revocation to the Planning Commission for a recommendation prior to its action.

2. Notice and Public Hearing

Notice of the revocation hearing shall be given in the same manner as required for the original application. A public hearing shall be conducted in accordance with the procedures of Sections 2.01.B and C.

3. Decision and Notice

After the conclusion of the hearing, the decision-maker shall render a decision to revoke the permit or allow the applicant to retain the development permit.

4. Effect and Appeals

A decision to revoke a development permit shall become final fifteen (15) days after the date the decision is rendered, unless appealed. After the effective date of revocation, any activities continuing pursuant to the permit shall be deemed to be in violation of this Code.

5. Right Cumulative

The City's right to revoke a development permit, as provided in this section, shall be cumulative to any other remedy allowed by law.

G. Transfer of Land; Building Permit

No parcel of land in a subdivision created after May 3, 1988 shall be transferred, sold, or offered for sale; nor shall a building permit, certificate of zoning compliance or Certificate of Occupancy be issued for any use or structure thereon, until a plat of subdivision shall have been recorded with the Recorder of Deeds of Douglas or Carroll County, Georgia in accordance with this Code. Any person who violates this provision shall be subject to the penalties expressed in Article 10.

H. City Initiated Requests

The City Manager, Mayor, Planning Commission or City Council may initiate a request for any development permit on behalf of the City. Such requests shall not be subject to fees, but shall otherwise follow the same procedures established in the Ordinance.
Exhibit 2-1 Application Processes

- **Type 1 Process**
  - Application
  - Staff Decision

- **Type 2 Process**
  - Application
  - Notice
  - 45 days
  - PC Hearing (if needed)
  - PC Decision

- **Type 3 Process**
  - Application
  - Notice
  - 45 days
  - PC Hearing (if needed)
  - PC Recommend

- **Type 4 Process**
  - Application
  - Notice
  - 45 days
  - PC Hearing (if needed)
  - PC Recommend
  - Council Decision

- **Type 5 Process**
  - Application
  - Notice
  - 45 days
  - CC Hearing
  - Council Decision

**Notice**

- Application
- Notice
- 45 days
- PC Hearing (if needed)
- PC Decision

- Application
- Notice
- 45 days
- PC Hearing (if needed)
- PC Recommend
- Council Decision

- Application
- Notice
- 45 days
- CC Hearing (if needed)
- Council Decision
Exhibit 2-1 Application Processes (continued)

Type 6 Process

Application

Notice

10 days

CC Hearing

Council Decision
Section 2.02 Minor Development Applications

A. Certificate of Zoning Compliance

1. Purpose
   a. Ensure that the proposed change of use complies with the provisions of the Code, the Comprehensive Plan and other adopted plans;

   b. Ensure that affected agencies may review the proposed change of use; and

   c. Ensure compliance with applicable standards of the adopted building and fire codes.

2. Applicability
   No land shall be occupied or used, and neither the use of land nor the use of buildings thereon shall be changed, altered or occupied, or used in whole or in part for any purpose, until a certificate of zoning compliance is issued by the Community Development Director or his designee. No permit shall be issued to make a change unless the changes conform to the provisions of this Code.

3. Application
   Applications shall be filed with the Community Development Director or his designee and shall be accompanied by a site plan prepared pursuant to Section 2.02.B and such other information with regard to the lot and neighboring lots as may be necessary to ensure compliance with this Code.

4. Review Criteria
   Applications shall be approved by the Community Development Director or his designee if the use or development is on a legally created lot or parcel; the use is authorized in the existing zoning district; and the development complies with the standards and conditions of this Code.

5. Validity
   Certificates of zoning compliance issued in accordance with the provisions of this section shall be void six (6) months from the date of issuance if the construction, alteration or use has not commenced.

B. Site Plans

1. Purpose
   Site plan review ensures that proposed development complies with Code requirements. Site plan review shall consider the siting of proposed construction and its impact on topography, vegetation, adjacent development, improvements in the immediate area and the site plan’s conformance to the goals, objectives and policies of the Comprehensive Plan and this Code. The design shall discourage unnecessary grading and shall retain the natural character of the site including the preservation of trees and other natural features to the degree practical.

2. Applicability
   A site plan shall be required for all new construction, exterior additions or changes in use to any building, structure, land or parking lots. No certificate of zoning compliance or building permit shall be issued for a development subject to site plan review until such site plan has been approved in accordance with this section.

a. Conditional Use Permit

   When a Conditional Use Permit application is reviewed, or when the Final Plan for a Planned Development is reviewed, the site plan application may be processed concurrently with those reviews.

b. Phased Development

   A site plan, including all information listed in the Appendix of this Code, may be submitted for the entire development at one time or for individual development phases. When a site plan is submitted for an individual phase of a development on a single parcel, the applicant shall also prepare a conceptual site plan for the remainder of
the parcel. The conceptual site plan shall indicate the approximate location of development on the remainder of the parcel, together with proposed driveways, streets and drainage system.

**c. Waivers**

The Community Development Director may waive the requirement for a site plan review for development within the scope of this section when such a waiver will not adversely affect the purposes and intents of this Code, as evidenced by the following:

1. Changes to conforming development not resulting in an increased parking demand or increased traffic generation; and

2. Construction is limited to internal remodeling of a non-residential structure projected to cost less than One Hundred Thousand Dollars ($100,000) or changes are limited to internal remodeling of a residential structure not creating additional bedrooms; and

3. The Community Development Director finds that a site plan is not required to ensure compliance with adopted codes and plans.

**3. Application and Procedure**

Site plans shall be reviewed and approved by the Community Development Director or his designee as a Type 1 process, except that site plans for development of retail buildings encompassing one hundred thousand (100,000) or more square feet of floor area in one or more buildings shall be reviewed by the Planning Commission as a Type 2 process as described in Section 2.01.C.1.

**4. Review Criteria**

The following determinations shall be made before approving the site plan:

**a. Compliance**

The site is capable of accommodating the building(s), parking areas, driveways and open spaces, and is in compliance with all requirements of this Code;

**b. Traffic**

The site plan provides for ingress, egress and internal traffic circulation in conformance with the requirements of this Code and other adopted codes and policies;

**c. Conformance**

All development features, including the principal building and any accessory buildings, open space, service roads and parking areas are located in conformance with the requirements of this Code and other adopted codes and policies;

**d. Consistency**

The site plan is consistent with the Comprehensive Plan and other adopted planning policies and design guidelines; and

**e. Guarantees**

Guarantees have been posted for required public improvements, landscaping and surfacing of parking and driveway areas if not constructed prior to issuance of a Certificate of Occupancy. Guarantees shall be provided and
The approved site plan shall be kept on file by the City and shall lapse one year from the date of site plan approval, unless construction has commenced.

b. Permit Life

Site plan approval shall be valid as long as the applicant retains a valid building permit or certificate of occupancy.

c. Change of Ownership

Site plan approval shall run with the land and shall continue to be valid upon a change of ownership of the site or structure that was the subject of the application.

d. Submittal of Engineering Plans

If engineering plans and profiles are required for the project, these shall be submitted to the Community Development Director for review and action.

7. Appeals

Appeals of the decision of the Community Development Director shall be filed with the City Clerk.

C. Building Permits

1. Purpose

The purpose of the building permit regulations is to ensure that all structures within the City comply with the provisions of this Code and the applicable building code adopted by the City, other applicable adopted fire, life, safety, building and sanitary codes, and other adopted regulations of the City, county, state or federal agencies.

2. Applicability

No person shall construct or modify a structure until a building permit has been obtained from the Chief Building Inspector. A building permit shall not be required for normal property maintenance that does not alter the structure.

3. Application and Procedures

A property owner or designated representative shall initiate building permit review by filing an application with the Chief Building Inspector in conformance with the requirements listed in the Appendix of this Code.

4. Review Criteria

The application for the proposed development shall indicate that:

a. The building will be constructed on a legally established parcel or lot;
b. The applicant will provide the site with access to adequate public facilities to serve the use in conformance with Article 8 of this Code;

c. All applicable local, state and federal permits have been issued or are in the process of being obtained;

d. All construction will comply with the adopted building code, fire code, electrical code, mechanical code and any other applicable codes and policies;

e. The applicant and subsequent property owners are responsible for maintaining landscaping and other site improvements in compliance with this code; and

f. The site will be developed and used in a manner that is consistent with the land uses and intensities established in the Comprehensive Plan; the provisions of the adopted building code; the provisions of this Code; and the approved site plan for all development.

5. Decision Maker
The Chief Building Inspector shall approve, conditionally approve or deny approval of all applications for building permits.

6. Amendments
Amendments to the building plans may be filed at any time before the completion of the work for which the permit was sought. Such amendments, after approval, shall be filed with and be deemed a part of the original application. If the amendment changes the building footprint or affects the site plan design, an amended site plan shall be required.

7. Completion of Buildings
Nothing contained in this section shall require any change in the plans, construction, size or designated use of a building, for which a valid permit has been issued or lawful approval given before the effective date of this Code. Construction under such permit or approval shall be started within ninety (90) days and shall be completed within one year of permit issuance.

8. Condition of the Permit
All work performed under a permit issued by the Chief Building Inspector shall conform to the approved application and plans, and approved amendments thereof. It shall be unlawful to reduce or diminish the area of a lot, unless a revised site plan showing the proposed change in conditions has been approved, provided that this shall not apply when the lot is reduced by reason of a street opening or widening or other public improvement.

9. Signatures on Permit
The applicant and the Chief Building Inspector shall sign the permit.

10. Posting of Permit
A copy of the permit shall be kept on the premises open to public inspection during the work and until the completion of construction. The Chief Building Inspector shall require a certified copy of the approved plans to be kept on the premises at all times from the commencement of the work to the completion thereof. The Chief Building Inspector shall be given at least twenty-four (24) hours’ notice of commencement of work under a permit.

11. Revocation
The Chief Building Inspector may revoke a permit or approval issued under the provisions of this section in case there have been any false statements or misrepresentation as to a material fact in the application or plans on which the permit or approval was based.

12. Excavation Permit
No permit for excavation for any building shall be issued before application has been made for a building permit.

13. Validity
The building permit shall be valid for the use for which the building permit was granted, as long as the use is in compliance with applicable codes, providing that within one year of issuance of the Building Permit a Certificate of Occupancy has been applied for and obtained by the applicant, unless the permit is granted an extension.

D. Certificate of Occupancy

1. Purpose
The purpose of a Certificate of Occupancy is to ensure that all structures and uses of land comply with the permits issued for the development and with the provisions of this Code.

2. Applicability
Certificates of Occupancy shall be required for any of the following:

a. Occupancy and use of a building hereafter erected or structurally altered; or

b. Any change in the use of a non-conforming use.

3. Application
Certificate of Occupancy applications shall be submitted to the Chief Building Inspector at the time an applicant requests final inspections.

4. Content of Certificate of Occupancy
The Certificate of Occupancy shall state that the building or proposed use of a building or land complies with all the building codes, health regulations and ordinances, and the provisions of these regulations. A record of all certificates shall be kept on file in the office of the Chief Building Inspector and copies shall be furnished, upon request, to any person having a proprietary or tenancy interest in the building affected.

5. Review Criteria
Prior to issuance of a Certificate of Occupancy, the Chief Building Inspector shall find that the building and use:

a. Comply with all adopted building codes, fire codes, electrical codes, mechanical codes and any other applicable codes and policies adopted by the City;

b. Conform with the approved plans and any conditions placed thereon by the Community Development Director, Chief Building Inspector, or other approval body;

c. Successfully pass all required inspections, including, but not be limited to:

(1) building;

(2) site;

(3) landscaping;

(4) parking; and

(5) drainage and stormwater detention.

6. Decision Maker
The Chief Building Inspector shall approve, conditionally approve or deny approval of all applications for Certificates of Occupancy with the approval of the Community Development Director.

7. Issuance of a Certificate of Occupancy
The Certificate of Occupancy shall be issued within three (3) days after a final inspection.

8. Issuance of a Temporary Certificate of Occupancy
If landscaping and parking lot surfacing improvements cannot be completed due to inclement weather, the Chief Building Inspector may issue a Temporary Certificate of Occupancy (TCO) for a period not to exceed six (6) months, provided that the applicant guarantees one hundred and ten percent (110%) of the full cost of installation of all outstanding improvements with a bond, letter of credit or cash escrow. The applicant shall submit a written request for the TCO explaining the reasons for delay of completion of the work and the timetable for completion. The TCO shall not be construed, in any way, as altering the respective rights, duties or obligations of the owners. Such TCO shall not be issued except under such restrictions and provisions as will adequately insure the safety of the occupants.

E. Home Occupation Permit

1. Purpose

A home occupation permit is required to ensure that all home occupations are conducted in a safe manner without adverse effects on adjacent residences.

2. Applicability

No person shall conduct a home occupation until a home occupation permit has been issued.

3. Application

The applicant shall file a completed application with the Community Development Director or his designee describing the location and operation of the proposed home occupation in sufficient detail to ensure that the occupation will be conducted in accordance with the home occupation regulations in Section 5.13.

4. Review Criteria

The Community Development Director or his designee shall determine if the proposed home occupation complies with the home occupation standards established in Section 5.13 of this Code.

5. Decision Maker

The Community Development Director or his designee shall approve, conditionally approve or deny approval of all applications for home occupation permits.

6. Validity

The initial permit shall be valid until the end of the calendar year and shall require annual renewal thereafter.

F. Sign Permits

1. Purpose

The purpose of the sign permit is to ensure that all signs are safely constructed and comply with the provisions of this Code, applicable building codes and any other applicable regulations.

2. Applicability

No person shall erect, place, locate or alter a non-exempt sign within the City until a sign permit has been obtained from the Community Development Director or his designee. A sign permit shall be required for all signs except as exempted by Section 9.07.

3. Application

A property owner or designated representative shall initiate site plan review by filing an application with the Community Development Director or his designee in conformance with the requirements listed in the Appendix of this Code.

4. Review Criteria

All signs shall be designed and constructed in accordance with the requirements of Article 9, the City’s adopted building and electrical codes, and applicable state standards and this Code.

5. Decision Maker
The Community Development Director or his designee shall approve, conditionally approve or deny approval of all sign permits.

6. **Validity**
The sign shall be completed within six months of issuance of the permit. If construction of the sign has not been completed within this time period, the permit shall be void and a new sign application shall be required before work on the sign may continue. The sign permit shall be valid as long as the use and sign are in compliance with applicable codes.

**G. Right-of-Way/Access Permits**

1. **Purpose**
A right-of-way or access permit shall be required for any development or use within public right-of-way to ensure that the use is conducted safely.

2. **Applicability**
No structure (e.g., buildings, driveways, fences, irrigation facilities, culverts and signs) shall be constructed and no use established within a public right-of-way without a permit.

3. **Application**
The applicant shall file a completed application with the Community Development Director describing proposed structure or use in sufficient detail for the Community Development Director to evaluate the impacts of the proposed structure or use on the public health, safety and welfare.

4. **Review Criteria**
The Community Development Director may approve an application for an access permit upon finding that:

   a. There will be benefits for the community or area by granting the proposed access permit;

   b. There is a community need for the proposed development. Community need may include the provision of access to private property and other public purposes;

   c. The proposed use will not negatively impact access, traffic circulation, neighborhood stability or character, sensitive areas such as floodplains or natural hazard areas; and

   d. The proposed use is in conformance with the requirements of this Code and all applicable City policies.

5. **Decision Maker**
The Community Development Director shall approve, approve with conditions or deny all access permit applications.

6. **Validity**
A right-of-way or access permit shall be valid for the term approved by the Community Development Director, provided that if the structure is not constructed or the use is not established within six (6) months of issuance, the permit shall be void. The applicant shall notify the Community Development Director at least twenty-four (24) hours prior to initiation and upon completion of any work subject to an access permit.

**H. Minor Exceptions**

1. **Purpose**
To provide an expeditious process for review of minor exceptions to the strict application of this Code under a narrow set of circumstances.

2. **Redevelopment or Expansion of Existing Development**
After making required findings, the Community Development Director may grant design authorized exceptions for the redevelopment, remodeling or expansion of existing sites after determining that the strict application of
landscaping and other standards cannot be accomplished on the site. These provisions shall not apply to redevelopment of sites involving the removal of existing buildings.

a. Required Findings

(1) The applicant has provided sufficient information to evaluate the necessity of the exception and the impacts of the proposed design alternative; and

(2) Strict compliance with landscaping standards is not physically feasible, due to existing structures on the site, required parking and required setbacks; and

(3) The proposed exceptions are the minimum required to allow the proposed redevelopment, remodeling or expansion of the site; and

(4) The proposed design alternative and exceptions result in greater compliance with the landscape provisions, a more attractive site and greater compatibility with adjacent development than current development.

b. Authorized Exceptions

(1) Reduction of required landscaping by up to twenty percent (20%) below the requirement for new development on the site subject to payment of landscaping reduction mitigation fee as established in Section 6.11;

(2) Reduction of the number of parking spaces up to ten percent (10%) of the required spaces;

(3) Modification of parking angles, parking space width and aisle widths;

(4) Reduction of building setbacks up to twenty percent (20%).

3. New Development

For previously undeveloped sites and redevelopment projects involving the removal of existing buildings, the Community Development Director, after making required findings, may grant authorized exceptions.

a. Required Findings

(1) The applicant has provided sufficient information to evaluate the necessity of the exception and the impacts of the proposed design alternative; and

Total landscaped area and vegetation to be provided on the site will be greater than required by ordinance; and

(3) The proposed design alternative and exceptions result in greater compliance with the landscape provisions, a more attractive site and greater compatibility with adjacent development than would be provided through strict compliance with adopted standards.

b. Authorized Exceptions

The Community Development Director may adjust landscaping, parking and setback requirements subject to the following limitations:

(1) Reallocation of required landscaping on the site;

(2) Reduction in the total number of parking spaces up to ten percent (10%) of the required spaces;

(3) Reduction of building setbacks up to ten percent (10%).

I. Land Disturbance Permit
1. Purpose
A land disturbance permit shall be required to ensure that land disturbance activities will comply with all applicable laws and policies, and will not interfere with the public health, safety, or welfare.

2. Applicability
This section shall apply to any land-disturbance 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, "Mineral Resources and Caves Act";

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 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 this Code. 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 fifty (50) horizontal feet, but the Community Development Director may grant variances to no less than twenty-five (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 twenty-five (25) horizontal feet, and no variance to a smaller buffer shall be granted. The minimum requirements of Section 6.13.A of this ordinance and the buffer zones provided by this section shall be enforced by the 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 aqua culture, horticultural, dairy, livestock, poultry, eggs and apiarian products; farm buildings and farm ponds;

f. Forestry land management practices, including harvesting; provided, however, that when such exempt forestry practices cause or result in land-disturbing or other activities otherwise prohibited in a buffer, as established in this code, 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 of the United States Department of Agriculture;

h. Any project involving less than one (1) acre of disturbed area; provided, however, that this exemption shall not apply to any land-disturbing activity within a larger common plan of development or sale with a planned disturbance of equal to or greater than one (1) acre or within two hundred (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 two hundred (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 paragraphs (1), (2), (3), (4), (5), (6), (7), (9) or (10) of this section;

i. Construction or maintenance projects, or both, undertaken or financed in whole or in part, or both, by the Department of Transportation, the Georgia Highway Authority, or the State 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 Department of Transportation or State Tollway Authority which disturb one or more contiguous acres of land shall be subject to provisions of O.C.G.A. 12-7-7.1; except where the Department of Transportation, the Georgia Highway Authority, or the State Road and Tollway Authority is a secondary permit 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; and

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.

3. Application

a. Application Procedure

Only the party that has operational control of construction project plans and specifications, including the ability to make modifications to those plans and specifications may submit an application. The operator shall submit a completed application to the Community Development Director. The application must include five (5) copies of the applicant’s erosion and sedimentation control plan as specified in Section 6.13.B. All applications shall contain a certification stating that the plan preparer or the designee thereof visited the site prior to creation of the plan or that such a visit was not required in accordance with rules and regulations established by the State Board of Natural Resources.

b. Additional Fees

In addition to the local permitting fees, fees will also be assessed pursuant to paragraph (5) subsection (a) of O.C.G.A. 12-5-23, provided that such fees shall not exceed Eighty Dollars ($80.00) per acre of land-disturbing activity, and these fees shall be calculated and paid by the primary permittee as defined in the state general permit for each acre of land-disturbing activity included in the planned development or each phase of development. All applicable fees shall be paid prior to issuance of the land disturbance permit. In a jurisdiction that is certified pursuant to subsection (a) of O.C.G.A. 12-7-8 half of such fees levied shall be submitted to the division; except that any and all fees due from an entity which is required to give notice pursuant to paragraph (9) or (10) of O.C.G.A. 12-7-17 shall be submitted in full to the division, regardless of the existence of a local issuing authority in the jurisdiction.

c. Bond, When Required
The Community Development Director 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, Three Thousand Dollars ($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 ordinance or with the conditions of the permit after issuance, the City may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance. These provisions shall not apply unless there is in effect an ordinance or statute specifically providing for hearing and judicial review of any determination or order of the City with respect to alleged permit violations.

d. Phases

When a tract is to be developed in phases, a separate permit shall be required for each phase.

4. Review Criteria

The following criteria shall be considered when reviewing a Land Disturbance Permit application:

a. Past Permit Violations

If a permit applicant has had two or more violations of previous permits, this ordinance section, or the Erosion and Sedimentation Act, as amended, within three (3) years prior to the date of filing of the application under consideration, the Community Development Director may deny the permit application.

b. Erosion and Sedimentation Control

No permit shall be issued unless the City has affirmatively determined that the required erosion and sedimentation control plan is in compliance with Section 6.13 of this Code, any variances required by Section 6.13 of this Code are obtained, bonding requirements, if necessary, are met, and all other ordinances, rules, and regulations in effect are met.

5. District Review

Immediately upon receipt of an application and plan for a permit, the Community Development Director shall refer the application and plan to the West Georgia Soil and Water Conservation District for its review and approval or disapproval concerning the adequacy of the erosion and sedimentation control plan. The District shall approve or disapprove a plan within thirty-five (35) days of receipt. Failure of the District to act within thirty-five (35) days shall be considered an approval of the pending plan. The results of the District review shall be forwarded to the Community Development Director. No permit will be issued unless the plan has been approved by the District, and any variances required by Section 6.13 and bonding, if required, have been obtained. Such review will not be required if the Issuing Authority and the District have entered into an agreement which allows the Issuing Authority to conduct such review and approval of the plan without referring the application and plan to the District.

6. Decision Maker

The Community Development Director shall approve, approve with conditions or deny all land disturbance permit applications within forty-five (45) days after receipt of a completed application. If the permit is denied, the reason for denial shall be furnished to the applicant.

7. Validity

The City may suspend, revoke, or modify the permit as it pertains to all or any portion of the land affected by the plan upon finding that the holder or his successor in the title is not in compliance with the approved erosion and sedimentation control plan or that the holder or his successor in title is in violation of this Code. 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.

J. Temporary Use Permits

1. Purpose
A temporary use permit shall be required for any development or use authorized for a period of not more than forty-five (45) days.

2. Applicability
No temporary use shall be authorized without first receiving an approved temporary use permit. The following uses may be permitted, subject to the issuance of a temporary use permit:

a. Seasonal product sales. No permit shall be required for such uses operated as part of a school or place of worship.

The following seasonal sales events will require a permit to be administered by the Community Development Department:

a. Retail sales of Christmas trees permitted between Thanksgiving and the 26th day of December.

b. Retail sales pumpkins, gourds and other Halloween or fall items permitted from October 1st to October 31st. (ORD-05-08-UDC, 11-4-08)

c. Sales Offices and Model Homes

d. Temporary Parking Lots

e. Business offices or sales facilities where construction of a permanent facility is being diligently completed.

f. Construction field offices

g. Private farmer's markets.

h. Parties, receptions, events or similar functions anticipated to draw more than 15 total guests (including overnight guests) to a Bed and Breakfast, located within a Residential District.

i. Similar temporary uses which, in the opinion of the Community Development Director are compatible with the district and surrounding land uses.

3. Application
The applicant shall file a completed application with the Community Development Director describing proposed use in sufficient detail for the Community Development Director to evaluate the impacts of the proposed structure or use on the public health, safety and welfare.

4. Review Criteria
The Community Development Director may approve an application for an access permit upon finding that:

a. Land Use Compatibility. The temporary use must be compatible with the purpose and intent of this Code and the Zoning District in which it will be located. The temporary use shall not impair the normal, safe, and effective operation of a permanent use on the same site. The temporary use shall not endanger or be materially detrimental to the public health, safety or welfare, or injurious to property or improvements in the immediate vicinity of the temporary use, given the nature of the activity, its location on the site, and its relationship to parking and access points.

b. Compliance with Other Regulations. A Building Permit or temporary Certificate of Occupancy may be required before any structure used in conjunction with the temporary use is constructed or modified. All structures and the site as a whole shall meet all applicable building code, Zoning District, and fire code standards and shall be promptly removed upon the cessation of the use or event. Upon cessation of the event or use, the site shall be returned to its previous condition (including the removal of all trash, debris, signage, or other evidence of the temporary use).
c. **Location.** Seasonal sales shall not be authorized within required parking areas or within public rights-of-way.

d. **Traffic Circulation.** The temporary use shall not cause undue traffic congestion or accident potential, as determined by the Community Development Director, given anticipated attendance and the design of adjacent streets, intersections and traffic controls.

e. **Off-Street Parking.** Off-street parking shall be provided in accordance with this Code for the temporary use, and it shall not create a parking shortage for any of the other existing uses on the site.

f. **Public Conveniences and Litter Control.** Adequate on-site rest room facilities may be required. Adequate on-site solid waste containers may also be required. The applicant shall provide a written guarantee that all litter generated by the event or use shall be removed at no expense to the City.

g. **Appearance and Nuisances.** The temporary use shall be compatible in intensity, appearance and operation with surrounding land uses in the area, and it shall not unduly impair the usefulness, enjoyment or value of adjacent property due to the generation of excessive noise, dust, smoke, glare, spillover lighting, or other forms of environmental or visual pollution.

h. **Signs.** The Community Development Director shall review all signage in conjunction with the issuance of the permit. Such signage shall be in accordance with the requirements of this Code.

i. **Other Conditions.** The Community Development Director may establish any additional conditions deemed necessary.

5. **Decision Maker**

The Community Development Director shall approve, approve with conditions or deny all temporary use permit applications.

6. **Validity**

A temporary use permit shall be valid for the term approved by the Community Development Director, provided such permit may not be granted for more than forty-five (45) days; up to three (3) times a year.

**Section 2.03 Major Development Applications**

A. **Comprehensive Plan Amendments**

All Comprehensive Plan amendments shall comply with the Type 4 review process as described in Section 2.01.C and applicable State requirements.

1. **Purpose**

To amend the Comprehensive Plan text or maps from time to time so that they best reflect existing conditions and projected needs of the City.

2. **Application and Procedures**

The applicant shall file an application with the required information listed in the Appendix of this Code.

a. **Applicant**

Amendments to the Comprehensive Plan text or Future Land Use Map may be initiated by the Planning Commission, the City Council, City Staff or by petition of an owner of property located in the City.

b. **Pre-Application Conference**

Before any application is made, the applicant is encouraged to confer with the Community Development Director to discuss, in general, the procedures and requirements for a Comprehensive Plan amendment request pursuant to this Code.
c. Application

A Comprehensive Plan amendment request may be initiated by filing an application with the Community Development Director and paying the application filing fee as established by the City Council.

3. Review Criteria

The following criteria shall be considered when reviewing a Comprehensive Plan amendment application:

a. Original Errors

Whether there was error in the original Comprehensive Plan adoption in that the Council failed to take into account then existing facts, projections or trends that were reasonably foreseeable to exist in the future.

b. Subsequent Events

Whether events subsequent to the Comprehensive Plan adoption have invalidated the Council’s original premises and findings made upon plan adoption.

c. Premises and Findings

Whether any or all of the Council’s original premises and findings regarding Comprehensive Plan adoption were mistaken.

d. Change in Character

Whether events subsequent to the Comprehensive Plan adoption have changed the character and/or condition of the area so as to make the application acceptable.

4. Decision Makers

a. Planning Commission

(1) Public Hearing

The Planning Commission shall hold a public hearing within forty-five (45) days of receipt of application and make its recommendation to the City Council on each proposed Comprehensive Plan amendment.

Additional Property

When the Planning Commission deems it necessary or expedient, the Commission may modify the application for a text amendment or a map amendment provided that the property subject to the map amendment is included in the hearing notices and the change is to an equal or less intense future land use category.

b. City Council

(1) Available Action

The Council may approve, conditionally approve or deny the proposed amendment.

(2) Review Criteria

When making its decision, the Council shall consider the review criteria established in Section 2.03.A.3 of this Code and the record provided by the Planning Commission. If a Plan map amendment is approved, future amendments to the Zoning Map shall be consistent with the approved Comprehensive Plan amendment.

(3) Time Limit
The City Council shall act on the Plan amendment in conformance with state law.

5. Filing of Plan
The official Comprehensive Plan and the ordinance or ordinances including the official Future Land Use Map shall be certified by the City Council and placed on file with the City Clerk.

B. UDC Text and Zoning Map Amendments
All UDC text and zoning map amendments follow the Type 4 review process as described in Section 2.01.C.

1. Purpose
The Council may, from time to time, on its own motion or on petition, amend, supplement, or change, by ordinance, the Zoning Map or development regulations in this Code to better provide for the public health, safety and welfare of the City.

2. Applicability
An owner of real property within the City, or that owner's authorized representative, may apply for a change in zoning district boundaries (rezoning) for that landowner's property, or an amendment to the Code text. The Planning Commission, City Manager or the City Council also may initiate such amendments.

3. Application and Procedures
The applicant shall file an application with the required information listed in the Appendix of this Code. A site plan showing proposed site development and uses shall be submitted in conjunction with all zoning map amendments.

4. Review Criteria
Changes to the Code text or Zoning Map shall not become effective until after review and study by the Planning Commission and action by the City Council who shall consider the following review criteria, as applicable, to determine whether the change should be approved.

a. The existing zoning was in error at the time of adoption; or

b. The proposed change is consistent with, and in furtherance of, the implementation of the goals and objectives of the Comprehensive Plan, other adopted plans, and the policies, intents and requirements of this Code and other city regulations and guidelines; or

c. There is a community need for and benefit from the proposed rezoning; or

d. The proposed change is consistent with the character of the area in which the proposed rezoning is proposed; or

e. The proposed zoning is compatible with the zoning and uses of property nearby; or

f. The existing zoning is suitable for the development of the uses authorized under the existing zoning classification, will be conducive to proper community planning, and is a logical extension of an existing urban area or growth center; and

g. Public and community facilities, which may include, but are not limited to, sanitary and storm sewers, water, electrical service, police and fire protection, schools, parks and recreation facilities, roads, libraries, and solid waste collection and disposal, are available and adequate to serve uses authorized under the proposed zoning; and

h. Authorized uses will not adversely affect the capacity or safety of the street network in the vicinity of the property; and

i. Potential environmental impacts (e.g., excessive storm water runoff, water pollution, air pollution, noise pollution, excessive lighting, or other environmental harms) of authorized uses will be mitigated.

5. Decision Makers
a. Planning Commission

(1) Public Hearing

The Planning Commission shall hold a public hearing on each proposed zoning amendment according to the schedule adopted by the City Council.

(2) Amendments

When the Planning Commission deems it necessary or expedient, the Planning Commission may recommend amendments to the applicant’s request which would reduce the land area for which the application is made, change the district requested to an equal or less intense district, or recommend conditions of rezoning which may be deemed advisable to secure public health, safety, and general welfare.

(3) Recommendations to City Council

Within forty-five (45) days of the conclusion of the public hearing, the Planning Commission shall forward to the City Council a summary of all evidence taken at the hearing, together with its recommendations for any change to zoning district boundaries and/or regulations. The Planning Commission may recommend approval, denial, or conditional approval. The reasons for the recommendations shall be included. A copy of the recommendations shall be given to the applicant. The failure of the Planning Commission to make a recommendation within sixty (60) days of the public hearing shall not be construed as a recommendation for approval to the City Council.

b. City Council

(1) Consideration

The City Council shall hold a public hearing on the proposed zoning amendment. The Council shall consider the findings of fact and the recommendation of the Planning Commission and the record of public input. The Council may, by simple majority vote, approve, deny or conditionally approve the recommendation of the Planning Commission.

(2) Approval

If the Council approves an application, it shall adopt an ordinance approving the change. The amending ordinance shall define the change or boundary as amended, include the proposed site plan, and instruct the Community Development Director to amend the Zoning Map to reflect any map amendment. The ordinance shall be filed with the City Clerk and shall be recorded in the County Recorder’s Office. Amendments to the official Zoning Map must be made within three (3) days of approval by the City Council.

(3) Site Plan Amendment

Subsequent to the zoning change, the Community Development Director may approve minor changes as described in Section 2.03.C.4.f. All other site plan amendments shall be decided through the Type 2 review process as described in Section 2.01.C.

6. Lapse of Rezoning

Failure to establish the proposed use or initiate development within one (1) year of the rezoning approval or other time period established by the City Council at the time of the rezoning shall constitute consent by the property owner for the City to initiate the process to revert the zoning through the zoning map amendment process established in this Code. The City Council, at its sole discretion may choose to revert the zoning, retain the existing zoning or grant a limited extension of the zoning for lapsed uses.

C. Planned Development

1. Purpose
The purpose of the Planned Development process is to demonstrate conformance with the Comprehensive Plan, compatibility of land use and coordination of improvements within and among individually platted parcels, sections or phases of development. A PD application includes a rezoning application tied to a detailed plan for site development and a subdivision plat if applicable. The Concept Plan phase of the PD includes the site layout and preliminary plat. The Final Plan is approved in conjunction with the rezoning, proposed development phasing and final subdivision plat.

2. Applicability
Planned Development may be applied to residential, commercial, industrial or mixed-use projects to provide design flexibility not available through strict interpretation of the standards established in this Code. Classification as a Planned Development shall require a rezoning of the affected property in conformance with Section 2.03.B. Design flexibility is provided through Planned Development to enhance long-term community benefits that may be achieved through high quality development that provides:

a. More efficient infrastructure;
b. Reduced traffic demands;
c. More usable public or private open space;
d. Recreational amenities; and
e. Needed housing choices.

3. PD Concept Plan
   a. Purpose
A PD Concept Plan constitutes a major step in the review process and provides general information about the land uses, development patterns, intensities, and street patterns in the proposed Planned Development.

b. Applicability
A concept plan is mandatory for all planned development applications.

c. Application and Procedure
The applicant shall file an application with the required information listed in the Appendix D of this Code. The PD concept plan shall be processed as a Type 4 application as described in Section 2.01.C.

d. Review Criteria
The Concept Plan application shall be evaluated using the review criteria established for zoning map amendments (Section 2.03.B), major subdivision (Section 2.03.E), and the following criteria:

(1) Consistency
The development design is consistent with the purposes of the Planned Development (Section 2.03.C.1) and Comprehensive Plan goals and policies.

(2) Design
The development is designed and phased to make efficient use of existing infrastructure, have lower traffic volumes or contribute to better mobility than would conventional development, provide more usable public or private open space or other recreational amenities than conventional development, and provide needed housing choices.
(3) Benefits

The development will provide long-term benefits to the neighborhood in which it is located and the community as a whole.

(4) Standards

The development complies with the zoning district standards in Article 3 of this Code.

e. Decision Makers

(1) Planning Commission

The Planning Commission shall review the Concept Plan application at a public hearing and make a recommendation to the City Council for approval, denial, or conditional approval of the Concept Plan, the requested rezoning and the preliminary subdivision plat, if applicable.

(2) City Council

The City Council shall review the Concept Plan application, proposed zoning amendment and the Planning Commission’s recommendation, and approve, deny, or conditionally approve the Concept Plan and Preliminary Plat, if applicable. The City Council may require the dedication of perimeter rights-of-way as a condition of Concept Plan approval.

4. Final Development Plan

a. Purpose

The Final Development Plan, together with the development schedule and Final Plat, shall act as the blueprint for development of a Planned Development project over the length of time the project is developed. The Final Development Plan and Final Plat refine the information submitted during the Concept Plan stage.

b. Application and Procedure

The applicant shall file an application with the required information listed in Appendix D of this Code and it shall be processed as a Type 5 application in accordance with Section 2.01.C.

c. Review Criteria

The Final Development Plan and Final Plat application and submittal shall be in substantial conformance with the Concept Plan. The Final Development Plan shall be reviewed for substantial conformance with the Concept Plan, as well as the review criteria for rezoning (Section 2.03.B) and major subdivision (Section 2.03.E). Substantial conformance means that the application does not:

(1) Increase the proposed gross residential density or intensity of use;
Increase the proposed ratio of residential units to non-residential square footage;
(3) Involve a reduction of the area set aside for common open space or the substantial relocation of such area;
(4) Substantially increase the floor area proposed for non-residential use; or
(5) Substantially increase the total ground areas covered by buildings or involve a substantial change in the height of buildings.

d. Decision Makers
The City Council shall review the Final Plan, proposed zoning amendment and final plat, as applicable, within thirty (30) days following the receipt of the complete application. The Council shall approve, conditionally approve or deny the Final Development Plan, rezoning, development schedule and Final Plat within forty-five (45) days of its initial consideration. The applicant shall provide all required subdivision guarantees prior to the final reading of the ordinance creating the PD.

**e. Filing Recordation**

The Final Development Plan and Final Plat with restrictive covenants, if any, a certified copy of the ordinance approving the Plan and Plat, and any other related documents shall be recorded in the County Recorder’s Office within forty-five (45) days of approval by the City Council.

Subsequent to the recording of the final plat, the original signed copy on mylar film, one additional hard copy with all certificates endorsed thereon, and one digital copy, positioned correctly in Georgia NAD_83 State Plane Coordinates (in U.S. survey feet to the hundredth of a foot) and compatible with the Douglas or Carroll County Geographic System, shall be filed with the records of the Development Services Department. The Map book, volume and page numbers where the plat is recorded shall also be indicated on the copies.

**f. Amendments to the Final Development Plan and Final Plat**

No changes shall be made in the approved Final Development Plan and Final Plat unless in conformance with the following requirements.

(1) Minor Change

The Community Development Director may authorize minor changes under the following conditions:

**(a) Definition**

The term "minor changes" as used in this Section is considered to represent changes that do not alter the overall characteristics of the total plan and that create no adverse impacts on adjacent uses or public services and facilities. Some examples of what can be considered as minor changes are:

(1) Changes in location and type of landscaping and/or screening so long as the approved character and intent is maintained;

(2) Changes in the orientation of portions of parking areas so long as the effectiveness of the overall site circulation and parking is maintained; parking areas shall be relocated not closer than twenty (20) feet to any residential structure or ten (10) feet to any street or right-of-way lines; and the number of parking spaces shall not be reduced by the relocation;

(3) Changes in the location of sidewalks and pathways, provided that continuity of pedestrian circulation remains;

(4) The reorientation, but not complete relocation of structures;

(5) Changes that will not impact properties or uses outside of and adjacent to the PD; or

(6) Redesign of open space that does not decrease the recreational, buffering, or environmental benefits of the open space.

**(b) Prohibitions**

No minor change authorized by this Section may cause any of the following:

(1) Change in the permitted uses or of development character;
(2) increased overall coverage of structures;

(3) increased density or intensity of use;

(4) increased demand for traffic circulation and public utilities;

(5) decrease in public or private open space;

(6) decrease in pavement and sidewalk widths; or

(8) increased numbers of dwellings.

(2) Major Change

All other changes to the approved Final Development Plan shall be deemed "major" and shall be approved only by the Council after review of a revised Final Development Plan and/or Map. No amendments may be made in the approved Final Development Plan unless the applicant establishes that such amendments are required as a result of:

(a) changes in conditions that occurred after Final Development Plan approval;

(b) changes in the development policy of the community; or

(c) conditions that were reasonably unforeseen at the time of Final Development Plan approval.

(3) Recording of Changes and Amendments

Any changes that are approved for the Final Development Plan and/or Final Plat shall be recorded as amendments to the previously recorded Plan and/or Map.

5. Lapse of Plan and Rezone

If a PD has not been completed in accordance with an approved development schedule (a lapse), the Community Development Director shall schedule the project before the Planning Commission, at which time a revocation of all prior approvals shall be considered. If the Planning Commission determines that a lapse has occurred, the Community Development Director shall record an appropriate legal notice and may initiate, without owner consent, a zoning change to the previous district.

6. Development According to the Final Development Plan and Final Plat

No building permit shall be issued on any site unless a site plan has been submitted and approved in accordance with the provision in Section 2.02B, and unless such site plan conforms with the conditions of the adopted Final Plan and Final Plat.

7. Transfer of Ownership

The requirements, restrictions, conditions and provisions of the approved PD Concept Plan and Final Development Plan and Final Plat shall be binding upon the owners, their heirs and assigns and future owners until such time as the City may release such limitation on the use of the subject property under the procedures provided herein.

D. Conditional Use Permits

Applications for Conditional Use Permits fall into one of two types of permits: Conditional Use Permits or Communications Tower Special Use Permits.

1. Conditional Use Permits

All Conditional Use Permit applications follow the Type 4 review process as described in Section 2.01.C.

a. Purpose
The purpose of Conditional Use review is to allow the City to exercise some discretion over the extent and design of certain activities that could have a detrimental effect on the community if permitted to exist in large numbers, in certain locations or without special conditions. Therefore, these regulations enable the City to authorize a Conditional Use subject to conditions that mitigate the potential problems associated with the use or its location in relation to the neighboring properties. A Conditional Use is not a use by right.

b. Applicability

Conditional Uses, as shown in Table 3-1 of this Code, are uses that have potential negative impacts upon other uses allowed in the subject zoning district that can be mitigated for some sites. A Conditional Use, once approved, authorizes the approved use only for the subject property, unless the permit is revoked due to violations enumerated in Section 2.03.D. The designation of a use in a zoning district as a Conditional Use does not constitute an authorization or assurance that such use will be approved.

c. Application and Procedures

The applicant shall file an application with the required information listed in the Appendix D of this Code.

d. Review Criteria

The following criteria shall be used when determining approval of a Conditional Use Permit:

(1) The proposed use at the specified location is consistent with the goals, objectives and policies of the Comprehensive Plan;

(2) The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations and complies with requirements of the Code;

(3) The proposed use is not materially detrimental to the public health, safety, comfort and general welfare, and will not result in material damage or prejudice to other property in the vicinity;

(4) The proposed use is compatible with and preserves or enhances the character and integrity of adjacent development and includes improvements necessary to mitigate adverse development-related impacts, such as traffic, noise, odors, visual nuisances, or other similar adverse effects to adjacent development and neighborhoods;

(5) The proposed use does not generate vehicular traffic that will be hazardous to the existing neighborhood;

(6) The proposed use will comply with all fire, health, building, plumbing, electrical and stormwater drainage regulations of the City, County, State and federal agencies; and

(7) Adequate public facilities exist to service the proposed use.

e. Decision Makers

(1) Planning Commission

The Planning Commission shall conduct a public hearing, review the Conditional Use Permit application and make its recommendation to the Council for approval, denial, or conditional approval.

(2) City Council

The Council shall conduct a public hearing, review the Conditional Use Permit application and any other proposed action related to the permit and the Planning Commission’s recommendation, and shall approve, conditionally approve or deny the permit. The Council may impose conditions and restrictions upon the establishment, location,
construction, maintenance and operation of the Conditional Use as deemed necessary to protect the public and to ensure compliance with the provisions of this Code.

f. Revocation

Any Conditional Use Permit granted under the authority of this Code is subject to revocation by the Council for any or all of the following reasons:

(1) Non-compliance

Non-compliance with any special conditions imposed by the Code or by the Council at the time of approval of the Conditional Use Permit.

(2) Code Violations

Violation of any provisions of the Code pertaining to the use of the land, construction or uses of buildings or structures or activities conducted on the premises by the permittee or agents of the permittee.

(3) Other violations

Violation of any other applicable Code provisions or any state or federal law or regulation by the permittee or agents of the permittee, provided that such violations relate to the conduct or activity authorized by the Conditional Use Permit or the qualifications of the permittee or its agents to engage in such conduct or activity.

g. Validity

The Conditional Use Permit shall be valid for the duration of the period specified in the ordinance approving the permit unless revoked by the Council or the use is ceased or terminated for ninety (90) consecutive days. The duration of the permit may be extended if, after a public hearing, the Planning Commission recommends and the Council grants the extension of up to one hundred and twenty (120) days. Conditional Use Permits granted prior to adoption of this Code shall remain in effect under the conditions established at the time the permits were issued. Amendments to those permits shall be processed as new permits in accordance with this Code.

2. Communications Tower Conditional Use Permits

All Communications Tower Conditional Use Permit applications follow the Type 6 review process as described in Section 2.01.C.

a. Purpose

The purpose of the Communications Tower Conditional Use Permit is to allow for establishment of needed towers in non-residential areas, encourage the joint use of new and existing tower sites, and minimize the adverse impacts of towers on the city.

b. Applicability

A Communications Tower Conditional Use Permit shall be required for all television, land mobile, communication, microwave, radio transmission antennae and towers. Federally licensed amateur radio antennas under seventy (70) feet in height are exempt from Communications Tower Special Use Permit requirements.

c. Application and Procedures

The applicant shall file an application with the required information listed in the Appendix D of this Code.

d. Review Criteria
The following criteria shall be used when determining approval of a Communications Tower Conditional Use Permit:

1. The proposed tower at the specified location is consistent with the goals, objectives and policies of the Comprehensive Plan;

2. The proposed tower is consistent with the general purpose and intent of the applicable zoning district regulations and complies with requirements of the Code;

3. The proposed tower is not materially detrimental to the public health, safety, comfort and general welfare, and will not result in material damage or prejudice to other property in the vicinity;

4. The proposed tower does not interfere with air traffic;

5. The proposed tower is consistent with State and Federal requirements; and

6. No existing tower or structure can accommodate the proposed antenna due to engineering requirements, structural strength, electromagnetic interference, unreasonable costs, or other limiting factors.

e. Decision Makers

The City Council shall conduct a public hearing, review the Conditional Use Permit application and any other proposed action related to the permit, and shall approve, conditionally approve or deny the permit. The Council may impose conditions and restrictions upon the establishment, location, construction, maintenance and operation of the Conditional Use as deemed necessary to protect the public and to ensure compliance with the provisions of this Code.

f. Revocation

Any Communications Tower Conditional Use Permit granted under the authority of this Code is subject to revocation by the Council for any or all of the following reasons:

1. Non-compliance

Non-compliance with any conditions imposed by the Code or by the Council at the time of approval of the Conditional Use Permit.

2. Code Violations

Violation of any provisions of the Code pertaining to the use of the land, construction or uses of buildings or structures or activities conducted on the premises by the permittee or agents of the permittee.

3. Other violations

Violation of any other applicable Code provisions or any state or federal law or regulation by the permittee or agents of the permittee, provided that such violations relate to the conduct or activity authorized by the Conditional Use Permit or the qualifications of the permittee or its agents to engage in such conduct or activity.

g. Validity

The Conditional Use Permit shall be valid for the duration of the period specified in the ordinance approving the permit unless revoked by the Council. Conditional Use Permits granted prior to adoption of this Code shall remain in effect under the conditions established at the time the permits were issued. Amendments to those permits shall be processed as new permits in accordance with this Code.
E. Major Subdivisions

1. Purpose
The purpose of this Section is to ensure that subdivisions comply with the minimum standards for the design, development and improvement established in this Code.

2. Applicability
Every owner of any tract or parcel of land shall follow the major subdivision process to:

a. Subdivide or plat said tract or parcel into five or more lots (any of which is less than five (5) acres);

b. Divide a lot or parcel created through the minor subdivision process; or

c. Divide any parcel of land that creates the need for the dedication of public right-of-way or the construction of off-site utility improvements.

3. Concept Plan
   a. Purpose
The purpose of the Concept Plan is to ensure that proposed land uses, intensities, and street layouts in multi-phase development are consistent with the Comprehensive Plan and the ability to provide adequate public facilities. A Concept Plan may be processed concurrently with a Preliminary Plat.

   b. Applicability
A Concept Plan is required for any major subdivision that will plat contiguous land holdings in two or more phases. The Concept Plan shall identify all contiguous land holdings of the applicant and establish a phasing plan for any subdivision involving multiple phases of development and any subdivision for which only a portion of the parent tract or a portion of contiguous holdings under common ownership are proposed to be platted.

   c. Application and Procedures
The applicant shall file an application with the required information listed in the Appendix D of this Code. The application shall be reviewed according to the Type 3 process described in Section 2.01.C.

   d. Review Criteria
The Planning Commission shall consider the following criteria when reviewing the Concept Plan.

(1) Consistency of the proposed project with the goals and objectives of the Comprehensive Plan;

(2) The consistency of the proposed subdivision with applicable zoning of the property

(3) The consistency of proposed public improvements with the existing and planned development within and surrounding the proposed subdivision;

(4) The suitability of the proposed project for the site;

(5) The availability and adequacy of required public and community facilities, utilities and services to serve the proposed project. These may include, but are not limited to, sanitary and storm sewers, water, electrical services, police and fire protection, schools, parks and recreation facilities, roads, and others, as applicable;

(6) The extent to which the proposed project would adversely affect the capacity or safety of that portion of the street network influenced by the use;

(7) The environmental impacts that the proposed project will generate.
e. Decision Maker

The Planning Commission shall determine whether the proposed development meets the criteria stated in paragraph d. of this subsection and shall recommend approval, denial or conditional approval of the application to the City Council. The City Council shall approve, deny, or conditionally approve the Preliminary Plat. If the Community Development Director determines that the proposed subdivision may have a major impact on the school districts, the City shall provide a copy of the Concept Plan and successive Preliminary Plat to the applicable school district for review and comment.

f. Effect of Approval and Validity

(1) Approval of a Concept Plan constitutes acceptance of the type, arrangement, and intensity of land use; the classification and arrangement of streets indicated; the proposed phasing plan; and the nature of utility service proposed.

(2) The approval of the Concept Plan shall not expire as long as the development proceeds in accordance with the phasing plan. At such time as the development lags one year behind the approved phasing plan, or a period of one year elapses without approval of a Preliminary Plat, Concept Plan approval shall expire. Upon receipt of a written request, the Planning Commission may approve extensions upon finding that changing conditions in the City do not necessitate changes to the approved Concept Plan.

(3) Concept Plan approval does not ensure approval of a Preliminary Plat involving a substantially different concept or failing to meet specific requirements of these regulations, and approval does not comprise any vesting of development rights or any assurance that permits of any kind will be issued.

4. Preliminary Plat

a. Purpose

Preliminary Plat approval allows the Planning Commission to review all substantive aspects of a proposed subdivision and impose such conditions as will be necessary to ensure compliance with City plans and regulations.

b. Applicability

Any person proposing to subdivide land, other than a minor subdivision, shall submit the application and Preliminary Plat to the Community Development Director for consideration by the Planning Commission. The Community Development Director may permit the applicant to prepare a Final Plat for submission to the Planning Commission at the same time the Preliminary Plat is submitted. However, if a Concept Plan is submitted concurrently with a Preliminary Plat, the Final Plat shall be submitted separately.

c. Application and Procedures

The applicant shall file an application with the required information listed in the Appendix D of this Code. The application shall be reviewed according to the Type 4 process described in Section 2.01.C.

(1) Pre-Application Conference

Before any application is made, the applicant is encouraged to confer with the Community Development Director to discuss, in general, the procedures and requirements for Preliminary Plat approval pursuant to these regulations.

Submittal

A Preliminary Plat application and applicable fee shall be submitted to the Community Development Director for review by the Planning Commission.

(3) Deadline
A Preliminary Plat application shall be filed at least thirty (30) days prior to the regular Planning Commission meeting at which the applicant desires to be heard.

(4) City Manager Comments

The Planning Commission by way of the City Clerk shall distribute at least one copy of the proposed preliminary subdivision documents to the city manager who shall thereupon analyze and acquaint himself with the preliminary subdivision documents and forward comments to the Planning Commission. To have review action completed for next Planning Commission meeting, the preliminary documents must be submitted at least ten (10) working days prior to the meeting.

(5) Subdivider Notice of Comments

After review of the comments by the city manager, the City Clerk shall notify the subdivider of the time and place at which the Planning Commission will act upon the preliminary subdivision documents. The City Clerk shall advise the subdivider in such notification if any unfavorable recommendation is to be made to the Planning Commission and offer the subdivider the opportunity of making written withdrawal of his application and arranging for any early conference to discuss the reason for any unfavorable recommendation. If the subdivider elects to withdraw his application, he shall not be refunded the preliminary plat filing fee nor shall he be required to pay an additional filing fee in the event he resubmits his application within one year after the initial submittal.

d. Submittal Date

For purposes of these regulations, the date of the regular meeting of the Planning Commission at which time a complete Preliminary Plat is reviewed shall constitute the official application date of the plat.

e. Notification of Subdivision

(1) School District

The Community Development Director shall notify the superintendent of each school district in which the land is subdivided that the plat has been submitted for approval and that it is available for inspection. The notice shall give the date, time and place of hearing on the plat and shall be mailed by certified mail, return receipt requested, or shall be delivered by personal delivery.

(2) County

When a proposed subdivision is located within the urban growth area of the City and outside the city limits, the City shall provide a copy of the preliminary plat to the County for its review and comments.

f. Review Criteria

The Planning Commission shall make the following findings before recommending approval of a Preliminary Plat:

(1) The plat is consistent with the Future Land Use Map.

(2) The application conforms with environmental and health laws and regulations.

(3) The site is served, or will be served at the time of development, with all necessary public utilities;

(4) If on-site wastewater systems are proposed, the Community Development Director shall find that the proposed development and improvements are compatible with long-term expansion plans for the City’s wastewater system, and the County Health Department shall certify that the proposed lots satisfy applicable regulations prior to approval of the final plat;
(5) The location of the site will not cause the need for premature or inefficient extensions and expansions of public facilities, utilities and services;

(6) The applicant has demonstrated that public services such as schools, public safety and fire protection will be available upon platting of the subdivision in conformance with the requirements of Article 8 of this Code;

(7) The site represents an overall development pattern that is consistent with Article 4 of this Code and with the goals and policies of the Comprehensive Plan, the Capital Improvements Program, and any other applicable planning documents adopted by the City;

(8) The subdivision complies with all applicable provisions of this Code, including but not limited to:

(a) Each lot in the plat of a residential development has adequate and safe access to/from a local street. If lot access is to/from a collector or arterial street, the Planning Commission shall expressly find that such access is safe and that no other lot access or subdivision configuration is feasible;

(b) The site contains a parcel, lot and land subdivision layout that is consistent with this Code, generally accepted land planning and site engineering design principles;

(c) The arrangement of streets and lots shall give due regard to the topography and other physical features of the property; and

(d) The applicant agrees to dedicate and improve land, right-of-way and easements, as may be determined to be needed to effectuate the purposes of these regulations and the standards and requirements incorporated herein;

g. Staff Action

(1) Distribution

The Community Development Director shall transmit copies of the Preliminary Plat to the Planning Commission.

(2) Staff Reports

The Community Development Director shall file a written recommendation with the Planning Commission within twenty-one (21) days of the filing date of the Preliminary Plat. The Community Development Director shall include the written comments of the Georgia Department of Transportation, relevant highway authority, County Health Department and school district, if applicable. Copies of the written reports shall be made available to the applicant.

h. Decision Maker

Within thirty (30) days of the filing date, the Planning Commission shall hold a public hearing, review the application, and recommend that the City Council approve, conditionally approve or deny the Preliminary Plat. Following the Planning Commission action, the City Council shall approve, deny, or conditionally approve the application. If the Preliminary Plat is denied, the City Council shall advise the applicant of the reason for denial. Approval of the Preliminary Plat by the City Council shall constitute approval to proceed with the preparation of the Final Plat but not to be deemed approval of the subdivision.

i. Exceptions

Whenever the tract to be subdivided is of such unusual size or shape or is surrounded by such development or unusual conditions that the strict application of the requirements contained in this Code would result in real difficulties or substantial hardship or injustice, the Planning Commission may recommend that the City Council vary or modify such requirements so that the applicant may develop his property in a reasonable manner, while at the same time, the public welfare and interests of the City and surrounding area are protected and the general intent and spirit of this Code are preserved.
j. Duration of Permit/Approval

Preliminary Plat approval shall confer upon the applicant, for a period of one (1) year from the date of approval by the City Council, the right to proceed to Final Plat approval pursuant to the terms and conditions under which the Preliminary Plat approval was granted by the City Council. The applicant may delay the submission of the Final Plat provided that extension is granted by the City Council.

5. Construction Plans/Improvements

a. Construction Plans Required

(1) Following approval of the Preliminary Plat, the applicant shall submit construction plans consisting of complete plans and specifications for all easements, streets, traffic control devices, street lights, street signs, sanitary sewers, storm water facilities, water system facilities, sidewalks and the provision for all public utility sources to be provided to each lot within the subdivision together with other improvements required by these regulations. The Community Development Director shall review the plans and specifications as a Type 1 application in accordance with Section 2.01.C for minimum improvements and report these findings to the applicant. The Community Development Director shall determine whether the Construction Plans and specifications comply with the adopted standards and procedures for subdivision improvements and shall determine the amount of bond, if required. Following the approval of the plans and specifications by the Community Development Director, the applicant may submit the Final Plat to the Community Development Director for consideration by the City Council.

(2) All improvements required pursuant to these regulations shall be designed and constructed in accordance with the design standards and plan requirements of these regulations, the standards and specifications of the City and, where applicable, the requirements and authorization of the appropriate state agency, utility company or local franchisee.

b. Construction Drawing Requirements

The applicant shall file the construction drawings in conformance with the requirements listed in the Appendix of this Code.

c. Survey Monuments

All subdivision boundary corners shall be marked with survey monuments in conformance with state law. If survey monuments are removed during construction, a registered land surveyor shall replace them before the Final Plat is approved and/or before the City accepts improvements.

d. Public Agency Reviews

Prior to approving the Construction Plans, the applicant shall submit the Construction Plans to the Community Development Director for review of applicable local reviewing agencies and public utility companies that will service the subdivision and the Georgia Department of Transportation. The Community Development Director may seek consultation in the review of plans and the applicant shall pay the costs of such consultations.

e. Approval

Following agency and utility recommendations, the Community Development Director shall approve, conditionally approve or deny approval of the Construction Plans. Plans that are denied may be amended and immediately resubmitted. Denial may be appealed to the City Council within thirty (30) days of notification.

f. Timing of Improvements

The applicant is authorized to clear sight lines for surveys and provide access for boring equipment when necessary, provided that any related disturbance of the site is the minimum needed to obtain required information for the final engineering plans. Except upon the written approval of the Community Development Director or Community
Development Director, no grading, removal of vegetation, land filling, construction of improvements, or other material change shall commence on the subject property until the applicant has:

(1) Received approval of the Construction Plans and all necessary permits from the City, including a written notice to proceed with construction from the Director of Public Works;

(2) Entered into an Improvement Agreement with the City or otherwise arranged for completion of all required improvements; and

(3) Obtained necessary approvals and permits from other affected municipal, county or state agencies.

g. Modification of Construction Plans

Installation of improvements and construction shall conform to the approved Construction Plans. If the applicant chooses to make minor modifications in design and/or specifications during construction, such changes shall be made at the applicant’s own risk. It shall be the responsibility of the applicant to notify the Community Development Director in advance of any changes to be made to the approved plans. The applicant shall provide As-Built plans prepared by a registered professional engineer with a statement by the engineer to the effect that the installed improvements conform to the approved Construction Plans with any exceptions noted. When the applicant deviates from construction, the City may take such other actions as may be deemed appropriate including, but not limited to, revocation of plan approval and/or permits already issued and/or withholding of future approvals and permits.

h. Inspection and Acceptance of Improvements

(1) Inspection Required

All improvements required by these regulations shall be inspected by the Community Development Director or his designee, except for improvements made under the jurisdiction of other public agencies or by an independent engineer as authorized in a written agreement with the City. In these cases, engineers or inspectors of such agency will make the necessary inspections. Where inspections are made by other agencies, the applicant shall provide the City with written reports of each final inspection to the Community Development Director.

(2) Inspection Schedule

It shall be the responsibility of the applicant to notify the Community Development Director of the commencement of construction of improvements forty-eight (48) hours prior thereto. Inspections be required at each of the following stages of construction or as otherwise determined through an owner contract or Development Agreement (see Section 2.03.I.)

(a) Site grading/erosion control completion.

(b) Start and completion of each phase of underground utility construction.

(c) Subgrade preparation prior to aggregate base installation.

(d) Aggregate base compaction.

(e) Concrete curb and gutter installation.

(f) Prior to constructing pavement.

(3) Compliance with Standards
The applicant and the bonded construction contractor shall bear full and final responsibility for the installation and construction of all required improvements according to the provisions of these regulations and the standards and specifications of other public agencies.

(4) Acceptance

As part of this process, the developer/subdivider shall submit a final plat and as-built drawings, along with a two-year maintenance bond or letter of credit. Letters of credit from banks having local offices are preferred. Other bonds or letters of credit shall be subject to approval by the community development director, who shall be authorized to reject a bond or letter of credit if he reasonably determines the obligor or surety is unreliable or there would be practical difficulties in enforcing the obligation of the bond or letter of credit for other reasons. The bond or letter of credit shall name the board of commissioners or municipal authorities through the building department as obligee. For residential subdivisions, the amount of the bond or letter of credit shall be equal to 25% of the total construction costs. For commercial and industrial subdivisions, the amount of the bond or letter of credit shall be equal to 10% of the total construction costs. The maintenance bond or letter of credit shall remain in effect for two years from the date of final plat approval. During the two-year period, it shall be the developer/subdivider's responsibility to repair any defects that occur in the streets, sidewalks, drainage systems, and stormwater detention systems.

For developments with multiple phases of construction, the Community Development Director may require that portions of a previously approved phase be placed under an extended maintenance bond or letter of credit if the previously approved phase is used as access for construction traffic for the development of future phases. The duration of such an extended maintenance bond or letter of credit shall not exceed two years from the date of approval of the final plat for the final phase of the development.

A maintenance bond or letter of credit shall be released at the end of the two-year period. Ninety (90) days prior to expiration, a final inspection by the community development and public works departments of all subdivision improvements is performed to determine the need for any repairs. If repairs are necessary, the community development department will notify the developer/subdivider in writing.

If the developer/subdivider fails to take the necessary action to make repairs within thirty (30) days of notification by the City, then the community development director will authorize the surety or bank issuing the bond or letter of credit to release to the City all or any amount of the funds needed to make repairs. Upon release of the funds, the City Public Works and Community Development Departments will take action to ensure that the necessary repairs to streets, sidewalks, drainage, or stormwater detention facilities are completed.

The Community Development Director may require the maintenance bond or letter of credit to be extended to ensure the completion of repairs started but not completed by the developer/subdivider for a period not to exceed one hundred eighty (180) days.

(5) Site Clean-Up

The applicant shall be responsible for removal of all equipment, material, and general construction debris from the subdivision and from any lot, street, public way or property therein or adjacent thereto. Dumping of such debris into sewers, onto adjacent property or onto other land in the City, other than an approved landfill, is prohibited.

(6) Failure to Complete Improvements

If an Improvement Agreement has been executed and security has been posted and required public improvements are not installed pursuant to the terms of the Agreement, the City may:

(a) Declare the development to be in default and require that all public improvements be installed regardless of the extent of completion of the development at the time the agreement is declared to be in default;

(b) Obtain funds pursuant to the surety and complete the public improvements by itself or through a third party;
(c) Assign its right to receive funds pursuant to the surety in whole or in part to any third party, including a subsequent owner of the subdivision or addition for whom the public improvements were not constructed, in exchange for the subsequent owner's Agreement to complete the required public improvements; and/or

(d) Exercise any other rights available under the law.

(7) Release of Construction Surety Upon Completion of Public Improvements

Upon a satisfactory inspection of public improvements and acceptance by the City, the City Council shall adopt a resolution accepting improvements and releasing the surety in the affected subdivision plat. The surety for construction shall not be released until surety has been provided for the warranty of improvements. Upon written request of the applicant, the City Clerk shall deliver a certified copy of the resolution to the applicant and the bonding company.

i. Filing of Construction Plans

Approved construction plans shall be retained permanently in the office of the Community Development Director.

6. Final Plat
   a. Purpose

Final Plat approval is required at the completion of the major subdivision process so that the subdivision plat can be recorded, and dedications can be made.

b. Application and Procedures

The applicant shall submit an application with the required information listed in the Appendix D of this Code to the Community Development Director. The application shall be processed as a Type 2 application pursuant to Section 2.01.C of this Code.

c. Review Criteria

When the Final Plat conforms to the approved Preliminary Plat, certification to this effect shall be endorsed on the Final Plat by the City Council. Before approving the Final Plat, the Planning Commission shall make the following findings:

(1) Substantial Conformance to Preliminary Plat

The Final Plat substantially conforms to the approved Preliminary Plat and any conditions and exceptions granted pursuant thereto. Substantial deviations shall include, but are not necessarily limited to, the following:

(a) Change in the location or design of a public street;
(b) A change in the number or layout of lots or blocks;
(c) A change in access to lots;
(d) A change in areas, streets or rights-of-way to be reserved or dedicated;
(e) A change in the drainage plan which increases the runoff from the tract;
(f) A change in the public utilities and facilities to be provided; and
(g) A change in the extent of buffering between the proposed subdivision and adjacent areas and/or land uses.
(2) Conformance to Regulations

The Final Plat conforms to all applicable requirements of these regulations, and other applicable land development regulations; and

(3) Submission Requirements

All submission requirements of these regulations have been satisfied.

d. Staff Action

(1) Staff Reports

The Community Development Director shall review the Final Plat to ensure that all the requirements have been fulfilled. The Community Development Director may forward copies of the Final Plat to appropriate departments and agencies for their review and shall forward all staff and agency comments to the applicant and Planning Commission.

Scheduling

The Community Development Director shall schedule review of the Final Plat with the Planning Commission within thirty (30) days of the filing date.

e. Decision Maker

The Planning Commission shall review the application and approve, conditionally approve or deny the Final Plat. If the Final Plat is denied, the Planning Commission shall advise the applicant of the reason for denial in writing.

f. Filing and Recordation

(1) After the approval of the Final Plat by the Planning Commission and either the acceptance of improvements or approval of a development agreement by the City Council, the Mayor shall sign the Final Plat and copies of the same filed with other certification and instruments required for recordation. Said Plat shall be recorded in the County Recorder's Office at the owner's expense. If not recorded within one hundred and eighty (180) days of approval, such Plat shall have no validity and shall not be recorded without re-approval in conformance with Section 2.03E. The City Council may grant a one hundred and twenty (120) day extension to allow the plat to be recorded.

(2) If the Planning Commission fails to act upon the Final Plat within the prescribed time, the applicant may take action in conformance with state law.

(3) Subsequent to the recording of the final plat, the original signed copy on mylar film, one additional hard copy with all certificates endorsed thereon, and one digital copy, positioned correctly in Georgia NAD_83 State Plane Coordinates (in U.S. survey feet to the hundredth of a foot) and compatible with the Douglas or Carroll County Geographic System, shall be filed with the records of the Development Services Department. The Map book, volume and page numbers where the plat is recorded shall also be indicated on the copies.

F. Minor Subdivision

1. Purpose

The provision of adequate data concerning land use, utility requirements, traffic impact, streets, easements and dedications is vital to ensure the continued health, safety and welfare of the City's residents. Recognizing that the significance of this data is reduced for the small-scale projects that are most heavily impacted by cost of producing this data, the City herein establishes a simplified procedure for minor subdivisions. This procedure is intended to provide one-time relief for applicants.
2. Applicability
Any person proposing to subdivide land into four or fewer lots or parcels shall submit a Final Plat to the Community Development Director, prepared in accordance with Section 2.03E. If public improvements are required, the applicant shall submit and receive approval of construction plans prior to processing the Final Plat. If any of the parcels in the proposed minor subdivision were created by the minor subdivision process, or if the Community Development Director determines that the proposed subdivision creates the need for off-site infrastructure improvements that have not been funded by the City, the application shall be reviewed as a major subdivision.

3. Application and Procedure
The application and procedure for minor subdivisions shall use a Type 1 process. The Community Development Director shall receive the application and shall determine its completeness. Applicants for subdivisions or resubdivisions may follow these procedures provided that the subdivision meets all of the following criteria:

a. Streets
No new public streets are required for lot access to a public street.

b. Easements
No new off-site easements or improvements are required.

c. Design
The design and layout of the subdivision shall conform to the requirements of Articles 4, 5 and 6 of this Code.

4. Review Criteria
The minor subdivision shall comply with the criteria set forth for Preliminary Plats in Section 2.03.E.4.f.

5. Decision Maker
Consent of the Community Development Director shall be required for approval of a minor subdivision.

6. Filing and Recordation
Subsequent to the recording of the final plat, the original signed copy on mylar film, one additional hard copy with all certificates endorsed thereon, and one digital copy, positioned correctly in Georgia NAD_83 State Plane Coordinates (in U.S. survey feet to the hundredth of a foot) and compatible with the Douglas or Carroll County Geographic System, shall be filed with the records of the Development Services Department. The Map book, volume and page numbers where the plat is recorded shall also be indicated on the copies.

G. Conveyances and Plat Adjustments or Corrections
1. Purpose & Applicability
The following short form approval process may be used for:

a. The conveyance of parcels of land or interests therein for use as right-of-way for railroads or other public utility facilities and other pipelines which does not involve any new streets or off-site easements;

b. Conveyances relating to the dedication of land for public use;

c. A conveyance made to correct a description in a plat, such as:

(1) To correct an error in any course or distance shown on the prior Plat;

(2) To add any course or distance that was omitted on the prior Plat;

(3) To correct an error in the description of the real property shown on the prior Plat;
(4) To indicate monuments set after death, disability or retirement from practice of the engineer or survey or charged with responsibilities for setting monuments;

(5) To show the proper location or character of any monument which has been changed in location or character or which originally was shown at the wrong location or incorrectly as to its character on the prior Plat;

(6) To correct any other type of scrivener or clerical error or omission as previously approved by the Planning Commission or the City Council; such errors and omissions may include, but are not limited to: lot numbers, acreage, street names and identification of adjacent recorded Plats; and

(7) To correct an error in courses and distances of lot lines between two adjacent lots where lot owners join in the application for Plat amendment and neither lot is abolished, provided that such amendment does not attempt to remove recorded covenants or restrictions and does not have a material adverse effect on the property rights of the other owners in the Plat.

d. Lot line adjustments, and the merging of adjacent parcels into a single lot.

2. Application and Procedures
   a. Initial Application

   The application, with the required information as listed in Appendix D of this Code, shall be filed with the Community Development Director who shall review the application according to the Type 1 process established in Section 2.01.C, and forward the plat for the review of affected utilities and other applicable agencies. The Community Development Director shall approve, conditionally approve or deny approval of the application.

   b. Protests

   If a written protest to the application for correction to the plat is filed, then the Community Development Director shall schedule the application for review at the next Planning Commission meeting and shall notify all affected property owners of such meeting. After approval of the application, all conveyances or plat corrections or adjustments shall be recorded pursuant to Section 2.03E.6.f.

3. Review Criteria

Prior to approval of the application, the Community Development Director shall find that

a. All resultant parcels shall comply with the minimum standards required by these regulations;

b. No change in street right-of-way locations or reduction of easement width shall occur; and

c. The action will not adversely affect the character of the previously recorded Plat or the character of the area.

4. Decision Maker

The Community Development Director shall approve, conditionally approve or deny all applications for conveyance and plat corrections or adjustments.

5. Filing and Recordation

Subsequent to the recording of the final plat, the original signed copy on mylar film, one additional hard copy with all certificates endorsed thereon, and one digital copy, positioned correctly in Georgia NAD_83 State Plane Coordinates (in U.S. survey feet to the hundredth of a foot) and compatible with the Douglas or Carroll County Geographic System, shall be filed with the records of the Development Services Department. The Map book, volume and page numbers where the plat is recorded shall also be indicated on the copies.

H. Vacation or Abandonment of Streets, Easements or Plats

1. Purpose
When deemed to be in the public interest, and where no private rights will be injured or endangered and neither the public nor abutting property owners will suffer any loss or inconvenience thereby, all or a portion of any street, alley or public reservation, including, but not limited to, public utility or drainage easements, dedicated building setback lines and access control, or subdivision plat may be vacated. Applications for vacation of any street, alley or a public reservation or subdivision plat may be made by the City or by any owner of property on which the street, alley or public reservation lies or adjoins.

2. Applicability
A street or easement may be vacated if the street, alley or public reservation, or easement is not necessary for the public safety or convenience and meets the review criteria set forth below. A plat may be vacated or abandoned if it has not been developed or has been partially developed, the owner desires to vacate the undeveloped portion thereof, and there is no anticipated need for the easement to provide applicable facilities or services.

3. Application and Procedure
Any street, alley or public reservation, or portion thereof, certain public roads, or subdivision plat may be vacated by ordinance adopted by the City Council pursuant to the Type 5 process established in Section 2.01.C. Any application for vacation or abandonment by ordinance shall be filed in the office of the Community Development Director with the required information as listed in Appendix D of this Code. Following the adoption of any ordinance vacating any street, alley or public reservation, or portion thereof, or subdivision plat, the Clerk shall file a copy thereof for recording. Any vacation of right-of-way, reservation or easement on a recorded plat shall be noted on the Final Plat through the process established in Section 2.02.G of this Code.

4. Reservation of Easements
In vacating any street, alley or public reservation, or portion thereof, either by plat or by ordinance, the Council may reserve such rights-of-way and other easements as in the judgment of the Council are necessary or desirable for public service.

5. Reversion of Land Vacated
Streets, alleys or other public reservations that have been vacated shall be sold or shall revert to the owners of adjoining properties as provided by State law.

6. Review Criteria
Prior to approval of the application, the City Council shall find that:

a. The proposal is in conformance with State law.

b. The proposal is consistent with the Comprehensive Plan, Major Street Plan and other adopted plans and policies of the City;

c. The proposal shall not restrict access to any parcel so that such access is unreasonable, economically prohibitive, or devalues any property affected by the proposed vacation;

d. The proposal shall have no adverse impacts on the health, safety, and/or welfare of the general community, and shall not reduce the quality of public services provided to any parcel of land; and

e. All parties having an interest in the right-of-way or easement have indicated that there is no anticipated need to retain their interest.

7. Decision Maker
The City Council shall review the application in the same manner as a Final Plat at a public hearing and approve, approve with conditions or deny approval of the application.

I. Development Agreements
1. Purpose
The purpose of a Development Agreement is to ensure completion of public improvements.
2. Applicability
Except as provided below, before the Final Plat is recorded, all applicants shall be required to complete, to the satisfaction of the City, all street, sanitary, and other public improvements, as well as lot improvements on the individual residential lots of the subdivision or addition as required by these regulations. The required improvements shall be those specified in the approved Plat and Construction Plans.

3. Guarantee of Completion of Public Improvements
The Council may defer the requirement for the completion of required improvements if the applicant enters into a Development Agreement by which the applicant guarantees completion of all required public improvements no later than two years following the date upon which the Final Plat is approved. Such two year period may be extended for up to an additional two years at the discretion of the Council. For multi-phase developments, the Council may require the applicant to complete and dedicate some required public improvements prior to approval of the Final Plat for the area encompassing the improvements. The City Attorney shall approve any Development Agreement as to form and legality.

4. Covenants to Run with the Land
The Development Agreement shall bind all successors, heirs and assignees of the applicant. The Development Agreement shall be recorded with the County Clerk.

5. Performance Security
a. Security Required
Whenever the Council permits an applicant to enter into a Development Agreement, the applicant shall be required to provide sufficient security to ensure completion of the required public improvements. The security shall be in the form of a letter of credit, cash escrow or a surety bond naming the City as the beneficiary.

b. Amount of Security
The letter of credit, cash escrow or surety bond shall be in an amount estimated by the Community Development Director to reflect one hundred and ten (110%) percent of the cost of the improvements in the approved construction plan as calculated using prevailing wage rates, and shall be sufficient to cover all promises and conditions contained in the Development Agreement.

c. Approval
The issuer of any surety bond shall be subject to the approval of the City Attorney.

6. Escrow Agent
If security is provided in the form of a cash escrow, the applicant shall deposit it with the City Clerk a cash amount or certified check endorsed to the escrow agent for a face value in an amount not less than the amount specified by the Community Development Director.

a. Accrual
Interest from cash escrow account shall accrue to the City for administering the construction, operation and maintenance of the improvements.

b. Reimbursement
Where oversized facilities are required by the City, the City and applicant shall specify a reimbursement procedure in the Development Agreement.

7. Maintenance Guarantee
a. Guarantee Required
The applicant shall guarantee the improvements against defects in workmanship and materials for a period of two years from the date of City acceptance of such improvements. The maintenance guarantee shall be secured in an amount reflecting twenty-five (25%) of the cost of the completed improvements at the time of adoption of the resolution accepting the improvements.

b. Retention of Surety

If the applicant has entered into a Development Agreement for the completion of required improvements, an appropriate percentage of the surety may be retained by the City in lieu of a maintenance guarantee.

8. Temporary Improvements
The applicant shall construct and pay for all costs of temporary improvements required by the City and shall maintain said temporary improvements for the period specified.

9. Governmental Units
Governmental units to which these improvement and security provisions apply may file, in lieu of the Agreement and security, an ordinance by the officers or officials authorized to act on their behalf, agreeing to comply fully with all applicable provisions of these regulations.

10. Decision Maker
The City Council shall approve, approve with conditions or deny approval of the Development Agreement.

J. Variance
1. Purpose
Variances provide a mechanism for relief for property owners when strict application of this Code would result in a particular hardship. The variance granted shall be the minimum necessary to permit reasonable use of the land.

2. Applicability
The City Council shall hear and decide all requests for variances. No variance shall be granted to allow a use that is not authorized by this Code or a density that exceeds the maximums established for the applicable zoning district. The practical difficulty or hardship must be clearly exhibited and shall not be a result of actions of the applicant or previous owner.

3. Application and Procedures
The application, with the required information as listed in the Appendix D of this Code, shall be filed with the Community Development Director and processed in accordance with the procedures for a Type 5 application as described in Section 2.01.C.

4. Required Findings
A variance is not a right. It may be granted only upon finding that:

a. Granting the variance will not substantially conflict with any City adopted plans or policies, or the purposes or intent as set forth in this code; and

b. There are exceptional conditions creating an undue hardship, applicable only to the property involved, or the intended use thereof, which do not generally apply to the other land areas or uses within the zone district; and

c. The applicant cannot derive a reasonable use of the property without approval of a variance; and

d. Granting the variance will not generally set a precedent for other applications (which would indicate that a text amendment to this code should be proposed and considered); and

e. Granting the variance will not be detrimental to any adjacent properties or the area; and

f. Granting the variance will not be detrimental to public health, safety or welfare; or
g. In the event the basis or reason for the appeal is due to circumstances or a situation not created by the applicant (e.g., an undersized parcel was created, or a structure whose deficient setbacks were established, or a structure had setbacks which were conforming to requirements prior to the adoption of the current code requirements) the Council may approve a variance applying only 4.b. above.

5. Decision Maker
The City Council shall review the request for a variance at a public hearing. The Council shall grant the request only if it finds that the evidence provided sustains the findings above.

K. Appeals from Staff Determinations
1. Purpose
Appeals to the City Council provide a mechanism for review of any staff determination, including, but not limited to action on a development application or interpretation of development regulations.

2. Applicability
An applicant, aggrieved citizen or City representative, who believes that the City has committed an error in any order, requirement, decision or refusal made by any member of the City’s staff, may appeal that action by filing a notice of appeal with the Community Development Director within thirty (30) days of the subject action. An appeal stays all proceedings in furtherance of the action appealed from, unless in the opinion of the Community Development Director, by reason of the facts stated, the request or stay would result in imminent peril to life or property. In this event, the proceedings shall not be stayed except by order of the City Council or by the Superior Court on application and on notice to the Community Development Director from whom the appeal is taken, and on due cause shown. The City Council may authorize development activity to continue if it determines that the development does not pose an imminent threat to the health safety and welfare of adjacent property owners.

3. Application and Procedure
The application shall be the same as those required for a variance and shall be processed in accordance with the procedures for a Type 5 application as described in Section 2.01.C.

4. Appeals Review Criteria
The scope of review shall be limited to determining whether the decision or interpretation by the Staff was in accordance with the intent and requirements of this Code.

5. Decision Maker
The City Council shall review the appeal at a public hearing. The City Council shall grant the appeal if it finds that the decision was made improperly or in violation of state law.

L. Vested Rights Determination
1. Purpose
The vested rights determination procedure is intended to determine whether an applicant has acquired a protected status that requires the City to permit a development to proceed contrary to existing or amended land use regulations. The procedure establishes a limit on the duration of all development approvals to avoid unproductive investment in public facility system capacities.

2. Applicability
The determination of vested rights applies to developments and permits that were approved or issued or were in the process of being approved on or before the date of the adoption of this Code and approved projects in which no development activity has occurred for five (5) years or more.

3. Application and Procedures
The application for vested rights determination shall include all information listed in the Appendix D of this Code and shall be processed as a Type 3 application pursuant to Section 2.01.C

4. Review Criteria
The application shall be denied unless the applicant demonstrates compliance with the following criteria:
a. Detrimental Reliance

Entitlement to development approval on the basis of detrimental reliance, i.e.,

(1) The initial application for development approval was made by the applicant and approved by the City;

(2) The City had an opportunity to require the applicant to submit relevant information, including, but not limited to, adequate public facilities data;

(3) The applicant has proceeded in good faith; and

(4) No approvals or permits have lapsed or been revoked; or

b. Other Vested Rights

Entitlement to development approval on the basis of other vested rights under any applicable state law.

5. Decision Makers

a. Planning Commission

The Planning Commission shall review the application at a public hearing in conformance with Section 2.01.B and shall make recommendations to the City Council.

b. City Council

The City Council shall approve, conditionally approve or deny approval of all vested rights determinations. If the applicant is found to be vested, the City Council shall enter into an agreement with the applicant specifying the terms of continued development. If the applicant is found to be not vested, the development application for which the applicant made the vested rights claim shall be considered void.

6. Validity

A vested rights determination shall be valid for the term specified in the Development Improvements Agreement. If the applicant fails to enter into a Development Agreement, the vested rights determination shall be valid for two years.

M. Issuance of Rules and Regulations for Public Improvements

The City may promulgate reasonable rules and regulations regarding the design and installation of improvements required pursuant to this Code through a Type 5 review process as described in Section 2.01.C of this Code. The Community Development Director shall prepare such rules for review and approval by the City Council.

1. Minimum Standard

Any rule and regulation established shall meet the minimum City and State standards, but nothing in this Section shall prevent the City from requiring compliance with higher requirements than the State regulations.

2. Notice of Hearing

Notice of public hearing on any proposed rule or regulation shall be given in at least one (1) newspaper having general circulation within the City at least fifteen (15) days and not more than forty-five (45) days before the hearing.

3. When Effective

Rules and regulations issued by the City shall be effective after approval by the City Council.

4. Enforcement of Rules

The Community Development Director shall enforce rules and regulations adopted under this Section in the manner set forth below.
a. Suspend or Revoke Permit

The Community Development Director may suspend or revoke any permit for noncompliance with any rule or regulation issued pursuant to this Section.

b. Notice of Violation

When the Community Development Director determines a violation exists, the Community Development Director shall notify the violator in writing. Such notice of violation shall be delivered to the person causing the violation or the legally authorized representative of the person or mailed to the last known address of that person.

c. Stop Work Order Issued

In addition to the notice of violation, the Community Development Director may issue a written stop work order if it is believed that the violation poses a serious threat to health and safety. The stop work order shall be delivered to the owner of the property involved, to the agent of the owner or to the person doing the work.

d. Reinstallation of Improvement

The Community Development Director may require that an improvement, installed in violation of rules and regulations adopted pursuant to this Section, be reinstalled in compliance with adopted rules and regulations.

N. Condominiums

1. Purpose

These condominium regulations have been promulgated and adopted with the following purposes in mind:

a. To protect and provide for the public health, safety, and general welfare of present and future residents of the City of Villa Rica.

b. To establish adequate and accurate records of condominium lands and buildings.

c. To provide for the harmonious development of the City and to insure that the development is consistent with Comprehensive Plan.

d. To encourage the innovative use of land.

e. To protect the character and value of condominium lands and buildings throughout the City.

2. Applicability

a. These regulations shall apply to all of the lands within the boundaries of the City, as they shall from time to time be amended.

b. Every owner or proprietor of any tract or parcel of land who shall hereafter construct a condominium, or convert land and improvements to condominium status, shall submit a condominium plat or plats in accordance with this Section. No person shall commence the physical layout or construction on the ground of a condominium without first obtaining the approval of the City Council in the form of an approved condominium plat.

c. These regulations shall apply to any land and improvements where portions of which are designated for separate ownership and the remainder of which is designated for common ownership by the owners of these portions.

d. A condominium proposal consisting of a land subdivision may comply with the Major Plat requirements of this Code and may submit his Condominium Plat and Preliminary Plat concurrently for Planning Commission consideration.

e. These regulations shall not apply to:
(1) A condominium development which existed prior to the effective date of these regulations, unless the number of condominium units is increased within an existing development.

(2) Any land subdivisions consisting solely of existing or new townhouse and rowhouse developments.

3. Application and Procedures
   a. Administration. These regulations shall be administered by the Community Development Director.

   b. Process. All plats shall be processed in accordance with the planned development standards established in Section 2.03.C of this Code. In addition to the requirements for planned developments, the applicant for a condominium development shall submit evidence that the condominium association or other funding sources shall adequately fund the operations and maintenance of all common areas and facilities.

   c. Occupancy. A certificate of occupancy shall not be issued for any condominium until the plat is approved by the City and recorded.

4. Review Criteria
   Condominium applications shall be reviewed in accordance with the planned development review criteria and the single family, multi-family and/or commercial design standards as applicable.
Article 3 Zoning Districts/Maps/Uses

Section 3.01 Establishment of Zoning Districts

To carry out the purpose and intent of this Code, the incorporated area of Villa Rica is hereby divided into the following zoning districts, the purposes of which are established in Section 3.04:

A. RD Rural Development
B. R-20 Single Family Residential
C. RT Residential Town-home
D. R-14 Multi-families Residential
E. DT Downtown District
F. NC Neighborhood Commercial
G. GC General Commercial
H. HC Heavy Commercial
I. OI Office and Institutional
J. LI Limited Industrial
K. GI General Industrial
L. PD Planned Development
M. WRD Water Resource District
N. FH Flood Hazard

Section 3.02 Zoning Map

A. Official Zoning Map
The boundaries of the zoning districts are indicated upon the Official Zoning Map of Villa Rica, which is made a part of this Code by reference. The Official Zoning Map and all the notations, references and other matters shown on the Map shall be as much a part of this Code as if the notations, references and other matters set forth by said map were all fully described in the Code. The Official Zoning Map shall be on file in the office of the Community Development Director and shall bear the signature of the Mayor attested by the City Clerk, under the certification that this is the Official Zoning Map of the Unified Development Code.

The City Council may, from time to time, adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map, in the event that the Official Zoning Map becomes damaged or destroyed, or for purposes of clarity due to a number of boundary changes, or to correct drafting errors or omissions.

B. Maintenance of the Official Zoning Map
If, in accordance with the provisions of this Code, changes are made in the district boundaries or other matters portrayed on the Official Zoning Map, the ordinance number and the date of each change shall be recorded by the Community Development Director on the Official Zoning Map.
C. Interpretation of the Official Zoning Map
1. Boundaries indicated as approximately following the centerlines of streets, highways, alleys or other public rights-of-way shall be construed to follow the centerlines.

2. Boundaries indicated as approximately following platted lot lines shall be construed as following the lot lines.

3. Boundaries indicated as approximately following section lines, quarter lines, quarter section lines, or quarter-quarter section lines shall be construed as following these lines.

4. Boundaries indicated as approximately following corporate limits shall be construed as following corporate limits.

5. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.

6. Boundaries indicated as approximately following the centerlines of rivers, streams, creeks or other waterways shall be construed to follow the centerlines.

7. Boundaries not capable of being determined in the previous paragraphs shall be as dimensioned on the Official Zoning Map or if not dimensioned, shall be determined by the scale shown on the Map.

Section 3.03 Use Matrix

Table 3-1 lists the principal uses allowed within zoning districts and uses permitted by Conditional Use Permit in accordance with Section 2.03.D.

A. Use Categories and Specific Uses
Use categories and uses listed in Table 3-1 are defined in accordance with the Land Based Classification System.

B. Permitted Uses
A P indicates that the listed use is allowed by-right within the respective zoning district. Permitted uses are subject to all other applicable standards of this Code.

C. Conditional Uses
A CU indicates that the listed use is allowed within the respective zoning district only after review and approval of a Conditional Use Permit, in accordance with the review procedures of Section 2.03.D. Conditional Uses are subject to all other applicable standards of this Code.

D. Prohibited Uses
An empty cell indicates that the listed use type is not allowed within the respective zoning district, unless it is otherwise expressly allowed by other regulations of this Code.

E. Uses Not Specifically Listed
In the case where a use is not specifically listed under any of the district regulations, the Community Development Director shall determine the appropriate district or districts where such use shall be allowed based on a comparison of other uses which most closely resemble the unlisted use. Where the Community Development Director is unable to determine clear placement, application shall be made to the City Council for interpretation.

Section 3.04 Zoning Districts

Development within the jurisdiction of the City of Villa Rica shall be consistent with the purposes and standards of the applicable zoning district. Development in each district shall comply with all applicable provisions of this Code, including, but not limited to: authorized use standards established in Section 3.03, site development standards established in Article 4, conditions for specific uses established in Article 5, landscape standards established in Article 6, and sign standards in Article 9.
A. RD – Rural Development

1. Purpose
The purpose of the R-D zoning district is to hold land for development in other zoning districts until the land is needed for future development in conformance with the City’s comprehensive plan, this Code and other applicable rules and policies.

2. Authorized Uses
Uses permitted in this zoning district shall be limited to those indicated in Table 3-1, which include detached single family residences and agricultural uses, as well as related accessory uses.

3. Development Standards
Development shall conform to the dimensional standards established in this Section. These standards are summarized in Table 3-2 and are illustrated in Exhibit 3-1.

4. Design Standards
Single family dwellings shall comply with Type I Design Standards as established in Section 5.21 standards are summarized in Table 3-2 and are illustrated in Exhibit 3-1.

### RD District Lot Development Standards

<table>
<thead>
<tr>
<th>Minimum Lot Size</th>
<th>1 acre</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Width at Front Setback Line</td>
<td>150 feet</td>
</tr>
<tr>
<td>Minimum Front Setback</td>
<td></td>
</tr>
<tr>
<td>Local Street</td>
<td>30 feet</td>
</tr>
<tr>
<td>Other Street</td>
<td>50 feet</td>
</tr>
<tr>
<td>Minimum Side Setback</td>
<td>25 feet</td>
</tr>
<tr>
<td>Minimum Rear Setback</td>
<td>30 feet</td>
</tr>
<tr>
<td>Maximum Height</td>
<td>40 feet</td>
</tr>
</tbody>
</table>

Exhibit 3-1 RD District Building Envelopes

- 30 foot front setback from local streets
- 50 foot front setback from arterial/collector
- 25 foot side setback
- 30 foot rear setback
B. R-20 – Single-Family Residential

1. Purpose
The purpose of this district is to accommodate low density single family residential development and to protect the existing single family residences and to provide for their future and orderly growth.

2. Authorized Uses
Uses permitted in this zoning district shall be limited to those indicated in Table 3-1, which includes detached, single family residences and related accessory uses.

3. Development Standards
Development shall conform to the dimensional standards established in this Section. These standards are summarized in Table 3-2 and illustrated in Exhibit 3-2.

4. Design Standards
Single family dwellings shall comply with Type I Design Standards as established in Section 5.21.

R-20 District Lot Development Standards

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Measurement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Size</td>
<td>20,000 square feet with sewer; 36,670 square feet without sewer</td>
</tr>
<tr>
<td>Minimum Lot Width at Front Setback Line</td>
<td>100 feet</td>
</tr>
<tr>
<td>Minimum Front Setback</td>
<td></td>
</tr>
<tr>
<td>Local Street</td>
<td>30 feet</td>
</tr>
<tr>
<td>Other Street</td>
<td>50 feet</td>
</tr>
<tr>
<td>Minimum Side Setback</td>
<td>20 feet</td>
</tr>
<tr>
<td>Minimum Rear Setback</td>
<td>25 feet</td>
</tr>
<tr>
<td>Maximum Height</td>
<td>40 feet</td>
</tr>
</tbody>
</table>
Exhibit 3-2 R-20 District Building Envelopes

- 30 foot front setback from local streets
- 50 foot front setback from arterial/collector streets
- 20 foot side setback
- 25 foot rear setback
C. RT – Residential Townhome

1. Purpose
The purpose of this district is to accommodate town-homes located on individual lots that promote home ownership.

2. Authorized Uses
Uses permitted in this zoning district shall be limited to those indicated in Table 3-1, which includes attached and detached single family residential uses located on individual lots.

3. Development Standards
Development shall conform to the dimensional standards established in this Section. These standards are summarized in Table 3-2 and illustrated in Exhibit 3-3.

<table>
<thead>
<tr>
<th>RT District Lot Development Standards</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Development Area</td>
<td>14,000 sq. ft.</td>
</tr>
<tr>
<td>Minimum Lot Size</td>
<td>3,000 sq.ft.</td>
</tr>
<tr>
<td>Maximum Density</td>
<td>12 dwelling units per acre</td>
</tr>
<tr>
<td>Minimum Lot Width at Front Setback Line</td>
<td>30 feet</td>
</tr>
<tr>
<td>Minimum Front Setback</td>
<td></td>
</tr>
<tr>
<td>Local Street</td>
<td>25 feet</td>
</tr>
<tr>
<td>Other Street</td>
<td>40 feet</td>
</tr>
<tr>
<td>Minimum Side Setback</td>
<td></td>
</tr>
<tr>
<td>From street or res. district boundary</td>
<td>15 feet</td>
</tr>
<tr>
<td>Between lots</td>
<td>0 feet</td>
</tr>
<tr>
<td>Minimum Rear Setback</td>
<td></td>
</tr>
<tr>
<td>Minimum Floor Area</td>
<td>1,230 sq. ft.</td>
</tr>
<tr>
<td>Maximum Height (1)</td>
<td>40 feet</td>
</tr>
</tbody>
</table>

(1) Building height shall not exceed 40 feet except that height may be increased to forty (40) feet when setbacks are increased pursuant to Section 5.15.C.5.h.
4. Design Standards

Townhomes shall comply with the multi-family standards established in Section 5.15.

Exhibit 3-3 RT District Building Envelopes
D. R-14 – Multi-Family Residential

1. Purpose
The purpose of this district is to accommodate medium to higher density multi-family uses.

2. Authorized Uses
Uses permitted in this zoning district shall be limited to those indicated in Table 3-1, which includes attached and detached residential uses.

3. Development Standards
Development shall conform to the dimensional standards established in this Section. These standards are summarized in Table 3-2 and illustrated in Exhibit 3-4.

4. Design Standards
Duplex dwellings shall comply with Type II Design Standards as established in Section 5.21. All attached dwellings shall comply with the multi-family standards established in Section 5.15.

R-14 District Lot Development Standards

<table>
<thead>
<tr>
<th>Minimum Lot Size</th>
<th>14,000 sq. ft.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Width at Front Setback Line</td>
<td>80 feet</td>
</tr>
<tr>
<td>Minimum Front Setback</td>
<td></td>
</tr>
<tr>
<td>Local Street</td>
<td>25 feet</td>
</tr>
<tr>
<td>Other Street</td>
<td>40 feet</td>
</tr>
<tr>
<td>Minimum Side Setback from street or res. district boundary</td>
<td>15 feet</td>
</tr>
<tr>
<td>Minimum Rear Setback</td>
<td>15 feet</td>
</tr>
<tr>
<td>Maximum Height (1)</td>
<td>40 feet</td>
</tr>
</tbody>
</table>

(1) Building height of single-family homes shall not exceed forty (40) feet. Building height of multi-family structures shall not exceed forty (40) feet, except when setbacks are increased pursuant to Section 5.15.C.5.h.
Exhibit 3-4 R-14 District Building Envelopes

- 25 foot front setback from local streets
- 40 foot front setback from arterial/collector streets
- 15 foot side setback by street
- 15 foot rear setback
E. DT – Downtown District

1. Purpose
The district is intended to promote residential and commercial infill development in the same building or same development in the town center. District standards are intended to encourage flexible and creative design and development of commercial and residential uses in the existing downtown historic area and in new, walkable, mixed-use development in other parts of the City of Villa Rica. The specific purposes of this district include

a. To encourage residential uses in conjunction with commercial activities to foster an active downtown and enhance the vitality of businesses;

b. To promote the adaptive reuse of older structures for the purpose of stabilizing and improving property values;

c. To encourage sense of community and to foster civic pride in the beauty and accomplishments of the past;

d. To retain and enhance the character and vitality of the city’s downtown and attract residents, tourists and visitors; and

e. To strengthen and help diversify the economy of the city.

2. Authorized Uses
Uses permitted in this zoning district shall be limited to those indicated in Table 3-1, which includes retail stores of under one hundred thousand (100,000) square feet, professional and business offices, restaurants, movie theaters, and government buildings.

3. Development Standards
Development shall conform to the dimensional standards established in this Section. These standards are summarized in Table 3-2.
## DT District Lot Development Standards

<table>
<thead>
<tr>
<th>Description</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Size</td>
<td>Not applicable</td>
</tr>
<tr>
<td>Minimum Lot Width at Front Setback Line</td>
<td>Not applicable</td>
</tr>
<tr>
<td>Maximum Front Setback</td>
<td>Average of buildings on abutting parcels, but not more than 25 feet</td>
</tr>
<tr>
<td>Minimum Side Setback Abutting Street</td>
<td>3 feet unless buildings on abutting parcels share common wall</td>
</tr>
<tr>
<td>Minimum Side Setback Abutting Street</td>
<td>Not applicable</td>
</tr>
<tr>
<td>Minimum Rear Setback</td>
<td>Average of buildings on abutting parcels, but not more than 25 feet</td>
</tr>
<tr>
<td>Maximum Height</td>
<td>40 feet</td>
</tr>
</tbody>
</table>
F. NC – Neighborhood Commercial

1. Purpose
The purpose of this district is to provide appropriate locations for commercial activities that will provide services to the residents of a particular neighborhood.

2. Authorized Uses
Uses permitted in this zoning district shall be limited to those indicated in Table 3-1, which includes the sale of goods and services at a neighborhood scale.

3. Development Standards
Development shall conform to the dimensional standards established in this Section. These standards are summarized in Table 3-2 and illustrated in Exhibit 3-4.

4. Design Standards
Commercial development shall comply with the standards established in Section 5.09.

<table>
<thead>
<tr>
<th>NC District Lot Development Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Size</td>
</tr>
<tr>
<td>Minimum Lot Width at Front Setback Line</td>
</tr>
<tr>
<td>Minimum Front Setback</td>
</tr>
<tr>
<td>Local Street</td>
</tr>
<tr>
<td>Other Street</td>
</tr>
<tr>
<td>Minimum Side Setback</td>
</tr>
<tr>
<td>Minimum Side Setback Abutting Street</td>
</tr>
<tr>
<td>Minimum Rear Setback</td>
</tr>
<tr>
<td>Maximum Height</td>
</tr>
<tr>
<td>Maximum District Size</td>
</tr>
<tr>
<td>Maximum Building Size</td>
</tr>
</tbody>
</table>
Exhibit 3-5 NC District Building Envelopes

25 foot front setback from local streets

30 foot front setback from arterial/collector streets

15 foot side setback

25 foot rear setback
G. GC – General Commercial

1. Purpose
The purpose of this district is to provide appropriate locations for a wide variety of commercial activities that will provide services to the citizens a large market area.

2. Authorized Uses
Uses permitted in this zoning district shall be limited to those indicated in Table 3-1, which include a wide range of commercial uses that conduct operations and storage within enclosed areas.

3. Development Standards
Development shall conform to the dimensional standards established in this Section. These standards are summarized in Table 3-2 and are illustrated in Exhibit 3-6.

4. Design Standards
Commercial development shall comply with the standards established in Section 5.09.

**GC District Lot Development Standards**

<table>
<thead>
<tr>
<th>Minimum Lot Size</th>
<th>20,000 sq. ft.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Width at Front Setback Line</td>
<td>100 feet</td>
</tr>
<tr>
<td>Minimum Front Setback</td>
<td></td>
</tr>
<tr>
<td>Local Street</td>
<td>25 feet</td>
</tr>
<tr>
<td>Other Street</td>
<td>40 feet</td>
</tr>
<tr>
<td>Minimum Side Setback</td>
<td>15 feet</td>
</tr>
<tr>
<td>Minimum Side Setback Abutting Street</td>
<td>25 feet</td>
</tr>
<tr>
<td>Minimum Rear Setback</td>
<td>15 feet</td>
</tr>
<tr>
<td>Maximum Height</td>
<td>50 feet</td>
</tr>
<tr>
<td>Minimum District Size</td>
<td>5 acres</td>
</tr>
</tbody>
</table>
Exhibit 3-6 GC District Building Envelopes

- 25 foot front setback from local streets
- 40 foot front setback from arterial/collector streets
- 15 foot side setback
- 15 foot rear setback
H. HC – Heavy Commercial

1. Purpose
The purpose of this district is to provide appropriate locations for a wide variety of more intensive commercial activities involving outdoor operations, display and/or storage.

2. Authorized Uses
Uses permitted in this zoning district shall be limited to those indicated in Table 3-1, which include lumberyards, storage units, auto body shops and other commercial activities that generate loud noises, heavy truck traffic or other potential nuisances to neighboring residential uses.

3. Development Standards
Development shall conform to the dimensional standards established in this Section. These standards are summarized in Table 3-2 and are illustrated in Exhibit 3-7.

4. Design Standards
Commercial development shall comply with the standards established in Section 5.09.

HC District Lot Development Standards

<table>
<thead>
<tr>
<th>Minimum Lot Size</th>
<th>20,000 sq. ft.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Width at Front Setback Line</td>
<td>100 feet</td>
</tr>
<tr>
<td>Minimum Front Setback Local Street</td>
<td>25 feet</td>
</tr>
<tr>
<td>Minimum Side Setback</td>
<td>15 feet</td>
</tr>
<tr>
<td>Minimum Side Setback Abutting Street</td>
<td>25 feet</td>
</tr>
<tr>
<td>Minimum Rear Setback</td>
<td>25 feet</td>
</tr>
<tr>
<td>Minimum Setback from Residential Parcel</td>
<td>50 feet</td>
</tr>
<tr>
<td>Maximum Height</td>
<td>50 feet</td>
</tr>
<tr>
<td>Minimum District Size</td>
<td>2.5 acres</td>
</tr>
</tbody>
</table>
Exhibit 3-7 HC District Building Envelopes

- 25 foot front setback from local streets
- 40 foot front setback from arterial/collector streets
- 15 foot side setback
- 25 foot rear setback
I. OI – Office and Institutional

1. Purpose
This district is designed to provide a high quality environment for limited retail activities and offices for professional services conducted entirely within buildings.

2. Authorized Uses
Uses permitted in this zoning district shall be limited to those indicated in Table 3-1, which include a variety of office and institutional uses not principally engaged in sales of goods.

3. Development Standards
Development shall conform to the dimensional standards established in this Section. These standards are summarized in Table 3-2 and are illustrated in Exhibit 3-8.

4. Design Standards
Commercial development shall comply with the standards established in Section 5.09.

**OI District Lot Development Standards**

<table>
<thead>
<tr>
<th>Minimum Lot Size</th>
<th>14,000 sq. ft.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Width at</td>
<td>100 feet</td>
</tr>
<tr>
<td>Front Setback Line</td>
<td></td>
</tr>
<tr>
<td>Minimum Front Setback</td>
<td></td>
</tr>
<tr>
<td>Local Street</td>
<td>25 feet</td>
</tr>
<tr>
<td>Other Street</td>
<td>40 feet</td>
</tr>
<tr>
<td>Minimum Side Setback</td>
<td>15 feet</td>
</tr>
<tr>
<td>Minimum Side Setback</td>
<td></td>
</tr>
<tr>
<td>Abutting Street</td>
<td>25 feet</td>
</tr>
<tr>
<td>Minimum Rear Setback</td>
<td>25 feet</td>
</tr>
<tr>
<td>Maximum Height</td>
<td>40 feet</td>
</tr>
</tbody>
</table>
Exhibit 3-8 OI Building Envelope

- 25 foot front setback from local streets
- 40 foot front setback from arterial/collector streets
- 15 foot side setback
- 25 foot rear setback
J. LI – Limited Industrial

1. Purpose
This district is designed to accommodate light industrial uses in which all operations occur within buildings, including, but not limited to businesses that focus on distribution of goods, assembly, manufacturing, and warehousing.

2. Authorized Uses
Uses permitted in this zoning district shall be limited to those indicated in Table 3-1, which include uses involving indoor production, assembly and storage.

3. Development Standards
Development shall conform to the dimensional standards established in this Section. These standards are summarized in Table 3-2 and are illustrated in Exhibit 3-9.

4. Design Standards
Commercial development shall comply with the standards established in Section 5.09.

LI District Lot Development Standards

<table>
<thead>
<tr>
<th>Minimum Lot Size</th>
<th>1 acre</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Width at Front Setback Line</td>
<td>100 feet</td>
</tr>
<tr>
<td>Minimum Front Setback Local Street</td>
<td>25 feet</td>
</tr>
<tr>
<td>Other Street</td>
<td>40 feet</td>
</tr>
<tr>
<td>Minimum Side Setback</td>
<td>15 feet</td>
</tr>
<tr>
<td>Minimum Side Setback Abutting Street</td>
<td>30 feet</td>
</tr>
<tr>
<td>Minimum Setback from Residential Parcel</td>
<td>50 feet</td>
</tr>
<tr>
<td>Minimum Rear Setback</td>
<td>25 feet</td>
</tr>
<tr>
<td>Maximum Height</td>
<td>50 feet</td>
</tr>
</tbody>
</table>
Exhibit 3-9 LI District Building Envelopes

- 25 foot front setback from local streets
- 40 foot front setback from arterial/collector streets
- 15 foot side setback
- 25 foot rear setback
K. GI – General Industrial

1. Purpose
This district is designed to provide appropriate locations for light and heavy industrial uses that may involve outdoor storage, display or operations.

2. Authorized Uses
Uses permitted in this zoning district shall be limited to those indicated in Table 3-1, which include all light industrial uses plus those involving outdoor storage, display and operations.

3. Development Standards
Development shall conform to the dimensional standards established in this Section. These standards are summarized in Table 3-2 and are illustrated in Exhibit 3-10.

GI District Lot Development Standards

<table>
<thead>
<tr>
<th>Minimum Lot Size</th>
<th>1 acre</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Width at Front Setback Line</td>
<td>100 feet</td>
</tr>
<tr>
<td>Minimum Front Setback</td>
<td></td>
</tr>
<tr>
<td>Local Street</td>
<td>25 feet</td>
</tr>
<tr>
<td>Other Street</td>
<td>40 feet</td>
</tr>
<tr>
<td>Minimum Side Setback</td>
<td>15 feet</td>
</tr>
<tr>
<td>Minimum Side Setback Abutting Street</td>
<td>30 feet</td>
</tr>
<tr>
<td>Minimum Setback from Residential Parcel</td>
<td>100 feet</td>
</tr>
<tr>
<td>Minimum Rear Setback</td>
<td>25 feet</td>
</tr>
<tr>
<td>Maximum Height</td>
<td>50 feet</td>
</tr>
</tbody>
</table>
Exhibit 3-10 GI District Building Envelopes

- 25 foot front setback from local streets
- 40 foot front setback from arterial/collection streets
- 15 foot side setback
- 25 foot rear setback
L. PD – Planned Development

1. Description.
A planned development district is intended to encourage high quality, coordinated development of residential, commercial, and/or institutional uses in accordance with an overall master plan that complies with the provisions of this Section.

2. Intent.
The intent of a planned development district is to encourage high quality development by allowing design flexibility for developments that provide exceptional site amenities that achieve the following objectives:

   a. Provide for clustering or concentration of land uses to minimize infrastructure costs of development, permit a reduction in the cost of housing, and permit the land area left open because of such clustering or concentration to be accumulated in larger, more usable tracts of open space.

   b. Protect and preserve natural resources (trees and other vegetation, flood plains, scenic views, streams, groundwater recharge areas, erodable soils, steep slopes, etc.) by transferring credit for the land area to development in other areas.

   c. Allow the mix of housing types and arrangements to be responsive to changing market demands and to the introduction of innovative designs, while assuring adequate privacy, light and air, interior space, freedom from noise and traffic, and access to open space, recreation and neighborhood services.

   d. Provide long-range stability in the planning of public facilities and services for the area through use of a master plan specifying the arrangement and scheduling of development of the various land uses.

   e. Prevent conflicts between incompatible land uses by use of buffer strips and open space, graduations in intensity of use, control of traffic patterns (through the arrangement of streets), the arrangement of uses in relation to topography, and other means.

   f. Foster the development of high quality business parks and commercial sites that will help achieve the economic development goals and objectives in the City’s comprehensive plan.

   g. Promote the fiscal health of Villa Rica.

3. Authorized Uses
Uses permitted in this zoning district shall be limited to those indicated in Table 3-1, which may include any use approved at the time the final PD plan is approved. Any use not approved in conjunction with the final PD plan may be authorized through the conditional use process established in Section 2.03.D.

4. Open Space Required
Each planned development shall reserve at least twenty (20%) percent of the site for common open space or dedicated park land. Required open spaces shall have a minimum width of fifty (50) feet in all locations. Credit for required open space shall be granted subject to the limitations established in Section 4.05.

5. Density and Dimensional Standards
Density and dimensional standards shall be established at the time of final PD approval. Net densities shall not exceed those established in the comprehensive plan except when the City Council, after considering the recommendation of the Planning Commission, allows for a not-to-exceed fifty percent (50%) density bonus. Net densities may be increased in accordance with the following table, provided that the open space meets the criteria established in paragraph 3 of this Section L:

<table>
<thead>
<tr>
<th>Open Space</th>
<th>Density Bonus</th>
</tr>
</thead>
<tbody>
<tr>
<td>20%</td>
<td>0%</td>
</tr>
</tbody>
</table>
6. Design Factors
When determining the suitability of the project for increased densities and proposed setbacks, the Council shall consider the following factors:

a. The compliance of the PD with adopted plans and policies;

b. The compatibility of the proposed density with the planned development patterns and densities in the vicinity;

c. The distance of the PD from the nearest commercial area, including jobs, shopping, and community facilities. In general, PDs in closer proximity to commercial areas shall have higher densities than those which are further removed, or where necessary services are unavailable;

d. The development will accomplish a valid public purpose;

e. The availability of the site to adequate public services such as sewer, water, schools, roads, parks, fire, and police protection;

f. The quality of life of the PD as achieved by means of the design and public/private amenities incorporated into the PD;

g. The elimination or reduction of vehicular congestion on streets and highways or at intersections in the vicinity;

h. Protection of environmentally sensitive lands;

i. The effect of the proposed use on the watershed and on stormwater management;

j. Energy-efficiency of site design; and

k. Compliance with the goals and purposes of this Code.

7. Required Amenities
a. Minimum Number of Amenities Required. Planned developments shall incorporate recreational amenities from the list in subsection b. below in the following amounts:

   (1) Developments with fewer than twenty-five (25) dwelling units shall provide at least one (1) amenity;

   (2) Developments with twenty-five (25) to one hundred and fifty (150) dwelling units shall provide at least two amenities;

   (3) Developments with more than one hundred and fifty (150) dwelling units but fewer than five hundred (500) dwelling units shall provide at least three (3) amenities; and
(4) Developments with 500 or more dwelling units shall provide at least four (4) amenities and the City Council shall determine the ratio of additional recreational amenities based on National Recreation and Park Association standards.

b. Allowable Recreational Amenities:

(1) Swimming pool sized to comply with NRPA standards.

(2) Golf course.

(3) Resident clubhouse.

(4) Two tot lots with a minimum size of five-hundred (500) square feet per lot.

(5) Basketball, volleyball, or other sport court.

(6) Two picnic areas, with a minimum size of five-hundred (500) square feet per area, and including a minimum of two picnic tables and one (1) barbeque grill/pit per area.

(7) Other amenity approved by the City Council.

M. WRD – Water Resource District

1. Purpose.
The intent of this article is to establish minimum development standards and criteria which will afford reasonable protection of environmentally sensitive natural resources found throughout the City of Villa Rica. Based on the findings of the City’s Comprehensive Plan, it has been determined the wise management of these resources as defined in this article is essential to maintaining the health, safety, general welfare and economic well-being of the public.

The City of Villa Rica’s Water Resource Districts shall include the following:

a. Groundwater Recharge Area District

b. Water Supply Watershed District

c. Wetlands District

3. Groundwater Recharge Area District

a. Findings of Fact. Recharge areas are vulnerable to urban development activities as well as agricultural activities. Pesticides, herbicides sprayed on crops, animal waste and septic tank effluents contribute to deterioration in groundwater quality and can threaten the health of residents relying on well water. Development usually means an increase in the amount of land covered with impervious surfaces. Paving land in recharge areas can alter or impair their recharge characteristics thereby decreasing groundwater supplies.

b. Purpose. The purpose of this district is to establish criteria to protect significant groundwater recharge areas from pollution by spills, discharges, leaks, impoundments, application of chemicals, injections and other development pressures.

c. District Delineation. The groundwater recharge area districts are hereby established which shall correspond to all lands within the jurisdiction of the city that are mapped as significant recharge areas by the state department of natural resources in "Most Significant Recharge Areas of Georgia, Hydrological Atlas 18 (1989 Edition).” In addition, each recharge area shall be determined to have a pollution susceptibility rating of high, medium, or low based on the "Ground-water Pollution Susceptibility Map of Georgia, Hydrologic Atlas 20, 1992." Said maps are hereby adopted by reference and declared to be a part of this article, together with all explanatory matter thereon and
attached thereto. Standards for this district shall comply with the DNR Rule 391-3-16-.02, Criteria for the Protection of Groundwater Recharge Areas.

d. Additional standards to the requirements of the underlying zoning district, development within the Groundwater Recharge Area District shall meet the following requirements.

(1) **Storage Tanks**

All new above-ground chemical or petroleum storage tanks, having a minimum volume of 660 gallons, shall have the secondary containment for 110 percent of the volume of such tanks or 110 percent of the volume of the largest tank in a cluster of tanks. Such tanks used for agricultural purposes are exempt, provided they comply with all federal requirements.

(2) **Agricultural Waste Impound Sites**

New agricultural waste impoundment sites shall be lined if they are within:

(a) A high pollution susceptibility area;

(b) A medium pollution susceptibility area and exceed 4.9 million gallons (15 acre/feet) in size; and

(c) A low pollution susceptibility area and exceed 16.3 million gallons (50 acre/feet) in size.

(3) **Private Wastewater Facilities**

All private wastewater facilities, including privies, cesspools, and septic tanks, are prohibited in all areas where public sewers are available as established in the city's sewer use ordinance, which is hereby incorporated and made a part of this article by reference. The ordinance requires that all owners of houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes situated within the city's jurisdiction and abutting on any street, alley, or right of way in which there is now located or may in the future be located a public sanitary sewer of the city is hereby required at the owner's expense to install suitable toilet facilities herein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of the sewer use ordinance, within 30 days after date of official notice to do so, provided that said sewer is within 100 feet of the property line.

(4) **Single-Family Dwellings**

An exception to the sewer use ordinance is made for the Rural Development (RD) established in the city's zoning ordinance, which is hereby incorporated and made a part of this article by reference. In the RD district the following use is provided: new single-family residences, except mobile homes and modular homes, shall have a minimum lot size of twenty one thousand seven hundred eighty (21,780) square feet with provisions for on-site sewage disposal permitted with a permit from the county health department prior to installation.

(5) **Hazardous Materials**

New facilities which handle hazardous materials of the types listed in section 312 of the Resource Conservation and Recovery Act of 1976, excluding underground storage tanks, in amounts of 10,000 pounds or more on any one day, shall perform their operation on impervious surfaces and in conformance with any applicable federal spill prevention requirements and any local fire prevention requirements.

(6) **Wastewater Treatment Basins**

Any new wastewater treatment basins shall have an impermeable liner.

(7) **Prohibited**
Permanent stormwater infiltration basins shall not be constructed in areas having high pollution susceptibility.

4. Water Supply Watershed District

a. Findings of Fact. In order to provide for the health, safety, welfare of the public and a healthy economic climate within City of Villa Rica and surrounding communities, it is essential that the quality of public drinking water be assured. The ability of natural systems to filter stormwater runoff can be threatened by unrestricted urban and suburban development. Land disturbing activities associated with development can increase erosion and sedimentation that threatens the storage capacity of reservoirs. In addition, stormwater runoff, particularly from impervious surfaces, can introduce toxicants, nutrients and sediment into drinking water supplies, making water treatment more complicated, expensive and rendering water resources unusable. Industrial land uses that involve the manufacture, use, transport and storage of hazardous or toxic waste materials result in the potential risk of contamination of nearby drinking water supplies.

b. Purpose. The purpose of the water supply watershed protection overlay regulations is to establish measures to protect the quality and quantity of the present and future water supply for the City of Villa Rica which will minimize the transport of pollutants and sediment to the water supply, and maintain the yield of the water supply watersheds.

c. District Delineation. The protected water supply watershed districts are hereby designated, and shall comprise the land areas which drain to the water supply intake and the public water supply intake. The boundaries of these districts are defined by the ridge lines of the respective watersheds and the boundary of a radius seven (7) miles upstream of the respective public water supply intakes. These districts shall be further delineated and defined on the Water Supply Watershed District Overlay Map of the City of Villa Rica’s official Zoning District Map, which is hereby incorporated and made a part of this ordinance by reference. The standards of this district shall comply with Department of Natural Resources Rule 391-3-16-.01, Criteria for the Protection of Water Supply Watersheds.

d. District Standards. Within the Water Supply Watershed District, uses which are lawful at the time of adoption of this Ordinance shall be allowed to continue as lawful land uses until such time as the use is abandoned. All uses allowed in the underlying zoning districts as established by this Ordinance are permitted in the Water Supply Watershed District, subject to the following standards:

(1) Natural Buffer Requirements

(a) Within a seven (7) mile radius upstream of the public water intakes, a natural buffer, one hundred (100) feet wide shall be maintained on both sides of the stream, measured from the stream banks. Similarly, within the water supply watershed but outside the seven (7) mile radius, a natural buffer of fifty (50) feet shall be maintained on both side of the stream.

(b) A natural buffer shall be maintained for a distance of one-hundred and fifty (150) feet from the boundary of any existing or future water supply reservoir.

(2) Impervious Surface Limitations.

(a) No more than twenty-five (25%) percent of the land area of any parcel or lot on which new development is placed may be covered by impervious surface within a designated Water Supply Watershed District.

(b) Within a seven (7) mile radius upstream of all public water intakes, no impervious surface shall be constructed within a one-hundred and fifty (150) foot setback area on both sides of the stream as measured from the stream banks.

(c) Outside a seven (7) mile radius upstream of all public water intakes, no impervious surface shall be constructed within a seventy-five (75) foot setback area on both sides of the stream, as measured from the stream banks.

(3) Exemptions. The following uses are exempt from the stream corridor buffer and setback requirements if they meet the stipulated conditions:
(a) Utilities.

(1) Utilities shall be located as far as reasonably possible from the stream bank and shall not impair the quality of the drinking water system.

(2) Utilities shall be installed and maintained without changing the integrity of the buffer and setback areas as much as possible.

(b) Forestry and Agricultural Activities.

(1) Agricultural activities involving the planting and harvesting of crops are exempted if they conform to the best management practices established by the Georgia Department of Agriculture and USDA.

(2) Silviculture activities must conform to the best management practices established by the Georgia Forestry Commission.

(c) Prohibited Uses Within the Water Supply Watershed District Overlay.

(1) All sanitary landfills with or without synthetic liners and leachate collection systems.

(2) All hazardous waste manufacture, handling, storage, treatment or disposal facilities.

5. Wetlands District

a. Findings of Fact. The wetlands within the City of Villa Rica are 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; natural resource education; scientific study; and recreational opportunities.

b. Purpose. The purpose of this district is to promote the wise use of wetlands and protect them from alterations which will significantly affect or reduce the primary functions for water quality, flood plain and erosion control, ground water recharge, aesthetic natural areas and wildlife habitat areas.

c. District Delineation. These regulations shall apply to all lands within wetlands located within the City of Villa Rica. The Wetland District Overlay Map, adopted as part of this ordinance, shows the general location of wetlands, according to the 1987 National Wetlands Inventory and should be consulted by persons considering activities in or near wetlands before engaging in a regulated activity. The standards for this district shall comply with Department of Natural Resources Rule 391-3-16-.03, Criteria for Wetlands Protection.

d. Development Standards

(1) Wetlands Development Permit Requirement. No activity or use except those identified in Section 3.04.M.5.d.2 below shall be allowed within the Wetland District without a permit issued by the U.S. Army Corp of Engineers if the subject property contains jurisdictional Wetlands of the United States as delineated by the National Wetlands Inventory Map or as determined by the U.S. Army Corps of Engineers. If jurisdictional wetlands are contained within the subject property, the applicant must document receipt of a Nationwide, Regional, General or Individual permit from the U.S. Army Corps of Engineers under Section 4.04 of the Clean Water Act before a development permit will be issued by the City of Villa Rica.

(2) Permitted Uses. The following uses are permitted by right within the Wetland District to the extent they are not prohibited by any other ordinance or law and provided they do not require structures, grading, fill, draining or dredging:

(a) Forestry practices applied in accordance with best management practices approved by the Georgia Forestry Commission. Section 4.04 does not require permits for normal, ongoing silvicultural activities. However, Section
4.04 does list some required road construction best management practices that must be followed in order to qualify for such an exemption.

(b) Conservation or preservation of soil, water, vegetation, fish or other wildlife, provided the conservation or preservation does not affect waters of the State of Georgia or of the United States in such a way that would require an individual 404 permit.

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

(d) Natural water quality treatment or purification.

(e) Normal agriculture activities including the planting and harvesting of crops and pasturing of livestock. Such activities shall be subject to best management practices approved by the Georgia Department of Agriculture.

(3) **Prohibited Uses.** The following uses are prohibited in a Wetland District:

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

(b) Hazardous or sanitary landfills.

**N. FH – Flood Hazard Overlay District**

1. **Description of District.**
   The limits of the Flood Hazard (FH) Overlay District are hereby determined to be areas subject to frequent periodic flooding and delineated on the City of Villa Rica Flood Hazard Boundary Map as prepared by the Federal Emergency Management Agency. Provisions of this District are superimposed on and become a part of each of the other districts.

2. **Intent.**
   The intent of the regulations within this Overlay District is to limit the use of flood plain lands to:

   a. Prevent flood damage to persons and properties and minimize expenditures for flood relief programs, flood control projects and flood damage repair.

   b. Preserve drainage courses that will be adequate to carry stormwater runoff from existing and future land development by (a) prohibiting any structures that would restrict or alter the free flow of flood waters and (b) prohibiting landfills, junk yards, dumps, outdoor storage of materials or other obstructions to the flow of flood waters, except those included in the permitted uses listed below.

   c. Preserve natural conditions that will allow sufficient absorption to maintain an adequate subsurface water level and filter sediment from adjacent or upstream developments.

   d. Minimize danger to public health by preserving natural drainage patterns and preventing stagnant or trapped water areas.

3. **Procedure Available for Determining Flood Hazard.**
   If a property owner can demonstrate to the satisfaction of the City of Villa Rica Planning Commission and the Villa Rica City Council that an error has been made in establishing the Flood Hazard District boundary line and that his property or a designated portion of it that now lies in the Flood Hazard District is actually not subject to flooding, the Planning Commission and City Council may recommend correction of the Flood Hazard District boundary line in question accordingly.

4. **City Liability.**
   The granting of a building permit in any Flood Hazard District shall not constitute a representation, guarantee, or warranty of any kind by the City of Villa Rica or by an official or employee thereof of the practicability or safety of
any structure, use or other plan proposed, and shall create no liability upon, or a cause of action against such public body, official or employee for any damage that may result pursuant thereto. Although alluvial soils represent the areas most often inundated by waters and represent the most realistic flood plain, infrequent flood will exceed the limits of alluvial soils. The designation of Flood Hazard Districts shall not constitute a representation, guarantee or warranty of any kind by the City or by an official or employee thereof that lands outside of such districts are not also subject to flooding.

5. Development Standards
a. Permitted Uses. Within the Flood Hazard District the following uses are permitted subject to the regulations of the original district on which the Flood Hazard District is superimposed:

(1) Agriculture, including forestry and livestock raising that require no structures within the Flood Plain, and including agricultural and forestry access roads provided that these roads would not restrict or alter free flow of flood waters.

(2) Dams, provided they are constructed in accordance with specifications of the USDA Natural Resources Conservation Service or the U.S. Army Corps of Engineers.

(3) Fences, provided no material obstruction to the free flow of water, provide water gaps are allowed.

(4) Outdoor Advertising Signs.

(5) Parking areas, provided that there will be proper drainage of the parking area, so that it does not obstruct the free flow of flood waters and meets the approval of the City of Villa Rica.

(6) Roads provided adequate capacity for the free flow of flood waters is provided by means of culverts or bridges, with designs approved by the Georgia Department of Transportation and/or the City of Villa Rica, and further, in no case will a culvert be located at an elevation higher than the level of the original stream bed.

(7) Public, semi-public, private, and commercial recreation uses requiring no structures within the flood plain.

(8) Greenbelts or yards.

(9) Public utility poles, towers, pipe lines, and sewage treatment outfalls.

b. Flood Management Plan Required

All applications within a flood hazard district must include a floodplain management / flood damage prevention plan. This plan shall be in accordance with the criteria established in this Section.

This plan must be submitted with the stamp and signature of a Professional Engineer (PE) licensed in the state of Georgia, who will verify that all designs are consistent with the requirements of this ordinance.

The approved floodplain management / flood damage prevention plan shall contain certification by the applicant that all land development activities will be done according to the plan or previously approved revisions. Any and all land development permits and/or use and occupancy certificates or permits may be revoked at any time if the construction and building activities are not in strict accordance with approved plans.

The floodplain management / flood damage prevention plan shall include, but not be limited to, the following:

(1) Site plans drawn to scale of the site in question and the nature, location, and dimensions of existing or proposed structures, earthen fill placement, storage of materials or equipment, and drainage and stormwater management facilities;
(2) For all proposed structures, spot ground elevations at building corners and twenty (20) foot or smaller intervals along the foundation footprint, or one foot contour elevations throughout the building site;

(3) Proposed locations of water supply, sanitary sewer, and utilities;

(4) If available, the base flood elevation and/or regulatory flood elevation;

(5) If applicable, the location of the floodway;

(6) Foundation design detail, including but not limited to:

   i. Proposed elevation in relation to mean sea level (or highest adjacent grade) of the lowest floor, including basement, of all structures;

   ii. For a crawl-space foundation, location and total net area of foundation openings as required in Section 5 of this ordinance.

(7) Proposed elevation in relation to mean sea level to which any substantial improvements to an existing non-residential structure will be flood-proofed, as required in Section 5 of this ordinance;

(8) Description of the extent to which any watercourse will be altered or relocated as a result of the proposed land development project; and,

(9) All appropriate certifications required under this ordinance.

c. Construction Stage Submittal Requirements. For all new construction and substantial improvements on sites with a floodplain management / flood damage prevention plan, the permit holder shall provide to the City a certified as-built plan showing of the regulatory floor elevation or flood-proofing level immediately after the lowest floor or flood-proofing 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 flood-proofing is utilized for non-residential structures, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same.

Any work undertaken prior to approval of these certifications shall be at the permit holder's risk. The City shall review the above referenced certification data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being allowed to proceed. Failure to submit certification or failure to make the corrections required hereby shall be cause to issue a stop work order for the project.

d. General Standards

(1) No construction or structures, including grading, filling, cutting or displacement of earth shall be allowed within the regulatory floodplain that could result in any of the following:

   (a) Raising the regulatory flood elevation beyond the boundaries of the ownership of the property being developed unless contained in a drainage easement obtained by the developer;

   (b) Reducing the regulatory flood storage capacity. All compensation for storage capacity shall occur either within the boundaries of ownership of the property being developed, or within a permanent, recorded flood control easement, and shall be within a reasonable proximity to the location of the encroachment. Acceptable means of providing required compensation include: lowering of natural ground elevations within the floodplain; or, lowering of adjoining land areas to create additional floodplain; or raising of the regulatory flood elevation within the boundaries of ownership of the property being developed. All cut areas are to be graded to a slope of no less than one percent (1.0%). In no case shall any required compensation be provided via bottom storage or by excavating below the elevation of the top of the natural (pre-development) stream channel unless such excavation results from
the widening or relocation of the stream channel. A step-backwater analysis will be required to determine the volume of flood storage created by raising the regulatory flood elevation;

(c) Changing the flow characteristics of the waters of the regulatory flood as they pass both the upstream and the downstream boundaries of the property. Verification shall be provided via a step-backwater analysis; or,

(d) Creating hazardous or erosion-producing velocities, or resulting in excessive sedimentation. In all cases effective transitions must be provided such that flow velocities occurring on both upstream and downstream properties are not increased or decreased.

(2) All proposed development shall have public utilities and facilities, such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

(3) Any significant changes or revisions to the flood data adopted herein and shown on the Flood Insurance Rate Map shall be submitted as a Conditional Letter of Map Revision (CLOMR) or Conditional Letter of Map Amendment (CLOMA), whichever is applicable. The CLOMR submittal shall be subject to approval by the City using the Community Consent forms before forwarding the submittal package to FEMA for final approval. The responsibility for forwarding the CLOMR to FEMA and for obtaining the CLOMR approval shall be the responsibility of the applicant. Within six months of the completion of construction, the applicant shall submit as built surveys which demonstrate general conformance to the approved designs as submitted in the CLOMR application. A Letter of Map Revision (LOMR) or Letter of Map Amendment (LOMA) must be issued before the Final Plat can be approved or a Certificate of Occupancy can be issued. Significant changes or revisions shall be defined as any change to the FIRM easily observed when plotted at a scale of 1 inch = 1000 feet. The changes or revisions may be due to, but are not limited to, more current and/or superior topographic information or compensatory cut and fill grading done as a part of the development.

Section 3.05 Overlay Districts

An overlay district is established in order to provide a means to address special or unique needs or characteristics of a particular area or site, to encourage a mix of uses, or to limit or expand the uses allowed in the underlying zoning district due to the special characteristics of the site. Alternative uses may be allowed or additional or different standards may be applied through an overlay district without eliminating the underlying zoning district. The provisions of the underlying zoning district remain in effect but are not applicable to uses allowed through the overlay district unless specifically stated.

A. Establishment of Overlay Districts
1. The Community Development Director or his designee establishes the overlay districts within this Title. These districts include the following:

a. DTO - Downtown Overlay District

b. MS - Medical Support Overlay District

2. Each overlay district chapter designates the applicable zoning districts to which the overlay district may be applied, and establishes the permitted and conditional uses and the development standards within the overlay district.

3. When an overlay district is designated over an applicable district, the standards applied to the site shall be those established in the overlay district, or, if a standard is not established, the regulations specified in the underlying zoning district shall apply.

4. The provisions established with the adoption of an overlay district shall remain in effect until amended or unless repealed.

B. Application of an Overlay District.
An overlay district shall be applied in accordance with the provisions of Section 2.03.B, Zoning Map Amendments, of this division.

C. **Adoption of Overlay District Standards.**
The district standards to an overlay district shall be adopted concurrently with the approval of an overlay district as follows:

1. When the City Council takes an action to apply an overlay district, the City Council shall also adopt by resolution the overlay district standards.

D. **Uses Permitted.**
The uses permitted on a parcel which has an overlay district shall be those uses allowed by the primary land use district subject to the provisions of all applicable overlay district provisions as well as those of this Title. Where the regulations or standards established by an overlay district conflict with provisions of a primary land use district or other provisions of this Title, the more stringent regulations or standards shall govern.

E. **District Boundary Uncertainties.**
Where uncertainty exists as to the boundaries of any district shown on the overlay district maps, the following rules shall apply:

1. Where such boundaries are indicated as approximately following the street and alley lines or lot lines, such lines shall be construed to be such boundaries.

2. In unsubdivided property and where a district boundary divides a lot, the locations of such boundaries, unless indicated by dimensions, shall be determined by use of the scale appearing on the map.

3. Where any uncertainty exists, the Planning Commission shall determine the location of boundaries.

4. Where a public street or alley is officially vacated or abandoned, the regulations applicable to the property to which it reverts shall apply to such vacated or abandoned street or alley.

F. **DO – Downtown Overlay District**
The DO District is intended to regulate development in the City’s downtown core and to encourage compatible development therein. The DO District is intended to establish special standards for development that will be applicable to any property and zoning category in the downtown core. Downtown Overlay District sub-areas are summarized below:

DO-CBD Central Business District. Permits a mix of retail, office, and residential uses in mixed-use buildings. Parking is provided on-street for developments. Does not allow for monument signs.

DO-CMU Commercial Mixed-Use. Permits a mix of retail, office, and residential uses in mixed-use buildings at a scale and intensity greater than that permitted in the DT-CBD.

DO-COM Commercial. Permits a mix of uses that are a scale and character compatible with regional serving and highway-oriented developments. Allows for monuments signs up to six (feet) in height and 20 square feet of signable area.

DO-MFR Multi-Family Residential. Permits medium-density residential for multi-family and two-family residential uses. Maximum of eight (8) dwelling units or single-family lots per acre. Minimum lot size of one thousand (1,000) square feet.

DO-SFR Single-Family Residential. Permits low-density residential uses and accessory dwelling units. No dwelling units shall be located above or below another dwelling unit. Minimum lot size of 9,000 square feet.

1. **Application and Procedures**
Site Plans for developments greater than two acres shall be reviewed by the City Council as a Type 5 process in accordance with Section 2.01.C.

2. Review Criteria
The following determinations shall be made before approving the site plan:

a. The site is capable of accommodating the building(s), parking areas, driveways and open spaces, and is in compliance with all requirements of this Code;

b. The site plan provides for ingress, egress and internal traffic circulation in conformance with the requirements of this Code and other adopted codes and policies;

c. All development features, including the principal building and any accessory buildings, open space, service roads and parking areas are located in conformance with the requirements of this Code and other adopted codes and policies;

d. The site plan is consistent with the Comprehensive Plan and other adopted planning policies and design guidelines; and

e. Guarantees have been posted for required public improvements, landscaping and surfacing of parking and driveway areas if not constructed prior to issuance of a Certificate of Occupancy. Guarantees shall be provided and maintained in the amount of one hundred and ten percent (110%) of estimated costs as approved by the Community Development Director. Construction guarantees shall be released when the City has accepted public improvements or signed off on final inspection of other improvements.

3. Applicability
Table 3-1.A lists the principal uses allowed within the Downtown Overlay District sub-areas and uses permitted by Conditional Use Permit in accordance with Section 2.03.D.

a. Use Categories and Specific Uses

Use categories and uses listed in Table 3-1.A are defined in accordance with the Land Based Classification System.

b. Permitted Uses

A “P” indicates that the listed use is allowed by-right within the respective zoning district. Permitted uses are subject to all other applicable standards of this Code.

c. Conditional Uses

A “CU” indicates that the listed use is allowed within the respective zoning district only after review and approval of a Conditional Use Permit, in accordance with the review procedures of Section 2.03.D. Conditional Uses are subject to all other applicable standards of this Code.

(ORD-01-06-UDC, 6-5-07)

G. MS – Medical Support Overlay District
The intent of the Medical Support Overlay District is designed to provide an area in the immediate vicinity of the Tanner Medical Center for future hospital expansion, hospital related support services and medical uses. The overlay will permit by special exception the conversion to office use of residential dwellings which are located within single family residential zoning districts but which, because of proximity to the densely developed and commercially active business district, do not lend themselves exclusively to residential use as the highest and best use.

1. Application and Procedures.
Site Plans for developments greater than two shall be reviewed by the City Council as a Type 5 process in accordance with Section 2.01.C.

2. Review Criteria
The following determinations shall be made before approving the site plan:

a. The development standards for the underlying zoning district shall apply.

b. The site is capable of accommodating the building(s), parking areas, driveways and open spaces, and is in compliance with all requirements of this Code;

c. The site plan provides for ingress, egress and internal traffic circulation in conformance with the requirements of this Code and other adopted codes and policies;

d. All development features, including the principal building and any accessory buildings, open space, service roads and parking areas are located in conformance with the requirements of this Code and other adopted codes and policies;

e. The professional office shall be restricted to the conduct of business only during the hours of 8:00 am to 6:00 pm. The Planning Commission may authorize an extension of operating hours upon the request of the applicant and a satisfactory showing of need for the extension.

f. No more than four (4) employees shall work within the professional office. The City Council may authorize additional employees upon the request of the applicant and a satisfactory showing of need for additional employees.

g. The site plan is consistent with the Comprehensive Plan and other adopted planning policies and design guidelines; and

h. Guarantees have been posted for required public improvements, landscaping and surfacing of parking and driveway areas if not constructed prior to issuance of a Certificate of Occupancy. Guarantees shall be provided and maintained in the amount of one hundred and ten percent (110%) of estimated costs as approved by the Community Development Director. Construction guarantees shall be released when the City has accepted public improvements or signed off on final inspection of other improvements.

3. Applicability
The following uses may be allowed in the HS Overlay District as indicated, subject to the provisions, additional restrictions and exceptions set forth in this Code.

a. Physicians services

b. Dental services

c. Hospital services

d. Medical laboratory services

e. Dental laboratories

g. Medical clinic, out-patient service

h. Other medical and health services

j. Residential or skilled care facilities
k. Secondary uses such as medical-related retail and service uses, restaurants, convenience stores and services, and day care facilities not to exceed 10% of the gross floor area of all the buildings in a development area.

(ORD-01-11-UDC, 5-3-11)
### Table 3-1 Land Use Matrix

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<thead>
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<th>Use Category</th>
<th>LBCS Codes</th>
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<th>Zoning District</th>
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<td>Amusement Park</td>
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<td>Game Room</td>
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<td>7110</td>
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<td>Golf Courses and Club Houses</td>
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<td>7160</td>
<td>5370</td>
<td>Golf Driving Range</td>
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## Use Category

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<th>Zoning District</th>
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<td>4100 6130</td>
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<td>4500 6511</td>
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<td>4500 6530</td>
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<td>6600 6600</td>
<td>Churches</td>
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<td>Crematory</td>
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<td>Livestock Farming</td>
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<td>Other</td>
<td>2000</td>
<td>Home Occupation – Subject to Article 8 regulations.</td>
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</table>

P = Permitted    CU = Conditional Use Permit

(ORD-04-06-UDC, 12-5-06) (ORD-09-07-UDC, 7-10-07) (ORD-3-10-UDC, 12-7-10) (ORD-02-11, 6-7-11) (ORD 04-13-UDC, 4-2-13)

See Table 3-1.A, Downtown Overlay District Land Use Matrix for DT (Downtown District) zoning.

For uses allowed within a PD (Planned Development), see the Planned Development Master Plan.
Table 3.1: Downtown Overlay District Land Use Matrix

<table>
<thead>
<tr>
<th>Use Category</th>
<th>LBCS Codes</th>
<th>Use Categories</th>
<th>Downtown Overlay Sub-Areas</th>
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<td>2110</td>
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Article 3          Page 131
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<tr>
<th>Use Category</th>
<th>LBCS Codes</th>
<th>Function</th>
<th>Use Category</th>
<th>Downtown Overlay Sub-Areas</th>
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<td>2110</td>
<td>Car Wash Manual or Automatic</td>
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<td>Tire Sales and Service</td>
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<td>Convenience Stores with Fuel Pump Service</td>
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<td>2116</td>
<td>Gasoline Station w/Auto Service</td>
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<td>Carpet and Rug Sales, Floor Covering and Storage</td>
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<td>2100</td>
<td>2121</td>
<td>Furniture, Home Furnishings and Equipment Store</td>
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<td>Hardware, Paint and Wallpaper Store</td>
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<td>Garden Landscaping Supplies</td>
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<td>Apparel and Accessory Store</td>
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<td>Curio and Souvenir Shops</td>
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<td>Grocery/General Merchandise Store (Excluding Pawn Shops)</td>
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<td>Convenience Stores w/out Fuel Pump Service</td>
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<td>2161</td>
<td>Drug Stores, Pharmacies</td>
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<td>Office, Business and Professional</td>
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<td>Bank or Financial Institution, Full Service</td>
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<td>Bank Auto Teller</td>
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<td>Video Sales and Rental</td>
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<td>Carpet Cleaning Store</td>
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<td>Pet and Dog Grooming Shop, Non-Kennel</td>
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<td>Child Care Learning Center (19 or more children)</td>
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<td>Group Day Care Home (7-18 children)</td>
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<td>Family Day Care Home (6 or fewer children)</td>
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<td>Parking Lot or Garage, Commercial</td>
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<td>Bakery/Pastry Shop</td>
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<td>Telecommunications Towers &amp; Antenna</td>
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<td>Utility Facilities (gas, electric, telephone transformer stations). Limited to transmission lines.</td>
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<td>Cinema, Movie Theater</td>
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<tr>
<td>Arts &amp; Entertainment</td>
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<td>Game Room</td>
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<td>Arts &amp; Entertainment</td>
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<td>Athletic / Health Club &amp; Facilities</td>
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## Use Category

<table>
<thead>
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<th>Use Category</th>
<th>LBCS Codes</th>
<th>Downtown Overlay Sub-Areas</th>
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<td></td>
<td>CBD</td>
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<tr>
<td><strong>Activity</strong></td>
<td><strong>Function</strong></td>
<td><strong>Use</strong></td>
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**Public & Institutional**

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</tr>
<tr>
<td>Clinic, Public or Private</td>
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<td>Churches</td>
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<td>CU</td>
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<tr>
<td>Funeral Home, Mortuary</td>
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<tr>
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**Agricultural**

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</tr>
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<td></td>
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<tr>
<td>Horticulture, Gardening</td>
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<td>Nursery and Greenhouse</td>
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<tr>
<td>Livestock Farming</td>
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(ORD-01-06-UDC, 6-5-07) (ORD-03-10-UDC, 12-7-10) (ORD 04-13-UDC, 4-2-13)

*P = Permitted  CU = Conditional Use Permit*
Table 3-2 Development Standards for Conventional Zoning Districts

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Minimum Lot Area</th>
<th>Minimum Lot Width at Setback Line</th>
<th>Minimum Front Setback arterial &amp; collector streets/local streets</th>
<th>Minimum Side Setback</th>
<th>Minimum Rear Setback</th>
<th>Maximum Height</th>
<th>Maximum District Size</th>
</tr>
</thead>
<tbody>
<tr>
<td>RD - Rural Development</td>
<td>1 acre</td>
<td>150 feet</td>
<td>50 feet/30 feet</td>
<td>25 feet</td>
<td>30 feet</td>
<td>40 feet</td>
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<tr>
<td>R-20 - Single-Family Residential</td>
<td>20,000 sq. ft.</td>
<td>100 feet</td>
<td>50 feet/30 feet</td>
<td>20 feet</td>
<td>25 feet</td>
<td>40 feet</td>
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<tr>
<td>RT Residential Townhome</td>
<td>14,000 sq. ft. of total develop area, except pursuant to Section 4.01.B.2; 3,000 lot size</td>
<td>30 feet</td>
<td>40 feet/25 feet</td>
<td>0 feet between townhome lots, 15 feet in all other situations</td>
<td>15 feet</td>
<td>40 feet</td>
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<tr>
<td>R-14 Multi-Family Residential</td>
<td>14,000 sq. ft., except pursuant to Section 4.01.B.3</td>
<td>80 feet</td>
<td>40 feet/25 feet</td>
<td>15 feet</td>
<td>15 feet</td>
<td>40 feet except pursuant to Section 5.15</td>
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<tr>
<td>DT – Commercial – Residential</td>
<td>-</td>
<td>-</td>
<td>Average of buildings on abutting parcels, but not more than 25 feet</td>
<td>3 feet unless buildings on abutting parcels share common wall</td>
<td>Average of buildings on abutting parcels, but not more than 25 feet</td>
<td>40 feet</td>
<td>-</td>
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<tr>
<td>NC – Neighborhood Commercial</td>
<td>14,000 square feet</td>
<td>100 feet</td>
<td>30 feet/25 feet</td>
<td>15 feet/25 feet from abutting street</td>
<td>25 feet</td>
<td>40 feet</td>
<td>2.5 acres</td>
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<td>Zoning District</td>
<td>Minimum Lot Area</td>
<td>Minimum Lot Width at Setback Line</td>
<td>Minimum Front Setback arterial &amp; collector streets/local streets</td>
<td>Minimum Side Setback</td>
<td>Minimum Rear Setback</td>
<td>Maximum Height</td>
<td>Maximum District Size</td>
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<tr>
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<td>---------------------------------------------------------------</td>
<td>----------------------</td>
<td>----------------------</td>
<td>-----------------</td>
<td>-----------------------</td>
</tr>
<tr>
<td>GC – General Commercial</td>
<td>20,000 square feet</td>
<td>100 feet</td>
<td>40 feet/25 feet from abutting street</td>
<td>15 feet</td>
<td>50 feet</td>
<td>50 feet</td>
<td>5 acres</td>
</tr>
<tr>
<td>HC – Heavy Commercial</td>
<td>20,000 square feet</td>
<td>100 feet</td>
<td>40 feet/25 feet from abutting street</td>
<td>25 feet</td>
<td>50 feet</td>
<td>50 feet</td>
<td>2.5 acres</td>
</tr>
<tr>
<td>OI – Office and Institutional</td>
<td>14,000 square feet</td>
<td>100 feet</td>
<td>40 feet/25 feet from abutting street</td>
<td>25 feet</td>
<td>40 feet</td>
<td>40 feet</td>
<td>-</td>
</tr>
<tr>
<td>LI – Limited Industrial</td>
<td>1 acre</td>
<td>100 feet</td>
<td>40 feet/25 feet from abutting street</td>
<td>25 feet</td>
<td>50 feet</td>
<td>50 feet</td>
<td>-</td>
</tr>
<tr>
<td>GI - General Industrial</td>
<td>1 acre</td>
<td>100 feet</td>
<td>40 feet/25 feet from abutting street</td>
<td>25 feet</td>
<td>50 feet</td>
<td>50 feet</td>
<td>-</td>
</tr>
</tbody>
</table>
Article 4 General Development Standards

Section 4.01 Density and Dimensional Standards

A. Area, Lot, and Height Requirements
No building or use shall be erected, converted, enlarged, moved, or structurally altered except in conformance with the requirements for the district in which such building or use is located. All development shall conform with the requirements shown in Table 3-2 for area, lot, setbacks, and height, except as provided for planned development in Section 2.03 and in the Water Resources District in Section 3.04.M and the Floodplain Overlay District in Section 3.04.N.

1. Lot Area
No lot shall be established or altered unless it complies with the minimum lot size requirements established in Table 3-2, except when a portion of a lot is acquired for a public purpose.

2. Setbacks in General
No building or building projection, such as sills, window air conditioning units, chimneys, cornices and ornamental features may extend into a required setback unless specifically authorized by this Code.

a. Exceptions
Other provisions of this ordinance notwithstanding, fences, privacy or security walls, hedges, driveways and buffer areas may be permitted in any required setback or along the edge of any yard provided that no fence, wall or hedge along the street sides of corner lots shall violate the corner visibility provisions established in Section 4.01.A.4.a of this Code.

b. Alleys as Part of Required Setback
Whenever a lot abuts upon a public alley, one-half of the alley width may be considered as a portion of the required setback.

c. Uniqueness of Setbacks
No part of any setback area, or other open space required for any building, structure, or use by this Code shall be considered to be part of a required yard or other open space for any other building, structure, or use.

d. Setback Encroachments
(1) The following features may encroach into required setbacks.

(a) Landscaping;

(b) Bay windows, belt courses, ornamental features and sills, not to exceed eighteen (18) inches;

(c) Clothesline post in the rear yard;

(d) Driveways, curbs and sidewalks;

(e) Flagpoles;

(f) Open-lattice enclosed fire escapes, fireproof outside stairways and balconies opening upon fire towers and the ordinary projections of chimneys and flues into the rear yard may be permitted for a distance of not to exceed five feet when these are so placed as not to obstruct light and ventilation;
(g) Heating and cooling units in the side or rear yard, not to exceed thirty (30) inches;

(h) Mailboxes;

(i) Gutters and awnings, not to exceed thirty (30) inches;

(j) Septic systems, wells and underground utilities;

(k) Signs, as permitted in Chapter 9;

(l) In the rear yard, uncovered, unenclosed terraces or porches, platforms; pools, ponds and ornamental features which do extend more than three feet above the floor level of the ground story, provided these uses maintain a minimum distance of five feet from the adjacent side and rear lot lines;

(m) Accessory buildings, within required rear setbacks only and set back a minimum of five (5) feet from the property line;

(n) Fences or walls, if otherwise allowed or required by City regulations; and

(o) Yard and service lighting fixtures, poles.

(2) Where dwelling units are erected above a commercial establishment, no side yard is required except when required for the commercial building.

3. Front Setbacks
   a. Front Setback Boundary

Where an official line has been established for the future widening or opening of a street or major thoroughfare upon which a lot abuts, the depth of a front or side setback shall be measured from such official line to the nearest line of the building.

b. Through Lots

On through lots, the required front setback shall be provided on each street. Through lots shall be designed to face and take access from the lower category street unless abutting lots are already developed to face and/or take access from the higher category street.

c. Projections into Front Setback

Open, unenclosed porches, platforms or paved terraces that are not covered by a roof or canopy and do not extend above the level of the first floor of the building, may extend or project into the required setback area a distance not more than six (6) feet, provided that the height of such structures shall not exceed three (3) feet.

d. Setback Averaging

Within the same block face and zoning district, when twenty-five percent (25%) or more of the existing buildings have less than the minimum required setback, the required front setback shall not exceed the average of the existing front setbacks. Setback Averaging is illustrated in Figure 4-1.

4. Side Setbacks
   a. Corner Lots

(1) Side Setback Requirements

Corner lots shall meet the minimum front setback requirements on the sides adjacent to both streets.
(2) Corner Visibility

No sign, fence, wall, hedge, planting or other obstruction to vision, extending to a height in excess of three (3) feet above the established street grade, shall be erected, planted or maintained within the area of a corner lot that is included between the lines of the intersecting streets and a straight line connecting them at points twenty-five (25) feet distant from the intersection of the street lines, as illustrated in Figure 4-2.

b. Setback for Semi-Public Buildings

The minimum side setbacks for schools, libraries, churches and other public or semi-public buildings in residential districts shall be thirty (30’) feet.

c. Commercial Buildings with Common Walls

For the purposes of the side setback regulations, a group of commercial buildings separated by common or party walls meeting fire code requirements shall be treated as one building occupying one lot.

5. Height

No building shall be erected, converted, enlarged, reconstructed, moved, or structurally altered to exceed the height limits established in Table 3-2 for the district in which it is located, except as provided below.

a. Specific Uses

Public and semi-public hospitals, institutions, and schools may be erected to a height not to exceed one hundred (100) feet. Churches, temples, and places of worship may be erected to a height not exceeding seventy-five (75) feet. For any building exceeding the height limit established in Table 3-2, the required side and rear setbacks to the portion of the building exceeding the height limit shall be increased by at least one (1) foot for each one (1) foot of additional building height above the height regulations for the district in which the building is located, as illustrated in Figure 4-3.

Figure 4-1 Setback Averaging

![Setback Averaging Diagram](image-url)
b. Exemptions
The following structures or features shall be exempt from the height restrictions:

(1) Chimneys;
(2) Church spires;
(3) Fire towers;
(4) Flag poles;
(5) Public monuments;
(6) Tanks;
(7) Water towers; and
(8) Silos and similar farm structures.

This is illustrated in Figure 4-4.

B. Residential Development

1. Principal Buildings
Except as approved in a Planned Development, there shall be no more than one principal building or structure upon any lot in a residential district.

2. Multi-family Residential Density
   a. Common Open Space

If twenty (20%) percent of the land complies with the open space standards established in Section 4.05, then the number of multi-family residential dwelling units allowable in the R-14 and RT zoning districts shall be determined based upon five thousand four hundred forty-five (5,445) square feet of land per multi-family residential unit, for a residential density of eight (8) units per acre.

b. Clubhouse

In addition to the requirements in Table 3-2, if a clubhouse is provided, the clubhouse shall provide amenities including, but not limited to, pool table and/or ping pong table, as well as other areas for the resident’s indoor social activities, with either swimming pool and/or tennis courts for recreational purposes, then the number of multi-family residential dwelling units allowable in the R-14 and RT zoning districts shall be determined based upon four thousand three hundred fifty-six (4,356) square feet of land per multi-family residential unit, for ten (10) units per acre. Such bonus is available only in addition to the density bonus available for open space and shall not be used to increase density independently.

C. Commercial Development

Commercial development shall comply with the standards established in Section 5.09. Any commercial tract that has frontage on a major arterial shall orient any structures associated with the development to ensure loading areas and garbage receptacles are not visible from the thoroughfare.

Figure 4-4 Building Height Exemption

D. Office-Institutional Development

All development in office institutional districts shall comply with the standards in Section 5.09 and the following standard in addition to the standards in Table 3-2.
1. **New Development**
Commercial development that abuts a residential district shall design any new development in to comply with the height and setback requirements of the residential district in addition to the buffer requirements established in Article 6 of this code.

2. **Existing Residences Converted to Commercial Uses**
Any existing residences that are converted to commercial uses shall maintain residential appearance by complying with the residential design standards in Section 5.21. All loading areas shall be located at the rear of buildings.

E. **Density**
Unless expressly provided by this Code, density shall be measured in terms of the number of dwelling units per net acre of land. Net acres shall be the total acreage minus acreage in the one hundred (100) year floodway, slopes of fifteen percent (15%) or greater, wetlands and roadways.

**Section 4.02 Blocks and Lots**

A. **Lots of Record**
Any lot of record that is legal on the date of the first published notice of this Ordinance may be used subject to the setback and height limitations in this code. Substandard lots may be used as a building site for a structure or use permitted in the zone in which it is located; provided the owner has the approval in writing of the Carroll County Health Department and Carroll County Codes Enforcement, and has receive necessary variances from the requirements of this Code in accordance with Section 2.03.

B. **Access for Commercial Development**
Access shall be designed to avoid traffic queuing along abutting arterial streets. Acceleration and deceleration lanes may be required pursuant to a Traffic Impact Analysis. For projects including more than fifty thousand (50,000) square feet of building area, an uninterrupted driveway throat measuring at least sixty (60) feet in length shall be required. See Section 5.09.

C. **Pedestrian Connectivity**
All commercial parking lots containing more than one hundred (100) spaces shall provide a clearly marked pedestrian walkway from the sidewalk along abutting streets to the sidewalk along the front of the commercial buildings, as illustrated in Figure 4-5.

D. **Maximum Block Length**
Residential blocks shall not exceed one thousand (1,000) feet. Cross-block pedestrian walkways, included in a twenty (20) foot wide access easement may be required for blocks that are longer than five hundred (500) feet and at the ends of cul-de-sac streets.

E. **Flag Lots**
Flag Lots shall be prohibited for all divisions or subdivisions unless topographical restraints exist, or the shape and orientation of the property to be subdivided make the inclusion of some flag lots necessary. Flag lots must provide minimum frontage requirements as stated in this ordinance and are not intended to provide access to other properties so as to circumvent the street and right-of-way requirements of the zoning ordinance. Flag lots are intended only to provide use of the rear portion of the extremely deep tracts of land for residential purposes. (ORD-07-07-UDC, 9-4-07)
Section 4.03 Parking Standards

A. Parking Required for All Structures
For all buildings or structures hereafter erected, constructed, reconstructed, moved or altered, off-street parking shall be provided. Such parking spaces shall be located entirely on the same property as the main use with no portion other than the necessary drives extending into any street right-of-way or other public way.

B. Minimum Parking Requirements
1. Number of Spaces
In all districts, the minimum number of off-street parking spaces shall be provided in accordance with the requirements in Table 4-1 and Table 4-2, at the time any building or structure is erected or structurally altered. Only independently accessible spaces shall be counted towards required parking. Tandem parking spaces shall not be counted.

2. Standards for Unlisted Uses
The Community Development Director shall determine the number of parking spaces required for uses not referenced in Table 4-1 by applying the standard for the most similar use or uses as listed in the exhibit. If there is no similar use, the Community Development Director shall make a determination based on available parking studies or standards.

3. Calculation of Required Spaces
Any fraction of a parking space calculated as required under this Section shall be counted as a full parking space.

4. Uniqueness
No off-street parking or loading space required in connection with any building, structure, or use by this Code shall be considered to be part of the required off-street parking or loading space for any other building, structure, or use, unless allowed under the provisions of Section 4.03.D.

5. Location
Parking shall be provided on the same lot with the use except as permitted by this Section.

6. Additional Parking Required
Whenever a building or use constructed or established after the effective date of this Ordinance is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise, to create a need for additional parking, parking requirements shall be met for all uses on the site.

7. Existing Parking Facilities Maintained

Figure 4-5 Pedestrian Walkway
Facilities being used for off-street parking on the effective date of this Code shall not be reduced in capacity to less than the number of spaces prescribed, or altered in design or function to less than the minimum standards prescribed herein.

8. Head-In Parking
Head-in parking from any public street that requires the applicant to back into the street to enter or exit the space shall not be permitted, except for a single driveway from a detached single-family residence or duplex. Head-in parking may be allowed along an alley or private drive-way.

C. Off-Site or Remote Parking
The Community Development Director may approve off-site parking when:

1. Both the primary use and the off-site parking are located in an area zoned for the primary use served by the off-site parking;

2. The required spaces shall be located within three hundred (300) feet from any building served;

3. The applicant has provided a written agreement that assures the on-going availability of the parking and that has been approved as to form, by the City Attorney; and

4. Adequate parking is provided on-site for persons with disabilities.

D. Parking for Mixed and Multiple Use Developments
The Community Development Director may authorize a reduction in the total parking requirement for separate uses located on the same site or adjoining sites that are served by a common parking facility. Reductions pursuant to this Section shall not be granted for facilities using off-site or remote parking. In determining whether to approve an adjustment for a mixed-use development, the Community Development Director shall consider all relevant factors, including:

1. The characteristics of each use and the differences in projected peak parking demand, including days and hours of operation;

2. The potential reduction in vehicle movements afforded by multi-purpose use of the parking facility by employees, customers or residents of the uses served; and

3. The potential improvements in parking facility design, circulation and access afforded by a joint parking facility.

E. Parking for Persons with Disabilities
1. Required in All Parking Lots
Parking spaces for persons with disabilities shall be provided in all parking lots in accordance with Americans with Disabilities Act Accessibility Guidelines (ADAAG) for Buildings and Facilities.

2. Standards
Vehicular access aisle widths shall be the same as for perpendicular parking spaces. A handicap access aisle shall be provided adjacent to each handicap parking space and may be shared between adjacent handicapped parking spaces. If parking spaces are provided for self-parking by employees or visitors, or both, then accessible spaces shall be provided in each such parking area in conformance with the table below. Spaces required by the table need not be provided in the particular lot. They may be provided in a different location if equivalent or greater accessibility, in terms of distance from an accessible entrance, cost and convenience is ensured. Dimensions for disabled parking are provided in Exhibit 4-1.

3. Number of Required Parking Spaces
The number of parking spaces to be provided for persons with disabilities shall comply with Table 4-2.
### Table 4-1 Minimum Off-Street Parking Requirements by Uses

<table>
<thead>
<tr>
<th>Uses</th>
<th>Parking Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Residential</strong></td>
<td></td>
</tr>
<tr>
<td>Dormitory for worker employed on the premises</td>
<td>1 per 3 employees plus 1 per dormitory manager.</td>
</tr>
<tr>
<td>Dwelling, multi-family (including one bedroom units)</td>
<td>2 per dwelling unit</td>
</tr>
<tr>
<td>Dwelling, Single-Family detached</td>
<td>2 per dwelling unit</td>
</tr>
<tr>
<td>Senior Housing</td>
<td>1 space per dwelling unit</td>
</tr>
<tr>
<td>Group Home</td>
<td>1 per employee plus 1 per 2 bedrooms</td>
</tr>
<tr>
<td>Manufactured Home, Industrialized Home</td>
<td>2 per dwelling unit</td>
</tr>
<tr>
<td><strong>Commercial – Retail</strong></td>
<td></td>
</tr>
<tr>
<td>Automobile, Truck Sales and Service</td>
<td>1.0 space per 250 sq.ft. of sales floor area + 2 spaces per service bay</td>
</tr>
<tr>
<td>Auto Parts Store</td>
<td>1 per 400 sq.ft. GFA + 1 per employee on max. Work shift</td>
</tr>
<tr>
<td>Boat Sales, Service and Repair</td>
<td>1 per 300 sq.ft. GFA, 2 spaces minimum</td>
</tr>
<tr>
<td>Convenience Store</td>
<td>5 per 1,000 sq.ft. GFA</td>
</tr>
<tr>
<td>Furniture, Home Furnishing and Equipment Store</td>
<td>1 per 500 sq.ft. GFA, 2 spaces minimum</td>
</tr>
<tr>
<td>Grocery Store</td>
<td>1 per 200 sq.ft. GFA</td>
</tr>
<tr>
<td>Hardware Store</td>
<td>1 per 400 sq.ft. GFA</td>
</tr>
<tr>
<td>Manufactured Home Sales</td>
<td>2 per sales person and 1 per each employee</td>
</tr>
<tr>
<td>Restaurant, Cafeteria, Fast-food (with seating)</td>
<td>1 per 4 seats. 1 additional space for each 2 employees</td>
</tr>
<tr>
<td>Retail Stores, General Merchandise</td>
<td>1 per 400 GFA</td>
</tr>
<tr>
<td><strong>Commercial – Service and Entertainment</strong></td>
<td></td>
</tr>
<tr>
<td>Amusement Park</td>
<td>Spaces equal in number to 30% of capacity</td>
</tr>
<tr>
<td>Automobile Repair and Body Shop</td>
<td>1 per 150 sq.ft. GFA</td>
</tr>
<tr>
<td>Uses</td>
<td>Parking Spaces</td>
</tr>
<tr>
<td>----------------------------------------------------------------------</td>
<td>-----------------------------------------------------</td>
</tr>
<tr>
<td>Auto Oil Change Shop</td>
<td>3 per service bay</td>
</tr>
<tr>
<td>Bait Shop</td>
<td>1 per 400 sq.ft. GFA</td>
</tr>
<tr>
<td>Bank or Financial Institution, Full Service</td>
<td>1 per 200 sq.ft. GFA</td>
</tr>
<tr>
<td>Barber Shop, Beauty Shop</td>
<td>3 per workstation on maximum capacity</td>
</tr>
<tr>
<td>Bed and Breakfast Home</td>
<td>1 per guest room, plus 2 for owner</td>
</tr>
<tr>
<td>Bowling Alley</td>
<td>4 per alley</td>
</tr>
<tr>
<td>Dry Cleaning</td>
<td>1 per 400 sq.ft. GFA</td>
</tr>
<tr>
<td>Funeral Home/Mortuary</td>
<td>1 per 4 seats in chapel + 1 per 2 employees + spaces for company vehicles</td>
</tr>
<tr>
<td>Gas Station Full Service</td>
<td>1 per employee plus 3 per service bay</td>
</tr>
<tr>
<td>Gas Station, Self-Serve (fuel only)</td>
<td>1 per employee</td>
</tr>
<tr>
<td>Health Club and Facilities</td>
<td>1 per 400 sq.ft. GFA</td>
</tr>
<tr>
<td>Hotel, Motel and Motor Lodge</td>
<td>1 per sleeping room or suite, 1 additional space for each 2 employees</td>
</tr>
<tr>
<td>Laundromat</td>
<td>1 per 200 sq.ft. GFA</td>
</tr>
<tr>
<td>Machinery Sales, Service and Repair</td>
<td>4 per sales person plus 1 for other employees</td>
</tr>
<tr>
<td>Miniature Golf Courses</td>
<td>2 per hole + 1 per employee on maximum shift</td>
</tr>
<tr>
<td>Offices (business, medical, dental and professional)</td>
<td>1 per 225 sq.ft. GFA for single floor designs; 1 per 275 sq.ft. GFA for designs with two or more floors</td>
</tr>
<tr>
<td>Pet Shop, Dog Grooming Shop</td>
<td>1 per 400 sq.ft. GFA with a minimum of 4 spaces</td>
</tr>
<tr>
<td>Printing, Publishing and Engraving</td>
<td>1 per 2 employees on premises +1 per 300 sq.ft. of sales space</td>
</tr>
<tr>
<td>Repair Service, General Merchandise</td>
<td>1 per 2 employees on premises +1 per 400 sq.ft. of sales space</td>
</tr>
<tr>
<td>RV and Camper Sales, Service and Repair</td>
<td>4 spaces for each sales person plus 1 per employee</td>
</tr>
<tr>
<td>Shooting Range, Indoor</td>
<td>1 per employee plus 1 per shooting lane</td>
</tr>
<tr>
<td>Studio for Art, Photograph and similar uses</td>
<td>1 per 400 sq.ft. GFA, 3 spaces minimum</td>
</tr>
<tr>
<td>Uses</td>
<td>Parking Spaces</td>
</tr>
<tr>
<td>----------------------------------------------------------------------</td>
<td>-----------------------------------------------------</td>
</tr>
<tr>
<td>Theater, Movie or Drama</td>
<td>1 per 3 seats</td>
</tr>
<tr>
<td>Truck Terminal</td>
<td>1 per 1,000 sq.ft. GFA</td>
</tr>
<tr>
<td>Veterinary Clinic</td>
<td>4 spaces per doctor, plus 1 per additional employee</td>
</tr>
<tr>
<td>Video Store</td>
<td>1 per 200 sq.ft. GFA</td>
</tr>
<tr>
<td>Industrial - Storage/Warehousing/ Wholesale Trade</td>
<td></td>
</tr>
<tr>
<td>Mini-warehouse (self-storage facilities)</td>
<td>1 per 10 storage units + 1 per employee</td>
</tr>
<tr>
<td>Warehouse and Storage Buildings</td>
<td>1 per employee on maximum working shift, plus space for storage of truck or vehicles used</td>
</tr>
<tr>
<td>Industrial - Manufacturing Establishment/ Processing</td>
<td></td>
</tr>
<tr>
<td>Manufacturing and Industrial Uses</td>
<td>1 per employee, plus 1 per 200 sq.ft. of sales floor area</td>
</tr>
<tr>
<td>Contract Construction</td>
<td>1 per 400 sq.ft. of gross office space + 1 per non-office on site employee</td>
</tr>
<tr>
<td>Public/Institution</td>
<td></td>
</tr>
<tr>
<td>Ambulance Services</td>
<td>1 per each emergency vehicle plus 1 additional space for each employee</td>
</tr>
<tr>
<td>Art Gallery</td>
<td>1 per 300 sq.ft. GFA</td>
</tr>
<tr>
<td>Auditorium, Assembly Hall, Civic Center, Community Center</td>
<td>1 per 4 seats or bench seating spaces</td>
</tr>
<tr>
<td>Cemetery, Mausoleum</td>
<td>1 per employee</td>
</tr>
<tr>
<td>Childcare Facilities</td>
<td>1 per 2 employees + 1 per 4 pupils</td>
</tr>
<tr>
<td>Church</td>
<td>1 per 4 seats or bench seating spaces</td>
</tr>
<tr>
<td>Club and Lodges, Non-Commercial</td>
<td>1 per 300 sq.ft. GFA</td>
</tr>
<tr>
<td>Fire Station</td>
<td>1 per employee on the maximum working shift</td>
</tr>
<tr>
<td>Hospital, Health and Medical Institution</td>
<td>1 per 3 patient beds, 1 additional for 3 employees</td>
</tr>
<tr>
<td>Library</td>
<td>1 per 400 sq.ft. GFA + 1 per 2 employees</td>
</tr>
<tr>
<td>Museum</td>
<td>1 per 300 sq.ft. GFA</td>
</tr>
<tr>
<td>Uses</td>
<td>Parking Spaces</td>
</tr>
<tr>
<td>------------------------------------------------</td>
<td>--------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Police Station/Correctional Facility</td>
<td>2 per employee on the maximum working shift, plus 1 per 8 inmates considering</td>
</tr>
<tr>
<td></td>
<td>the maximum inmate holding capacity</td>
</tr>
<tr>
<td>Post Office</td>
<td>1 per 300 sq.ft. GFA + 1 per employee on maximum working shift</td>
</tr>
<tr>
<td>Recycling Center</td>
<td>1 per employee, 1 per 2 bins</td>
</tr>
<tr>
<td>School, Public or Private Elementary/Middle</td>
<td>2 per classroom, but not less than 1 per employee</td>
</tr>
<tr>
<td>School, College</td>
<td>10 per classroom</td>
</tr>
<tr>
<td>School, Vocational/Technical</td>
<td>10 per classroom</td>
</tr>
</tbody>
</table>

| Transportation/Communication/Utilities         |                                                                                  |
| Bus Terminal                                   | 4 per each loading and unloading bay                                             |
| Radio, TV and Communication Transmission Tower | 1 per 2 employees on premises +1 per 300 sq.ft. of sales or customer space      |
| Utility Facilities                             | 1 per employee + 1 per stored vehicle                                           |
| Water Treatment Facilities                     | 1 per employee                                                                  |

| Parks/Recreation/Conservation                  |                                                                                  |
| Golf Courses and Club Houses, Private         | 6 per hole, plus additional spaces for each accessory facility                   |
| Golf Courses and Club Houses, Public          | 8 per hole, plus additional space for each accessory use                         |
| Golf Driving Range                             | 1.5 per each driving tee                                                        |
| Park with Recreational Facilities             | Spaces equal in number to 30% of capacity                                        |
| Shooting Range, Outdoor                        | Skeet Range and Trap Range: 1 per employee plus 1 for each shooter              |
|                                                | Target Range: 1 per employee plus 1 per shooting lane                           |
| Skating, Roller or Ice Rink                   | 5 spaces per 1,000 sq.ft. of GFA                                                |
| Swimming Pool, Public                          | 30 spaces minimum                                                               |

| Agricultural                                   |                                                                                  |
| Agricultural Services                          | 2 per 3 employees or 1 per 400 sq.ft. GFA                                       |
Uses | Parking Spaces
--- | ---
Kennel | 1 per employee + 1 per 400 sq.ft. GFA
Lumber Yard | 1 per 500 sq.ft. GFA
Nursery/Greenhouse | 1 per 400 sq.ft. of GFA, plus 1 per 2,000 sq.ft. of exterior nursery area
Saw Mill | 1 per employee
Stock Yard | 1 per employee on maximum shift

4. Marking
All handicapped accessible spaces shall be clearly marked as such.

F. Parking Design Standards
1. Minimum Standards
   a. Front Yard Limit. Driveways and surfaced parking areas shall not occupy more than thirty percent (30%) of the front yard of any parcel in a Residential District.

   b. Parking of Recreational Vehicles. In a residential district, recreational vehicles or trailers shall park on private property and shall not cause a visibility obstruction at the intersection of street right-of-ways. Recreational vehicles, boats and trailers stored on a residential lot for more than five (5) consecutive days shall be stored behind the front building line behind an opaque screen or fence at least six (6) feet in height. No vehicle or trailer shall be used as a dwelling while parked on private property.

   c. Commercial Vehicles Prohibited. All vehicles, trucks and/or trailers in excess of ten thousand (10,000) pounds gross vehicle weight (GVW) and/or twenty-four (24) feet in length designed and manufactured for or used for specific commercial purposes including but not limited to tractor trailer cabs, wreckers, dump trucks, tracked vehicles, buses, construction vehicles, equipment carriers, bottling works delivery trucks, grain trucks and refrigerated trucks are prohibited from parking in the following residential zoning districts: RD (Rural Development) for property less than five (5) acres; R-20 (Single-Family Residential); RT (Residential Townhouses); R-14 (Multi-Family Residential); PD (Planned Development); and DT (Downtown District). This provision excludes recreational trailers, recreational vehicles, loading and unloading purposes or as otherwise permitted by the Community Development Director or his/her designee. (ORD-05-07-UDC, 7-10-07)

   d. Parking of Inoperable Vehicles. Inoperable or unlicensed passenger vehicles and trailers shall be parked within an enclosed structure in a residential district. Unlicensed vehicles shall be parked within an enclosed structure in a commercial district. Inoperable vehicles shall only be parked within a commercial development that permits automotive repair. (ORD-05-07-UDC, 2-6-04)

   e. Exceptions. Any type commercial vehicle, regardless of gross vehicle weight, delivering or picking up merchandise for delivery or employed in performing a repair or construction service, may park for the purpose of making such pickup or delivery, or for the duration of the period during which a repair or construction service is being performed on or to property in the area where parked.

   f. Standards.

(1) Perpendicular Parking Standards. Perpendicular parking spaces will meet the minimum requirements as specified in Table 4-3.

Exhibit 4-1 Handicapped Parking Space Design
### Table 4-2 Parking for the Disabled

<table>
<thead>
<tr>
<th>Parking Capacity</th>
<th>Required Minimum Spaces for Persons with Disabilities</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-25</td>
<td>1</td>
</tr>
<tr>
<td>26-50</td>
<td>2</td>
</tr>
<tr>
<td>51-75</td>
<td>3</td>
</tr>
<tr>
<td>76-100</td>
<td>4</td>
</tr>
<tr>
<td>101-150</td>
<td>5</td>
</tr>
<tr>
<td>151-200</td>
<td>6</td>
</tr>
<tr>
<td>201-300</td>
<td>7</td>
</tr>
<tr>
<td>301-400</td>
<td>8</td>
</tr>
<tr>
<td>401-500</td>
<td>9</td>
</tr>
<tr>
<td>501-1000</td>
<td>2% of total</td>
</tr>
<tr>
<td>1,001 and over</td>
<td>20 plus 1 for each 100 over 1,000</td>
</tr>
</tbody>
</table>

### Table 4-3 Perpendicular Parking Standards

A. Width of stall: 11 ft.
B. Width of Access Aisle: 5 ft.
   (Always on right of single space)
C. Length of space: 20 ft. of stripe 18 ft.
D. Overall width single space: 16 ft.
E. Overall width of double space: 27 ft.
Width (ft.) | Length (ft.) | Aisle Width (ft.)
---|---|---
9 | 18 | 24

(2) **Parallel Parking Standards.** Parallel parking spaces will have a minimum width of nine (9) feet and a minimum length of twenty (20) feet.

(3) **Angle Parking Standards.** Angled parking may be provided at sixty (60), forty-five (45) or thirty (30) degrees from the access aisle. All angled parking must have a parking envelope that is nine (9) feet by eighteen (18) feet within each angled parking space.

(4) **Modification of Standards.** In addition to the minimum design standards for parking areas established this Code; the Community Development Director may require modifications to parking lot design to ensure the safety of pedestrians, bicyclists and motorists. The Community Development Director may allow for up to a ten (10%) percent decrease in aisle widths for redevelopment sites when parking space widths are increased by twelve (12) inches.

g. **Widened Driveways.** Any new driveway or existing driveway widened from a single driveway to a double driveway in any zoning district shall be constructed of concrete or bituminous concrete.

h. **Landscaping.** Landscaping shall be required for any off-street parking lot containing over ten spaces, as required in Section 6.07.D. Interior landscaped areas such as islands, peninsulas and medians shall be installed so that no more than ten (10) adjacent parking spaces exist without a landscaped separation at least five (5) feet in width. Interior planting areas shall be located to most effectively relieve the monotony of large expanses of paving and contribute to orderly circulation of vehicular and pedestrian traffic, and shall be no less than six (6) feet in width. *(ORD-06-07-UDC, 7-10-07)*

2. **Timing of Parking**

All parking areas and drives shall be ready for use prior to occupancy of a building or site, and shall be approved by the Community Development Director. The Community Development Director may grant a temporary occupancy permit valid for up to three (3) months if weather conditions are not satisfactory for proper installation of surfacing materials.

3. **Location**

a. All off-street parking shall be located outside of required landscape areas.

b. Off-street parking facilities and required parking facilities in any Commercial or Industrial District except the Downtown Commercial District may be located in the front, side, and/or rear yards.

c. Except within the DT District, no part of any off-street parking space shall be closer than ten (10) feet to any established highway, road or street right-of-way line. For a parking lot serving a commercial, industrial or multi-family development that adjoins an RD or R-20 residential district, a type “D” buffer shall separate it from the adjacent lot. Buffers, fences and walls and landscaping shall be developed in conformance with Article 6 of this Code.

d. Off-street parking and loading areas may not occupy any part of required open space, but may occupy a part of the required yard area, subject to the provisions of this Code.

4. **Maintenance of Required Spaces**

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*Article 4 Page 153*
All required parking facilities shall be maintained for the duration of the use requiring such facilities. Required parking facilities shall be used exclusively for the temporary parking of passenger automobiles, motor vehicles or light trucks not exceeding one ton in capacity, and shall not be used for the sale, display or storage of merchandise, or for the storage or repair of vehicles or equipment.

5. Accessibility
Each required parking space shall be an independently accessible area.

6. Vertical Clearance
Each parking space shall have a vertical clearance of at least eight (8) feet.

7. Circulation
Each parking and loading area shall have adequate drives, aisles and turning and maneuvering areas for access and usability, and shall at all times have access to a street or alley and provide sidewalk access to buildings.

G. Parking Area Paving and Drainage
1. Paving Required
All parking areas shall be paved, curbed and guttered with proper drainage; driveways, and loading areas shall be paved.

2. Pavement Materials
   a. Residential Parking and Driveway Surface. The pavement surfaces in all residential districts shall consist of either two inches of asphaltic concrete over a six (6) inch rolled stone base or four (4) inches of Portland cement concrete.

   b. Commercial and Industrial Parking, Driveway, and Loading Area Surfaces. At a minimum, the parking, driveways and loading areas shall consist of either two inches of asphaltic concrete overlay over an eight (8) inch rolled stone base or seven (7) inches of Portland cement concrete.

   c. Heavy Equipment Storage Areas. Heavy equipment storage areas that are accessory uses for agricultural service establishments and non-agricultural commercial uses in the Agricultural, Commercial and Industrial Districts may be surfaced and maintained with chip and seal or a similar durable, dustless surface. However, all driveways leading to such areas shall be paved as required in Section 4.03.G.2.b above.

3. Engineering Plans Required
The Community Development Director shall require engineering design plans, signed by a professional engineer, for commercial and industrial lots of more than one acre. All parking and loading facilities shall be designed, graded and provided with permanent storm drainage facilities that prevent standing water on any parking area, and do not increase the flow of water onto adjacent properties, streets or alleys.

H. Parking Area Lighting
On site lighting shall be provided for multi-family, commercial and industrial parking lots in accordance with Section 4.04.

I. Off-Street Loading Requirements
Every building or part thereof erected or occupied for commercial or industrial purposes involving the receipt or distribution of materials or merchandise by truck, shall provide and maintain on the same premises loading space in accordance with the following requirements.

1. Commercial and Industrial Districts
In all commercial and industrial districts, loading spaces shall be provided in accordance with Table 4-4.

2. Minimum Dimensions
Each loading space shall be not less than twelve (12) feet in width by seventy (70) feet in length with a fifteen (15) foot vertical clearance.
3. Location of Loading Space
Such space may occupy all or part of any required side or rear yard, except when adjoining a Residential District, in which case it shall be set back twenty-five (25) feet and shall be screened from the adjacent property by a type “E” buffer fence.

J. On-Street Parking Requirements
On-street parking is provided for specific developments in designated areas located within the DT district. Designated parking areas are provided in Exhibit 4-2.

Table 4-4 Required Loading Spaces

<table>
<thead>
<tr>
<th>Gross Floor Area (Sq Ft)</th>
<th>Required Loading Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 – 1,999</td>
<td>None</td>
</tr>
<tr>
<td>2,000 – 19,999</td>
<td>1 space</td>
</tr>
<tr>
<td>20,000 – 99,999</td>
<td>1 space plus one per 20,000 sq.ft. or fraction thereof over 20,000 sq.ft.</td>
</tr>
<tr>
<td>100,000</td>
<td>5 spaces plus one per 40,000 sq.ft. or fraction thereof over 100,000 sq.ft.</td>
</tr>
</tbody>
</table>

Exhibit 4-2 On-Street Parking Location
Section 4.04 Lighting

The standards in this Section apply in addition to the standards established in Section 5.09.D. Any light used for illumination of buildings, signs, parking areas, security, or for any other purposes shall be arranged so as to contain direct lighting on the property on which the light source is located and away from nearby residential properties and the vision of motorists on adjacent streets. The lighting source shall be projected towards the ground and shall not be directly visible from outside the boundaries of the property.

A. Location of Light Standards
Light posts and standards shall be located so that they do not create a pedestrian or vehicular hazard; they shall not be located within any pedestrian walkway or driveway.

B. Maximum Height of Lighting Fixture Poles
Except for City approved safety and street lighting, lighting fixtures shall not be elevated from grade level any higher on a building exterior or lighting standard than as follows:

1. Lots or tracts three (3) acres and larger: maximum height thirty (30) feet.
2. Lots or tracts less than three (3) acres: maximum height twenty (20) feet.
3. Special district and decorative lighting standards shall not exceed fifteen (15) feet in height.

C. Luminaries
1. The following luminary types shall be permitted: down-light, indirect, diffused or shielded.
2. Bare bulb or string lamp luminaries are not permitted unless used for a special event for a temporary use for which a permit has been issued. Wattage shall not exceed seventy-five (75) watts per bulb.
3. Luminaries and historic lighting are subject to site development plan review and approval as specified in Section 2.02.B.

Section 4.05 Open Space

Open space is required for a variety of purposes, including its aesthetic, environmental, recreational, stormwater management and buffering benefits. Required open space shall comply with the following standards.

A. Areas Not Allowed as Open Space
The following shall not count toward common open space set-aside requirements:

1. Private lots, yards, balconies and patios dedicated for use by a specific unit;
2. Public right-of-way or private streets and drives;
3. Open parking areas and driveways for dwellings;

4. Land covered by structures except for ancillary structures associated with the use of the open space such as gazebos and picnic shelters;

5. Designated outdoor storage areas;

6. Land areas between buildings of less than forty (40) feet;

7. Land areas between buildings and parking lots or driveways of less than forty (40) feet;

8. Required setbacks; and

9. Detention/retention facilities, including drainage swales, except as provided in paragraph C of this Section.

B. Open Space Linkages.
Where a trail, natural area or public park is dedicated to or acquired by the City, such area may be credited toward the minimum amount of common open space required. Such areas may also qualify for density bonuses.

C. Design Criteria for Open Space
All common open space lands shall meet the following design criteria, as relevant:

1. General Design Criteria
Water bodies, retention areas and detention basins may constitute up to forty (40%) percent of required open space, provided that retention facilities are designed to provide safe access to water and detention facilities encompass at least ten thousand (10,000) square feet of area with less than two (2%) percent grade. Side slopes to retention and detention facilities shall provide at least six (6) feet of horizontal run for each foot of vertical rise.

At least forty (40%) percent of required open space must be dry land with a slope of less than ten percent (10%).

Unless otherwise approved by the Council, open space shall be continuous, contiguous with open space on abutting properties and accessible to the public.

2. Connectivity Required.
To the maximum extent practicable, common open space shall be organized to create integrated systems of open space that connect with the following types of lands located within or adjacent to the development:

a. Dedicated public park or greenway lands;

b. Dedicated school sites;

c. Other dedicated open spaces;

d. Common open space located adjacent to the development;

e. Portions of the regional trail and open space system;

f. Neighborhood shopping and activity centers; and

g. Adjacent employment centers.

3. Contiguity Required.
To the maximum extent practicable, common open space land shall be compact and contiguous unless the land is used as a continuation of an existing greenway, trail, or other linear park, or unless specific topographic features
require a different configuration. An example of such topographic features would be the provision of open space along a scenic creek.

4. **Accessibility Required.**
Common open space shall be reasonably accessible to all of the residents of the development:

a. At a minimum, pedestrian access to common open space shall occur every five-hundred (500) feet of linear length of common open space.

b. Pedestrian access to common open space shall occur within five hundred (500) feet of every dwelling unit in the development.

c. The city may require access to be restricted if it would degrade, destroy, or adversely interfere with sensitive environmental or natural areas or with significant historic or cultural resources.

d. Where provided, access to common open space shall be a minimum of twenty-five (25) feet wide and shall be located where such access is visible to dwelling units and shall not be isolated by walls, screening, landscaping, or any other kind of barrier that would prevent resident surveillance of the open space.

5. **Open Space Amenities**
Common open spaces, other than those preserved as natural features or areas, should include gardens, courtyards, recreation, or play areas and shall contain at least three of the following features:

a. Seasonal planting areas.

b. Benches or other seating.

c. Gazebos or other decorative shelters.

d. Play structures for children.

e. On-site community recreation amenities.

6. **Credit for Parks and Amenities.**
The Community Development Director may waive up to fifty percent (50%) of the open space requirement if the development satisfies one of the following criteria.

a. All units are located within five hundred (500) feet of a public park as measured along a public sidewalk, trail or bikeway; or

b. The development includes active recreation amenities for residents such as pools, tennis courts or playgrounds.
Article 5 Supplementary Conditions for Specific Uses

Section 5.01 General Conditions

All uses shall be developed, used and operated in conformance with the standards of this Code. The following additional standards shall apply to the specific land uses listed in this article. Certain uses require a Conditional Use Permit or a temporary use permit in conformance with Article 2 of this Code. All uses shall comply with applicable building, life safety, fire and health codes adopted by the City in addition to applicable regulations of Carroll or Douglas Counties, state or federal governments. The applicant shall provide evidence of compliance with the applicable requirement. The applicant shall obtain a business license and a home occupation permit, if applicable, prior to establishment of the use.

Section 5.02 Accessory Buildings, Structures & Uses

A. Generally

1. Accessory Building Defined

An accessory building or structure is a subordinate building or structure, the use of which is secondary to and supports the principal use. Figure 5-1 illustrates a typical accessory building.

2. Principal Structure/Use Required

Accessory structures shall not be constructed on a lot until the construction of the principal structure has been completed and shall not be used unless the principal structure is being used.

Figure 5-1 Accessory Building

3. Accessory Building Standards

Accessory buildings shall not be constructed in any required front setback area and separate accessory buildings shall not be built within six (6) feet of the rear lot line and three (3) feet to any side lot line (see Exhibit 5-1).

Accessory buildings to single-family residences shall not exceed twelve hundred (1,200) square feet in area and fifteen (15) feet in height, except in the RD district.

4. Accessory Buildings in RD District

Accessory structures or parcels located in RD (Rural Development) zoning district, larger than five (5) acres, and not located within a subdivision, shall not be restricted to size, as long as the structure set back a minimum of one hundred (100) feet from all property lines, meets building codes and other requirements of this chapter.

5. Accessory Building Restrictions
Accessory buildings shall not be used for the conduct of business for a home occupation or storage for a home occupation, except as allowed by Section 5.13 in the RD zoning district.

Exhibit 5-1 Setbacks for Accessory Buildings

B. Accessory Dwellings
A dwelling unit may be allowed as an accessory use when the following conditions are met:

1. Where authorized:
   a. Accessory dwelling units may be constructed in the RD, R-20, RT, NC, GC, HC, OI, LI, or GI zoning district, subject to a Conditional Use Permit pursuant to Section 2.03.D;

   b. Accessory Dwellings may be established in the R-14 and DT districts subject to the general conditions established in Section 5.02.B.2.

2. General Conditions:
   a. The accessory dwelling unit shall be a permanent structure anchored to a permanent perimeter foundation;

   b. The accessory dwelling unit may not be sold separately from the property or the principal dwelling unit;

   c. The accessory dwelling unit shall comply with all required building setbacks for the principal residential use;

   d. The overall height of an accessory dwelling shall be limited to twenty (20) feet;

   e. One additional off-street parking space shall be provided for any accessory dwelling;

   f. When the accessory dwelling is directly attached to the principal dwelling, it shall be considered an integral part of the main building; and

   g. Accessory dwellings shall not exceed one thousand (1,000) square feet of heated area.

C. Accessory Structures.
Pools, tennis courts and other recreational amenities shall be located not closer than six (6) feet from any lot line if they are not illuminated. A fence a minimum of four (4) feet in height shall enclose swimming pool aprons. Illuminated recreational amenities must be located at least fifty (50) feet from the nearest residential property line.

D. Accessory Uses in Non-Residential Districts
Accessory uses and structures in non-residential districts shall be incidental and subordinate to the principal use permitted in that district and shall be located on the same lot as the principal use or structure. Accessory uses shall comply with the specific density and dimensional standards for the district in which the use is located.

Section 5.03 Adult Oriented Businesses
Adult-oriented businesses shall be located and operated in accordance with Section 6-181 et. seq. of the Villa Rica Code of Ordinances as may from time to time be amended. (ORD-07-13-UDC, 11-5-13)

**Section 5.04 Amusement Parks**

No amusement park facilities shall be located within one thousand (1,000) feet of a residential district.

**Section 5.05 Auto/Motor Vehicle Racetrack**

Facilities used for the racing of automobiles or other motor vehicles shall not be located within one thousand (1,000) feet of a residential district.

**Section 5.06 Bed and Breakfast Establishments**

In all districts in which bed and breakfast homes are permitted, the following standards shall apply:

A. The dwelling unit in which the Bed and Breakfast is operated shall be the principal residence of the operator(s) and said operator(s) shall live in the structure when the Bed and Breakfast is in operation.

B. The same rental occupants shall not reside at the Bed and Breakfast for more than seven (7) consecutive days.

D. The exterior appearance of the Bed and Breakfast is not altered from its residential character except for safety purposes.

E. Identification signage shall be no greater than six (6) square feet and shall not be internally lighted.

F. Cooking facilities are not permitted in individual guest rooms.

G. Parking provisions shall be in conformance with Section 4.03 of this Code.

H. In non-residential zoning districts, common dining areas for bed and breakfast inns may be leased for social events for a meeting/reception area only if off-street parking is provided for meeting and reception facilities in accordance with Section 4.03.

I. In residential zoning districts, common dining areas shall not be leased for social events, except on an RD parcel of five (5) or more acres.

J. Bed and Breakfasts establishments shall:

1. Only serve food to overnight guests unless the establishment holds a valid Conditional Use Permit allowing restaurant operations;

2. Advertise as a bed and breakfast home, but not as a hotel, motel or restaurant;

3. Have a smoke detector in working order in each sleeping room;

4. Maintain a fire extinguisher in working order on each floor; and

5. Have the water tested annually by the local board of health if water is not received from a public water supply.

**Section 5.07 Cemeteries**

A. Location
No cemetery, whether public, private, or in conjunction with a religious institution, shall be located within a floodplain area as delineated by FIRM maps for the City of Villa Rica.

**B. Minimum Size**
Minimum lot size for a cemetery shall be five acres.

**Section 5.08 Child Care**

**A. General**
Family Day Care Homes and Day Care Centers shall comply with all applicable state laws and with the following requirements:

1. Applicant shall provide sufficient evidence that the proposed use will comply with all State and City regulations.
2. The Family Day Care Home or Center shall be licensed by the state and the City.
3. Play space shall be provided:
   a. Minimum outdoor play space: one hundred (100) square feet per child excluding children in cribs. The area shall be fenced to a minimum of four (4) feet in height and shall not be permitted in the required front yard.
   b. Minimum indoor space: thirty-five (35) square feet per child. Calculation of the indoor space shall not include the kitchen, hallways and bathrooms, closets, utility rooms and offices. *(ORD-04-08-UDC, 10-7-08)*

**B. Family Day Care Home**
Family Day Care Homes, as defined in **Article 11**, may be located in the RD and R-20 residential districts subject to a Conditional Use Permit pursuant to **Section 2.03.D**. Family Day Care Homes shall comply with the following requirements:

1. No identification from a public street by signage, graphics, display, or other visual means is allowed.
2. The Chief Building Inspector may require that the number of children to be cared for on-site be less than that allowed by state or federal regulations if, in his opinion, the building cannot meet or exceed adopted life safety and fire code standards to adequately protect the number of children in care.
3. The operator of a Family Day Care Home shall be a full-time resident of the home.

**C. Group Day Care Homes and Facilities**
Group Day Care Homes, as defined in **Article 11**, shall comply with the following requirements:

1. An off-street passenger-loading zone shall be provided for the safe delivery and pick-up of passengers with a holding capacity of at least four (4) vehicles for any day care center or facility.
2. A six (6) foot high opaque fence along all property lines abutting any residential use shall be provided.

**Section 5.09 Commercial Design Standards**

**A. Applicability**
The standards in this Section shall apply to all retail and office buildings located in the DT, OI, NC, GC or HC zoning districts and any building in the LI and GI district that fronts on an arterial street. Exceptions to this Section may be granted through the conditional use permit process.

**B. Site Layout / Development Pattern**
1. Location of Parking
a. A minimum of thirty percent (30%) of the off-street surface parking spaces provided for all uses contained in the development’s primary building shall be located other than between the front façade of the primary building and the primary abutting street (e.g., to the rear or side of the primary building(s)).

b. More than seventy percent (70%) of the off-street surface parking spaces provided for all uses contained in the development’s primary building may be located between the front façade of the primary building(s) and the primary abutting street, provided the amount of interior and perimeter parking lot landscaping required by Section 6.07D (Parking Lot Landscaping) is increased by fifty percent (50%).

2. Pad Sites
   a. Design Standards

   (1) Clustering of Pad Sites.

   To the maximum extent practical, pad sites shall be clustered together to create consistent edges along streets and to provide safe and convenient pedestrian connections between buildings.

   (2) Building Orientation on Pad Sites. The primary façade containing the primary customer entrance, may be oriented in a variety of ways, including, without limitation, toward the primary access street, toward an internal "main street," framing a primary entrance to the development or center, toward the side (especially when that side faces another pad site building), or toward the interior of the center. Regardless of primary orientation, pad site buildings shall comply with the following:

   (a) Any side of a pad site building that directly faces a public street shall contain a combination of at least two of the following: a customer entrance, windows, trellises, awnings, areas of glass block, arcades, or planters. Customer entrances shall be emphasized through incorporation of a building recess, projections, canopies, or similar design element.

   (b) Spaces between adjacent pad site buildings shall be improved to provide pedestrian connections and amenities between sites. Examples include:

   (1) A landscaped pedestrian walkway linking customer entrances between two or more pad site buildings;

   (2) A public seating or outdoor eating area;

   (3) Sculptures or fountains; or other design features approved by the Community Development Director.

   (c) Pad Site Building Design.

   (1) Pad site buildings shall incorporate the same materials and colors as those on the primary commercial building(s) in the development or center.

   (2) Pad site entrances are appropriate locations to express individual building character or identity.

3. Site Amenities
   a. General Intent.

   Site amenities and gathering places can vary widely in size, in type, and in degree of amenity. Buildings, trees, walls, topography, and other site features within a commercial development should be oriented and arranged to enclose public places.

   b. Standards for Site Amenities.

   (1) Minimum Area Devoted to Site Amenities.
(a) New commercial developments with a parking ratio of less than 5 spaces per 1,000 square feet of gross floor areas shall provide a minimum of 10 square feet of site amenities, open areas, and public gathering places for each 10 parking spaces.

(b) New commercial developments with a parking ratio of 5 per 1000 square feet of gross floor area or greater shall provide the minimum of 15 square feet of site amenities, open areas, and public gathering places for each 10 parking spaces.

(2) Allowed Site Amenities. Site amenities may consist of any of the following:

(a) Patio or plaza with seating area;
(b) Mini-parks, squares, or greens;
(c) Customer walkways or pass-throughs containing window displays;
(d) Water features;
(e) Clock tower; and/or
(f) Public art;
(g) Any other similar, deliberately shaped area and/or focal feature that, in the Community Development Director’s judgment, adequately enhances such development and serves as a gathering place.

(3) Aggregation Allowed. In commercial developments containing more than one building, the required amenity area may be aggregated into one larger space, provided such space is within easy walking distance of the major tenant(s) in the development.

(a) Design Requirements.

(1) All site amenities within a commercial development shall be an integral part of the overall design and within easy walking distance of major buildings, major tenants, and any transit stops.

(2) Any such amenity/area shall have direct access to the public sidewalk network.

(3) The amenity/area shall be constructed of materials that are similar in quality to the principal materials of the primary buildings and landscape.

C. Building Design
1. Building Massing and Façade Treatment
   a. Variation in Massing. A single, large, dominant building mass shall be avoided.

b. Building Façade Treatment

(1) Minimum Wall Articulation. The building bay or structural building system shall be a maximum of thirty feet (30’) in width. Bays shall be bordered by architectural features such as columns, ribs or pilasters, piers, and fenestration pattern no less than twelve inches (12”) in width. In order to add architectural interest and variety and avoid the effect of a single, long or massive wall, the following additional standards shall apply:

(a) Any wall that faces a street that exceeds sixty (60) feet in length shall include at least two of the following within each successive sixty (60) foot section or part there of:

(i) Change in wall plane, such as projections or recesses, having a depth of at least three percent (3%) of the length of the façade and extending at least twenty percent (20%) of the length of the façade;
(ii) Change in texture or masonry pattern;

(iii) Windows; or

(iv) Other design feature approved that the Community Development Director determines to adequately provide architectural interest.

(b) Side or rear walls that face walkways may include false windows, either glazing or pattern, and defined by frames, sills, and lintels, or similarly proportioned modulations of the wall, provided actual doors and windows are not feasible because of the nature of the use of the building façade.

(c) All sides of the building visible from public streets shall include materials and design characteristics consistent with those on the front.

2. Awnings.
   a. Awnings shall be no longer than a single storefront.

   b. Fabric awnings are encouraged; canvas awnings with a matte finish are preferred. Awnings with high gloss finish and illuminated, plastic awnings are prohibited.

3. Building Materials
   All commercial development shall comply with the following design standards.

   a. All primary buildings shall be constructed or clad with materials that are durable, economically-maintained, and of a quality that will retain their appearance over time, including, but not limited to, natural or synthetic stone; brick; stucco; integrally-colored, textured, or glazed concrete masonry units; textured, pre-stressed concrete systems and tilt-up concrete panels approved by the Community Development Director; or glass.

   b. Natural wood or wood paneling shall not be used as a principal exterior wall material, but durable synthetic materials with the appearance of wood may be used. Exterior building materials shall not include the following:

      Split shakes, rough-sawn or board and batten wood;

      Vinyl siding, except on cornices and soffits;

      Field-painted or pre-finished standard corrugated metal siding; or

      Standard single- or double-tee concrete systems.

   c. Exterior building material shall extend from the cornice to within nine inches (9”) of finished grade on any elevation.

   d. In selecting exterior building materials, consideration should be given to the appropriateness of the materials to the scale of building proposed.

   e. Painted or stained concrete block is only allowed on sides and rear of buildings that do not face a public street.

4. Customer Entrances
   a. Number of Entrances Required

      (1) Each principal commercial building greater than 50,000 square feet (gross floor area) shall provide at least two customer entrances, each of which shall be on the front building façade that is oriented to a public street.

      (2) Where additional stores will be located in the primary building, each such store may have an exterior customer entrance, which shall comply with the prominent entrance requirement below.
b. Prominent Entrances Required. Each primary building on a site, regardless of size, shall have clearly-defined, highly-visible customer entrances featuring no less than three (3) of the following:

(1) Canopies or porticos;
(2) Overhangs;
(3) Recesses/projections;
(4) Arcades;
(5) Raised corniced parapets over the door;
(6) Peaked roof forms;
(7) Arches;
(8) Outdoor patios;
(9) Display windows;
(10) Architectural detail such as tile work and moldings integrated into the building structure and design; or
(11) Integral planters or wing walls that incorporate landscaped areas and/or places for sitting.

5. Roofs on Large Commercial Buildings
All commercial buildings containing 50,000 square feet or more (gross floor area) shall comply with the following guidelines and standards:

a. Screening of Roof-Top Equipment.
All roof-top equipment must be screened.

b. Roof Design and Treatment.
Roofs shall have no less than two of the following features:

(1) Parapets concealing flat roofs and rooftop equipment such as HVAC units from public view area appropriate. The average height of such parapets shall not exceed fifteen percent (15%) of the height of the supporting wall and such parapets shall not at any point exceed one-third (1/3) of the height of the supporting wall. Such parapets shall feature three dimensional cornice treatment;

(2) Overhanging eaves, extending no less than three (3) feet past the supporting walls;

(3) Sloping roofs that do not exceed the average height of the supporting walls, with an average slope greater than or equal to four (4) feet of vertical rise for every twelve (12) feet of horizontal run and less than or equal to twelve (12) feet of vertical rise for every twelve (12) of horizontal run; or

(4) Three (3) or more roof slope planes.

D. Lighting
The standards in this Section apply in addition to the standards established in Section 4.04.

1. Plan Required.
Applicants shall submit a unified lighting plan with final plan applications for all commercial developments subject to these lighting standards. A cut sheet of proposed fixtures, including a candlepower distribution curve, shall also be submitted. A vertical plan foot-candle calculation shall be submitted for property lines abutting residential properties.

2. General Lighting Standards

a. Pedestrian Walkway Lighting. Pedestrian-level, bollard lighting, ground-mounted lighting, or other low, glare-controlled fixtures mounted on building or landscape walls shall be used to light pedestrian walkways.

b. Design of Fixtures/Prevention of Spillover Glare. Light fixtures shall use cutoff lenses or hoods to prevent glare and light spill off the project site onto adjacent properties, buildings, and roadways.

c. Color of Light Source. Lighting fixtures should be color-correct types such as halogen or metal halide to ensure true-color at night and ensure visual comfort for pedestrians.

3. Architectural Building-Mounted Lighting

a. Building-mounted lighting may be used only to highlight specific architectural features or primary customer or building entrances. General floodlighting of building façades is not permitted.

b. Building-mounted neon lighting is allowed only when recessed, or contained in a cap or architectural reveal.

4. Parking Lot Lighting

a. Luminaire Fixture Height. The mounting height for luminaire fixtures shall not exceed twenty-five (25) feet as measured to the top of the fixture from grade.

b. Uniformity Ratios. Luminaire fixtures shall be arranged in order to provide uniform illumination throughout the parking lot.

Section 5.10 Drive-Through Establishments

A. Purpose
The purpose of these regulations is to provide standards for drive-in establishments to promote compatibility of this use with adjacent land uses and to ensure safe circulation of traffic on and off site. Drive-in establishments/uses include restaurants, banks and other financial facilities, automatic teller machines, cleaners, pharmacies and similar uses.

B. Applicability
All drive-in establishments/uses shall conform with the requirements of this Section.

C. Site Plan Requirements
Drive-in establishments/uses shall be shown on site development plans where they are proposed as an accessory use to a principal use. Applicants for drive-in establishments/uses proposed as a principal use shall submit complete site development plans.

D. Location
Drive-in establishments/uses as accessory uses shall not be located within the front yard of the principal building.

E. Stacking Space Schedule
The minimum number of stacking spaces required shall be as shown in Table 5-1. The number of stacking spaces required may be reduced or expanded in conformance with ITE Transportation and Land Development (Stover and Koepke, 1988) which is incorporated with reference hereto, upon recommendation of the Community Development Director.

F. Stacking Space Layout and Design
Stacking space design shall conform with the following minimum requirements:
1. Minimum Size: Eight (8) feet by twenty (20) feet per space.

2. Minimum Setback from property line: Twenty (20) feet.

3. Minimum Setback from street line: Forty (40) feet.

4. Minimum drive-through lane turning radius: Forty-five (45) feet.

G. Entrances
Additional entrances shall not be permitted for drive-in structures unless recommended by the Community Development Director.

H. Order Box Noise Mitigation
The order box loudspeaker shall be positioned so that it is directed toward the vehicle and away from any abutting residential zoning district unless mitigated by a solid sound wall.

I. Buffering
The drive-in establishments/uses, including the stacking lanes, shall be buffered from abutting land uses with a buffer in conformance with Section 6.05.

J. Hours of Operation
Drive-in establishments/uses employing loudspeakers shall not be operated between 10 p.m. and 6 a.m. if abutting a residential district.

**Section 5.11 Existing Farm Dwellings**

Nothing in this Code shall require any person or persons occupying a farm dwelling on the date of adoption of this Code to vacate the dwelling or to involuntarily sever it from the remainder of the farm. If the dwelling is voluntarily severed from the farm in order to be used and maintained as a non-farm residence by the occupant or for sale or lease to others, it shall be surveyed and divided pursuant to state law and this Code. The surveyed lot shall be no larger than necessary, with a minimum area of five (5) acres and shall include the typical farm buildings and accessory work areas.

**Table 5-1 Stacking Space Schedule**

<table>
<thead>
<tr>
<th>Use Type</th>
<th>Minimum Spaces</th>
<th>Measured From</th>
</tr>
</thead>
<tbody>
<tr>
<td>Drive-Through Automatic Teller Machine (ATM)</td>
<td>4/lane</td>
<td>ATM</td>
</tr>
<tr>
<td>Bank Teller Window</td>
<td>4/window</td>
<td>Teller Window</td>
</tr>
<tr>
<td>Car Wash, Automatic</td>
<td>6/stall</td>
<td>Entrance</td>
</tr>
<tr>
<td>Car Wash, Self-Service</td>
<td>2/stall</td>
<td>Entrance</td>
</tr>
<tr>
<td>Gasoline Pump Island</td>
<td>2/pump island</td>
<td>Pump Island</td>
</tr>
<tr>
<td>Pharmacy</td>
<td>3/window</td>
<td>Order Window</td>
</tr>
</tbody>
</table>
Section 5.12 Infill & Redevelopment Design Standards

A. Single Family Infill Design Standards
1. Applicability
   a. These design guidelines and standards shall apply to all new single-family subdivisions and lot splits that are adjacent to existing development on more than seventy (70) percent of its boundaries, including boundaries facing development across rights-of-way.

   b. For purposes of these design guidelines and standards, “single-family” includes one-family detached dwellings and two-family (duplex) dwellings.

2. Site Layout / Development Pattern
   a. Lot Dimensions
      (1) Intent. To encourage infill development within existing single-family areas that is compatible with the existing neighborhood character.

      (2) Lot width. The average lot width of new parcels created by subdivision or lot split shall be no less than 80% of the average width of existing lots on the same and facing block faces, but shall not be greater than 120 feet and may not be less than the minimum required by this Code.

b. Front Setbacks. The front yard setback shall not be less than the average existing setback along the same and facing block faces, and not more than 15 feet back from the established average existing setback.

B. Multi-Family Residential Infill Design Standards
1. Applicability
   These guidelines and standards shall apply to all new multi-family development that is adjacent to existing development on more than seventy (70) percent of its boundaries, including boundaries facing development across rights-of-way, and major rehabilitation of an existing multi-family development.

2. Standards
   Infill multi-family development and redevelopment shall comply with the multi-family development standards established in Section 5.15, except that:

   a. Open Space Required.
      The minimum percentage of common open space (as a percentage of net site area) shall be:

      (1) Ten (10) percent in the RT district

      (2) Fifteen (15) percent in the R-14 district

      (3) Five (5) percent in the DT district
b. Density.

Net density may be increased by up to one hundred (100) percent through the provision of on-site amenities as established in Section 5.15.H. Subject to approval of the City Council, the applicant may provide required amenities off-site, provided that they are located within one thousand (1,000) feet of the site.

Section 5.13 Home Occupations

A. Purpose

The purpose of this Section is:

1. To permit and regulate the conduct of home occupations as an accessory and secondary use to a dwelling unit, whether owner or renter occupied;
2. To ensure that such home occupations are compatible with, and do not have a harmful effect on nearby residential properties and uses;
3. To adequately protect existing residential neighborhoods from dust, odors, noise, traffic and/or other potentially adverse effects of home occupations;
4. To allow residents of the community to use their homes as a work place and a source of livelihood, under certain specified standards, conditions and criteria;
5. To enable the fair and consistent enforcement of these home occupation regulations; and
6. To promote and protect the public health, safety and general welfare.

B. Generally

No home occupation, except as otherwise provided herein, may be initiated, established, or maintained in the City except in conformance with the regulations, administrative procedures and standards set forth in this Code.

C. Home Occupation Standards

Home occupations are authorized if they comply with the performance standards set forth herein and the performance standard established in Table 5-2.

1. Home occupations shall only be operated by a full-time resident of the property. The home occupation is limited to employment of residents of the home.

2. The home in which the occupation occurs shall maintain the character of a residential dwelling and not a business establishment.

3. There shall be no exterior indication of the home occupation, including signage. In the RD zoning district, a sign of up to six (6) square feet, not internally light, is permitted.

4. The home occupation shall remain subordinate to the use of a dwelling unit for residential purposes. No more than twenty-five (25%) percent of the floor area of the unit may be used in connection with the home occupation or for storage purposes for the home occupation.

5. Noise levels from the home occupation, detectable at the property line, shall not exceed those generated by the primary use.

6. The applicant for a home occupation shall demonstrate that public facilities and utilities are adequate to safely accommodate any equipment used in conjunction with the home occupation.
7. Off-street parking spaces shall be provided as required for the residential use, plus one off-street parking space for each client allowed to visit at a given time.

8. Storage of dangerous, hazardous, combustible or volatile materials used in conjunction with the home occupation shall not be permitted in residential dwellings.

D. **Rural Home Occupation Standards**

Rural home occupations are intended to provide a means for residents in the RD zoning district to participate in permitted home occupations, to conduct the home occupation in an accessory building where necessary, and to park, on-site, vehicles required for the home occupation. Rural home occupations are authorized if they comply with the performance standards set forth herein and the performance standard established in **Table 5-2**.

1. The minimum lot size for the conduct of rural home occupations shall be five (5) acres.

2. Rural home occupations shall only be operated by a full-time resident of the property. The home occupation is limited to employment of residents of the home and not more than two (2) additional persons.

3. The home in which the occupation occurs shall maintain the character of a residential dwelling and not a business establishment.

4. There shall be no exterior indication of the home occupation. However, one display sign of nine square feet in area or less shall be permitted.

5. The home occupation shall remain subordinate to the use of a dwelling unit for residential purposes. No more than twenty-five (25%) of the floor area of the dwelling unit may be used in connection with the home occupation or for storage purposes for the home occupation.

6. One (1) accessory building not exceeding one thousand (1,000) square feet may be used in connection with the rural home occupation. All structures shall maintain a harmonious appearance and shall not change the character of the area.

7. Noise levels from the home occupation, detectable at the property line, shall not exceed those generated by the primary use.

8. The applicant for a home occupation shall demonstrate that public facilities and utilities are adequate to safely accommodate any equipment used in conjunction with the home occupation.

9. Off-street parking spaces shall be provided as required for the residential use, plus one space for each allowed employee and one space for each client allowed to visit at a given time.

No outside storage of equipment or materials used in the conduct of the rural home occupation shall be permitted. Storage of dangerous, hazardous, combustible or volatile materials used in conjunction with the home occupation shall not be permitted in residential dwellings.

No outside operations shall be allowed in conjunction with a non-agricultural use.

E. **Authorized Home Occupations**

The following occupations shall be permitted as home occupations subject to all applicable home occupation regulations and standards of this Section:

1. Beauty Shops;

2. Personal Services;

3. Licensed Massage Therapy;
4. Offices and Professional Services;

5. Sale of goods consistent with the performance standards of this Section;

6. Family Day Care Home, consistent with the performance standards of Section 5.08;

7. Other occupations as approved by the Community Development Director upon finding that the occupation is substantially similar to other authorized occupations.

**F. Prohibited Home Occupations**
The following occupations shall be prohibited as home occupations:

1. Catering;

2. Pet Boarding or Grooming;

3. Fortune Telling;

4. Tattooing and Body Piercing;

5. Other occupations not specifically listed as authorized home occupations.

**G. Non-Conforming Home Occupations**
All existing home occupations that are either expressly prohibited or that are not in conformity with this Section shall be removed or modified to become conforming.

**H. Unsafe Home Occupations**
If, in the opinion of the Community Development Director, any home occupation has become dangerous or unsafe, or presents a safety hazard to the public, pedestrians or motorists, or presents a safety hazard to adjacent or nearby properties, residents or businesses, the Community Development Director shall issue an order to the dwelling owner and/or tenant on the property on which the home occupation is being undertaken directing that the home occupation be immediately made safe or be terminated. The property owner and/or tenant shall be responsible for taking the necessary corrective steps or measures, but in the event of a failure to do so by the owner and/or tenant, after notice and a reasonable period of time, the Community Development Director may take any action to make the home occupation and dwelling safe. Costs incurred by the Community Development Director, if forced to take enforcement actions, shall be borne by the property owner and shall be treated as a zoning violation pursuant to Article 10 of this Code.

**Section 5.14 Livestock**
Where the raising or keeping of livestock for personal pleasure is allowed by-right or conditional use permit, all structures used for housing or feeding livestock shall be located at least fifty (50) feet from any property line with the exception of fences for pastures having fewer than one (1) head of livestock per acre.

**Section 5.15 Multi-Family Residential Design**

**A. Density**
A maximum of eight (8) dwelling units per net acre may be attained if the project meets all design standards. Density incentives may be granted in accordance with Section 5.15.H.

**B. Lot Coverage.**
Maximum lot coverage by buildings, parking areas and driveways shall be limited to forty percent (40%) of the site. Maximum lot coverage may be increased one percent (1%) for each ten percent (10%) of units having attached garages, provided that the average residential unit size for the total number of units within the project is a minimum of one thousand (1,000) square feet.
C. Design Standards

1. Separation Between Buildings
Multi-family buildings shall be separated by a minimum of fifteen (15) feet. No multi-family building shall be located within fifty (50) feet of the front or rear building wall of a single family residence as measured perpendicular from that wall.

2. Exterior Materials
Forty percent (40%) of the total net exterior wall area of each building elevation, excluding gables, windows, doors, and related trim, shall be brick or stone. The balance of net exterior wall area may include wood, masonry, stucco, or other materials of like appearance.

Table 5-2 Home Occupation Standards

<table>
<thead>
<tr>
<th>Performance Standard</th>
<th>Zoning District</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location of Operations</td>
<td>RD (lots larger than 2 acres), RD (lots 2 acres or smaller), R-20, RT &amp; DT, R-14, PUD2</td>
</tr>
<tr>
<td>located in accessory structure</td>
<td>Yes</td>
</tr>
<tr>
<td>located in residence</td>
<td>Yes</td>
</tr>
</tbody>
</table>

Customers

| client visits allowed | Yes | Yes | No | Yes |
| 1 client vehicle at a time | Yes | Yes | No | Yes |
| 2 client vehicles at a time | Yes | No | No | No |
| up to five client visits per day | Yes | Yes | No | Yes |
| up to ten client visits per day | Yes | No | No | No |

Shipping Deliveries (excluding US mail)

| up to 2 per day | Yes | Yes | Yes | Yes |

Vehicular Size Limits

2 Standards of Table 5-2 apply to Planned Development unless otherwise provided in the PD approval.
3. Roof Pitch
The minimum roof pitch shall be six (6) vertical feet for every twelve (12) feet of horizontal run

4. Roof Materials
Predominant roof materials shall be high quality, durable material such as wood shake shingles, asphalt composition, fiberglass or metal tiles, slate, non-reflective standing seam metal or other materials approved by the Community Development Director.

5. Architectural Design
Any lot where a townhouse or multi-family dwelling is the principal use shall comply with all of the following standards:

a. Exterior architecture elevations including roof pitch, window and door detail, materials and colors shall be compatible with the character of the surrounding area if there is an established character.

b. All buildings shall be designed with a variety of different wall planes and roof planes. Plain, monolithic structures with long, monotonous, unbroken wall and roof surfaces of fifty (50) feet or more are prohibited. At least every fifty (50) linear feet wall and roof planes shall contain offsets or setbacks with a differential in horizontal plane of at least four (4) feet. The façades of single-family attached townhomes should be articulated to differentiate individual units.

c. Uses that generate noise and glare, including outdoor vending machines, shall not be located in areas of the site that are visible from any adjacent residential land uses.

d. All sides of all buildings visible from the public right-of-way shall include design characteristics and materials consistent with those on the front or primary façade of the building.

e. Building entrances shall be identified and directly accessible from a public sidewalk or sidewalk internal to the site.
f. Buildings within a development shall be arranged to enclose and frame common areas, which may include gardens, courtyards, recreation, and play areas.

g. Garages shall be kept behind the face of housing, to the greatest extent possible.

h. Requirements for Three-Story Buildings. Where allowed, three-story structures shall be permitted provided that the three-story portion of any building shall be setback a minimum of fifty (50) feet from any adjacent streets or single-family residential developments.

i. Building Length/Number of Townhome Units. The maximum length of a multi-family residential building shall be two hundred (200) feet. No more than six (6) townhome dwelling units shall be attached in any single row.

D. Open Space Required.
All new multi-family developments shall set aside twenty percent (20%) of the gross acreage as common open space for the use and enjoyment of the development's residents. The common open space shall be aggregated into meaningful, quality open spaces and shall comply with the provisions of Section 4.05. Clustering of buildings is encouraged to minimize small, narrow, unassigned strips in front of and between buildings. Open space areas shall be clearly identified on the development plan. Such designated common open space shall be in a natural, undisturbed state, or may be landscaped for more formal courtyards or plazas, or may be developed for active or passive recreation.

E. Amenities Required
1. Minimum Number of Amenities Required.
Multi-family developments shall incorporate recreational amenities from the list in Section 5.15.E.2. below in the following amounts:

a. Multi-family developments with less than twenty-five (25) dwelling units shall provide at least one amenity;

b. Multi-family developments with twenty-five (25) to one hundred and fifty (150) dwelling units shall provide at least two amenities; and

c. Multi-family developments with more than one hundred and fifty (150) dwelling units shall provide at least three (3) amenities.

2. Allowable Recreational Amenities:
  a. Swimming pool.
  b. Golf course.
  c. Resident clubhouse.
  d. Two tot lots with a minimum size of five-hundred (500) square feet per lot.
  e. Basketball, volleyball, or other sport court.
  f. Two picnic areas, with a minimum size of five-hundred (500) square feet per area, and including a minimum of two picnic tables and one (1) barbeque grill/pit per area.
  g. Other amenity approved by city.

F. Parking
1. Parking Amount and Type.
Parking shall be provided in accordance with Section 4.03.

2. Covered parking.
Covered parking shall be provided at a minimum rate of one space for each two dwelling units. The construction of half of those required parking shelters may be deferred.

3. Parking Location and Layout
a. To the maximum extent feasible, garage entries, carports, parking areas, and parking structures shall be internalized in building groupings or oriented away from street frontage.

b. Parking areas and freestanding parking structures (detached garages or carports) shall not occupy more than thirty percent (30%) of each perimeter public street frontage.

c. To the maximum extent practical, freestanding parking structures (detached garages or carports) that are visible from perimeter public streets shall be sited perpendicular to the perimeter street in order to reduce visual impacts on the streetscape.

d. The total number of required parking spaces shall be broken up into smaller "blocks" of parking, with no more than twenty (20) parking spaces per parking block.

e. Parking blocks shall be separated from each other by landscaped area no less than ten (10) feet in width.

f. Each parking block shall be separated from principal multi-family buildings and any street or drive by a landscaped buffer area. Such buffer area shall have a minimum twenty-five (25) feet width when adjacent to public streets and ten (10) feet when adjacent to internal drives.

4. Carports and Detached Garages
a. Carports shall be limited to one-hundred-twenty (120) feet in length.

b. A detached garage structure shall contain parking for no more than eight (8) cars.

c. No more than four (4) detached garage structures or two carport structures shall be located adjacent to each other end-to-end. The minimum separation between adjacent detached parking structures (detached garages or carports) shall be ten (10) feet, and such separation area shall be landscaped. A pedestrian access-way may be included within the separation area.

5. Attached Garages
a. To the maximum extent practicable, the driveway leading to each individual unit’s garage shall not exceed a grade of seven percent (7%).

b. A minimum of twenty (20) feet of driveway shall be provided leading to the garage door to allow sufficient area for vehicles to be parked without interfering with internal circulation.

Garage doors of attached garages shall not comprise more than fifty percent (50%) of the total length of a multi-family building's front façade, and every two single-bay garage doors or every double garage door shall be offset by at least four (4) feet from the plane of an adjacent garage door(s).

G. Land Disturbance (Grading and Retaining Walls)
1. Limits on Graded or Filled Man-Made Slopes.
The maximum slope of any man-made slope shall be 3:1 (three (3) foot run for every one (1) foot of rise). All retaining walls shall comply with the requirements for retaining walls set forth in this subsection.

2. Site Drainage Patterns.
Site drainage patterns shall be designed to prevent concentrated surface drainage from collecting on, and flowing across pedestrian paths, walks, and sidewalks.

3. Retaining Walls.
a. Use of retaining walls is encouraged to reduce the steepness of slopes and to provide planting pockets or terraces for revegetation and landscaping.

b. Retaining walls may be permitted to support steep slopes but shall not exceed five (5) feet in height from the finished grade.

c. Terracing shall be limited to four (4) tiers.

d. The width of the terrace between any two 5-foot retaining walls shall be a minimum of four (4) feet with a maximum slope of 3:1. Terraces created between retaining walls shall be permanently landscaped or revegetated.

e. Retaining walls shall be stacked natural stone or faced with stone or earth-colored materials, or a material compatible with the primary building materials. Railroad ties, timber, and gabion-type retaining walls are prohibited.

f. All retaining walls shall comply with the current city-adopted building code, except that when any provision of this subsection conflicts with any provision set forth in the building code, the more restrictive provision shall apply.

H. Density Bonuses
The following density bonuses may be used to achieve a maximum fifty percent (50%) density bonus for a maximum total of 12 dwelling units per net acre of land.

1. Garage Bonus.  
The City may allow a two percent (2%) increase in permitted density for each five percent (5%) of units provided with attached garages.

2. Common Open Space Bonus.  
The City may approve a one (1%) percent increase in permitted density for each one (1%) percent of useable common open-space set aside provided above the minimum amount required.

3. Amenity Bonus.  
The City may approve a five (5%) percent density bonus for every amenity provided in excess of the required amenities in Section 5.15.E.

a. The city may approve a maximum three percent (3%) increase in permitted density for multi-family developments that provide a step down by one story in height for at least two ends of each primary multi-family building, when not otherwise required to assure privacy of adjacent property owners/residents.

b. The city may approve up to a ten percent (10%) increase in permitted density for multi-family development in which each multi-family building has brick and/or stone as its primary exterior building material, when an amount equal to sixty (60%) percent of the total net exterior wall area of each building elevation (excluding gables, windows, doors, and related trim), shall be brick and/or stone.

I. Multi-Family Ratio
The total number of multi-family residential dwellings including apartment combined with the total number of townhouses in the entire jurisdiction of the City of Villa Rica shall not exceed forty-percent (30%) of the total number of all residential dwellings units throughout the City, and the City shall enforce this provision through permitting process and bring the proportion in conformity.

Section 5.16 Nurseries and Greenhouses
No commercial nursery or greenhouse structure shall be located closer than one hundred (100) feet to any adjoining property used or zoned for residential purposes.

Section 5.17 Outdoor Storage
A. Location and Screening
All outside storage associated with nonresidential uses, excluding vehicles for sale or lease, must be stored in the side or rear yard, and screened from all streets and adjacent properties by an opaque fence no less than six (6) feet and no more than eight (8) feet in height.

B. Permitted
Outdoor storage is permitted in the following zoning districts:

1. GC (General Commercial)
2. HC (Heavy Commercial)
3. LI (Light Industrial)
4. GI (General Industrial)

C. Prohibited
Outdoor storage is prohibited in all other zoning districts.

Section 5.18 Personal Care Homes
Community residences, except those for senior citizens, shall be separated by a minimum of eight hundred (800) feet.

Section 5.19 Places of Worship

A. Location
Places of Worship shall be permitted only on a lot which has frontage on or direct access to an arterial street as identified in the Major Street Map.

B. Parking
Off-street parking shall be provided as specified in the Section 4.03 of this Code.

C. Setbacks
All buildings shall be setback thirty feet from the side and rear property lines.

D. Buffers
When a church adjoins a residential use, a Type A buffer shall be provided within a thirty (30) foot setback area. (See Section 6.05)

E. Accessory Uses
A conditional use permit shall be required prior to establishing school, over-night shelter, indigent food service or full-time child care facilities.

Section 5.20 Salvage or Junk Yards

A. Applicability
An applicant proposing to establish a salvage or junk yard, as defined in Article 11, shall be required to obtain a Conditional Use Permit, in conformance with Section 2.03.D of this Code. A salvage yard may be permitted with a Conditional Use Permit in the General Industrial zoning district.

B. Guarantee Required
The applicant shall post and maintain a guarantee with the City Clerk. This guarantee, approved in form by the City attorney, will assure the City that the applicant shall complete the plan for restoration for reuse, within one (1) year of discontinuance of the salvage yard. The amount of the guarantee shall be not less than the estimated cost of the
restoration, and the amount of the estimate shall be approved by the Community Development Director. If the restoration is not completed within the specified time, the City may use the bond or any portion thereof to complete the restoration. Failure to maintain a guarantee shall be grounds for revocation of the Conditional Use Permit authorizing the use.

C. Performance Standards

1. Minimum Lot Size
   The minimum lot area for a junkyard or salvage operation shall be ten (10) acres.

2. Setbacks
   No salvage materials shall be stored within twenty-five (25) feet of any property line.

3. Compatibility
   The proposed buildings or use shall be constructed, arranged and operated so as to be compatible with the character of the zoning district and immediate vicinity, and shall not interfere with the development and use of adjacent property. The proposed development shall not present an unsightly, obnoxious or offensive appearance to abutting or nearby properties.

4. Fencing and Buffering
   An eight (8) foot tall, opaque fence shall be employed to enclose the storage areas to prevent unauthorized entry and to ensure public safety. The required fence shall be constructed of wood, masonry or other material approved through the conditional use permit process. A Type E Buffer shall be provided around the perimeter of the property, outside the required fence.

5. Vehicular Circulation
   Driveways within the site shall be dust free. Driveway access to the public right-of-way shall be permanently paved and shall be a minimum of twenty-five (25) feet in width.

6. Storage Yard Maintenance
   a. The lot area surface used for storage shall be gravel, at a minimum.
   b. Unusable items that cannot be reused shall be disposed of on a regular basis and shall not be allowed to collect on the premises.
   c. All tires not mounted on a vehicle shall be neatly stacked or placed in racks. If stacked, the stacks shall not be stacked over six feet in height.
   d. No garbage or other foul smelling waste likely to attract vermin shall be kept on the premises. Gasoline, oil or other hazardous materials that are removed from scrapped vehicles or parts of vehicles kept on the premises shall be disposed of in accordance with applicable federal, state and local regulations.

7. Nuisance Control
   Weeds shall be cut or removed before they reach six (6) inches in height. All uses shall comply with the performance standards established for the GI district. No such use shall be established within five hundred (500) feet of a residential zoning district.

8. Abandonment
   The applicant shall provide a written statement that the area will be cleaned up to the satisfaction of the Community Development Director should the salvage yard be abandoned, moved in whole or in part. A salvage yard which remains idle or unused for a continuous period of one year, whether or not fixtures or equipment are removed, shall constitute abandonment. The casual, intermittent, temporary or illegal operation of a salvage yard shall not be sufficient evidence to establish continuous use. If the owner fails to clean up and restore the salvage yard within one year of cessation of operation or abandonment, the Building Official shall have the premises cleaned up and shall use the bond to pay for the costs of cleanup incurred by the City.
Section 5.21 Single Family Residential Design Standards

A. Applicability
Appearance standards of this Section and Table 5-3 shall apply to all single-family detached dwellings including site built housing, industrialized housing and manufactured homes. No mobile home may be established as permanent dwelling in the City.

B. Development Standards

1. Roofing Materials
Predominant roof materials shall be high quality, durable material such as, but not limited to wood shake shingles, asphalt composition, fiberglass or metal tiles, slate, non-reflective standing seam metal, built up gravel materials, or other materials approved by the Community Development Director.

2. Exterior Materials
Table 5-3 establishes the minimum percentage of the total net exterior wall area, excluding gables, windows, doors, and related trim, that shall be brick or stone. The balance of net exterior wall area may include wood, masonry, stucco, cementious siding, or other materials of like appearance approved by the Community Development Director. Vinyl siding and wood products may be used for the balance of net exterior wall area in any district except the PD district. All vinyl siding shall be a minimum material thickness of 0.048 inch and shall be installed by hand nailing using galvanized roofing nails.

3. Permanent Foundation
Permanent foundation is required for all dwellings and shall meet building code requirements. For manufactured homes, a masonry curtain wall unpierced except for the required ventilation and access must be installed so that it encloses the area under the manufactured home to the ground level.

4. Orientation
Detached single-family dwellings shall be designed so that the minimum dimension parallel to the street line is twenty (20) feet.

5. Architectural Standards Applicable to PD District
Any lot in a PD zoning district where a single-family or two-family dwelling is the principal use shall comply with all of the following guidelines, in addition to the standards established in Table 5-3:

a. Exterior architecture elevations including roof pitch, window and door detail and materials shall be compatible with the character of the surrounding area.

b. Housing facades and styles should be diverse, with no facade being repeated within four (4) lots on any block face.

c. All vents, and vent piping shall be painted to match the roofing color.

f. All doors and windows not bordered by brick or stone material shall have minimum three (3) inch trim.

g. The wall facing a street shall have at least three (3) openings (any combination of doors and windows) and at least one off-set that measures at least two feet in depth.

h. Front entry garages shall be set back at least five (5) feet from the front building line unless the garage face constitutes less than thirty percent (30%) the building frontage. An illustration of desirable design for front entry garages can be seen in Figure 5-2.

6. Parking Areas
All residential parking areas shall conform to the following requirements:
a. If garages or carports are converted to living area, then the off-street parking requirements must be met elsewhere on the lot.

b. No inoperable vehicle shall be permitted in any residential district for more than fourteen (14) days unless it is in an enclosed garage. All repairs shall be made in an enclosed garage in residential districts.

c. No commercial vehicle as licensed by the State with a gross vehicle weight (GVW) exceeding eleven thousand (11,000) pounds shall be allowed to park in a residential district unless it can be completely enclosed.

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

e. Recreational vehicles are prohibited from parking in the front yard of any residential district and must be parked in an area of the yard least visible from any public street.

7. Subdivision Monuments
Monument signage and landscaping treatment shall be placed at the entrances of each development.

C. Design Modifications
Exceptions to these single-family residential design standards may be authorized through a Conditional Use Permit subject to the provisions of Section 2.03.D when the Planning Commission and City Council find that the exception will enhance the character of the home and neighborhood and be compatible with adjacent development.
Table 5-3 Single-Family Dwelling Appearance Standards

<table>
<thead>
<tr>
<th></th>
<th>TYPE I</th>
<th>TYPE II</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum roof pitch</td>
<td>6/12</td>
<td>6/12</td>
</tr>
<tr>
<td>Minimum number of roof planes per unit</td>
<td>6</td>
<td>4</td>
</tr>
<tr>
<td>Minimum floor area</td>
<td>1,500 sq. ft.</td>
<td>1,230 sq. ft.</td>
</tr>
<tr>
<td>Minimum net percentage of rock or brick, (see Sec 5.21.B.2)</td>
<td>25%</td>
<td>25%</td>
</tr>
</tbody>
</table>

Allowable unit types are established in Article 3 zoning district design standards

Figure 5.2 Garage Design

Section 5.22 Storage/Mini Warehouse Facilities

Storage/mini warehouse facilities shall comply with the following requirements:

A. Fencing and Screening
An eight (8) foot tall, opaque masonry fence or wall, located along the front setback line and the side and rear property lines, shall be provided around the perimeter of any storage facility. An opaque fence or wall shall be provided along the setback line abutting a residential district, in addition to a Type C buffer. The fencing shall meet the following requirements:

1. Minimum height of the fence or wall shall be six (6) feet.

2. Signs or other advertising mediums shall not be placed upon, attached to, or painted on exterior fences or walls.

B. Commercial Activity Prohibited
The sale of good or merchandise from or at a storage unit is prohibited.

C. Repair of Boats, Vehicles, Motors, or Furniture Prohibited
The repair, construction, or reconstruction of any boat, engine, motor vehicle, or furniture, and the storage of any propane or gasoline engine or propane or gasoline storage tank is prohibited within any storage unit because of the
danger from fire or explosion caused by the accumulation of vapors from gasoline, diesel fuel, paint, paint remover, and other flammable materials,

D. Accessibility
Vehicular ingress-egress shall provide for safe access by customers and emergency vehicles. Access aisles within the site shall be a minimum of twenty (20) feet wide.

E. Building Height
Building height shall not exceed eighteen (18) feet, except that fully enclosed, climate controlled facilities with units that are accessed from inside the building may be thirty-five (35) feet in height.

F. Fire Protection
Fire hydrants shall be provided to meet the requirements of the fire prevention code adopted by the City.

Section 5.23 Swap Meets and Flea Markets

A. Access
Swap meets and flea markets shall be accessible from a collector or arterial street.

B. Buffer Required
Swap meets and flea markets that are conducted outside shall have a Type D buffer along all property lines abutting residential districts.

C. Conduct of Use
The event shall be conducted entirely on private property, with the consent and approval of the property owner. Any temporary structure used shall be promptly removed upon the cessation of the event.

Section 5.24 Telecommunications Towers and Antennas

A. Height Limitations and Applicability
The height limitations of Article 4 of this Code applicable to buildings and structures shall not apply to telecommunications towers and antennae. The standards of this Section shall only be applicable to antenna and towers in excess of thirty-five (35) feet in height.

B. Standards
1. Color and Finish
Towers shall maintain either a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color, so as to reduce visual obtrusiveness. At a tower site, the design of the buildings and related structures shall use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and built environment.

2. Lighting
Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the City Council may review the available lighting alternatives and approve the design that will cause the least disturbance to the surrounding views.

3. Safety Equipment
All towers and antennae shall be equipped with an anti-climbing device such as a six foot wall, fence, or other appropriate devices to prevent unauthorized access.

4. Antenna on Other Structures
If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color or colors that is identical to or closely comparable with the supporting structure and/or surrounding area so as to make the antenna and related equipment as visually unobtrusive as possible.
5. Other Regulations
All towers and antennae must meet or exceed current standards and regulations of the Federal Aviation Administration, the Federal Communications Commission or such governing agency guidelines as may be established by named agencies. All towers and antennae must be updated and brought into conformity with such standards and regulations within six (6) months of their adoption.

C. Setbacks
All towers and antenna located in an industrial district shall be set back according to the requirements of Table 3-2. Towers located in commercial districts shall be set back one-half the height of the tower. Towers located in any residential district shall be set back the full height of the tower.

D. Co-location of Antennas
Shared usage of tower facilities is encouraged and towers shall be designed to accommodate such uses.

E. Accessory Buildings
Accessory structures shall be limited to usage associated with operation of the tower or antennas. Accessory buildings shall comply with the requirements of Section 5.02 and of the applicable zoning district.

F. Buffering
1. Purpose
The required landscaped buffer shall be implemented in connection with a permitted project in order to:

   a. Screen the tower to enhance aesthetic appeal;

   b. Control or direct vehicular and pedestrian movement;

   c. Reduce glare;

   d. Buffer noise; and

   e. Establish privacy.

2. Requirements
A Type E buffer shall be provided around the perimeter of the subject property. The required buffer may be located within the required setback.

Section 5.25 Tire Sales and Service
All tire sales and service centers shall have an accessory building of sufficient size to provide for storage of used tires. Tires shall not be piled in or around main building or create an unsightly appearance in the area.

Section 5.26 Veterinary Clinic/Animal Care Facility
Any animal hospital or clinic shall be located at least one hundred (100) feet from any property zoned for residential use.

Section 5.27 Manufactured Homes
A. Design Standards
Each manufactured home being constructed, installed, located, or relocated within the City shall comply with the following design standards:

   1. Roof
The pitch of the roof shall have a minimum vertical rise of three (3) feet for each twelve (12) feet of horizontal run within tolerances and the roof shall be finished with composition, fiberglass, slate, concrete, asphalt, or wood shingles, or non-reflective, crimped metal sheets.

2. Exterior Siding
The exterior siding shall consist of wood, hardboard, vinyl, brick, masonry, or aluminum (vinyl covered or painted, but in no case exceeding the reflectivity of gloss white paint) and be comparable in composition, appearance, and durability to the exterior siding commonly used in conventional homes.

3. Transport Apparatus
The tongue, axles, transporting lights, and towing apparatus from each manufactured home shall be removed after placement or relocation on a lot or parcel and before occupancy.

4. Landing Area
Landings and steps leading away from all exterior doors shall be designed and constructed in accordance with state law, said state law provisions being incorporated by reference as part of this requirement.

5. Foundation
A masonry foundation or curtain wall, unpierced except for required ventilation and access, and constructed of masonry or acceptable alternative materials shall be constructed and installed in all residential zoning districts. The foundation or curtain wall shall enclose the area located under the manufactured home to the ground level, and shall have a minimum thickness of four (4) inches.

B. Age of Manufactured Home
Each conventional and manufactured home being moved, constructed installed, located, or relocated within the City after the effective date of this Code shall not be allowed to locate for permanent or temporary occupancy if such manufactured home is more than seven (7) years old. The age of the manufactured home shall be measured from the day the application for building permit is submitted to the department for approval.

C. Dwelling Size
Each conventional and manufactured home being installed, located, or relocated within the City shall contain no less than one thousand two hundred thirty (1,230) square feet of living space.

Section 5.28 Reservoir Management Plan

A. Purpose and Policy.
The purpose of this Section is to meet state environmental regulations for the protection of water quality of Cowens Lake, Spring Lake, Lake Paradise/Lake Fashion and the Douglas County Dog River Reservoir pursuant to DNR Rule 391-3-16-01 and to provide for limited recreational activity on the same. These regulations will address the recreational use of the reservoirs and the maintenance of a buffer around the reservoirs.

B. Uses of the Reservoir.
The sole public purpose of Cowens Lake, Spring Lake and Lake Paradise/Lake Fashion is water storage impoundment for the City of Villa Rica Water System. Consequently, water will periodically be drawn from these reservoirs during periods of drought and/or high demand in accordance with the City of Villa Rica Reservoir Management Plan and the level of the water pool in each lake will fluctuate accordingly.

Cowens Lake, Spring Lake and Lake Paradise/Lake Fashion shall maintain a natural undisturbed buffer of 150' from the respective reservoir boundary along the entire circumference. Any permanent structures existing prior to the passage of this ordinance shall be allowed to remain in the buffer. However, there shall be no new permanent structures of any type built including docks, ramps or boathouses inside the 150’ natural undisturbed buffer. Any existing structures which shall be abandoned or destroyed shall not be rebuilt.
Recreational activity (boating, fishing) shall be limited to owners of private property abutting the reservoir, their immediate families and guests. There is no general public access for recreation purposes available, planned or contemplated by the City. No commercial use of any type, for any purpose is permitted.

C. Permit Requirement
Any use of Cowens Lake, Spring Lake and Lake Paradise/Lake Fashion shall be by permit only.

D. Encroachment Resolution.
Items placed on project lands longer than 24 hours that are permitted become an encroachment and are subject to summary removal at the owner’s expense. Project lands are those lands within normal pool elevation, and the lands encompassed by the 150’ buffer as required by the City of Villa Rica, Watershed Protection Ordinance. Encroachments are classified as either major or minor.

1. Minor Encroachments.
These 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.

2. Major Encroachments;
These are considered to be items of more substantial value and can result in civil action to force removal.

E. Recreation Uses:
1. Swimming/Wading.
Swimming and/or wading will not be permitted in the reservoir.

2. Fishing.
Fishing is permitted only from private property by private property owners with property abutting the reservoir, their immediate families and guests and from properly registered boats of private property owners with property abutting the reservoir.

All individuals fishing in the reservoir must comply with all fishing rules and regulations of the Georgia Department of Natural Resources concerning safety, licenses, creel limits and all other applicable requirement. Trot lines and set or bank poles are not permitted.

F. Boating.
Only private property owners with property abutting the reservoir shall be permitted to place boats on the reservoirs subject to the following regulations:

1. Except as otherwise provided herein, no vessel shall be operated on Project waters with a gasoline, diesel, or other internal combustion engine or power plant. Electric motors, canoes and kayaks are permissible;

2. This section pertains to all vessels or water craft, 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;

3. All vehicles or water craft so required by applicable federal, state and local laws shall display an appropriate registration on board whenever the vessel is operated on Project waters;

4. Use of the registered boats on the reservoir is limited to property owners with property abutting the reservoir, their immediate families and guests;

5. Compliance with all federal and state laws regarding boat and water safety;
6. No individual under the age of 16 shall operate a boat;

7. The maximum speed of boats on the reservoir shall be 15 mph;

8. No boat shall be operated at more than 10 mph within 50' of any dock, pier, boathouse or fisherman;

9. No boat shall be operated before sunrise and after sunset;

10. All boats shall be operated in a counter-clockwise direction;

11. Water skis, parasail, ski-kites and other similar devices are prohibited.

12. All 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.

13. The City reserves the right to prohibit any boat and/or vehicle from the reservoir.

14. There is no general public access for boating permitted, planned or contemplated by the City.

G. Docks, Piers, Boathouses.
There shall be no new docks, boathouses, piers or related structures in the 150 foot buffer area around or in the reservoir. Existing structures are permitted provided that:

1. The structure existed before the adoption of these regulations.

2. Structure cannot be improved or enlarged. This requirement does not prevent property owner from maintaining a safe and hazard free structure.

3. No vessel shall be stored in a boathouse with a gasoline, diesel or other internal combustion engine or power plant. Storage will be limited to electric motored vessels, canoes, and kayaks only.

4. No cleaning agents are allowed for storage or any other purpose in or on the docks, piers or boathouses.

5. The City of Villa Rica assumes no responsibility or liability for the integrity or soundness of said structures.

6. The City of Villa Rica reserves the right to require docks, piers or boathouses be moved, relocated or removed from the reservoir at the property owners expense upon reasonable request at any time for purposes of maintaining water quality.

7. The City of Villa Rica reserves the right to remove the dock, pier or boathouse from the reservoir at the owner’s expense and without liability for damage to the dock or the owner’s private property if the owner fails to comply with the City’s rules, regulations and directions.

8. No cleaning of docks, decking, piers, boathouses or boats moored at same with soaps or solvents are permitted.

H. Public Access.
The City of Villa Rica reserves the right to, at any time, restrict or prevent the use of the reservoir during periods of emergency or circumstances demanding such restrictions or preventions of use. Recreational activity (boating, fishing) shall be limited to owners of private property abutting the reservoir, their immediate families and guests. There is no general public access for recreation purposes.

I. Additional Restrictions on Use of the Reservoir.
The following is expressly prohibited at the reservoir and reservoir property;

1. The possession or consumption of alcohol, drugs or any controlled substance.
2. The possession or use of fire arms, ammunition, bows and arrow, loaded firing devices or explosives.

3. The operation or use of any audio or noise producing devices in such a manner as to unreasonably annoy or endanger other individuals.

4. Pets.

5. Glass containers of any kind.

6. Littering or dumping.

7. Jet-skis, wind surfer boards or similar motorized or non-motorized vessels.

8. Cleaning of boats with soaps or solvents.

9. Boats that are not properly registered or that do not carry appropriate flotation devices.

10. The discharge of any pollutant.

J. 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.

K. Dam and Intake Restrictions.
The dam, intake structure and immediate surrounding area is not available to private property owners and/or the public without authorization from the City. No person shall enter the restricted area, attempt to operate or tamper with said structures, physically climb or attempt to reach by shoreline such structures, or in any way attempt to manipulate water levels around said structures.

L. Liability.
All costs and liabilities, as well as insurance requirements, are to be solely incurred by the private property owner with property abutting the reservoir authorized to use the reservoir for limited recreational activity (boating, fishing, swimming). The City shall be held harmless from any claim, costs, loss or damage the owner may have against the City arising out of or in any way connected with the use of the reservoir facility. 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.

M. Violators.
The City of Villa Rica reserves the right to expel persons, either temporarily or permanently and/or revoke boating, dock, swimming, fishing or other privileges for reasons detrimental to the City or reservoir or permanently and/or revoke boating, dock, swimming, fishing or other privileges for reasons detrimental to the City and failure to follow the direction of City representatives and agents.

Nothing in these regulations shall prohibit or limit the Authority from seeking other remedies as may be provided by law.

N. Watershed Protection Ordinance.
All property abutting the reservoir and all property delineated by ordinance is subject to the provisions of the Watershed Protection Overlay Zone adopted as a city ordinance adopted on the 8th day of July, 2003.

(ORD-11-07-UDC, 7-10-07)

Section 5.29 Historic Preservation

A. Purpose
In support and furtherance of its findings and determination that the historical, cultural and aesthetic heritage of the City of Villa Rica is among its most valued and important assets and that the preservation of this heritage is essential to the promotion of the health, prosperity and general welfare of the people;

In order to stimulate revitalization of the business districts and historic neighborhoods and to protect and enhance local historic and aesthetic attractions to tourists and thereby promote and stimulate business;

In order to enhance the opportunities for federal or state tax benefits under relevant provisions of federal or state law; and

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;

The Villa Rica City Council hereby declares it to be the purpose and intent of this Ordinance 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 Ordinance.

B. Definitions

1. Building
A building is a structure created to shelter any form of human activity, such as a house, barn, church, hotel or similar structure. Building may refer to a historically related complex such as a courthouse and jail or a house and barn.

2. Certificate of Appropriateness
Means a document evidencing approval by the Historic Preservation Commission of an application to make a material change in the appearance of a designated historic property or of a property located within a designated historic district.

3. Exterior Architectural Features
Means the architectural style, general design and general arrangement of the exterior of a building, structure or object, including but not limited to the kind or texture of the building material and the type and style of all windows, doors, signs and other appurtenant architectural fixtures, features, details or elements relative to the foregoing.

4. Exterior Environmental Features
Means all those aspects of the landscape or the development of a site which affect the historic character of the property.

5. Historic District
Means a geographically definable area, possessing a significant concentration, linkage, or continuity of sites, buildings, structures or objects united by past events or aesthetically by plan or physical development. A district may also comprise individual elements separated geographically but linked by association or history. A Historic District shall further mean an area designated by the Villa Rica City Council as a Historic District pursuant to the criteria established in Section IV B of this Ordinance.

6. Historic Property
Means an individual building, structure, site, or object including the adjacent area necessary for the proper appreciation thereof designated by the Villa Rica City Council as a historic property pursuant to the criteria established in Section IV C of this Ordinance.

7. Material Change in Appearance
Means a change that will affect either the exterior architectural or environmental features of a historic property or any building, structure, site, object, or landscape feature within a historic district, such as:
A reconstruction or alteration of the size, shape or façade of a historic property, including relocation of any doors or windows or removal or alteration of any architectural features, details or elements;

Demolition or relocation of a historic structure;

Commencement of excavation for construction purposes;

A change in the location of advertising visible from the public right-of-way; or

The erection, alteration, restoration or removal or any buildings or other structure within a historic property or district, including walls, fences, steps and pavements, or other appurtenant features, except exterior paint alterations.

8. Object
An object is a material thing of functional, aesthetic, cultural, historical or scientific value that may be, by nature or design, movable yet related to a specific setting or environment.

9. Site
A site is the location of a significant event, a prehistoric or historical occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself maintains historical or archaeological value regardless of the value of any existing structure.

10. Structure
A structure is a work made up of interdependent and inter-related parts in a definite pattern of organization. Constructed by man, it is often an engineering project large in scale.

C. Creation of a Historic Preservation Commission

1. Creation of the Commission:
There is hereby created a commission whose title shall be “VILLA RICA HISTORIC PRESERVATION COMMISSION” (hereinafter “Commission”)

2. Commission Position within the City Government:
The Commission shall be part of the planning functions of the City of Villa Rica.

3. Commission Members: Number, Appointment, Terms and Compensation:
The Commission shall consist of not more than six (6) members nor less than three (3) appointed by the Mayor and ratified by the City Council. All members shall be residents of City of Villa Rica and shall be persons who have demonstrated special interest, experience or education in history, architecture or the preservation of historic resources. To the extent available in the City, at least three (3) members shall be appointed from among professionals in the disciplines of architecture, history, architectural history, planning, archaeology or related professions.

Members shall serve three-year terms. Members may not serve more than two consecutive terms. In order to achieve staggered terms, initial appointments shall be: one (1) member for one (1) year; two (2) members for two (2) years; and two (2) members for three (3) years. Members shall not receive a salary, although they may be reimbursed for expenses.

4. Statement of Commission’s Power:

a. The Preservation Commission shall be authorized to:

(1) Prepare and maintain an inventory of all property within the City of Villa Rica having the potential for designation as historic property;

(2) Recommend to the Villa Rica City Council specific districts, sites, buildings, structures, or objects to be designated by ordinance as historic properties or historic districts;
(3) Review application for Certificates of Appropriateness, and grant or deny same in accordance with the provisions of this Ordinance;

(4) Recommend to the Villa Rica 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;

(5) Restore or preserve any historic properties acquired by the City of Villa Rica;

(6) Promote the acquisition by the City of Villa Rica of façade easements and conservation easements, as appropriate, in accordance with the provisions of the Georgia Uniform Conservation Easement Act of 1992 (O.C.G.A. Section 44-10.1 through 5)

(7) Conduct educational programs on historic properties located within the City and on general historic preservation activities;

(8) Make such investigation and studies of matters relating to historic preservation, including consultation with historic preservation experts, the Villa Rica City Council or the Commission itself may, from time to time, deem necessary or appropriate for the purposes of preserving historic resources;

(9) Seek out local, state, federal or private funds for historic preservation, and make recommendations to the Villa Rica City Council concerning the most appropriate uses of any funds acquired;

(10) Submit to the Historic Preservation Division of the Department of Natural Resources a list of historic properties of historic districts designated;

(11) Perform historic preservation activities as the official agency of the City of Villa Rica historic preservation program;

(12) Employ persons, if necessary, to carry out the responsibilities of the Commission;

(13) Receive donations, grants, funds, or gifts of historic property and acquire and sell historic properties. The Preservation Commission shall not obligate the City of Villa Rica without prior consent.

(14) 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

(15) Participate in private, state and federal historic preservation programs and with the consent of the Villa Rica City Council, enter into agreements to do the same.

5. 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 application for designation of Certificates of Appropriateness, such as by-laws, removal of membership provision, and design guidelines and criteria. The Preservation Commission shall have the flexibility to adopt rules and standards without amendment to this Ordinance. 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.

6. Conflict of Interest:
The Commission shall be subject to all conflict of interest laws set forth in Georgia Statutes and in the City of Villa Rica Charters.

7. 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.
8. Records of Commission Meetings:
A public record shall be kept of the Commission resolution, proceedings and actions.

D. Recommendation and Designation of Historic Districts and Properties

1. Preliminary Research by the 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 of Villa Rica.
   b. Commission’s Power to Recommend Districts and Buildings to the Villa Rica City Council for Designation: The Commission shall present to the Villa Rica 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 Villa Rica City Council for designation, the Commission shall prepare a Report for Nomination consisting of:
      (1) a physical description;
      (2) a statement of the historical, cultural, architectural and/or aesthetic significance;
      (3) a map showing district boundaries and classification, i.e. contributing, non-contributing, of individual properties therein, or showing boundaries of individual historic properties; and
      (4) representative photographs.

2. Designation of a Historic District:
   a. Criteria for selection of historic district: A historic district is a geographically definable area, which contains buildings, structures, sites, objects, and landscape features or a combination thereof, which:
      (1) has special character or special historic/aesthetic value or interest;
      (2) represents one or more periods, styles or types of architecture typical of one or more eras in the history of the municipality, county, state or region; and
      (3) causes such area, by reason of such factors, to constitute a visibly perceptible section of the municipality 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 of Villa Rica, or in the absence of zoning, on an official map designated as a public record.

   c. Evaluation of properties within Historic District: Individual properties within historic districts shall be classified as:
      (1) Contributing (contributes to the district); or
      (2) Non-contributing (does not contribute to the district, as provided for in Section 2.a.)

3. Designation of a Historic Property:
A historic property is a building, structure, site, or object; including the adjacent area necessary for the proper appreciation or use thereof, which:

   a. 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 City of Villa Rica, the region or the State of Georgia for one of the following reasons:
(1) it is an outstanding example of a structure representative of its era;

(2) it is one of the few remaining examples of a past architectural style;

(3) it is a place or structure associated with an event or persons of historic or cultural significance to the City of Villa Rica, State of Georgia, or the region; or

(4) 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 of Property: Designations may be proposed by the Villa Rica City Council, the Commission, or:

(1) for historic districts – a historical society, neighborhood association or group of property owners may apply to the Commission for designation;

(2) 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:

(1) list each property in a proposed historic district or describe the proposed individual historic property;

(2) set forth the name(s) of the owner(s) of the designated property or properties;

(3) require that a Certificate of Appropriateness be obtained from the Commission prior to any material change in appearance of the designated property; and

(4) require that the property or district be shown on the Official Zoning Map of the City of Villa Rica and be kept as a public record to provide notice of such designation.

c. Require Public Hearings: The Commission or the Villa Rica 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 (3) consecutive issues in the principle 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 less than ten (10) nor more than twenty (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 ordinance.

d. Notification of Historic Preservation Division: No less than thirty (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 Section IV.A.3, to the Historic Preservation Division of the 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 fifteen (15) days following the Public Hearing and shall be in the form of a resolution to the Villa Rica City Council.

f. The Villa Rica City Council Actions on the Commission’s Recommendation: Following receipt of the Commission recommendation, the Villa Rica City Council may adopt the ordinance as proposed, may adopt the ordinance with any amendments they deem necessary, or reject the ordinance.
g. Notification of Adoption of Ordinance for Designation: Within thirty (30) days following the adoption of the ordinance for designation by the Villa Rica 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 Villa Rica City Council, which notice shall apprise 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 shall constitute legal notification to the owner and occupant under this ordinance.

h. Notification of Other Agencies Regarding Designation: The Commission shall notify all necessary agencies within the City of Villa Rica 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.

E. 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 of a historic district, no material change in the appearance of such historic property, or of a contributing or non-contributing 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 such drawings, photographs, plans and documentation as may be 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. Public Hearings on Applications for Certificates of Appropriateness, Notices, and Right to Be Heard:
The Commission shall hold a public hearing at which each proposed Certificate of Appropriateness is discussed. Notice of the hearing shall be published in the principal newspaper of local circulation in the city and written notice of the hearing shall be mailed by the Commission to all owners and occupants of the subject property. The written and published notice shall be provided in the same manner and time frame as notices are provided before a Public Hearing for Rezoning.

The Commission shall give the property owner and/or applicant an opportunity to be heard at the Certificate of Appropriateness hearing.

6. Acceptable Commission Reaction to Applications for Certificate of Appropriateness:
Commission Action: 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. 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:
(1) **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 materials, setback and site features and to the Secretary of Interior’s Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.

(2) **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.
- 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.
- whether the building, structure or object can be moved without significant damage to its physical integrity.
- whether the proposed relocation area is compatible with the historical and architectural character of the building, structure, site or object.

(3) **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 objects shall be guided by:

- the historic, scenic or architectural significance of the building, structure, site, tree or object.
- the importance of the building, structure, site, tree, or object to the ambiance of a district.
- 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.
- whether the building, structure, site, tree, or object is one of the last remaining examples of its kind in the neighborhood or the city.
- 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.
- whether reasonable measures can be taken to save the building, structure, site, tree, or object from collapse.
- 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 Ordinance 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 provisions, so as to relieve such difficulty or hardship; provided such variances, modifications 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 and substantial justice done. 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 Ordinance. 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 forty-five (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 forty-five (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 Commission and the Villa Rica City Council 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 ordinance 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 six months of date of issuance. A Certificate of Appropriateness shall be issued for a period of eighteen (18) months and is renewable.

12. Recording an Application for Certificate of Appropriateness:
   The Commission shall keep a public record of all applications for Certificates of Appropriateness, and or all the Commission’s proceedings in connection with said application.

13. Acquisition of Property:
   The Commission may, where such action is authorized by the Villa Rica 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 Villa Rica City Council. Any such appeal must be filed with the Villa Rica City Council within fifteen (15) days after the issuance of the determination pursuant to Section E.8a of this Ordinance or, in the case of a failure of the Commission to act, within fifteen (15) days of the expiration of the forty-five (45) day period allowed for the Commission action, Section E.8a of this Ordinance. Appeals for properties within the City of Villa Rica shall be made to the Villa Rica City Council. The Villa Rica 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 Villa Rica City Council may be taken to the Superior Court of Carroll or Douglas Counties County in the manner provided by law for appeals from conviction for the City of Villa Rica ordinance violations.


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 exterior
openings which allow the elements and vermin to enter, or the deterioration of a buildings 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 thirty (30) days in which to do this.

c. In the event that the condition is not remedied in thirty (30) days, the owner shall be punished as provided in
Section VII of this Ordinance and, at the direction of the Villa Rica City Council; the Commission 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 Ordinance shall be construed as to exempt property owners from complying with existing City
building and zoning codes, nor prevent any property owner from making any use of this property not prohibited by
other statutes, ordinances or regulations.

G. Penalty Provisions
Violations of any provisions of this Ordinance shall be punished in the same manner as provided for punishment of
violations of validly enacted Ordinances of the City of Villa Rica.

H. Severability
In the event that any section, subsection, sentence, clause or phrase of this ordinance is for any reason held invalid or unconstitutional, such adjunction shall in manner affect the other sections, sentences, clauses, or phrases of this Ordinance, which shall remain in full force and effect, as if the section, subsection, sentence, clause or phrase so declared or adjudged invalid or unconstitutional were not originally part thereof.

I. Repealer
All ordinances and parts of ordinances in conflict with this Ordinance are hereby repealed.

J. Effective Date
This Ordinance shall become effective on May 7, 2013. (ORD 06-13-UDC, 05-07-13)

Section 5.30 Crematories

A. Definition
As used in this Section, "crematory" means a building or structure containing one or more cremation chambers or
retorts for the cremation of dead human bodies or large animals and "large animals" means all cattle, horses, sheep,
 goat, swine or similar species commonly kept as livestock.

B. Validity
If any section, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any
court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and
such holding shall not affect the validity of the remainder of such ordinance.

C. Location and Screening
A crematory shall not be located within 1,000 feet of any residential structure or land zoned for residential purposes. Decorative vinyl fencing or other site-proof fencing or landscaping approved by the City on a site plan and located between the crematory and adjacent residential properties.

**D. Restrictions**
1. Crematories shall not be permitted as an accessory use to an existing Funeral or Mortuary services.

2. Crematories shall not emit any odor or particulates.

3. Crematories shall have emission stacks covered or shrouded with materials safe for such uses and that are compatible in design and architecture with the surrounding structures. (ORD-02-11, 6-7-11)

**Section 5.31. Transfer Stations, Solid Waste Collection Facility**

**A. Applicability**
An applicant proposing to establish a transfer station or solid waste disposal facility, as defined in Section 5.31.B, shall be required to obtain a Conditional Use Permit, in conformance with Section 2.03.D of this Code.

**B. Definition**
A transfer station is a facility that receives and temporarily stores solid waste as defined by this ordinance at a location other than the generation site, and which facilitates the transfer of accumulated solid waste to another facility for further processing or disposal. This term includes any solid waste handling facility, but does not include recovered materials processing facilities, nor portable storage containers used for the collection of municipal solid waste.

Solid waste collection facility comprises establishments that (1) collect or haul hazardous waste, non-hazardous waste, or recyclable materials within a locale area; and (2) operate hazardous or nonhazardous waste transfer stations. Waste collection establishments may be responsible for the identification, treatment, packaging, and labeling of waste for the purposes of transport.

**C. Permitted Locations**
A transfer station or solid waste collection facility may be permitted with a Conditional Use Permit in the General Industrial zoning district. The establishment and operation of any transfer station or solid waste disposal facility must comply with any and all standards and provisions provided by the Environmental Protection Division of the State of Georgia and subject to the standards of the zoning district and the supplemental standards of this Section.

**D. Guarantee Required**
The applicant shall post and maintain a guarantee with the City Clerk. This guarantee, approved in form by the City attorney, will assure the City that the applicant shall complete the plan for restoration for reuse, within one (1) year of discontinuance of the transfer station or solid waste collection facility. The amount of the guarantee shall be not less than the estimated cost of the restoration, and the amount of the estimate shall be approved by the Community Development Director. If the restoration is not completed within the specified time, the City may use the bond or any portion thereof to complete the restoration. Failure to maintain a guarantee shall be grounds for revocation of the Conditional Use Permit authorizing the use.

**E. General Standards**
Any applicant for a transfer station or solid waste collection facility operating permit shall demonstrate compliance with the following site limitation provisions:

1. **Building**
   All on-site processing and transferring of solid waste will be conducted entirely within an enclosed building or buildings.
a. An enclosed building for these purposes is one in which the walls, doors and roof are made of solid materials but may contain accessory structural elements such as windows, properly filtered and controlled ventilation openings, and skylights, each element not exceeding an area of 100 square feet.

b. Doors to any building shall remain closed except to temporarily allow transport vehicles to enter and exit the building.

c. All solid waste transfer stations and processing facilities shall have an operator in attendance at all times when the facility is in operation.

F. Performance Standards

1. Minimum Lot Size
   The minimum lot area for a solid waste transfer station and collection facility shall be ten (10) acres.

2. Setbacks
   A transfer station or solid waste collection facility must meet the Development Standards of Section 3.04, General Industrial, and shall be located an additional fifty (50) feet of those standards.

3. Compatibility
   The proposed building(s) or use shall be constructed, arranged and operated so as to be compatible with the character of the zoning district and immediate vicinity, and shall not interfere with the development and use of adjacent property. The proposed development shall not present an unsightly, obnoxious or offensive appearance to abutting or nearby properties.

4. Location
   No such use shall be established within two hundred (200) feet of a residential zoning district, measured from property line to property line. Where a lot containing a solid waste transfer station or processing facility is within 500 feet of any residential property, the facility may not accept waste on Sunday, or earlier than 7:00 a.m. or later than 6:00 p.m. on any other day.

5. Fencing
   All transfer station or solid waste collection facilities shall be enclosed with a fence not less than eight (8) feet tall and no more than ten feet tall, with openings therein not less than those in two-inch mesh wire or some other similar fencing material or device. The fencing shall be adequate to prevent paper and similar or related refuse or waste from blowing from the facility onto neighboring or nearby property.

6. Buffering
   A vegetative buffer must be provided between transfer station or solid waste collection facility and any abutting real property line or public street right-of-way.

   1. Existing trees and vegetation must be maintained and preserved within 50 feet of any around the perimeter of the property, outside the required fence and any public street or right-of-way.

   2. Where any portion of any property line of a lot containing a solid waste transfer station or handling facility is within 250 feet of any residential property, any existing trees and vegetation must be maintained and preserved within 50 feet of the real property line.

   3. Where the natural growth within the proscribed distance of the abutting real property line or public right-of-way does not effectively screen the site from the view from abutting properties or right-of-way, then screening shall be provided, subject to the approval of the City Council or their designee.

7. Vehicular Circulation and Access
   Driveways within the site shall be dust free. Driveway access to the public right-of-way shall be permanently paved and shall be a minimum of twenty-five (25) feet in width. Access is prohibited through residentially zoned areas.
8. **Storage Yard Maintenance**
   a. The lot area surface used for storage shall be gravel, at a minimum.
   b. Unusable items that cannot be reused shall be disposed of on a regular basis and shall not be allowed to collect on the premises.

9. **Nuisance Control**
   a. The developer shall install an automatic spray system to control odor and practice a hand held spray regimen to control the potential odors that may settle into the environment.
   b. The developer shall practice adequate measures to control litter and blowing debris from the transfer station.
   c. The developer shall practice adequate measures to maintain pest control throughout the facility.

10. **Landscaping**
    Landscaping shall be provided as required under the City of Villa Rica’s Unified Development Code. The use of landscaping shall be required on the entire property to improve the appearance of setback and yard areas and to preserve the character and value of surrounding properties.

11. **Utilities**
    Transfer station or solid waste disposal and processing facilities must be served by public water and sewer facilities.

12. **Abandonment**
    The applicant shall provide a written statement that the area will be cleaned up to the satisfaction of the Community Development Director should the transfer station or solid waste disposal be abandoned, moved in whole or in part. A solid waste disposal and processing facility which remains idle or unused for a continuous period of one year, whether or not fixtures or equipment are removed, shall constitute abandonment. The casual, intermittent, temporary or illegal operation of a transfer station shall not be sufficient evidence to establish continuous use. If the owner fails to clean up and restore the transfer station within one year of cessation of operation or abandonment, the Building Official shall have the premises cleaned up and shall use the bond to pay for the costs of cleanup incurred by the City. *(ORD-03-11, 10-4-11)*

**Section 5.32. Detention Facility Maintenance, Animals**

A. **Applicability**
   An applicant proposing to perform detention facility maintenance with the use of goats, as defined in Section 5.32.B, shall be required to obtain a Conditional Use Permit, in conformance with Section 2.03.D of this Code. This Conditional Use Permit shall be obtained on an annual calendar year basis.

B. **Purpose**
   The use of goats on a temporary basis at privately-owned detention ponds in all non-agricultural zones for the purpose of performing detention facility maintenance.

C. **Monitoring**
   Goats must be monitored daily to prevent escapes, harassment from predators and/or humans, or over-browsing of vegetation.

D. **Fencing Requirements**
   1. The area to be browsed by the goats must meet the fencing standards for detention facilities, in accordance with Section 6.07.
   2. Goats must remain within a secure enclosure at all times.

E. **Limit**
   No more than five (5) goats are permitted on any detention pond premises.
F. Restrictions on Use of Goats
1. Goats may be used for management only and must be immediately removed when the brush thinning has been accomplished and/or for a period of forty-five (45) days.

2. All goats must have all proper health records and tests as required by the State of Georgia and an official Certificate of Veterinary Inspection.

3. Liability insurance is required per occurrence for the minimum amount of $100,000 and a copy must be submitted to the Community Development Department prior to use.

G. Detention Facility Maintenance
Maintenance of the detention facility by animals does not relinquish the property owner of the duties or requirements of stormwater management. Proper maintenance is still required according the Georgia Stormwater Management Manual and Article 8, Adequate Public Facilities, Sections 8.01 and 8.05.
Article 6 Landscaping, Buffers, and Tree Protection

Section 6.01 Purpose and Applicability

The purposes of these requirements are:

To establish landscaping that mitigates the effects of pavement and buildings, while increasing property values.

To promote the public health, safety and welfare by establishing efficient, effective minimum standards for buffering between land uses of different intensities, screening of land uses and utility and equipment areas that may create a negative impact, for the protection of natural resources, and the installation and continued maintenance of landscaped areas within the City of Villa Rica.

To preserve large trees whenever feasible to retain the character of Villa Rica.

Where necessary to interpret the precise meaning of technical landscaping terms used in this Section, reference shall be made to The American Standard For Nursery Stock, as published by the American Association of Nurserymen (AAN). All new development or redevelopment required to submit a site plan shall comply with the landscaping standards in accordance with the Table 6-1.

Section 6.02 Exceptions

Landscaping standards shall not apply to agricultural uses, or industrial remodeling projects that do not increase floor area, or commercial remodeling projects valued at less than One Hundred Thousand Dollars ($100,000) dollars.

Section 6.03 Landscaping Plan Required

A plan showing required buffers and landscaping of the buffers shall be submitted in support of a site plan or building permit for any development within a development area, except for farms, single-family dwellings and two-family dwellings. All landscaping plans for buffers and related areas shall include the following information:

1. The locations, varieties, number and size of plants to be planted within required landscaped buffer areas;

Table 6-1 Landscaping Applicability

<table>
<thead>
<tr>
<th>Zoning Districts</th>
<th>Applicability</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Buffers</td>
</tr>
<tr>
<td>Agricultural and Residential Districts</td>
<td></td>
</tr>
<tr>
<td>RD</td>
<td>✓</td>
</tr>
<tr>
<td>R-20, R-14, RT</td>
<td>✓</td>
</tr>
<tr>
<td>DT</td>
<td>✓</td>
</tr>
<tr>
<td>Commercial Districts</td>
<td></td>
</tr>
<tr>
<td>NC, GC, OI</td>
<td>✓</td>
</tr>
</tbody>
</table>
2. Topographic information showing the final site grading and drainage for landscape area, and properly specify planting for areas needing slope protection;

3. Impervious surfaces, including sidewalks, pavement areas and building footprints;

4. Property boundaries;

5. Mature sizes of plant materials shall be drawn to scale;

6. Existing trees to be preserved, which measure eight (8) inches in diameter or larger; and

7. The boundaries and edge treatments of all landscaped and buffer areas.

Section 6.04 Minimum Plantings and Sizes of Landscape Materials

A. Material Size
   Landscape materials shall comply with the following minimum sizes at the time of planting as described below unless approved by the Community Development Director.

1. Trees
   Minimum 1.5 inch caliper measured at two and one half (2½) feet above ground level as shown in Exhibit 6-1.

   **Exhibit 6-1 Tree Measurement**
   ![Tree Measurement Diagram]

2. Shrubs
   Minimum twenty-four (24) inches tall from ground level to the top of the shrub.

B. Minimum Area of Landscaping
   All subject development shall provide required screening, foundation landscaping, parking lot landscaping, buffers and street trees. If the total landscape area resulting from these provisions does not meet the requirements of **Table 6-2**, the applicant shall provide supplemental landscaping.

C. Minimum Number of Plants
   The minimum number of plants shall comply with the standards in **Table 6-3**.

Section 6.05 Buffer Standards

The following buffer standards shall apply to all subdivisions, and to all multi-family, commercial and industrial projects for which site plans are required. Site plans shall include detailed drawings of enclosure and screening.
methods as provided. Table 6-4 lists the types of buffers required between adjacent land uses. Exhibit 6-2 illustrates the minimum widths and plantings for each type of buffer listed in Table 6-4.

A. Buffers Required
Buffers shall be required between parcels with different zoning designations and as otherwise required herein. The full buffer is required in addition to other landscaping requirements, provided however, that buffer plantings may be counted toward total landscape area requirements. The City Council may authorize a reduction of buffer requirements where the zoning on abutting property is not consistent with the adopted future land use plan.

B. Types of Buffers
Table 6-4 shows the type of buffer required to buffer an adjacent property based on its zoning district. Exhibit 6-2 illustrates a typical buffer for each type. The applicant may choose to install any of the sub-types of buffers.

For example, if the proposed development is located in an R-14 (multi-family) zoning district and the “Adjacent Development” is zoned “GI” (industrial) then the applicant shall install a “Type D” buffer. The applicant may choose between the D-1, D-2 or D-3 buffer design. If the applicant chooses a “D-1” buffer, a minimum width of fifteen (15) feet is required with a berm or fence and plantings of three (3) evergreen trees, two deciduous trees and twenty (20) shrubs per one hundred (100) feet of common property line.

Section 6.06 Buffer Location

Buffers and open spaces shall be provided on the site of the new development, regardless of existing setbacks, buffers or open space otherwise provided on the adjacent property. Buffers may be included within required building setbacks and shall be shown as landscape easements on the plat and site plan. The City Council may authorize the reduction or waiver of buffers subject to mutual agreement between abutting property owners.

Section 6.07 Screening and Fence Standards

A. Screening of Utility Areas and Equipment
1. Solid Waste Collection Areas
Solid waste receptacles, shipping pallets, bundled cardboard and similar waste materials stored for collection shall be enclosed on all sides and screened from public view of adjoining residential properties or any street right-of-way with a six (6) foot (plus or minus eight (8) inches) solid enclosure with a gate and shall be constructed of cedar, redwood, masonry or other compatible building material. The floor of the gated enclosure shall be a concrete pad which shall extend five (5) feet beyond the gate. Trash enclosures shall be located a minimum of fifty (50) feet from any RD, R-20, or R-14 zoning district.

Table 6-2 Minimum percentage of Lot to be Landscaped

<table>
<thead>
<tr>
<th>District</th>
<th>Minimum percentage of Lot Area to be Landscaped</th>
</tr>
</thead>
<tbody>
<tr>
<td>RD, R-20 – single-family development only</td>
<td>0%</td>
</tr>
<tr>
<td>R-14, RT – multi-family development</td>
<td>15%</td>
</tr>
<tr>
<td>OI, NC, GC, HC</td>
<td>25%</td>
</tr>
<tr>
<td>DT</td>
<td>0%</td>
</tr>
<tr>
<td>LI, GI</td>
<td>15%</td>
</tr>
</tbody>
</table>
Table 6-3 Required Plantings

<table>
<thead>
<tr>
<th>Type of Plant</th>
<th>Number of Plants per 1,000 square feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>Trees</td>
<td>1 large or 2 medium to small trees</td>
</tr>
<tr>
<td>Shrubs</td>
<td>4</td>
</tr>
</tbody>
</table>

See Appendix B for a list of acceptable large, medium and small trees.

2. Mechanical Equipment
   a. Roof-Mounted Equipment. Roof-mounted equipment, including ventilators and satellite dishes shall be screened from view or isolated so as not to be visible from any public right-of-way or RD, R-20, or R-14 zoning district within one hundred and fifty (150) feet of the subject lot as viewed from five (5) feet above ground level. Roof screens and parapet walls shall be coordinated with the building to present a unified appearance.

   b. Ground Level Equipment. All electrical and mechanical equipment located at ground level shall be screened from view or isolated so as not to be visible from the right-of-way of an arterial street or RD, R-20, R-14 zoning district within three hundred (300) feet of the subject lot. Such screens and enclosures shall be coordinated with the building to present a unified appearance.

3. Retention Basins
   Retention basins shall be surrounded by fencing measuring six (6) feet tall with double gates for large equipment access unless the Community Development Director determines that the basin design has side slopes and flow patterns that may be safely used as a recreational amenity.

B. Fencing Standards
   1. Height
      Fences shall not exceed six (6) feet in height in residential districts except where used for public utilities, public or private schools, public or private recreation facilities or industrial properties and where required for wrecking/disposal operations and junk or salvage yards. Perimeter fences surrounding a subdivision may not exceed eight (8) feet in height and may not be constructed of wood unless the fence is split rail.

   2. Electric Fences
      Electric fences are prohibited except in the RD district.

   3. Barbed Wire Fencing
      Barbed wire fences or barbed wire assemblies atop fences shall be permitted only in Industrial and Rural Development Districts and may be incorporated into fencing for utility substations regardless of zoning district.

   4. Front Yard Fences
      No fence shall be allowed in the front yard, except:

      a. Picket fences not exceeding three (3) feet in height and sixty (60%) percent opacity;

      b. Wrought iron fences; or

      c. Brick or masonry fences not exceeding two feet.

C. Commercial and Industrial Equipment and Lot Screening
1. Purpose
The intent of commercial and industrial lot screening is to ensure that items that cannot be enclosed within a building are screened on all sides from the view of adjacent rights-of-way and more restrictive zoning districts.

2. Boundary Landscaping
In all commercial and industrial districts, except the OI district, a ten (10) foot wide boundary landscaping strip shall be provided along the abutting public right-of-way (except an alley). Such landscaping shall consist of a combination of ground covers and deciduous and evergreen shrubs and may also include trees provided that they will not obstruct sight distances or vehicular or pedestrian circulation. No specific spacing shall be required for boundary landscaping; provided that the landscaping is appropriate to the character of the site and that the landscaped areas are of a size to allow proper owner maintenance.

3. Health and Safety
The operator of a junk/salvage yard or industrial storage yard shall comply with all federal, state and local health and safety regulations.

4. Outside Storage
The outside storage of salvage or scrap materials, household goods or furniture, or business equipment or materials for more than twenty-four (24) hours shall not be allowed except where permitted by this Code and shall be in compliance with these screening standards.

   a. Loading, Storage and Service Areas. Loading, storage and service areas shall be visually screened from view of residentially zoned properties with a decorative fence or wall, dense landscape plantings or berms. Such screening shall provide at least seventy-five (75%) percent overall visual screening of the loading and service area(s) as viewed from vantage points on lines perpendicular to the surfaces of the object(s) being screened.

   b. Wrecking/Disposal Operations, Junk/Salvage Yards and Open Storage. Wrecking/disposal operations, junk/salvage yards and open storage shall be screened in the following manner:

      (1) Screened with a wall, or combination wall and berm, not less than eight (8) feet in height, which shall be of solid, one hundred (100%) percent opaque construction. The wall design and construction materials shall be approved by the Planning Commission in conjunction with issuance of a special use permit.

      (2) Screened from the view on all sides from the view of all surrounding uses and all streets and rights-of-way. Junk/salvage yards may be entirely enclosed within an approved building.

D. Parking Lot Landscaping
For any off-street parking lot containing over ten spaces, or for any combination of parking areas on a single lot providing more than ten (10) spaces. The following landscaping shall apply in addition to the boundary landscaping established in Section 6.07.C.2:

1. A minimum of a type B buffer with a fence shall be provided where a parking lot abuts a single-family residence in an RD, R-20, or R-14 district.

2. The total of all landscaped areas within and abutting parking lots shall occupy a minimum of eight (8%) percent of the vehicular use areas, including associated service drives and loading areas. For each two (2%) percent of parking spaces provided in excess of the minimum off-street parking spaces required by use in accordance with Section 4.03B the site interior landscape area shall be increased by one (1%) percent.

3. Major Shopping Centers and buildings with more than one hundred thousand (100,000) square feet of gross floor area shall provide the following landscaping:

   (a) A minimum of twelve (12%) percent of the area within the boundaries of the parking lot shall be landscaped.
(b) A landscape strip, located between the vehicular use area and the building measuring a minimum depth of ten (10) feet and extending along the entire length of the façade of the buildings shall be required. Pedestrian access points are allowed to use no more than twenty (20%) percent of the total required landscape area.

4. For buildings of one hundred thousand (100,000) square feet or less of gross floor area, a landscape strip, located between the vehicular use area and the building, measuring a minimum depth of five (5) feet and extending along the entire length of the façade of the buildings shall be required. Pedestrian access points are allowed to use no more than twenty (20%) percent of the total required landscape area.

Section 6.08 Irrigation Design Standards

Irrigation systems are beneficial in efficiently watering cultivated landscape. Irrigation systems, either manual or automatic, may be used for any landscape areas but shall be required for development projects that are larger than one-half acre in size. Automatic systems, soaker, spray and drip irrigation systems should be used as applicable for the type of planting design. A two (2) year landscape replacement guarantee may be provided in place of an irrigation system.

Section 6.09 Timing of Installation of Required Landscaping

All required landscaping materials shall be in place prior to occupancy, weather permitting. In periods of adverse weather conditions, temporary approval to occupy may be granted, subject to the posting of a cash escrow or irrevocable letter of credit in an amount equal to one and one-half times the estimated cost of the landscaping, with the estimated cost to be certified by a landscaping provider. The cash escrow or irrevocable letter of credit may be forfeited if the landscaping is not completed within one year after the approval of the temporary occupancy. Forfeiture of any cash escrow or irrevocable letter of credit shall not relieve the owner of the responsibility to maintain the required landscaping.

Section 6.10 General Landscaping and Site Maintenance

A. Maintenance Responsibility
The applicant, property owner and/or subsequent or successor owners and their agents shall be responsible for maintenance of any landscaping and any landscaped buffer on the property on a continuing basis for the life of the development as specified in this Section. All required landscaping shall be maintained in a neat and orderly manner at all times. This shall include, but not be limited to, mowing, edging, pruning, fertilizing, watering, weeding and other activities common to the maintenance of landscaping. Failure to maintain the landscape plantings shall be considered a violation of this Code.

B. Maintenance
Landscaped areas shall be kept free of trash, litter, weeds and other materials or plants not a part of the landscaping.

C. Plant Material
All required plant material shall be maintained in a healthy, growing condition as is appropriate for the season. Plant materials that exhibit evidence of insect pests, disease and/or damage shall be appropriately treated, and dead plants promptly removed and replaced within the next planting season.

Section 6.11 Landscape Mitigation Fund

When authorized by these regulations, applicants may contribute to the hereby established Landscape Mitigation Fund in lieu of installing all required landscaping on site. The City may use contributions to the Landscape Mitigation Fund for the purchase and/or installation of landscaping within public rights-of-way or other public lands. If the City Council finds that there is sufficient public purpose, Landscape Mitigation Funds may be used on private property to mitigate existing land use conflicts or preserve unprotected landscaping of unique quality or significant environmental value that satisfies the purposes of these regulations. All funds shall be expended for landscaping in the planning area in which they were collected unless the City Council finds that the expenditure outside the planning area benefits the property from which the funds were collected.
Section 6.12 Tree Preservation

A. Purpose
The preservation of existing trees and the planting of additional trees within the City is intended to:

1. Preserve trees as an important public resource enhancing the quality of life and the general welfare of the City and enhancing its unique character and physical, historical and aesthetic environment;

2. Provide health benefits from the cleansing and cooling of the air by trees and contribute to psychological wellness.

3. Provide environmental elements that adding value to property, and reduce energy costs through passive solar design utilizing trees.

4. Provide environmental elements necessary to reduce the amount of pollutants entering streams and to provide elements crucial to establishment of the local ecosystem.

5. Provide tree preservation requirements that encourage the maximum preservation of trees.

6. Promote and protect the health, safety and welfare of the public by creating an urban environment that is aesthetically pleasing and that promotes economic development through an enhanced quality of life.

B. Exemptions

1. Exempt Activities
This Section shall not apply to the clearing of understory necessary to perform boundary surveying of real property or the clearing of underbrush required to conduct tree surveys or inventories or the harvesting of trees planted for timber. Clearing for surveying may not exceed a width of two feet for general survey (i.e. of easement boundary, etc.) and eight (8) feet for survey of property boundary lines. Except for surveys done in connection with residential development, no tree(s) ten (10) inches or larger may be removed in any manner during such boundary or general surveying.

2. Exempt Trees
This Section shall not apply to:

a. Any surveyed tree determined to be diseased, dying or dead.

b. Any surveyed tree determined to be causing a danger or be in hazardous condition as a result of a natural event such as tornado, storm, flood or other act of God that endangers the public health, welfare or safety and requires immediate removal.

c. Trees located on property on which construction of single-family or two-family residential dwelling units has been completed.

d. Trees located in the sight triangle area as established in Section 4.01.A.4.a.2.

e. Trees in the interior of a lot developed for industrial uses.
### Table 6-4 Required Buffers

<table>
<thead>
<tr>
<th>Adjacent Development</th>
<th>Proposed Development</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>RD, R-20</td>
</tr>
<tr>
<td>Agricultural</td>
<td>B</td>
</tr>
<tr>
<td>Single-family &amp; Duplex</td>
<td>Not Required</td>
</tr>
<tr>
<td>Multi-Family &amp; Attached Single-Family</td>
<td>B</td>
</tr>
<tr>
<td>Office</td>
<td>C</td>
</tr>
<tr>
<td>Commercial</td>
<td>D</td>
</tr>
<tr>
<td>Industrial</td>
<td>E</td>
</tr>
<tr>
<td>Arterial Street</td>
<td>D</td>
</tr>
</tbody>
</table>

* Development in the OI district that is adjacent to a residential district shall comply with the setback requirements of Section 4.01.D.

** Industrial development adjacent to an RD-zoned lot of less than 2 acres must provide a type D buffer.

*** Non-residential districts must buffer parking areas only from adjacent arterial streets.
Exhibit 6-2 Buffer Types

Type A

Type B

Type C

Type D

Type E

Canopy Tree - 30' tall or more

Understory tree - up to 30' tall

At least 4 shrubs are required for each required tree

Berm or Fence

Note:

* The tops of the buffer yard are shown facing toward a right-of-way or less intensive use.
* Berm types range from least opaque to most opaque as intensity of land use being buffered from increases in density.
C. Tree Survey
Developers submitting an application for a major subdivision, planned development, or non-residential site plan shall be required to submit a tree survey indicating the size and common name of trees within the application area. Unless otherwise specified, the survey shall identify by common name and indicate by caliper size each tree eight (8) inches or greater located within fifty (50) feet of the property boundary and each tree twenty-four (24) inches or greater in the interior of the property. Plans for industrial developments shall include only trees located within fifty (50) feet of the property boundary. The tree survey shall be prepared on a topographic survey of the site to establish the tree elevation at the trunk and the drip line for individual trees and at the edge of the drip line for wooded areas. The Community Development Director may grant an exception for trees or wooded areas that will not be removed or will not be adversely affected by site development operations.

D. Minimum Tree Preservation Requirements
A minimum percentage of all surveyed trees within the development area must be preserved as established in Table 6-5 and in the subsections below.

1. Trees Exempt from Calculation
Trees located within the permitted building area, easements, public roads, public alleys and rights-of-way will not be included in calculating the percentage of surveyed trees that must be preserved. For uses other than Single-Family, trees located within the building footprint, easements, and parking garages (excluding stand-alone canopies), will not be included in calculating the percentage of surveyed trees that must be preserved.

2. Species Diversity
As the particular site conditions warrant, the applicant shall make a reasonable effort to preserve a diversity of species of trees as determined by the Community Development Director. No more than twenty-five (25%) percent of trees planted in a development may be of the same species.

3. Site Design
The location of all proposed buildings and improvements shall be oriented by the applicant, to the extent the applicant determines possible, in a manner which allows for the saving of the greatest number of trees. All trees located in the proposed footprint of a building shall be counted toward the total number of on-site trees for the purpose of calculating the minimum preservation percentage required in Table 6-5. Trees located within the existing right-of-way and public easements shall not be counted as it pertains to the minimum preservation percentage.

Table 6-5 Tree Preservation Requirements

<table>
<thead>
<tr>
<th>Use</th>
<th>50 ft Perimeter Strip</th>
<th>Interior Areas</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-Family</td>
<td>70%</td>
<td>20%</td>
</tr>
<tr>
<td>Multi-Family residential</td>
<td>70%</td>
<td>35%</td>
</tr>
<tr>
<td>Commercial/all other building types</td>
<td>30%</td>
<td>15%</td>
</tr>
</tbody>
</table>

E. Mitigation Methods
Protected trees may be removed in excess of the minimum preservation requirement contained in Table 6-5 provided the excess removal is properly mitigated. However, at least ten (10%) percent of the total diameter inches within the surveyed area may not be mitigated, and must be preserved.

If mitigation is required to compensate for the removal of preserved trees required in Table 6-5, the mitigation may be achieved as follows:
1. Planting of trees to mitigate surveyed trees at a ratio of one (1) caliper inch planted per one (1) caliper inch of tree removed.

2. Payment of landscape mitigation fees at a ratio of one (1) caliper inch planted per one (1) caliper inch of tree removed for up to fifty (50%) percent of the trees removed. The remaining fifty (50%) percent must be mitigated on-site.

3. In considering recommending a replacement tree, the Community Development Director may weigh the value of smaller trees, clumps of trees, and natural vegetation that is to be retained on the site and/or added according to a landscape plan in compliance with the landscape ordinance, with greater weight going to retention of existing trees and vegetation. For these reasons, indiscriminate clearing of sites where protected trees are located shall be discouraged.

4. Protection and maintenance of existing trees within the surveyed area that are smaller than the size requirements for a preserved tree but at least two and one-half (2½) inches in diameter measured two and one-half (2½) feet from the ground.

F. Protection Requirements
   1. Root Protection
      a. Root Protection Zone. A root protection zone must be established around the trunk of each tree preserved or mitigation tree planted pursuant to this division. The root protection zone shall be an area defined by the drip line of the tree. The maximum size of a root protection zone required by this division shall not exceed one thousand (1,000) square feet per tree. The area contained within a root protection zone required under this subsection must be left in a previous condition after construction and development are completed. The root protection zone for each preserved tree must remain unpaved unless approval has been given by the Community Development Director. During construction activity on the site, at least a six (6) inch layer of a coarse mulch shall be placed and maintained over the root protection zone. The impervious cover may encroach within the root protection zone if said encroachment is approved by the Community Development Director.

   b. Exemption. These requirements shall not apply to single-family residential developments. The root protection area for single-family residential lots shall be the same area contained in the front and rear yard setbacks of such lots.

   2. Tree Protection
      a. Protection Barrier. A protection barrier shall be erected at the edge of the root protection zone, however, at a minimum, the barrier shall be erected a distance of sixty (60) inches around the trunk(s) of individual protected, heritage or mitigation trees or islands of such trees and understory and maintained until construction is completed. This protective barrier may be comprised of snow fencing, vinyl construction fencing, chain link, geotextile material or other similar sturdy material. During construction, no excess soil, additional fill, equipment, liquids or construction debris shall be placed inside the protective barrier nor shall any soil be removed within the barrier.

   b. Grading. Except for single-family residential development, the proposed finished grade within the root protection zone of any tree to be preserved shall not be raised or lowered more than three (3) inches, but welling and retaining methods may be used to protect and/or provide lateral support to the area outside the root protection zone.

   c. Wounded Trees. All broken branches and exposed roots of a protected tree shall be cut cleanly. In the case of oak species, in order to prevent infection by oak wilt spores, wounds must be painted with an acceptable wound dressing within reasonable time as determined by the Community Development Director.

G. General Maintenance
   Preserved and mitigation trees must be maintained in a healthy condition at all times. The property owner is responsible for irrigating, fertilizing, pruning and other maintenance of all trees as needed. Except for residential development, mitigation trees that are planted on the property and that die within twelve (12) months of final inspection are subject to the mitigation requirements set forth in subsection (e) at a ratio of one (1) inch mitigation for every one (1) inch of preserved or heritage tree that dies. However, a heritage tree that dies from other than...
natural causes shall be mitigated at a ratio of two (2) inches mitigation for every one (1) inch of heritage tree. Any tree that dies must be replaced with another living tree of the same category type or better within ninety (90) days after notification by the city. The Community Development Director may extend this time period up to an additional ninety (90) days due to weather considerations. If the plants have not been replaced after appropriate notification and/or extension, the property owner shall be in violation of this division. If a public utility disturbs trees, it shall make every reasonable effort to preserve the trees and return them to their prior location and condition after the utility work is completed. If nonetheless, trees die, replacement is not the responsibility of the property owner if the death or destruction of the tree(s) is due to the action of a public utility.

Section 6.13 Land Disturbance

A. Title
This ordinance will be known as the “Villa Rica Soil Erosion, Sedimentation, and Pollution Control Ordinance.”

B. Definitions
The following definitions shall apply in the interpretation and enforcement of this ordinance, unless otherwise specifically stated:

Best Management Practices (BMPs): These include sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the ‘Manual for Erosion and Sediment Control in Georgia’ published by the Commission as of January 1 of the year in which the land-disturbing activity was permitted.

Board: The Board of Natural Resources.

Buffer: The area of land immediately adjacent to the banks of state waters in its natural state of vegetation, which facilitates the protection of water quality and aquatic habitat.

Certified Personnel: A person who has successfully completed the appropriate certification course approved by the Georgia Soil and Water Conservation Commission.


CPESC: Certified Professional in Erosion and Sediment Control with current certification by Certified Profession in Erosion and Sediment Control Inc., a corporation registered in North Carolina, which is also referred to as CPESC or CPESC, Inc.

Cut: A portion of land surface or area from which earth has been removed or will be removed by excavation; the depth below original ground surface to the excavated surface. Also known as excavation.

Department: The Georgia Department of Natural Resources (DNR).

Design Professional: A professional licensed by the State of Georgia in the field of: engineering, architecture, landscape architecture, forestry, geology, or land surveying; or a person that is a Certified Professional in Erosion and Sediment Control (CPESC) with a current certification by Certified Professional in Erosion and Sediment Control Inc.

Director: The Director of the Environmental Protection Division or an authorized representative.

District: The West Georgia Soil and Water Conservation District.

Division: The Environmental Protection Division (EPD) of the Department of Natural Resources.
**Drainage Structure:** A device composed of a virtually nonerodible material such as concrete, steel, plastic or other such material that conveys water from one place to another by intercepting the flow and carrying it to a release point for storm water management, drainage control, or flood control purposes.

**Erosion:** The process by which land surface is worn away by the action of wind, water, ice or gravity.

**Erosion, Sedimentation and Pollution Control Plan:** A plan required by the Erosion and Sedimentation Act, O.C.G.A. Chapter 12-7, that includes, as a minimum protections at least as stringent as the State General Permit, best management practices, and requirements in section IV.C. of this ordinance.

**Fill:** A portion of land surface to which soil or other solid material has been added; the depth above the original ground surface or an excavation.

**Final Stabilization:** All soil disturbing activities at the site have been completed, and that for unpaved areas and areas not covered by permanent structures and areas located outside the waste disposal limits of a landfill cell that has been certified by EPD for waste disposal, 100% of the soil surface is uniformly covered in permanent vegetation with a density of 70% or greater, or equivalent permanent stabilization measures (such as the use of rip rap, gabions, permanent mulches or geotextiles) have been used. Permanent vegetation shall consist of: planted trees, shrubs, perennial vines; a crop of perennial vegetation appropriate for the time of year and region; or a crop of annual vegetation and a seeding of target crop perennials appropriate for the region. Final stabilization applies to each phase of construction.

**Finished Grade:** The final elevation and contour of the ground after cutting or filling and conforming to the proposed design.

**Grading:** Altering the shape of ground surfaces to a predetermined condition; this includes stripping, cutting, filling, stockpiling and shaping or any combination thereof and shall include the land in its cut or filled condition.

**Ground Elevation:** The original elevation of the ground surface prior to cutting or filling.

**Land-Disturbing Activity:** Any activity which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands within the state, including, but not limited to, clearing, dredging, grading, excavating, transporting, and filling of land but not including agricultural practices as described in Section III, Paragraph 5.

**Larger Common Plan of Development or Sale:** A contiguous area where multiple separate and distinct construction activities are occurring under one plan of development or sale. For the purposes of this paragraph, “plan” means an announcement; piece of documentation such as a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, or computer design; or physical demarcation such as boundary signs, lot stakes, or surveyor markings, indicating that construction activities may occur on a specific plot.

**Local Issuing Authority:** The governing authority of any county or municipality which is certified pursuant to subsection (a) O.C.G.A. 12-7-8.

**Metropolitan River Protection Act (MRPA):** A state law referenced as O.C.G.A. 12-5-440 et.seq. which addresses environmental and developmental matters in certain metropolitan river corridors and their drainage basins.

**Natural Ground Surface:** The ground surface in its original state before any grading, excavation or filling.

**Nephelometric Turbidity Units (NTU):** Numerical units of measure based upon photometric analytical techniques for measuring the light scattered by finely divided particles of a substance in suspension. This technique is used to estimate the extent of turbidity in water in which colloidal dispersed or suspended particles are present.

**NOI:** A Notice of Intent form provided by EPD for coverage under the State General Permit.
NOT: A Notice of Termination form provided by EPD to terminate coverage under the State General Permit.

Operator: The party or parties that have: (A) operational control of construction project plans and specifications, including the ability to make modifications to those plans and specifications; or (B) day-to-day operational control of those activities that are necessary to ensure compliance with an erosion, sedimentation and pollution control plan for the site or other permit conditions, such as a person authorized to direct workers at a site to carry out activities required by the erosion, sedimentation and pollution control plan or to comply with other permit conditions.

Outfall: The location where storm water in a discernible, confined and discrete conveyance, leaves a facility or site or, if there is a receiving water on site, becomes a point source discharging into that receiving water.

Permit: The authorization necessary to conduct a land-disturbing activity under the provisions of this ordinance.

Person: Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, state agency, municipality or other political subdivision of the State of Georgia, any interstate body or any other legal entity.

Phase or Phased: Sub-parts or segments of construction projects where the sub-part or segment is constructed and stabilized prior to completing construction activities on the entire construction site.

Project: The entire proposed development project regardless of the size of the area of land to be disturbed.

Properly Designed: Designed in accordance with the design requirements and specifications contained in the “Manual for Erosion and Sediment Control in Georgia” (Manual) published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted and amendments to the Manual as approved by the Commission up until the date of NOI submittal.

Roadway Drainage Structure: A device such as a bridge, culvert, or ditch, composed of a virtually nonerodible material such as concrete, steel, plastic, or other such material that conveys water under a roadway by intercepting the flow on one side of a traveled roadway consisting of one or more defined lanes, with or without shoulder areas, and carrying water to a release point on the other side.

Sediment: Solid material, both organic and inorganic, that is in suspension, is being transported, or has been moved from its site of origin by wind, water, ice, or gravity as a product of erosion.

Sedimentation: The process by which eroded material is transported and deposited by the action of water, wind, ice or gravity.

Soil and Water Conservation District Approved Plan: An erosion, sedimentation and pollution control plan approved in writing by the West Georgia Soil and Water Conservation District.

Stabilization: The process of establishing an enduring soil cover of vegetation by the installation of temporary or permanent structures for the purpose of reducing to a minimum the erosion process and the resultant transport of sediment by wind, water, ice or gravity.

State General Permit: The National Pollution Discharge Elimination System (NPDES) general permit or permits for storm water runoff from construction activities as is now in effect or as may be amended or reissued in the future pursuant to the state’s authority to implement the same through federal delegation under the Federal Water Pollution Control Act, as amended, 33 U.S.C. Section 1251, et seq., and subsection (f) of Code Section 12-5-30.

State Waters: Any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of Georgia which are not entirely confined and retained completely upon the property of a single individual, partnership, or corporation.
Structural Erosion, Sedimentation and Pollution Control Practices: Practices for the stabilization of erodible or sediment-producing areas by utilizing the mechanical properties of matter for the purpose of either changing the surface of the land or storing, regulating or disposing of runoff to prevent excessive sediment loss. Examples of structural erosion and sediment control practices are riprap, sediment basins, dikes, level spreaders, waterways or outlets, diversions, grade stabilization structures and sediment traps, etc. Such practices can be found in the publication Manual for Erosion and Sediment Control in Georgia.

Trout Streams: All streams or portions of streams within the watershed as designated by the Wildlife Resources Division of the Georgia Department of Natural Resources under the provisions of the Georgia Water Quality Control Act, O.C.G.A. 12-5-20, in the rules and regulations for Water Quality Control, Chapter 391-3-6 at www.gaepd.org. Streams designated as primary trout waters are defined as water supporting a self-sustaining population of rainbow, brown or brook trout. Streams designated as secondary trout waters are those in which there is no evidence of natural trout reproduction, but are capable of supporting trout throughout the year. First order trout waters are streams into which no other streams flow except springs.

Vegetative Erosion and Sedimentation Control Measures: Measures for the stabilization of erodible or sediment-producing areas by covering the soil with:

a. Permanent seeding, sprigging or planting, producing long-term vegetative cover, or

b. Temporary seeding, producing short-term vegetative cover; or

c. Sodding, covering areas with a turf of perennial sod-forming grass.

Such measures can be found in the publication Manual for Erosion and Sediment Control in Georgia.

Watercourse: Any natural or artificial watercourse, stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows either continuously or intermittently and which has a definite channel, bed and banks, and including any area adjacent thereto subject to inundation by reason of overflow or floodwater.

Wetlands: Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

C. Exemptions
This ordinance shall apply to any land-disturbing activity undertaken by any person on any land except for the following

1. Surface mining, as the same is defined in O.C.G.A. 12-4-72, "The Georgia Surface Mining Act of 1968".

2. Granite quarrying and land clearing for such quarrying;

3. Such minor land-disturbing activities as home gardens and individual home landscaping, repairs, maintenance work, fences, and other related activities which result in minor soil erosion;

4. The construction of single-family residences, when such construction disturbs less than 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 not. For secondary trout waters, the buffer zone shall be at least 50 horizontal feet, but the Director may grant variances to no less than 25 feet. Regardless of whether a trout stream is primary or secondary, for first order trout waters, which are streams into which no other streams flow except for springs, the buffer shall be at least 25 horizontal feet, and no variance to a smaller buffer shall be granted. The minimum requirements of subsection (b) of O.C.G.A. 12-7-6 and the buffer zones provided by this paragraph shall be enforced by the Local Issuing Authority;

5. Agricultural operations as defined in O.C.G.A. 1-3-3, "definitions", to include raising, harvesting or storing of products of the field or orchard; feeding, breeding or managing livestock or poultry; producing or storing feed for use in the production of livestock, including but not limited to cattle, calves, swine, hogs, goats, sheep, and rabbits or for use in the production of poultry, including but not limited to chickens, hens and turkeys; producing plants, trees, fowl, or animals; the production of aqua culture, horticultural, dairy, livestock, poultry, eggs and apiarian products; farm buildings and farm ponds;

6. Forestry land management practices, including harvesting; provided, however, that when such exempt forestry practices cause or result in land-disturbing or other activities otherwise prohibited in a buffer, as established in paragraphs (15) and (16) of Section IV C. of this ordinance, 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 (3) years after completion of such forestry practices;

7. Any project carried out under the technical supervision of the Natural Resources Conservation Service (NRCS) of the United States Department of Agriculture;

8. Any project involving less than one (1) acre of disturbed area; provided, however, that this exemption shall not apply to any land-disturbing activity within a larger common plan of development or sale with a planned disturbance of equal to or greater than 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 (1) acre, which involves land-disturbing activity, and which is within 200 feet of any such excluded channel or drainage way, must prevent sediment from moving beyond the boundaries of the property on which such project is located and provided, further, that nothing contained herein shall prevent the Local Issuing Authority from regulating any such project which is not specifically exempted by paragraphs 1, 2, 3, 4, 5, 6, 7, 9 or 10 of this Section;

9. Construction or maintenance projects, or both, undertaken or financed in whole or in part, or both, by the Department of Transportation, the Georgia Highway Authority, or the State Road and Tollway Authority; or any road construction or maintenance project, or both, undertaken by any county or municipality; provided, however, that construction or maintenance projects of the Department of Transportation or the State Road and Tollway Authority which disturb one or more contiguous acres of land shall be subject to provisions of O.C.G.A. 12-7-7.1; except where the Department of Transportation, the Georgia Highway Authority, or the State Road and Tollway Authority is a secondary permittee for a project located within a larger common plan of development or sale under the state general permit, in which case a copy of a notice of intent under the state general permit shall be submitted to the 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;

10. 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

11. Any public water system reservoir.

D. Minimum Requirements for Erosion, Sedimentation, and Pollution Control Using Best Management Practices

Excessive soil erosion and resulting sedimentation can take place during land-disturbing activities if requirements of the ordinance and the NPDES General Permit are not met. Therefore, plans for those land-disturbing activities which are not exempted by this ordinance 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 Section IV B. & C. of this ordinance. 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 ordinance and the NPDES General Permit.

2. Minimum Requirements/BMPs

a. Best management practices as set forth in Section IV B. & C. of this ordinance 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 Director or to any other allegation of noncompliance with paragraph of this subsection or any substantially similar terms contained in a permit for the discharge of storm water issued pursuant to subsection (f) of O.C.G.A. 12-5-30, the "Georgia Water Quality Control Act". As used in this subsection the terms "proper design" and “properly designed” mean designed in accordance with the hydraulic design specifications contained in the “Manual for Erosion and Sediment Control in Georgia” specified in O.C.G.A. 12-7-6 subsection (b).

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 subsection (f) of O.C.G.A. 12-5-30, the "Georgia Water Quality Control Act", for each day on which such discharge results in the turbidity of receiving waters being increased by more than twenty-five (25) nephelometric turbidity units for waters supporting warm water fisheries or by more than ten (10) nephelometric turbidity units for waters classified as trout waters. The turbidity of the receiving waters shall be measured in accordance with guidelines to be issued by the Director. This paragraph shall not apply to any land disturbance associated with the construction of single family homes which are not part of a larger common plan of development or sale unless the planned disturbance for such construction is equal to or greater than five (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 subsection (f) of Code Section 12-5-30, the "Georgia Water Quality Control Act", for each day on which such failure occurs.

d. The Director 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 C.15. and 16. in light of O.C.G.A. § 12-7-6 (e).

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 Section IV B. 2. of this ordinance;

o. Except as provided in paragraph (16) of this subsection, there is established a 25 foot buffer along the banks of all state waters, as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, except where the Director determines to allow a variance that is at least as protective of natural resources and the environment, where otherwise allowed by the Director pursuant to O.C.G.A. 12-2-8, where a drainage structure or a roadway drainage structure must be constructed, provided that adequate erosion control measures are incorporated in the project plans and specifications, and are implemented; or along any ephemeral stream. As used in this provision, the term 'ephemeral stream' means a stream: that under normal circumstances has water flowing only during and for a short duration after precipitation events; that has the channel located above the ground-water table year round; for which ground water is not a source of water; and for which runoff from precipitation is the primary source of water flow. Unless exempted as along an ephemeral stream, the buffers of at least 25 feet established pursuant to part 6 of Article 5, Chapter 5 of Title 12, the "Georgia Water Quality Control Act", shall remain in force unless a variance is granted by the Director as provided in this paragraph. The following requirements shall apply to any such buffer:
1. No land-disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; and

2. The buffer shall not apply to the following land-disturbing activities, provided that they occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream; cause a width of disturbance of not more than 50 feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented: (1) Stream crossings for water lines; or (2) Stream crossings for sewer lines; and

There is established a 50 foot buffer as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, along the banks of any state waters classified as "trout streams" pursuant to Article 2 of Chapter 5 of Title 12, the “Georgia Water Quality Control Act", except where a roadway drainage structure must be constructed; provided, however, that small springs and streams classified as trout streams which discharge an average annual flow of 25 gallons per minute or less shall have a 25 foot buffer or they may be piped, at the discretion of the landowner, pursuant to the terms of a rule providing for a general variance promulgated by the Board, so long as any such pipe stops short of the downstream landowner’s property and the landowner complies with the buffer requirement for any adjacent trout streams. The Director may grant a variance from such buffer to allow land-disturbing activity, provided that adequate erosion control measures are incorporated in the project plans and specifications and are implemented. The following requirements shall apply to such buffer:

1. No land-disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; and

2. The buffer shall not apply to the following land-disturbing activities, provided that they occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream; cause a width of disturbance of not more than 50 feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented: (1) Stream crossings for water lines; or (2) Stream crossings for sewer lines.

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 Section IV B. & C. of this ordinance.

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 ordinance or the terms of the permit.

E. 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 ordinance, 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 of Villa Rica without first obtaining a permit from the City of Villa Rica 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 Director of Community Development 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 Section V.C. of this ordinance. 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 Section IV B. & C. of this ordinance will be met. Applications for a permit will not be accepted unless accompanied by four (4) 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 paragraph (5) subsection (a) of O.C.G.A. 12-5-23, provided that such fees shall not exceed $80.00 per acre of land-disturbing activity, and these fees shall be calculated and paid by the primary permittee as defined in the state general permit for each acre of land-disturbing activity included in the planned development or each phase of development. All applicable fees shall be paid prior to issuance of the land disturbance permit. In a jurisdiction that is certified pursuant to subsection (a) of O.C.G.A. 12-7-8 half of such fees levied shall be submitted to the Division; except that any and all fees due from an entity which is required to give notice pursuant to paragraph (9) or (10) of O.C.G.A. 12-7-17 shall be submitted in full to the Division, regardless of the existence of a Local Issuing Authority in the jurisdiction.

   d. 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 Section IV C. 15 & 16. has been obtained, all fees have been paid, and bonding, if required as per Section V B.6., 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.

   e. If a permit applicant has had two or more violations of previous permits, this ordinance section, or the Erosion and Sedimentation Act, as amended, within three years prior to the date of filing the application under consideration, the Local Issuing Authority may deny the permit application.

   f. 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 Section IV B. & C. of this ordinance, 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 ordinance. The plan for the land-disturbing activity shall consider the interrelationship of the soil types, geological and hydrological characteristics, topography, watershed, vegetation, proposed permanent structures including roadways, constructed waterways, sediment control and storm water management facilities, local ordinances and State laws. Maps, drawings and supportive computations shall bear the signature and seal of the certified design professional. Persons involved in land development design, review, permitting, construction, monitoring, or inspections or any land disturbing activity shall meet the education and training certification requirements, dependent on his or her level of involvement with the process, as developed by the Commission and in consultation with the Division and the Stakeholder Advisory 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 forty-five (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 ordinance, any variances required by Section IV C. 15.and 16 are obtained, bonding requirements, if necessary, as per Section V B. 6 are met and all ordinances and rules and regulations in effect within the jurisdictional boundaries of the Local Issuing Authority are met. If the permit is denied, the reason for denial shall be furnished to the applicant.

   c. Any land-disturbing activities by a local issuing authority shall be subject to the same requirements of this ordinance, 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 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 ordinance. 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).

F. Inspection and Enforcement
   1. The Director of Community Development 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 ordinance, 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 ordinance.

The Local Issuing Authority must amend its ordinances to the extent appropriate within twelve (12) months of any amendments to the Erosion and Sedimentation Act of 1975.

The Director of Community Development shall have the power to conduct such investigations as it may reasonably deem necessary to carry out duties as prescribed in this ordinance, 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.

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

The District or the Commission or both shall semi-annually review the actions of counties and municipalities which have been certified as Local Issuing Authorities pursuant to O.C.G.A. 12-7-8 (a). The District or the Commission or both may provide technical assistance to any county or municipality for the purpose of improving the effectiveness of the county’s or municipality’s erosion, sedimentation and pollution control program. The District or the Commission shall notify the Division and request investigation by the Division if any deficient or ineffective local program is found.

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

G. Penalties and Incentives
1. Failure to Obtain a Permit for Land Disturbing Activity
If any person commences any land-disturbing activity requiring a land-disturbing permit as prescribed in this ordinance without first obtaining said permit, the person shall be subject to revocation of his business license, work permit or other authorization for the conduct of a business and associated work activities within the jurisdictional boundaries of the Local Issuing Authority.

2. Stop Work Orders
a. For the first and second violations of the provisions of this ordinance, the Director 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 Director 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 Director 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 Director 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 Director or his or her Designee, have been or are being discharged into state waters and where best management practices have not been properly designed, installed, and maintained, a stop work order shall be issued by the Local Issuing Authority or by the Director or his or her Designee. All such stop work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred. Such stop work orders shall apply to all land-disturbing activity on the site 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 ordinance and, in addition to other penalties, shall be deemed to have forfeited his performance bond, if required to post one under the provisions of Section V B. 6. 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 ordinance, or any permit condition or limitation established pursuant to this ordinance, or who negligently or intentionally fails or refuses to comply with any final or emergency order of the Director issued as provided in this ordinance shall be liable for a civil penalty not to exceed $2,500.00 per day. For the purpose of enforcing the provisions of this ordinance, 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 ordinance under county ordinances approved under this ordinance 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.

H. 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 ordinance.

4. If a state general permittee who has operational control of land-disturbing activities for a site has met the certification requirements of paragraph (1) of subsection (b) of O.C.G.A. 12-7-19, then any person or entity involved in land-disturbing activity at that site and operating in a subcontractor capacity for such permittee shall meet those educational requirements specified in paragraph (4) of subsection (b) of O.C.G.A 12-7-19 and shall not be required to meet any educational requirements that exceed those specified in said paragraph.
I. 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 Villa Rica City Council within thirty (30) 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 administrative remedies, shall have the right to appeal denovo to the Superior Court of the county where the property is located (Carroll or Douglas).

J. Effectivity, Validity, and Liability.
   1. Effectivity.
      This ordinance shall become effective on the 2nd day of October, 2012.

   2. Validity.
      If any section, paragraph, clause, phrase, or provision of this ordinance shall be adjudged invalid or held unconstitutional, such decisions shall not affect the remaining portions of this ordinance.

   3. Liability.
      a. Neither the approval of a plan under the provisions of this ordinance, nor the compliance with provisions of this ordinance 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.

      b. The fact that a land-disturbing activity for which a permit has been issued results in injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided for in this ordinance or the terms of the permit.

      c. No provision of this ordinance 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. (Adopted 11/06/2012)

Table 6-6 Land Disturbance Map Requirements

<table>
<thead>
<tr>
<th>Map Scale</th>
<th>Ground Slope</th>
<th>Contour Interval (In feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 inch = 100 ft. or larger scale</td>
<td>Flat 0-2%</td>
<td>0.5 or 1</td>
</tr>
<tr>
<td></td>
<td>Rolling 2-8%</td>
<td>1 or 2</td>
</tr>
<tr>
<td></td>
<td>Steep 8% +</td>
<td>2, 5 or 10</td>
</tr>
</tbody>
</table>
Article 7 Nonconforming Situations

Section 7.01 Purpose

Within Villa Rica, there exist structures, uses of structures and uses of land that were lawful prior to the adoption of this Code, but which now are prohibited, or restricted under the provisions of this Code. The purpose and intent of this Code is to permit these non-conformities to continue until they are removed, but not to encourage their continuation. Such uses are declared by this Code to be incompatible with permitted uses in the districts involved. Such non-conformities shall not be enlarged upon, expanded or extended, except in conformance with Section 7.04.

Section 7.02 Continuation/Completion of Non-conforming Projects

Whenever the use of a building shall become non-conforming through an amendment to this Code or in the district boundaries, such use may be continued, and if no structural alterations are made, may be changed to another non-conforming use of the same or of a more restricted classification. No accessory use or building shall be added to a non-conforming lot or lot containing a non-conforming building or structure.

Section 7.03 Non-conforming Lots of Record and Use

A parcel of land with an area less than that required for the applicable zoning district may be used for any purpose permitted in the zoning district if:

A. Conformance
The owner is able to demonstrate to the satisfaction of the Community Development Director that the parcel was lawful at the time it was created: and

B. Alternatives
No reasonable alternative exists to make the non-conforming lot conforming, such as the addition of adjoining land under the property owner=s control; and

C. Compliance with Other Regulations
The use meets all other regulations prescribed for the zoning district prior to occupancy or use; and

D. Safety
The proposed use can be developed in a safe manner that adequately provides for water and wastewater facilities in conformance with these regulations.

Section 7.04 Expansion, Improvement, Restoration and Maintenance of Non-conformity

A. Expansion of Non-conformities
A non-conforming use of land existing on the effective date of this Code may be continued, provided, however, that no such non-conforming use of land shall, in any way, be expanded or extended, either on the same or adjoining property, except for construction that is intended to bring the property into compliance with the American Disabilities Act requirements.

B. Improvement, Repair, and Maintenance
1. Routine Repair and Maintenance of Non-conforming Structure
Normal maintenance or minor repair of a non-conforming structure shall be permitted. Minor repairs shall be defined as repairs that are non-structural in nature. The cumulative value of the maintenance or repair work, during any thirty-six (36) month period, shall not exceed fifty (50%) percent of the original fair market value of the property, based on an appraisal by a certified real property appraiser. If the value of repairs exceeds fifty (50%)
percent of the fair market value of the property, the building or structure shall be brought into conformance with the provisions of this Code.

2. Remodeling and Alterations to Non-conforming Use
   a. If remodeling costs exceed the lesser of One Hundred Thousand Dollars ($100,000) or sixty percent (60%) of the fair market value of a property, based on an appraisal performed by a certified real property appraiser, in any continuous thirty-six (36) month period, the property shall be brought into conformance with this Code to the greatest extent practical as determined by the Community Development Director.

   b. Structural alterations or additions to a building that is non-conforming with respect to the height and/or setback requirements established in Section 4.01 of this Code, shall be permitted provided that no such alteration or addition shall increase the existing non-conformity or create a new non-conformity.

3. Restoration of a Destroyed Non-conforming Use
   A non-conforming building which has been damaged by accidental fire, explosion, or act of God to the extent of more than fifty percent (50%) of its reproduction value shall not be restored except in conformity with the regulations of the district in which it is located. When damaged by less than fifty percent (50%) of its reproduction value, a non-conforming building may be repaired or reconstructed and used as before the time of damage, provided that all portions of the structure being restored are not and were not on or over the property line, the non-conformity is not increased, and a Certificate of Occupancy is issued within one year of the date of the damage.

Section 7.05 Certificate of Non-conformity

Evidence of the status of a non-conforming structure, use of land or use in a structure shall be supplied by the owner of the property upon request of the Community Development Director.

A. Proof of Status
   One or more pieces of evidence predating the adoption of this Code shall be provided by the applicant and included with the application. Evidence of non-conformity shall be in the form of:

   1. Building, land use or development permits;
   2. City or State zoning, tax assessor or aerial maps;
   3. Repair and maintenance bills and receipts giving proof of the nonconformity=s existence;
   4. Remodeling, mechanical and electrical equipment contractors= receipts for installation and construction affecting the non-conformity;
   5. Bills of sale and contracts;
   6. Business licenses;
   7. Listing in telephone or business or similar publications; and
   8. Any other evidence that the Community Development Director deems appropriate to the non-conforming structure, land use or use in a structure.

B. Certificate of Non-conformity
   The Community Development Director shall review the applicant=s evidence of pre-existing, non-conforming status and determine if the non-conforming situation is valid. When such a determination is made, the Community Development Director shall issue a Certificate of Non-conformity to the applicant verifying the nature of the non-conformity, date upon which the non-conformity occurred, the duration of the non-conformity and the legal
description of the non-conforming property. An official copy of the Certificate of Non-conformity shall be retained by the City Clerk. If the Community Development Director determines that the evidence is insufficient or unsatisfactory, a Determination of Legal Non-Conforming Status Review shall be required in conformance with Section 7.05C. The applicant shall apply for a change in use permit if there is a change from one use to another, in conformance with Section 7.06.

C. Determination of Legal Non-conforming Review Status

1. Purpose
The purpose of this review is to determine if a use or site has legal non-conforming situation rights. The current legal use will be identified based on the classifications of permitted land use for the particular district as shown in the use matrix.

2. Review Required
The Determination of Legal Non-Conforming Status is required when the Community Development Director determines that the evidence provided to establish the legal status of the non-conforming use or situation is insufficient or unsatisfactory.

3. Procedure
The procedure for this review shall be administrative and shall be processed in the same way as a Conditional Use Permit, Section 2.03.D.

Section 7.06 Change in Use

A. General
Any non-conforming use of land or structure may be changed to another non-conforming use of the same nature or to a less intensive nature if no structural alterations are involved and if it is found that the relation of the structure and proposed use to surrounding property is such that adverse effects on occupants and neighboring property will not be greater than if the original non-conforming use continued. The non-conforming use of a building may be extended throughout those parts that were manifestly arranged or designed for such use at the time of adoption of this Code.

B. Application for Change of Use Required
Application for the change of a non-conforming use shall be submitted to the Community Development Director in conformance with the requirements of Section 2.02.A, in writing, together with a site plan showing the existing uses, detailing the type and amount of the proposed change and the names and addresses of all adjacent property owners within two hundred and fifty (250) feet of the property.

C. Review Factors
Approval for such a change shall be processed through the Planning Commission at a public hearing. The following additional factors shall be reviewed:

1. The character and history of the use and of development in the surrounding area.
2. The relative degree of noise, vibration, dust, odor, fumes, glare or smoke detectable at the property line.
3. The relative numbers and kinds of vehicular trips to the site.
4. The relative amount and nature of outside storage, loading and parking.
5. The relative visual appearance.
6. The relative hours of operation.
7. The relative effect on existing landscaping.

8. The relative effect on stormwater drainage.

9. Other factors which affect conflicts or compatibility with the character or needs of the area.

D. Notice of Change of Use and Protest
Upon receipt of the application, the property shall be posted with notification of the proposed change. If protests are received from thirty-five (35%) percent or more of the property owners within the two hundred and fifty (250) foot limit within fifteen (15) days of the posting, the requested change shall require a Conditional Use Permit. (See Section 2.03.D).

E. Recommendations and Findings
The Commission shall make its recommendations and the Council shall make its findings in writing.

F. Review Criteria
The Commission and Council shall consider the following criteria:

1. The proposed use is no more intensive than the existing use;

2. The proposed use occupies no more area of the structure than the existing use;

3. The proposed use requires no more off-street parking than the existing use; and

4. Existing lawful non-conforming uses of a structure that change owners but continue the same use shall be permitted to do so provided that an agreement is signed by the new owner and kept on file in the City Clerk’s office stating that the new owner agrees to all conditions placed on the previous owner and use(s) of the structure.

Section 7.07 Non-conforming Parking
The maintenance, repair and alterations of a use with non-conforming parking may be permitted provided the activity does not increase the need for off-street parking. Where these activities result in an increase in parking demands, sufficient off-street parking shall be provided to bring the entire development into conformance with the requirements of this Code.

Section 7.08 Non-conforming Signs
Non-conforming signs shall comply with the provisions of Section 9.11.

Section 7.09 Abandonment and Discontinuance of Non-conforming Rights

A. General
Whenever a non-conforming use of a building or portion thereof is discontinued for a continuous period of ninety (90) days, any future use of such buildings or portion thereof shall be in conformity with the regulation of the district in which such building is located. Evidence of abandonment of the non-conforming use is not required. The Planning Commission may grant an extension when an applicant provides evidence of the intent to continue a non-conforming use and has demonstrated that such extension will not threaten the health, safety or welfare of adjacent property owners.

B. Intermittent Uses
The casual, intermittent, temporary or illegal use of a structure, land or structure and land in combination shall not be sufficient to establish the existence of a non-conforming use, and the existence of a non-conforming use on part of a lot or tract shall not be considered to have established a non-conforming use on the entire lot or tract.
C. Removal of a Non-conforming Mobile Home or Manufactured Home
A non-conforming mobile home not located in a mobile home park, having been removed from its foundation or pad shall constitute abandonment of the use and shall comply with the provisions of this Code. Prior to the replacement of a mobile home or manufactured home in a manufactured home park, the owner of the park shall bring the facility into compliance for lighting, recreational facilities and shelters.

D. Discontinuance Due to Intentional Destruction
A building or structure that has been intentionally damaged by fire or other causes within the control of the applicant shall not be permitted to be rebuilt or re-established.

Section 7.10 Exceptions

A. Residences
Non-conforming residences shall be allowed to provide private garages or sanitary facilities without complying with this Section as long as the garage or sanitary facility is in conformance with all other adopted codes. Such additions shall comply with all density and dimensional requirements of the zoning district in which they are located.

B. Historic Structures
All structures listed on a National Register of Historic Places, or as a state or local historical site, shall not be required to conform with these regulations, provided that no construction or reconstruction increases the degree of non-conformity of the structure or threatens the historic status of the structure. Structures and locations that are eligible for listing on the National Register shall be exempt from these regulations provided an application for designation by the U. S. Interior Department on the National Register is filed and accepted.

C. Development of Legal Lots of Record That Do Not Comply with the Bulk/Density Standards
To encourage infill and redevelopment, legal lots of record and vested lots of record that do not meet the bulk and density requirements of this Code, may be developed with the land uses permitted in the district. However, the City Council may require that adjacent lots under single ownership be consolidated to achieve planned density.

Section 7.11 Conversion to a Conditional Use

Any non-conforming building, structure, or use may be converted to a permitted Conditional Use by the granting of a Conditional Use Permit, in conformance with Section 2.03.D of this Code. This may occur only when it is shown that the non-conforming building, structure, or use is providing a particular service to the public and that the use is not detrimental to the City as a whole or to the adjacent properties.
Article 8 Adequate Public Facilities Required

Section 8.01 Adequate Public Facilities

A. Purpose
The purpose of these regulations is to promote development that is served by public facilities at adequate levels of service. Land shall not be approved for development unless and until adequate public facilities exist or provision has been made for the following essential public facilities: water service, wastewater treatment and disposal, stormwater management, electrical service, telecommunications service, gas service and transportation facilities. Public facilities shall be provided in a manner that is consistent with the Comprehensive Plan, this Code and other standards adopted by the City.

1. New development shall provide adequate facilities and services, including required easements, to accommodate demands from proposed development in conformance with the minimum standards established in this article and other design manuals adopted by the City.

2. Unconstructed improvements shall be guaranteed prior to the recording of the Final Plat in conformance with Section 2.03.I.

3. New development shall be phased at a pace that will ensure the provision of adequate community facilities and services for proposed and future development.

4. Each development project shall be designed so that the project is capable of functioning effectively and independently at completion of each phase.

5. Adequate roadway facilities shall be provided concurrently with new development and shall be designed and constructed in conformance with applicable City standards.

6. All required facilities shall be inspected and approved by the City prior to issuance of a Building Permit or Certificate of Occupancy, as applicable.

B. Consistency with Comprehensive Plan Required
Proposed public improvements shall conform to and be properly related to the City of Villa Rica’s Comprehensive Plan and applicable facility and capital improvements plans.

C. Water
All habitable buildings and buildable lots shall be connected to a public or private water system capable of providing water for health and emergency purposes, including adequate fire protection as required in Section 8.02.

D. Wastewater
All habitable buildings and buildable lots shall be served by an approved means of wastewater collection and treatment as required in Section 8.03 and 8.04.

E. Stormwater Management
Drainage improvements shall accommodate potential runoff from the entire upstream drainage area and shall be designed to prevent increases in volume or velocity of downstream flooding. The City shall require the use of control methods such as retention or detention, and/or the construction of off-site drainage improvements to mitigate the impacts of the proposed development pursuant to Section 8.05.

F. Streets
Proposed streets shall provide a safe, convenient and functional system for vehicular, pedestrian and bicycle circulation shall be properly related to the Comprehensive Plan; and shall be appropriate for the particular traffic
characteristics of each proposed development. Adequate street capacity and street design and construction shall be done in conformance with the standards in Section 8.06. New development shall contribute to the construction of the transportation facilities needed to meet the demands attributable to the development. Such roadways shall be provided concurrently with new development. The subdivider shall provide the grading of the entire street right-of-way, alley or public place and pave the streets in conformance with Section 8.06. Dedication of rights-of-way and other access easements necessary for needed transportation facilities for current and future phases shall be required of new development.

G. Utilities
All utilities provided as new installations within a subdivision shall be placed in the right-of-way or in easements and shall be provided underground unless an exception has been granted by the City Council. Utilities or adequate conduits for service lines shall be installed prior to pavement of streets.

H. Extension and Oversized Facilities
All public improvements and required easements shall be extended through the parcel on which new development is proposed. Streets, water lines, wastewater systems, drainage facilities, electric lines and telecommunications lines shall be constructed through new development to promote the logical extension of public infrastructure to serve future growth. The City may require the applicant for a subdivision to extend offsite improvements to reach the subdivision or to oversize required public facilities to serve anticipated future development as a condition of plat or plan approval. The City shall have the option to allow establishment of a public improvement district that will reimburse the developer for excess improvements, to utilize an “excess capacity” sharing arrangement between the applicant and subsequent developers of adjacent property benefiting from the oversized facilities or to directly reimburse the developer.

I. Phasing
The City may require the phasing of development or improvements in order to maintain adopted levels of service for existing public services and facilities or for other reasons based upon maintaining the health, safety and general welfare of the City's inhabitants.

J. Easements and Rights of Way
1. Adequate Easements Required
Except as otherwise provided in this Code, an applicant for a development approval shall ensure that adequate on-site and off-site easements are provided for future roadways, water, wastewater and other public utilities.

2. Utility Easements
The property owner shall grant adequate utility easements for all public and private utilities as required by the Community Development Director. Utility easements shall be shown on the plat and dedicated in conjunction with recordation of the Final Plat.

3. Easements Along Rights of Way
Easements of at least ten (10) feet in width shall be dedicated on each side of the right-of-way as determined by the Community Development Director to be necessary for City utilities and storm sewers. Unless otherwise authorized or required by the Community Development Director, utilities within or adjacent to street right of ways shall be scheduled consistent with Table 8-1.

4. Location of Easements
Except where prohibited by topography, easements shall be located on the centerline of lot lines. All easements for drainage or sewer shall be selectively cleared of undergrowth, trees and other obstructions by the developers prior to final approval. No buildings or structures, except as necessary for utilities, shall be permitted within or on easements.

5. Adequate Right of Way Required
The applicant shall provide adequate on-site rights-of-way for anticipated traffic demands in a manner consistent with this Code, the Comprehensive Plan and project specific traffic impact analysis (TIA), if applicable. If a TIA prepared in accordance with Section 8.06.I, shows that a proposed development creates the need for additional off-site right-of-way, the applicant shall be required to provide right-of-way prior to development approval.

6. Easement for Water Way
Whenever any stream or surface drainage course is located in an area being subdivided, the subdivider shall provide an adequate easement along each side of the stream for the purpose of widening, deepening, sloping, improving, maintaining or protecting the water course, and such easement shall be dedicated to the city or other appropriate public agency.

K. Construction and Materials
Except as otherwise provided in this Code, the construction and material specifications of all public improvements shall comply with adopted improvement standards.

L. Inspections and Acceptance
The City or its authorized agent shall inspect public improvements to ensure that such improvements are constructed to City standards and specifications. City acceptance of required improvements shall be required prior to the issuance of a Building Permit or Certificate of Occupancy as applicable and in conformance with Code Section 2.03.I. The cost of inspection shall be borne by the applicant.

M. Maintenance
The City shall require performance bonds and/or maintenance guarantees for all public improvements as a condition of accepting such improvement in accordance with Section 2.03.I of the Code.

Section 8.02 Water

A. Generally
Where a subdivision is located within the city limits, each lot therein shall be provided with a connection to the City water system. Fire hydrants shall also be installed in all subdivisions within the corporate limits and any area receiving City service. The water supply system shall be constructed under the direction and control of the City and shall conform to State and Federal standards. The applicant shall pay all applicable fees as a condition of extension of water service. Prior to receiving approval of a subdivision that will receive City water service, owners of properties located outside the City limits shall enter into an annexation agreement requiring annexation of said property when it becomes contiguous with City Limits.

Individual service connections within single-family residential subdivisions shall be extended from the main to each lot, and clearly marked. In subdivisions outside the city limits, pending availability of a public water supply, the subdivider shall construct a private water supply system in such a manner that an adequate supply of potable water will be available to every lot in the subdivision at the time improvements are erected thereon. The installation shall conform to standards and requirements and be subject to the approval of appropriate County and State authorities.

B. Design Criteria
Design and construction of water improvements shall comply with the standards, procedures and policies established in the “Utility Design and Construction Manual.”

C. Off-Site Improvements
The developer shall provide for on-site and off-site improvements required to adequately serve a proposed development. In no event shall approval be granted to allow occupancy prior to connection to an adequate public water supply.

D. Extension/Oversizing
Water lines shall be a minimum of eight (8) inches in diameter unless otherwise approved by the Community Development Director. The City Council may require that water lines be oversized and be phased in coordination with the pace of new development to ensure the development will be adequately served by community facilities and services. The subdivider shall be required to provide water systems with adequate capacity to serve the subdivision. Water systems shall be extended to the boundaries of the subdivision when required to facilitate future extensions of such systems. When oversizing of a water main in excess of the design standards of these regulations is required by the City Council to facilitate system expansion, the City may provide for reimbursement as per Section 8.01 I.

E. Water Systems Easements
The applicant shall dedicate easements required to accommodate all water system facilities to serve new development, except individual service lines. The Community Development Director shall approve the location and dimensions of required easements. Easements shall follow property lines to the greatest extent possible. In no case shall easements be less than twelve (12) feet wide.

F. Individual Wells and Central Water Systems

1. Public Water Supply Unavailable. In areas outside of the city limits of Villa Rica, where public water supply is not available and the density of the subdivision is one unit per acre or less, individual wells may be used to provide water to each and every lot within the subdivision. The applicant shall demonstrate the availability of water for domestic use and shall submit samples of the water to the applicable County Health Department for its approval. Individual wells shall be approved by the Health Department and such approvals shall be submitted to the City Council for approval prior to recording the final subdivision plat.

2. Public Water Supply Available in the Future. If the City Council requires that a connection to a public water main be made in the future when the main becomes available, the applicant shall make arrangements for future connection to the water system prior to recording of the Final Plat. The City Council may require a financial guarantee to ensure future connection.

G. Water Conservation

1. Water Meter for Multi-Family Developments. All new multi-family buildings (i.e. apartments, town homes, and condominiums) shall be built with individual water utility owned meters on each unit or sub-unit meters owned and managed by the property owner with a utility owned master meter that bills for water service based on volume of use. The billing for water use can be accomplished by the water provider or by a private, third party, such as the development owner.

2. Irrigation Systems. All new irrigation systems, both residential and non-residential, shall have installed a rain sensor irrigation shut-off switch to prevent operation of the system during or within six (6) hours after an adequate rain event. “Adequate rain event” shall mean at least one-half inch of rainfall.

(ORD-15-07-UDC, 11-6-07)

Section 8.03 Centralized Wastewater Systems

A. Generally
All habitable buildings and buildable lots shall be served by an approved means of wastewater collection and treatment as described herein. In addition, all new development located within two thousand (2,000) feet of an existing publicly-owned sewer main or other collection system shall be connected to the wastewater system if the Community Development Director determines that connection is feasible.

1. Where the subdivision is located within the city limits, each lot therein shall be provided with a connection to a sanitary sewer.
2. In subdivisions beyond the city limits where plans for the installation of sanitary sewers in the vicinity of the subdivision have been prepared by the City, the applicant may be required to install sewers in conformity with such plans.

3. In subdivisions beyond the city limits where no plans have been made for the installation of sanitary sewers, the applicant may install private sewage disposal system for each lot at the time improvements are erected thereon.

4. The applicant shall pay appropriate fees as a condition of connection to the public sanitary sewer system.

5. Centralized wastewater systems shall be used only for sewage disposal; flow from footing drains, gutters or other extraneous sources shall not be directed to the wastewater system.

6. Prior to receiving approval of a subdivision that will receive City wastewater service, owners of properties located outside the City limits shall enter into an annexation agreement requiring annexation of said property when it becomes contiguous with City Limits.

**B. Sewerage Facilities**

1. **Connections**
   Sewer connections shall extend to each lot. All connections between the City sewer system and the subdivision sewer system shall comply with the applicable adopted ordinance of the City pertaining to sewers and all construction of the system shall be subject to the direction and approval of the Community Development Director.

2. **Alternate Treatment Systems**
   In cases where a sanitary sewer is not available or cannot be extended until a connection can be made with the public sewer system, the use of an alternate central treatment facility may be permitted, provided such facilities are approved by the Georgia Environmental Protection Agency and in accordance with City standards pertaining to sanitary sewage disposal. The City may require the system to be designed for ultimate connection into the City’s system.

3. **Permits for Private Sewage Disposal Systems**
   All private sewage disposal systems shall be approved by and constructed in accordance the Georgia Department of Natural Resources under the direction and control of the appropriate City, County, or state authorities.

4. **Facilities Required**
   All lots shall be individually sewered with the grades and sizes as required by the Community Development Director.

**C. Design Criteria**

Design and construction of wastewater system improvements shall comply with the standards, procedures and policies established in the “Utility Design and Construction Manual.”

**D. Off-Site Improvements**

The developer of a parcel shall provide for on-site and off-site improvements required to adequately serve a proposed development, provided, however, that the Community Development Director may authorize development to proceed if the service provider certifies that the necessary capital improvements have been funded for construction within two years of recordation of the final plat. In no event shall approval be granted to allow occupancy prior to connection to an approved wastewater system unless the Council has approved an interim service plan and has received a performance bond.

**E. Extension/Oversizing**

The Council may require that wastewater systems and water lines be over-sized to accommodate future development. The subdivider shall be required to provide wastewater systems with adequate capacity to serve the subdivision. Wastewater systems shall be extended to the boundaries of the subdivision when required to facilitate
future extensions of such systems. When oversizing of a sewer main in excess of the design standards of these regulations is required by the City Council for system expansion, the City may provide for the reimbursement of excess construction costs as per Section 8.01I.

F. Wastewater System Easements
The developer shall dedicate adequate easements to accommodate all wastewater system facilities required to serve new development, except individual service lines. The Community Development Director shall approve the location and dimensions of required easements, but in no instance shall an easement be narrower than twelve (12) feet in width. Easements should follow property lines to the greatest extent possible. Where other utility lines are placed adjacent to the sewer, additional easements shall be required.

Section 8.04 Private (On-Site) Wastewater Systems

A. Generally
Where septic tanks or other individual sewage disposal systems are proposed, their use shall be subject to City approval and their design and installation shall be in compliance with applicable City, County and State regulations. The City Council shall determine that public sanitary sewer will not be reasonably available and that the private wastewater treatment system will not impair the ability to extend services in the future. Furthermore, the applicable County Health Department shall determine that the proposed geological and soil conditions and lot configuration are adequate to support the use of the private wastewater system. Adequate area shall be available to relocate the absorption filtration field in case of soil saturation for any lot or lots authorized for the private wastewater system.

B. Permit Required
Any person who desires to construct, alter or extend a private waste treatment system shall make a written application for approval. No person shall install, add to, alter, expand or repair a private waste treatment system without a valid permit.

C. Failure to Comply with Stop Work Order
Failure to comply with a stop work order or other lawful order of the Community Development Director issued pursuant to this Section is a violation of this Code.

D. One Residence Per Individual On-Site System
Only one (1) residence shall be connected to an individual on-site wastewater treatment system, except that the Community Development Director may authorize connection of an accessory unit upon finding that the system can accommodate both uses.

E. Private Wastewater Treatment, Public Nuisance Not Permitted
The location and installation of private wastewater systems shall be such that with reasonable maintenance, the private wastewater system will function in a sanitary manner and will not create a nuisance, health hazard or endanger the safety of any domestic water supply. Any private wastewater treatment system installed, added to, altered, expanded or repaired in violation of this Section and the rules and regulations of the City, County or State is a threat to the health, safety and welfare of the City and is a public nuisance.

F. Private Waste Treatment, Issuance of Permit
The Community Development Director shall issue the appropriate permit in compliance with this Section and any rule or regulation adopted pursuant to this Section, and payment of the appropriate fee.

G. Private Wastewater Treatment Standards
The City may require connection to or the provision for future connection to its centralized wastewater system for any development on lots of less than three acres. All private wastewater disposal systems shall be installed, altered, expanded, repaired or operated according to City and State regulations and the following standards:

1. Factors Considered
When reviewing an application for an individual wastewater system, consideration shall be given to the size and shape of the lot, number of structures proposed in the development, slope of natural and finished grade, soil type and classification, depth of ground water, proximity of existing or future water supplies and possible expansion of the system. The minimum size of an individual lot shall be one (1) acre.

2. Community Treatment Design for Developments of More Than One Lot
Where rural lots are clustered to provide open space, a community treatment system may be approved at the discretion of the City Council.

3. Designed to Receive All Sewage
Wastewater systems shall be designed to adequately receive all sewage from the dwelling. Neither footing nor roof drainage shall enter any part of the system.

4. Issuance of Rules and Regulations
The City may promulgate reasonable rules and regulations to implement the provisions of this Section.

H. Alternative Method for Sewage Treatment
If a failing system cannot be reinstalled in compliance with this Section, the Community Development Director may approve an alternative method of sewage disposal, including requiring connection to the City’s centralized wastewater system. Connection shall be required if the failed system is located within four hundred (400) feet of an existing sewer line with available capacity.

Section 8.05 Stormwater Management

A. Purpose
The Stormwater Management Ordinances were prepared by the Metropolitan North Georgia Water Planning District pursuant to O.C.G. A. §12-5-585(a), adopted by the District Board, and incorporated into the District-wide Watershed Management Plan.

These ordinances include the following:

Conservation Subdivision/Open Space Development
Floodplain Management/Flood Damage Prevention
Illicit Discharge and Illegal Connection
Litter Control
Post-Development Stormwater Management
Stream Buffer Protection

B. Conservation Subdivision/Open Space Development
The ordinance provides for conservation subdivisions in residential zones. This type of development can provide for the preservation of open space and greenspace for watershed protection and the nonstructural management of stormwater runoff.

1. Purposes
a. To provide for the preservation of greenspace as a nonstructural stormwater runoff and watershed protection measure.
b. To provide a residential zoning district that permits flexibility of design in order to promote environmentally sensitive and efficient uses of the land.

c. To preserve in perpetuity unique or sensitive natural resources such as groundwater, floodplains, wetlands, streams, steep slopes, woodlands and wildlife habitat.

d. To permit clustering of houses and structures on less environmentally sensitive soils which will reduce the amount of infrastructure, including paved surfaces and utility easements, necessary for residential development.

e. To reduce erosion and sedimentation by minimizing land disturbance and removal of vegetation in residential development.

f. To promote interconnected greenways and corridors throughout the community.

g. To promote contiguous greenspace with adjacent jurisdictions.

h. To encourage interaction in the community by clustering houses and orienting them closer to the street, providing public gathering places and encouraging use of parks and community facilities as focal points in the neighborhood.

i. To encourage street designs that reduce traffic speeds and reliance on main arteries.

j. To promote construction of convenient landscaped walking trails and bike paths both within the subdivision and connected to neighboring communities, businesses, and facilities to reduce reliance on automobiles.

k. To conserve scenic views and reduce perceived density by maximizing the number of houses with direct access to and views of open space.

l. To preserve important historic and archaeological sites.

2. General Regulations

a. Applicability of Regulations. This Conservation Subdivision option is available within the City of Villa Rica as a use by right. Applicant shall comply with all other provisions of the zoning code and all other applicable laws, except those that are incompatible with the provisions contained herein.

b. Ownership of Development Site. The tract of land to be subdivided may be held in single and separate ownership or in multiple ownership. If held in multiple ownership, however, the site shall be developed according to a single plan with common authority and common responsibility.

c. Housing Density Determination. The maximum number of lots in the Conservation Subdivision shall be determined by either of the following two methods, at the discretion of the local jurisdiction:

1) Calculation: The maximum number of lots is determined by dividing the area of the tract of land by the minimum lot size specified in the underlying zoning. In making this calculation, the following shall not be included in the total area of the parcel:

(a) slopes over 25 percent of at least 5,000 square feet contiguous area;

(b) the 100-year floodplain;

(c) bodies of open water over 5,000 square feet contiguous area;

(d) wetlands that meet the definition of the Army Corps of Engineers pursuant to the Clean Water Act; or,
(e) anticipated right-of-way needs for roads and utilities.

(2) **Yield Plan:** The maximum number of lots is based on a conventional subdivision design plan, prepared by the applicant, in which the tract of land is subdivided in a manner intended to yield the highest number of lots possible. The plan does not have to meet formal requirements for a site design plan, but the design must be capable of being constructed given site features and all applicable regulations.

3. **Application Requirements**
   a. **Site Analysis Map Required.** Concurrent with the submission of a site concept plan, Applicant shall prepare and submit a site analysis map. The purpose of the site analysis map is to ensure that the important site features have been adequately identified prior to the creation of the site design, and that the proposed Open Space will meet the requirements of this article. The preliminary site plan shall include the following features:

   (1) Property boundaries;
   (2) All streams, rivers, lakes, wetlands and other hydrologic features;
   (3) Topographic contours of no less than 10-foot intervals;
   (4) All Primary and Secondary Conservation Areas labeled by type, as described in Section 4 of this article;
   (5) General vegetation characteristics;
   (6) General soil types;
   (7) The planned location of protected Open Space;
   (8) Existing roads and structures; and,
   (9) Potential connections with existing greenspace and trails.

b. **Open Space Management Plan Required.** An open space management plan, as described in Section 4, shall be prepared and submitted prior to the issuance of a land disturbance permit.

c. **Instrument of Permanent Protection Required.** An instrument of permanent protection, such as a conservation easement or permanent restrictive covenant and as described in Section 4, shall be placed on the Open Space concurrent with the issuance of a land disturbance permit.

d. **Other Requirements.** The Applicant shall adhere to all other applicable requirements of the underlying zoning and development regulations.

4. **Open Space**
   a. **Definition.** Open Space is the portion of the conservation subdivision that has been set aside for permanent protection. Activities within the Open Space are restricted in perpetuity through the use of an approved legal instrument.

b. **Standards to Determine Open Space.**

   (1) The minimum restricted Open Space shall comprise at least 40% of the gross tract area.

   (2) The following are considered Primary Conservation Areas and are required to be included within the Open Space, unless the Applicant demonstrates that this provision would constitute an unusual hardship and be counter to the purposes of this article:
(a) The regulatory 100-year floodplain;

(b) Buffer zones of at least 75 ft width along all perennial and intermittent streams;

(c) Slopes above 25 percent of at least 5,000 square feet contiguous area;

(d) Wetlands that meet the definition used by the Army Corps of Engineers pursuant to the Clean Water Act;

(e) Populations of endangered or threatened species, or habitat for such species; and,

(f) Archaeological sites, cemeteries and burial grounds

(3) The following are considered Secondary Conservation Areas and should be included within the Open Space to the maximum extent feasible.

(a) Important historic sites;

(b) Existing healthy, native forests of at least one acre contiguous area;

(c) Individual existing healthy trees greater than 8 inches caliper, as measured from their outermost drip line;

(d) Other significant natural features and scenic viewsheds such as ridge lines, peaks and rock outcroppings, particularly those that can be seen from public roads;

(e) Prime agricultural lands of at least five acres contiguous area; and,

(4) Above-ground utility rights-of-way and small areas of impervious surface may be included within the protected Open Space but cannot be counted towards the 40 percent minimum area requirement (exception: historic structures and existing trails may be counted). Large areas of impervious surface shall be excluded from the Open Space.

(5) At least 75 percent of the Open Space shall be in a contiguous tract. The Open Space should adjoin any neighboring areas of Open Space, other protected areas, and non-protected natural areas that would be candidates for inclusion as part of a future area of protected Open Space.

(6) The Open Space shall be directly accessible to the largest practicable number of lots within the subdivision. Non-adjointing lots shall be provided with safe, convenient access to the Open Space.

c. Permitted Uses of Open Space. Uses of Open Space may include the following:

(1) Conservation of natural, archeological or historical resources;

(2) Meadows, woodlands, wetlands, wildlife corridors, game preserves, or similar conservation-oriented areas;

(3) Walking or bicycle trails, provided they are constructed of porous paving materials;

(4) Passive recreation areas;

(5) Active recreation areas, provided that they are limited to no more than 10 percent of the total Open Space and are not located within Primary Conservation Areas. Active recreation areas may include impervious surfaces. Active recreation areas in excess of this limit must be located outside of the protected Open Space;
(6) Agriculture, horticulture, silviculture or pasture uses, provided that all applicable best management practices are used to minimize environmental impacts, and such activities are not conducted within Primary Conservation Areas;

(7) Nonstructural stormwater management practices;

(8) Easements for drainage, access, and underground utility lines; or

(9) Other conservation-oriented uses compatible with the purposes of this ordinance.

d. Prohibited uses of Open Space

(1) Golf courses;

(2) Roads, parking lots and impervious surfaces, except as specifically authorized in the previous sections;

(3) Agricultural and forestry activities not conducted according to accepted Best Management Practices; and,

(4) Other activities as determined by the Applicant and recorded on the legal instrument providing for permanent protection.

e. Ownership and Management of Open Space.

(1) Ownership of Open Space. The applicant must identify the owner of the Open Space who is responsible for maintaining the Open Space and facilities located thereon. If a Homeowners Association is the owner, membership in the association shall be mandatory and automatic for all homeowners of the subdivision and their successors. If a Homeowners Association is the owner, the Homeowners’ Association shall have lien authority to ensure the collection of dues from all members. The responsibility for maintaining the Open Space and any facilities located thereon shall be borne by the owner.

(2) Management Plan. Applicant shall submit a Plan for Management of Open Space and Common Facilities (“Plan”) that:

(a) Allocates responsibility and guidelines for the maintenance and operation of the Open Space and any facilities located thereon, including provisions for ongoing maintenance and for long-term capital improvements;

(b) Estimates the costs and staffing requirements needed for maintenance and operation of, and insurance for, the Open Space and outlines the means by which such funding will be obtained or provided;

(c) Provides that any changes to the Plan be approved by the City of Villa Rica; and,

(d) Provides for enforcement of the Plan.

(3) In the event the party responsible for maintenance of the Open Space fails to maintain all or any portion in reasonable order and condition, the City of Villa Rica may assume responsibility for its maintenance and may enter the premises and take corrective action, including the provision of extended maintenance. The costs of such maintenance may be charged to the owner, Homeowner’s Association, or to the individual property owners that make up the Homeowner’s Association, and may include administrative costs and penalties. Such costs shall become a lien on all subdivision properties.

f. Legal Instrument for Permanent Protection.

(1) The Open Space shall be protected in perpetuity by a binding legal instrument that is recorded with the deed. The instrument shall be one of the following:
(a) A permanent conservation easement in favor of either:

(i) a land trust or similar conservation-oriented non-profit organization with legal authority to accept such easements. The organization shall be bona fide and in perpetual existence and the conveyance instruments shall contain an appropriate provision for retransfer in the event the organization becomes unable to carry out its functions; or

(ii) a governmental entity with an interest in pursuing goals compatible with the purposes of this ordinance. If the entity accepting the easement is not the City of Villa Rica, then a third right of enforcement favoring the City of Villa Rica shall be included in the easement;

(b) A permanent restrictive covenant for conservation purposes in favor of a governmental entity; or,

(c) An equivalent legal tool that provides permanent protection, if approved by the City of Villa Rica.

(2) The instrument for permanent protection shall include clear restrictions on the use of the Open Space. These restrictions shall include all restrictions contained in this article, as well as any further restrictions the Applicant chooses to place on the use of the Open Space.

C. Floodplain Management/Flood Damage Prevention


a. Purpose and Intent

The purpose of this ordinance is to protect, maintain and enhance the public health, safety, environment and general welfare and to minimize public and private losses due to flood conditions in flood hazard areas, as well as to protect the beneficial uses of floodplain areas for water quality protection, streambank and stream corridor protection, wetlands preservation and ecological and environmental protection by provisions designed to:

(1) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

(2) Restrict or prohibit uses which are dangerous to health, safety and property due to flooding or erosion hazards, or which increase flood heights, velocities, or erosion;

(3) Control filling, grading, dredging and other development which may increase flood damage or erosion;

(4) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands;

(5) Limit the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters; and,

(6) Protect the stormwater management, water quality, streambank protection, stream corridor protection, wetland preservation and ecological functions of natural floodplain areas.

b. Applicability

This ordinance shall be applicable to all Areas of Special Flood Hazard within the City of Villa Rica.

c. Designation of Ordinance Administrator

The Villa Rica Department of Public Works is hereby appointed to administer and implement the provisions of this ordinance.
d. Basis for Area of Special Flood Hazard – Flood Area Maps and Studies

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

(1) The Flood Insurance Study (FIS) dated November 8, 1999, with accompanying maps and other supporting data and any revision thereto including but not limited to the October 1978 maps on file are hereby adopted by reference.

(2) Other studies which may be relied upon for the establishment of the base flood elevation or delineation of the 100-year floodplain and flood-prone areas include:

(a) Any flood or flood-related study conducted by the United States Army Corps of Engineers, the United States Geological Survey or any other local, State or Federal agency applicable to the City of Villa Rica; or

(b) Any base flood study authored by a registered professional engineer in the State of Georgia which has been prepared by FEMA approved methodology and approved by the City of Villa Rica.

(3) Other studies which may be relied upon for the establishment of the future-conditions flood elevation or delineation of the future-conditions floodplain and flood-prone areas include:

(a) Any flood or flood-related study conducted by the United States Army Corps of Engineers, the United States Geological Survey, or any other local, State or Federal agency applicable to the City of Villa Rica; or

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

(4) The repository for public inspection of the FIS, accompanying maps and other supporting data is located with the City of Villa Rica.

e. Compatibility with Other Regulations

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

f. Severability

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

g. Warning and Disclaimer of Liability

The degree of flood protection required by this ordinance 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 ordinance 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 ordinance shall not create liability on the part of the City of Villa Rica or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made there under.

2. Definitions
Addition (to an existing building). Any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by an independent perimeter load-bearing wall shall be considered New Construction.

**Appeal.** A request for a review of the City of Villa Rica’s interpretation of any provision of this ordinance.

**Area of Shallow Flooding.** A designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet, and/or where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

**Area of Special Flood Hazard.** The land subject to a one percent or greater chance of flooding in any given year. This includes all floodplain and flood prone areas at or below the base flood elevation (including A, A1-30, A-99, AE, AO, AH, and AR on the FHBM or the FIRM), all floodplain and flood prone areas at or below the future-conditions flood elevation, and all other flood prone areas as referenced in Section 1.4. All streams with a drainage area of 100 acres or greater shall have the area of special flood hazard delineated.

**Base Flood.** The flood having a one percent chance of being equaled or exceeded in any given year, also known as the 100-year flood.

**Base Flood Elevation.** The highest water surface elevation anticipated at any given point during the base flood.

**Basement.** Portion of a building having its floor subgrade (below ground level) on all sides.

**Building.** Any structure built for support, shelter, or enclosure for any occupancy or storage.

**Development.** Any man-made change to improved or unimproved real estate including but not limited to buildings or other structures, mining, dredging, filling, clearing, grubbing, grading, paving, any other installation of impervious cover, excavation or drilling operations or storage of equipment or materials.

**Elevated Building.** A non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

**Existing Construction.** Any structure for which the "start of construction" commenced before the City of Villa Rica floodplain ordinance.

**Existing Manufactured Home Park or Subdivision.** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and final site grading or the pouring of concrete pads) is completed before the City of Villa Rica floodplain ordinance.

Expansion to an Existing Manufactured Home Park or Subdivision. The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.

**FEMA.** The Federal Emergency Management Agency.

**Flood or Flooding.** A general and temporary condition of partial or complete inundation of normally dry land areas from:

(a) The overflow of inland or tidal waters; or
(b) The unusual and rapid accumulation or runoff of surface waters from any source.

**Flood Hazard Boundary Map or FHBM.** An official map of a community, issued by the Federal Insurance Administration, where the boundaries of areas of special flood hazard have been defined as Zone A.

**Flood Insurance Rate Map or FIRM.** An official map of a community, issued by the Federal Insurance Administration, delineating the areas of special flood hazard and/or risk premium zones applicable to the community.

**Flood Insurance Study or FIS.** The official report by the Federal Insurance Administration evaluating flood hazards and containing flood profiles and water surface elevations of the base flood.

**Floodplain.** Any land area susceptible to flooding.

**Floodproofing.** Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

**Floodway or Regulatory Floodway.** The channel of a stream or other watercourse and the adjacent areas of the floodplain which is necessary to contain and discharge the base flood flow without cumulatively increasing the base flood elevation more than one foot.

**Functionally Dependent Use.** A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water.

**Future Conditions Flood.** The flood having a one percent chance of being equaled or exceeded in any given year based on future-conditions hydrology. Also known as the 100-year future-conditions flood.

**Future-conditions Flood Elevation.** The flood standard equal to or higher than the Base Flood Elevation. The Future-conditions Flood Elevation is defined as the highest water surface anticipated at any given point during the future-conditions flood.

**Future-conditions Floodplain.** Any land area susceptible to flooding by the future-conditions flood.

**Future-conditions Hydrology.** The flood discharges associated with projected land-use conditions based on a community’s zoning map, comprehensive land-use plans, and/or watershed study projections, and without consideration of projected future construction of flood detention structures or projected future hydraulic modifications within a stream or other waterway, such as bridge and culvert construction, fill, and excavation.

**Highest Adjacent Grade.** The highest natural elevation of the ground surface, prior to construction, adjacent to the proposed foundation of a building.

**Historic Structure.** Any structure that is;

a. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
c. Individually listed on a state inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or

d. Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:

1) By an approved state program as determined by the Secretary of the Interior, or

2) Directly by the Secretary of the Interior in states without approved programs.

**Lowest Floor.** The lowest floor of the lowest enclosed area, including basement. An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage, in an area other than a basement, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of other provisions of this ordinance.

**Manufactured Home.** A building, transportable in one or more sections built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term includes any structure commonly referred to as a “mobile home” regardless of the date of manufacture. The term also includes parked trailers, travel trailers and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

**Mean Sea Level.** The average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this ordinance the term is synonymous with National Geodetic Vertical Datum (NGVD) and/or the North American Vertical Datum (NAVD) of 1988.

**National Geodetic Vertical Datum (NGVD).** As corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

**New Construction.** Any structure (see definition) for which the “start of construction” commenced after the City of Villa Rica floodplain ordinance and includes any subsequent improvements to the structure.

**New Manufactured Home Park or Subdivision.** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the City of Villa Rica floodplain ordinance.

**North American Vertical Datum (NAVD) of 1988.** A vertical control used as a reference for establishing varying elevations within the floodplain.

**Owner.** The legal or beneficial owner of a site, including but not limited to, a mortgagee or vendee in possession, receiver, executor, trustee, lessee or other person, firm or corporation in control of the site.

**Permit.** The permit issued by the City of Villa Rica to the applicant which is required prior to undertaking any development activity.

**Recreational Vehicle.** A vehicle which is:

1. built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. designed to be self-propelled or permanently towable by light duty truck; and,
(d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**Site.** The parcel of land being developed, or the portion thereof on which the development project is located.

**Start of Construction.** The date the permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of the structure such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation, and includes the placement of a manufactured home on a foundation. Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of buildings appurtenant to the permitted structure, such as garages or sheds not occupied as dwelling units or part of the main structure. (NOTE: accessory structures are not exempt from any ordinance requirements). For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**Structure.** A walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank.

**Subdivision.** The division of a tract or parcel of land resulting in one or more new lots or building sites for the purpose, whether immediately or in the future, of sale, other transfer of ownership or land development, and includes divisions of land resulting from or made in connection with the layout or development of a new street or roadway or a change in an existing street or roadway.

**Substantial Damage.** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**Substantial Improvement.** Any combination of repairs, reconstruction, alteration, or improvements to a building, taking place during a 10-year period, in which the cumulative cost equals or exceeds 50 percent of the market value of the structure prior to the improvement. The market value of the building means (1) the appraised value of the structure prior to the start of the initial repair or improvement, or in the case of damage, the value of the structure prior to the damage occurring. This term includes structures which have incurred "substantial damage" regardless of the actual amount of repair work performed. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include those improvements of a building required to comply with existing health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, which have been pre-identified by the City of Villa Rica, and not solely triggered by an improvement or repair project.

**Substantially Improved Existing Manufactured Home Park or Subdivision.** The repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

**Variance.** A grant of relief from the requirements of this ordinance which permits construction in a manner otherwise prohibited by this ordinance.

**Violation.** The failure of a structure or other development to be fully compliant with the community’s floodplain management regulations. A structure or other development without the elevation certificate, other certificates, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.
3. Permit Procedures and Requirements
   a. Permit Application Requirements

No owner or developer shall perform any development activities on a site where an Area of Special Flood Hazard is located without first meeting the requirements of this ordinance prior to commencing the proposed activity.

Unless specifically excluded by this ordinance, any landowner or developer desiring a permit for a development activity shall submit to the City of Villa Rica a permit application on a form provided by the City of Villa Rica for that purpose.

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

b. Floodplain Management Plan Requirements

An application for a development project with any Area of Special Flood Hazard located on the site will be required to include a floodplain management/flood damage prevention plan. This plan shall include the following items:

(1) Site plan drawn to scale, which includes but is not limited to:

   a. Existing and proposed elevations of the area in question and the nature, location and dimensions of existing and/or proposed structures, earthen fill placement, amount and location of excavation material, and storage of materials or equipment;

   b. For all proposed structures, spot ground elevations at building corners and 20-foot or smaller intervals along the foundation footprint, or one foot contour elevations throughout the building site;

   c. Proposed locations of water supply, sanitary sewer, and utilities;

   d. Proposed locations of drainage and stormwater management facilities;

   e. Proposed grading plan;

   f. Base flood elevations and future-conditions flood elevations;

   g. Boundaries of the base flood floodplain and future-conditions floodplain;

   h. If applicable, the location of the floodway; and

   i. Certification of the above by a registered professional engineer or surveyor.

(2) Building and foundation design detail, including but not limited to:

   a. Elevation in relation to mean sea level (or highest adjacent grade) of the lowest floor, including basement, of all proposed structures;

   Elevation in relation to mean sea level to which any non-residential structure will be floodproofed;

   b. Certification that any proposed non-residential floodproofed structure meets the criteria in Section 5.2;

   c. For enclosures below the base flood elevation, location and total net area of foundation openings as required in Section 5.1(5).
d. Design plans certified by a registered professional engineer or architect for all proposed structure(s).

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

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

(5) Copies of all applicable State and Federal permits necessary for proposed development; and

(6) All appropriate certifications required under this ordinance.

The approved floodplain management/flood damage prevention plan shall contain certification by the applicant that all development activities will be done according to the plan or previously approved revisions. Any and all development permits and/or use and occupancy certificates or permits may be revoked at any time if the construction and development activities are not in strict accordance with approved plans.

c. Construction Stage Submittal Requirements

For all new construction and substantial improvements on sites with a floodplain management/flood damage prevention plan, the permit holder shall provide to the City of Villa Rica a certified as-built Elevation Certificate or Flood proofing Certificate for non-residential construction including the lowest floor elevation or flood-proofing level immediately after the lowest floor or flood-proofing is completed. A final Elevation Certificate shall be provided after completion of construction including final grading of the site. Any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When flood-proofing is utilized for non-residential structures, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same.

Any work undertaken prior to approval of these certifications shall be at the permit holder's risk. The City of Villa Rica shall review the above referenced certification data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being allowed to proceed. Failure to submit certification or failure to make the corrections required hereby shall be cause to issue a stop work order for the project.

d. Duties and Responsibilities of the Administrator

Duties of the City of Villa Rica shall include, but shall not be limited to:

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

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

(3) When Base Flood Elevation data or floodway data have not been provided, then the City of Villa Rica shall require the applicant to obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, state or other sources in order to meet the provisions of Sections 4 and 5;
(4) Review and record the actual elevation in relation to mean sea level (or highest adjacent grade) of the lowest floor, including basement, of all new or substantially improved structures;

(5) Review and record the actual elevation, in relation to mean sea level to which any substantially improved structures have been flood-proofed;

(6) When flood-proofing is utilized for a non-residential structure, the City of Villa Rica shall obtain certification of design criteria from a registered professional engineer or architect;

(7) Notify affected adjacent communities and the Georgia Department of Natural Resources prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency (FEMA);

(8) Where interpretation is needed as to the exact location of boundaries of the Areas of Special Flood Hazard (e.g., where there appears to be a conflict between a mapped boundary and actual field conditions) the City of Villa Rica 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 ordinance. Where floodplain elevations have been defined, the floodplain shall be determined based on flood elevations rather than the area graphically delineated on the floodplain maps; and,

(9) All records pertaining to the provisions of this ordinance shall be maintained in the office(s) of the City of Villa Rica and shall be open for public inspection.

4. Standards for Development

a. Definition of Floodplain Boundaries

(1) Studied “A” zones, as identified in the FIS, shall be used to establish base flood elevations whenever available.

(2) For all streams with a drainage area of 100 acres or greater, the future-conditions flood elevations shall be provided by the City of Villa Rica. If future-conditions elevation data is not available from the City of Villa Rica, then it shall be determined by a registered professional engineer using a method approved by FEMA and the City of Villa Rica.

b. Definition of Floodway Boundaries

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

c. General Standards

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

(a) Raising the base flood elevation or future-conditions flood elevation equal to or more than 0.01 foot;

(b) Reducing the base flood or future-conditions flood storage capacity;

(c) Changing the flow characteristics as to the depth and velocity of the waters of the base flood or future-conditions flood as they pass both the upstream and the downstream boundaries of the development area; or,

(d) Creating hazardous or erosion-producing velocities, or resulting in excessive sedimentation.
(2) Any development within the future-conditions floodplain allowed under (1) above shall also meet the following conditions:

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

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

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

(d) Verification of no-rise conditions (0.01 foot or less), flood storage volumes, and flow characteristics shall be provided via a step-backwater analysis meeting the requirements of Section 4.4;

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

(f) Any significant physical changes to the base flood floodplain shall be submitted as a Conditional Letter of Map Revision (CLOMR) or Conditional Letter of Map Amendment (CLOMA), whichever is applicable. The CLOMR submittal shall be subject to approval by the City of Villa Rica using the Community Consent forms before forwarding the submittal package to FEMA for final approval. The responsibility for forwarding the CLOMR to FEMA and for obtaining the CLOMR approval shall be the responsibility of the applicant. Within six months of the completion of construction, the applicant shall submit as-built surveys for a final Letter of Map Revision (LOMR).

d. Engineering Study Requirements for Floodplain Encroachments

An engineering study is required, as appropriate to the proposed development activities on the site, whenever a development proposes to disturb any land within the future-conditions floodplain, except for a residential single-lot development on streams without established base flood elevations and/or floodways for which the provisions of Section 5.4 apply. This study shall be prepared by a currently registered Professional Engineer in the State of Georgia and made a part of the application for a permit. This information shall be submitted to and approved by the City of Villa Rica prior to the approval of any permit which would authorize the disturbance of land located within the future-conditions floodplain. Such study shall include:

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

(2) Step-backwater analysis, using a FEMA-approved methodology approved by the City of Villa Rica. Cross-sections (which may be supplemented by the applicant) and flow information will be obtained whenever available. Computations will be shown duplicating FIS results and will then be rerun with the proposed modifications to determine the new base flood profiles, and future-conditions flood profiles;

(3) Floodplain storage calculations based on cross-sections (at least one every 100 feet) showing existing and proposed floodplain conditions to show that base flood floodplain and future-conditions floodplain storage capacity would not be diminished by the development;
(4) The study shall include a preliminary plat, grading plan, or site plan, as appropriate, which shall clearly define all future-conditions floodplain encroachments.

**e. Floodway Encroachments**

Located within Areas of Special Flood Hazard are areas designated as floodway. A floodway may be an extremely hazardous area due to velocity flood waters, debris or erosion potential. In addition, floodways must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights. Therefore the following provisions shall apply:

(1) Encroachments are prohibited, including earthen fill, new construction, substantial improvements or other development within the regulatory floodway, except for activities specifically allowed in below.

(2) Encroachments for bridges, culverts, roadways and utilities within the regulatory floodway may be permitted provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the encroachment shall not result in any increase to the pre-project base flood elevations, floodway elevations, or floodway widths during the base flood discharge. A registered professional engineer must provide supporting technical data and certification thereof; and,

(3) If the applicant proposes to revise the floodway boundaries, no permit authorizing the encroachment into or an alteration of the floodway shall be issued by the City of Villa Rica until an affirmative Conditional Letter of Map Revision (CLOMR) is issued by FEMA and no-rise certification is approved by the City of Villa Rica.

**f. Maintenance Requirements**

The property owner shall be responsible for continuing maintenance as may be needed within an altered or relocated portion of a floodplain on his property so that the flood-carrying or flood storage capacity is not diminished. The City of Villa Rica may direct the property owner (at no cost to the City of Villa Rica) to restore the flood-carrying or flood storage capacity of the floodplain if the owner has not performed maintenance as required by the approved floodplain management plan on file with the City of Villa Rica.

**5. Provisions for Flood Damage Reduction**

**a. General Standards**

In all Areas of Special Flood Hazard the following provisions apply:

(1) New construction of principal buildings (residential or non-residential), including manufactured homes, shall not be allowed within the limits of the future-conditions floodplain, unless all requirements of Sections 4.3, 4.4 and 4.5 have been met;

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

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

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

(5) **Elevated Buildings** - All new construction and substantial improvements of existing structures that include any fully enclosed area located below the lowest floor formed by foundation and other exterior walls shall be designed so as to be an unfinished and flood resistant enclosure. The enclosure shall be designed to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater.
(a) Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:

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;

The bottom of all openings shall be no higher than one foot above grade; and,

Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwater in both directions.

(b) So as not to violate the "Lowest Floor" criteria of this ordinance, the unfinished and flood resistant enclosure shall solely be used for parking of vehicles, limited storage of maintenance equipment used in connection with the premises, or entry to the elevated area; and,

(c) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.

(6) All heating and air conditioning equipment and components (including ductwork), all electrical, ventilation, plumbing, and other service facilities shall be designed and/or located four (4) feet above the base flood elevation or one (1) foot above the future-conditions flood elevation, whichever is higher, so as to prevent water from entering or accumulating within the components during conditions of flooding;

(7) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable State requirements for resisting wind forces;

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

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

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

Any alteration, repair, reconstruction or improvement to a structure which is not compliant with the provisions of this ordinance, shall be undertaken only if the non-comformity is not furthered, extended or replaced.

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

b. Building Standards for Structures and Buildings Within the Future-Conditions Floodplain

The following provisions, in addition to those in Section 5.1, shall apply:

(1) Residential Buildings

(a) New construction. New construction of principal buildings, including manufactured homes shall not be allowed within the limits of the future-conditions floodplain unless all requirements of Sections 4.3, 4.4 and 4.5 have been met. If all of the requirements of Sections 4.3, 4.4 and 4.5 have been met, all new construction shall have the lowest floor, including basement, elevated no lower than four (4) feet above the base flood elevation or one (1) foot above the future-conditions flood elevation, whichever is higher. Should solid foundation perimeter walls be used to
elevate the structure, openings sufficient to equalize the hydrologic flood forces on exterior walls and to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of Section 5.1(5).

(b) Substantial Improvements. Substantial improvement of any principal structure or manufactured home shall have the lowest floor, including basement, elevated no lower than four (4) feet above the base flood elevation or one (1) foot above the future-conditions flood elevation, whichever is higher. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to equalize the hydrologic flood forces on exterior walls and to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of Section 5.1(5).

(2) Non-Residential Buildings

(a) New construction. New construction of principal buildings, including manufactured homes shall not be allowed within the limits of the future-conditions floodplain unless all requirements of Sections 4.3, 4.4 and 4.5 have been met. New construction that has met all of the requirements of Sections 4.3, 4.4 and 4.5 may be flood-proofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be watertight to one (1) foot above the base flood elevation, or at least as high as the future-conditions flood elevation, whichever is higher, with walls substantially impermeable to the passage of water and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered Professional Engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the City of Villa Rica.

(b) Substantial Improvements. Substantial improvement of any principal non-residential structure located in A1-30, AE, or AH zones, may be authorized by the City of Villa Rica to be flood-proofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be water tight to one (1) foot above the base flood elevation, or at least as high as the future-conditions flood elevation, whichever is higher, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered Professional Engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the City of Villa Rica.

(3) Accessory Structures and Facilities

Accessory structures and facilities (i.e., barns, sheds, gazebos, detached garages, parking lots, recreational facilities and other similar non-habitable structures and facilities) which are permitted to be located within the limits of the floodplain shall be constructed of flood-resistant materials and designed to pass all floodwater in accordance with Section 5.1(5) and be anchored to prevent flotation, collapse or lateral movement of the structure.

(4) Standards for Recreational Vehicles

All recreational vehicles placed on sites must either:

(a) Be on the site for fewer than 180 consecutive days and be fully licensed and ready for highway use, (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions); or

(b) The recreational vehicle must meet all the requirements for Residential Buildings—Substantial Improvements (Section 5.2(1) (b)), including the anchoring and elevation requirements.

(5) Standards for Manufactured Homes
(a) New manufactured homes shall not be allowed to be placed within the limits of the future-conditions floodplain unless all requirements of Sections 4.3, 4.4 and 4.5 have been met.

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

(1) The lowest floor of the manufactured home is elevated no lower than four (4) feet above the level of the base flood elevation, or one (1) foot above the future-conditions flood elevation, whichever is higher; or

(2) The manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least an equivalent strength) of no less than 36 inches in height above grade.

(c) All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement in accordance with standards of Section 5.1(7).

b. Building Standards for Structures and Buildings Authorized Adjacent to the Future-Conditions Floodplain

(1) Residential Buildings – For new construction or substantial improvement of any principal residential building or manufactured home, the elevation of the lowest floor, including basement and access to the building, shall be at least four (4) feet above the base flood elevation or one (1) foot above the future-conditions flood elevation, whichever is higher.

(2) Non-Residential Buildings – For new construction or substantial improvement of any principal non-residential building, the elevation of the lowest floor, including basement and access to the building, shall be at least one (1) foot above the level of the base flood elevation or at least as high as the future-conditions flood elevation, whichever is higher.

c. Building Standards for Residential Single-Lot Developments on Streams without Established Base Flood Elevations and/or Floodway (A-Zones)

For a residential single-lot development not part of a subdivision that has Areas of Special Flood Hazard, where streams exist but no base flood data have been provided (A-Zones), the City of Villa Rica shall review and reasonably utilize any available scientific or historic flood elevation data, base flood elevation and floodway data, or future-conditions flood elevation data available from a Federal, State, local or other source, in order to administer the provisions and standards of this ordinance.

If data are not available from any of these sources, the following provisions shall apply:

(1) No encroachments, including structures or fill material, shall be located within an area equal to twice the width of the stream or fifty (50) feet from the top of the bank of the stream, whichever is greater.

(2) In special flood hazard areas without base flood or future-conditions flood elevation data, new construction and substantial improvements of existing structures shall have the lowest floor of the lowest enclosed area (including basement) elevated no less than four (4) feet above the highest adjacent grade at the building site. Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with Section 5.1(5).

d. Building Standards for Areas of Shallow Flooding (AO-Zones)

Areas of Special Flood Hazard may include designated "AO" shallow flooding areas. These areas have base flood depths of one (1) to four (4) feet above ground, with no clearly defined channel. In these areas the following provisions apply:
(1) All substantial improvements of residential and non-residential structures shall have the lowest floor, including basement, elevated to no lower than one (1) foot above the flood depth number in feet specified on the Flood Insurance Rate Map (FIRM), above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, shall be elevated at least four (4) feet above the highest adjacent grade. Openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of Section 5.1(5).

(2) Substantial improvement of a non-residential structure may be flood-proofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be water tight to the specified FIRM flood level plus one (1) foot above the highest adjacent grade, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice; and,

(3) Drainage paths shall be provided to guide floodwater around and away from any proposed structure.

e. Standards for Subdivisions

(1) All subdivision proposals shall identify the special flood hazard area and provide base flood elevation data and future-conditions flood elevation data;

(2) All residential lots in a subdivision proposal shall have sufficient buildable area outside of the future-conditions floodplain such that encroachments into the future-conditions floodplain for residential structures will not be required;

(3) All subdivision plans will provide the elevations of proposed structures in accordance with Section 3.2.

(4) All subdivision proposals shall be consistent with the need to minimize flood damage;

(5) All subdivision proposals shall have public utilities and facilities such as water, sanitary sewer, gas, and electrical systems located and constructed to minimize or eliminate infiltration of flood waters, and discharges from the systems into flood waters; and,

(6) All subdivision proposals shall include adequate drainage and stormwater management facilities per the requirements of the City of Villa Rica to reduce potential exposure to flood hazards.

6. Variance Procedures
The following variance and appeals procedures shall apply to an applicant who has been denied a permit for a development activity or to an owner or developer who has not applied for a permit because it is clear that the proposed development activity would be inconsistent with the provisions of this ordinance. A request for a variance may be submitted by an applicant who has been denied a permit by the City of Villa Rica or by an owner or developer who has not previously applied for a permit for the reasons stated herein above.

a. Requests for variances from the requirements of this ordinance shall be submitted to the City of Villa Rica. All such requests shall be heard and decided in accordance with procedures to be published in writing by the City of Villa Rica. At a minimum, such procedures shall include notice to all affected parties and the opportunity to be heard.

b. Any person adversely affected by any decision of the City of Villa Rica shall have the right to appeal such decision to the Villa Rica City Manager. At a minimum, such procedures shall include notice to all affected parties and the opportunity to be heard.
c. Any person adversely affected by any decision of the Villa Rica City Manager shall have the right to appeal such decision to the Villa Rica City Council. At a minimum, such procedures shall include notice to all affected parties and the opportunity to be heard.

d. Any person aggrieved by the decision of the Villa Rica City Council may appeal such decision to a court of competent jurisdiction, as provided in Section 5-4-1 of the Official Code of Georgia Annotated.

e. Variances may be issued for the repair or rehabilitation of Historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a Historic structure, and the variance issued shall be the minimum necessary to preserve the historic character and design of the structure.

f. Variances may be issued for development necessary for the conduct of a functionally dependent use, provided the criteria of this Section are met, no reasonable alternative exists, and the development is protected by methods that minimize flood damage during the base flood and create no additional threats to public safety.

g. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

h. In reviewing such requests, the City of Villa Rica shall consider all technical evaluations, relevant factors, and all standards specified in this and other sections of this ordinance.

i. **Conditions for Variances:**

   (1) A variance shall be issued only when there is:

      (a) a finding of good and sufficient cause;

      (b) a determination that failure to grant the variance would result in exceptional hardship; and,

      (c) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, or the creation of a nuisance.

   (2) The provisions of this ordinance are minimum standards for flood loss reduction; therefore, any deviation from the standards must be weighed carefully. Variances shall only be issued upon determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and, in the instance of a 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 person to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation of the proposed lowest floor and stating that the cost of flood insurance will be commensurate with the increased risk to life and property resulting from the reduced lowest floor elevation.

   (4) The City of Villa Rica shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

j. Any person requesting a variance shall, from the time of the request until the time the request is acted upon, submit such information and documentation as the City of Villa Rica shall deem necessary to the consideration of the request.

k. Upon consideration of the factors listed above and the purposes of this ordinance, the City of Villa Rica may attach such conditions to the granting of variances as they deem necessary or appropriate, consistent with the purposes of this ordinance.
1. Variances shall not be issued “after the fact.”

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

a. Notice of Violation
If the City of Villa Rica determines that an applicant or other responsible person has failed to comply with the terms and conditions of a permit, an approved stormwater management plan or the provisions of this ordinance, it shall issue a written notice of violation to such applicant or other responsible person. Where a person is engaged in activity covered by this ordinance without having first secured a permit therefore, the notice of violation shall be served on the owner or the responsible person in charge of the activity being conducted on the site.

The notice of violation shall contain:

(1) The name and address of the owner or the applicant or the responsible person;

(2) The address or other description of the site upon which the violation is occurring;

(3) A statement specifying the nature of the violation;

(4) A description of the remedial measures necessary to bring the action or inaction into compliance with the permit, the stormwater management plan or this ordinance and the date for the completion of such remedial action;

(5) A statement of the penalty or penalties that may be assessed against the person to whom the notice of violation is directed; and,

(6) A statement that the determination of violation may be appealed to the City of Villa Rica by filing a written notice of appeal within thirty (30) days after the notice of violation (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours’ notice shall be sufficient).

b. Penalties
In the event the remedial measures described in the notice of violation have not been completed by the date set forth for such completion in the notice of violation, any one or more of the following actions or penalties may be taken or assessed against the person to whom the notice of violation was directed. Before taking any of the following actions or imposing any of the following penalties, the City of Villa Rica shall first notify the applicant or other responsible person in writing of its intended action, and shall provide a reasonable opportunity, of not less than ten (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) to cure such violation. In the event the applicant or other responsible person fails to cure such violation after such notice and cure period, the City of Villa Rica may take any one or more of the following actions or impose any one or more of the following penalties.

(1) Stop Work Order - The City of Villa Rica may issue a stop work order which shall be served on the applicant or other responsible person. The stop work order shall remain in effect until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violation or violations described therein, provided the stop work order may be withdrawn or modified to enable the applicant or other responsible person to take the necessary remedial measures to cure such violation or violations.
(2) Withhold Certificate of Occupancy - The City of Villa Rica may refuse to issue a certificate of occupancy for the building or other improvements constructed or being constructed on the site until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein.

(3) Suspension, Revocation or Modification of Permit - The City of Villa Rica may suspend, revoke or modify the permit authorizing the development project. A suspended, revoked or modified permit may be reinstated after the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein, provided such permit may be reinstated (upon such conditions as the City of Villa Rica may deem necessary) to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.

(4) Civil Penalties - In the event the applicant or other responsible person fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within ten (10) days, or such greater period as the City of Villa Rica shall deem appropriate (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours’ notice shall be sufficient) after the City of Villa Rica has taken one or more of the actions described above, the City of Villa Rica may impose a penalty not to exceed $1,000 (depending on the severity of the violation) for each day the violation remains unremedied after receipt of the notice of violation.

(5) Criminal Penalties - For intentional and flagrant violations of this ordinance, the City of Villa Rica may issue a citation to the applicant or other responsible person, requiring such person to appear in appropriate magistrate court to answer charges for such violation. Upon conviction, such person shall be punished by a fine not to exceed $1,000 or imprisonment for 60 days or both. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

D. Illicit Discharge and Illegal Connection


a. Purpose and Intent

The purpose of this ordinance is to protect the public health, safety, environment and general welfare through the regulation of non-stormwater discharges to the City of Villa Rica separate storm sewer system to the maximum extent practicable as required by Federal law. This ordinance establishes methods for controlling the introduction of pollutants into the City of Villa Rica separate storm sewer system in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this ordinance are to:

(1) Regulate the contribution of pollutants to the City of Villa Rica separate storm sewer system by any person;

(2) Prohibit illicit discharges and illegal connections to the City of Villa Rica separate storm sewer system;

(3) Prevent non-stormwater discharges, generated as a result of spills, inappropriate dumping or disposal, to the City of Villa Rica separate storm sewer system; and,

(4) To establish legal authority to carry out all inspection, surveillance, monitoring and enforcement procedures necessary to ensure compliance with this ordinance

b. Applicability

The provisions of this ordinance shall apply throughout the area of the City of Villa Rica.

c. Compatibility with Other Regulations
This ordinance is not intended to modify or repeal any other ordinance, rule, regulation, other provision of law. The requirements of this ordinance are in addition to the requirements of any other ordinance, rule, regulation, or other provision of law, and where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule, regulation, or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

d. Severability

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

e. Responsibility for Administration

The City of Villa Rica shall administer, implement, and enforce the provisions of this ordinance.

2. Definitions

Accidental Discharge. A discharge prohibited by this ordinance which occurs by chance and without planning or thought prior to occurrence.


Construction Activity. Activities subject to the Georgia Erosion and Sedimentation Control Act or NPDES General Construction Permits. These include construction projects resulting in land disturbance. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

Illicit Discharge. Any direct or indirect non-stormwater discharge to the City of Villa Rica separate storm sewer system, except as exempted in Section 3 of this ordinance.

Illegal Connection. Either of the following:

a. Any pipe, open channel, drain or conveyance, whether on the surface or subsurface, which allows an illicit discharge to enter the storm drain system including but not limited to any conveyances which allow any non-stormwater discharge including sewage, process wastewater, and wash water to enter the storm drain system, regardless of whether such pipe, open channel, drain or conveyance has been previously allowed, permitted, or approved by an authorized enforcement agency; or

b. Any pipe, open channel, drain or conveyance connected to the City of Villa Rica separate storm sewer system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

Industrial Activity. Activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b)(14).

National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit. A permit issued by the Georgia EPD under authority delegated pursuant to 33 USC § 1342(b) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

City of Villa Rica Separate Storm Sewer System. Any facility designed or used for collecting and/or conveying stormwater, including but not limited to any roads with drainage systems, highways, City of Villa Rica streets, curbs, gutters, inlets, catch basins, piped storm drains, pumping facilities, structural stormwater controls, ditches, swales, natural and man-made or altered drainage channels, reservoirs, and other drainage structures, and which is:
a. Owned or maintained by the City of Villa Rica;

b. Not a combined sewer; and

c. Not part of a publicly-owned treatment works.

**Non-Stormwater Discharge.** Any discharge to the storm drain system that is not composed entirely of stormwater.

**Person.** Except to the extent exempted from this ordinance, any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, city, county or other political subdivision of the State, any interstate body or any other legal entity.

**Pollutant.** Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; petroleum hydrocarbons; automotive fluids; cooking grease; detergents (biodegradable or otherwise); degreasers; cleaning chemicals; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; liquid and solid wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; concrete and cement; and noxious or offensive matter of any kind.

**Pollution.** The contamination or other alteration of any water’s physical, chemical or biological properties by the addition of any constituent and includes but is not limited to, a change in temperature, taste, color, turbidity, or odor of such waters, or the discharge of any liquid, gaseous, solid, radioactive, or other substance into any such waters as will or is likely to create a nuisance or render such waters harmful, detrimental or injurious to the public health, safety, welfare, or environment, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life.

**Premises.** Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

**State Waters.** Any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface and subsurface water, natural or artificial, lying within or forming a part of the boundaries of the State of Georgia which are not entirely confined and retained completely upon the property of a single person.

**Stormwater Runoff or Stormwater.** Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

**Structural Stormwater Control.** A structural stormwater management facility or device that controls stormwater runoff and changes the characteristics of that runoff including, but not limited to, the quantity and quality, the period of release or the velocity of flow.

### 3. Prohibitions

#### a. Prohibition of Illicit Discharges

No person shall throw, drain, or otherwise discharge, cause, or allow others under its control to throw, drain, or otherwise discharge into the City of Villa Rica separate storm sewer system any pollutants or waters containing any pollutants, other than stormwater.

The following discharges are exempt from the prohibition provision above:

1. Water line flushing performed by a government agency, other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated
pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, natural riparian habitat or wetland flows, and any other water source not containing pollutants;

(2) Discharges or flows from firefighting, and other discharges specified in writing by the City of Villa Rica as being necessary to protect public health and safety;

(3) The prohibition provision above shall not apply to any non-stormwater discharge permitted under an NPDES permit or order issued to the discharger and administered under the authority of the State and the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the City of Villa Rica separate storm sewer system.

b. Prohibition of Illegal Connections

The construction, connection, use, maintenance or continued existence of any illegal connection to the City of Villa Rica separate storm sewer system is prohibited.

(1) This prohibition expressly includes, without limitation, illegal connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(2) A person violates this ordinance if the person connects a line conveying sewage to the City of Villa Rica separate storm sewer system, or allows such a connection to continue.

(3) Improper connections in violation of this ordinance must be disconnected and redirected, if necessary, to an approved onsite wastewater management system or the sanitary sewer system upon approval of the City of Villa Rica.

(4) Any drain or conveyance that has not been documented in plans, maps or equivalent, and which may be connected to the storm sewer system, shall be located by the owner or occupant of that property upon receipt of written notice of violation from the City of Villa Rica requiring that such locating be completed. Such notice will specify a reasonable time period within which the location of the drain or conveyance is to be completed, that the drain or conveyance be identified as storm sewer, sanitary sewer or other, and that the outfall location or point of connection to the storm sewer system, sanitary sewer system or other discharge point be identified. Results of these investigations are to be documented and provided to the City of Villa Rica.

4. Industrial or Construction Activity Discharges

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

5. Access and Inspection of Properties and Facilities

The City of Villa Rica shall be permitted to enter and inspect properties and facilities at reasonable times as often as may be necessary to determine compliance with this ordinance.

a. If a property or facility has security measures in force which require proper identification and clearance before entry into its premises, the owner or operator shall make the necessary arrangements to allow access to representatives of the City of Villa Rica.

b. The owner or operator shall allow the City of Villa Rica ready access to all parts of the premises for the purposes of inspection, sampling, photography, videotaping, examination and copying of any records that are required under the conditions of an NPDES permit to discharge stormwater.
c. The City of Villa Rica shall have the right to set up on any property or facility such devices as are necessary in the opinion of the City of Villa Rica to conduct monitoring and/or sampling of flow discharges.

d. The City of Villa Rica may require the owner or operator to install monitoring equipment and perform monitoring as necessary, and make the monitoring data available to the City of Villa Rica. This sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the owner or operator at his/her own expense. All devices used to measure flow and quality shall be calibrated to ensure their accuracy.

e. Any temporary or permanent obstruction to safe and easy access to the property or facility to be inspected and/or sampled shall be promptly removed by the owner or operator at the written or oral request of the City of Villa Rica and shall not be replaced. The costs of clearing such access shall be borne by the owner or operator.

f. Unreasonable delays in allowing the City of Villa Rica access to a facility is a violation of this ordinance.

g. If the City of Villa Rica has been refused access to any part of the premises from which stormwater is discharged, and the City of Villa Rica is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this ordinance or any order issued hereunder, or to protect the overall public health, safety, environment and welfare of the community, then the City of Villa Rica may seek issuance of a search warrant from any court of competent jurisdiction.

6. Notification of Accidental Discharges and Spills

Notwithstanding other requirements of law, as soon as any person responsible for a facility, activity or operation, or responsible for emergency response for a facility, activity or operation has information of any known or suspected release of pollutants or non-stormwater discharges from that facility or operation which are resulting or may result in illicit discharges or pollutants discharging into stormwater, the City of Villa Rica separate storm sewer system, State Waters, or Waters of the U.S., said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release so as to minimize the effects of the discharge.

Said person shall notify the authorized enforcement agency in person or by phone, facsimile or in person no later than 24 hours of the nature, quantity and time of occurrence of the discharge. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the City of Villa Rica within three business days of the phone or in person notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years. Said person shall also take immediate steps to ensure no recurrence of the discharge or spill.

In the event of such a release of hazardous materials, emergency response agencies and/or other appropriate agencies shall be immediately notified.

Failure to provide notification of a release as provided above is a violation of this ordinance.

7. Violations, Enforcement and Penalties

a. Violations

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Ordinance. Any person who has violated or continues to violate the provisions of this ordinance, may be subject to the enforcement actions outlined in this Section or may be restrained by injunction or otherwise abated in a manner provided by law.

In the event the violation constitutes an immediate danger to public health or public safety, the City of Villa Rica is authorized to enter upon the subject private property, without giving prior notice, to take any and all measures.
b. Notice of Violation

Whenever the City of Villa Rica finds that a violation of this ordinance has occurred, the City of Villa Rica may order compliance by written notice of violation.

(1) The notice of violation shall contain:

(a) The name and address of the alleged violator;

(b) The address when available or a description of the building, structure or land upon which the violation is occurring, or has occurred;

(c) A statement specifying the nature of the violation;

(d) A description of the remedial measures necessary to restore compliance with this ordinance and a time schedule for the completion of such remedial action;

(e) A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed; and,

(f) A statement that the determination of violation may be appealed to the City of Villa Rica by filing a written notice of appeal within 30 days of service of notice of violation.

(2) Such notice may require without limitation:

(i) The performance of monitoring, analyses, and reporting;

(ii) The elimination of illicit discharges and illegal connections;

(iii) That violating discharges, practices, or operations shall cease and desist;

(iv) The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;

(v) Payment of costs to cover administrative and abatement costs; and,

(vi) The implementation of pollution prevention practices.

c. Appeal of Notice of Violation

Any person receiving a Notice of Violation may appeal the determination of the City of Villa Rica. The notice of appeal must be received within 30 days from the date of the Notice of Violation. Hearing on the appeal before the Villa Rica City Manager or his/her designee shall take place within 15 days from the date of receipt of the notice of appeal. The decision of the appropriate authority or their designee shall be final.

d. Enforcement Measures After Appeal

If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or in the event of an appeal within 30 days of the decision of the appropriate authority upholding the decision of the City of Villa Rica, then representatives of the City of Villa Rica may enter upon the subject private property and are
authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above.

e. Costs of Abatement of the Violation

Within 30 days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the assessment or to the amount of the assessment within 15 days of such notice. If the amount due is not paid within 30 days after receipt of the notice, or if an appeal is taken, within 30 days after a decision on said appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.

Any person violating any of the provisions of this article shall become liable to the City of Villa Rica by reason of such violation.

f. Civil Penalties

In the event the alleged violator fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within 10 days, or such greater period as the City of Villa Rica shall deem appropriate, after the City of Villa Rica has taken one or more of the actions described above, the City of Villa Rica may impose a penalty not to exceed $1,000 (depending on the severity of the violation) for each day the violation remains unremedied after receipt of the notice of violation.

g. Criminal Penalties

For intentional and flagrant violations of this ordinance, the City of Villa Rica may issue a citation to the alleged violator requiring such person to appear in Magistrate Court to answer charges for such violation. Upon conviction, such person shall be punished by a fine not to exceed $1,000 or imprisonment for 60 days or both. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

h. Violations Deemed a Public Nuisance

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this ordinance is a threat to public health, safety, welfare, and environment and is declared and deemed a nuisance, and may be abated by injunctive or other equitable relief as provided by law.

i. Remedies Not Exclusive

The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable Federal, State or local law and the City of Villa Rica may seek cumulative remedies.

The City of Villa Rica may recover attorney’s fees, court costs, and other expenses associated with enforcement of this ordinance, including sampling and monitoring expenses.

E. Litter Control Ordinance


a. Purpose and Intent

The purpose of this ordinance is to protect the public health, safety, environment, and general welfare through the regulation and prevention of litter. The objectives of this ordinance are:

Provide for uniform prohibition throughout the City of Villa Rica, Georgia of any and all littering on public or private property; and,
Prevent the desecration of the beauty and quality of life of the City of Villa Rica and prevent harm to the public health, safety, environment, and general welfare, including the degradation of water and aquatic resources caused by litter.

b. Applicability

This ordinance shall apply to all public and private property within the City of Villa Rica.

c. Compatibility with Other Regulations

This ordinance is not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. The requirements of this ordinance should be considered minimum requirements, and where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall be considered to take precedence.

d. Severability

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

2. Definitions

Litter. Any organic or inorganic waste material, rubbish, refuse, garbage, trash, hulls, peelings, debris, grass, weeds, ashes, sand, gravel, slag, brickbats, metal, plastic, and glass containers, broken glass, dead animals or intentionally or unintentionally discarded materials of every kind and description which are not "waste" as such term is defined in O.C.G.A., §16-7-51, paragraph 6.

Public or Private Property. The right of way of any road or highway; any body of water or watercourse or the shores or beaches thereof; any park, playground, building, refuge, or conservation or recreation area; timberlands or forests; and residential, commercial, industrial, or farm properties.

3. Prohibition Against Littering Public or Private Property or Waters

It shall be unlawful for any person or persons to dump, deposit, throw or leave or to cause or permit the dumping, depositing, placing, throwing or leaving of litter on any public or private property in the City of Villa Rica or any waters in the City of Villa Rica unless:

a. The property is designated by the State or by any of its agencies or political subdivisions for the disposal of such litter, and such person is authorized by the proper public authority to use such property;

b. The litter is placed into a receptacle or container installed on such property; or,

c. The person is the owner or tenant in lawful possession of such property, or has first obtained consent of the owner or tenant in lawful possession, or unless the act is done under the personal direction of the owner or tenant, all in a manner consistent with the public welfare.

4. Vehicle Loads Causing Litter

No person shall operate any motor vehicle with a load on or in such vehicle unless the load on or in such vehicle is adequately secured to prevent the dropping or shifting of materials from such load onto the roadway.

5. Violations, Enforcement and Penalties

a. Violations
It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this ordinance. Any person who has violated or continues to violate the provisions of this ordinance, may be subject to the enforcement actions outlined in this Section or may be restrained by injunction or otherwise sentenced in a manner provided by law.

b. Evidence

(1) Whenever litter is thrown, deposited, dropped or dumped from any motor vehicle, boat, airplane, or other conveyance in violation of this ordinance, it shall be prima facie evidence that the operator of the conveyance has violated this ordinance.

(2) Except as provided in subsection (1), whenever any litter which is dumped, deposited, thrown or left on public or private property in violation of this ordinance is discovered to contain any article or articles, including but not limited to letters, bills, publications or other writing which display the name of the person thereon in such a manner as to indicate that the article belongs or belonged to such person, it shall be a rebuttable presumption that such person has violated this ordinance.

c. Penalties

Any person who violates this ordinance shall be guilty of a violation and, upon conviction thereof, shall be punished as follows:

(1) By a fine of not less than $200 and not more than $1,200; and

(2) In addition to the fine set out in subsection 1 above, the violator shall reimburse the City of Villa Rica for the reasonable cost of removing the litter when the litter is or is ordered removed by the City of Villa Rica; and

(a) In the sound discretion of the court, the person may be directed to pick up and remove from any public street or highway or public right-of-way for a distance not to exceed one mile any litter he has deposited and any and all litter deposited thereon by anyone else prior to the date of execution of sentence; or

(b) In the sound discretion of the court, the person may be directed to pick up and remove any and all litter from any public property, private right-of-way, or with prior permission of the legal owner or tenant in lawful possession of such property, any private property upon which it can be established by competent evidence that he has deposited litter. Pick up and removal shall include any and all litter deposited thereon by anyone prior to the date of execution of sentence; and,

(3) The court may publish the names of persons convicted of violating this ordinance.

d. Enforcement

All law enforcement agencies, officers and officials of this state or any political subdivision thereof, or any enforcement agency, officer or any official of any commission of this state or any political subdivision thereof, are hereby authorized, empowered and directed to enforce compliance with this article.

F. Post-Development Stormwater Management for New Development and Redevelopment


a. Purpose and Intent

The purpose of this ordinance is to protect, maintain and enhance the public health, safety, environment and general welfare by establishing minimum requirements and procedures to control the adverse effects of increased post-development stormwater runoff and nonpoint source pollution associated with new development and redevelopment. It has been determined that proper management of post-development stormwater runoff will minimize damage to
public and private property and infrastructure, safeguard the public health, safety, environment and general welfare of the public, and protect water and aquatic resources. This ordinance seeks to meet that purpose through the following objectives:

1. Establish decision-making processes surrounding land development activities that protect the integrity of the watershed and preserve the health of water resources;

2. Require that new development and redevelopment maintain the pre-development hydrologic response in their post-development state as nearly as practicable in order to reduce flooding, stream bank erosion, nonpoint source pollution and increases in stream temperature, and maintain the integrity of stream channels and aquatic habitats;

3. Establish minimum post-development stormwater management standards and design criteria for the regulation and control of stormwater runoff quantity and quality;

4. Establish design and application criteria for the construction and use of structural stormwater control facilities that can be used to meet the minimum post-development stormwater management standards;

5. Encourage the use of nonstructural stormwater management and stormwater better site design practices, such as the preservation of green space and other conservation areas, to the maximum extent practicable. Coordinate site design plans, which include green space, with the county’s green space protection plan;

6. Establish provisions for the long-term responsibility for and maintenance of structural stormwater control facilities and nonstructural stormwater management practices to ensure that they continue to function as designed, are maintained, and pose no threat to public safety; and,

7. Establish administrative procedures for the submission, review, approval and disapproval of stormwater management plans, and for the inspection of approved active projects, and long-term follow up.

b. Applicability

1. This ordinance shall be applicable to all land development, including, but not limited to, site plan applications, subdivision applications, and grading applications, unless exempt pursuant to Subsection 2 below. These standards apply to any new development or redevelopment site that meets one or more of the following criteria:

   a. New development that involves the creation of 5,000 square feet or more of impervious cover, or that involves other land development activities of 1 acre or more;

   b. Redevelopment that includes the creation, addition or replacement of 5,000 square feet or more of impervious cover, or that involves other land development activity of one (1) acre or more;

   c. Any new development or redevelopment, regardless of size, that is defined by the City of Villa Rica to be a hotspot land use; or,

   d. Land development activities that are smaller than the minimum applicability criteria set forth in items A and B above if such activities are part of a larger common plan of development, even though multiple, separate and distinct land development activities may take place at different times on different schedules.

2. The following activities are exempt from this ordinance:

   a. Individual single-family or duplex residential lots that are not part of a subdivision or phased development project;

   b. Additions or modifications to existing single-family or duplex residential structures;
(c) Agricultural or silvicultural land management activities within areas zoned for these activities; and,

(d) Repairs to any stormwater management facility or practice deemed necessary by the City of Villa Rica.

c. **Designation of Ordinance Administrator**

The Villa Rica Department of Public Works is hereby appointed to administer and implement the provisions of this ordinance.

d. **Compatibility with Other Regulations**

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

e. **Severability**

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

f. **Stormwater Design Manual**

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

2. **Definitions**

**Applicant.** A person submitting a post-development stormwater management application and plan for approval.

**Channel.** A natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

**Conservation Easement.** An agreement between a land owner and the City of Villa Rica or other government agency or land trust that permanently protects open space or greenspace on the owner’s land by limiting the amount and type of development that can take place, but continues to leave the remainder of the fee interest in private ownership.

**Detention.** The temporary storage of stormwater runoff in a stormwater management facility for the purpose of controlling the peak discharge.

**Detention Facility.** A detention basin or structure designed for the detention of stormwater runoff and gradual release of stored water at controlled rates.

**Developer** means a person who undertakes land development activities.

**Development** means a land development or land development project.
**Drainage Easement.** An easement appurtenant or attached to a tract or parcel of land allowing the owner of adjacent tracts or other persons to discharge stormwater runoff onto the tract or parcel of land subject to the drainage easement.

**Erosion and Sedimentation Control Plan.** A plan that is designed to minimize the accelerated erosion and sediment runoff at a site during land disturbance activities.

**Extended Detention.** The detention of stormwater runoff for an extended period, typically 24 hours or greater.

**Extreme Flood Protection.** Measures taken to prevent adverse impacts from large low-frequency storm events with a return frequency of 100 years or more.

**Flooding.** A volume of surface water that is too great to be confined within the banks or walls of a conveyance or stream channel and that overflows onto adjacent lands.

**Greenspace or Open Space.** Permanently protected areas of the site that are preserved in a natural state.

**Hotspot.** An area where the use of the land has the potential to generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in stormwater.

**Hydrologic Soil Group (HSG).** A Natural Resource Conservation Service classification system in which soils are categorized into four runoff potential groups. The groups range from group A soils, with high permeability and little runoff produced, to group D soils, which have low permeability rates and produce much more runoff.

**Impervious Cover.** A surface composed of any material that significantly impedes or prevents the natural infiltration of water into soil. Impervious surfaces include, but are not limited to, rooftops, buildings, streets and roads, and any concrete or asphalt surface.

**Industrial Stormwater Permit.** A National Pollutant Discharge Elimination System (NPDES) permit issued to an industry or group of industries which regulates the pollutant levels associated with industrial stormwater discharges or specifies on-site pollution control strategies.

**Infiltration.** The process of percolating stormwater runoff into the subsoil.

**Jurisdictional Wetland.** An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

**Land Development.** Any land change, including, but not limited to, clearing, digging, grubbing, stripping, removal of vegetation, dredging, grading, excavating, transporting and filling of land, construction, paving, and any other installation of impervious cover.

**Land Development Activities.** Actions or activities which comprise facilitate or result in land development.

**Land Development Project.** A discrete land development undertaking.

**Inspection and Maintenance Agreement.** A written agreement providing for the long-term inspection and maintenance of stormwater management facilities and practices on a site or with respect to a land development project, which when properly recorded in the deed records constitutes a restriction on the title to a site or other land involved in a land development project.

**New Development.** A land development activity on a previously undeveloped site.
Nonpoint Source Pollution. A form of water pollution that does not originate from a discrete point such as a sewage treatment plant or industrial discharge, but involves the transport of pollutants such as sediment, fertilizers, pesticides, heavy metals, oil, grease, bacteria, organic materials and other contaminants from land to surface water and groundwater via mechanisms such as precipitation, stormwater runoff, and leaching. Nonpoint source pollution is a by-product of land use practices such as agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.

Nonstructural Stormwater Management Practice or Nonstructural Practice. Any natural or planted vegetation or other nonstructural component of the stormwater management plan that provides for or enhances stormwater quantity and/or quality control or other stormwater management benefits, and includes, but is not limited to, riparian buffers, open and greenspace areas, overland flow filtration areas, natural depressions, and vegetated channels.

Off-Site Facility. A stormwater management facility located outside the boundaries of the site.

On-Site Facility. A stormwater management facility located within the boundaries of the site.

Overbank Flood Protection. Measures taken to prevent an increase in the frequency and magnitude of out-of-bank flooding (i.e. flow events that exceed the capacity of the channel and enter the floodplain), and that are intended to protect downstream properties from flooding for the 2-year through 25-year frequency storm events.

Owner. The legal or beneficial owner of a site, including but not limited to, a mortgagee or vendee in possession, receiver, executor, trustee, lessee or other person, firm or corporation in control of the site.

Permit. The permit issued by the City of Villa Rica to the applicant which is required for undertaking any land development activity.

Person. Except to the extent exempted from this ordinance, any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, city, county or other political subdivision of the State, any interstate body or any other legal entity.

Post-development. To the time period, or the conditions that may reasonably be expected or anticipated to exist, after completion of the land development activity on a site as the context may require.

Pre-development. Refers to the time period, or the conditions that exist, on a site prior to the commencement of a land development project and at the time that plans for the land development of a site are approved by the plan approving authority. Where phased development or plan approval occurs (preliminary grading, roads and utilities, etc.), the existing conditions at the time prior to the first item being approved or permitted shall establish pre-development conditions.

Project. A land development project.

Redevelopment. A land development project on a previously developed site, but excludes ordinary maintenance activities, remodeling of existing buildings, resurfacing of paved areas, and exterior changes or improvements which do not materially increase or concentrate stormwater runoff, or cause additional nonpoint source pollution.

Regional Stormwater Management Facility or Regional Facility. Stormwater management facilities designed to control stormwater runoff from multiple properties, where the owners or developers of the individual properties may assist in the financing of the facility, and the requirement for on-site controls is either eliminated or reduced.

Runoff. Stormwater runoff.

Site. The parcel of land being developed, or the portion thereof on which the land development project is located.
**Stormwater Better Site Design.** Nonstructural site design approaches and techniques that can reduce a site’s impact on the watershed and can provide for nonstructural stormwater management. Stormwater better site design includes conserving and protecting natural areas and greenspace, reducing impervious cover and using natural features for stormwater management.

**Stormwater Management.** The collection, conveyance, storage, treatment and disposal of stormwater runoff in a manner intended to prevent increased flood damage, streambank channel erosion, habitat degradation and water quality degradation, and to enhance and promote the public health, safety and general welfare.

**Stormwater Management Facility.** Any infrastructure that controls or conveys stormwater runoff.

**Stormwater Management Measure.** Any stormwater management facility or nonstructural stormwater practice.

**Stormwater Management Plan.** A document describing how existing runoff characteristics will be affected by a land development project and containing measures for complying with the provisions of this ordinance.

**Stormwater Management System.** The entire set of structural and nonstructural stormwater management facilities and practices that are used to capture, convey and control the quantity and quality of the stormwater runoff from a site.

**Stormwater Retrofit.** A stormwater management practice designed for a currently developed site that previously had either no stormwater management practice in place or a practice inadequate to meet the stormwater management requirements of the site.

**Stormwater Runoff.** The flow of surface water resulting from precipitation.

**Structural Stormwater Control.** A structural stormwater management facility or device that controls stormwater runoff and changes the characteristics of that runoff including, but not limited to, the quantity and quality, the period of release or the velocity of flow of such runoff.

**Subdivision.** The division of a tract or parcel of land resulting in one or more new lots or building sites for the purpose, whether immediately or in the future, of sale, other transfer of ownership or land development, and includes divisions of land resulting from or made in connection with the layout or development of a new street or roadway or a change in an existing street or roadway.

3. Permit Procedures and Requirements
   a. Permit Application Requirements

   No owner or developer shall perform any land development activities without first meeting the requirements of this ordinance prior to commencing the proposed activity.

   Unless specifically exempted by this ordinance, any owner or developer proposing a land development activity shall submit to the City of Villa Rica a permit application on a form provided by the City of Villa Rica for that purpose.

   Unless otherwise exempted by this ordinance, a permit application shall be accompanied by the following items in order to be considered:

   Stormwater concept plan and consultation meeting certification in accordance with **Section 3.2**;

   Stormwater management plan in accordance with **Section 3.3**;

   Inspection and maintenance agreement in accordance with **Section 3.4**, if applicable;
Performance bond in accordance with Section 3.5, if applicable; and,

Permit application and plan review fees in accordance with Section 3.6.

b. Stormwater Concept Plan and Consultation Meeting

Before any stormwater management permit application is submitted, it is recommended that the land owner or developer [shall] meet with the City of Villa Rica for a consultation meeting on a concept plan for the post-development stormwater management system to be utilized in the proposed land development project. This consultation meeting should [shall] take place at the time of the preliminary plan of subdivision or other early step in the development process. The purpose of this meeting is to discuss the post-development stormwater management measures necessary for the proposed project, as well as to discuss and assess constraints, opportunities and potential ideas for stormwater management designs before the formal site design engineering is commenced.

To accomplish this goal the following information should [shall] be included in the concept plan which should [shall] be submitted in advance of the meeting:

1. Existing Conditions / Proposed Site Plans

Existing conditions and proposed site layout sketch plans, which illustrate at a minimum: existing and proposed topography; perennial and intermittent streams; mapping of predominant soils from soil surveys (when available); boundaries of existing predominant vegetation and proposed limits of clearing and grading; and location of existing and proposed roads, buildings, parking areas and other impervious surfaces.

2. Natural Resources Inventory

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

3. Stormwater Management System Concept Plan

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

Local watershed plans, the Carroll and Douglas County’s greenspace projection plan (if applicable), and any relevant resource protection plans will be consulted in the discussion of the concept plan.

c. Stormwater Management Plan Requirements

The stormwater management plan shall detail how post-development stormwater runoff will be controlled or managed and how the proposed project will meet the requirements of this ordinance, including the performance criteria set forth in Section 4 below.

This plan shall be in accordance with the criteria established in this Section and must be submitted with the stamp and signature of a Professional Engineer (PE) licensed in the state of Georgia, who must verify that the design of all
The stormwater management plan must ensure that the requirements and criteria in this ordinance are being complied with and that opportunities are being taken to minimize adverse post-development stormwater runoff impacts from the development. The plan shall consist of maps, narrative, and supporting design calculations (hydrologic and hydraulic) for the proposed stormwater management system. The plan shall include all of the information required in the Stormwater Management Site Plan checklist found in the stormwater design manual. This includes:

1. Common address and legal description of site
2. Vicinity Map
3. Existing Conditions Hydrologic Analysis

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

4. Post-Development Hydrologic Analysis

The post-development hydrologic analysis for stormwater runoff rates, volumes, and velocities, which shall include:
   a. A topographic map of developed site conditions with the post-development drainage basin boundaries indicated; total area of post-development impervious surfaces and other land cover areas for each subbasin affected by the project; calculations for determining the runoff volumes that need to be addressed for each subbasin for the development project to meet the post-development stormwater management performance criteria in Section 4; location and boundaries of proposed natural feature protection and conservation areas; documentation and calculations for any applicable site design credits that are being utilized; methodologies, assumptions, site parameters and supporting design calculations used in analyzing the existing conditions site hydrology. If the land development activity on a redevelopment site constitutes more than 50 percent of the site area for the entire site, then the performance criteria in Section 4 must be met for the stormwater runoff from the entire site.

5. Stormwater Management System

The description, scaled drawings and design calculations for the proposed post-development stormwater management system, which shall include:
   a. A map and/or drawing or sketch of the stormwater management facilities, including the location of nonstructural site design features and the placement of existing and proposed structural stormwater controls, including design water surface elevations, storage volumes available from zero to maximum head, location of inlet and outlets, location of bypass and discharge systems, and all orifice/restrictor sizes; a narrative describing how the selected structural stormwater controls will be appropriate and effective; cross-section and profile drawings and design details for each of the structural stormwater controls in the system, including supporting calculations to show that the facility is designed according to the applicable design criteria; a hydrologic and hydraulic analysis of the stormwater management system for all applicable design storms (including stage-storage or outlet rating curves, and inflow and outflow hydrographs); documentation and supporting calculations to show that the stormwater management system adequately meets the post-development stormwater management performance criteria in Section 4; drawings, design calculations, elevations and hydraulic grade lines for all existing and proposed stormwater conveyance elements including stormwater drains, pipes, culverts, catch basins, channels,
swales and areas of overland flow; and where applicable, a narrative describing how the stormwater management system corresponds with any watershed protection plans and/or local green space protection plan.

(6) Post-Development Downstream Analysis

A downstream peak flow analysis which includes the assumptions, results and supporting calculations to show safe passage of post-development design flows downstream. The analysis of downstream conditions in the report shall address each and every point or area along the project site’s boundaries at which runoff will exit the property. The analysis shall focus on the portion of the drainage channel or watercourse immediately downstream from the project. This area shall extend downstream from the project to a point in the drainage basin where the project area is 10 percent of the total basin area. In calculating runoff volumes and discharge rates, consideration may need to be given to any planned future upstream land use changes. The analysis shall be in accordance with the stormwater design manual.

(7) Construction-Phase Erosion and Sedimentation Control Plan

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

(8) Landscaping and Open Space Plan

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

(9) Operations and Maintenance Plan

Detailed description of ongoing operations and maintenance procedures for stormwater management facilities and practices to ensure their continued function as designed and constructed or preserved. These plans will identify the parts or components of a stormwater management facility or practice that need to be regularly or periodically inspected and maintained, and the equipment and skills or training necessary. The plan shall include an inspection and maintenance schedule, maintenance tasks, responsible parties for maintenance, funding, access and safety issues. Provisions for the periodic review and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures shall be included in the plan.

(10) Maintenance Access Easements

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

(11) Inspection and Maintenance Agreements
Unless an on-site stormwater management facility or practice is dedicated to and accepted by the City of Villa Rica as provided in Section 3.4 below, the applicant must execute an easement and an inspection and maintenance agreement binding on all subsequent owners of land served by an on-site stormwater management facility or practice in accordance Section 3.4.

(12) Evidence of Acquisition of Applicable Local and Non-local Permits

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

**d. Stormwater Management Inspection and Maintenance Agreements**

Prior to the issuance of any permit for a land development activity requiring a stormwater management facility or practice hereunder and for which the City of Villa Rica requires ongoing maintenance, the applicant or owner of the site must, unless an on-site stormwater management facility or practice is dedicated to and accepted by the City of Villa Rica, execute an inspection and maintenance agreement, and/or a conservation easement, if applicable, that shall be binding on all subsequent owners of the site.

The inspection and maintenance agreement, if applicable, must be approved by the City of Villa Rica prior to plan approval, and recorded in the deed records upon final plat approval.

The inspection and maintenance agreement shall identify by name or official title the person(s) responsible for carrying out the inspection and maintenance. Responsibility for the operation and maintenance of the stormwater management facility or practice, unless assumed by a governmental agency, shall remain with the property owner and shall pass to any successor owner. If portions of the land are sold or otherwise transferred, legally binding arrangements shall be made to pass the inspection and maintenance responsibility to the appropriate successors in title. These arrangements shall designate for each portion of the site, the person to be permanently responsible for its inspection and maintenance.

As part of the inspection and maintenance agreement, a schedule shall be developed for when and how often routine inspection and maintenance will occur to ensure proper function of the stormwater management facility or practice. The agreement shall also include plans for annual inspections to ensure proper performance of the facility between scheduled maintenance and shall also include remedies for the default thereof.

In addition to enforcing the terms of the inspection and maintenance agreement, the City of Villa Rica may also enforce all of the provisions for ongoing inspection and maintenance in **Section 6** of this ordinance.

The City of Villa Rica, in lieu of an inspection and maintenance agreement, may accept dedication of any existing or future stormwater management facility for maintenance, provided such facility meets all the requirements of this ordinance and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.

**Application Procedure**

Applications for land development permits shall be filed with the City of Villa Rica.

Permit applications shall include the items set forth in **Section 3.1** above (two copies of the stormwater management plan and the inspection maintenance agreement, if applicable, shall be included).

The City of Villa Rica shall inform the applicant whether the application, stormwater management plan and inspection and maintenance agreement are approved or disapproved.
If the permit application, stormwater management plan or inspection and maintenance agreement are disapproved, the City of Villa Rica shall notify the applicant of such fact in writing. The applicant may then revise any item not meeting the requirements hereof and resubmit the same, in which event subparagraph 3 above and this subparagraph shall apply to such resubmittal.

Upon a finding by the City of Villa Rica that the permit application, stormwater management plan and inspection and maintenance agreement, if applicable, meet the requirements of this ordinance, the City of Villa Rica may issue a permit for the land development project, provided all other legal requirements for the issuance of such permit have been met.

Notwithstanding the issuance of the permit, in conducting the land development project, the applicant or other responsible person shall be subject to the following requirements:

(a) The applicant shall comply with all applicable requirements of the approved plan and this ordinance and shall certify that all land clearing, construction, land development and drainage will be done according to the approved plan;

(b) The land development project shall be conducted only within the area specified in the approved plan;

(c) The City of Villa Rica shall be allowed to conduct periodic inspections of the project;

(d) No changes may be made to an approved plan without review and written approval by the City of Villa Rica; and,

(e) Upon completion of the project, the applicant or other responsible person shall submit the engineer’s report and certificate and as-built plans required by Section 5.2.

f. Application Review Fees

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

g. Modifications for Off-Site Facilities

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

A stormwater management plan must be submitted to the City of Villa Rica which shows the adequacy of the off-site or regional facility.

To be eligible for a modification, the applicant must demonstrate to the satisfaction of the City of Villa Rica that the use of an off-site or regional facility will not result in the following impacts to upstream or downstream areas:

(1) Increased threat of flood damage to public health, life, and property;

(2) Deterioration of existing culverts, bridges, dams, and other structures;
(3) Accelerated streambank or streambed erosion or siltation;

(4) Degradation of in-stream biological functions or habitat; or

(5) Water quality impairment in violation of State water quality standards, and/or violation of any state or federal regulations.

4. Post-Development Stormwater Management Performance Criteria
The following performance criteria shall be applicable to all stormwater management plans, unless otherwise provided for in this ordinance:

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

It is sized to treat the prescribed water quality treatment volume from the site, as defined in the Georgia Stormwater Management Manual;

Appropriate structural stormwater controls or nonstructural practices are selected, designed, constructed or preserved, and maintained according to the specific criteria in the Georgia Stormwater Management Manual; and,

Runoff from hotspot land uses and activities identified by the City of Villa Rica are adequately treated and addressed through the use of appropriate structural stormwater controls, nonstructural practices and pollution prevention practices.

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

Preservation, restoration and/or reforestation (with native vegetation) of the applicable stream buffer;

24-hour extended detention storage of the 1-year, 24-hour return frequency storm event;

Erosion prevention measures such as energy dissipation and velocity control.

c. Overbank Flooding Protection
Downstream overbank flood and property protection shall be provided by controlling (attenuating) the post-development peak discharge rate to the pre-development rate for the 25-year, 24-hour return frequency storm event. If control of the 1-year, 24-hour storm under Section 4.2 is exempted, then peak discharge rate attenuation of the 2-year through the 25-year return frequency storm event must be provided.

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

e. Structural Stormwater Controls
All structural stormwater management facilities shall be selected and designed using the appropriate criteria from the Georgia Stormwater Management Manual. All structural stormwater controls must be designed appropriately to...
meet their intended function. For other structural stormwater controls not included in the Georgia Stormwater Management Manual, or for which pollutant removal rates not been provided, the effectiveness and pollutant removal of the structural control must be documented through prior studies, literature reviews, or other means and receive approval from the City of Villa Rica before being included in the design of a stormwater management system. In addition, if hydrologic or topographic conditions, or land use activities warrant greater control than that provided by the minimum control requirements, the City of Villa Rica may impose additional requirements deemed necessary to protect upstream and downstream properties and aquatic resources from damage due to increased volume, frequency, and rate of stormwater runoff or increased nonpoint source pollution loads created on the site in question.

Applicants shall consult the Georgia Stormwater Management Manual for guidance on the factors that determine site design feasibility when selecting and locating a structural stormwater control.

f. Stormwater Credits for Nonstructural Measures

The use of one or more site design measures by the applicant may allow for a reduction in the water quality treatment volume required under Section 4.1. The applicant may, if approved by the City of Villa Rica, take credit for the use of stormwater better site design practices and reduce the water quality volume requirement. For each potential credit, there is a minimum set of criteria and requirements which identify the conditions or circumstances under which the credit may be applied. The site design practices that qualify for this credit and the criteria and procedures for applying and calculating the credits are included in the Georgia Stormwater Management Manual.

g. Drainage System Guidelines

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

1. Methods to calculate stormwater flows shall be in accordance with the stormwater design manual;
2. All culverts, pipe systems and open channel flow systems shall be sized in accordance with the stormwater management plan using the methods included in the stormwater design manual; and,
3. Design and construction of stormwater conveyance facilities shall be in accordance with the criteria and specifications found in the stormwater design manual.

h. Dam Design Guidelines

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

5. Construction Inspections of Post-Development Stormwater Management System
   a. Inspections to Ensure Plan Compliance During Construction

Periodic inspections of the stormwater management system construction shall be conducted by the staff of the City of Villa Rica or conducted and certified by a professional engineer who has been approved by the City of Villa Rica. Construction inspections shall utilize the approved stormwater management plan for establishing compliance.

All inspections shall be documented with written reports that contain the following information:

The date and location of the inspection;
Whether construction is in compliance with the approved stormwater management plan;

Variations from the approved construction specifications; and,

Any other variations or violations of the conditions of the approved stormwater management plan.

If any violations are found, the applicant shall be notified in writing of the nature of the violation and the required corrective actions.

b. Final Inspection and As Built Plans

Upon completion of a project, and before a certificate of occupancy shall be granted, the applicant is responsible for certifying that the completed project is in accordance with the approved stormwater management plan. All applicants are required to submit actual “as built” plans for any stormwater management facilities or a practice after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and practices and must be certified by a Professional Engineer. A final inspection by the City of Villa Rica is required before the release of any performance securities can occur.

6. Ongoing Inspection and Maintenance of Stormwater Facilities and Practices

a. Long-Term Maintenance Inspection of Stormwater Facilities and Practices

Stormwater management facilities and practices included in a stormwater management plan which are subject to an inspection and maintenance agreement must undergo ongoing inspections to document maintenance and repair needs and ensure compliance with the requirements of the agreement, the plan and this ordinance.

A stormwater management facility or practice shall be inspected on a periodic basis by the responsible person in accordance with the approved inspection and maintenance agreement. In the event that the stormwater management facility has not been maintained and/or becomes a danger to public safety or public health, the City of Villa Rica shall notify the person responsible for carrying out the maintenance plan by registered or certified mail to the person specified in the inspection and maintenance agreement. The notice shall specify the measures needed to comply with the agreement and the plan and shall specify the time within which such measures shall be completed. If the responsible person fails or refuses to meet the requirements of the inspection and maintenance agreement, the City of Villa Rica may correct the violation as provided in Subsection 6.4 hereof.

Inspection programs by the City of Villa Rica may be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in stormwater management facilities; and evaluating the condition of stormwater management facilities and practices.

b. Right-of-Entry for Inspection

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

c. Records of Maintenance Activities

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

If a responsible person fails or refuses to meet the requirements of the inspection and maintenance agreement, the City of Villa Rica, after thirty (30) days written notice (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours’ notice shall be sufficient), may correct a violation of the design standards or maintenance requirements by performing the necessary work to place the facility or practice in proper working condition. The City of Villa Rica may assess the owner(s) of the facility for the cost of repair work which shall be a lien on the property, and may be placed on the ad valorem tax bill for such property and collected in the ordinary manner for such taxes.

7. Violations, Enforcement and Penalties

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

a. Notice of Violation

If the City of Villa Rica determines that an applicant or other responsible person has failed to comply with the terms and conditions of a permit, an approved stormwater management plan or the provisions of this ordinance, it shall issue a written notice of violation to such applicant or other responsible person. Where a person is engaged in activity covered by this ordinance without having first secured a permit therefore, the notice of violation shall be served on the owner or the responsible person in charge of the activity being conducted on the site.

The notice of violation shall contain:

(1) The name and address of the owner or the applicant or the responsible person;

(2) The address or other description of the site upon which the violation is occurring;

(3) A statement specifying the nature of the violation;

(4) A description of the remedial measures necessary to bring the action or inaction into compliance with the permit, the stormwater management plan or this ordinance and the date for the completion of such remedial action;

(5) A statement of the penalty or penalties that may be assessed against the person to whom the notice of violation is directed; and,

(6) A statement that the determination of violation may be appealed to the City of Villa Rica by filing a written notice of appeal within 30 days after the notice of violation (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours’ notice shall be sufficient).

b. Penalties

In the event the remedial measures described in the notice of violation have not been completed by the date set forth for such completion in the notice of violation, any one or more of the following actions or penalties may be taken or assessed against the person to whom the notice of violation was directed. Before taking any of the following actions or imposing any of the following penalties, the City of Villa Rica shall first notify the applicant or other responsible person in writing of its intended action, and shall provide a reasonable opportunity, of not less than ten days (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours’ notice shall be sufficient) to cure such violation. In the event the applicant or other responsible person fails to
cure such violation after such notice and cure period, the City of Villa Rica may take any one or more of the following actions or impose any one or more of the following penalties.

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

(2) **Withhold Certificate of Occupancy** - The City of Villa Rica may refuse to issue a certificate of occupancy for the building or other improvements constructed or being constructed on the site until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein.

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

(4) **Civil Penalties** - In the event the applicant or other responsible person fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within 10 days, or such greater period as the City of Villa Rica shall deem appropriate (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours notice shall be sufficient) after the City of Villa Rica has taken one or more of the actions described above, the City of Villa Rica may impose a penalty not to exceed $1,000 (depending on the severity of the violation) for each day the violation remains unremedied after receipt of the notice of violation.

(5) **Criminal Penalties** - For intentional and flagrant violations of this ordinance, the City of Villa Rica may issue a citation to the applicant or other responsible person, requiring such person to appear in Magistrate Court to answer charges for such violation. Upon conviction, such person shall be punished by a fine not to exceed $1,000 or imprisonment for 60 days or both. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

**G. Stream Buffer Protection**

1. **Findings and Purposes**
   a. **Findings**

   Whereas, the City of Villa Rica finds that buffers adjacent to streams provide numerous benefits including:

   (1) Protecting, restoring and maintaining the chemical, physical and biological integrity of streams and their water resources

   (2) Removing pollutants delivered in urban stormwater

   (3) Reducing erosion and controlling sedimentation

   (4) Protecting and stabilizing stream banks

   (5) Providing for infiltration of stormwater runoff

   (6) Maintaining base flow of streams
(7) Contributing organic matter that is a source of food and energy for the aquatic ecosystem

(8) Providing tree canopy to shade streams and promote desirable aquatic habitat

(9) Providing riparian wildlife habitat

(10) Furnishing scenic value and recreational opportunity

(11) Providing opportunities for the protection and restoration of greenspace

b. Purposes

It is the purpose of this Ordinance to protect the public health, safety, environment and general welfare; to minimize public and private losses due to erosion, siltation and water pollution; and to maintain stream water quality by provisions designed to:

(1) Create buffer zones along the streams of the City of Villa Rica for the protection of water resources; and,

(2) Minimize land development within such buffers by establishing buffer zone requirements and by requiring authorization for any such activities.

2. Definitions

**Buffer.** A stream, a natural or enhanced vegetated area (established by Section 5.1.1 below), lying adjacent to the stream.

**Impervious Cover.** Any manmade paved, hardened or structural surface regardless of material. Impervious cover includes but is not limited to rooftops, buildings, streets, roads, decks, swimming pools and any concrete or asphalt.

**Land Development.** Any land change, including but not limited to clearing, grubbing, stripping, removal of vegetation, dredging, grading, excavating, transporting and filling of land, construction, paving and any other installation of impervious cover.

**Land Development Activity.** The actions or activities which comprise facilitate or result in land development.

**Land Disturbance.** Any land or vegetation change, including, but not limited to, clearing, grubbing, stripping, removal of vegetation, dredging, grading, excavating, transporting and filling of land, that do not involve construction, paving or any other installation of impervious cover.

**Land Disturbance Activity.** The actions or activities which comprise facilitate or result in land disturbance.

**Floodplain.** Any land area susceptible to flooding, which would have at least a one percent probability of flooding occurrence in any calendar year based on the basin being fully developed as shown on the current land use plan; i.e., the regulatory flood.

**Parcel.** Any plot, lot or acreage shown as a unit on the latest county tax assessment records.

**Permit.** The permit issued by the City of Villa Rica required for undertaking any land development activity

**Person.** Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, city, county or other political subdivision of the State, any interstate body or any other legal entity.
Protection Area or Stream Protection Area. The combined areas of all required buffers and setbacks applicable to such stream.

Riparian. Belonging or related to the bank of a river, stream, lake, pond or impoundment.

Setback. The area established by Section 5.1.2 extending beyond any buffer applicable to the stream.

Stream. Any stream, beginning at:

1. The location of a spring, seep, or groundwater outflow that sustains streamflow; or

2. A point in the stream channel with a drainage area of 25 acres or more; or where evidence indicates the presence of a stream in a drainage area of other than 25 acres, the City of Villa Rica may require field studies to verify the existence of a stream.

Stream Bank. The sloping land that contains the stream channel and the normal flows of the stream.

Stream Channel. The portion of a watercourse that contains the base flow of the stream.

Watershed. The land area that drains into a particular stream.

3. Applicability

This ordinance shall apply to all land development activity on property containing a stream protection area as defined in Section 3 of this ordinance. These requirements are in addition to, and do not replace or supersede, any other applicable buffer requirements established under state law and approval or exemption from these requirements do not constitute approval or exemption from buffer requirements established under state law or from other applicable local, state or federal regulations.


This ordinance shall not apply to the following activities:

(1) Work consisting of the repair or maintenance of any lawful use of land that is zoned and approved for such use on or before the effective date of this ordinance.

(2) Existing development and on-going land disturbance activities including but not limited to existing agriculture, silviculture, landscaping, gardening and lawn maintenance, except that new development or land disturbance activities on such properties will be subject to all applicable buffer requirements.

(3) Any land development activity that is under construction, fully approved for development, scheduled for permit approval or has been submitted for approval as of the effective date of this ordinance.

(4) Land development activity that has not been submitted for approval, but that is part of a larger master development plan, such as for an office park or other phased development that has been previously approved within two years of the effective date of this ordinance.

b. Exemptions

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

(1) Activities for the purpose of building one of the following:
(a) a stream crossing by a driveway, transportation route or utility line;

(b) public water supply intake or public wastewater outfall structures;

(c) intrusions necessary to provide access to a property;

(d) public access facilities that must be on the water including boat ramps, docks, foot trails leading directly to the river, fishing platforms and overlooks;

(e) unpaved foot trails and paths;

(f) activities to restore and enhance stream bank stability, vegetation, water quality and/or aquatic habitat, so long as native vegetation and bioengineering techniques are used.

(2) Public sewer line easements paralleling the creek, except that all easements (permanent and construction) and land disturbance should be at least 25 feet from the top of the bank. This includes such impervious cover as is necessary for the operation and maintenance of the utility, including but not limited to manholes, vents and valve structures. This exemption shall not be construed as allowing the construction of roads, bike paths or other transportation routes in such easements, regardless of paving material, except for access for the uses specifically cited in Item 4.2.(1), above.

(3) Land development activities within a right-of-way existing at the time this ordinance takes effect or approved under the terms of this ordinance.

(4) Within an easement of any utility existing at the time this ordinance takes effect or approved under the terms of this ordinance, land disturbance activities and such impervious cover as is necessary for the operation and maintenance of the utility, including but not limited to manholes, vents and valve structures.

(5) Emergency work necessary to preserve life or property. However, when emergency work is performed under this Section, the person performing it shall report such work to the City of Villa Rica on the next business day after commencement of the work. Within 10 days thereafter, the person shall apply for a permit and perform such work within such time period as may be determined by the City of Villa Rica to be reasonably necessary to correct any impairment such emergency work may have caused to the water conveyance capacity, stability or water quality of the protection area.

(6) Forestry and silviculture activities on land that is zoned for forestry, silvicultural or agricultural uses and are not incidental to other land development activity. If such activity results in land disturbance in the buffer that would otherwise be prohibited, then no other land disturbing activity other than normal forest management practices will be allowed on the entire property for three years after the end of the activities that intruded on the buffer.

After the effective date of this ordinance, it shall apply to new subdividing and platting activities.

Any land development activity within a buffer established hereunder or any impervious cover within a setback established hereunder is prohibited unless a variance is granted pursuant to Section 5.2 below.

4. Land Development Requirements
   a. Buffer and Setback Requirements

All land development activity subject to this ordinance shall meet the following requirements:

(1) An undisturbed natural vegetative buffer shall be maintained for 50 feet, measured horizontally, on both banks (as applicable) of the stream as measured from the top of the stream bank.
(2) An additional setback shall be maintained for 25 feet, measured horizontally, beyond the undisturbed natural vegetative buffer, in which all impervious cover shall be prohibited. Grading, filling and earthmoving shall be minimized within the setback.

(3) No septic tanks or septic tank drain fields shall be permitted within the buffer or the setback.

b. Variance Procedures

Variances from the above buffer and setback requirements may be granted in accordance with the following provisions:

(1) Where a parcel was platted prior to the effective date of this ordinance, and its shape, topography or other existing physical condition prevents land development consistent with this ordinance, and the City of Villa Rica finds and determines that the requirements of this ordinance prohibit the otherwise lawful use of the property by the owner, the City of Villa Rica may grant a variance from the buffer and setback requirements hereunder, provided such variance require mitigation measures to offset the effects of any proposed land development on the parcel.

(2) Except as provided above, the City of Villa Rica shall grant no variance from any provision of this ordinance without first conducting a public hearing on the application for variance and authorizing the granting of the variance by an affirmative vote of the Villa Rica City Council. The City of Villa Rica shall give public notice of each such public hearing in a newspaper of general circulation within the City of Villa Rica. The City of Villa Rica shall require that the applicant post a sign giving notice of the proposed variance and the public hearing. The sign shall be of a size and posted in such a location on the property as to be clearly visible from the primary adjacent road right-of-way.

Variances will be considered only in the following cases:

(a) When a property's shape, topography or other physical conditions existing at the time of the adoption of this ordinance prevents land development unless a buffer variance is granted.

(b) Unusual circumstances when strict adherence to the minimal buffer requirements in the ordinance would create an extreme hardship.

(c) Variances will not be considered when, following adoption of this ordinance, actions of any property owner of a given property have created conditions of a hardship on that property.

(3) At a minimum, a variance request shall include the following information:

(a) A site map that includes locations of all streams, wetlands, floodplain boundaries and other natural features, as determined by field survey;

(b) A description of the shape, size, topography, slope, soils, vegetation and other physical characteristics of the property;

(c) A detailed site plan that shows the locations of all existing and proposed structures and other impervious cover, the limits of all existing and proposed land disturbance, both inside and outside the buffer and setback. The exact area of the buffer to be affected shall be accurately and clearly indicated;

(d) Documentation of unusual hardship should the buffer be maintained;

(e) At least one alternative plan, which does not include a buffer or setback intrusion, or an explanation of why such a site plan is not possible;
(f) A calculation of the total area and length of the proposed intrusion;

(g) A stormwater management site plan, if applicable; and,

(h) Proposed mitigation, if any, for the intrusion. If no mitigation is proposed, the request must include an explanation of why none is being proposed.

(4) The following factors will be considered in determining whether to issue a variance:

(a) The shape, size, topography, slope, soils, vegetation and other physical characteristics of the property;

(b) The locations of all streams on the property, including along property boundaries;

(c) The location and extent of the proposed buffer or setback intrusion; and,

(d) Whether alternative designs are possible which require less intrusion or no intrusion;

(e) The long-term and construction water-quality impacts of the proposed variance;

(f) Whether issuance of the variance is at least as protective of natural resources and the environment.

5. Compatibility with Other Buffer Regulations and Requirements

This ordinance is not intended to interfere with, abrogate or annul any other ordinance, rule or regulation, statute or other provision of law. The requirements of this ordinance should be considered minimum requirements, and where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule, regulation or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall be considered to take precedence.

6. Additional Information Requirements for Development on Buffer Zone Properties

Any permit applications for property requiring buffers and setbacks hereunder must include the following:

A site plan showing:

(1) The location of all streams on the property;

(2) Limits of required stream buffers and setbacks on the property;

(3) Buffer zone topography with contour lines at no greater than five (5)-foot contour intervals;

(4) Delineation of forested and open areas in the buffer zone; and,

(5) Detailed plans of all proposed land development in the buffer and of all proposed impervious cover within the setback;

(b) A description of all proposed land development within the buffer and setback; and,

(c) Any other documentation that the City of Villa Rica may reasonably deem necessary for review of the application and to insure that the buffer zone ordinance is addressed in the approval process.

All buffer and setback areas must be recorded on the final plat of the property following plan approval.

7. Responsibility
Neither the issuance of a development permit nor compliance with the conditions thereof, nor with the provisions of this ordinance shall relieve any person from any responsibility otherwise imposed by law for damage to persons or property; nor shall the issuance of any permit hereunder serve to impose any liability upon the City of Villa Rica, its officers or employees, for injury or damage to persons or property.

8. Inspection
The City of Villa Rica may cause inspections of the work in the buffer or setback to be made periodically during the course thereof and shall make a final inspection following completion of the work. The permittee shall assist the City of Villa Rica in making such inspections. The City of Villa Rica shall have the authority to conduct such investigations as it may reasonably deem necessary to carry out its duties as prescribed in this ordinance, and for this purpose to enter at reasonable time upon any property, public or private, for the purpose of investigating and inspecting the sites of any land development activities within the protection area.

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

9. Violations, Enforcement and Penalties
Any action or inaction which violates the provisions of this ordinance or the requirements of an approved site plan or permit may be subject to the enforcement actions outlined in this Section. Any such action or inaction which is continuous with respect to time is deemed to be a public nuisance and may be abated by injunctive or other equitable relief. The imposition of any of the penalties described below shall not prevent such equitable relief.

a. Notice of Violation
If the City of Villa Rica determines that an applicant or other responsible person has failed to comply with the terms and conditions of a permit, an approved site plan or the provisions of this ordinance, it shall issue a written notice of violation to such applicant or other responsible person. Where a person is engaged in activity covered by this ordinance without having first secured the appropriate permit therefore, the notice of violation shall be served on the owner or the responsible person in charge of the activity being conducted on the site.

The notice of violation shall contain:

(1) The name and address of the owner or the applicant or the responsible person;
(2) The address or other description of the site upon which the violation is occurring;
(3) A statement specifying the nature of the violation;
(4) A description of the remedial measures necessary to bring the action or inaction into compliance with the permit, the approved site plan or this ordinance and the date for the completion of such remedial action;
(5) A statement of the penalty or penalties that may be assessed against the person to whom the notice of violation is directed; and,
(6) A statement that the determination of violation may be appealed to the City of Villa Rica by filing a written notice of appeal within thirty (30) days after the notice of violation (except that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours’ notice shall be sufficient).

b. Penalties
In the event the remedial measures described in the notice of violation have not been completed by the date set forth for such completion in the notice of violation, any one or more of the following actions or penalties may be taken or
assessed against the person to whom the notice of violation was directed. Before taking any of the following actions or imposing any of the following penalties, the City of Villa Rica shall first notify the applicant or other responsible person in writing of its intended action, and shall provide a reasonable opportunity, of not less than ten days (except that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours notice shall be sufficient) to cure such violation. In the event the applicant or other responsible person fails to cure such violation after such notice and cure period, the City of Villa Rica may take any one or more of the following actions or impose any one or more of the following penalties.

(1) **Stop Work Order** - The City of Villa Rica 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.

(2) **Withhold Certificate of Occupancy** - The City of Villa Rica may refuse to issue a certificate of occupancy for the building or other improvements constructed or being constructed on the site until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein.

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

(4) **Civil Penalties** - In the event the applicant or other responsible person fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within ten days (or such greater period as the City of Villa Rica shall deem appropriate) (except that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours notice shall be sufficient) after the City of Villa Rica has taken one or more of the actions described above, the City of Villa Rica may impose a penalty not to exceed $1,000 (depending on the severity of the violation) for each day the violation remains unremedied after receipt of the notice of violation.

(5) **Criminal Penalties** - For intentional and flagrant violations of this ordinance, the City of Villa Rica may issue a citation to the applicant or other responsible person, requiring such person to appear in Magistrate Court to answer charges for such violation. Upon conviction, such person shall be punished by a fine not to exceed $1,000 or imprisonment for 60 days or both. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

10. **Administrative Appeal and Judicial Review**

**Administrative Appeal**

Any person aggrieved by a decision or order of City of Villa Rica may appeal in writing within 30 days after the issuance of such decision or order to the City of Villa Rica shall be entitled to a hearing before the Villa Rica City Council within 30 days of receipt of the written appeal.

11. **Judicial Review**

Any person aggrieved by a decision or order of the City of Villa Rica, after exhausting all administrative remedies, shall have the right to appeal de novo to the Magistrate Court.

12. **Severability**
If any article, section, subsection, paragraph, clause, phrase or provision of this ordinance shall be adjudged invalid or held unconstitutional, such decision shall not affect or invalidate the remaining portions of this ordinance.

(ORD-16-07-UDC, CC 11-6-07)

Section 8.06 Streets

A. Streets, Generally

1. Full Capacity
All development shall be provided with safe and adequate access designed to accommodate development at maximum planned densities unless the applicant restricts future subdivision through deed restrictions. Street systems shall be designed and constructed in accordance with this Section.

2. Required Level of Service
No development shall be approved if such development, at full occupancy, will result in an increase of traffic on an arterial or collector street within one mile of the development so that the street does not function at a level of service “D” or better as defined by the Transportation Research Board, National Research Council in the Highway Capacity Manual. The applicant may propose and construct approved traffic mitigation measures to provide adequate roadway capacity for the proposed development. The applicant shall submit a traffic impact analysis in accordance with Section 8.06.I, as applicable.

B. Street Design

1. Street Design, Generally
The standards established by this Section shall apply to all public and private roads in the City of Villa Rica. The City of Villa Rica’s Comprehensive Plan and Major Street Map shall serve as a guide for the location and scale of future arterial and collector streets. Street and sidewalk design and construction shall be in conformance with the current regulations of the Georgia Department of Transportation. Exceptions to the requirements of this Section shall be obtained in writing from the Community Development Director.

2. Street Classification
All streets shall be classified as arterial, collector or local streets. Any street that is not already classified in the City Road System shall be classified by the Community Development Director in consultation with the Community Development Director subject to confirmation by the City Council. In classifying streets, the City shall consider projected traffic demands after twenty (20) years of development. All section line roads shall be considered arterial streets unless specifically designated otherwise in the adopted Major Street Map, or unless the Community Development Director finds that there will be no future need for an arterial road along a particular section boundary.

3. Street Design Standards
All street improvements intended to become a part of the City Road System shall be designed according to the standards shown in Table 8-1.

4. Topography and Arrangement
   a. Alignment. Street grades and alignment shall be related and integrated with the existing topography. However, a combination of steep grades and curves shall be avoided. Local roads shall be curved wherever possible to avoid the appearance of rigid conformity. All streets shall be arranged in order to gain as many building sites as possible at, or above, the grades of the streets.

   b. Conformance to Existing Plans. All streets shall be aligned with the existing and proposed system of thoroughfares and dedicated rights-of-way as established in the Comprehensive Plan, Major Street Map or adopted technical standards for public improvements.
c. Related to Land Uses. All thoroughfares shall be properly related to special traffic generators such as industries, business districts, schools, churches, and shopping centers to population densities, and to the pattern of existing and proposed land uses.

d. Conforming to Topography. Minor or local streets shall be designed to conform as much as possible to the topography to discourage use by through traffic, to permit efficient drainage and utility systems, and to require the minimum number of streets necessary to provide convenient and safe access to property.

e. Extension. Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless the City Council finds that the extension is prevented by topography or other physical conditions, or unless, in the opinion of the City Council, such extension is not necessary or desirable for the coordination of the layout of the subdivision with the existing layout or the most advantageous future development of adjacent tracts.

f. Commercial and Industrial Developments. In commercial and industrial developments, the streets and other access ways shall be planned in connection with the grouping of buildings, location of rail facilities, and the provision of alleys, truck loading and maneuvering areas, and sidewalks and parking areas so as to minimize conflict of movement between the various types of traffic, including pedestrian.

5. General Street Arrangement

a. Adequate Traffic Circulation. Provisions shall be made for adequate traffic circulation. Local and residential streets shall be designed to allow through traffic, but at limited volume and velocities.

b. Lot Access. Every lot shall have approved access to a public right-of-way accepted by the City Council. Multiple driveways shall be reviewed and approved by the Community Development Director.

c. Street Connections. Streets should connect with those already dedicated in adjoining or adjacent subdivisions and provide for future connections to adjoining unsubdivided tracts whenever possible.

d. Dead End Streets. If the adjacent property is undeveloped and the street must temporarily be a dead-end street, the right-of-way shall be extended to the property line. A temporary cul-de-sac, T- or L-shaped turnabout shall be provided on all temporary dead-end streets, with the notation on the subdivision plat that land outside the normal street right-of-way shall revert to abutters whenever the street is continued. The City may limit the length of temporary dead-end streets in accordance with these regulations.

e. Street Alignment/Jogs. Offset streets shall be avoided where possible. Street jogs with centerline offsets of less than one hundred twenty-five (125) feet shall not be permitted, except where the intersected street intersection has divided lanes without median breaks. An offset street is illustrated in Figure 8-1.
### Table 8-1 Street Design Standards

<table>
<thead>
<tr>
<th>Street Type</th>
<th>Minimum Right-of-Way Width*</th>
<th>Minimum Pavement Width**</th>
</tr>
</thead>
<tbody>
<tr>
<td>Major Thoroughfare / Arterial Street</td>
<td>As required by the Georgia Department of Transportation.</td>
<td>As required by the Georgia Department of Transportation.</td>
</tr>
<tr>
<td>Collector Street</td>
<td>Eighty (80) feet.</td>
<td>Twenty-eight (28) feet.</td>
</tr>
<tr>
<td>Local Street / Dead-End Street</td>
<td>Fifty (50) feet.</td>
<td>Twenty-six (26) feet.</td>
</tr>
<tr>
<td>Industrial Street</td>
<td>Eighty feet. If less than twelve hundred (1200) feet in total length, sixty (60) feet.</td>
<td>Thirty (30) feet.</td>
</tr>
<tr>
<td>Alley</td>
<td>Twenty-five (25) feet.</td>
<td>Sixteen (16) feet.</td>
</tr>
<tr>
<td>Cul-de-sac</td>
<td>One hundred (100) feet in diameter.</td>
<td>Eighty (80) feet turnaround diameter.</td>
</tr>
<tr>
<td>Rural Residential (no curb and gutter)</td>
<td>Permitted only in subdivisions consisting of five (5) acre and larger lots. Sixty (60) feet.</td>
<td></td>
</tr>
</tbody>
</table>

*As measured across the street from property line to property line.

** As measured to back of curb and gutter.

### Figure 8-1 Offset Street

![Offset Street Diagram]
City of Villa Rica, Georgia Unified Development Code

f. **Intersection of Streets.** The angle of intersection between minor streets and major streets shall not vary by more than ten degrees from a right angle.

g. **Minimum Curb Radius.** At the intersection of two local or collector streets, the minimum curb radius shall be at least twenty-five (25) feet. At an intersection involving a collector street classification, minimum curb radius shall be at least twenty-five (25) feet. Alley intersections and abrupt changes in alignment within a block shall have the corners cut off in accordance with standard engineering practice to permit safe vehicular movement. The radii at side street intersections with arterial streets shall be designed according to the IDOT Design Manual.

h. **Cross Slope.** The cross slopes of all streets, including intersections, shall not exceed three percent (3%).

6. **Cul-de-sac Street**
   a. **Cul-de-sac Approaches.** Cul-de-sac approaches shall have a minimum right-of-way width of sixty (60) feet. Development on cul-de-sacs longer than three hundred (300) feet shall not generate more than three hundred (300) vehicle trips per day as projected using the current Institute of Transportation Engineers Trip Generation Manual. A cul-de-sac street shall not exceed six hundred (600) feet in length.

   b. **Cul-de-sac Turnarounds.** Cul-de-sac turnarounds shall have a minimum paved diameter of eighty (80) feet and a minimum one hundred (100) foot diameter right-of-way to include sufficient area for easements needed for utilities, drainage and mail service.

   c. **Temporary Cul-de-sac.** A temporary dead-end street in a phased development may be constructed without a turnaround if it is less than one hundred twenty (120) feet in length. A street constructed in a phased development that is longer than one hundred twenty (120) feet shall have a temporary turnaround.

7. **Alleys**
   Alleys with a twenty (20) foot wide right-of-way and eighteen (18) feet of paved roadway may be required in commercial areas, in the rear lots of multiple family districts unless other adequate provisions are made for service and deliveries, and where justified by special conditions such as the continuation of an existing alley in the same block. Alleys are not required in residential districts. Dead-end alleys are prohibited.

8. **Stub Streets**
   Stub streets are prohibited, except where an existing platted stub street abuts the subdivision. Where a platted stub street exists, the other stub street shall be required to be completed by the applicant.

9. **Private Streets**
   No private streets shall be platted in any subdivision.

10. **Secondary Access**
    Secondary access shall be provided for any development projected to generate more than three hundred (300) trips per day or to take sole access from a street projected to carry more than three hundred (300) trips per day.

11. **Curbs and Gutters**
    Curbs and gutters shall be required by the Council for any development on lots of one-half (1/2) acre or less, or along streets located within one quarter (1/4) mile of the City unless the Council deems otherwise. All curbs and gutters shall be constructed of concrete, shall be a minimum width of two feet, and shall be designed with an L-back with a six (6) inch curb height.

12. **Street Names**
    Streets in alignment with existing streets shall bear the names of the existing streets. Proposed street names that are in conflict with existing street names shall not be approved.
a. Street names shall not be similar, duplicate, nor sound similar to the names of existing streets in the city or respective counties. Hyphenating, dividing 1 word into 2 words, affixing “Drive” for “Road”, etc., other manipulations of an existing street name shall not constitute an acceptable street name. Similar sounding names shall be unacceptable regardless of spelling.

b. The applicable county’s established residential street numbering system shall be utilized for every residential, commercial or industrial subdivision. Contact the Carroll County Map Room and Douglas County 911 and Engineering Departments for naming and numbering assistance.

c. Every building shall be assigned and shall display a property number. Property numbers shall be so located and of such a size as to be visible from the street. If a mailbox is located at the street, such mailbox shall have the property number affixed thereto with numerals measuring at least 3 inches in height.

d. It shall be unlawful for any person to alter, deface or take down any property number placed in accordance with this provision except for repair or replacement of such number.

e. The continuation of any road or the design and construction of a new road results in the creation of a four-way intersection, the new road or continued road must have the same name the entire duration of the road unless otherwise prohibited by law.

13. Street Dedication
No road or street shall be accepted by the City unless it meets the design standards established by this Code and all other design standards established by the City. Dedication of half-streets will not be approved.

14. Street Composition
Pavement composition shall be based on functional classification and the predominant zoning through which a street passes, pursuant to Table 8-2. See latest edition of the Georgia Department of Transportation Standard Specifications for the Construction of Roads and Bridges for specifications of referenced asphaltic concrete types. For all street classifications, before asphalt pavement is placed, a Bituminous Prime shall be applied to the base material in accordance with DOT specifications. Application rate shall be a minimum of 0.15 gallons per square yard.

15. Street Outside City
Streets constructed outside the City limits, which are not expected to be incorporated into the City limits within the next twenty (20) years may be exempted from the requirements of Section 7.06,B if approved by the Council; the streets must meet the minimum standards of the jurisdiction for which it is located.

C. Street Construction and Materials
Street construction and materials shall comply with City street construction standards, procedures and policies, as well as the following subgrade, base and pavement material and construction specifications:

1. Tests
All tests and data described below shall be conducted or provided and paid for by the paving contractor or the developer. Test results shall be submitted to the Public Works Department for review and/or approval.

2. Subgrade
Embarkments shall be constructed in eight to twelve inch lifts. Individual lifts shall be compacted using sheep’s foot rollers, vibratory compactors, pneumatic tire rollers or other equipment capable of obtaining the required compaction. The surface of the completed subgrade shall be bladed to a smooth and uniform texture. The centerline profile shall conform to the established elevations with an acceptable tolerance of +/- ½ inch. The acceptable tolerance under a template conforming to the designed cross-section shall be +/- ¼ inch. Soil density tests shall be performed on roadway fills 4 feet in height and greater. The compaction tests will be performed to within twelve 12 inches of the final grade of the subgrade. For the fills requiring compaction tests they shall be compacted to ninety-
five (95) percent of maximum dry density per the standard proctor test (ASTM D698, AASHTO T99). One set of compaction tests shall be performed on every other twelve 12 inch lift at one hundred-foot intervals along the roadway fill section. An independent party selected by the developer’s engineer and approved by the Public Works Department shall perform the tests. Where the subgrade compaction is determined to be less than the required degree, the developer shall remove, replace, and/or recompact the section in question, or use other means approved by the Public Works Department, until the density is determined to meet the required limit. Copies of all test results shall be submitted to the Public Works Department. The compaction of the top twelve 12 inches of the subgrade shall be inspected by proof rolling. The subgrade shall have sufficient stability to support any and all types of construction equipment used to construct the roadway without “pumping” (vertical and/or horizontal displacement of the subgrade). The “proof-roll” compaction inspection of the subgrade shall be by a vehicle with a minimum gross vehicle weight of 24,000 pounds, fully loaded with a minimum of 16 tons (32,000 pounds) of graded aggregate (54,000 pounds total weight minimum). The weight of the proof-roll inspection vehicle and the accompanying load shall be shown on a printed “load-out” ticket from a reputable quarry. The Public Works Department shall approve all subgrades. The contractor, at the contractor’s expense, shall correct any areas not passing the proof roll inspection.

3. Concrete Pavement
a. Concrete pavement compressive strength shall be four thousand (4,000) psi at twenty-eight (28) days. Concrete test cylinders will be taken from each batch poured for every seven hundred fifty (750) feet of street-paving construction. These shall be tested according to ASTM C31-69 and C39-72 to ascertain the twenty-eight day compressive strength.

b. A concrete slump test (ASTM C143-74) will be conducted at the same time that the cylinders are made. The concrete shall not be accepted which has a slump value greater than 2 ½ inches.

c. Core samples shall be made at intervals of not less than 500 feet and not more than 1,000 feet of paving. Core sample report must be approved by the Public Works Department prior to final plat approval.

4. Asphalt Pavement
a. Placement of the base material and asphalt shall be inspected and approved by the Public Works Department as specified below. The paving contractor/developer is responsible for requesting such inspections, and placement of base and/or asphalt shall not be done until such inspections have been scheduled.

b. The compacted base course (graded aggregate or crusher run) shall have sufficient stability to support any and all types of construction equipment used to construct the roadway without “pumping” (vertical and/or horizontal displacement of the base due to any number of factors including too much water, not enough compactive effort, etc.), regardless of compaction. The “proof-roll” compaction inspection of the graded aggregate base shall be by a vehicle with a minimum gross vehicle weight of 24,000 pounds, fully loaded with a minimum of 16 tons (32,000 pounds) of graded aggregate (54,000 pounds total weight minimum). The weight of the proof-roll inspection vehicle and the accompanying load shall be shown on a printed “load-out” ticket from a reputable quarry. A representative of the Community Development Department or Public Works shall inspect all graded aggregate bases. The contractor, at the contractor’s expense, shall correct any areas not passing the proof-roll inspection.

c. The graded aggregate base thickness, as required in the current Development regulations, shall not be deficient in any area by more than ½ total inches. Any deficient area shall be corrected by adding additional quantities of the same materials and rebuilt to the desired thickness. The contractor, at contractor’s expense, and during the proof-roll compaction inspection process, shall do the measurement. Three holes shall be dug every 1500 feet or one hole per each 500 feet, to confirm the required thickness. At least one hole shall be dug for any areas less than the above footage. The Public Works Department shall determine the hole(s)’ location and confirm the depth of graded aggregate base.

d. Core samples shall be taken of the asphalt at intervals of not less than 300 feet and not more than 500 feet. Samples shall be taken from the center of the travel lane and samples shall alternate between travel lanes. The thickness of the asphalt shall not be less than 1/4" from the plan dimensions. Core sample report must be approved.
by the Community Development Department prior to final plat approval. If the core sample report indicate a
deficiency in thickness of the street base and asphalt pavement a minimum one (1) inch overlay shall be required
when the following deficiencies occur.

(1) When the number of cores deficient in thickness within the allowable one-quarter (1/4) of an inch tolerance
exceeds thirty-five (35) percent of the total cores taken on one (1) street.

(2) When two or more consecutive tests show a deficiency of more than one-quarter (1/4) of an inch allowable
tolerance. When a core shows a deficiency in excess of the allowable tolerance additional cores will be taken to
delineate the area of the deficient thickness.

(3) Any required overlay shall extend a minimum of one hundred fifty (150) feet beyond the outer limits of the
deficient area for the full width of the street. Smooth, neat joints shall be saw cut normal to the roadway for full
depth of asphalt pavement, removing the original pavement for a minimum of ten (10) feet at each end of the
overlay. The thickness of the overlay shall be determined by the depth of the deficient area and shall not be less than
one (1) inch in compacted thickness. The type of material used in the overlay shall be specified by the City.

5. Subdrains.
Lateral subdrains shall be constructed at a minimum interval of every 500 ft. for roadways with a continuous grade
of 2% or less, and in all sag vertical curves and cul-de-sacs. The top of the subdrain shall be at the interface of the
subgrade and the subbase. For all locations in the roadway, the subdrain shall extend from the centerline to the
nearest drop inlet or ditch on each side of the road. For cul-de-sacs, the subdrain shall be designed to accommodate
the location of the drop inlet and expected groundwater flow. The subdrain shall consist of a 6 inch perforated
plastic pipe and be placed at the bottom of a two foot by two foot ditch backfilled with AASHTO No. 57 gradation
material.

D. Traffic Control
Traffic control devices shall be provided for new development pursuant to standards adopted by the City.

E. Access Standards
1. Purpose
The purpose of regulating the amount and nature of vehicular access points is to balance the need for providing
access to individual private properties with the need to preserve an adequate level of capacity on the streets
providing access. Vehicular access restrictions may be required to be shown on subdivision plats.

2. Access to Primary Arterials
Where a residential subdivision borders on or contains an existing or proposed primary arterial, the City may require
that access to such streets be limited by one of the following means:

a. Lots shall back onto the primary arterial and front onto a parallel local street; no access shall be provided from the
primary arterial; or

b. A series of cul-de-sacs, U-shaped streets, or short loops entered from and designed generally at right angles to the
primary arterial; or

c. A marginal access or service road (separated from the primary arterial by a ten (10) foot wide planting strip and
having access at suitable points).

3. Railroads and Limited Access Highways
Railroad rights-of-way and limited access highways, where so located as to affect the subdivision of adjoining lands,
shall be treated as follows:
a. In residential districts, a type E buffer shall be provided in accordance with Section 6.05 adjacent to the railroad right-of-way or limited access highway. This strip shall be part of the platted lots and shall be designated on the plat.

b. In districts zoned for business, commercial or industrial uses, wherever practicable, the nearest street extending parallel or approximately parallel to the railroad right-of-way shall be at a sufficient distance from the railroad right-of-way to ensure suitable depth for commercial or industrial sites.

c. When streets parallel to the railroad right-of-way intersect a street that crosses the railroad right-of-way at grade, they shall, to the extent practicable, be at a distance of at least one hundred fifty (150) feet from the railroad right-of-way. Such distance shall be determined with due consideration of the minimum distance required for future separation of grades by means of appropriate approach gradients.

4. Lot Access
No building permit shall be issued for any lot or parcel that does not abut a public street.

5. Driveway Permits
A driveway permit, issued by the Community Development Director, is required prior to the construction of any new access point. When a traffic study is required pursuant to Section 8.06.I, no driveway permit will be issued until the traffic study process has been completed. Any non-residential change in use resulting in the following will require a new driveway permit:

a. An increase of greater than fifty (50) peak hour trips, or

b. A ten percent (10%) increase in average daily trips, or

c. Over ten (10) additional daily vehicle trips made by vehicles exceeding thirty thousand (30,000) pounds in gross vehicle weight.

For the purposes of evaluating driveway permit requests, the boundary of the site is considered to be all contiguous parcels under the same ownership on the date of adoption of this provision.
# Table 8-2 Street Composition

<table>
<thead>
<tr>
<th>Options</th>
<th>Local Residential Streets</th>
<th>Office, institutional, commercial and all collectors.</th>
<th>Industrial and all arterials.</th>
</tr>
</thead>
</table>
| 1       | • 1 ½” Asphaltic concrete Type "F" (top course).  
          • 2” Asphaltic concrete Type "B" (binder).  
          • 6” Crusher run or graded aggregate base for main line pavement.  
          • 10” Crusher run or graded aggregate base for cul-de-sacs.  
          • Subgrade stabilized with stone, unless material in place weighs at least 95 lbs./cu. ft. | • 1½” Asphaltic concrete Type "F" (top course).  
          • 2½” Asphaltic concrete Type "B" (binder).  
          • 8” Graded aggregate or crusher run base course for main line pavement.  
          • 10” Graded aggregate or crusher run base course for cul-de-sacs.  
          • Base shall be compacted to 98% maximum dry density per standard proctor test ASTM D698.  
          • Subgrade stabilized with stone, unless material in place weighs at least 95 lbs./cu. ft. | • 1½” Asphaltic concrete Type "F" (top course).  
          • 2” Asphaltic concrete Type "B" (binder).  
          • 3” Asphaltic base.  
          • 8” Graded aggregate or crusher run base course compacted to 98% maximum dry density per standard proctor test ASTM D698.  
          • Subgrade stabilized with stone, unless material in place weighs at least 95 lbs./cu.ft. |
| 2       | • 1 ½” Asphaltic concrete Type “F” (top course).  
          • 2” Asphaltic concrete Type “B” (binder).  
          • 12” Soil cement base for main line pavement – 16” Soil cement base for cul-de-sacs.  
          • Soil cement shall be mixed in place - compacted to 98% maximum dry density per standard proctor test ASTM D698. | • 1½” Asphaltic concrete Type “F” (top course)  
          • 2½” Asphaltic concrete Type “B” (binder).  
          • 8” Soil cement base for main line pavement  
          • 10” Soil cement base for cul-de-sac. | • 1½” Asphaltic concrete Type “F” (top course).  
          • 2” Asphaltic concrete Type “B” (binder).  
          • 3” Asphaltic base.  
          • 8” Soil cement stabilized base course mixed in place compacted to 98% maximum dry density per standard proctor test ASTM D698. |
<table>
<thead>
<tr>
<th>Soil cement shall be mixed in place - compacted to 98% maximum dry density per standard proctor test ASTM D698.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subgrade stabilized with stone, unless material in place weighs at least 95-lbs./cu. ft.</td>
</tr>
<tr>
<td>Subgrade stabilized with stone, unless material in place weighs at least 95-lbs./cu. ft.</td>
</tr>
<tr>
<td>7” Concrete pavement per specifications detailed in section 5c.</td>
</tr>
<tr>
<td>8” Concrete pavement per specifications detailed in section 5c.</td>
</tr>
<tr>
<td>4” Crusher run or graded aggregate base course compacted to 98% maximum dry density per standard proctor test ASTM D698.</td>
</tr>
<tr>
<td>4” Crusher run or graded aggregate base course compacted to 98% maximum dry density per standard proctor test ASTM D698.</td>
</tr>
</tbody>
</table>

- Subgrade stabilized with stone, unless material in place weighs at least 95 lbs./cu. ft.
- 6” Concrete pavement per specifications detailed in section 5c.
- 4” Crusher run or graded aggregate base course compacted to 98% maximum dry density per standard proctor test ASTM D698.
6. Driveway Design Standards
   a. Dimensions. The minimum driveway width shall be twelve (12) feet for residential and fifteen (15) feet for non-residential land uses, and the maximum driveway width shall be twenty-four (24) feet for residential and thirty-five (35) feet for non-residential land uses. The minimum thickness shall be six (6) inches.

   b. Approach. The driveways adjacent to paved roads shall provide an asphalt or concrete driveway approach from the property line to the roadbed edge.

   c. Multiple-Frontage Lots. When a residential lot has multiple frontages, the driveway(s) shall be located on the street with the lowest functional classification except where the Community Development Director determines that commercial traffic would introduce excessive traffic to a local residential street.

   d. Culverts. If there is an existing stormwater ditch, culverts must be installed to allow proper drainage of stormwater. Culverts shall be galvanized coated, and a minimum fifteen (15) inches.

7. Design Objectives
   In reviewing an application for a driveway permit for any non-residential or multi-family use, the Community Development Director or his designee shall determine that the following objectives have been met:

   a. Adequate corner clearance from any adjacent street intersections has been provided to preserve the functional integrity of the intersection, and spacing from adjacent driveways is sufficient to safely minimize conflicts between traffic entering and exiting adjacent driveways;

   b. Adequate stopping sight distance and intersection sight distance are provided;

   c. Auxiliary lanes are provided as needed to
      
      (1) Minimize speed differentials with mainline highway traffic,
      
      (2) Prevent the encroachment of turning vehicles on mainline traffic, and
      
      (3) Prevent the queuing of inbound traffic from impacting mainline traffic.

   d. Sufficient storage distance between the curb line and the first point of conflict for traffic on the site is provided to prevent the backup of traffic onto public streets. This distance shall be adequate to absorb the maximum peak period inbound traffic during the normal weekday;

   e. Appropriate conflict reduction measures have been provided to safely manage inbound and outbound traffic. Median design features and driveway channelization shall be used as appropriate to accomplish conflict reduction;

   f. Access locations have been properly offset from driveways or street intersections located across the roadway in order to limit conflicts within the mainline or median of the street.

   g. The design of the access satisfies standard geometric guidelines for turning radii, driveway slope, angle of entry, design speed and width. The access grade within the public right-of-way shall not exceed three (3%) percent. The drainage design of the access should not interfere with the drainage system in the public right-of-way;

   h. The access provides for the safe crossing of pedestrians, the handicapped and bicyclists;

   i. The installation of necessary traffic control devices for the safe and proper operation of the access meet the requirements adopted by the City and in the case of traffic signals, are located so as to allow for proper signal coordination and adequate left turn storage needs at the access and nearby intersections.

   j. Except in the RD District, no single family or two-family lot smaller than one (1) acre shall be created which is accessed from an arterial street or a major collector street.
k. These standards are not intended to preclude access to existing lots. Where the City's standards would preclude access to a lot, the Planning Commission may vary the access standard.

8. Substandard Access
Where access standards of Section 8.06.E or the design objectives of Section 8.06.E.7 cannot be met, the Community Development Director shall be guided by the following process in determining whether substandard access may be permitted.

a. The Community Development Director shall first determine whether alternate access to another street that meets the standards of the Code.

b. Where alternate access opportunities are determined not to exist, the Community Development Director may grant a reduction in spacing standards of up to twenty (20%) percent.

c. If after considering alternatives under (1) and (2) above, the Community Development Director determines that no feasible alternatives exist, a substandard access permit may be granted only subject to the variance provisions of Section 2.03.J and the following findings:

(1) Conditions or circumstances exist which limit the strict application of the requirements of this Code, including the lack of a secondary access to another public street, the inability to use joint access, and the lack of engineering or construction solutions that can be applied to mitigate the condition;

(2) The proposed access will not result in undue delay or congestion or be detrimental to the safety of motoring public using the roadway; and

(3) The limiting access will create an exceptional and undue hardship on the applicant and that the permit issued will allow a reasonable use of the property.

9. Acceleration and Deceleration Lanes
For any driveway or street located on a major thoroughfare, except driveways serving 1 to 5 single-family residences, acceleration and deceleration lanes shall be provided. The minimum length for deceleration lanes shall be one hundred and twenty (120) feet for collector streets or two hundred (200) feet for arterial streets except that either the Community Development Director or the state department of transportation’s district traffic and safety engineer, as applicable, may specify longer or shorter lanes based on grade, distance from an intersection, design speed, etc. The Community Development Director shall make recommendations to the district traffic engineer on the need for and design of acceleration lanes on state routes. The Community Development or Public Works Department shall determine the need for and design specifications for acceleration lanes along city streets.

10. Sight Distance and Alignment
All driveways shall be located and streets aligned so as to provide at least the horizontal and vertical sight distances listed below. All sight distances shall be determined by the methods found in the latest edition of A Policy on Geometric Design of Highways and Streets (AASHTO). The developer shall cut such ground or vegetation (including trees) to the extent necessary to provide adequate sight distance.

a. Horizontal sight distance refers to the ability to detect objects in the roadway while negotiating a horizontal curve. The distance is measured from a point at which the height of the driver’s eye is 3.50 feet above the roadway to a stationary object having a height of 6 inches above the roadway.

Arterial streets..........500 feet
Collector streets……..350 feet
Local streets..........200 feet
b. Vertical sight distance refers to the ability to detect an object in the roadway while negotiating the crest of a hill. The distance is measured the same as for horizontal curves.

20 miles per hour design = 150 ft. sight distance
25 miles per hour design = 175 ft. sight distance
30 miles per hour design = 200 ft. sight distance
35 miles per hour design = 240 ft. sight distance
40 miles per hour design = 275 ft. sight distance
50 miles per hour design = 350 ft. sight distance

In approaches to intersections, there shall be a leveling of the street at a grade not exceeding 4 percent for a distance of not less than 50 feet from the nearest right-of-way of the intersecting street.

c. Horizontal curve design shall be in accordance with good engineering practice considering probable traffic speed, traffic volume and other appropriate factors. In no event shall horizontal curves have a radius of less than two hundred (200) feet. Super-elevation of curves shall be limited to high-speed thoroughfares. There shall be provided a tangent of at least one hundred (100) feet between reverse curves.

d. Vertical curve design shall be in accordance with good engineering design, considering traffic and drainage factors. In general, vertical curves shall not be less than one hundred (100) feet in length. The minimum vertical sight distance shall be two hundred (200) feet.

F. Oversizing Streets
1. Responsibility
Where a designated street, according to the Major Street Map, runs through the proposed subdivision, the applicant shall be responsible for the construction of such street to a collector street standard.

2. Reimbursement and Costs
If the designated street exceeds the collector standard, the applicant shall be required to construct the designated street subject to reimbursement by the City for the construction cost of the difference between the collector street and arterial street. Should reimbursement funds by the City not be available, the applicant’s responsibility for construction shall be limited to a collector standard; however, the design shall be modified to facilitate future expansion of such street. Any required improvements deleted by the Community Development Director in order to facilitate the future street expansion shall not relieve the responsibility of the subdivider for such improvements. The cost of such deleted improvements shall be paid to the City. Such monies shall be deposited in a street construction fund such as a transportation improvement fee fund, which may be expended by the City Council for the purpose of construction of arterial and collector streets within the City. Should the subdivider make such payments, he shall be relieved of any obligation for the completion of such deleted improvements.

G. Other Improvements
1. Sidewalks and Pedestrian Paths Standards
a. Required
Sidewalks or pedestrian paths shall be required along all streets.

b. Surrounding Areas
Sidewalks or pedestrian paths shall be required along all streets located within one (1) mile of the City, unless otherwise approved by the City Council.
c. Design

Sidewalks shall be at least five (5) feet in width and shall be designed to comply with the Americans with Disabilities Act, provided that the Council may approve a different standard for walkways across private property.

(ORD-08-07-UDC, 7-10-07)

d. Location

All required walkways shall be located within a dedicated right-of-way or access easement. A median strip of grass or landscaped area at least three (3) feet wide shall separate all sidewalks from adjacent curbs unless approved by the Community Development Director.

e. Easements

Sidewalk and path easements shall be a minimum of ten (10) feet in width if adjacent to a public street or land. The minimum width of the sidewalk/path easement between the rear or side lot lines of a parcel shall be fifteen (15) feet, unless approved otherwise by the City Council.

2. Street Signs

a. Developers shall be responsible for placing street signs and traffic signs in accordance with these regulations. All required signs shall be in place prior to the approval of final subdivision. Street name signs shall be placed at all intersections within or abutting the subdivision, the type and location of which shall be approved by the Community Development Director.

b. Major street name signs shall be installed above the intersecting local street name sign. A street name sign shall be installed for every street at an intersection. Standard street name signs shall have at least four-inch high letters for major thoroughfares and at least three-inch high letters for local streets.

c. Traffic control devices to include signs, signals, street markings, etc., shall be installed by the developer. The type and location of traffic control devices shall be determined by the Community Development Director based upon the latest edition of the Manual on Uniform Traffic Control Devices. Stop signs shall be installed at every intersection.

3. Street Lighting

Installation of street lights shall be required in accordance with design and specification standards approved by the Community Development Director.

Developers should make early contact with the applicable power company in order for a lighting plan to be developed and installed in a timely manner.

4. Utilities

a. Location

All utility facilities including, but not limited to, gas, electric power, telephone and CATV cables shall be located underground throughout the subdivision. All utility facilities existing and proposed throughout the subdivision shall be shown on the preliminary plat and located in compliance with the standards and policies in the “Utility Design and Construction Manual.”

b. Easements

Easements as required by the Community Development Director shall be provided for utilities (private and municipal) and such easements shall be at least twelve (12) feet wide. Proper coordination shall be established between the subdivider and the applicable utility companies for the establishment of utility easements established in adjoining properties.
Slopes from the back of curb to the edge of right of way shall be no greater than ¼’ to 1’ to accommodate utility installation.

5. Street Trees
Street trees shall be planted in accordance with Section 6.04 of this Code unless the Planning Commission, upon recommendation of the Community Development Director, grants a waiver. The waiver shall be granted only if there are trees growing along the right-of-way or on the abutting property that, in the opinion of the Planning Commission, comply with these regulations.

H. Traffic Impact Analysis
The intent of this Section is to provide the information necessary to allow decision-makers to assess the transportation implications of traffic associated with a proposed development, to address the transportation-related issues associated with development proposals that may be of concern to neighboring residents, business owners and property owners, and to provide a basis for negotiation regarding improvements and funding participation in conjunction with an application for development. This section establishes requirements for the analysis and evaluation of transportation impacts associated with proposed developments.

1. Purpose
A Traffic Impact Analysis will be required for certain permitted and Special Uses, Major Subdivisions and Site Plans exceeding specific trip generation thresholds. The purpose of a Traffic Impact Report will be to:

a. Evaluate traffic operations and impacts at site access points under projected traffic loads;

b. Evaluate the impact of site-generated traffic on affected intersections in the vicinity of the development site;

c. Evaluate the impact of site-generated traffic on the quality of traffic flow on public streets located in the vicinity of the site;

d. Evaluate the impact of the proposed development on residential streets in the vicinity of the site;

e. Ensure that site access and other improvements needed to mitigate the traffic impact of the development meet commonly accepted engineering design standards;

f. Ensure that adequate facilities for pedestrians, transit users and bicyclists have been provided;

g. Identify transportation infrastructure needs and related costs created by the development and cost sharing on needed improvements.

2. Applicability
Traffic Impact Analysis shall be required for any Land Use Plan Amendment, amendment to the Zoning Map, Land Subdivision Permit, Special Use Permit, Rezoning or Site Plan under the following described conditions:

a. The proposed use will generate more than one hundred twenty-five (125) trips per acre per day according to most current versions of the ITE Trip Generation Informational Report or comparable research data published by a public agency or institution, and which will generate, based on the size of the development, seven hundred and fifty (750) or more average daily trips;

b. The proposed development will concentrate fifteen hundred (1,500) or more trips per day through a single access point; or

c. The proposed development will add one hundred (100) or more trips per day to a local street.

3. Waiver
The requirements of this Section for a Traffic Impact Analysis may be waived by the Community Development Director when it is determined that such report is not necessary to determine needed road improvements or that no unsafe or hazardous conditions will be created by the development as proposed.

4. Preparation
The traffic impact analysis shall be prepared by a licensed Professional Engineer, with experience in the preparation of such analysis.

5. Traffic Service Standards
The standards for traffic service that shall be used to evaluate the findings of traffic impact studies are:

a. Capacity. A volume to capacity (V/C) ratio of 0.90 shall not be consistently exceeded on any arterial or collector street as designated on the Thoroughfare Plan. Consistently means that the V/C ratios are exceeded based on average daily peak hour traffic counts, projections or estimates.

b. Level of Service. For local streets, a Level of Service C or better shall be maintained. On any arterial or higher order street a Level of Service D or better shall be maintained. Where the existing Level of Service is below these standards, the traffic impact analysis shall identify those improvements needed to maintain the existing level of service, and what additional improvements would be needed to raise the level of service to the standards indicated.

c. Number of Access Points. The spacing of access points shall comply with ASHTO standards.

d. Residential Street Impact. Average Daily Traffic (ADT) on residential streets shall be within the ranges spelled out in the Thoroughfare Plan for the class of street involved. No non-residential development shall increase the traffic on a local residential street with at least three hundred (300) average daily trips by more than twenty-five (25%).

e. Internal Circulation. On-site vehicle circulation and parking patterns shall be designed so as not to interfere with the flow of traffic on any public street and shall accommodate all anticipated types of site traffic.

f. Safety. Access points shall be designed to provide for adequate sight distance and appropriate facilities to accommodate acceleration and deceleration of site traffic.

6. Contents
A Traffic Impact Analysis shall contain information addressing the factors listed below.

a. Site Description. The report shall contain illustrations and narrative that describe the characteristics of the site and adjacent land uses as well as expected development in the vicinity which will influence future traffic conditions. A description of the proposed development including access plans, staging plans and an indication of land use and intensity, shall be provided.

b. Study Area. The analysis shall identify the geographic area under study and identify the roadway segments, critical intersections and access points to be analyzed. The focus shall be on intersections and access points adjacent to the site and roadways or intersections within one-quarter (1/4) mile of the site.

c. Existing Traffic Conditions. The report shall contain a summary of the data used in the analysis of existing traffic conditions, including:

(1) Traffic count and turning movement information, including the source of and date when traffic count information was collected;

(2) Correction factors that were used to convert collected traffic data into representative design hour traffic volumes;
(3) Roadway characteristics, including the design configuration of existing or proposed roadways, existing traffic control measures (speed limits, traffic signals, etc.) and existing driveways and turning movement conflicts in the vicinity of the site; and

(4) The existing Level of Service for roadways and intersections without project development traffic using methods documented in the Special Report 209: Highway Capacity Manual, published by the Transportation Research Board, or comparable accepted methods of evaluation. Level of Service should be calculated for the weekday peak hour and, in the case of uses generating high levels of weekend traffic, the Saturday peak hour.

d. Horizon Year(s) and Background Traffic Growth. The report shall identify the horizon year(s) that were analyzed in the study, the background traffic growth factors for each horizon year, and the method and assumptions used to develop the background traffic growth. Unless otherwise approved by the Community Development Director, the impact of development shall be analyzed for the year after the development is completed and twenty (20) years after the development is completed.

e. Traffic Assignment. The report shall identify projected design hour traffic volumes for roadway segments, intersections or driveways in the study area, with and without the proposed development, for the horizon year(s) of the study.

f. Mitigation/Alternatives. In situations where the traffic level of service standards are exceeded, the report shall evaluate each of the following alternatives for achieving the traffic service standards:

(1) Identify where additional right of way and/or pavement width is needed to implement mitigation strategies;

(2) Identify suggested phasing of improvements where needed to maintain compliance with traffic service standards; and

(3) Identify the anticipated cost of recommended improvements.


The following steps provide an outline of the steps to be included in the preparation and review of a Traffic Impact Study:

a. The Community Development Director and Community Development Director shall be consulted for assistance in determining whether a traffic impact study needs to be prepared for a proposed development application;

b. The Community Development Director and Community Development Director shall meet with applicants to identify study issues, assumptions, horizon years and time periods to be analyzed, analysis procedures, available sources of data, past and related studies, report requirements and other topics relevant to study requirements;

c. Following initial completion of a traffic impact analysis, the report shall be submitted to the Community Development Director for distribution to the staff of all jurisdictions involved in the construction and maintenance of public roadways serving the development;

d. Within ten (10) working days, staff shall complete an initial review to determine the completeness of the report and shall provide a written summary to the applicant outlining the need for any supplemental study or analysis to adequately address any deficiencies. A meeting to discuss the contents and findings of the report and the need for additional study may be requested by the applicant;

e. Following a determination that the technical analysis is complete, staff shall prepare a report outlining recommendations that have been developed to address the findings and conclusions included in the study regarding the proposed development’s access needs and impacts on the transportation system. Depending on the type of application, the recommendations may be presented to the Planning Commission and/or Council.
f. In the case of a Traffic Impact Analysis showing deficiencies requiring mitigation within the public right-of-way, negotiations based on the conclusions and finding resulting from the traffic study shall be held with the City Council. A Development Agreement, detailing the applicant’s responsibilities and the City’s responsibilities for implementing identified mitigation measures, shall be prepared following the negotiations for action by both parties.

8. Report Findings
If staff finds that the proposed development will not meet applicable service level standards, staff shall recommend one or more of the following actions by the public or the applicant:

a. Reduce the size, scale, scope or density of the development to reduce traffic generation;

b. Divide the project into phases and authorized only one phase at a time until traffic capacity is adequate for the next phase of development;

c. Dedicate right-of-way for street improvements;

d. Construct new streets;

e. Expand the capacity of existing streets;

f. Redesign ingress and egress to the project to reduce traffic conflicts;

g. Alter the use and type of development to reduce peak hour traffic;

h. Reduce background (existing) traffic;

i. Eliminate the potential for additional traffic generation from undeveloped properties in the vicinity of the proposed development;

j. Integrate non-vehicular design components (e.g., pedestrian and bicycle paths or transit improvements) to reduce trip generation;

k. Implement traffic demand management strategies (e.g. car or van pool programs, flex time, staggered work hours, tele-commuting, etc.) to reduce trip generation;

l. Recommend denial of the application for development for which the traffic study is submitted.
Article 9 Sign Regulations

Section 9.01 Purpose

The Mayor and Council find that signs provide an important medium through which individuals may convey a variety of messages. However, if left unregulated, signs may become a threat to public health, safety and general welfare. Furthermore, the Mayor and Council wish to preserve the aesthetic beauty of Villa Rica. By enacting this ordinance, the Mayor and Council intend to:

A. Ensure that signs are designed, constructed, installed, and maintained so that public safety, traffic safety, health, and general welfare are not compromised;

B. Promote and protect free speech while protecting citizens from the unrestricted proliferation of signs.

C. Reflect and support the desired character and development patterns of the various zoning districts.

D. Maintain the historical and aesthetic integrity of the City;

E. Protect property values by minimizing the possible adverse effects and visual blight caused by signs;

F. Promote economic development by allowing for adequate and effective signs in commercial and industrial zones;

G. Ensure fair and consistent enforcement of sign regulations; and

H. Ensure that signs are not placed in the right-of-way of city or state roads, as regulated by the Georgia Department of Transportation and the City of Villa Rica.

Section 9.02 Definitions
For the purposes of this article, the definitions contained in this zoning ordinance shall control. **Figure 9-1** illustrates several common sign types referred to in this Article. In addition, the following words and phrases shall have the meanings respectively ascribed to them below, unless the context clearly indicates a contrary meaning:

**“Aggregate sign area”** shall mean the area of all signs on a parcel, excluding the area of one face of all double-faced signs.

**“Animated sign”** shall mean a sign with action, motion, or changing colors which requires electrical energy. This definition includes any signs that electronically change the sign face, whether by substitution of copy or scrolling. An electronic sign that maintains a steady sign face without change for at least six (6) hours at a time is not considered an animated sign.

**“Area of a sign/Sign area”** shall mean the smallest square, rectangle, triangle, circle, or combination thereof, which encompasses one face of the entire sign, inclusive of any border and trim but excluding the base, apron, supports, and other structural members.

**“Awning sign”** shall mean a sign located on a roof-like cover extending before a place as a shelter and which may be used in lieu of a wall sign.

**“Billboard sign”** shall mean any sign with a sign area exceeding 300 square feet.

**“Double-faced sign”** shall mean a sign which has two (2) display areas placed back to back against each other or where the interior angle formed by the display areas is sixty (60) degrees or less, where one face is designed to be seen from one direction and the other face from another direction.

**“Flag”** shall mean any fabric or bunting containing colors, patterns, or symbols used to signify a government or other entity or organization.

**“Freestanding sign”** shall mean a sign securely affixed to a support structure which is permanently attached to the ground and wholly independent of any building for support, such as a monument sign.

**“Hand-held signs”** shall mean any sign carried by a human or human appendage or prosthesis, including a costumed character. A human wearing a T-shirt is not considered a hand-held sign.
“Illuminated sign” shall mean a sign that has light cast upon the sign from a source either internal to the sign or from an external light source directed primarily toward such sign.

“Mobile sign” shall mean a sign which is mounted or designed for mounting on wheels, or which is mounted or designed for mounting on a towed vehicle, or designed to be transported, including by trailer or in the bed of a truck, and the primary purpose of which is advertising. Same as a “portable sign.”

“Monument sign” shall mean a freestanding sign mounted directly upon the ground. Such sign may not be attached to or be a part of or supported by the building in or to which the sign applies.

“Non-conforming sign” shall mean any sign which does not conform to the provisions of this ordinance that was legal at the time of its erection.

“Parcel” shall mean a separate tax unit of real property on county real estate records.

“Pole sign” shall mean a freestanding sign mounted on one or more steel poles set in the ground and of sufficient strength and size to support the advertisement portion of such structure which rests upon or is supported by such poles.

“Portable sign” shall mean a sign which is mounted or designed for mounting on wheels, or which is mounted or designed for mounting on a towed vehicle, or designed to be transported, including by trailer or in the bed of a truck, and the primary purpose of which is advertising. Same as a “mobile sign.”

“Roof sign” shall mean a sign attached to or supported by the roof of a building which extends above the immediately adjacent roof line of the building.

“Sandwich board sign” shall mean a freestanding temporary sign with no moving parts or lights, no larger than seven (7) square feet total sign size, displayed outside a business during business hours. It is not intended as permanent business signage.

“Sight Triangle” shall mean a triangular-shaped portion of land established at street intersections in which nothing is erected, placed or planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection. The sight triangle is an area of a corner lot that is included between the lines of the intersecting streets and a straight line connecting them at points twenty-five (25) feet distant from the intersection of the street lines; also known as a visual clear zone.
“Sign” shall mean a device or representation for visual communication which is used for the purpose of bringing the subject thereof to the attention of others.

“Temporary Sign” shall mean any sign or device of lightweight fabric or similar material that is mounted to a pole or a building by a frame at one or more edges or suspended from a rope, wire, or string, or held by a human being, that is not permanently attached to the ground or other permanent structure, which is designed to be used for a limited time.

“Wall sign” shall mean a sign fastened, placed or painted upon or parallel to the exterior wall of the structure itself, whether front, rear or side of the structure.

“Window sign” shall mean a sign installed flush with or on a window and intended to be viewed from the outside.

Section 9.03 Permits

A. All signs allowed by this ordinance, except those exempted from obtaining a permit, shall require a permit issued by the city prior to posting, displaying, substantially changing, or erecting a sign in the city.

B. Existing signs which conform to the provisions of this ordinance that would be required to obtain a permit under the regulations of this ordinance shall, upon request, register with the city within ninety (90) days of the
effective date of this ordinance. The information provided for registration will be the same information required in a permit application under Section 9.04. No permit fee will be required for the registration of existing signs.

Section 9.04 Application Information

Applications for sign permits required by this ordinance shall be filed by the sign owner or the owner’s agent with the Director of Community Development. The application shall describe and set forth the following:

A. The street address of the property upon which the sign is to be located and a plat map of the property, drawn to scale, showing all existing structures, including existing signage and which bears an indication of the proposed location of the sign.

B. The aggregate area for all signs on the parcel.

C. The name(s) and address(es) of all of the owner(s) of the real property upon which the subject sign is to be located.

D. Written consent of the owner, or the owner’s agent, granting permission for the placement or maintenance of the sign.

E. Name, address, phone number of the sign contractor.

F. The type of sign to be erected, the area of the sign, the height of the sign, the shape of the sign, and an explanation of how the sign is to be mounted or erected.

G. The distance of the sign from the closest adjacent sign in either direction.

H. The size of the parcel on which the sign is to be placed.

Section 9.05 Time for Consideration
The City shall process all sign permit applications within thirty (30) business days of the Community Development Director’s actual receipt of a completed application and accompanying sign permit fee. The Community Development Director shall give notice to the applicant of the decision of the City by hand delivery or by mailing a notice, by first class mail, to the address on the permit application on or before the 30th business day after the City’s receipt of the completed application and fee. If mailed, notice shall be deemed to have been given upon the date of mailing in conformity with this section.

If the City fails to act within the thirty (30) business day period, the permit shall be deemed to have been granted.

Section 9.06 Denial and Revocation

A. Procedure.

The City shall deny permits to applicants that submit applications for signs that do not comply with the provisions of this ordinance, are incomplete applications, or applications containing any false statements. Violation of any provision of this ordinance will be grounds for terminating a permit granted by the city for the erection of a sign. Should it be determined that a sign permit was issued pursuant to an incomplete application or an application containing a false material statement, or that a permit has been erroneously issued in violation of this ordinance, the Director of Community Development shall revoke the permit. Should the city deny a permit, the reasons for the denial are to be stated in writing and mailed by first class mail or via hand delivery to the address on the permit application on or before the 30th business day after the City’s receipt of the application. Any application denied and later resubmitted shall be deemed to have been submitted on the date of re-submission, instead of the date of the original submission. No permit shall be denied or revoked, except for due cause as hereinafter defined, and the applicant is granted a public hearing before a hearing officer designated by the city. The applicant will be given ten (10) days written notice of the time, place and purpose of the hearing, with a statement of the reason for the denial of the permit application, or the revocation of a permit. “Due cause” is the violation of the provisions of this ordinance, state or federal law related to signage, or the submission of an incomplete application or an application containing false material statements.

B. Appeal.

An individual whose permit application has been denied or a permittee whose permit has been revoked may appeal the decision of the hearing officer to the City Council upon filing of written notice of an appeal with the Director of Community Development within ten (10) business days of the hearing officer’s decision. Such appeal shall be considered by the Council at the next City Council meeting held after the City’s receipt of the written notice of appeal, provided that notice of appeal is received a minimum of five (5) full business days before the meeting. If the appeal is not heard at such meeting, it shall be heard at the next regular meeting of Council thereafter. The Council shall make a final decision no later than thirty (30) days from the date of the hearing.

C. In the event an individual whose permit has been denied or revoked is dissatisfied with the decision of the City Council, he or she may petition for writ of certiorari to the superior court as provided by law.
Section 9.07 Permit Expiration

A sign permit shall become null and void if the sign for which the permit was issued has not been completed and installed in accordance with the permit application within six (6) months after the date of issuance. No refunds will be made for permit fees paid for permits that expired due to failure to erect a permitted sign. If later an individual desires to erect a sign at the same location, a new application must be processed and another fee paid in accordance with the fee schedule applicable at such time.

Section 9.08 Fees

The cost of a sign permit shall be based upon the following fee schedule:

<table>
<thead>
<tr>
<th>Size</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Temporary</td>
<td>$35</td>
</tr>
<tr>
<td>1-50 sq ft</td>
<td>$50</td>
</tr>
<tr>
<td>51-100 sq ft</td>
<td>$100</td>
</tr>
<tr>
<td>101-150 sq ft</td>
<td>$150</td>
</tr>
<tr>
<td>151-200 sq ft</td>
<td>$200</td>
</tr>
<tr>
<td>200-250 sq ft</td>
<td>$250</td>
</tr>
<tr>
<td>251 and above</td>
<td>$1 per square foot</td>
</tr>
</tbody>
</table>

Section 9.09 Prohibited Signs

The following types of signs are prohibited throughout the city:

A. Roof signs;
B. Signs on public rights of way other than publicly owned or publicly maintained signs;

C. Window signs which exceed 30% of the window area;

D. Signs which contain words, pictures, or statements which are obscene, as defined by the Official Code of Georgia Annotated §16-12-80;

E. Signs which simulate an official traffic control or warning sign or hide from view any traffic or street sign, signal or public service sign;

F. Signs which emit or utilize in any manner any sound capable of being detected on any traveled road or highway by a person with normal hearing;

G. Signs which interfere with road or highway visibility or obstruct or otherwise interfere with the safe and orderly movement of traffic;

H. Signs erected by nailing, fastening or affixing the sign in any manner to any tree, post, curve, utility pole, or other structure except as set forth herein; and

I. Mobile or portable signs, except for signs attached to or painted on vehicles used in the normal day-to-day operations of the business and normally parked in front of the business.

**Section 9.10 Restrictions in Residential Zoning Districts**

Other than subdivision entrance signs allowed under Section 9.11, parcels located in residential zoning districts shall not contain signs having an aggregate sign area greater than fifteen (15) square feet.

No individual sign shall exceed six (6) square feet in sign area in a residential zoning district. Signs having a height of greater than five (5) feet above the grade level of the center line of the adjacent street to which the parcel on which the sign is located shall not be located in residential zoning districts. Signs meeting the standards of this section are exempt from permitting requirements.
Section 9.11 Residential Subdivision Entrance Signs

Platted residential subdivisions consisting of more than two (2) parcels may erect one monument sign at each entrance to the subdivision. Such sign shall not exceed a height of five (5) feet above the grade level of the center line of the adjacent street and shall not have a sign area greater than twenty five (25) square feet. Such entrance signs shall not count toward the maximum allowable signage on a residential parcel.

Section 9.12 Height Requirements

The following height requirements shall be applicable to signs located in non-residential zoning districts:

A. Monument signs shall not exceed the height allowed for the respective zoning district, as noted in Table 9-1.

B. The height of a sign shall be measured from the ground, excluding berms, filling, mounding or excavations, at the base of the sign, or from the grade level of the adjacent street or highway centerline, whichever is higher, to the top of highest attached component of the sign. In cases where the normal grade cannot reasonably be determined due to multiple levels of the building or topography, the sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or grade of the land at the principal entrance to the principal structure on the lot, whichever is lower. Figure 9-2 shows the method for calculating sign height. Where topography, neighboring buildings or existing landscaping would obscure a sign from the adjoining street, the applicant may request a variance in conformance with Section 9.19.
Section 9.13 General Size and Location Requirements in Non-Residential Districts

A. No freestanding sign may be located within twenty-five (25) feet of the intersection of street right-of-way lines extended (sight triangle).

B. No sign shall be located on any building, fence or other property belonging to another person without the consent of the owner, and as permitted under the provisions of this ordinance.

C. Billboard signs.

(1) Billboard signs shall not exceed six hundred and seventy two (672) square feet of sign area. Billboard signs shall not exceed fourteen (14) feet in height or forty-eight (48) feet in length.

(2) Billboard signs shall only be located on parcels in commercial or industrial zoning areas.

(3) Billboard signs shall only be located on parcels adjacent to designated state or federal highways and shall be oriented only towards those highways.

(4) No billboard sign shall be located within one thousand (1,000) feet of another billboard sign.

(5) No billboard sign shall be located within five hundred (500) feet of residential zoned parcels.

(6) No billboard sign shall be located within five hundred (500) feet in any direction of a public park, public playground, public recreation area, public forest, scenic area, or cemetery; provided, however, that such sign may be located within five hundred (500) feet of a public park, public playground, public recreation area, public forest, scenic area, or cemetery when the sign is separated by buildings or other obstructions so that the sign located within the five hundred (500) foot zone is not visible from the public park, public playground, public recreation area, public forest, scenic area, or cemetery.

(7) No billboard sign shall be erected to a height in excess of fifty (50) feet.
(8) No billboard sign shall be erected in a historic district.

(9) No billboard shall be erected in the downtown overlay district.

D. Monument signs.

Monument signs shall not exceed the size allowed for the respective zoning district, as shown on Table 9-1 and shall be limited to one such sign per parcel per street frontage.

E. Wall and Awning Signs.

(1) Wall and awning signs shall not project above the parapet wall.

(2) Wall signs shall not project beyond the building face. Awning signs shall not project beyond the building face by more than four feet.

(3) Wall and awning signs shall not exceed a sign area of three hundred (300) square feet or ten percent (10%) of the wall face of the premises to which the sign relates, whichever is less, on each street facing wall.

(4) The maximum wall or awning sign height shall be ten (10) feet.

(5) Wall signs shall only be located on property in commercial or industrial zoning areas.

(6) Each building tenant shall be limited to one wall or awning sign on each street facing wall.

F. Maximum aggregate sign area.

(1) Parcels exceeding three acres shall be allowed a maximum aggregate sign area of three hundred (300) square feet for the entire parcel.
(2) Parcels less than three (3) acres but greater than thirty thousand (30,000) square feet shall be allowed a maximum aggregate sign area of one hundred eighty (180) square feet for the entire parcel.

(3) Parcels less than thirty thousand (30,000) square feet in size shall be allowed a maximum aggregate sign area of one hundred (100) square feet for the entire parcel.

(4) These limits shall not include the area of any wall signs, window signs or billboard signs located on the parcel.

Section 9.14 Master or Common Signage Plan

A. Purpose. The purpose of a master signage plan is to ensure that signage for multi-tenant properties is coordinated and consistent with the standards of this code.

B. Applicability. All applications for new construction or reconstruction of shopping centers, business and industrial parks and other multi-tenant developments shall be accompanied by a master signage or common signage plan or amendments thereto. The owner of the property shall be responsible for allocating sign area to tenants of the property. The plan shall be approved the Community Development Director or his designee.

C. Master Signage Plan Contents. Any site plan application for applicable development projects shall include a master signage plan, signed by the property owners or their authorized agents, that includes the following information:

(1) Plot lot plan at scale;

(2) Location of buildings, parking lots, driveways and landscaped areas;

(3) Computation of the total frontage of the lot, parcel or tract and maximum total sign area, maximum area of individual signs, heights of signs, and number of pole/post signs;

(4) Location and placement of all signs;

(5) Setbacks and sign dimensions; and

(6) Landscaping and other site improvements to be coordinated with the sign placement.

D. Sign Area Bonus for Master Signage Plans. The maximum total sign area allowed for a multi-tenant development may be increased by ten (10%) percent if the Master Signage Plan demonstrates the use of uniform wall signage, graphics, lettering, sizes, colors, materials, and placement. The plan may provide for design
variations for colors and lettering that are part of a corporate logo or identification scheme. A single menu sign that incorporates and coordinates with these methods of signage shall be used rather than multiple signs for the property.

Section 9.15 Sign Standards by Highway Corridor

A. Purpose. The purpose of this section is to allow for an increase sign height and signable area for mixed use, commercial and/or industrial developments along the described highway corridor. These corridor standards shall supersede any regulations by zoning district except the Downtown Overlay.

B. Highway 61 Corridor. The location of the corridor shall be from the intersection of U.S. Highway 78 and S.R. 61 south to the city limits. A development must have road frontage along Highway 61 or frontage road to be considered in this corridor.

(1) Height. Monument signs shall be no taller than twenty-five (25) feet in height, measured from the level of the crown of the adjacent road to the highest point on the sign structure.

(2) Setback. Signs shall be setback at least five (5) feet from any property line.

(3) Signable Area:

Single developments – 100 square feet

Multi-tenant developments with less than three (3) suites/units – 125 square feet

Multi-tenant developments with more than three (3) suites/units – 200 square feet

C. Highway 78 Corridor. The location of the corridor shall be along Highway 78 in the City Limits of Villa Rica, excluding the downtown overlay district. A development must have road frontage along Highway 78 to be considered within this corridor.

(1) Height. Monument signs shall be no taller than ten (10) feet in height, measured from the level of the crown of the adjacent road to the highest point on the sign structure.

(2) Setback. Signs shall be setback at least five (5) feet from any property line.

(3) Signable Area.

Single developments – 75 square feet

Multi-tenant developments with less than three (3) suites/units – 100 square feet
Multi-tenant developments with more than three (3) suites/units – 150 square feet

Section 9.16 Special Event Sign Permits

Signs for business-related or non-business related special events or promotions shall be allowed by approval of the City Council.

A. Approval. A Special Event Sign Permit must have the approval shall be based on the following requirements:

(1) An application to the Community Development Director for the Special Event Sign Permit must be submitted at least sixty (60) days prior to the event, and must include a Sign Plan.

(2) A Sign Plan must be submitted with the Application, shall include the following:

a. Property Owner/Landlord Approval Form.

b. Site Plan (include cross streets, buildings, locations of signs).

c. Sign Diagram (include dimensions of all signs, how sign will be secured/fastened.

d. Dates that the signs will be placed and removed.

B. Applicability. The sign(s) shall relate to a special event or promotion taking place in the City of Villa Rica or the surrounding area. The applicant must demonstrate that:

(1) The Event will draw a significant number of persons to the City;

(2) The Event will generate business and sales within the City;

(3) The Event is sponsored by or has significant involvement with a local business, church, or civic organization;

(4) The Event will not cause problems related to traffic, security, safety, or other infrastructure concerns;

(5) The Event does not conflict with other significant events within the City.
C. The following are standards for the permit:

(1) The sign shall not impede sight distances at any driveway entrance, exit or street intersection.

(2) No electrical devices shall be used in conjunction with these types of signs.

(3) A maximum of one (1) sign for such business, organization, group or individual, whether for profit or not, shall be allowed on a parcel.

(4) Each individual sign shall not exceed thirty-two (32) square feet in area.

(5) Signs shall be removed within five (5) days after special event.

(6) Signs shall be prohibited within the right-of-way.

Section 9.17 Construction Standards

A. All permanent signs for which a permit is required under this ordinance shall be constructed and maintained in accordance with the provisions of the city building code.

B. Signs that are constructed of degradable material may be posted for a maximum of one hundred twenty (120) days, are considered temporary signs, and must be permitted as such.

Section 9.18 Nonconforming Signs

A. Nonconforming signs, which met all legal requirements when erected, may stay in place, provided that, upon request of the City the owner of the non-conforming sign or the owner’s agent registers the sign with the city. Such registration shall contain the information listed in Section 9.04 and shall specify the sign being registered as non-conforming and shall state that the sign was completely installed before the effective date of this ordinance.
The payment of a fee is not required for the registration of a non-conforming sign; however, failure to register shall be considered an offense and may be punished as any other ordinance violation.

Non-conforming signs shall be permitted until one of the following conditions occurs:

(1) The deterioration of the sign or damage to the sign makes it a hazard or unsightly; or

(2) The sign has been damaged by circumstances beyond the control of the owner to the extent that more than minor repairs are required to restore the sign; provided that signs damaged by Act of God and not due to the owner’s action may be restored to their pre-damaged condition, provided that the useful life of the signs is not extended.

B. No structural repairs except those permitted pursuant to Subsection A (2) above, change in shape, size or design, shall be permitted except to make a non-conforming sign comply with all requirements of this ordinance.

C. A non-conforming sign may not be replaced by another non-conforming sign except where changed conditions beyond the control of the owner render the sign non-conforming or warrant the sign’s repair.

Section 9.19 Variances

Variances shall be limited to the minimum relief necessary to overcome the hardship. No variance shall be granted to allow a greater number of signs than would be allowed if the hardship did not exist. A variance from compliance with the sign regulations of this ordinance shall be limited to the following hardship situations:

A. Standards.

(1) Where visibility of a conforming sign from the public street and within fifty (50) feet of the proposed sign would be substantially impaired by existing trees, plants, natural features, signs, existing buildings or structures on a different lot; and

(2) Placement of the sign elsewhere on the lot would not remedy the visual obstruction; and such visibility obstruction was not created by the owner of the subject property; and the variance proposed would not create a safety hazard to traffic.

B. Variance applications shall be submitted to the City Council and shall be heard under the same time frames and rules governing appeals under this ordinance.
Section 9.20 Exemptions from Permit Requirements

A. The following types of signs shall be exempt from the permit requirements of Section 9.03. Exemption from these sign regulations does not exempt property owners from duties and responsibilities established by private deed restrictions or covenants.

(1) Window signs installed for purposes of viewing from outside the premises. However, such signs shall not exceed thirty percent (30%) of the available window space.

(2) Numerals displayed for purposes of identifying property location and not exceeding four (4) inches in height in residential districts and ten (10) inches in height in nonresidential districts.

(4) Seasonal displays located outside of the public right-of-way, that are erected for a maximum period of thirty (30) days no more than twice a year.

(5) Any signs denoting a new or relocated business. However, these must be removed within six (6) months of the commencement or relocation of the business.

B. Every parcel may display no more than two (2) flags that shall not count toward the maximum aggregate sign area limits without obtaining a permit. Flagpoles in residential zoned districts shall not exceed twenty-five (25) feet in height or the height of the primary structure, whichever is less.

Flagpoles in commercial or industrial zoned districts shall not exceed sixty (60) feet in height. The dimensions of any flag shall be proportional to the flagpole height such that the hoist side of the flag shall not exceed fifty (50) percent of the vertical height.

Section 9.21 Illumination

Illumination for signs shall not cast light on adjoining property or shine in such a manner as to cause traffic interference. Illumination may change or scroll, but shall not flash. No sign shall be illuminated, either internally or externally, in any district zoned RD, R-20, RT, or R-14, except that entrance signs and subdivision signs may be illuminated from dusk until dawn.
The illumination of internally illuminated signs shall not exceed twenty (20) foot-candles of incandescent light measured at a distance of ten (10) feet from such structure.

**Section 9.22 Temporary Signs**

Temporary signs shall be permitted in conformance with the following regulations.

A. Temporary signs are subject to the sign permitting process established in Section 9.03 of this Code. Permits for temporary signs are valid for thirty (30) days from the date of permit issuance, except for banners placed in City parks, which must be removed within seventy-two (72) hours after placement on the lot.

B. Temporary signs are limited to 1 (one) per pedestrian and/or street entrance.

C. Permits for temporary signs may be renewed a maximum of three (3) times annually, without being subject to new application or permit fees, by reapplying at the Community Development Department.

D. Temporary signs shall not have moving parts, blinking or flashing lights, glaring lights, neon or extensive use of bright, offensive colors.

E. All temporary signs shall be secured on at least two sides to the ground or a building or structure to prevent the sign from being moved by physical or weather forces.

F. Hand-held signs shall be allowed with the following restrictions:

1. No more than two (2) hand-held signs per business.

2. The maximum area of a hand-held sign shall be six (6) square feet.

3. Hand-held signs and costumed characters shall, if possible, be located on a public sidewalk in close proximity to the establishment. If no sidewalk is available, then hand-held signs or costumed characters shall be located in grassy or non-traffic areas, but no closer than six (6) feet to any active land of vehicular traffic.

4. If the Chief of Police or his designee shall deem the placement of hand-held signs or costumed characters to be a hazard to traffic or the sign holders, a warning shall be issued to the establishment.

**Section 9.23 Sandwich Boards**

**Section 9.24 Enforcement and Penalties**

A. All signs shall be maintained in good condition as to present a neat and orderly appearance. The city may, after due notice, issue a citation to any permittee or property owner for any sign which shows gross neglect or becomes dilapidated. Such due notice shall be in writing, shall specify the sign and location, and shall state that the sign has
not been properly maintained. The city shall give the permittee or property owner ten (10) days to rectify the condition or remove the dilapidated sign before issuing a citation.

B. The city may issue a citation for violation of this ordinance by any sign erected, altered, converted, or used in violation of this ordinance.

C. Any person violating any provision of this ordinance shall be liable for a fine of no more than five hundred dollars ($500) for each violation. Each day a sign is posted in violation of this ordinance shall constitute a separate violation.

Section 9.25 Severability

In the event any section, subsection, sentence, or word of this ordinance is declared and adjudged to be invalidated or unconstitutional, such declaration or adjudication shall not affect the remaining portions of this article, which shall remain in full force and effect as if such portion so declared or adjudged unconstitutional were not originally part of this article. The City Council declares that it would have enacted the remaining parts of this article if it had known that such portion thereof would be declared or adjudged invalid or unconstitutional.

Section 9.26 Effective Date

The effective date of this ordinance shall be September 2, 2014. All ordinances and parts of ordinances in conflict herewith are hereby repealed.
# Table 9-1 Permitted Sign Standards by Zoning District

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Structural Type</th>
<th>Maximum Number of Signs</th>
<th>Maximum Sign Area</th>
<th>Maximum Height</th>
<th>Additional Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Districts (RD, R-20, RT R-14)</td>
<td>Subdivision Monument</td>
<td>1 per street entrance to subdivision</td>
<td>25 sq ft per sign face</td>
<td>5 feet</td>
<td>Permit required; 10 foot minimum setback from right-of-way; must not interfere with sight triangle</td>
</tr>
<tr>
<td></td>
<td>Church Monument</td>
<td>1 per street frontage</td>
<td>25 sq ft per sign face</td>
<td>5 feet</td>
<td>Permit required; 5 foot minimum setback from right-of-way; must not interfere with sight triangle</td>
</tr>
<tr>
<td></td>
<td>Church Wall</td>
<td>1 per street frontage</td>
<td>300 sq ft or 10% of wall face of premises to which sign relates, whichever is less, on each street-facing wall</td>
<td>10 feet</td>
<td>Permit required</td>
</tr>
<tr>
<td></td>
<td>Individual Yard</td>
<td>Any number not to exceed maximum signage area allowed</td>
<td>6 sq ft per sign not to exceed 15 sq ft aggregate</td>
<td>5 feet</td>
<td>No permit required; 5 foot minimum setback from right-of-way</td>
</tr>
<tr>
<td>DT (Commercial or Mixed-Use Only)</td>
<td>Monument</td>
<td>1 per street frontage</td>
<td>20 sq ft per sign face</td>
<td>5 feet</td>
<td>Permit required; 5 foot minimum setback from right-of-way; must not interfere with sight triangle</td>
</tr>
<tr>
<td></td>
<td>Wall or awning</td>
<td>1 per street frontage</td>
<td>300 sq ft or 10% of wall face of premises to which sign relates, whichever is less, on each street-facing wall</td>
<td>10 feet</td>
<td>Permit required</td>
</tr>
<tr>
<td></td>
<td>Temporary</td>
<td>1 per street frontage</td>
<td>16 sq ft</td>
<td>5 feet</td>
<td>Permit required; 5 feet minimum setback from right-of-way; must not interfere with sight triangle</td>
</tr>
<tr>
<td>OI, NC GC, LI, GI, HC</td>
<td>Monument</td>
<td>1 per street frontage</td>
<td>Parcel less than 30,000 sq ft: 100 sq ft Parcel 30,000 sq ft-3 acres: 180 sq ft Parcel more than 3 acres: 300 sq feet</td>
<td>6 feet</td>
<td>Permit required; 5 foot minimum setback from right-of-way; must not interfere with sight triangle</td>
</tr>
<tr>
<td></td>
<td>Wall or awning</td>
<td>1 per street frontage</td>
<td>300 sq ft or 10% of wall face of premises to which sign relates, whichever is less, on each street-facing wall</td>
<td>10 feet</td>
<td>Permit required</td>
</tr>
<tr>
<td></td>
<td>Temporary</td>
<td>1 per street frontage</td>
<td>32 sq ft</td>
<td>10 feet</td>
<td>Permit required; 5 feet minimum setback from right-of-way; must not interfere with sight triangle</td>
</tr>
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<td>------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td><strong>PD</strong></td>
<td>Per approval of final PD plan. Requires Master Signage Plan. If PD approval does not address signage, then sign regulations for equivalent district, as determined by the Community Development Director, shall apply.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>GC, HC, LI, GI</strong></td>
<td>Billboard</td>
<td>Any number, not to exceed maximum total sign area and not less than required separation</td>
<td>672 square feet; 14 feet tall; 48 feet long</td>
<td>50 feet</td>
<td>Permit required</td>
</tr>
</tbody>
</table>
Article 10 Administration and Enforcement

Section 10.01 Violations and Penalties

The remedies provided in this Section for violations of any provision of this Code, whether civil or criminal, shall be cumulative and shall be in addition to any other remedy provided by law. Except as otherwise provided in this Code, any development or use initiated after adoption of this Code, or maintained in violation of this Code, which is not in compliance with the provisions of this Code is prohibited and shall be referred to herein as an "unlawful" development or use.

Any of the following shall be a violation of this Code and shall be subject to the remedies and penalties provided for in this Code:

1. Use, Structure or Sign Without Permit or Approval. To place any use, structure or sign upon land that is subject to this Code without all of the approvals required by this Code.

2. Activities Inconsistent with this Code. To erect, construct, reconstruct, remodel, alter, maintain, move, or use any building, structure or sign, or to engage in development or subdivision of any land in contravention of any zoning, subdivision, sign or other regulation of this Code.

3. Activities Without Permit or Approval. To engage in any subdividing, development, construction, remodeling or other activity of any nature upon land that is subject to this Code without all of the approvals required by this Code.

4. Activities Inconsistent with Permit. To engage in any development, use, construction, remodeling, or other activity of any nature in any way inconsistent with the terms and conditions of any permit, approval, certificate or other form of authorization required in order to engage in such activity.

5. Activities Inconsistent with Conditions. To violate, by act or omission, any term, condition, or qualification placed by a decision-making body upon any permit or other form of authorization.

6. Making Lots or Setbacks Nonconforming. To reduce or diminish any lot area so that the size, setbacks or open spaces shall be smaller than prescribed by this Code.

7. Increasing Intensity of Use. To increase the intensity of use of any land or structure, except in accordance with the procedural requirements and substantive standards of this Code.

8. Removing or Defacing Required Notice. To remove, deface, obscure or otherwise interfere with any notice required by this Code.

9. Failure to Remove Signs or Other Improvements. To fail to remove any sign or other improvement installed, created, erected or maintained in violation of this Code, or for which the sign permit has lapsed.

Section 10.02 Separate Offenses May Be Charged

Each day that a violation remains uncorrected after receiving notice of the violation from the City shall constitute a separate violation of this Code.

Section 10.03 Civil Remedies and Enforcement Powers

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained or any building, structure or land is used in violation of this Code, the city, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, maintenance, or use to restrain, correct, or abate such violation, to prevent the occupancy of said building, structure or land or to prevent any illegal act.
conduct, business or use in or about such premises. The following remedies and enforcement powers may be used to administer and enforce this Code.

**A. Withhold Permit**

The City may deny or withhold all permits, certificates or other forms of authorization on any land or structure or improvements thereon upon which there is an uncorrected violation of a provision of this Code or of a condition or qualification of a permit, certificate, approval or other authorization previously granted by the City. This enforcement provision shall apply regardless of whether the current owner or applicant is responsible for the violation in question.

The City may deny or withhold all permits, certificates or other forms of authorization on any land or structure or improvements owned or being developed by a person who owns, developed or otherwise caused an uncorrected violation of this Code. This provision shall apply regardless of whether the property for which the permit or other approval is sought is the property in violation.

**B. Permits Approved with Conditions**

Instead of withholding or denying a permit or other authorization, the City may grant such authorization subject to the condition that the violation be corrected.

**C. Revoke Permits**

Any development permit or other form of authorization required under this Code may be revoked when the Community Development Director determines that:

1. That there is departure from the plans, specifications, or conditions as required under terms of the permit;
2. That the development permit was procured by false representation or was issued by mistake; or
3. That any of the provisions of this Code are being violated.

Written notice of such revocation shall be served upon the owner, the owner=s agent or contractor, or upon any person employed on the building or structure for which such permit was issued, or shall be posted in a prominent location; and, thereafter, no such construction shall proceed.

**D. Stop Work**

With or without revoking permits, the City may stop work on any building or structure on any land on which there is an uncorrected violation of a provision of this Code or of a permit or other form of authorization issued hereunder, in accordance with its power to stop work under its zoning codes.

**E. Revoke Plan or Other Approval**

Where a violation of this Code involves a failure to comply with approved plans or conditions to which the approval of such plans was made subject, the City Council may, upon notice to the applicant and other known parties in interest (including any holders of building permits affected) and after a public hearing, revoke the plan or other approval or condition its continuance on strict compliance with this Code, the provision of security to ensure that construction is completed in compliance with approved plans, or such other conditions as the City Council may reasonably impose.

**F. Injunction and Abatement**

The City, through its authorized agents, including the Community Development Director of this Code, may initiate injunction or abatement proceedings or other appropriate action in the District Court against any person who fails to comply with any provision of this Code, or any requirement or condition imposed pursuant to this Code, to prevent, enjoin, abate, or terminate violations. The City may seek a court order in the nature of mandamus, abatement, injunction or other action for proceeding to abate or remove a violation or to otherwise restore the premises in question to the condition in which they existed prior to the violation.

**Section 10.04 Civil Penalty**
It shall be illegal to sell any lot, tract or property that does not conform to the requirements and regulations of this Code and every such sale or attempt to sell shall be subject to a fine of not less than Five Hundred Dollars ($500.00) for each lot or tract. Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provision of this Code shall be deemed guilty of a misdemeanor and shall be fined not less than Twenty-five Dollars ($25.00) to One-thousand Dollars ($1,000) or imprisoned for not to exceed one (1) month, or both, for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

Every such action shall be brought before the District Court. The Court may order that the person successfully bringing the action to recover such civil penalty may receive all or a portion of any penalty imposed by the Court. The prevailing party in any such suit is entitled to recover judgment against any person failing to comply with any provision of this Code for reasonable attorney's fees in an amount determined by the District Court.

The City Council, or a designated representative, may initiate an action under this Section, but neither the City Council nor its officers or employees shall be liable for any claim of civil penalty. Any person initiating an action for civil penalties, pursuant to this Section, shall cause written notice thereof to be given to the City Attorney.

**Section 10.05 Notification Procedures**

Whenever a violation of this Code occurs, the Community Development Director, or other authorized representative, shall give written notice of such violation either personally or by regular United States mail to the owner(s) of such premises, or to the person(s) responsible for such violation and shall post such notice on the premises. The letter shall direct that within ten (10) days following receipt of the written notice, the violation shall be corrected. If after such time, but within five (5) days, the violation continues or ever occurs again, the City may issue a General Code Complaint. If the violation is abated, but occurs again at a later date, the City is not required to re-notify the same violator of the same violation.

**Section 10.06 Right of Entry**

The Community Development Director, or his designee, shall have the right to enter upon any premises at any reasonable time for the purpose of carrying out his duties in the enforcement of this Code, including abatement of zoning violations.

**Section 10.07 Remedies Cumulative**

The remedies and enforcement powers established in this Code shall be cumulative.
Article 11 Definitions

Section 11.01 Terms Defined

Words contained in this Section are those having a special meaning relative to the purposes of this Code. Words not listed in this Section shall be defined by reference to:

A. The building code adopted by the City;

B. Webster's Third New International Dictionary, unabridged, 1993; or

C. Georgia state law, which documents are hereby incorporated by reference as if set forth in their entirety herein.

Section 11.02 Word Usage

In the interpretation of this Code, the provisions and rules of this Section shall be observed and applied, except when the context clearly requires otherwise:

A. Words used or defined in one tense or form shall include other tenses and derivative forms.

B. Words in the singular number shall include the plural number, and words in the plural number shall include the singular number.

C. The masculine gender shall include the feminine, and the feminine gender shall include the masculine.

D. The word "shall" is mandatory.

E. The word "may" is permissive.

F. The word "person" includes individuals, firms, corporations, associations, trusts and any other similar entities.

G. The word "City" shall mean City of Villa Rica, Georgia.

H. The word "Commission" shall mean the Planning Commission of the City of Villa Rica.

I. The word "Council" shall mean the City Council of the City of Villa Rica.

J. The words "Recorder" and "Recorder of Deeds" shall mean the County Clerk.

K. In case of any difference of meaning or implication between the text of this Code and any caption, illustration, or table, the text shall control.

L. All provisions of this Code shall be construed to be in addition to all other applicable laws, ordinances and rules of the federal government, the State of Georgia, and the City of Villa Rica; and in case of any conflict between this Code and any such other law, ordinance or rule, the more restrictive shall prevail.

M. The words "include" and "including" mean include or including by way of illustration and not by way of limitation.

N. The phrase use for includes the phrases arranged for, designed for, intended for, maintained for and occupied for.

O. The terms land use and use of land shall be deemed also to include building and use of building.

P. Any reference to this Code shall mean the Unified Development Code.
Q. References to state law or to the Municipal Code of the City of Villa Rica are applicable as of the effective date of this Code. Subsequent changes to those sections, including renumbering, shall be deemed to be incorporated herein, mutatis mutandis.

Section 11.03 Definitions

The following words and terms used in this Code have the following meanings, unless the context clearly indicates otherwise. Words and terms not defined in this article but defined elsewhere in the Unified Development Code shall be given the meanings set forth therein.

**AASHTO.** American Association of State Highway and Transportation Officials.

**Abutting.** Lying immediately next to, sharing a common wall or lot line, or separated by only a public roadway.

**Accessory Building/Structure and Use.** A subordinate building, located on the same lot as the main building, the use of which is naturally and normally incidental to that of the dominant use of the main building or land. An accessory use is one which is naturally and normally incidental to the main use of the premises. Exhibit 10-1 provides an example.

**Activity Center.** A focal point within the context of a larger, contiguous area surrounding it. It is an area of concentrated activity that attracts people from outside its boundaries for purposes of interaction within that area.

**Adequate Public Facilities.** Facilities determined to be capable of supporting and servicing the physical area and designated intensity of the proposed subdivision as determined by the City Council based upon specific levels of service adopted by the City. (See Article 8 of this Code.)

**Adjacent.** Abutting or located within one hundred (100) feet of the property from which adjacency is determined, exclusive of land within the public rights-of-way or easements.

**Adult-Oriented Business.**

**Advertising Devices.** Banners or streamers affixed to poles, wires or ropes; wind-operated devices; flashing lights and other similar contrivances.

**Advertising Signs.** Signs pertaining to the name of the establishment, or to products and services sold or offered on or off the premises.

**Agriculture.** Agricultural purposes include, without limitation, the art or science of cultivating the ground, including harvesting of crops, grains and seed crops; the science and art of growing, developing, processing, conditioning, or selling of hybrid seed corn, seed beans, seed oats, other farm seeds; tillage; husbandry; farming, production, keeping, or maintenance of plants and animals useful to man, including but not limited to, forages and sod crops; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules, goats, bees or any mutations or hybrids thereof, including the breeding, feeding and grazing of any or all such animals; bees and apiary products; fur-bearing animals; trees and forest products; fruits of all kinds, nuts and berries; vegetables; nursery, floral, ornamental and greenhouse products; or lands devoted to a soil conservation or forestry management program including to a variable extent, the preparation of these products for man=s use.

**Airport.** A place where airplanes can take off and land, usually equipped with hangars, facilities for refueling and repair, and various accommodations for passengers.

**Aliquot.** A fractional part of section within the United States public land survey system. Only the fractional parts one-half, one-quarter, one-half of one-quarter, or one-quarter of one-quarter shall be considered an aliquot part of a section.
Alley. A public right-of-way designed to serve as a secondary access to the side or rear of those properties whose principal frontage is on a street.

Amusement Park. A facility, primarily outdoors, that may include structures and buildings, where there are various devices for entertainment including rides, booths for the conduct of games or sale of items, buildings for shows and entertainment, restaurants and souvenir sales.

Apartment. A room or suite of rooms contained in a multiple dwelling structure intended, designed or used as a residence by a single family.

Applicant or Developer. A person who files an application for any permit or approval for development required by this code.

Area, Gross. The entire area within the boundary lines of the property proposed for subdivision/development, including any areas to be dedicated/reserved for street and alley rights-of-way and for public uses.

Arterial Street, Major. A highway or public roadway so designated on the adopted street plan for the purpose of expediting the movement of through traffic to major traffic generators and from community to community.

Arterial Street, Minor. A continuous street, so designated on the adopted street plan, that is intended to carry high volumes of traffic through the community.

Assisted Living Facility. Residences, for the frail elderly or for the sheltered care of persons with special needs, that provide rooms, meals, personal care and supervision of self-administered medication. Facilities may provide a combination of services such as recreational activities, financial services, social and personal counseling and transportation.

Automobile Repair Shop. Any premises used to the equip, service or repair cars and light trucks, including the rebuilding, replacing and the installing of motors, transmissions, drive trains, exhaust systems, upholstery, brakes and radiators, but not including the dismantling or extended storage of wrecked vehicles or tire recapping establishments.

Awning Sign. Advertising, symbols, emblems or images placed on any part of an awning. (See Figure 9-1 for example of an awning sign.)

Back-to-back Sign. An advertising structure with two signs located within thirty-six (36) inches of each other and facing in opposing directions that are parallel or within ten degrees of being parallel.

Banner. Attention-getting devices in various flexible shapes and made of cloth, paper or plastic-like material hung either with or without a frame. (See Figure 9-1 for example of a banner sign.)

Basement. A story partly underground and having at least one-half of its height above the average level of the adjoining ground. A basement shall be counted as a story if subdivided and used for dwelling or business purposes, other than for the quarters of a watchman or janitor.

Bed and Breakfast Establishment. An owner-occupied residence where lodging is provided for compensation in not more than five (5) guest rooms with or without the provision of a breakfast meal.

Berm. A mound of earth or the act of pushing earth into a mound. Also used as a verb to describe the act of building a mound of earth for screening or a landscape buffer. Figure 11-1 depicts a berm.

Figure 11-1 Berm
Big Box Stores. A classification of land use that includes big box stores, super centers, superstores and big box retailers that occupy buildings with at least sixty thousand (60,000) square feet of floor area, and generate hundred of trips per hour. They are often a single retail store that may enclose smaller stores within the superstore building which exceeds a specified square footage, and which stocks and sells large quantities of items.

Billboard. See off-premise sign.

Block. A tract of land bounded by streets or by a combination of streets, public parks, cemeteries, railroad rights-of-way, waterways or boundary lines of the corporate limits of the City.

Boarding House or Lodging House. A building where, for compensation and by arrangement, lodging (in not more than five lodging rooms) and meals are provided for persons in addition to the resident family.

Buffer, Buffer Area, Buffer Strip. (See Section 6.04) A landscaped area intended to separate and partially obstruct the view between two adjacent land uses or properties from one another or to shield or block noise, lights, or other nuisances.

Building. Any structure having a roof supported by columns or walls for support, enclosure, shelter or protection of persons, animals, chattels or property of any kind.

Building Frontage. The vertical wall area between the foundation and roof cornice on any side of a building facing a street and providing a customer entrance.

Building, Height Of. The vertical distance from the grade (the average level of the finished surface of the ground adjacent to the structure) to the highest point of the coping of a flat roof, or to the deck line of mansard roof, or to the mean height level between eaves and ridge for gable, hip and gambrel roofs, as illustrated in Figure 11-2. (see Section 4.01).

Business Park/Industrial Park/Office Park. An area developed under single ownership or unified control, including one or more separate business establishments and/or tenants.

Business Service. Establishments primarily engaged in rendering services to business establishments on a fee or contract basis, such as advertising and mailing; building maintenance; employment services; delivery and dispatch.
services; management and consulting services; protective services; equipment rental and leasing; commercial research; development and testing; photo finishing; and personal supply services.

**Cabinet Sign.** Any sign consisting of a box- or case-like frame, enclosing a sign face (or faces) fabricated as a single plane of translucent or opaque material.

**Caliper.** The diameter of a tree trunk. See Exhibit 6-1 for an illustration of tree caliper measurement.

**Canopy.** A roof construction or cantilevered roof, free of enclosing walls, over an entrance to a building or a gasoline pump island.

**Canopy Sign.** Sign or advertising attached to a canopy of a building (see Figure 11-3).

**Figure 11-3 Canopy Sign**

![Canopy Sign Diagram](image)

**Canopy Tree.** Trees with an irregular or umbrella canopy providing shade, screening or background such as a shade tree.

**Car Wash.** A structure or portion thereof, containing facilities for washing private passenger vehicles, using automatic methods with a chain conveyer, blower, steam cleaning device or other mechanical devices; or providing space and equipment for the washing, cleaning or polishing of passenger vehicles, whether by customer or the operator; but not including truck wash facilities.

**Cellar.** That story of a building that has more than one-half of its height below grade.

**Cemetery, Private.** A plot of ground, building, mausoleum, or other enclosure used for the burial of persons of one collateral line of descent.

**Cemetery, Public.** A plot of ground, building, mausoleum, or other enclosure, not located on property owned by or adjacent to a religious institution, used for the burial of persons.

**Cemetery, Religious Institution.** A plot of ground, building, mausoleum or other enclosure owned by or adjacent to a religious institution and used for the burial of persons who are generally members of that religious institution.

**City Council.** City Council of Villa Rica.
**Child Care Learning Center.** Agencies, organizations, or individuals licensed by the State of Georgia that render service on a regular basis in the form of providing daytime care, boarding, feeding, supervising, or tutoring to nineteen (19) or more children who are not members of the family, foster children, or legal wards of the attendant, including day nurseries, kindergartens, nursery schools, and similar services.

**Clinic.** An establishment where patients who are not lodged overnight are admitted for examination and treatment by a group of physicians, dentists, or other members of the healing arts practicing together.

**Club.** A building or portion thereof or premises owned or operated by a corporation, association, person or persons for a social, educational or recreational purposes, but not primarily for profit or to render a service which is customarily carried on as a business.

**Cluster Subdivision.** A form of development that provides reduced lot area while maintaining the same number of lots and overall density. Buildings are concentrated on a part of the site, permitting the remaining land area to be devoted to open space, active recreation areas, environmentally-sensitive land preserves or agriculture. Figure 3-1 illustrates a sample cluster subdivision.

**Collector Street.** Collector streets shall be those streets so identified in the City's adopted street plan.

**Commercial Districts.** The DT, GC and OI zoning districts as defined in Article 3.

**Comprehensive Plan.** The plan or any portion thereof adopted by the City of Villa Rica for the coordinate physical development of Villa Rica.

**Common Open Space.** An open space area within or connected to a developed site, that is managed and designed for the use, benefit or enjoyment of all residents and owners of the development.

**Compatible.** Buildings, structures, activities or uses that can coexist without infringing on the normal use and enjoyment of the adjacent properties.

**Construction Sign.** A temporary sign identifying the architect, contractor, subcontractor, material supplier or others involved in construction on the property on which the sign is located.

**Contiguous.** In contact with, abutting, adjoining, or touching another parcel or structure.

**Convenience Store.** A store serving persons in adjacent areas and limited to the sale of limited grocery items, magazine, newspapers and other limited items where gasoline sales may or may not be permitted. A convenience store does not include an indoor or outdoor restaurant where the consumption of food products on the premises is encouraged.

**Council.** The governing authority for the City of Villa Rica, comprising the City Council and Mayor. The terms Council, City Council, Mayor and Council, and City are synonymous.

**Cul-de-Sac.** A dead-end street that includes a circular turnaround at its terminus.

**Density.** The number of dwelling units divided by the area of the subdivided portion of a parent tract.

**Density, Gross.** The number of dwelling units located or proposed to be located on a parcel divided by the area of the gross area of the parcel.

**Density, Net.** The number of dwelling units divided by the net acreage of the residential and open space property. Net acreage shall be gross acreage minus land within floodways, wetlands or areas with a slope greater than fifteen percent (15%).

**Development.** Includes any of the following activities:
1. A change in the use of any land, building or structure for any purpose, and shall include the carrying out of any building, engineering construction or other operation in, on, over or under land, or the construction, addition or alteration of any building or structure;

2. The construction, erection or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure; or

3. The subdivision, resubdivision, or change in property boundaries or the improvement of land.

Developer or Applicant. A person who is responsible for any undertaking that requires any permit from the City for the development of land.

Development Improvement Agreement. A written agreement executed by the City and the developer in which the provision and installation of public improvements is addressed.

Development Plan. Detailed drawings and related information necessary to evaluate compliance with the purposes and standards for a planned development. The development plan includes site plan(s) or typical lot layouts for large single-family residential subdivisions, elevations for multi-family and non-residential structures, subdivision plat, plans for improvements and amenities (whether public or private), and written documentation.

Decibel. A unit which describes the sound pressure level or intensity of sound. A sound level meter is calibrated in decibels.

Directional Sign, Off-Premise. Off-premise directional signs, as regulated in Chapter 9 of this code, contain directional information about the location of places of commerce or industry; hospitals; historic, cultural, religious or educational buildings and sites; public buildings or places; location of orchards, berry farms; auctions; or community events or similar activities.

Directional Sign, On-Premise. An on-premise directional or informational sign identifying a premises, or an activity conducted upon such premises, and providing direction for the safe and efficient flow of vehicular or pedestrian traffic to such activity or premises. Directional signs shall include signs marking entrances, exits, parking areas, loading areas, drive-through lanes or other operational features of the premises. (See also Incidental Signs.) Directional signs do not include advertising.

Directory Sign. A sign that identifies individual businesses within a multi-tenant shopping, office or industrial center. A directory sign is movable panel used to identify a business in a center.

District. Any section of the City of Charleston or territory within one and one-half mile of the City of Charleston for which the zoning regulations governing the use of buildings and premises, the height of buildings, the size of yards, and the intensity of use are uniform.

DOT. Department of Transportation.

Drive-in Establishment. An establishment that provides or is designed to provide, either wholly or in part, parking of patrons’ automobiles from which the occupants may watch entertainment, purchase goods or services, or transact business.

Drive-through Establishment. An establishment that provides or is designed to provide goods or services to persons in their cars at a window in an area through which cars must pass.

Driveway. Private access way leading from a street or alley to a dwelling unit or building.

Dwelling or Dwelling Unit. Any building or portion thereof that is designed for or used exclusively for long-term residential purposes that includes a kitchen and at least one (1) bathroom and is mounted on or attached to a foundation set in a fixed location.
Dwelling, Attached Single-Family. A dwelling unit having its own ground floor entrance, joined to one or more dwelling units by common walls, or other horizontally unifying structural element, being self-sufficient and designed for occupancy by one family.

Dwelling, Detached Single-Family. A self, sufficient dwelling designed to be separated on all sides and to be occupied by a single family.

Dwelling, Multiple. A dwelling designed for or occupied exclusively by three (3) or more families.

Dwelling, Single-family. A dwelling designed for or occupied exclusively by one (1) family.

Dwelling, Two-family (Duplex). A building consisting of two dwellings, with each dwelling unit having its own ground floor entrance, joined to only one (1) other dwelling unit by a common wall, or other horizontally unifying structural element.

Easement. A strip of land for which rights have been granted for a specified use or purpose, including, but not limited to: access, utilities, drainage, conservation, agriculture or other specified activity or impact.

Electronic Message Sign. A message board or sign that changes its message automatically via a lampbank or other mechanical means.

Erect. To build, construct, reconstruct, alter, place or relocate any structure, including the preparation for such activity, such as excavating, grading, drilling, piling, cribbing, filling or draining land.

Face. That area of a sign containing the advertising information, painting, drawing or message intended or used to advise or inform, but excluding structural supports.

Family. One (1) or more persons related by blood, marriage, or adoption, occupying a dwelling and living as a single housekeeping unit and doing their own cooking on the premises, including not more than two boarders or lodgers.

Family Day Care Home. A home occupation registered with the State of Georgia in which daytime care is provided to six (6) or fewer children, including the pre-school aged children of the child care provider.

Farm. A farm is the land, buildings and machinery used in agricultural production of farm products.

FEMA. Federal Emergency Management Administration.

Filing Date. The date on which an applicant submits a complete development application to the City or completes all submittal requirements.

Flag Lot. A lot fronting on or abutting a public road and where access to the public road is by narrow, private right of way.

Flashing signs. Any sign, the illumination of which is not constant in intensity when in use. Electronic message signs approved by the Board of Appeals and Planning that indicate the date, time or temperature shall not be considered flashing signs.

Floodplain. Any land area susceptible to flooding, which would have at least a one percent (1%) probability of flooding occurrence in any calendar year based on the basin being fully developed as shown in the current land use plan; i.e., the regulatory flood.

Floor Area. The sum of the gross horizontal areas of all floors of a building measured from the exterior faces of the exterior walls or from the center-line of common walls, but not including garages, unenclosed porches, and cellar or basement space.
**Floor Area Ratio.** Gross floor area of all buildings on a lot divided by the lot area (Floor Area/Lot Area = Floor Area Ratio).

**Foundation, Permanent.** A structural building support extending from below the frost line up to the structure and made of cast-in-place concrete, concrete blocks mortared together or other material approved by the Chief Building Inspector.

**Freestanding Sign.** A sign that is not attached to a building but is supported by a structure or supports placed on, anchored in, or extending from and permanently attached to the ground. Such signs may be referred to as a pole sign, pylon sign, monument based sign or ground sign.

**Frontage.** The dimensions of a lot measured along the abutting street right of way.

**Garage, Private.** An accessory building designed or used for the storage of not more than four motor-driven vehicles owned and used by the occupants of the building to which it is accessory, and not storing more than one commercial vehicle or any vehicle which exceeds a two-ton capacity.

**General Services.** Establishments primarily engaged in providing assistance, as opposed to products, to individuals, business, industry, government and other enterprises, including hotels and other lodging places; personal business, repair and amusement services; health, legal, engineering and other professional services; educational services; membership organizations; and other miscellaneous services.

**Grade, Finished.** The average level of the finished surface of the ground adjacent to the exterior walls of the building.

**Grade, Natural.** The elevation of the ground surface in its natural state, before any development, except agricultural operations.

**Ground Sign.** A permanent business sign supported by uprights or braces in or upon the ground surface. Ground signs include monument-based signs, pole and post mounted signs.

**Group Day Care Home.** Agencies, organizations, or individuals licensed by the State of Georgia that render service on a regular basis in the form of providing daytime care, boarding, feeding, supervising, or tutoring to seven (7) to eighteen (18) children who are not members of the family, foster children, or legal wards of the attendant, including day nurseries, kindergartens, nursery schools, and similar services.

**Gun Club.** A facility that provides an indoor or outdoor shooting range and practice facility for gun enthusiasts and skeet and trap shooting.

**Hazardous Waste.** A substance, such as nuclear waste or an industrial byproduct, that is potentially damaging to the environment and harmful to humans and other living organisms.

**Health Care Facility.** A facility or institute, whether public or private, principally engaged in providing services for health maintenance, diagnoses or treatment of human disease, pain, injury, deformity or physical condition, including, but not limited to, a general hospital, special hospital, mental hospital, public health center, diagnostic center, treatment center, rehabilitation center, extended care facility, skilled nursing home, nursing home, intermediate care facility, outpatient clinic, dispensary, home health care agency, and bioanalytical laboratory or central services facility serving one or more institutions but excluding institutions that provide healing solely by prayer.

**Height.** The vertical distance measured from the average grade of the base of the structure at ground level to its highest point and including the main structure and all attachments thereto or as otherwise provided in Section 4.01 of this code.
Home Occupation. A business, occupation or profession conducted within a dwelling unit by a person residing within that dwelling unit which is clearly incidental to the primary residential use of the structure. See Section 5.13 of this code.

Horticulture. The use of land for the growing or production of fruits, vegetables, flowers, nursery stock, including ornamental plants and trees, and cultured sod.

Hotel, Motel, or Motor Hotel. An establishment containing guest rooms, exclusively for occupancy by transient guests and that provides customary hotel services such as: a maid, telephone and secretarial, bellboy and desk services; and the use and upkeep of furnishings and laundry of linens.

Identification Sign. A sign whose copy is limited to the identification of a home, apartment, townhouse, or manufactured home project, and all other permitted uses.

Improvement, Public. Street work, utilities including, but not limited to, water, sewer, electric, gas and storm drainage, or other public facilities (e.g., library, park, school, etc.), to be installed or agreed to be installed by the developer.

Incidental Sign. An informational sign, attached or freestanding, that has a purpose secondary to the use of the lot on which it is located, that guides or directs pedestrian or vehicular traffic such as “no parking,” “entrance,” “exit only,” or “loading only,” or provides a warning, address or similar directive language. No sign with a commercial message legible from a position off the lot on which the sign is located shall be considered incidental.

Household Living. Persons living together acting as a single housekeeping unit in a single dwelling unit, with common access to and having common use of all living and eating areas, and other areas and facilities for the preparation and serving of food within the dwelling unit.

Institution. A building occupied by a non-profit corporation or a non-profit establishment for public use.

Institutional and Civic Use. Nonprofit, civic, religious or public uses such as libraries, public or private schools, hospitals, government owned or operated building, structure or land used for public purposes.

Junk. Dismantled and inoperable vehicles, machinery, and appliances or parts of such vehicles, machinery or appliances; scrap copper, brass, rope, rags, batteries, paper, rubber debris, iron, steel or other metals; and any object which does not function as the manufacturer intended. An inoperable vehicle shall mean any motor vehicle that lacks a current registration or a registered vehicle that lacks two or more wheels or any other component parts, the absence of which renders the vehicle illegal for use on the highway.

Junk or Salvage Yard. Any place where waste, discarded or salvaged material or equipment are bought, sold, exchanged, baled or packed, disassembled, kept, stored, or handled, including house wrecking yards, auto wrecking activities, used lumber yards and places or yards for storage of salvaged building materials and structural steel materials and equipment, but not including areas where such uses are conducted entirely within a completely enclosed building.

Landscaping.

1. Any combination of trees, shrubs, flowers, grass or other horticultural elements, decorative stonework, paving, screening or other architectural elements, all of which are designed to enhance the visual amenity of a property and/or to provide a screen to mitigate any objectionable aspects that may detrimentally affect adjacent land.

2. Changing or modifying natural features of a site so as to make it more attractive and desirable by adding lawns, trees, shrubs, ornamental plantings, fencing, walks, drives or other structures and materials as used in landscape architecture.
3. Changing, rearranging or adding to the original vegetation or scenery of a piece of land to produce an aesthetic effect appropriate for the use to which the land is put. It may include reshaping the land by moving the earth, as well as preserving the original vegetation or adding vegetation.

**Landscaped Area.** An area that is permanently devoted and maintained to the growing of shrubbery, grass and other plant material.

**Laundromat.** An establishment providing washing, dry cleaning, drying or ironing machines for hire to be used by customers on the premises.

**Loading Space.** A space within the main building or on the same lot therewith, providing for the standing, loading or unloading of trucks.

**Lodging Room.** Any habitable room, or group of not more than two habitable rooms forming a habitable unit, occupied or intended to be occupied by not more than two persons for living and sleeping, but not used for cooking purposes.

**Lot.** A portion of a subdivision or other parcel, tract, or area of land established by plat, subdivision, or otherwise permitted by law to be separately owned, used, development, or built upon. A parcel of land occupied or intended for occupancy by a use, including principal and accessory buildings, the open spaces and parking spaces required by this Ordinance, and having its principal frontage upon a street or upon an officially approved place. Figure 11-4 illustrates examples of various types of lots.

**Figure 11-4 Lot Types**

**Lot, Corner.** A lot abutting upon two or more streets at their intersection.

**Lot Depth.** The mean horizontal distance between the front and rear lot lines.

**Lot, Double Frontage.** A lot having a frontage on two non-intersecting streets as distinguished from a corner lot.

**Lot of Record.** A lot that is part of a subdivision, the map of which has been legally recorded.

**Lot Width.** The lesser of the width of a lot at the front building line or back building line.
Manufactured Home. A new or used structure, transportable in one or more sections, which when erected on site, is three hundred and twenty (320) or more square feet, and is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein. Such term shall include any structure which meets all the requirements of this paragraph except size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974 as amended.

Manufactured Home Community (Mobile Home Park). Any site, lot, or tract of land upon which three (3) or more occupied manufactured homes are harbored, either free of charge, or for revenue purpose.

Marquee Sign. Any sign affixed to a marquee over the entrance or on the face of a building and supported and projecting from the building.

Master Signage Plan. A site plan that provides the graphic and written details of signage to be incorporated within a specific area.

Message Area, Image Area. The area on a sign in which a message or advertising is concentrated to create a sign and which area is calculated to determine the amount of sign area.


Menu Sign or Menu Board. Any sign that provides information on the selection and/or price of goods offered for sale at a business.

Mini-warehouse/self-storage. A building or group of buildings that contain individual compartmentalized and controlled access stalls or lockers for the dead storage of the customer's goods or wares.

Mobile Billboard. A sign which is placed upon or attached to the surface or attached to a motorized vehicle that has more than one axle and is driven for the purpose of promoting and attracting attention to the product or service being advertised on the surface of the structure transported by the motorized vehicle.

Modular Home. A dwelling that is not a manufactured home and that is assembled in one or more separate pieces that are intended to be placed on a permanent foundation, manufactured in accordance with the Georgia Industrialized Building Act and the standards for industrialized buildings of the Georgia Department of Community Affairs. Each modular home must bear the seal of approval as issued by the Georgia Commissioner of Community Affairs.

Monument Sign. A ground based sign that is freestanding and supported by a solid base attached to the ground as opposed to a sign supported by and attached to poles or braces.

Motel, Motor Court, Motor Lodge, or Tourist Court. Any building or group of buildings containing guest rooms or dwelling units, some or all of which have a separate entrance leading directly from the outside of the building with garage or parking space conveniently located on the lot, and designed, used, or intended wholly or in part for the accommodation of automobile transients.

Moving Sign. Any sign which moves, appears to move, or has moving parts. Electronic message signs that indicate the date, time, and temperature shall not be considered moving signs.

Multi-Family Dwelling. A building containing three (3) or more dwelling units.

Nightclub. An establishment dispensing liquor and meals and in which music, dancing and/or entertainment is conducted.
Nuisance. The interference with the normal enjoyment and use of property. Nuisances, as referred to in this Ordinance include smoke, odors, liquid wastes, solid wastes, radiation, noise, vibration, glare or heat.

Nursery. An area or business devoted to the raising and care of trees, shrubs or similar plant materials.

Nursing Home. Any facility, whether proprietary or nonprofit, that provides twenty-four hour a day accommodation, board and supervision by a nurse to three or more unrelated residents.

Off-premise Sign. A sign directing attention to or advertising a business, commodity, service, product or property not located, sold or conducted on the same property or site as that on which the sign is located.

Office. A room or group of rooms used for conducting the affairs of a non-retail business, profession, service industry or government and generally furnished with desks, tables, files and communications equipment.

On-premise Sign. Any display, device, figure, plaque, poster, or other outdoor advertising maintained or used to advertise or to inform or to direct the attention of the public to a business or activity conducted upon the premises upon which such sign is located, or to a product or service sold or rendered thereon.

One Hundred (100) Year Flood. A flood, the magnitude of which has a one (1%) percent chance of being equaled or exceeded in any given year or which, on the average, will be equaled or exceeded at least once every one hundred (100) years.

Order Window. A window used by drive-through or drive-in facilities where orders are placed.

Outdoor Advertising. An outdoor sign, display, device, figure, painting, drawing, message, plaque, poster, billboard, or other thing designed, intended or used to attract attention, advertise or inform, any part of the advertising or information contents of which is visible from any point of any public right-of-way.

Outdoor Display. The display of products for sale outside of a building or structure, including vehicles, garden supplies, gas, tires and motor oil, boats and aircraft, farm equipment and produce, burial monuments, building and landscaping materials and lumber yards but not including outdoor storage.

Outdoor Storage. The keeping, in an enclosed area, of any goods, junk, material, merchandise or vehicles, in the same place for more than twenty-four hours but not including the temporary outdoor display of seasonal goods or merchandise for sale.

Out Lot. An individual freestanding site for a retailer, often adjacent to a larger shopping center. Same as a Pad Site.

Owner. Any person, firm, association, syndicate, partnership, corporation, trust, or any other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under these regulations.

Pad Site. An individual freestanding site for a retailer, often adjacent to a larger shopping center. Same as an Out Lot. Gas stations, convenience stores, restaurants and some specialty stores and services are built on pad sites.

Parcel. Any existing piece of land formally described and recorded with block and lot numbers, by metes and bounds, by ownership, or in a manner as to specifically identify the dimensions and/or boundaries under single ownership that may be transferred according to applicable laws and ordinances without further surveying or platting being required.

Parking Lot/Area. An open, unoccupied space used or required for use for parking of automobiles exclusively and in which no gasoline or automobile accessories are sold or no other business is conducted.
Parking Space. An area permanently reserved for the temporary storage of one automobile and connected with a street or alley by a surfaced driveway that provides ingress and egress for automobiles.

Pedestrian-Oriented Development. Development that provides promotes use by pedestrians and bicyclists as evidenced by limited setbacks, parking in the side and rear yards, bicycle facilities, pedestrian walkways and other pedestrian amenities such as awnings, covered entries and other areas, outdoor benches and tables and patios.

Pennant. A flag tapering to a point or one (1) or more flags strung together by a line or rope as shown in Figure 11-5.

Figure 11-5 Pendant

Personal Care Home. A residence providing the protective care of residents who do not require chronic or convalescent medical or nursing care. Personal care involves responsibility for safety of the resident while inside the building and may include daily awareness by the management of the residents functioning and whereabouts, making and reminding a resident of appointments, the ability and readiness for intervention in the event of a resident experiencing a crisis, supervision in the areas of nutrition and medication, and the actual provision of transient medical care.

a. Personal Care Home, Congregate: Means a home for adults which offers care to sixteen (16) or more persons

b. Personal Care Home, Group: Means a home for adult persons in a residence or other type building (s), non-institutional in character and appearance, which offers care to seven (7) through sixteen (16) persons.

c. Personal Care Home, Family. A home for adults in a family type residence, no institutional in character an appearance, which offers care to two through six persons.

Personal Services. Establishments primarily engaged in providing services involving the care of a person or his or her personal goods or apparel. Personal services include but are not limited to: laundry, including pressing and cleaning service, linen supply, diaper service, beauty shops, barbershops, shoe repair, funeral services, steam baths, reducing salons and health clubs, clothing rental, locker rental, porter service, and domestic services.

Place of Worship. Churches, chapels, temples, parish halls, mosques and synagogues including offices for administration of the religious institution, convents, seminaries, monasteries, rectories, parsonages and parish houses.

Plan, The. The Comprehensive Plan and any other land use, facility, or growth related planning documents adopted the City Council.

Plans. All drawings, including general plans, cross sections, profiles, working details and specifications, that the applicant is required to prepare to show the character, extent and details of proposed improvements.
Plat. A map or drawing showing the lot and street arrangement or other features or details of the area being subdivided as required in this ordinance for preliminary and final approval and recording.

Pole / Post Sign. See ground sign, detached.

Political Sign. Any sign that is used during a political campaign to advertise or refer to a local, state or national election, referendum or initiative.

Portable Sign. Any sign designed to be moved easily and not permanently affixed to the ground or building, including signs on trailers, mobile billboards, sandwich boards, A-frame signs and spring signs.

Posted Notice. The posting, at the beginning of the prescribed period of notice, of a summary notice or document referred to, in a manner likely to attract attention, at the property that is the subject of the proceedings. The City may, in its discretion, post notice in other places to which the subject matter of the notice relates, or in places to attract the attention of the public.

Principal Use or Structure. The predominant use of land or structures as distinguished from an accessory use or structure.

Prior Regulations.

Private Recreational Facility. A recreational facility operated by a non-profit organization and open only to bona fide members and guests of the organization.

Professional Services. See Business Services.

Public Hearing. A meeting announced and advertised in advance and open to the public, with the public given an opportunity to speak and participate pursuant to state and local laws.

Public Notice. The advertisement of a public hearing in a paper of general circulation, and through other media sources, indicating the time, place and nature of the public hearing and where the application and pertinent documents may be inspected.

Radio/Television Broadcast Station. An establishment engaging in oral and visual programs for presentation to the public and that consists of a studio, transmitter and antenna.

Real Estate Sign. A temporary sign advertising the real estate upon which it is located as being for sale, rent or lease.

Recorded. Presented in the Office of the Clerk of the Superior Court for Carroll or Douglas County to be placed upon the permanent public land records in the applicable county. Where a document is recorded or filed for record implies that it must be received by an officer in a suitable book or manner kept for that purpose.

Recreational Vehicle. A vehicular unit mounted on wheels, designed to provide temporary living quarters for recreational, camping or travel use and of such size or weight as not to require special highway movement permits when drawn by a motorized vehicle, and with a living area of less than three hundred twenty (320) square feet, including built-in equipment (such as wardrobes, closets, kitchen units or fixtures) and bath and toilet rooms.

Recreational Vehicle or Travel Trailer Park. An area used or offered for use in whole or in part, with or without charge, for the parking of occupied travel trailers, pickup campers, converted buses, motor homes, tent trailers, tents or similar devices used for temporary, portable housing.

Residential Signs. Signs that are customarily associated with residential use, such as signs identifying names or numbers or signs on mailboxes, and are not of a commercial nature, except for home occupation signs.
Restaurant. An establishment whose sole business is the sale of food or beverage to customers for consumption on the premises. The food is consumed only on the premises and all dishes cleared by the staff of the establishment in preparation for the next customer.

Restaurant, Carry Out. An establishment whose principal business is the sale of food or beverages to the customer in the ready-to-consume state for consumption off the premises.

Restaurant, Drive-In. An establishment whose principal business is the sale of food or beverages in the ready-to-consume state, all or part of which is served directly to the customer in a motor vehicle.

Retail Services. Establishments providing services or entertainment, as opposed to products, to the general public for personal or household use, including eating and drinking places, hotels and motels, finance, real estate and insurance, personal services, health, educational and social services, museums and galleries.

Right-of-Way. A strip of land acquired by reservation, dedication, prescription or condemnation and intended to be occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer, and other similar uses.

Right-of-Way Line. See Street line.

Roof Sign. Any sign erected, constructed, or maintained upon or extending above the roof of any building.

School. Any building or part thereof that is designed, constructed or used for education or instruction in any branch of knowledge. The category includes public and private schools at the primary, elementary, middle, junior high or high school level that provide state-mandated basic education.

Screen. To visually shield or obscure any abutting or nearby structure or use from another by fencing, walls, berms or densely planted vegetation.

Set-Back Lines. A line that is roughly parallel to the front, side or rear lot line establishing the minimum space to be provided as the front, side or rear yard.

Shade Tree. Any tree with a canopy spread equal to a width of at least fifty percent (50%) of the height of the tree.

Shopping Center. A separate and distinct commercially used area under single ownership or unified control, including one or more separate business establishments.

Sight Triangle. A triangular shaped portion of land established at street intersections in which nothing is erected, placed or planted, or allowed to grown in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection. The sight triangle is an area of a corner lot that is included between the lines of the intersecting streets and a straight line connecting them at points twenty-five (25) feet distant from the intersection of the street lines. Also known as a visual clear zone.

Sign. Any object, device, display or structure or part thereof, consisting of any letter, figure, character, mark, point, plane, marquee sign, design, poster, pictorial, picture, stroke, stripe, line, trademark, reading matter or illuminating device, which is constructed, attached, erected, fastened or manufactured in any manner so that the same shall be used for the attraction of the public to any place, subject, person, corporation, firm, public performance, article, machine or merchandise, and displayed in any manner for recognized advertising purposes.

Sign Area. The entire area of the actual message or copy area.

Sign Face. The area of a sign on which information is placed.

Sign Permit. Written authorization issued by the City for the erection, installation or display of a specific sign on any property within the City in accordance with the regulations of Article 9.
**Site Plan.** A scale drawing showing the relationship between the lot lines and their uses, buildings or structures, existing or proposed on a lot, including such details as parking areas, access points, landscaped area, building areas, setbacks from lot lines, building heights, floor areas, densities, septic tank tile fields, utility lines and currents, or a special or particular use.

**Snipe Signs.** Temporary signs or posters made of paper, plastic, vinyl or similar material attached to telephone poles, trees and the like.

**Story.** That portion of a building, other than a cellar or basement (except one used for business or residence), included between the surface of any floor and the surface of the floor next above it or, if there be no floor above it, then the space between the floor and the ceiling next above it.

**Story, Half.** A story with walls no greater than eight (8) feet in height that includes less than one-half the floor area of the ground floor.

**Street.** A public or private thoroughfare which affords the principal means of access to abutting properties and whether designated as a freeway, expressway, thoroughfare, highway, road, parkway, avenue, boulevard, lane, place, circle, cul-de-sac, arterial, collector, local or however otherwise designated.

**Street Blimp/Mobile Billboard.** A billboard sign incorporated into a motor vehicle, the sole purpose of which is to provide mobile advertising.

**Street, Collector.** A street designated as a collector on the adopted Streets Plan of the City or a street in a proposed subdivision which is intended to collect traffic from the minor streets within a neighborhood or a portion thereof and to distribute such traffic to arterial thoroughfares, in addition to providing access to properties abutting thereon.

**Street, Cul-de-sac.** A minor street having but one end open for vehicular traffic and with the other end permanently terminated by a circular turnaround.

**Street, Dead End.** Street having only one end open to vehicular traffic, also referred to as a court.

**Street, Line.** A dividing line between a lot, tract or parcel of land and an abutting street.

**Street, Local or Minor.** A street other than an arterial or collector street that is intended primarily for providing low volume access to abutting properties.

**Street, Major.** A collector or arterial street or a State or Federal highway.

**Street, Stub.** A street that is temporarily terminated but is planned for future continuation.

**Structure.** Anything constructed or erected, the use of which requires more or less permanent location on the ground or attached to something having a permanent location on the ground, including but not limited to: buildings, advertising signs, billboards, swimming pools, porches, and fences.

**Structural Alterations.** Any change in the supporting members of a structure, such as bearing walls, columns, beams, girders, or doors other than a change in windows or a minor alteration which effects primarily the appearance and not the life of the structure or overall dimensions of the building.

**Subdivide.** The process of dividing any parcel into two or more tracts or adjusting property boundaries between two or more tracts.

**Subdivider.** Any person, firm, association, syndicate, partnership, corporation, trust, or any other legal entity, dividing or proposing to divide land so as to constitute a subdivision as defined herein and including any agent of the subdivider.
Subdivision. All divisions of a tract or parcel of land under common ownership into more than two lots, building sites, or other divisions for the purpose, immediate or future, of sale, legacy, or building development, including all divisions of land involving a new street or a change in existing streets, provided that the following are not included within this definition:

1. The combination or recombination or portions of previously platted lots where the total number of lots is not increased and resultant lots are equal to the standards of the zoning districts in which it is located;

2. The division of land into parcels of five acres or more where no new street is involved; and

3. Any division of land for agricultural purposes.

Subdivision Directional Sign. A temporary sign providing direction to a block of lots within a developing residential subdivision.

Subdivision Sign. An entry sign that is monument-based and is intended to provide identification of a residential subdivision by name only.

Tandem Parking Space.

Telecommunications Facilities. Any cables, wires, lines, wave guides, antennas and any other equipment or facilities associated with the transmission or reception of information as authorized by the Federal Communications Commission.

Temporary Structure. A structure that has no permanent foundation or footings and is intended to remain for a limited time terminating upon expiration of a specified time period.

Temporary Sign. An on-premise sign or advertising display constructed of cloth, canvas, fabric, plywood, or other light material and designed or intended to be displayed for a short period of time including a sign erected on a parcel on which a temporary activity is authorized and limited to the duration activity.

Temporary Use. A use of limited duration with the intent to terminate upon expiration of a time period. See Article 2.

Traffic Impact Analysis. A report analyzing anticipated traffic and roadway conditions within and near an applicant’s development.

Traffic Signs. Signs erected within public right-of-way designed to inform motorists of traffic regulations to warn motorists of hazards, or to provide directions or location information.

Travel Trailer. A vehicular, portable structure built on a chassis and designed to be used for temporary occupancy for travel, recreational or vacation use.

Trip. A single or one-way motor vehicle movement either to or from a subject property.

Trip Ends. The total of trips entering or leaving a specific land use or site over a designated period of time.

Trip Generation. The number of trip ends produced by a specific land use or activity during a designated period of time.

Truck Service Center. An establishment engaged in the service or repair of automobiles, trucks, all sizes of commercial or private vehicles of more than twelve thousand (12,000) pounds and reconditioning and repair of parts and accessories of such vehicles. Service and repair may include general repair, rebuilding or reconditioning of engines, vehicle collision service, body repair and frame straightening; painting and upholstering; vehicle steam cleaning; undercoating and machining of parts.
Truck Wash. A structure or portion thereof, containing facilities for washing, cleaning or polishing autos, trucks, buses or other commercial vehicles using automatic methods with a chain conveyer, blower, steam cleaning device or other mechanical devices or providing space and equipment for the washing, cleaning or polishing of autos, trucks, truck trailers, buses or other commercial vehicles, whether by the customer or the operator.

Use. The purpose or activity, for which the land or building thereon is designated, arranged or intended, or for which it is occupied, utilized or maintained.

Use, Permitted. A public or private use which of itself conforms with the purposes, objectives, requirements, regulations and performance standards of a particular zoning district.

Use, Principal. The main use of land or buildings as distinguished from subordinate or accessory uses.

Utilities. Systems for the distribution or collection of water, gas, electricity, wastewater and stormwater.


Variance. A variance is a modification of the requirements of this Code where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property, a literal enforcement of the requirements would result in unnecessary and undue hardship.

Vehicle. Self-propelled devices used for transporting people or goods over land surfaces and licensed as a motor vehicle; off-road vehicles designed for use on a variety of unimproved surfaces, dune buggies, snowmobiles, trail bikes and motor bikes; passenger vehicles with not more than two axles and four (4) tires; trucks with two or more axles and four (4) or more tires; recreational vehicles; and trailers.

Violation. The failure of a use, structure or development to fully comply with this Ordinance.


Wall Sign. Any sign that is permanently attached to a wall of any building.

Wetlands. Natural areas, identified by the Federal government as wetlands, that are normally covered in water for all or part of the year which result in a rich combination of environmental features which contain a wide variety of plants and wildlife.

Window Sign. A sign affixed to a window in view of the general public. This does not include merchandise on display.

Yard. An open space between a building and the adjoining lot lines as shown in Figure 11-6. The size of a yard is measured as the shortest horizontal distance between the lot line and the main building.

Yard, Front. A yard extending across the front of a lot between the side property lines and measured between the street line and the main building or any projections thereof other than the projections of the usual uncovered steps, uncovered balconies, or uncovered porch.

Yard, Rear. A yard extending across the rear of a lot between the side property lines and measured between the rear lot line and the rear of the main building or any projections thereof other than the projections of uncovered steps, unenclosed balconies or unenclosed porches.

Yard, Side. A yard between the main building and the side property line of the lot, and extending from the front yard to the rear yard.

Zero-Side Yard Lot. A lot with no side setback on one side of the property as shown in Figure 11-7.
Zoning District. An area under common regulations governing the use, placement, spacing, and size of land and buildings. Article 3 of this Code lists the zoning district classifications of the City of Villa Rica.

Zoning Map. The legally adopted “Zoning Districts Map” of the City of Villa Rica.

Figure 11-6 Yard

![Diagram of a Yard Lot]

Figure 11-7 Zero-Side Yard Lot

![Diagram of a Zero-Side Yard Lot]
Appendix A: Signs Along Interstate Highways
### Appendix B: Planting Requirements

<table>
<thead>
<tr>
<th>Common Name/Botanical Name</th>
<th>Height/Spread</th>
</tr>
</thead>
<tbody>
<tr>
<td>Japanese Zelkova/Zelkova serrata</td>
<td>60-80'/30-40'</td>
</tr>
<tr>
<td>Lacebark Elm/Ulmus parvifolia</td>
<td>40-60'/30-40'</td>
</tr>
<tr>
<td>Red Maple/Acer rubrum</td>
<td>40-60'/25-40'</td>
</tr>
<tr>
<td>River Birch/Betula nigra</td>
<td>50-60'/40-50'</td>
</tr>
<tr>
<td>Sawtooth Oak/Quercus acutissima</td>
<td>50-60'/30-60'</td>
</tr>
<tr>
<td>Yellow Poplar or Tulip Tree/Liriodendron tulipifera</td>
<td>80-100'/30-40'</td>
</tr>
<tr>
<td>Willow Oak/Quercus phellos</td>
<td>40-60'/30-60'</td>
</tr>
<tr>
<td>Goldenrain Tree/Koelreuteria paniculata</td>
<td>20-30'/10-15'</td>
</tr>
<tr>
<td>Green Ash/Fraxinus Pennsylvania</td>
<td>60-80'/40-50'</td>
</tr>
<tr>
<td>Sycamore/Platanus occidentalis</td>
<td>80-100'/40-50'</td>
</tr>
<tr>
<td>Water Oak/Quercus nigra</td>
<td>60-100'/50-60'</td>
</tr>
<tr>
<td>White Ash/Fraxinus americana</td>
<td>75-100'/60-80'</td>
</tr>
<tr>
<td>American Holly/Ilex opaca</td>
<td>20-50'/15-30'</td>
</tr>
<tr>
<td>Japanese or Saucer Magnolia/Magnolia soulangiana</td>
<td>20-30'/15-20'</td>
</tr>
<tr>
<td>Star Magnolia/Magnolia stellata</td>
<td>12-20'/10-15'</td>
</tr>
<tr>
<td>Sweetbay Magnolia/Magnolia virginiana</td>
<td>15-20'/10-20'</td>
</tr>
<tr>
<td>Japanese Crabapple/Malus floribunda</td>
<td>15-20'/15-20'</td>
</tr>
<tr>
<td>Sourwood/Oxydendrum arboreum</td>
<td>30-41'/15-20'</td>
</tr>
<tr>
<td>Chinese Pistache or Pistacio/Pistacia chinensis</td>
<td>30-40'/20-30'</td>
</tr>
<tr>
<td>Purpleleaf Plum/Prunus cerasifera ‘Pissardii’</td>
<td>20-30'/10-15’</td>
</tr>
<tr>
<td>Double Flowered Peach/Prunus persica</td>
<td>10-15'/8-12’</td>
</tr>
<tr>
<td>Contorted Willow/Salix matsundana ‘Tortuosa’</td>
<td>20-50'/20-30'</td>
</tr>
<tr>
<td>Japanese Maple/Acer palmatum</td>
<td>15-20'/10-15’</td>
</tr>
<tr>
<td>Flowering Dogwood/Cornus florida</td>
<td>15-25'/15-20’</td>
</tr>
<tr>
<td>Washington Hawthorne/Crataegus phaenopyrum</td>
<td>25-30'/15-20’</td>
</tr>
</tbody>
</table>
Hybrid Holly/Ilex x attenuata hybrids 10-40'/6-15’

Leyland cypress/x Cupressocyparis leylandii 60-90'/12-15’
Appendix C: Fees

Development Plan Review

Single-Family Residential Plan Review

Preliminary Plat Plan Review $100
(without construction documents)

Preliminary Plat Plan Review $600 or $10/lot
(with construction documents) (whichever is greater)

Final Plat Plan Review $300

Non-Residential & Multi-Family Residential Plan Review

Preliminary Plat Plan Review $100
(without construction documents)

Preliminary Plat Plan Review $600 or $65/acre
(with construction documents) (whichever is greater)

Final Plat Plan Review $300

Other Plan Reviews

Clearing, Grubbing & Grading $150
(Soil erosion & sedimentation control)

Minor Building Additions $50

Review fees include two departmental reviews. All subsequent reviews will require an additional fee at 50% of original fee.

Development Permit Fees

Single-Family Residential Subdivision:

Clearing, Grubbing & Grading $90/acre
(greater than 1 disturbed acre) (disturbed acreage)

Development Permit ** $40/lot
Non-Residential/Multi-Family/Mixed-Use Development ($50 minimum)

Clearing, Grubbing & Grading  $90/acre (disturbed acreage)

Development Permit (Multi-Family) **  $30/unit

Development Permit (Non-Residential) **  $150/acre (disturbed acreage)

Re-Inspection Fees

Building & Development  $100

* Includes reviews by Planning & Zoning, Engineering, Inspections, Public Works, Water and Sewer Departments.

** Includes inspections for Grading & Grubbing, Curbing and/or Gutter, Subgrade and Base, Paving Base and Topping, Water systems, Sewer systems and Storm water systems.
Appendix D: Applications

See website www.villarica.org.