

CITY OF ARCADE

**LAND USE
MANAGEMENT CODE
(LUMC)**

**REVISIONS ADOPTED
DECEMBER 11, 2017**

Incorporating Amendments Adopted through July 10, 2023

**CITY OF ARCADE LAND USE MANAGEMENT CODE
ARTICLE AND CHAPTER CONTENTS**

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**ARTICLE 1
PREAMBLE, ENACTMENT, AND LEGAL STATUS PROVISIONS**

| | |
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| CHAPTER 1.1 | PREAMBLE AND ENACTMENT |
| CHAPTER 1.2 | JURISDICTION |
| CHAPTER 1.3 | LEGAL STATUS PROVISIONS |

**CHAPTER 1.1
PREAMBLE AND ENACTMENT**

| | |
|----------------|------------------------------|
| Section 1.1.1. | Preamble and Enactment. |
| Section 1.1.2. | Adoption and Effective Date. |

Section 1.1.1. Preamble.

WHEREAS, the Constitution of the State of Georgia, effective July 1, 1983, provides in Article IX, Section II, Paragraph IV thereof, that the governing authorities of municipalities may adopt plans and exercise the power of zoning; and

WHEREAS, the Georgia General Assembly has enacted the Georgia Planning Act of 1989, (Georgia Laws, 1989, pp. 1317-1391, Act 634) which among other things provides for local governments to adopt plans and regulations to implement plans for the protection and preservation of natural resources, the environment, vital areas, and land use; and

WHEREAS, the Georgia Department of Community Affairs has promulgated Minimum Standards and Procedures for Local Comprehensive Planning (Chapter 110-3-2 of Rules of the Georgia Department of Community Affairs) to implement the Georgia Planning Act of 1989, said standards and procedures were ratified by the Georgia General Assembly, and have since been amended, and said rules require local governments to describe regulatory measures and land development regulations needed to implement local Comprehensive Plans; and

WHEREAS, the Georgia Department of Natural Resources has promulgated Rules for Environmental Planning Criteria, commonly known as the "Part V" Standards, said rules were ratified by the Georgia General Assembly, and said rules require local governments to plan for the protection of the natural resources, the environment, and vital areas of the State; and

WHEREAS, the Governing Authority of the City of Arcade has adopted a Comprehensive Plan in accordance with the requirements of the Georgia Planning Act of 1989, Rules of the Georgia Department of Community Affairs, and Rules of the Georgia Department of Natural Resources, and said plan has been revised from time to time; and

WHEREAS, the Comprehensive Plan specifies a number of goals and policies that are not currently implemented by the Land Use Management Code for the City of Arcade, Georgia currently in effect; and

**Article 1, Preamble, Enactment, and Legal Status Provisions
City of Arcade Land Use Management Code**

WHEREAS, the Governing Authority of the City of Arcade desires to help assure the implementation of the city's Comprehensive Plan; and

WHEREAS, the Governing Authority of the City of Arcade desires to promote the health, safety, welfare, morals, convenience, order, and prosperity of its citizens;

WHEREAS, the Governing Authority of the City of Arcade desires further to promote responsible growth, lessen congestion in the public thoroughfares, secure safety from fire and health dangers, and promote desirable living conditions; and

WHEREAS, the Governing Authority of the City of Arcade desires to regulate the height, bulk, and the size of buildings and structures; and

WHEREAS, the Governing Authority of the City of Arcade desires to classify land uses, establish procedures for the handling of certain land use matters, and regulate the distribution and density of uses on the land to avoid both the undue concentration of population and the inappropriate dispersion of population, prevent the encroachment of incompatible land uses within residential areas, and preserve property values; and

WHEREAS, the Governing Authority of the City of Arcade desires to provide for economically sound and stable land development by assuring the provision in land developments of adequate streets, utilities, services, traffic access and circulation, public open spaces, and maintenance continuity; and

WHEREAS, the Governing Authority of the City of Arcade finds that the regulations contained in this ordinance are the minimum necessary to accomplish the various public purposes; and

WHEREAS, the General Assembly of the State of Georgia enacted Ga. Laws 1985, page 1139, Act. No. 662, providing for an amendment to Title 36 of the Official Code of Georgia Annotated, codified as O.C.G.A. sections 36-66-1 et seq., so as to provide procedures for the exercise of zoning powers by cities and counties; and

WHEREAS, appropriate public notice and hearing have been accomplished; and

WHEREAS, the City of Arcade Planning Commission has considered this matter and has recommended approval and adoption of the same;

NOW THEREFORE BE IT ORDERED by the Governing Authority of the City of Arcade and it is hereby ordained by the authority of the same, that the provisions Land Use Management Code currently in force is hereby deleted with the following articles and sections (ordinance) substituted in its place.

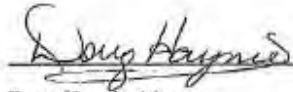
**Article 1, Preamble, Enactment, and Legal Status Provisions
City of Arcade Land Use Management Code**

Section 1.1.2. Adoption and Effective Date.

This Land Use Management Code is hereby adopted and shall become effective immediately upon its adoption by the Governing Authority, the public welfare demanding it.

Adopted, this the 11th day of December 2017.

CITY OF ARCADE, GEORGIA



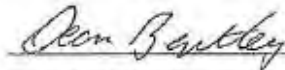
Doug Haynie, Mayor



Council Member Cindy Bone



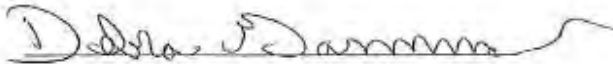
Council Member Tom Hays



Council Member Dean Bentley

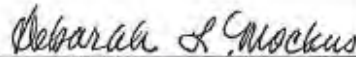


Council Member Ron Smith



Council Member Debra Gammon

ATTEST:



City Administrator, Deborah Mockus

Approved as to Form:



City Attorney, Jody Campbell



**CHAPTER 1.2
JURISDICTION**

- Section 1.2.1. Jurisdiction.
Section 1.2.2. Zoning of Annexed Lands.

Section 1.2.1. Jurisdiction.

This Land Use Management Code shall apply within the incorporated limits of the City of Arcade.

Section 1.2.2. Zoning of Annexed Lands.

Property annexed or proposed to be annexed into the city limits of the City of Arcade (after its date of adoption by that Governing Authority) shall be zoned in accordance with the Zoning Procedures Law, O.C.G.A. 36-66, and this Land Use Management Code. Such property annexed may be zoned by the Governing Authority to any zoning district or districts established in this code. Lands hereafter annexed into the city limits of Arcade shall, upon the effective date of such annexation, be subject to all applicable procedural and substantive requirements of this Land Use Management Code as now or hereafter amended, unless otherwise specifically provided in this code.

**CHAPTER 1.3
LEGAL STATUS PROVISIONS**

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| Section 1.3.1. | Conflict with Other Laws. |
| Section 1.3.2. | Validity and Severability. |
| Section 1.3.3. | Repeal of Conflicting Ordinances. |
| Section 1.3.4. | Validity of Conditions of Zoning. |
| Section 1.3.5. | Codification |

Section 1.3.1. Conflict with Other Laws.

Whenever the regulations of this Land Use Management Code require or impose more restrictive standards than are required in or under any other ordinance, the requirements of this Land Use Management Code shall govern. Whenever the provisions of any state or federal statute require more restrictive standards than are required by this Land Use Management Code, the provisions of such statute shall govern.

Section 1.3.2. Validity and Severability.

Should any section or provision of this Land Use Management Code be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the Land Use Management Code as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

Section 1.3.3. Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict herewith are repealed to the extent necessary to give this Land Use Management Code full force and effect, except that any ordinances or resolutions repealed by this Section shall not limit or impair the city's authority to enforce such ordinances or resolutions to the extent that violations thereof occurred prior to repeal.

Section 1.3.4. Validity of Existing Conditions of Zoning.

Notwithstanding the repeal of prior ordinances via Section 1.3.3 of this code, if a property was zoned subject to prior iterations of this Land Use Management Code, the zoning conditions existing at the time of this adoption shall continue to apply to said property.

Section 1.3.5. Codification.

It is the intention of the Governing Authority, and it is hereby ordered that this Land Use Management Code shall become and be made a part of the Code of Ordinances of the City of Arcade, Georgia, and the articles, chapters, and sections of this Land Use Management Code may be renumbered if necessary to fit most appropriately into the Code of Ordinances of the City of Arcade.

**ARTICLE 2
DEFINITIONS**

CHAPTER 2.1 INTERPRETATIONS
CHAPTER 2.2 DEFINITIONS

**CHAPTER 2.1
INTERPRETATIONS**

Section 2.1.1. Interpretations of Certain Terms.
Section 2.1.2. Applicability of Definitions.
Section 2.1.3. Use of Figures for Illustration.

Section 2.1.1. Interpretations of Certain Terms.

Except as specifically defined herein, or in other Articles of this Land Use Management Code containing definitions, all words used in this Land Use Management Code shall have their customary dictionary definitions. Unless otherwise expressly stated, the following words defined in this Article shall have the meaning herein indicated. Words used in the present tense include the future tense. Words used in the singular number include the plural and words used in the plural number include the singular.

Section 2.1.2. Applicability of Definitions.

The interpretations and definitions provided in this Article shall apply to the entire code unless the context clearly indicates otherwise. In cases where another Article or Chapter of this Land Use Management Code contains definitions, such definitions are primarily intended to apply to said Article or Chapter only; provided, however, that a definition provided in another Article or Chapter of this Land Use Management Code may have meaning outside the context of that particular Article or Chapter to the extent the context does not clearly indicate otherwise.

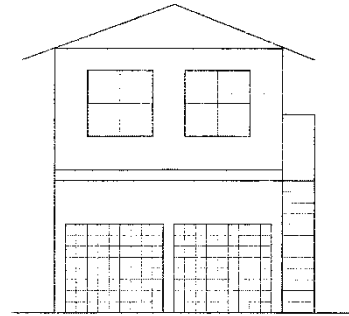
Section 2.1.3. Use of Figures for Illustration.

Figures and illustrations associated with defined terms or regulations in this Land Use Management Code are provided for illustration only and do not limit or change the meaning of the term as defined or the meaning of regulations as written.

CHAPTER 2.2 DEFINITIONS

Accessory apartment, attached: A second dwelling unit that is added to the structure of an existing site-built single-family dwelling, for use as a complete, independent living facility for a single household, with provision within the accessory apartment for cooking, eating, sanitation and sleeping. Such a dwelling is considered an accessory use to the principal dwelling.

Accessory apartment, detached: A second dwelling unit that is added to an existing accessory structure (e.g., residential space above a detached garage), or as a new freestanding accessory building, for use as a complete, independent living facility for a single household, with provision within the accessory apartment for cooking, eating, sanitation and sleeping. Such a dwelling is considered an accessory use to the principal dwelling. Includes the term garage apartment.



Accessory Apartment, Detached
(Above Garage Shown)

Active recreational facilities: Equipment and areas prepared for active use for recreational and leisure purposes, including but not limited to: playground equipment (swing sets and climbing structures); courts for basketball, volleyball, and tennis; leveled, striped fields for football, soccer, or multiple purposes; community picnic pavilions (including covered facilities with grills and/or fire rings); community buildings for recreational events, and golf courses, excluding clubhouses, developed areas and accessory uses. Trails and bikeways through open spaces shall not be considered active recreational facilities.

Adequate food: Palatable, non-contaminated, and nutritionally adequate food that is fed according to the species requirements or is fed as directed by a veterinarian. Adequate food does not include garbage. *[Added via Ordinance LUMC 19-01, adopted March 11, 2019]*

Adequate temperature control: Indoor housing facilities are sufficiently heated and/or cooled when necessary to protect the animals from excessive heat or from chilling, freezing or from any physical damage. Except for equines, the ambient temperatures should not be allowed to fall below 45F degrees or rise above 85F degrees, for animals that are not acclimated. *[Added via Ordinance LUMC 19-01, adopted March 11, 2019]*

Adequate ventilation: Indoor housing facilities are adequately ventilated to provide for the health of the animals at all times. All facilities housing animals shall be adequately ventilated with fresh or filtered air to minimize drafts, odors and moisture condensation and to provide for the health and comfort of the animals at all times. Ventilation shall be provided by either natural or mechanical means. *[Added via Ordinance LUMC 19-01, adopted March 11, 2019]*

Adequate water: Clean, fresh, potable water offered at suitable intervals according to the species requirements, or as dictated by naturally occurring states of hibernation normal for the species, or as directed by a veterinarian. *[Added via Ordinance LUMC 19-01, adopted March 11, 2019]*

Adult day services: A facility that provides supports for elderly individuals (and their families, if present), who do not function fully independently, but who do not need 24-hour nursing care. Participants may have: some degree of physical disability; a social impairment; mental confusion; need for some assistance with activities of daily living which fall short of the need for placement in and institution; or returned from a recent hospital or institutional stay. There are two types of adult day services programs: basic social, and medical.

Agriculture: Farming, including plowing, tilling, cropping, utilization of best management practices, seeding, cultivating or harvesting for the production of food and fiber products (except commercial logging and timber harvesting operations); aquaculture; sod production; orchards; Christmas tree plantations; nurseries; and the cultivation of products as part of a recognized commercial enterprise. This term specifically includes "horticulture," or the growing of fruits, vegetables, herbs, flowers or ornamental plants. This term also includes plant nurseries and greenhouses, where lands or structures are used primarily to cultivate trees, shrubs, flowers or other plants for sale.

Aircraft landing field: Any landing area, runway, or other facility designed, used, or intended to be used for the taking off or landing of aircraft and including all necessary taxiways, aircraft storage, tie-down areas, hangars, and other necessary buildings and appurtenances.

Alley: A public or private thoroughfare which affords only a secondary means of access to abutting property.

Alteration: Any change in the supporting members of a building or structure such as bearing walls, columns, and girders, except such emergency change as may be required for safety purposes; any addition to a building; any change in use; or, any movement of a building from one location to another.

Alternative tower structure: Clock towers, bell towers, church steeples, water towers, light/power poles, electric transmission towers, man-made trees (without accessory buildings/structures), and similar natural or man-made alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

Amenity: Aesthetic or other characteristics that increase a development's desirability to a community or its marketability to the public. Amenities may differ from development to development but may include such things as recreational facilities, pedestrian plazas, views, streetscape improvements, special landscaping, or attractive site design.

Animal shelter: Any premise designed or operated for impounding and caring for stray, homeless, abandoned, or unwanted animals (usually primarily cats and dogs), or that are otherwise subject to impoundment. An animal shelter is usually intended to provide only temporary kenneling of such animals until a permanent home is found.

Arcade, amusement: A place or facility where pinball or electronic games are played for amusement. An amusement arcades is an indoor commercial recreation facility.

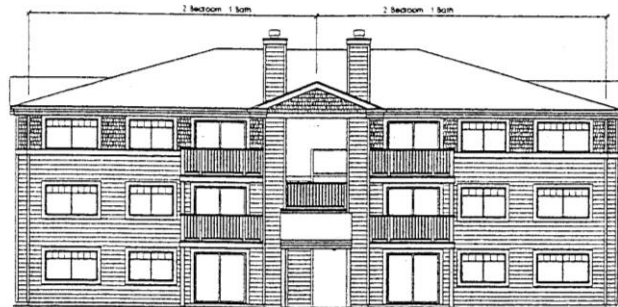
Art gallery: An establishment engaged in the sale, loan, or display of art books, paintings, sculpture, or other works of art. This use does not include libraries and museums. An art gallery is an enclosed retail trade establishment unless operated by a public entity in which case it is considered a public use.

Article 2, Definitions
City of Arcade Land Use Management Code

Animal hospital: An establishment designed or used for the care, observation, or treatment of domestic animals. This definition includes veterinary clinics and animal day care facilities.

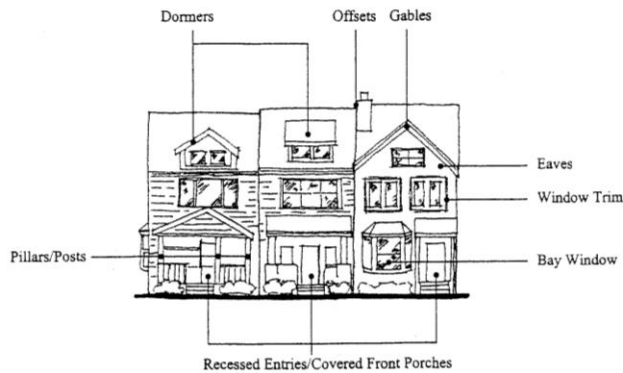
Animal quarters: Any structure which surrounds or is used to raise, breed (husbandry), house, shelter, care for, feed, exercise, train, exhibit, display, or show any animals or livestock other than domestic pets. This is not intended to apply to non-structural, fenced land for grazing. This includes the term “barn” when used to shelter livestock or other animals.

Apartment: A building, distinguished from a “duplex” or “two-family” dwelling, designed for or occupied exclusively by two (2) or more families with separate housekeeping facilities for each family for rent or lease. The term “apartment” shall include “triplex” and “quadraplex.” For purpose of this code an apartment building shall also be considered a “multi-family” dwelling.



Appeal: A request for a review of an administrative official’s interpretation of any provision of this Land Use Management Code, or a request for a review of an action taken by an administrative official in the application or enforcement of this Land Use Management Code.

Architectural features: Ornamental or decorative features attached to or protruding from an exterior wall or roof, including cornices, eaves, belt courses, sills, lintels, bay windows, chimneys, and decorative ornaments.



Assisted living facility: Residences for the elderly who are in need of assistance, that provide rooms, meals, personal care, and supervision of self-administered medication. They may provide other services incidental to the above. For purposes of this ordinance, assisted living facilities are considered institutionalized residential living and care facilities.

Automated teller machine: A mechanized consumer device that is operated by a customer and which performs banking and financial functions. An automated teller machine is an accessory use.

Automobile repair: Includes but is not limited to engine overhaul, dismantling of subparts, body or frame repair, paint, automotive glass, transmission, and alternator repair. It is characteristic of automobile repair facilities that the customer will typically leave the vehicle overnight, thus requiring storage of vehicles under repair.

Automobile sales: New or used car, truck, tractor, trailer, boat, recreational vehicle, camper, motorcycle, and other motorized vehicle sales, leasing, and rental, including agricultural implements and equipment, and similar pieces of equipment or vehicles (excluding manufactured home sales), all of which are complete and operable. This definition includes rental car facilities. An automobile sales establishment may include automobile repair and maintenance facilities as an accessory use.

Automobile service: Includes but is not limited to oil change facilities and engine tune-up facilities, as well as facilities providing for the rotation of tires. Automobile service may occur in conjunction with auto sales or auto repair, but it is characteristic of automobile service facilities that the customer will receive service in one day, thus not requiring the storage of vehicles under service.

Bail bonding or bondsperson: An establishment that acts as a surety and pledges money or property as bail for the appearance of a person accused in court.

Bank: A business that accepts money for deposit into accounts from the general public or other financial institutions, and which may include personal or business loans, wire transfers and safe deposit boxes.

Basement: That portion of a building having its lowest floor subgrade (below ground level) on two or more sides.

Batching plant: A plant for the manufacture or mixing of asphalt, concrete, cement, or concrete or cement products, including any apparatus incidental to such manufacturing and mixing.

Bed and breakfast inn: A facility where overnight accommodations not exceeding six rooms are provided to transients for compensation, with or without a morning meal, and which may include afternoon and/or evening meal for guests, and where the operators of the facility live on the premises. A bed and breakfast inn does not include retail uses, public bar, conference center, or special event facilities.

Best management practices (BMPs): A wide range of stormwater management regulations, procedures, engineering designs, activities, prohibitions or practices which have been demonstrated to effectively control nonpoint source pollution encompassing the quality, quantity, and erosion and sediment control aspects of stormwater. Such practices could include but not

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be limited to: detention and retention ponds, sand filters, vegetative swales and buffers, street cleaning, installation of stream bank stabilization measures, and public education programs.

Biomass production and storage: Material used for the production of such things as fuel alcohol and nonchemical fertilizers, from sources such as plants grown especially for that purpose or waste products from livestock, harvesting, milling, or from agricultural production or processing.

Body piercing: An establishment engaged in the practice of puncturing or cutting a part of the human body to create an opening in which jewelry may be worn.

Borrow site: A site used for the extraction of earthen materials such as sand, gravel, rock, dirt, etc. where the material is removed from the site.

Botanical garden: A private facility, either nonprofit or operated for a fee, for the demonstration and observation of the cultivation of flowers, fruits, vegetables, or ornamental plants.

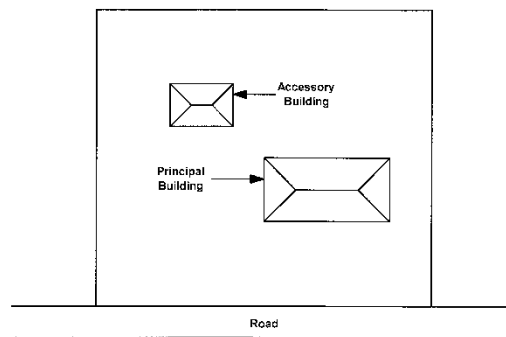
Brewery: An industrial use that brews ales, beers, and/or similar beverages or extracts and syrups on site from barley, rye, or other grains. This definition excludes micro-breweries.

Broadcasting studio: A room or suite of rooms operated as a radio or television broadcasting studio or station with local broadcast capability or intended for satellite distribution of programs, and usually including satellite dishes, microwave dishes, and/or other communications equipment.

Building: The word "building" includes the word "structure."

Building, accessory: A building subordinate to the main building on a lot and used for purposes incidental to the main or principal building and located on the same lot therewith.

Building, principal: A building in which is conducted the principal use of the lot on which said building is situated. In any residential zoning district, any structure containing a dwelling unit shall be defined to be the principal building on the plot on which same is situated, except for detached accessory apartments.



Building, Accessory and Principal

Building Inspector: The city's official responsible for implementing and enforcing the applicable building codes of the city.

Building materials sales: An establishment offering lumber or other construction materials used in buildings for sale to contractors or the general public. When operated in whole or part outside the confines of a building, a building materials sales establishment is an open air business.

Building sales establishment: A lot on which the principal use is the sale of manufactured homes and/or modular buildings. This use is an open-air business.

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Bulk storage: The storage of chemicals, petroleum products, or similar materials in above ground or below-ground storage containers designed for wholesale distribution or mass consumption. This includes fuel oil distributors with storage of products.

Business service establishment: A business activity engaged in support functions to establishments operating for a profit on a fee or contract basis, including but not limited to: advertising agencies, photocopying, blueprinting and duplication services, mailing agencies, commercial art and graphic design; personnel supply services and employment agencies, computer and data processing services, detective, protective, and security system services, accounting, auditing, and bookkeeping services, messenger services and couriers, publications and business consulting firms, food catering, interior decorating, and locksmiths.

Camp or campground: Any place established or maintained for two or more individual spaces or sites for temporary living quarters in cabins, structures, or tents for recreation or vacation purposes for a fee.

Canopy: A roof-like structure, supported by a building and/or columns, poles, or braces extending from the ground, including an awning, that projects from the wall of a building over a sidewalk, driveway, entry, window, or similar area, or which may be freestanding. This term is not intended to refer to or be confused with a tree canopy.

Car wash: The use of a site for washing and cleaning of passenger vehicles, other vehicles, or other light duty equipment. Car washes consist of self-service, staffed, or mechanically automated facilities. For purposes of this ordinance, a car wash is considered an automobile sales and service establishment whether it is a principal use or accessory to another use or building.

Caretaker's residence: A dwelling unit within a principal building or any freestanding building or structure that is an accessory use which is used for occupancy as a dwelling by an owner, security agent, or caretaker.

Carnival: Any use which constitutes a traveling or transportable group or aggregation of rides, shows, gaming booths, and concessions and where the public either pays admission or participation fees. A carnival is a temporary use.

Carport: An roofed, accessory building or structure, not necessarily fully enclosed on the sides and usually open on two or more sides, made of canvas, aluminum, wood, or any combination thereof, including such materials on movable frames, for the shade and shelter of private passenger vehicles or other motorized or non-motorized equipment such as tractors and boats.

Catering service: An establishment that serves and supplies food to be consumed off-premises. A catering service is a business service establishment.

Cemetery: The use of property as a burial place.

Certificate of occupancy: A document issued by the Building Inspector indicating that the building and use or reuse of a particular building or land is in conformity with all applicable codes and regulations, and that such building or land may be occupied for the purpose stated therein.

Character: Those attributes, qualities and features that make up and distinguish a development project and give such project a sense of purpose, function, definition, and uniqueness.

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Child care learning center: Any place operated by a person, society, agency, corporation, institution or group wherein are received for pay for group care, for fewer than 24 hours per day without transfer of legal custody, 19 or more children under 18 years of age and which is required to be licensed. Child care learning center also includes any day care center previously licensed by the Department of Human Resources and transferred pursuant to O.C.G.A. Code Section 20-1A-1 et seq.

Church: A building or structure, or group of buildings or structures, that by design and construction are primarily intended for conducting organized religious services. Associated accessory uses include but are not limited to: schools, meeting halls, indoor recreational facilities, day care, counseling, and kitchens. This term includes synagogues, temples, and places of worship.

Christmas tree sales facility: A facility conducted on a temporary basis during holiday season, generally conducted wholly outdoors but which may involve a tent or other temporary structure, that offers for sale Christmas trees and incidental holiday items such as wreaths and Christmas tree stands. Such facility is a temporary, open-air business establishment. This use is typically accessory to commercial.

City: The word "city" shall mean the City of Arcade.

City Engineer: The official under contract with the city, responsible for implementing and enforcing the applicable engineering requirements of this Land Use Management Code and those other engineering requirements of the city.

Clinic: An institution or professional office, other than a hospital or nursing home, where persons are counseled, examined, and/or treated by one or more persons providing any form of healing or medical health service. Persons providing these services may offer any combination of counseling, diagnostic, therapeutic or preventative treatment, instruction, or services, and which may include medical, physical, psychological, or mental services and facilities for primarily ambulatory persons.

Club or lodge, nonprofit: A building or premises, used for associations or organizations of an educational, fraternal, or social character, not operated or maintained for profit. Representative organizations include Elks, Veterans of Foreign Wars, and Lions. The term shall not include casinos, nightclubs, bottle clubs, or other establishments operated or maintained for profit.

Code: This ordinance, titled the Land Use Management Code of the City of Arcade.

Code of ordinances: This term refers to other ordinances not included within this Land Use Management Code but which have been adopted by the City of Arcade and which may be codified in a city code.

Collection bin: Any closed receptacle or container made of metal, wood, steel or similar materials designed or intended for the collection of clothing, toys and other small, customary household items (excluding furniture and carpeting) for purposes of donation to needy households; or any such receptacle or container for the collection of recycled materials such as glass, paper, or aluminum.

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College or university: An educational use that provides training beyond and in addition to that training received in the 12th grade (i.e., undergraduate and graduate), and which has students regularly attending classes, and which confers an associate, bachelor, master, and/or doctoral degree(s).

Commercial recreational facility, indoor: A use that takes place within an enclosed building that involves the provision of sports and leisure activities to the general public for a fee, including but not limited to the following: assembly halls, auditoriums, meeting halls, for-profit art galleries, billiard halls and pool rooms, amusement halls, video arcades, ice and roller skating rinks, bowling alleys, fully-enclosed theaters, physical fitness centers, and health clubs or spas.

Commercial recreational facility, outdoor: A use of land and/or buildings that involves the provision of sports and leisure activities to the general public for a fee, and which all or part of the activities occur outside of a building or structure, including but not limited to the following: amusement parks, stadiums, amphitheaters, fairgrounds, drive-in theaters, golf driving ranges, miniature golf courses, batting cages, race tracks for animals or motor-driven vehicles, archery ranges, unenclosed firearms shooting ranges and turkey shoots, fish ponds, botanical and zoological gardens, ultra-light flight parks, and bungi jumping. A golf course and private club that is built as part of a single-family residential subdivision and that operates in a quasi-public manner is not considered to be an outdoor commercial recreational facility.

Commercial vehicle: A vehicle exceeds with: an overall length of 21 feet; an overall width of 7 feet; an overall height of 8 feet, or with the top of the highest sidewall more than 3 feet above the bed or taller than the roofline of the vehicle.

Compatibility: With regard to development, the characteristics of different land uses or activities that permit them to be located near each other in harmony and without conflict. With regard to buildings, harmony in appearance of architectural features in the same vicinity.

Compost: A humus-like, organic material produced from composting, which may be used to spur plant growth and condition soil or as top soil.

Composting facility: A facility where compost or organic matter that is derived primarily from off-site is processed by composting and/or processed for commercial purposes. Activities of a composting facility may include management, collection, transportation, staging, composting, curing, storage, marketing, or use of compost.

Co-generation facility: An installation that harnesses energy that normally would be wasted to generate electricity, usually through the burning of waste, and which may use, distribute through connection, or sell the energy converted from such process.

Common area: Land within a development, not individually owned or dedicated to the public, and designed for the common usage of the development. These areas include green open spaces and yards and may include pedestrian walkways and complimentary structures and improvements for the enjoyment of residents of the development. Maintenance of such areas is the responsibility of a private association, not the public.

Community recreation: A private recreational facility for use solely by the residents and guests of a particular (usually residential) development, including indoor facilities such as community meeting rooms and outdoor facilities such as swimming pools, tennis courts, and playgrounds.

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These facilities are usually proposed, planned, and provided in association with a development and are usually located within the boundaries of such development.

Comprehensive plan: Any plan adopted by the Governing Authority, or any plan adopted by a regional development center covering the local jurisdiction, or portion of such plan or plans. This definition shall be construed liberally to include any transportation or major thoroughfare plan, master parks and recreation plan, or any other study, document, or written recommendation pertaining to subjects normally within the subject matter of a Comprehensive Plan as provided by the Georgia Planning Act of 1989, if formally adopted by the Governing Authority.

Conditional use: A use that would not be appropriate generally or without restriction throughout a particular zoning district and is not automatically permitted by right within said zoning district, but which, if controlled as to number, area, location, relation to the neighborhood or other pertinent considerations, may be found to be compatible and approved by the Governing Authority within that particular zoning district as provided in certain instances by this Land Use Management Code. An approved conditional use runs with the property.

Condominium building: A building containing one (1) or more individually owned units or building spaces situated on jointly-owned, common areas as defined by laws of the State of Georgia. When a building on property under condominium ownership contains only one dwelling unit, that building is considered a detached, single-family condominium building. When a building on property under condominium ownership contains two or more dwelling units, that building is considered an attached, multi-family condominium building.

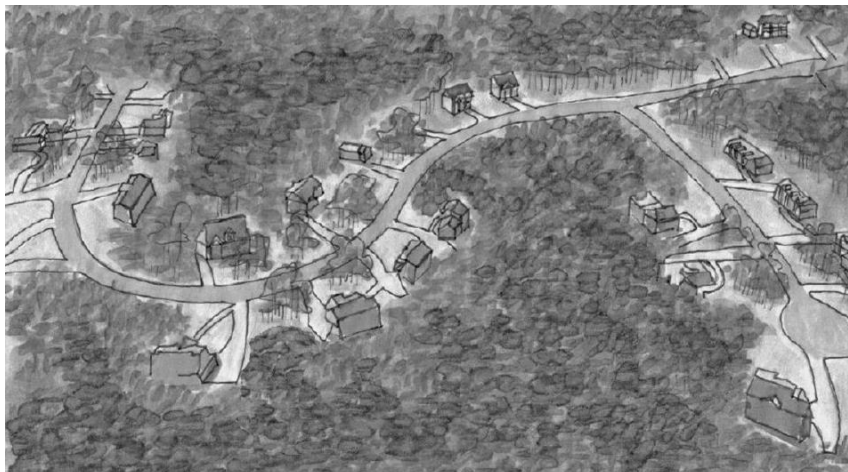
Conservation areas, primary: Any property qualifying as conservation use property under O.C.G.A. Section 48-5-7.4; and any steep mountain slopes, floodplains, wetlands, water bodies, upland buffers around wetlands and water bodies, critical wildlife habitat, and sites of historic, cultural, or archaeological significance, located outside of building envelopes and lots established for building purposes.

Conservation areas, secondary: Prime farmland, natural meadows, mature woodlands, farm fields, localized aquifer recharge areas, and lands containing scenic views and sites, located outside of building envelopes and lots established for building purposes.

Conservation easement: A nonpossessory interest of a holder in real property imposing limitations or affirmative obligations, the purposes of which include retaining or protecting natural, scenic, or open-space values of real property; assuring its availability for agricultural, forest, recreational, or open-space use; protecting natural resources; maintaining or enhancing air or water quality; or preserving the historical, architectural, archeological, or cultural aspects of real property (O.C.G.A. 44-10-1); A legally enforceable agreement between a property owner and the holder of the easement, in a form acceptable to the Governing Authority and recorded in the office of the Clerk of Superior Court of Jackson County. A conservation easement restricts the existing and future use of the defined tract or lot to conservation use, agriculture, passive recreation, or other use approved by the Governing Authority and prohibits further subdivision or development. Such agreement also provides for the maintenance of open spaces and any improvements on the tract or lot. Such agreement cannot be altered except with the express written permission of the easement holder and any other co-signers. A conservation easement may also establish other provisions and contain standards that safeguard the tract or lot's special resources from negative changes.

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Conservation subdivision: A subdivision, as defined by this code, where open space is the central organizing element of the subdivision design and that identifies and permanently protects all primary and all or some of the secondary conservation areas within the boundaries of the subdivision.



Source: Abbey Deiss, Jerry Weitz & Associates, Inc.

Construction field office: A manufactured home, travel trailer, truck trailer, or other structure used as an office in conjunction with a project while it is being constructed. A construction field office is a temporary use.

Continuing care retirement community: A residential facility providing multiple, comprehensive services to older adults. Such facility normally contains a combination of independent living units, assisted living, and skilled nursing care units as defined herein.

Consumer fireworks: Any small fireworks devices containing restricted amounts of pyrotechnic composition, designed primarily to produce visible or audible effects by combustion, that comply with the construction, chemical composition, and labeling regulations of the United States Consumer Product Safety Commission as provided for in Parts 1500 and 1507 of Title 16 of the Code of Federal Regulations, the United States Department of Transportation as provided for in Part 172 of Title 49 of the Code of Federal Regulations, and the American Pyrotechnics Association as provided for in the 2001 American Pyrotechnics Association Standard 87-1, and additionally shall mean Roman candles. The term consumer fireworks shall not include: (1) Model rockets and model rocket engines designed, sold, and used for the purpose of propelling recoverable aero models, toy pistol paper caps in which the explosive content averages 0.25 grains or less of explosive mixture per paper cap or toy pistols, toy cannons, toy canes, toy guns, or other devices using such paper caps; nor shall the term consumer fireworks include ammunition consumed by weapons used for sporting and hunting purposes; and (2) Wire or wood sparklers of 100 grams or less of mixture per item; other sparkling items which are nonexplosive and nonaerial and contain 75 grams or less of chemical compound per tube or a total of 500 grams or less for multiple tubes; snake and glow worms; smoke devices; or trick noise makers which include paper streamers, party peppers, string peppers, snappers, and drop pops each consisting of 0.25 grains or less of explosive mixture.

Consumer fireworks retail sales facility: Shall have the same meaning as provided for by the National Fire Protection Association Standard 1124, Code for the Manufacture, Transportation, Storage, and Retail Sales of Fireworks and Pyrotechnic Articles, 2006 Edition (NFPA 1124).

Consumer fireworks retail sales stand: Shall have the same meaning as provided for by National Fire Protection Association (NFPA) Standard 1124: A temporary or permanent building or structure that has a floor area not greater than 800 square feet (74 square meters),

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other than tents, canopies, or membrane structures, that is used primarily for the retail display and sale of consumer fireworks to the public.

Contractor's establishment: An establishment engaged in the provision of construction activities, including but not limited to, plumbing, electrical work, building, grading, paving, roofing, carpentry, and other such activities, including the storage of material and the overnight parking of commercial vehicles. Also, this definition includes landscaping companies, as defined herein.

Convenience store: A retail store, usually with a floor area no more than 5,000 square feet and often approximately 2,500 to 3,000 square feet, that sells convenience goods, such as prepackaged food items and a limited line of groceries. Convenience stores may or may not sell gasoline, diesel, and kerosene but do not include automotive services.

Cooperative building: A building containing one or more dwelling units under cooperative ownership. Cooperative residential buildings are considered multi-family dwellings.

Cottage industry: An individually-owned craft shop that produces on the premises through hand-made workmanship craft one or more goods for retail sale, such as candle-making, glass blowing, pottery making, weaving, woodworking, sculpting, and other similar or associated activities. A cottage industry has no more than 1,500 square feet of space and no more than five (5) employees.

Country club: A club with recreational facilities for members, their families, and invited guests. This term is distinguished from community recreation and golf courses with planned residential communities.

Crisis center: A facility or portion thereof and premises that are used for the purposes of emergency shelter, crisis intervention, including counseling, referral, hotline response, and similar human social service functions. Said facility may include meal preparation, distribution, or service for residents of the center as well as nonresidents, merchandise distribution, or shelter, including boarding, lodging, or residential care. This term includes domestic violence and centers, homeless shelters, and halfway houses.

Curb cut: The providing of vehicular ingress and/or egress between property and an abutting street; the physical improvement designed to provide such ingress/egress.

Day care center: Any place operated by a person, society, agency, corporation, institution or group, and licensed or registered by the State of Georgia as a group day care home or day care center, wherein are received for pay for group supervision and care, for fewer than twenty-four (24) hours per day, seven (7) or more children under eighteen (18) years of age.

Deceleration lane: An added roadway lane, of a specified distance and width and which may include a taper, as approved by the City Engineer, that permits vehicles to slow down and leave the main vehicle stream.

Development: Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of materials; any activity which alters the elevation of the land, removes or destroys plant life, or causes structures of any kind to be erected or removed.

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Development permit: An official authorization issued by the Zoning Administrator in accord with this code to proceed with land disturbance and grading, as set forth in this ordinance.

Developmentally disabled person: A person with a disability resulting in substantial functional limitations in such person's major life activities which disability is attributable to mental retardation, cerebral palsy, epilepsy, or autism or is attributable to any other condition related to mental retardation because such condition results in impairment of general intellectual functioning or adaptive behavior similar to that of mentally retarded persons.

Distillery: An establishment primarily engaged in distilling potable liquors, distilling and blending liquors, and/or blending and mixing liquors and other ingredients.

Distribution center: A use where goods are received and/or stored for delivery to the ultimate customer at remote locations.

Dormitory: A building designed for a long-term stay by students of a college, university, or nonprofit organization for the purpose of providing rooms for sleeping purposes, and which may include common kitchen and/or common gathering rooms for social purposes.

Drive-through: A retail or service enterprise wherein service is provided or goods are sold to the customer within a motor vehicle and outside of a principal building.

Driveway: A constructed vehicular access serving one (1) or more properties and connecting to a public or private street, as distinguished from a platted, public or private street.

Driving range: An area equipped with distance markers, clubs, balls, and tees for practicing golf drives, putting, and/or chipping, and which may include a snack bar and pro-shop. A driving range is an outdoor commercial recreation facility.

Dry cleaning plant: A building, portion of a building, or premises used or intended to be used for cleaning fabrics, textiles, wearing apparel, or articles of any sort by immersion or agitation, or by immersions only, in volatile solvents included, but not limited to, solvents of the petroleum distillate type, and/or the chlorinated hydrocarbon type, and the processes incidental thereto.

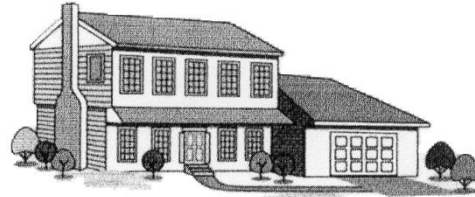
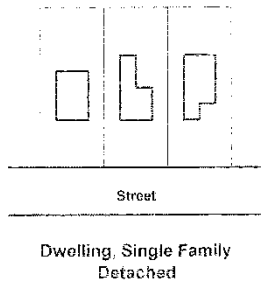
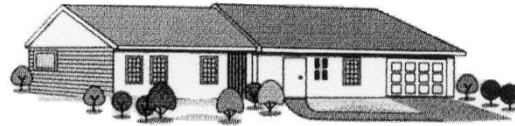
Dumpster: A container designed to hold refuse that has a hooking connection that permits it to be raised and dumped into a sanitation truck for disposal, or a container (excluding temporary placements) designed to hold refuse that is loaded onto a truck.

Dwelling: A building, other than a manufactured home, mobile home, house trailer, or recreational vehicle, which is designed, arranged or used for permanent living, and/or sleeping quarters.

Dwelling, farm tenant: A residential structure located on a farm and occupied by either a single non-transient or transient farm worker, or a farm worker's household containing no more than two adults, plus any children, and one or both of the adults is employed by the owner of the farm.

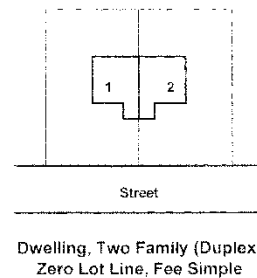
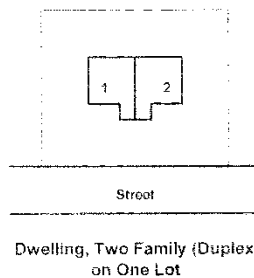
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Dwelling, single-family detached, fee-simple:
 A building designed or arranged to be occupied by one (1) family only and where such dwelling is located on its own lot in fee-simple title.



Source: John Matusik and Daniel Deible. "Grading and Earthwork." Figure 24.23 in *Land Development Handbook*, 2nd ed. New York: McGraw-Hill, 2002, p. 562.

Dwelling, two-family (duplex): A building designed or arranged to be occupied by two (2) families living independently of each other and where each dwelling is located on its own lot in fee-simple title, but where the two dwelling units are attached along a common property line.



Dwelling, multi-family: A building other than a duplex, designed for or occupied exclusively by two (2) or more families with separate housekeeping facilities for each family. This term includes attached residential condominiums and apartments.

Dwelling unit: A building, or portion thereof, designed, arranged and used for living quarters for one (1) or more persons living as a single housekeeping unit with cooking facilities, but not including units in hotels or other structures designed for transient residence.

Equine: Any member of the equidae species, including horses, mules, and asses. *[Added via Ordinance LUMC 19-01, adopted March 11, 2019]*

Excavation: The mechanical removal of earth material.

Exterminator: An establishment engaged in pest control for businesses, institutions, residences, or industries.

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Fairground: An area of land permanently established and intended to be devoted to seasonal community events, and which may include agricultural related office buildings, animal shows and judging, carnivals, circuses, community meeting or recreational buildings and uses, concerts, food booths and stands, games, rides, rodeos, sales and auctions. Fairgrounds not owned by the public are considered outdoor commercial recreation facilities.

Fallout shelter: An accessory building or underground facility designed for the protection of life from radioactive fallout. A fallout shelter may be an accessory use to a dwelling or other principal use.

Family: An individual; or two (2) or more persons related by blood, marriage, or guardianship; or a group of not more than seven (7) persons, including developmentally disabled persons and their caretakers, who need not be related by blood, marriage, or guardianship, living together in a dwelling unit as a family or household.

Family day care home: A private residence operated by any person who receives therein for pay for supervision and care fewer than 24 hours per day, without transfer of legal custody, at least three but not more than six children under 18 years of age who are not related to such persons and whose parent(s) or guardians are not residents in the same private residence as the provider; provided, however, that the total number of unrelated children cared for in such home, for pay and not for pay, may not exceed six children under 13 years of age at one time. A family day care home may be operated as a home occupation subject to the requirements of this Land Use Management Code.

Farmers market: A structure or location wherein space is provided to multiple independent operators for the purpose of retail and/or wholesale trade of raw agricultural products; provided, however, the use shall not include the processing of any product or the sale of poultry, fish, shellfish, pork, beef or other wildlife or domesticated meat products.

Fence: An enclosure or barrier, composed of wood, masonry, stone, wire, iron, or other materials or combination of materials used as a boundary, means of protection, privacy screening, or confinement, including brick or concrete walls but not including hedges, shrubs, trees, or other natural growth.

Fence, barbed wire: One or more strands of wire or other material having intermittent sharp points of wire or metal that may puncture, cut, tear, or snag persons, clothing, or animals, including vertical supports.

Fence, chain-link: An open mesh fence made entirely of wire woven in squares of approximately 1.5 inches with vertical supports, usually spaced at an interval of six (6) feet, usually at a height of three (3) or more feet.

Fence, solid: A fence, including entrance and exit gates where access openings appear, through which no visual images can be seen.

Festival: The sale of ethnic, specialty, regional, and gourmet foods, art and crafts, and the provision of live entertainment in an outdoor setting. A festival is a temporary use.

Finance, insurance, and real estate establishment: Such uses include but are not limited to banks, savings and loan institutions and credit unions, security and commodity exchanges,

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insurance agents, brokers, and service, real estate brokers, agents, managers, and developers, trusts, and holding and investment companies.

Fireworks: Any combustible or explosive composition or any substance or combination of substances or article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation, including blank cartridges, balloons requiring fire underneath to propel them, firecrackers, torpedoes, skyrockets, Roman candles, bombs, sparklers, and other combustibles and explosives of like construction, as well as articles containing any explosive or flammable compound and tablets and other devices containing an explosive substance. The term fireworks shall not include: (1) Model rockets and model rocket engines designed, sold, and used for the purpose of propelling recoverable aero models, toy pistol paper caps in which the explosive content averages 0.25 grains or less of explosive mixture per paper cap or toy pistols, toy cannons, toy canes, toy guns, or other devices using such paper caps; nor shall the term fireworks include ammunition consumed by weapons used for sporting and hunting purposes; and (2) Wire or wood sparklers of 100 grams or less of mixture per item; other sparkling items which are nonexplosive and nonaerial and contain 75 grams or less of chemical compound per tube or a total of 500 grams or less for multiple tubes; snake and glow worms; smoke devices; or trick noise makers which include paper streamers, party peppers, string peppers, snappers, and drop pops each consisting of 0.25 grains or less of explosive mixture.

Flea market: The use of land, structures or buildings for the sale of produce or goods, usually second-hand or cut-rate. A flea market is considered an open air business.

Food processing plant: A manufacturing establishment producing or processing foods for human or animal consumption and certain related products or by-products, including but not limited to the following products: sugar, dairy, fruit and vegetable (including canning, preserving and processing), grain mill products and by-products, meat, poultry and seafood (including by-product processing but not including the slaughtering of animals), and miscellaneous food preparation from raw products.

Food truck: A licensed, motorized vehicle or mobile food unit which is temporarily placed on a privately owned lot (or in authorized instances, on public property) where food items are sold to the general public. A food truck upon its establishment on a property is by definition an accessory use.

Forestry: An operation involved in the growing, conserving, and managing of forests and forest lands. Forestry operations or practices include the raising and harvesting of timber, pulp woods and other forestry products for commercial purposes, the construction of roads, insect and disease control, fire protection, and may include the temporary operation of a sawmill and/or chipper to process the timber cut from the parcel or parcels. This term does not include the cutting of timber associated with approved land development.

Fuel tank sales: The retail sale of bulk storage tanks for flammable and combustible liquids, compressed gases or liquefied petroleum (LP) gas. Gas tank sales are considered open air business uses.

Funeral home: A building used for human funeral services. Such building contains a chapel and may include space and facilities for embalming and the performance of other services used in the preparation of the dead for burial or cremation, the performance of autopsies and other

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surgical procedures, the indoor storage of caskets, funeral urns, and other related funeral supplies, and/or the indoor storage of funeral vehicles.

Garage: A building, or part thereof, used or designed to be used for the parking and storage of vehicles. A garage in the customary sense is distinguished from a carport in that it is fully enclosed. It may be attached to a single-family dwelling or may be an accessory building. In such context a garage is an accessory use to a single-family dwelling.

Governing Authority: The Mayor and City Council of the City of Arcade.

Greenhouse: A building designed or used for growing or propagating plants, with walls or roof usually designed to transmit light.

Group day care home: Any place operated by any person(s), partnership, association or corporation wherein are received for pay for group care not less than 7 nor more than 18 children under 18 years of age for less than 24 hours without transfer of legal custody and which is required to be licensed or commissioned by the Georgia Department of Early Care and Learning.

Group home: A single housekeeping unit of more than seven (7) unrelated persons, whether or not they are developmentally disabled.

Growler: The sale of craft beer in a capable, reusable container, usually 64 ounces. Consumption on the premises may only be permitted with issuance of the appropriate alcoholic beverage license from the city.

Guest house: A lodging unit for temporary guests in an accessory building. No guest house shall be rented or otherwise used as a separate dwelling.

Hazardous waste: Any materials defined or customarily defined as hazardous waste by the Environmental Protection Division of the Georgia Department of Natural Resources; generally, any refuse or discarded material or combination of refuse or discarded materials in solid, semisolid, liquid or gaseous form which cannot be handled by routine waste management techniques because they pose a substantial present or potential hazard to human health or other living organisms because of their chemical, biological or physical properties.

Health spa: An establishment which for profit or gain provides as one of its primary purposes, services or facilities which are purported to assist patrons improve their physical condition or appearance through change in weight, weight control, treatment, dieting, or exercise. The term includes establishments designated as "reducing salons," "exercise gyms," "health studios," "health clubs," "fitness studios," and other terms of similar import. Not included within this definition are facilities operated by nonprofit organizations, facilities wholly owned and operated by a licensed physician at which such physician is engaged in the practice of medicine, or any establishment operated by a health care facility, hospital, intermediate care facility, or skilled nursing care facility.

Helicopter landing pad: Any structure or area which is designed or constructed for use, or used, as a helicopter landing area or any structure or area which is used as a helicopter landing area.

Home occupation: Any use, occupation or activity conducted entirely within a dwelling by the residents thereof, which is clearly incidental and secondary to the use of the dwelling for

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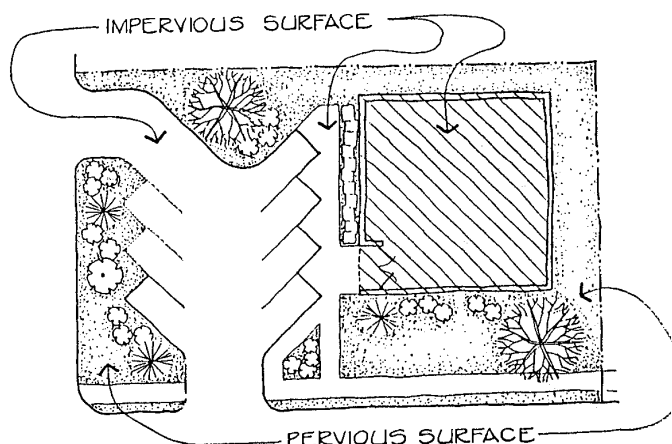
residence purposes and does not change the character thereof, as may be lawfully established under the terms of this Land Use Management Code.

Hookah bar or hookah lounge: Any facility, building, structure, or location where customers share tobacco or similar product from an individual or communal hookah placed throughout the establishment.

Hospital: An institution licensed by the state and providing primary health services and medical or surgical care to persons, primarily in-patients, suffering from illness, disease, injury, deformity or other abnormal physical or mental conditions, and including as an integral part of the institution, such related facilities as laboratories, outpatient facilities, or training facilities.

Hotel: A commercial lodging service with one or more buildings devoted to the temporary shelter for the traveling public, and where entry to individual guest rooms is via a central lobby. A hotel is a lodging service for purposes of this ordinance.

Impervious surface: A man-made structure or surface, which prevents the infiltration of water into the ground below the structure or surface. Examples are buildings, roads, driveways, parking lots, decks, swimming pools, or patios.



Source: Davidson, Michael, and Fay Dolnick. *A Glossary of Zoning, Development, and Planning Terms*. PAS Report No. 491/492 (Chicago, American Planning Association, 1999, p. 126).

Incinerator: A facility with equipment that uses a thermal combustion process to destroy or alter the character or composition of medical waste, sludge, soil, or municipal solid waste, not including animal or human remains.

Industrialized building: Any structure or component thereof which is designed and constructed in compliance with the state minimum standards codes and is wholly or in substantial part made, fabricated, formed, or assembled in manufacturing facilities for installation or assembly and installation on a building site and has been manufactured in such a manner that all parts or processes cannot be inspected at the installation site without disassembly, damage to, or destruction thereof. An industrialized building bears an insignia of approval issued by the Commissioner of the Georgia Department of Community Affairs. All industrialized buildings bearing an insignia of approval issued by the Commissioner of the Georgia Department of Community Affairs pursuant to applicable state law shall be deemed to comply with state minimum standards codes and all ordinances and regulations enacted by any local government which are applicable to the manufacture or installation of such buildings.

Industrialized building, residential: Any dwelling unit designed and constructed in compliance with the Georgia State Minimum Standard One and Two Family Dwelling Code which is wholly or in substantial part, made, fabricated, formed, or assembled in a manufacturing facility and cannot be inspected at the installation site without disassembly, damage to, or destruction thereof. Any such structure shall not contain a permanent metal chassis and shall be affixed to a permanent load-bearing foundation. The term shall not include manufactured homes as defined by the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Section 32 5401, et seq. A residential industrialized building bears an insignia of approval issued by the Commissioner of the Georgia Department of Community Affairs. For purposes of this ordinance, a detached residential industrialized building for one family shall be considered the same as a detached, single-family dwelling and permitted under the same zoning districts as a detached, single-family dwelling. All residential industrialized buildings bearing an insignia of approval issued by the Commissioner of the Georgia Department of Community Affairs pursuant to applicable state law shall be deemed to comply with state minimum standards codes and all ordinances and regulations enacted by any local government which are applicable to the manufacture or installation of such buildings. This ordinance shall not be construed to exclude detached, single-family residential industrialized buildings from being sited in a residential district solely because the building is a residential industrialized building.

Institutional residential living and care facilities: An umbrella term that encompasses the following uses as specifically defined in this ordinance: assisted living facility, intermediate care home, nursing home, skilled nursing care facility, and personal care home.

Intermediate care home: A facility which admits residents on medical referral; it maintains the services and facilities for institutional care and has an agreement with a physician and dentist who will provide continuing supervision including emergencies; it complies with rules and regulations of the Georgia Department of Human Resources. The term "intermediate care" means the provision of food, including special diets when required, shelter, laundry and personal care services, such as help with dressing, getting in and out of bed, bathing, feeding, medications and similar assistance, such services being under appropriate licensed supervision. Intermediate care does not normally include providing care for bed patients except on an emergency or temporary basis.

Intermodal container: A six-sided container used for the storage and/or transportation of goods and designed for transport or capable of being transported by a variety of transportation modes, i.e., on semi-trailer beds, rail cars, or ships. "PODS" and similar containers used for temporary storage on a residential or nonresidential site are considered intermodal containers.

Intrafamily land transfer: A division of land within one or more agricultural districts that creates at least one additional lot but not more than four additional lots, where each and every lot within the subdivision is conveyed to the children, spouse and children, surviving heirs, in-laws, or immediate relatives of the property owner, or some combination thereof; provided, that no more than one (1) lot in the subdivision shall be deeded to any one individual, and provided further that each lot shall be a minimum of two acres and a maximum of three acres in area. This definition shall not include or authorize any land subdivision which involves or will involve the creation of lots for sale or otherwise involves a property transfer for money, tangible or intangible personal property, real property exchanges, or other conveyances for consideration.

Junk: Scrap or waste material of any kind or nature collected for resale, disposal, or storage, or by accumulation.

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Kenel: Any facility used for the purpose of commercial boarding or sale of domestic animals or pets such as dogs and cats, and any other customarily incidental treatment of the animals such as grooming, cleaning, selling of pet supplies, or otherwise. This term includes animal grooming services and pet psychologists.

Kitchen: Any room or part of a room designed, built, used, or intended to be used for cooking, the preparation of food, or dishwashing. The presence of a range, oven, or dishwasher, or utility connections suitable for serving a range or oven, shall normally be considered as establishing a kitchen.

Land reclamation: The return of land that has been disturbed by mining activities to productive use. Reclamation procedures may include addition of topsoil, return of vegetative cover, planting of trees and restoration of landforms.

Land trust: A private, nonprofit conservation organization formed to protect natural resources, such as productive farm or forest land, natural areas, historic structures, and recreational areas. Land trusts purchase and accept donations of conservation easements. They educate the public about the need to conserve land and some provide land-use and estate planning services to local governments and individual citizens.

Landfill, construction and demolition: A disposal facility accepting waste building materials and rubble resulting from construction, remodeling, repair and demolition operations on pavements, houses, commercial buildings, and other structures. Such wastes include, but are not limited to, asbestos containing waste, wood, bricks, metal, concrete, wall board, paper, cardboard, inert waste landfill material and other inert wastes which have a low potential for groundwater contamination.

Landfill, inert waste: A disposal facility accepting only wastes that will not or are not likely to cause production of leachate of environmental concern. Such wastes are limited to earth and earth-like products, concrete, cured asphalt, rock, bricks, yard trimmings, stumps, limbs, and leaves, and specifically excluding industrial and demolition waste.

Landfill, sanitary: The burial of nonhazardous waste where such waste is covered on a daily basis, as distinguished from a construction and demolition landfill.

Landscaping company: A business engaged in the provision of landscaping services and/or the wholesale or retail sale of landscaping products including but not limited to sod, trees, landscaping timbers, and earth covering materials. The processing of wood into timbers, mulch, and/or chips is considered an incidental use of a landscaping company whose primary purpose is the wholesale or retail sale of landscaping products.

Live-work unit: Buildings or spaces within buildings that are used jointly for commercial and residential purposes where the two uses are physically connected in one unit and residential use of the space is accessory to the primary use as a place of work. This term is distinguished from a home occupation and from a mixed-use building. Live-work units may have larger work spaces than permitted by home occupation, and live/work units design the floor space for both living and working areas. Live-work units are distinguished between mixed-use buildings in that a mixed-use building has residential and nonresidential uses in the same building, but the residential and nonresidential spaces are not necessarily connected or used by the same person.

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Livestock: Cattle, swine, equines, sheep, and goats of all kinds and species. [Amended via Ordinance LUMC 19-01, adopted March 11, 2019]

Lodging service: A facility that offers temporary (15 days or less in one room) shelter accommodations, or place for such shelter, open to the public for a fee, including “hotel” and “motel” as defined. “Bed and breakfast inn” is defined separately and is not considered a lodging service for purposes of this Land Use Management Code.

Lot: A parcel of land occupied or capable of being occupied by a use, building or group of buildings devoted to a common use, together with the customary accessories and open spaces belonging to the same. The word "lot" includes the word "plot" or "parcel."

Lot, corner: A lot abutting upon two or more streets at their intersection.

Lot, double frontage: Any lot, other than a corner lot, which has frontage on two (2) streets.

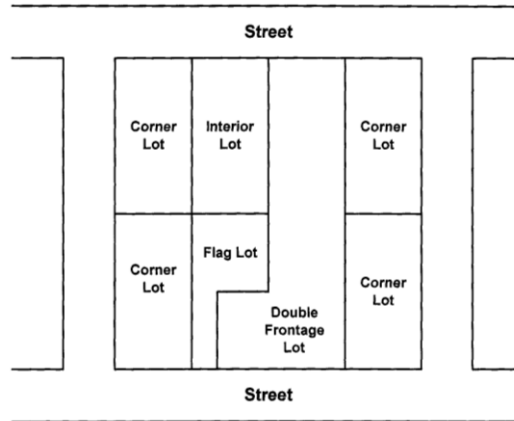
Lot, flag: A tract or lot of land of uneven dimensions in which the portion fronting on a street is less than the required minimum width required for construction of a building or structure on that lot. Also called a panhandle lot.

Lot area, minimum: Minimum lot area means the smallest permitted total horizontal area within the lot lines of a lot, exclusive of street right-of-ways but inclusive of easements.

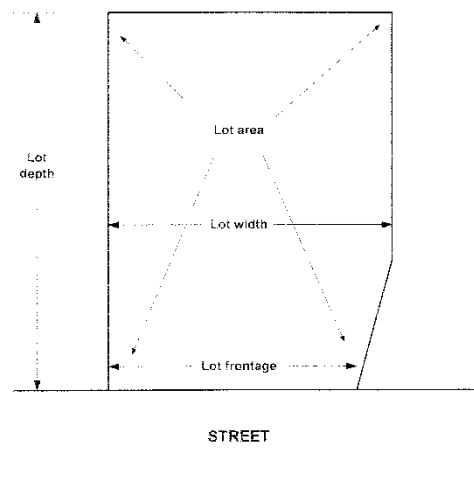
Lot depth: The mean horizontal distance between front and rear lot lines.

Lot frontage: The width in linear feet of a lot where it abuts the right-of-way of any street.

Lot width: The distance between side lot lines measured at the front building line.

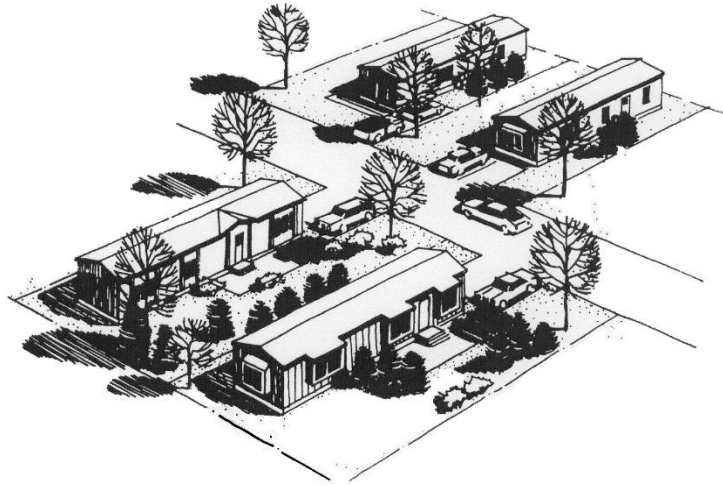


TYPES OF LOTS



Lot Definitions

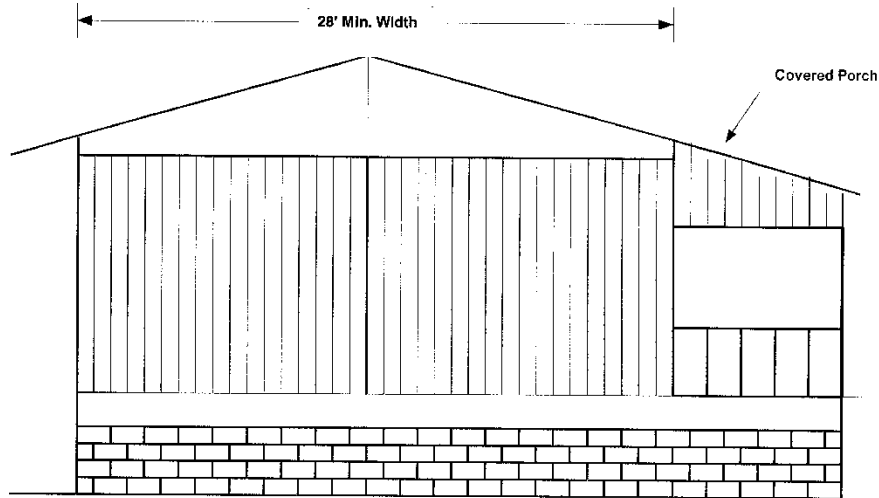
Manufactured home: A structure, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, when erected on site, is three hundred twenty (320) or more square feet in floor area, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to utilities, and includes the plumbing, heating, and electrical systems contained therein; or a structure that otherwise comes within the definition of a "manufactured home" under the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended (42 U.S.C. 5401-5445).



Source: *Time-Saver Standards for Housing and Residential Development*. 2nd Ed. Joseph De Chiara, Julius Panero, and Martin Zelnik, Editors. New York: McGraw-Hill Professional, 1995. Chapter 11, Figure 17, p. 977.

Manufactured home, class "A": A dwelling unit meeting the definition of "manufactured home" and which meets the following development standards:

- (a) Minimum width of at least twenty-eight (28) feet.
- (b) The roof has a minimum 3:12 roof pitch which means having a pitch equal to at least three inches of vertical height for every twelve inches of horizontal run. The roof has a surface of wood shakes, asphalt composition, wood shingles, concrete, fiberglass tiles, slate, built-up gravel materials, standing seam (non-corrugated) tin or steel or other materials approved by the Building Inspector. The roof overhang must be at least one (1) foot when measured from the vertical side.
- (c) The exterior siding materials consist of wood, masonry, hardboard, stucco, masonite, vinyl lap, or other materials of like appearance comparable in composition, appearance, and durability to the exterior siding commonly used in site-built dwellings.
- (d) The wheels and towing devices are removed and the home is attached to a permanent foundation that meets all applicable building code requirements.
- (e) Skirting. The entire perimeter area between the bottom of the structure and the ground of the manufactured home is skirted or underpinned with brick, masonry, finished concrete or siding of like or similar character to the manufactured home that completely encloses the perimeter of the undercarriage except for proper ventilation and access openings.
- (f) Includes a landing installed at each outside doorway. The minimum size of the landing is four feet by six feet (excluding steps) at each doorway. The structure includes steps which lead to ground level, and both landing and steps meet applicable building code requirements.



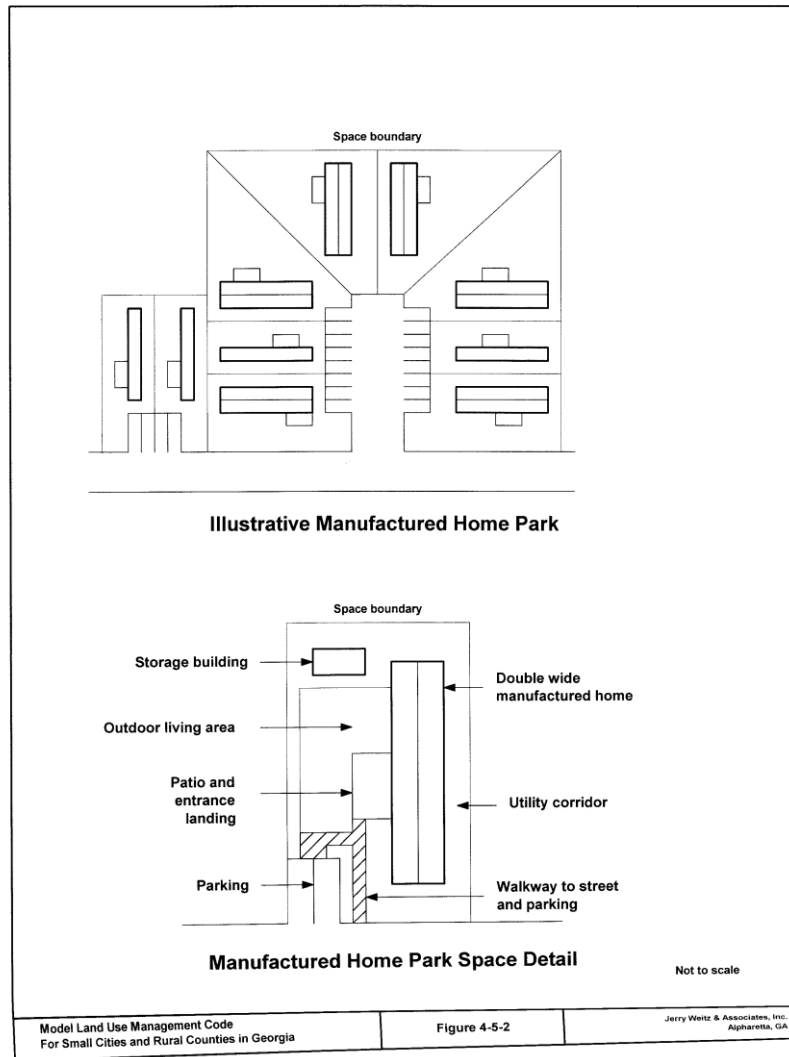
Illustrative "Class A" Manufactured Home

Manufactured home, class "B": A dwelling unit meeting the definition of "manufactured home" and which meets the following development standards:

- (a) The wheels and towing devices are removed and the home is attached to a permanent foundation that meets all applicable building code requirements.
- (b) Skirting. The entire perimeter area between the bottom of the structure and the ground of the manufactured home is skirted or underpinned with brick, masonry, finished concrete or siding of like or similar character to the manufactured home that completely encloses the perimeter of the undercarriage except for proper ventilation and access openings.

Manufactured home park: A parcel of land or any portion thereof under which has been designed, planned, or improved for the placement of two or more manufactured homes for residential use, including land, buildings, and facilities used by the occupants of manufactured homes on such property.

Manufactured home space: A parcel of land within a manufactured home park which is reserved or leased for the placement of an individual manufactured home and accessory structures for the exclusive use of its occupants.



Manufactured home sales lot: A premises on which manufactured homes are displayed for sale.

Manufacturing, processing, assembling: The mechanical or chemical transformation of materials or substances into new products. The land uses engaged in these activities are usually described as plants, factories or mills and characteristically use power-driven machines and materials handling equipment. Establishments engaged in assembling component parts of manufactured products are also considered under this definition if the new product is neither a fixed structure nor other fixed improvement. Also included is the blending of materials such as lubricating oils, plastic resins, or liquors.

Marina: A facility for the mooring, berthing, storing, or securing of watercraft, and which may include boat sales, boat fuel sales, boat construction, boat repair, marine equipment sales, boat and jet ski rental, and other uses clearly incidental to watercraft activities.

Marquee: A roofed structure attached to and supported by a building and projecting over public or

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private sidewalks or rights-of-way.

Materials recovery facility: A solid waste handling facility that provides for the extraction from solid waste of recoverable material, materials suitable for use as a fuel or soil amendment, or any combination of such materials.

Metes and bounds: A system of describing and identifying land by a series of lines around the perimeter of an area; “metes” means bearings and distances and “bounds” refers to physical monuments.

Micro-brewery: A facility for the production and packaging of malt beverages for distribution, retail or wholesale, on or off the premises, and which has a capacity of no more than 15,000 barrels per year. The development may include other uses such as a restaurant, bar or live entertainment.

Mini-warehouse: (see self-service storage facility).

Mixed-use building: A building designed, planned and constructed as a unit, used partially for residential use and partially for office, personal service, retail, entertainment or public uses. This term includes live-work units, which are jointly used for commercial and residential purposes but where the residential use of the space is secondary or accessory to the primary use as a place of work. This term is distinguished from a dwelling containing a home occupation or home industry.



Mobile Home: A structure, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, when erected on site, is three hundred twenty (320) or more square feet in floor area, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; and which has not been inspected and approved as meeting the requirements of the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended (42 U.S.C. 5401-5445).

Model home: A dwelling temporarily used as a sales office or demonstration home for a residential development under construction, said dwelling being used as an example of a product offered for sale to purchasers (by a realtor, building developer, or contractor). The dwelling may be furnished but is not occupied as a residence while being used as a model home.

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Modular home: Any structure or component thereof, designed primarily for residential occupancy which is wholly or in substantial part made, fabricated, formed, or assembled in manufacturing facilities for installation, or assembly and installation, on the building site, and which is designed and constructed to conform to the local building code rather than a national housing or construction code. For purpose of this ordinance, a modular home that meets the local building code shall be considered the same as a detached, single-family dwelling and permitted under the same zoning districts as a detached, single-family dwelling.

Motel: A commercial lodging service with one or more buildings devoted to the temporary shelter for the traveling public, and where entry to individual guest rooms is via the exterior of the building rather than through a central lobby.

Museum: A building having public significance by reason of its architecture or former use or occupancy, or a building serving as a repository for a collection of natural, scientific, literary curiosities or objects of interest, or works of art, and arranged, intended, and designed to be viewed by members of the public with or without an admission fee, and which may include as an accessory use the sale of snacks and goods to the public as gifts or for their own use.

Nursing home: A facility which admits patients on medical referral only and for whom arrangements have been made for continuous medical supervision; it maintains the services and facilities for skilled nursing care, rehabilitative nursing care, and has an agreement with a physician and dentist who will be available for any medical and/or dental emergency and who will be responsible for the general medical and dental supervision of the patients; it complies with rules and regulations of the Georgia Department of Human Resources.

Occupied: The word "occupied" as applied to any land or building shall be construed to include the words "intended, arranged or designed to be used or occupied."

Office: A building or portion thereof wherein services are performed involving predominantly administrative, professional or clerical operations and not involving retail sales or other sales of any kind on the premises.

Office/warehouse: A building that combines office and warehouse or storage functions, and which does not involve retail sales.

Office park: Two or more buildings which are clustered together in which professional services are primarily engaged.

Open air business: Any commercial establishment with the principal use of displaying products in an area exposed to open air on three or more sides, including but not limited to rock yards, nurseries and garden centers and garden supply stores, lumber and building materials yards, flea markets, statuaries and monument sales establishments, liquid petroleum dealers and tank sales. A roadside stand is not considered to be an open air business.

Orchard: An establishment which cares for and harvests fruit- or nut-bearing trees, bushes, or vines.

Overlay district: A defined geographic area that encompasses one or more underlying zoning districts and that imposes additional or relaxes certain requirements above those required by the underlying zoning district. An overlay district can be coterminous with existing zoning districts or contain only parts of one or more such districts.

Parking space: An area having dimensions of not less than three hundred (300) square feet, including driveway and maneuvering area, to be used as a temporary storage space for a private motor vehicle.

Parking structure: A structure or portion thereof composed of one or more fully or partially enclosed levels or floors used for the parking or storage of motor vehicles. This definition includes parking garages, deck parking, and underground parking areas under buildings.

Passive recreation: Recreational activities and places that generally do not require a developed site. This generally includes such activities as hiking, horseback riding, and picnicking, provided that such activities occur in a manner that is consistent with existing natural conditions.

Pawn shop: A type of used merchandise store in which merchandise is offered as collateral for obtaining loans and wherein such merchandise is offered for sale in recompense for default of loan repayment.

Payday loan establishment: Any facility that offers short-term borrowing, where an individual borrows a small amount at a very high rate of interest. The borrower typically writes a post-dated personal check in the amount they wish to borrow plus a fee in exchange for cash.

Personal service, apparel: An establishment that has one or more persons or machines or other equipment on-site to deliver certain services related to personal clothing and apparel, and where a person brings to the site on-person or in-hand an article of clothing or other apparel or device worn on the body to be serviced. These include shoe shine (boot black), shoe repair, clothing repair. This definition also includes costume or clothing rental facilities and items on the personal body including optical goods, and hearing aids. Excludes body piercing, dry cleaners and laundromats.

Personal service, entertainment: An establishment that arranges the dispatch of one or more persons with or without incidental items to an off-site location for a temporary duration for purposes of temporary amusement or entertainment. These include singing telegram and balloon-o-gram services. This category excludes food caterers and other establishments that serve food.

Personal service, event or travel: An establishment that assists one or more persons in arranging an event such as a wedding or special event planner, or travel.

Personal service, forecasting: An establishment that has one or more persons on-site to deliver certain services related to the forecasting or prediction of future events and conditions. These include astrology (horoscope), fortune telling, numerology, palm reading, and psychic services.

Personal service, on-site provider: An establishment that has one or more persons on-site to deliver certain bodily services and which the person serviced is present to receive such bodily services. This definition includes hair (barber, stylists, beauticians, etc.), nail, and tanning establishments. This definition also includes diet and weight reduction establishments (excluding fitness centers and exercise rooms). This definition does not include clinics and medical establishments or service providers such as professional massage therapists. This definition excludes service to pets and animals other than humans. Excludes body piercing and tattooing.

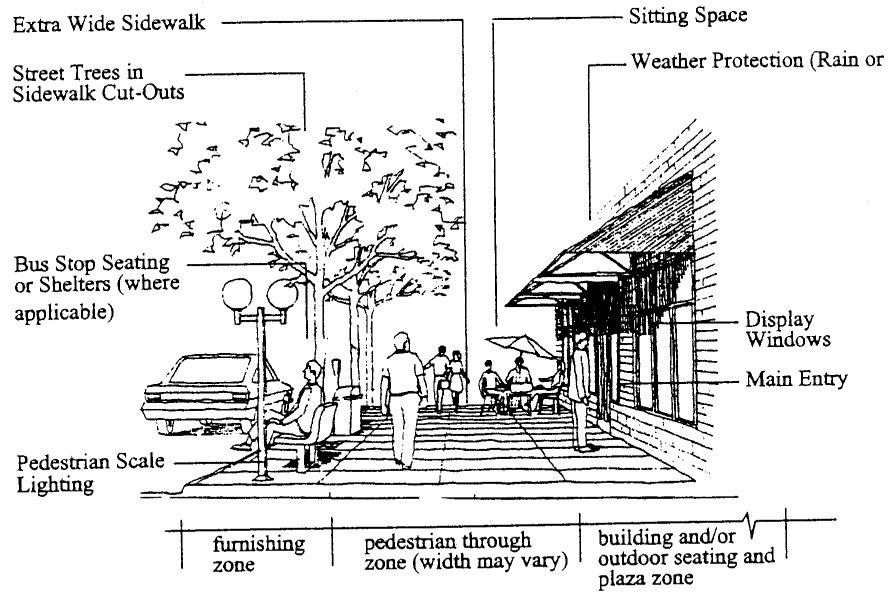
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Personal service, social relationship: An establishment that arranges for social relationships and may provide for the dispatch from an office location or from another location, one or more persons to accompany another person or persons for pleasure or social interaction. These include dating services and escort services. Not included within this definition is any establishment involving sexually explicit activity or service. Security services are defined separately.

Pedestrian-scale

development:

Development designed with an emphasis primarily on the street sidewalk and on pedestrian access to the site and building, rather than auto access and parking areas. The building is generally placed close to the street and the main entrance is oriented to the street sidewalk. There are generally windows or display cases along building facades which face the street.



Permitted use: A use by right which is specifically authorized in a particular zoning district.

Person: Includes a firm, association, organization, partnership, corporation, trust and company as well as an individual.

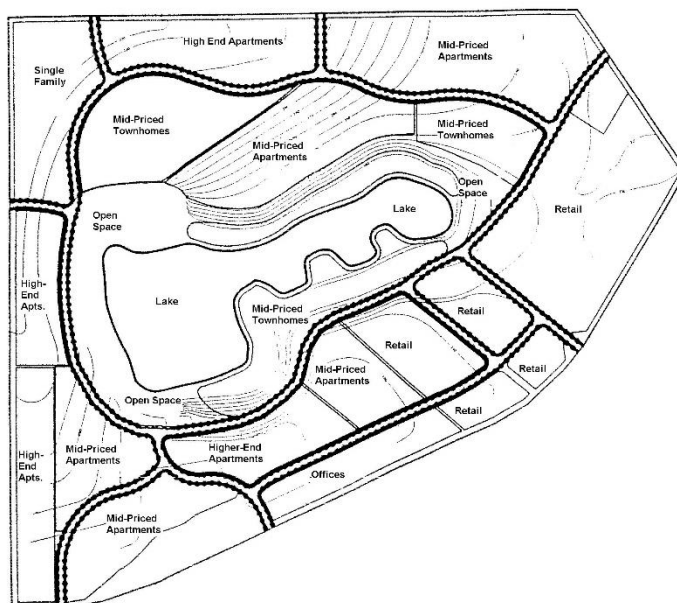
Personal care home: Any dwelling, whether operated for profit or not, which undertakes through its ownership or management to provide or arrange for the provision of housing, food service, and one or more personal services for two or more adults who are not related to the owner or administrator by blood or marriage. Personal care tasks include assistance with bathing, toileting, grooming, shaving, dental care, dressing, and eating.

Pet: Any animal that is customarily obtained as a pet and includes, but is not limited to, the following: dog, cat, bird, fish, reptile, rodent, chinchilla, rabbit, hamster, guinea pig, or miniature pig. Any animal described in O.C.G.A. Sections 27-1-2 General Provisions and 27-5-5 Wild Animals are not considered a pet. Livestock and poultry are not “pets” under any circumstances. *[Amended by Ordinance LUMC 19-01, adopted March 11, 2019]*

Pet care: An establishment that provides grooming, training, sitting, or psychological services for household pets.

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Planned unit development: A form of development characterized by a unified site design for a number of housing units, clustered buildings, common open space, and a mix of building types and land uses.



Perennial stream: A stream which flows throughout the whole year as indicated on a United States Geological Survey quadrangle map.

Planning Commission: The City of Arcade Planning Commission.

Poultry: Any bird included in the orders Galliforme, Anseriforme, Columbiforme, and Ratitae. Galliforme includes birds such as chickens, pheasants, chucks, quail and turkeys. Anseriforme includes water fowl such as geese and ducks. Columbiforme includes birds such as pigeons and doves. Ratitae includes birds such as ostrich, emu, and rhea. *[Added via amendment, Ordinance LUMC 19-01, adopted March 11, 2019]*

Printing: The manufacture of print products, such as newspapers, books, labels, business cards, stationery, business forms, and other materials, including support activities, such as data imaging, platemaking services, and bookbinding. Printing on apparel and textile products, paper, metal, glass, plastics, and other materials is included.

Public use: Any building, structure, or use owned and/or operated by the federal government, state of Georgia, Jackson County or other County, a municipality, or any authority, agency, board, or commission of the above governments, that is necessary to serve a public purpose, such as but not limited to the following: government administrative buildings, post offices, police and fire stations, libraries and publicly operated museums, public health facilities and public hospitals, public works camps, parks and community centers, public roads and streets, airports, water and sanitary sewerage intake, collection, pumping, treatment, and storage facilities, emergency medical facilities, and jails and correctional facilities.

Recreational vehicle: A vehicular type unit primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted or

drawn by another vehicle. This term includes motorized homes, motorized campers, pick-up campers, travel trailers, camping trailers, and tent trailers, among others.

Recreational vehicle dealer: The use of any building or premises for the display and sale of new or used recreational vehicles, and which may include any repair service conducted as an accessory use. This use is an automobile sales establishment.

Recreational vehicle park: Any lot of land upon which two or more recreational vehicle sites are located, established or maintained for occupancy on a temporary basis by recreational vehicles of the general public as temporary living quarters by campers, vacationers or travelers. This definition also includes developed campgrounds, governed by a set of public or private management rules, that accommodate recreational vehicles on camping spaces for paying guests and which may include park-owned recreational vehicle(s) for rent. A recreational vehicle park is distinguished from a campground in that all or some of the camping sites provide recreational vehicle utility connection assemblies to enable the camping unit to connect with water, sewage disposal, electric power, and/or other utilities and services.

Recreational vehicle space: A plot of ground within a recreational vehicle park intended for the accommodation of a recreational vehicle, tent, or other individual camping unit on a temporary basis.

Recycling processing center: Any facility utilized for the purpose of collecting, sorting and processing materials to be recycled, including but not limited to, plastics, glass, paper and aluminum materials.

Relocated residential structure: A detached, single-family dwelling, site-built (i.e., excluding a manufactured home or mobile home) that is moved or disassembled into more than one structure and moved to another site, whether temporarily or permanently.

Research laboratory: A facility for scientific laboratory research in technology-intensive fields, including but not limited to biotechnology, pharmaceuticals, genetics, plastics, polymers, resins, coatings, fibers, fabrics, films, heat transfer, and radiation research facilities, computer software, information systems, communication systems, transportation, geographic information systems, multi-media and video technology. Also included in this definition are facilities devoted to the analysis of natural resources, medical resources, and manufactured materials, including environmental laboratories for the analysis of air, water, and soil; medical or veterinary laboratories for the analysis of blood, tissue, or other human medical or animal products; and forensic laboratories for analysis of evidence in support of law enforcement agencies.

Residential zoning districts. All of the districts established in Article 7 of this Land Use Management Code.

Resource extraction: Removal or recovery by any means whatsoever of sand, gravel, soil, rock, minerals, mineral substances or organic substances other than vegetation, from water or land on or beneath the surface thereof, exposed or submerged. This term includes gravel pits, mines, quarries, and similar operations.

Restaurant: Any establishment in which the principal business is the sale of foods and beverages to customers in a ready-to-consume state, and in which customers are served their food and/or beverages by a restaurant employee at the same table or counter at which the items are consumed, or customers are served their food and/or beverages by means of a

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cafeteria-type operation where the food or beverages are consumed within the restaurant building. This term includes taverns, bars, pubs, and sidewalk cafés.

Restaurant, drive-through: Any establishment in which the principal business is the sale of foods and beverages to customers in a ready-to-consume state and in which the principal or accessory method of operation of all or any portion of the business is to allow food or beverages to be served directly to the customer in a motor vehicle without the need for the customer to exit the motor vehicle.

Retail trade establishment, enclosed: Any business offering goods and products for sale to the public, which may include the incidental repair of such goods and products, that operates entirely within a structure containing a roof and walls on all sides, except for outdoor display or other use during business hours and accessory storage in enclosed, subordinate buildings. These include but are not limited to the following: convenience stores including the sale of gasoline, hardware, paint, glass and wallpaper stores, grocery and miscellaneous food stores including retail bakeries, apparel, shoe, and accessory clothing stores, furniture, upholstery, floor covering, household appliance and home furnishing stores, musical instrument stores, radio, television, and computer stores, record, tape, and compact disc stores, eating and drinking places not involving drive-in or drive-through facilities, drug stores, apothecaries and proprietary stores, liquor stores and bottle shops, used merchandise stores and pawn shops, sporting goods stores and bicycle shops, art and stationery stores, hobby, toy, and game shops, jewelry, gift, novelty, souvenir and antique shops, camera and photographic supply stores, luggage and leather goods stores, sewing, needlework, and piece goods stores, catalogue and mail order stores, news stands, florists, tobacco shops, automotive parts stores not involving repair, video rental and sales stores, and watch and clock sales and repair shops.

Retreat center: A facility used for professional, educational, or religious meetings, conferences, or seminars and which may provide meals in a single building, lodging, and recreation for participants during the period of the retreat or program only. Such center may not be utilized for the general public for meals or overnight accommodations. Housing is usually in lodges, dormitories, sleeping cabins or other such temporary quarters, which do not contain kitchens.

Riding academy or equestrian center: An establishment where horses are kept for riding or are kept for competition or educational purposes incidental to a club, association, ranch, educational institution or similar establishment but which does not involve commercial sales and is not open to the general public for a fee.

Riding stable: An establishment where horses or other animals that can be ridden by humans are kept for riding and which offers the general public rides for a fee.

Roadside stand: A use offering either farm-grown, prepared food products such as fruits, vegetables, canned foods, or similar agricultural products for sale on the premises within or without a temporary structure on the premises with no space for customers within the structure itself, and which does not exceed 1,000 square feet.

Roof: The cover of a building, including the eaves and similar projections.

Rooming house: A building where, for compensation, lodging only is provided for three (3) or more persons.

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Rural/Exurban: All of the agricultural zoning districts established in Article 6 of this Land Use Management Code, and rural residential (RR) districts established in Article 7 of this Land Use Management Code.

Salvage yard: A place of business primarily engaged in the storage, sale, dismantling or other processing of uses or waste materials which are not intended for reuse in their original forms. Typical uses include paper and metal salvage yards, used tire storage yards, or retail and/or wholesale sales of used automobile parts and supplies. This term includes junk yards.

Sanitation: The maintenance of conditions conducive to health and involves bedding changes (as appropriate), cleaning, and disinfection. Cleaning removes excessive amounts of dirt and debris, and disinfection reduces or eliminates unacceptable concentration of microorganisms. To sanitize, therefore, means to make physically clean, and, to the maximum degree practical, remove and destroy agents injurious to health. *[Added via amendment, Ordinance LUMC 19-01, adopted March 11, 2019]*

Sawmill: A facility where logs or partially processed wood are sawn, split, shaved, stripped, chipped, or otherwise processed to produce wood products. This term does not apply to the processing of timber for use on the same lot by the owner or occupant of that lot.

School for the arts: An educational use not operated by the Jackson County Board of Education that offers or provides instruction to more than two students at a time in dance, singing, music, painting, sculpting, fine arts, or martial arts.

School, private, elementary, middle, or high: An educational use for students in grades one through twelve or for only certain ranges of grades one through twelve, not operated by the Jackson County Board of Education or other public schools system, which has a curriculum at least equal to a public school with regard to the branches of learning and study required to be taught in the public schools of the state of Georgia.”

School, professional: An educational institution with a curriculum and offering instruction in a profession devoted primarily to business, such as but not limited to barbers and beauticians, broadcasting, bartending, and including medical specialties (e.g., therapeutic massage). This is distinguished from a trade school and other types of schools as defined.

School, public: An educational use for students in grades one through twelve or for only certain ranges of grades one through twelve, operated by the Jackson County Board of Education or another local school system.

School, special: An educational use not operated by the Jackson County Board of Education or another local school system that provides special education to more than two students at a time, including but not limited to the training of gifted, learning disabled, and mentally or physically handicapped persons.

School, trade: An educational use not operated by the Jackson County Board of Education or another local school system and having a curriculum devoted primarily to business (including barbers and beauticians), industry, trade, or other vocational-technical instruction.

Security service: An establishment that provides a security-related service to an individual or business. These include locksmiths, investigation, identity theft protection, security guard and patrol services, and security system sales.

Self-service storage facility: Mini-warehouse; A structure, building or group of buildings divided into separate compartments, spaces, or stalls, which may be of different sizes and which may or may not be climate controlled, and which are leased or rented on an individual basis to businesses and residents for temporary storage needs, but where no commercial transactions or activities take place other than the rental of the storage units for exclusively storage purposes.

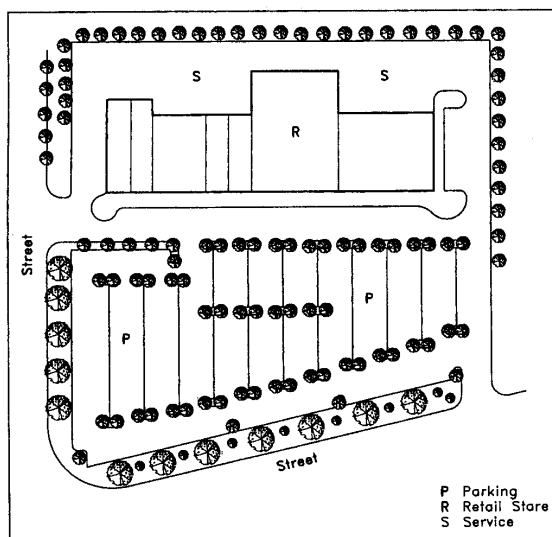
Semi-public use: Any building, structure, or use, owned and/or operated by private utilities or private companies for a public purpose, or that is reasonably necessary for the furnishing of adequate service by such utilities, such as but not limited to the following: underground and overhead gas, electric, steam, or water distribution or transmission lines or systems, including incidental wires, cables, and poles but not towers.

Semi-trailer: A trailer with a set or sets of wheels at the rear, the forward portion of which is designed to be supported by a truck tractor or towing vehicle. For the purpose of this definition, flatbeds designed to be hauled by truck tractors are included as semi-trailers.

Service and fuel filling station: Any building, structure or land use for the retail sale of motor vehicle fuel and oil accessories, and which may include the servicing of motor vehicle, except that major repairs, body repairs and painting of motor vehicles shall not be considered servicing of motor vehicles.

Shall: The word "shall" is mandatory, not discretionary.

Shopping center: A group of commercial establishments, planned, developed, owned and managed as a unit, with off-street parking provided on the property and related in its location, size and type of shops to the trade area which the unit serves. For purposes of use regulations, shopping centers are considered enclosed retail trade establishments.



Source: Couture, Dennis. 2002 "Development Patterns and Principles." Figure 12.20 in *Land Development Handbook*, 2nd ed. The Dewberry Companies. New York, McGraw-Hill.

Showroom: A principal or accessory use where wholesale or retail goods are displayed.

Single-room occupancy facility: A lodging service that offers shelter accommodations for a person or persons for more than 15 days or less in one room, open to the public for a fee.

Skilled nursing care facility: A facility which admits residents on medical referral; it maintains the services and facilities for skilled nursing care and has an agreement with a physician and dentist who will provide continuing supervision including emergencies; it complies with rules and regulations of the Georgia Department of Human Resources. The term "skilled nursing care" means the application of recognized nursing methods, procedures, and actions directed toward implementation of the physician's therapeutic and diagnostic plan, detection of changes in the human body's regulatory system, preservation of such body defenses, prevention of complications and emotional well-being, including but not limited to the following:

- (a) The administration of oral or injectable medications which cannot be self-administered. Other examples include the administration of oxygen, the use of suction, the insertion or changing of catheters, the application of medicated dressings, the use of aseptic technique and preparation of the patient for special procedures;
- (b) Observation in the care of the patient for symptoms and/or physical and mental signs that may develop and which will require attention of the physician and a revision in the patient's treatment regimen.

For purposes of this ordinance, skilled nursing care facilities are considered institutionalized residential living and care facilities.

Slaughterhouse: A facility for the slaughtering and processing of animals and the refinement of their byproducts. This term includes rendering plants.

Solar energy: Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector or solar energy system.

Solar energy facility: The area of land devoted to solar energy system installation. A solar energy facility may include an interconnection with the local utility power grid for distribution to more than one property or consumer in the electricity market as a commercial venture. Includes the term "solar farm."

Solar energy system: The components and subsystems required to convert solar energy into electric or thermal energy suitable for use. The term applies, but is not limited, to photovoltaic (solar electric) systems and thermal solar energy systems.

Solar energy system, building mounted: A solar energy system, which may include solar thermal panels, solar hot water system panels, and photovoltaic panels, which are mounted to a building or structure, to provide energy primarily for on-site use. Building-mounted solar panels may be flush-mounted (i.e., flush to the surface of a building roof or building façade in a manner that the panel cannot be angled or raised), or as one or more modules fixed to frames which can be tilted or automatically adjusted at an optimal angle for sun exposure. A mounted solar energy system is accessory to the building or structure.

Solar energy system, ground mounted: A solar energy system that is directly installed on (mounted to) the ground and is not attached or affixed to any structure.

Solar energy system, thermal: A solar energy system that directly heats water or other liquid using sunlight, including the use of heated liquid for such purposes as space heating and cooling, domestic hot water, and heating pool water.

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Solar farm: A solar energy facility, typically with multiple solar arrays, designed and used for the purpose of generating electric energy via a photovoltaic system.

Solid waste transfer facility: A fixed facility where solid waste from collection vehicles is consolidated and temporarily stored for subsequent transport to a permanent disposal site.

Special event facility: A facility or assembly hall available for lease by private parties or special events such as weddings. This term includes wedding chapels.

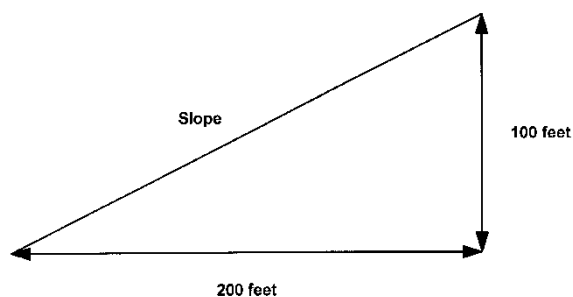
Stockyard: Any place where transient cattle, sheep, swine, or other livestock are kept temporarily for slaughter, market, feeding, or sleeping.

Street: A dedicated and accepted public right-of-way, or a private street approved by the city, which affords the principal means of access for motor vehicles to abutting properties.

Street, major: An existing or proposed street or highway designated in the comprehensive plan as an arterial or collector street.

Structure: Anything built, constructed or erected, or established or composed of parts joined together in some definite manner, the use of which requires location on the ground or which is attached to something having permanent location on the ground. For purposes of this Land Use Management Code, swimming pools, tennis courts, dog houses, and outdoor fenced animal runs are considered structures. Tents, vehicles, trailers, and play equipment attached to the ground in some permanent or temporary way shall be considered structures. A structure may or may not be easily moved from a given location on the ground. Walls and fences are considered structures but are subject to setback regulations for walls and fences rather than principal or accessory building setback regulations.

Slope: An inclined earth surface, the inclination of which is expressed as the ratio of horizontal distance to vertical distance. In these regulations, slopes are generally expressed as a percentage; percentage of slope refers to a given rise in elevation over a given run in distance. A fifty (50) percent slope, for example, refers to a 100-foot rise in elevation over a distance of 200 feet. A fifty (50) percent slope is expressed in engineering terms as a 2:1 slope.



100 feet of elevation change over a horizontal distance of 200 feet = $100/200 = 0.5 = 50$ percent (also expressed as 200:100 = 2:1)

Tattoo: To mark or color the skin by pricking in, piercing, or implanting indelible pigments or dyes under the skin. (Reference O.C.G.A. 31-40-1)

Tattoo studio: Any facility or building on a fixed foundation wherein a tattoo artist performs tattooing. (Reference O.C.G.A. 31-40-1)

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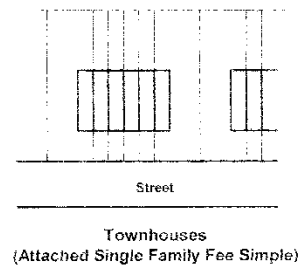
Temporary use: A use or structure is in place for only a short period of time.

Therapeutic camp: A child-caring institution which provides a variety of outdoor activities taking place in a wilderness or camp environment that are designed to improve the emotional and behavioral adjustment of the residents participating in the activities; it is regulated by the Georgia Department of Human Resources.

Tow service: An establishment that dispatches towing vehicles and which provides for the storage of vehicles for a period not exceeding 60 days but does not include disposal, disassembly, salvage, or accessory storage of inoperable vehicles. This term is distinguished from “wrecked motor vehicle compound” and “salvage yard” as defined herein.

Tower, amateur radio: A freestanding or building-mounted structure, including any base, tower or pole, antenna, and appurtenances, intended for airway communication purposes by a person holding a valid amateur radio (HAM) license issued by the Federal Communications Commission.

Townhouse: One (1) of a group of three or more single-family, attached dwelling units under fee simple ownership.



Source: John Matusik and Daniel Deible. “Grading and Earthwork.” Figure 24.30 in Land Development Handbook, 2nd ed. New York: McGraw-Hill, 2002, p. 571.

Trash enclosure: An accessory use of a site where trash and/or recyclable material containers, or any other type of waste or refuse container is stored.

Truck stop: An establishment engaged primarily in the fueling, servicing, repair, or parking of tractor trucks or similar heavy commercial vehicles, including the sale of accessories and

Article 2, Definitions
City of Arcade Land Use Management Code

equipment for such vehicles. A truck stop may also include overnight accommodations, showers, or restaurant facilities primarily for the use of truck drivers.

Undergrounding: The placement of utility lines below ground, with the removal of above-ground poles, wires and structures as applicable.

Use, accessory: A use of land subordinate to the principal building or use on a lot for purposes incidental and related to the principal building or use and located on the same lot therewith.

Used: The word "used" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied."

Vapor bar or vapor lounge: Any facility, building, or structure or location where customers use an electronic smoking device or other apparatus to deliver an inhaled dose of nicotine or other substance within the establishment. This use includes utilization of a heating element that vaporizes a substance that releases nicotine, tobacco, flavored vapor or other substances, through one or more electronic or battery operated delivery devices, including any device known as an electronic cigarette (also commonly referred to as e-cigarette).

Variance: A grant of relief from the requirements of this Land Use Management Code which permits construction or use in a matter otherwise prohibited by this Land Use Management Code; A minimal relaxation or modification of the strict terms of the height, area, placement, setback, yard, buffer, landscape strip, parking and loading, or other regulations which are dimensional in nature as applied to specific property when, because of particular physical surroundings, shape, or topographical condition of the property, compliance would result in a particular hardship upon the owner, as distinguished from a mere inconvenience or a desire to make a profit.

Vehicle emission testing facility: A building, structure, or use which is specifically designed to test the vehicle emissions of vehicles for compliance with air quality standards.

Warehouse: A use involving the storage of products, supplies, and equipment, and which typically involve truck transportation to and from the site.

Wastewater treatment plant: A facility or group of units used for the treatment of industrial or domestic wastewater for sewer systems and for the reduction and handling of solids and gasses removed from such waste, whether or not such facility is discharging into state waters.

Wetlands: Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

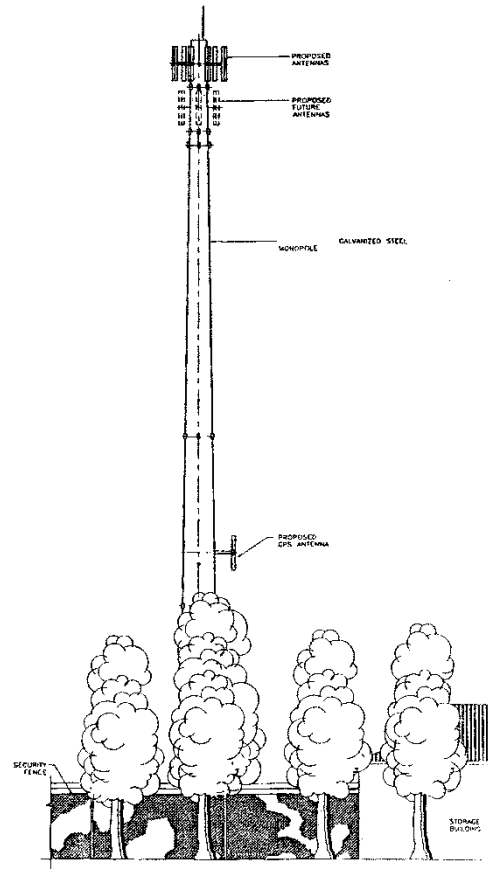
Wholesale trade establishment: An establishment engaged in the selling or distribution of merchandise to retailers, to industrial, commercial, institutional or professional business users, or to other wholesalers.

Winery: An establishment primarily engaged in growing grapes and manufacturing wines and brandies, or manufacturing wines and brandies from grapes and other fruits grown elsewhere, or the blending of wines and brandies.

Article 2, Definitions
City of Arcade Land Use Management Code

Wireless telecommunication equipment: Any equipment used to provide wireless telecommunication service, but which is not affixed to or contained within a wireless telecommunication facility, but is instead affixed to or mounted on an existing building or structure that is used for some other purpose. Wireless telecommunication equipment also includes a ground mounted base station used as an accessory structure that is connected to an antenna mounted on or affixed to an existing building.

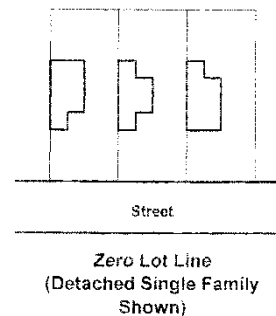
Wireless telecommunication facility: Any freestanding facility, building, pole, tower, or structure used to provide wireless telecommunication services, and which consists of, without limitation, antennae, equipment and storage and other accessory structures used to provide wireless telecommunication services.



Wrecked motor vehicle compound: An area used to store disabled or impounded motor vehicles until such time as their disposition (either by junk, salvage, repair, etc.) has been determined by the insurance company, the owner of the vehicle, or his legal representative.

Yard sale: The temporary sale of home furniture, appliances, clothing and/or domestic items owned by an occupant of a residential dwelling and taking place on the premises on which such occupant resides, whether in the yard or in a carport or garage. Yard sales which do not take place on the premises on which such occupant resides are considered open-air businesses, except that this shall not be construed to prevent the sale of such items by another family or household in connection with an event where such items are sold by the occupant of a residence on the premises where the yard sale occurs. This term includes garage sales.

Zero lot line: The location of a building on a lot in such a manner that one or more building sides have no (zero) front, side or rear building setback (or yard requirements) and rests directly on a front, side, or rear lot line. A zero lot line development is one where houses in the development on a common street frontage are shifted to one side of their lot.



Article 2, Definitions
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Zoning map: The official zoning map or maps of the City of Arcade.

Zoning: A legislative act representing a legislative judgment as to how the land within a city may be utilized and where the lines of demarcation between the several use zones or districts are drawn.

Zoning Administrator: The City Administrator of the City of Arcade, or designee.

**ARTICLE 3
ESTABLISHMENT OF ZONING DISTRICTS,
OVERLAY DISTRICTS, AND MAPS**

| | |
|-------------|----------------------------|
| CHAPTER 3.1 | ZONING DISTRICTS |
| CHAPTER 3.2 | OFFICIAL ZONING MAPS |
| CHAPTER 3.3 | OVERLAY DISTRICTS |
| CHAPTER 3.4 | RULES GOVERNING BOUNDARIES |

**CHAPTER 3.1
ZONING DISTRICTS**

| | |
|----------------|-------------------------------|
| Section 3.1.1. | Intent. |
| Section 3.1.2. | Zoning Districts Established. |

Section 3.1.1. Intent.

The zoning districts established in this Chapter are intended to: promote the orderly future development of each participating municipality in accordance with its comprehensive plan; discourage sizes and types of development which would create excessive requirements and costs for public services; discourage uses which because of their size or type would generate an abnormal amount of traffic on minor streets; establish relationships between and among land uses that will ensure compatibility and maintain quality of life; and protect and promote suitable environments for family and household residences, institutions, commercial and other employment centers, and other uses.

Section 3.1.2. Zoning Districts Established.

The following zoning districts are hereby established:

- PCFD, Planned Commercial Farm District
- AG, Agricultural District
- AG-R, Agricultural Residential District
- RR-1, Restricted Rural Residential District
- RR-2, Rural Residential District
- RR-3, Rural Residential District
- R-1, Single-Family Residential District
- R-2, Medium Density Residential District
- R-3, Two-Family Residential District
- R-4, Medium-High Density Residential District
- MFR, Multiple-Family Residential District
- PCD, Planned Community Development District
- O-I, Office-Institutional District
- C-1, Neighborhood Commercial District
- C-2, Highway Commercial District
- LI, Light Industrial District
- HI, Heavy Industrial District

[C-1 zoning district added via amendment, Ord. LUMC 2022-02, adopted 12/12/22]

**CHAPTER 3.2
OFFICIAL ZONING MAPS**

- Section 3.2.1. Official Zoning Maps.
Section 3.2.2. Map Revisions.

Section 3.2.1. Official Zoning Maps.

The boundaries of zoning districts created by this ordinance are hereby established as shown on a map entitled “Official Zoning Map of the City of Arcade, Georgia.”

Said official zoning map and all explanatory matter thereon accompanies and is hereby made a part of this Land Use Management Code. The Official Zoning Map shall indicate the date of adoption and most recent amendment. The original of the Official Zoning Map shall be kept in the office of the City Clerk/City Administrator.

The Official Zoning Map may be kept electronically in a geographic information system and such electronic data shall constitute an integral part of the Official Zoning Map. The Zoning Administrator may make copies of the Official Zoning Map available to the public for a reasonable fee.

Section 3.2.2. Map Revisions.

If, in accordance with the provisions of this Land Use Management Code, the Governing Authority approves changes in the district boundaries or other subject matter portrayed on the Official Zoning Map, such changes shall be made promptly after the amendment has been approved. The Governing Authority may initiate and amend its Official Zoning Map, subject to the procedural requirements of this Land Use Management Code.

The Zoning Administrator is authorized to correct errors if any on the official zoning map, which may include revisions to property lines which form a zoning boundary, without a requirement to seek approval of the Governing Authority.

CHAPTER 3.3 OVERLAY DISTRICTS

| | |
|----------------|---|
| Section 3.3.1. | Intent. |
| Section 3.3.2. | Overlay Districts Established. |
| Section 3.3.3. | Overlay District Boundaries. |
| Section 3.3.4. | Revisions to Overlay District Boundaries. |

Section 3.3.1. Intent.

It is the intent of this Chapter to establish geographic areas which superimpose additional requirements upon the basic zoning district or districts without affecting the requirements of the basic zoning district or districts. Accordingly, there are hereby established the following overlay districts in the City of Arcade. Unless otherwise specified, when the requirements of a basic zoning district and overlay district conflict, the more restrictive (less permissive) requirements shall apply.

Section 3.3.2. Overlay Districts Established.

There is hereby established the following overlay districts in the City of Arcade:

US Highway 129 Corridor Overlay District
Wetlands Protection District

Section 3.3.3. Overlay District Boundaries.

The boundaries of the overlay districts are hereby established as shown on the Official Zoning Map, or if more expedient, said districts may be shown on a separate map or maps of the city, or portion or portions thereof within the overlay district or districts.

Section 3.3.4. Revisions to Overlay District Boundaries.

If, in accordance with the provisions of this Land Use Management Code, changes are made in the overlay district boundaries, such changes shall be made promptly after the amendment has been approved by the Governing Authority. The Governing Authority may initiate and amend overlay district boundaries, subject to the procedural requirements of this Land Use Management Code (see Chapter 21.2).

CHAPTER 3.4 RULES GOVERNING BOUNDARIES

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|----------------|---|
| Section 3.4.1. | Streets. |
| Section 3.4.2. | City Limits. |
| Section 3.4.3. | Property Lines. |
| Section 3.4.4. | Streams and Rivers. |
| Section 3.4.5. | Abandonment or Vacation of Right-of-Way. |
| Section 3.4.6. | Determinations, Interpretations, and Appeals. |

Section 3.4.1. Streets.

Where boundaries are indicated as approximately following the centerline of streets or highways, street right-of-way lines or such lines extended, such centerline, street right-of-way lines or such lines extended shall be construed to be such boundaries. Where boundaries are indicated as approximately paralleling the centerline of streets or highways, the location of said boundaries shall be determined by using an engineering scale on the map showing such boundaries.

Section 3.4.2. City Limits.

Where boundaries are indicated as approximately following the corporate limit line of the city, such corporate limit line shall be construed to be such boundaries.

Section 3.4.3. Property Lines.

Where boundaries are indicated as approximately following property lines or such lines extended, such property lines or such lines extended, as indicated by boundary survey, deed or legal description maintained in the official file of said zoning adoption or amendment, if available, shall be construed to be such boundaries.

Section 3.4.4. Streams and Rivers.

Where boundaries are indicated as approximately following the centerline of stream beds or river beds, such centerline shall be construed to be such boundaries.

Section 3.4.5. Abandonment or Vacation of Right-of-Way.

Where a public street or other right-of-way is officially vacated or abandoned, and said street or right-of-way is also a zoning district or overlay district boundary, the regulations applicable to the property to which it reverted shall apply to such vacated or abandoned public street or right-of-way.

Section 3.4.6. Determinations, Interpretations, and Appeals.

In the case where the exact location of a boundary cannot be determined by the foregoing methods, the Zoning Administrator shall determine the location of the boundary. Any such administrative determination is subject to appeal as an administrative decision in accordance with Chapter 22.2 of this Land Use Management Code.

**ARTICLE 4
NONCONFORMING SITUATIONS**

| | |
|-------------|--|
| CHAPTER 4.1 | DEFINITIONS |
| CHAPTER 4.2 | NONCONFORMING LOTS |
| CHAPTER 4.3 | NONCONFORMING BUILDINGS AND STRUCTURES |
| CHAPTER 4.4 | NONCONFORMING USES |

**CHAPTER 4.1
DEFINITIONS**

Abandon: To stop the use of property or the occupancy of a building intentionally. Abandonment is presumed when the use of a property or building has ceased and the property or building has been vacant for twelve (12) months or more.

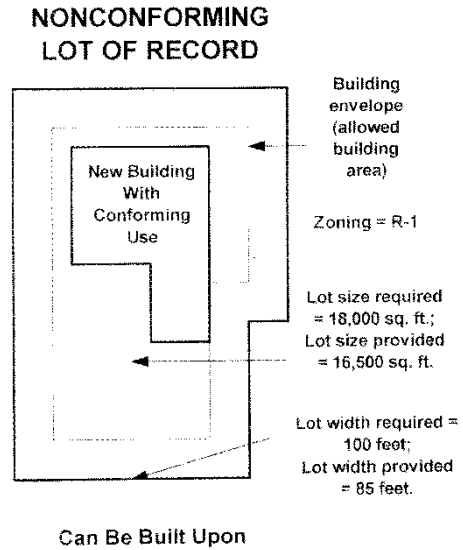
Nonconforming building or structure: A building or structure that does not meet one or more setbacks for the zoning district in which said building or structure is located, or a building or structure that exceeds the maximum building coverage for the zoning district in which said building or structure is located, or a principal building or accessory structure that otherwise does not comply with dimensional requirements established by this Land Use Management Code for the particular principal building or accessory structure or for the zoning district in which the nonconforming building or structure is located.

Nonconforming lot: A lot which does not conform to the lot requirements of the zoning district in which the lot is located as established by this Land Use Management Code but which was a lot of record prior to the effective date of this Land Use Management Code, or its amendment.

Nonconforming use: Any building or use of land or building lawfully existing on or before the effective date of this Land Use Management Code or as a result of subsequent amendments to this Land Use Management Code, which does not conform to the use provisions of the zoning district in which it is located.

CHAPTER 4.2 NONCONFORMING LOTS

A lot of record, as defined by this Land Use Management Code, that does not conform to the minimum lot size or minimum lot width for the zoning district in which it is located may be used as a building site, provided that the access, height, buffer, setback, and other dimensional requirements of the zoning district in which the lot of record is located are complied with or a variance is obtained, and, provided further, that the lot unless served by sanitary sewer meets all the current standards and requirements of the Jackson County Health Department for on-site sewage management systems.

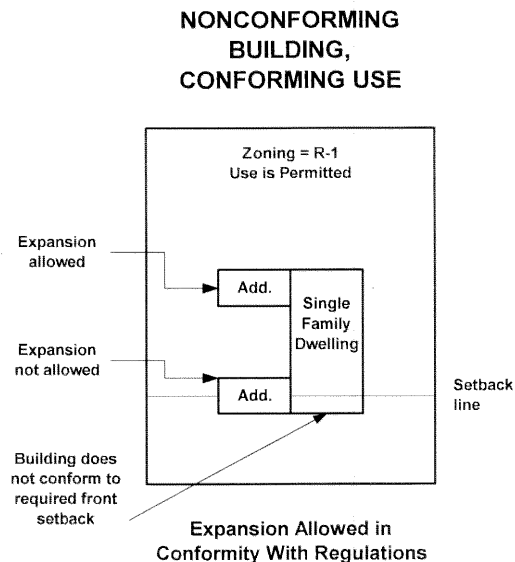


CHAPTER 4.3 NONCONFORMING BUILDINGS AND STRUCTURES

- Section 4.3.1. Expansion.
Section 4.3.2. Expansion in Overlay Districts.

Section 4.3.1. Expansion.

A nonconforming building or structure, as defined by this Land Use Management Code, may be expanded, enlarged, or extended if such expansion, enlargement, or extension is for a use that conforms to the use requirements for the zoning district in which the building or structure is located. Any such expansion, enlargement, or extension of a nonconforming building or structure shall meet the minimum yard, setback, buffer, height, bulk, and other dimensional requirements for the zoning district in which said nonconforming building or structure is located, and all other requirements of this Land Use Management Code.



Section 4.3.2. Expansion in Overlay Districts.

A building or structure that complies with the use requirements for an overlay district (if any) in which said building or structure is located, and which is governed by the overlay district use regulations instead of the use regulations of the underlying zoning district, may be expanded, enlarged, or extended if such expansion, enlargement, or extension is for a use that conforms to the use requirements for the overlay district (if any) in which the building or structure is located. Any such expansion, enlargement, or extension shall meet the minimum yard, setback, buffer, height, bulk, and other dimensional requirements for the overlay district, if applicable to said building, or if inapplicable, it shall comply with the dimensional requirements for the zoning district in which said building or structure is located.

CHAPTER 4.4 NONCONFORMING USES

| | |
|----------------|----------------|
| Section 4.4.1. | Generally. |
| Section 4.4.2. | Change of Use. |
| Section 4.4.3. | Abandonment. |
| Section 4.4.4. | Expansion. |
| Section 4.4.5. | Repair. |

Section 4.4.1. Generally.

A nonconforming use may be continued even though such use does not conform with the use provisions of the zoning district in which said use is located, except as otherwise provided in this Chapter.

A use which does not comply with the use requirements for an overlay district, if any, in which said building or structure is located, and which is governed by the use regulations for an overlay district, if any, instead of the use regulations of the underlying zoning district, may be continued even though such use does not conform with the use provisions of the overlay district in which said use is located, except as otherwise provided in this Chapter.

It shall be the responsibility of the owner of a nonconforming use to prove to the Zoning Administrator that such use was lawfully established and existed on the effective date of adoption or amendment of this Land Use Management Code.

Section 4.4.2. Change of Use.

A nonconforming use shall not be changed to another nonconforming use. A change in tenancy or ownership shall not be considered a change to another nonconforming use, provided that the use itself remains unchanged.

Section 4.4.3. Abandonment.

A nonconforming use shall not be re-established after discontinuance or abandonment for one (1) year, except as provided in this Section. Vacancy and/or non-use of the building, regardless of the intent of the owner or tenant, shall constitute discontinuance or abandonment under this Section. If a business registration is required for said nonconforming use and the business registration pertaining to said use has lapsed in excess of six (6) months, said lapse of business registration shall constitute discontinuance.

Notwithstanding the paragraph above of this Section, a nonconforming use shall not be considered abandoned if the following are met: (1) The owner of a nonconforming use shows that a diligent effort has been made to sell, rent, or use the property for a legally permissible use; (2) The property owner files a request per requirements specified by the Zoning Administrator to continue the nonconforming use; and (3) The Zoning Administrator makes a determination that said use or occupancy does not constitute abandonment due to extenuating circumstances and grants the property owner permission to continue said use or occupancy.

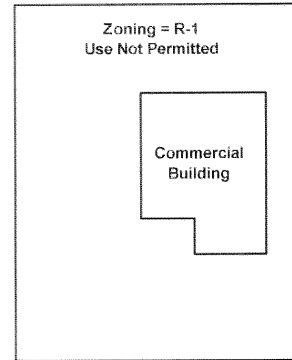
Section 4.4.4. Expansion.

A nonconforming use shall not be expanded, enlarged or extended, in land area or in floor space or volume of space in a building or structure, except for a use which complies with the zoning district in which said use is located.

Section 4.4.5. Repair.

A nonconforming use shall not be rebuilt, altered or repaired after damage exceeding fifty (50) percent of its replacement cost at the time of damage as determined by the Building Inspector, except for a use which conforms with the zoning district in which said use is located, and provided such rebuilding, alteration or repair is completed within one (1) year of such damage.

**NONCONFORMING
USE**



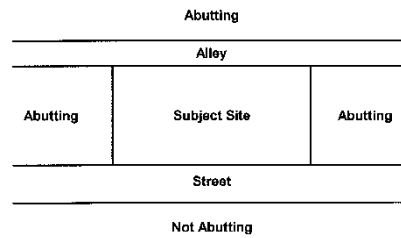
Cannot Be Expanded

ARTICLE 5 GENERAL PROVISIONS

| | |
|-------------|--------------------------------|
| CHAPTER 5.1 | DEFINITIONS |
| CHAPTER 5.2 | GENERAL PROVISIONS |
| CHAPTER 5.3 | GENERAL DIMENSIONAL PROVISIONS |

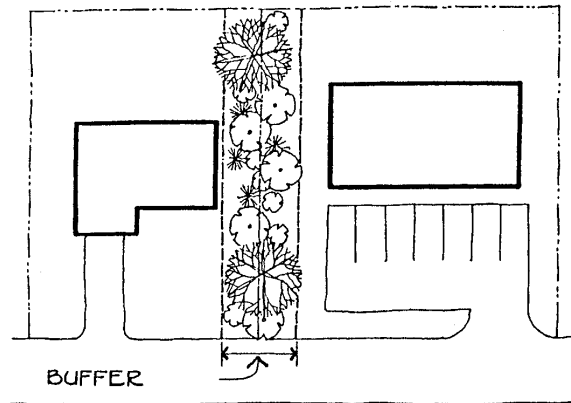
CHAPTER 5.1 DEFINITIONS

Abutting: Having property lines in common, or having property separated by only an alley. Separation by a street right-of-way is not considered abutting.



Buffer: A strip of land located between a side or rear property line and a building, structure, or use, intended to separate and obstruct the view of the site on which the buffer is located from an abutting property. A buffer is usually intended to provide screening, as defined and as may be required by this Land Use Management Code.

Buffer, natural undisturbed: A buffer that contains a natural area consisting of trees and/or other vegetation, undisturbed except for approved access and utility crossings, and replanted where sparsely vegetated.

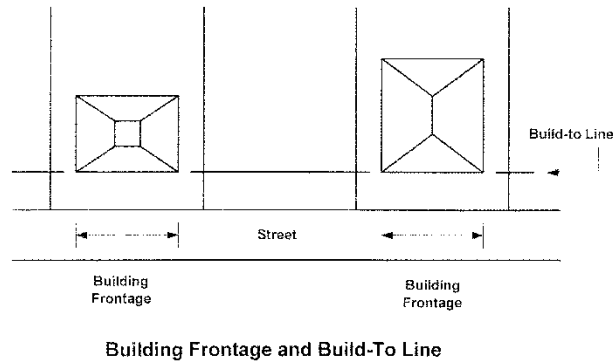


Source: Davidson, Michael, and Fay Dolnick. *A Glossary of Zoning, Development, and Planning Terms*. PAS Report No. 491/492 (Chicago, American Planning Association, 1999, p. 50).

Buildable area: The portion of a lot which is not located within any minimum required yard, landscape strip, landscaped area, buffer, or natural undisturbed buffer; that portion of a lot wherein a building or structure may be located.

Building frontage: The width in linear feet of the front exterior wall of a particular building, as measured more or less parallel to the front property line.

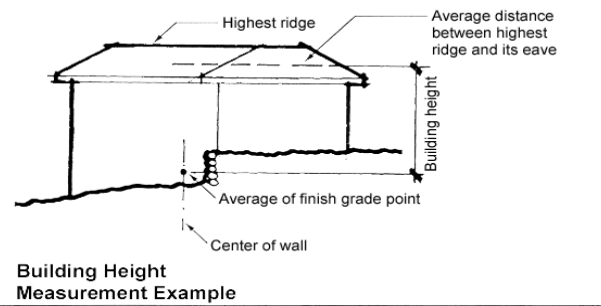
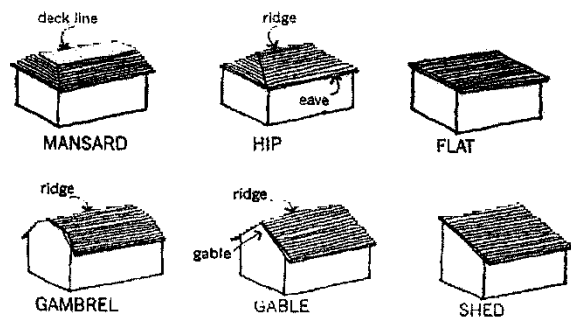
Build-to-line: A front building setback line applied to a principal building on a particular property so that a continuous and consistent building setback will be achieved considering the front building setbacks of buildings on abutting and/or adjacent lots on the same side of the street or right-of-way.



Building coverage: The horizontal area measured within the outside of the exterior walls of the ground floor (i.e., “footprint”) of all principal buildings, accessory buildings, and accessory structures on the lot, not including steps, terraces, and uncovered porches.

Building coverage, maximum: The percentage of a given lot that may be occupied by all principal and accessory buildings and structures on said lot, measured within the outside of the exterior walls of the ground floor (i.e., “footprint”) of all principal and accessory buildings and structures on the lot, not including steps, terraces, and uncovered porches.

Building, height of: The vertical distance measured from the grade to the highest point of the coping of a flat roof; to the deck lines of a mansard roof; or to the mean height level between the eaves and ridge of a gable, hip or gambrel roof. Grade is defined as the average elevation of the ground on all sides of a building.



Roof Types

Source: Stoll, Garner, and Gill Rosmiller. Be Unique: A Model for Anti-Monotony in Residential Development. *Zoning News*, October 2003, p. 2.

Building setback line: A line establishing the minimum allowable distance between the front wall of a principal building and the street right-of-way line or another building wall and a side or rear property line when measured perpendicularly thereto. Covered porches, whether enclosed or not, shall be considered as a part of the building and shall not project into a required building setback line. For purposes of this Land Use Management Code, a minimum required building setback line and minimum required yard shall be considered the same.

Centerline of street: That line surveyed and monumented by the Governing Authority responsible for the road and designated as the center of a public street. If a centerline has not been surveyed, it shall be the line running midway between the outside curbs, ditches or pavement ends of such street.

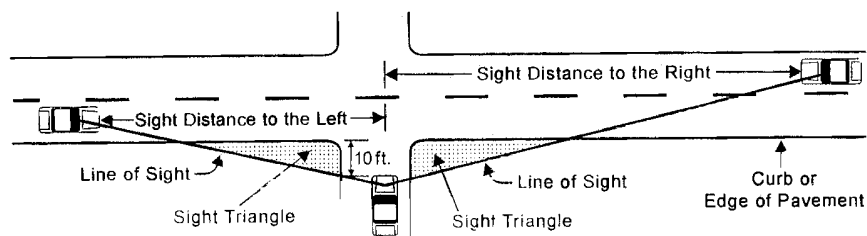
Density: The quantity of building per unit of area; for example, the number of dwellings per area (gross square foot or per acre).

Floor area: The sum of all square footages (areas) of each floor of a building, measured from the interior faces of the exterior walls or from the centerline of walls separating two buildings. The following areas are excluded from the measurement of floor area: unfinished attics, attached garages or spaces used for off-street parking and loading, breezeways, and enclosed or unenclosed decks and porches.

Lot of record: A lot which is part of a subdivision, a plat of which has been recorded in the records of the Clerk of Superior Court of Jackson County; or a parcel of land, the deed of which has been recorded in the same office as of the effective date of this Land Use Management Code.

Open space, landscaped: That portion of a given lot, not covered by buildings, parking, access and service areas, that is designed to enhance privacy and the amenity of the development by providing landscaping features, screening and buffering for the benefit of the occupants or those in neighboring areas, or a general appearance of openness. Landscaped open space may include, but need not be limited to, grass lawns, decorative planting, berms, walls and fences, sidewalks/walkways, ornamental objects such as fountains, statues and other similar natural and man-made objects, wooded areas, and water courses, any or all of which are designed and arranged to produce an aesthetically pleasing effect within the development.

Sight visibility triangle: The areas at the corners of an intersection, which may vary based on type of street and intersection geometry, that are to be kept free of shrubs, ground covers, berms, fences, structures, or other materials or items between thirty (30) inches in height to twelve (12) feet as measured from the ground.



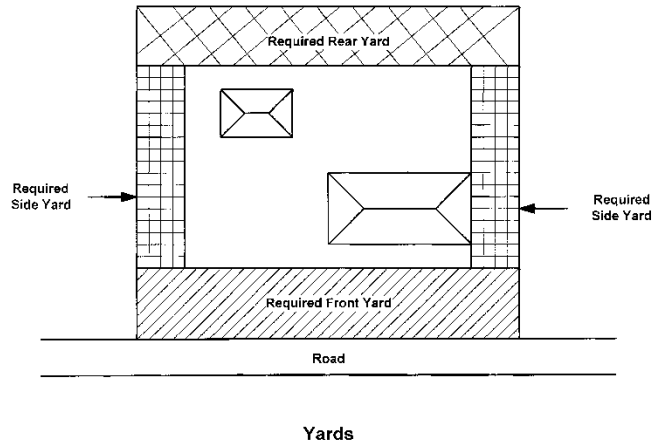
Source: Stover, Vergil G., and Frank J. Koepke. 2002. *Transportation and Land Development* (2nd Ed.). Washington, DC: Institute of Transportation Engineers. Figure 5-13, p. 5-31.

Story: That portion of a building comprised between a floor and the floor or roof next above. The first floor of a two (2) or multi-story building shall be deemed the story that has no floor immediately below it that is designed for living quarters or for human occupancy. Those stories above the first floor shall be numbered consecutively.

Article 5, General Provisions
City of Arcade Land Use Management Code

Yard: A space on the same lot with a principal building, open unoccupied and unobstructed by buildings or structures from ground to sky except where encroachments and accessory buildings are expressly permitted.

Yard, front: An open, unoccupied space on the same lot with a principal building, extending the full width of the lot, and situated between the street right-of-way and the front line of the building projected to the side lines of the lot. For corner and double frontage lots, front yard requirements apply to all road frontages.



Yard, side: An open, unoccupied space on the same lot with the principal building, situated between the building and the side line of the lot and extending from the rear line of the front yard to the front line of the rear yard.

Yard, rear: An open, unoccupied space on the same lot with a principal building, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the side lines of the lot.

CHAPTER 5.2 GENERAL PROVISIONS

- Section 5.2.1. Use, Occupancy and Erection.
Section 5.2.2. Use Prohibited When Not Specified.
Section 5.2.3. Minimum Requirements.
Section 5.2.4. Visibility at Intersections.

Section 5.2.1. Use, Occupancy and Erection.

No building, structure, land, or water shall hereafter be used or occupied, and no building or structure or part hereof shall be erected, constructed, reconstructed, moved, or structurally altered except in conformity with the regulations of this Land Use Management Code or amendments thereto, including the use provisions for the zoning district in which it is located.

Section 5.2.2. Use Prohibited When Not Specified.

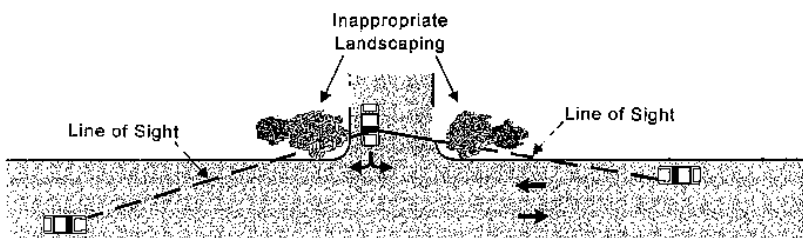
If not otherwise stated, any use not specifically permitted as a use by right or specifically indicated as a conditional use in any given zoning district as provided under Articles 6, 7, and 8 of this Land Use Management Code shall be prohibited in that zoning district.

Section 5.2.3. Minimum Requirements.

Within each zoning district, the regulations set forth shall be minimum requirements and shall apply uniformly to each class or kind of building, structure or land, except as may be altered through conditions of zoning applied to specific properties.

Section 5.2.4. Visibility at Intersections.

No fence, wall, sign, hedge or planting which obstructs the sight lines at elevations between thirty (30) inches and twelve (12) feet above any roadway shall be placed or permitted to remain on any corner lot within a sight visibility triangle as defined by this Land Use Management Code. Unless otherwise specified by the Zoning Administrator or City Engineer, the area regulated shall be two triangular areas formed by the street right-of-way lines, or such lines extended, and lines connecting such right-of-way lines at points twenty-five (25) feet from the intersections of the right-of-way lines. In such cases as right-of-way lines do not exist or cannot be determined, said measurements shall be made from points fifteen (15) feet from the centerline of the existing road or ten (10) feet from the existing pavement or roadbed, whichever is greater.



Source: Stover, Vergil G., and Frank J. Koepke. 2002. *Transportation and Land Development* (2nd Ed.). Washington, DC: Institute of Transportation Engineers. Figure 7-45, p. 7-54.

CHAPTER 5.3 GENERAL DIMENSIONAL PROVISIONS

| | |
|-----------------|---|
| Section 5.3.1. | Every Use Must Be Upon a Lot of Record. |
| Section 5.3.2. | One Dwelling on a Lot in Residential Districts. |
| Section 5.3.3. | Height Limitations. |
| Section 5.3.4. | Maximum Density, Minimum Lot Size, and Minimum Lot Width. |
| Section 5.3.5. | Minimum Floor Area Per Dwelling Unit. |
| Section 5.3.6. | Minimum Required Yards and Building Setbacks. |
| Section 5.3.7. | Principal Building Separation. |
| Section 5.3.8. | Maximum Building Coverage. |
| Section 5.3.9. | Minimum Landscaped Open Space. |
| Section 5.3.10. | Minimum Required Landscape Strips and Buffers. |
| Section 5.3.11. | Street Frontage Requirement. |

Section 5.3.1. Every Use Must Be Upon a Lot of Record.

No building or structure shall be erected or use established unless upon a lot of record as defined by this Land Use Management Code unless specifically provided otherwise in this Land Use Management Code.

Section 5.3.2. One Dwelling on a Lot in Residential Districts.

Except as otherwise specifically provided in this Land Use Management Code, in any residential zoning district specified in Article 7 of this Land Use Management Code except for the MFR zoning district, only one dwelling and its accessory buildings may hereafter be erected on any one lot intended for such use. This provision shall not be construed to prevent the construction of more than one detached single-family condominium, multiple-family dwelling, office, institutional, commercial or industrial building upon a single lot, in districts where permitted, including residential zoning districts established in Article 7 of this Land Use Management Code, subject to setbacks and separation as provided in this Land Use Management Code. Nor shall this provision prevent the establishment of more than one dwelling on a lot in an agricultural zoning district specified in Article 6 of this Land Use Management Code, subject to setbacks and separation as provided in this Land Use Management Code.

Section 5.3.3. Height Limitations.

Except as otherwise specifically provided in this Section, no building or structure shall hereafter be erected, constructed, reconstructed, or altered, to exceed the maximum height of buildings and structures or the number of stories specified in this Land Use Management Code; provided, however, the Governing Authority may upon application conditional use approval allow buildings and structures to exceed these height limitations, subject to procedures for conditional uses established in Chapter 21.2 of this Land Use Management Code.

The height limitations established herein shall not apply to chimneys, smokestacks, church spires and steeples, domes, flag poles, public monuments, observation towers, water towers, non-commercial radio and television towers, electricity transmission towers, utility poles, and similar structures.

Section 5.3.4. Maximum Density, Minimum Lot Size, and Minimum Lot Width.

No lot shall hereafter be developed with a number of housing units that exceeds the residential density for the zoning district in which the lot is located as established by this Land Use Management Code. No lot shall hereafter be developed that fails to meet the minimum lot size and minimum lot width for the zoning district in which the lot is located as established by this Land Use Management Code, except as otherwise specifically provided. No lot shall be reduced in size, and no principal building shall hereafter be constructed, so that the maximum density, minimum lot size, or minimum lot width of the zoning district, as the case may be, in which said lot and building are located are not maintained, except as otherwise specifically provided in this Land Use Management Code.

Section 5.3.5. Minimum Floor Area Per Dwelling Unit.

No new dwelling shall hereafter be constructed or occupied that fails to meet the minimum floor area for a dwelling unit as established by the zoning district in which the property is located, or the minimum square footage per adult as specified in this Land Use Management Code. No existing dwelling shall be reduced in size so that its floor area fails to meet the minimum floor area for a dwelling unit as established by the zoning district in which the property is located, or the minimum square footage per adult as specified in this Land Use Management Code.

Section 5.3.6. Minimum Required Yards and Building Setbacks.

No building or structure shall hereafter be erected in a manner to have narrower or smaller front yards, side yards, or rear yards than specified for the zoning district in which the property is located, or for the specific use if yards and setback regulations pertain to a specific use as provided in Article 11 or any other Article of this Land Use Management Code. The buffer requirements established by this Land Use Management Code may supersede these minimum required yards.

No lot shall be reduced in size, and no principal building shall hereafter be constructed, so that the front, side, or rear yards of the zoning district in which said lot and building are located are not maintained. This section shall not apply to portions of lots affected by public acquisition of part of the lot. No part of a yard shall be included as a part of the yard required for another building.

In the case where a build-to line is established by or pursuant to this Land Use Management Code, no building shall be erected in a manner to have a different building setback or yard than that established by said build-to line.

Section 5.3.7. Principal Building Separation.

On lots where more than one principal residential building is permitted, the building separation between principal residential buildings shall be a minimum of twenty (20) feet for one-story structures, thirty (30) feet when one or both principal residential dwellings are two-story structures, and forty (40) feet when one or both are three-story structures. Individual dwelling units within attached single-family fee simple dwellings (townhouses, which are zero lot line on one or both sides) shall be exempt from this requirement, although this provision shall apply to townhouse buildings. All non-residential principal buildings shall provide for adequate building

separation to allow for sufficient fire access and traffic flow and that meet applicable building code requirements.

Section 5.3.8. Maximum Building Coverage.

No lot shall hereafter be developed to exceed the maximum building coverage specified for the zoning district in which it is located. If a maximum impervious surface coverage is specified in this Land Use Management Code, no lot shall be developed to exceed said maximum impervious surface coverage.

Section 5.3.9. Minimum Landscaped Open Space.

No lot shall be developed with less than the minimum landscaped open space specified for the zoning district in which said lot is located, or as may be established by any other Article or Section of this Land Use Management Code.

Section 5.3.10. Minimum Required Landscape Strips and Buffers.

No lot shall hereafter be developed, and no building or structure shall hereafter be erected or use established in a manner so that the minimum landscape strips and buffers required by this Land Use Management Code are not maintained.

Section 5.3.11. Street Frontage Requirement.

No building or structure shall hereafter be erected on a lot, and no lot shall hereafter be created or subdivided, that does not abut for at least thirty (30) feet on a public street, or an approved private street, unless specifically provided otherwise by this Land Use Management Code.

**ARTICLE 6
AGRICULTURAL ZONING DISTRICTS**

| | |
|-------------|---|
| CHAPTER 6.1 | PCFD, PLANNED COMMERCIAL FARM DISTRICT |
| CHAPTER 6.2 | AG, AGRICULTURAL DISTRICT |
| CHAPTER 6.3 | AG-R, AGRICULTURAL-RESIDENTIAL DISTRICT |

**CHAPTER 6.1
PCFD, PLANNED COMMERCIAL FARM DISTRICT**

| | |
|----------------|---------------------------------|
| Section 6.1.1. | Purpose and Intent. |
| Section 6.1.2. | Reserved. |
| Section 6.1.3. | Permitted and Conditional Uses. |
| Section 6.1.4. | Dimensional Requirements. |
| Section 6.1.5. | Improvement Requirements. |
| Section 6.1.6. | District Regulations. |

Section 6.1.1. Purpose and Intent.

The Planned Commercial Farm District is intended to accommodate large tracts of at least thirty-five (35) acres devoted to nearly exclusive agricultural production including livestock raising. The intensive agricultural operations permitted in this zoning district may result in odors, dust, noise, or other effects which can be incompatible with single-lot residential development. Residential uses are restricted to those which will not be incompatible with and will not challenge intensive farming operations, and which are more or less subordinate to farming operations. Those residential uses include but are not limited to class “B” manufactured homes and farm tenant dwellings. The subdivision of land is not permitted, except by intra-family land transfers, and then only according to restrictions that will maintain the district’s primary use for agriculture. Because of the large land area available in Planned Commercial Farm Districts, certain uses of a quasi-commercial, institutional, or agricultural-industrial nature may be appropriately sited as conditional uses. Public water service may or may not be available and sanitary sewer is generally not available to these districts. Any non-agricultural development must meet improvement standards that are compatible with the objective of maintaining agricultural, rural, and exurban character.

Section 6.1.2. Reserved.

Section 6.1.3. Permitted and Conditional Uses.

Permitted and conditional uses shall be as provided in Table 6.1, “Permitted and Conditional Uses for Agricultural Zoning Districts.”

Section 6.1.4. Dimensional Requirements.

Dimensional requirements shall be as provided in Table 6.2, “Dimensional Requirements for Agricultural Zoning Districts.”

Section 6.1.5. Improvement Requirements.

Development improvements shall be as provided in Article 27, “Exurban/Rural Design and Improvement Requirements.”

Section 6.1.5. District Regulations.

Land within the Planned Commercial Farm District shall not be subdivided, except as may be approved by intra-family land transfer.

CHAPTER 6.2 AG, AGRICULTURAL DISTRICT

| | |
|----------------|---------------------------------|
| Section 6.2.1. | Purpose and Intent. |
| Section 6.2.2. | Reserved. |
| Section 6.2.3. | Permitted and Conditional Uses. |
| Section 6.2.4. | Dimensional Requirements. |
| Section 6.2.5. | Improvement Requirements. |
| Section 6.2.6. | District Regulations. |

Section 6.2.1. Purpose and Intent.

The Agricultural District is intended to accommodate rural and agricultural areas on tracts of eight (8) acres or more which are devoted predominantly to agricultural production and which may include livestock raising. The agricultural operations permitted in this zoning district may result in odors, dust, noise, or other effects which can be incompatible with single-lot residential development. Residential uses are restricted to those which will not be incompatible with and will not challenge moderately intensive farming operations, and which are more or less subordinate to farming operations, including class "B" manufactured homes. The subdivision of land is not permitted, except by intra-family land transfers, and then only according to restrictions that will maintain the district's primary use for agriculture. Public water service may or may not be available and sanitary sewer is generally not available to these districts. Any non-agricultural development must meet improvement standards that are compatible with the objective of maintaining agricultural, rural, and exurban character.

Section 6.2.2. Reserved.

Section 6.2.3. Permitted and Conditional Uses.

Permitted and conditional uses shall be as provided in Table 6.1, "Permitted and Conditional Uses for Agricultural Zoning Districts."

Section 6.2.4. Dimensional Requirements.

Dimensional requirements shall be as provided in Table 6.2, "Dimensional Requirements for Agricultural Zoning Districts."

Section 6.2.5. Improvement Requirements.

Development improvements shall be as provided in Article 27, "Exurban/Rural Design and Improvement Requirements."

Section 6.2.6. District Regulations.

Land within the Agricultural District shall not be subdivided, except as may be approved by intra-family land transfer.

CHAPTER 6.3
AG-R, AGRICULTURAL-RESIDENTIAL DISTRICT

- Section 6.3.1. Purpose and Intent.
- Section 6.3.2. Reserved.
- Section 6.3.3. Permitted and Conditional Uses.
- Section 6.3.4. Dimensional Requirements.
- Section 6.3.5. Improvement Requirements.

Section 6.3.1. Purpose and Intent.

The Agricultural-Residential District is neither exclusively agricultural nor exclusively residential. The minimum lot size of five (5) acres is the least amount of land that is considered necessary to sustain viable agricultural operations. A minimum five-acre lot in this district, however, can be used for farming and the keeping of a limited number of livestock or fowl subject to the requirements of this Land Use Management Code. Agricultural-Residential districts are appropriate as a transition between Planned Commercial Farm or Agricultural zoning districts and Rural Residential zoning districts. Public water service may or may not be available and sanitary sewer is generally not available to these districts. Residential dwellings are limited to site-built homes and class "A" manufactured homes. Subdivision of these districts into five-acre lots is permitted, and over the long-term future, some agricultural-residential districts may transition to rural residential or low-density, predominantly residential neighborhoods. Any non-agricultural development must meet improvement standards that are compatible with the objective of maintaining agricultural, rural, and exurban character.

Section 6.3.2. Reserved.

Section 6.3.3. Permitted and Conditional Uses.

Permitted and conditional uses shall be as provided in Table 6.1, "Permitted and Conditional Uses for Agricultural Zoning Districts." Also see Section 6.3.6.

Section 6.3.4. Dimensional Requirements.

Dimensional requirements shall be as provided in Table 6.2, "Dimensional Requirements for Agricultural Zoning Districts."

Section 6.3.5. Improvement Requirements.

Development improvements shall be as provided in Article 27, "Exurban/Rural Design and Improvement Requirements."

TABLE 6.1
PERMITTED AND CONDITIONAL USES FOR AGRICULTURAL DISTRICTS
 P = Permitted C = Conditional Use X = Not Permitted

| USE | PCFD | AG | AG-R | See also Section: |
|--|------|----|------|-------------------|
| ACCESSORY USES | | | | |
| Accessory uses and structures not otherwise listed in this table, determined by the Zoning Administrator to be normally incidental to one or more permitted principal uses | P | P | P | 11.1 |
| Accessory apartment, attached | P | P | P | 11.3.2 |
| Accessory apartment, detached | P | P | P | 11.3.2 |
| Carport or garage | P | P | P | 11.1 |
| Caretaker's or nightwatchman's residence | P | C | X | 11.7.2 |
| Construction field office | P | P | P | 11.8.1 |
| Fallout shelter | P | P | P | |
| Family day care home | P | P | P | 11.4 |
| Guest house | P | P | P | 11.3.3 |
| Intermodal container, temporary | P | P | P | 11.1.3 |
| Home occupation | P | P | P | 11.4 |
| Solar energy system, building mounted | P | P | P | 11.1.7 |
| Solar energy system, ground mounted | P | P | C | 11.1.8 |
| Tower, amateur radio | P | P | P | |
| Roadside produce stand | P | P | X | 11.10.7 |
| Wireless telecommunication facility and equipment | C | C | C | 11.9 |
| Yard sale | P | P | P | 11.3.7 |
| AGRICULTURAL USES | | | | |
| Agriculture, other than livestock and fowl | P | P | P | |
| Livestock and fowl | P | P | P | 11.10.5 |
| Biomass production and storage | C | X | X | |
| Forestry | P | P | C | |
| Greenhouse | P | P | P | |
| Stockyard | P | P | X | |
| RESIDENTIAL USES | | | | |
| Dwelling, single-family detached, fee-simple | P | P | P | 11.2.2 11.2.3 |
| Dwelling, farm tenant | P | C | X | 11.2.2 11.2.3 |
| Dwelling, farm tenant (to exceed specified limits) | C | X | X | |
| Dwelling for medical hardship | P | P | P | 11.3.4 |
| Intra-family land transfer, up to two lots (Table 6.2) | P | P | X | Art. 26 |
| Intra-family land transfer, up to four lots (Table 6.2) | P | X | X | Art. 26 |
| Manufactured home, class "A" | P | P | P | 11.2.3 |
| Manufactured home, class "B," set back from a public right-of-way by at least 200 feet | P | P | X | 11.2.3 |

**Article 6, Agricultural Zoning Districts
City of Arcade Land Use Management Code**

| USE | PCFD | AG | AG-R | See also Section: |
|---|-------------|-----------|-------------|--------------------------|
| Manufactured home while single-family dwelling is constructed | P | P | P | 11.3.5 |
| Relocated residential structure | P | P | C | 11.2.3 |
| INSTITUTIONAL USES | | | | |
| Cemetery | P | P | P | |
| Church, temple, synagogue, or place of worship | P | P | P | 11.5.1 |
| Club or lodge, nonprofit | X | X | P | |
| Therapeutic camp | C | C | X | |
| COMMERCIAL, INDUSTRIAL, OTHER USES | | | | |
| Bed and breakfast inn | P | C | C | 11.6.2 |
| Borrow site | C | C | X | |
| Botanical garden | C | C | C | |
| Camp or campground | C | X | X | |
| Composting facility | C | X | X | |
| Cottage industry | C | C | C | |
| Country club | C | X | X | |
| Landscaping company | C | C | X | |
| Public use, including public school | P | P | P | |
| Retreat center | C | X | X | |
| Riding academy or equestrian center | P | C | X | |
| Riding stable | C | X | X | |
| Semi-public use | P | P | P | |
| Solar farm | C | C | X | |
| Special event facility | C | C | C | |

**TABLE 6.2
 DIMENSIONAL REQUIREMENTS FOR AGRICULTURAL ZONING DISTRICTS**

| DIMENSIONAL REQUIREMENT | PCFD | AG | AG-R |
|---|------------------|------------------|------------------|
| Minimum acreage to rezone to district (acres) | 35 | 8 | 5 |
| AGRICULTURAL INTENSITY | | | |
| Livestock raising and animal quarters intensity (equivalent animal units per acre) | See Sec. 11.10.5 | See Sec. 11.10.5 | See Sec. 11.10.5 |
| RESIDENTIAL ACREAGE, DENSITY, AND LOT WIDTH REQUIREMENTS | | | |
| Maximum residential density, detached single-family dwellings or manufactured home (acres per dwelling unit) | 8 | 4 | 5 |
| Maximum residential density, farm tenant dwellings, (acres per dwelling unit) (Note: in calculating this density limit, land devoted to agricultural operations can be counted but land counted toward meeting density limits for dwellings, single-family detached, fee simple or class "A" manufactured homes shall not be included in the calculation. | 8.75 | Not permitted | Not permitted |
| Maximum number of farm tenant dwellings, regardless of acreage available (units) | 4 | Not permitted | Not permitted |
| Intra-family land transfer, number of lots permitted (lots) | 4 | 2 | Not permitted |
| Minimum lot size for lot created by intra-family land transfer (acres) | 1 | 1 | Not permitted |
| Maximum lot size for lot created by intra-family land transfer (acres) | 3 | 2 | Not permitted |
| Minimum lot width for lot created by intra-family transfer (feet) | 300 | 300 | Not permitted |
| Minimum lot width, new subdivided lot (feet) | Not permitted | Not permitted | 200 |
| BUILDING HEIGHT REQUIREMENTS | | | |
| Maximum height (feet) | 75 | 50 | 35 |
| Maximum height (number of stories) | 3 | 3 | 3 |
| ANIMAL QUARTERS REQUIREMENTS | | | |
| Minimum building setback, all property lines (feet) | 100 | 100 | 75 |
| Minimum building setback abutting AG-R or any residential zoning district (feet) | 300 | 150 | 100 |
| Minimum natural buffer abutting AG-R or any residential zoning district (feet) | 100 | 75 | None |
| BUILDING SETBACKS, RESIDENCES OR OTHER PERMITTED BUILDINGS | | | |
| Front (feet) | 60 | 50 | 40 |
| Side (feet) | 50 | 40 | 30 |
| Rear (feet) | 50 | 40 | 30 |
| MINIMUM FLOOR AREA PER DWELLING UNIT (square feet) | 550 | 900 | 1,250 |

**ARTICLE 7
RESIDENTIAL ZONING DISTRICTS**

| | |
|-------------|---|
| CHAPTER 7.1 | RR-1, RESTRICTED RURAL RESIDENTIAL DISTRICT |
| CHAPTER 7.2 | RR-2, RURAL RESIDENTIAL DISTRICT |
| CHAPTER 7.3 | RR-3, RURAL RESIDENTIAL DISTRICT |
| CHAPTER 7.3 | R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT |
| CHAPTER 7.4 | R-2, MEDIUM-DENSITY RESIDENTIAL DISTRICT |
| CHAPTER 7.5 | R-3, TWO-FAMILY RESIDENTIAL DISTRICT |
| CHAPTER 7.6 | R-4, MEDIUM-HIGH DENSITY RESIDENTIAL DISTRICT |
| CHAPTER 7.7 | MFR, MULTIPLE-FAMILY RESIDENTIAL DISTRICT |
| CHAPTER 7.8 | PCD, PLANNED COMMUNITY DEVELOPMENT DISTRICT |

**CHAPTER 7.1
RR-1, RESTRICTED RURAL RESIDENTIAL DISTRICT**

| | |
|----------------|---------------------------------|
| Section 7.1.1. | Purpose and Intent. |
| Section 7.1.2. | Reserved. |
| Section 7.1.3. | Permitted and Conditional Uses. |
| Section 7.1.4. | Dimensional Requirements. |
| Section 7.1.5. | Improvement Requirements. |

Section 7.1.1. Purpose and Intent.

The RR-1 zoning district is intended to provide for residential areas with rural densities of one dwelling unit per two acres (0.5 unit per acre). Residential uses are restricted to detached, single-family dwellings in fee-simple ownership. Dimensional requirements such as yards and building coverage are intended to provide for spacious yards surrounding each dwelling. Uses in the RR-1 zoning district are more restricted than any other residential zoning district. Development in the RR-1 district does not necessitate sanitary sewer service but may be served by public water.

Section 7.1.2. Reserved.

Section 7.1.3. Permitted and Conditional Uses.

Permitted and conditional uses shall be as provided in Table 7.1, "Permitted and Conditional Uses for Residential Zoning Districts."

Section 7.1.4. Dimensional Requirements.

Dimensional requirements shall be as provided in Table 7.2, "Dimensional Requirements for Residential Zoning Districts."

Section 7.1.5. Improvement Requirements.

Development improvements shall be as provided in Article 27, "Exurban/Rural Design and Improvement Requirements."

CHAPTER 7.2
RR-2, RURAL RESIDENTIAL DISTRICT

| | |
|----------------|---------------------------------|
| Section 7.2.1. | Purpose and Intent. |
| Section 7.2.2. | Reserved. |
| Section 7.2.3. | Permitted and Conditional Uses. |
| Section 7.2.4. | Dimensional Requirements. |
| Section 7.2.5. | Improvement Requirements. |

Section 7.2.1. Purpose and Intent.

The RR-2 zoning district is intended to provide for residential areas with rural densities of one dwelling unit per 1.5 acres (0.667 unit per acre). Residential uses are restricted to detached, single-family dwellings in fee-simple ownership and class “A” manufactured homes. Dimensional requirements such as yards and building coverage are intended to provide for spacious yards surrounding each dwelling. Development in the RR-2 district does not necessitate sanitary sewer service but may be served by public water.

Section 7.2.2. Reserved.

Section 7.2.3. Permitted and Conditional Uses.

Permitted and conditional uses shall be as provided in Table 7.1, “Permitted and Conditional Uses for Residential Zoning Districts.”

Section 7.2.4. Dimensional Requirements.

Dimensional requirements shall be as provided in Table 7.2, “Dimensional Requirements for Residential Zoning Districts.”

Section 7.2.5. Improvement Requirements.

Development improvements shall be as provided in Article 27, “Exurban/Rural Design and Improvement Requirements.”

CHAPTER 7.3
RR-3, RURAL RESIDENTIAL DISTRICT

| | |
|----------------|---------------------------------|
| Section 7.3.1. | Purpose and Intent. |
| Section 7.3.2. | Reserved. |
| Section 7.3.3. | Permitted and Conditional Uses. |
| Section 7.3.4. | Dimensional Requirements. |
| Section 7.3.5. | Improvement Requirements. |

Section 7.3.1. Purpose and Intent.

The RR-3 zoning district is intended to provide for residential areas with rural densities of one dwelling unit per acre. Dimensional requirements such as yards and building coverage are intended to provide for spacious yards surrounding each dwelling. Site-built dwellings and Class “A” manufactured homes are permitted. Development in the RR-3 district does not necessitate sanitary sewer service but may be served by public water.

Section 7.3.2. Reserved.

Section 7.3.3. Permitted and Conditional Uses.

Permitted and conditional uses shall be as provided in Table 7.1, “Permitted and Conditional Uses for Residential Zoning Districts.”

Section 7.3.4. Dimensional Requirements.

Dimensional requirements shall be as provided in Table 7.2, “Dimensional Requirements for Residential Zoning Districts.”

Section 7.3.5. Improvement Requirements.

Development improvements shall be as provided in Article 27, “Exurban/Rural Design and Improvement Requirements.”

CHAPTER 7.4
R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT

| | |
|----------------|---------------------------------|
| Section 7.4.1. | Purpose and Intent. |
| Section 7.4.2. | Reserved. |
| Section 7.4.3. | Permitted and Conditional Uses. |
| Section 7.4.4. | Dimensional Requirements. |
| Section 7.4.5. | Improvement Requirements. |

Section 7.4.1. Purpose and Intent.

The R-1 zoning district is intended to provide for residential areas with low densities of one dwelling unit per 0.75 acre (1.333 units per acre). Residential uses are restricted to detached, single-family dwellings in fee-simple ownership. Development in the R-1 district does not necessitate sanitary sewer service but is usually served by public water.

Section 7.4.2. Reserved.

Section 7.4.3. Permitted and Conditional Uses.

Permitted and conditional uses shall be as provided in Table 7.1, "Permitted and Conditional Uses for Residential Zoning Districts."

Section 7.4.4. Dimensional Requirements.

Dimensional requirements shall be as provided in Table 7.2, "Dimensional Requirements for Residential Zoning Districts."

Section 7.4.5. Improvement Requirements.

Development improvements shall be as provided in Article 28, "Suburban/Urban Design and Improvement Requirements."

CHAPTER 7.5
R-2, MEDIUM-DENSITY RESIDENTIAL DISTRICT

| | |
|----------------|---------------------------------|
| Section 7.5.1. | Purpose and Intent. |
| Section 7.5.2. | Reserved. |
| Section 7.5.3. | Permitted and Conditional Uses. |
| Section 7.5.4. | Dimensional Requirements. |
| Section 7.5.5. | Improvement Requirements. |

Section 7.5.1. Purpose and Intent.

The R-2 zoning district is intended to provide for residential areas with medium densities of one dwelling unit per 0.5 acre (2 units per acre). Residential uses are restricted to detached, single-family dwellings in fee-simple ownership. Development in the R-2 district typically requires sanitary sewer service and is served by public water.

Section 7.5.2. Reserved.

Section 7.5.3. Permitted and Conditional Uses.

Permitted and conditional uses shall be as provided in Table 7.1, "Permitted and Conditional Uses for Residential Zoning Districts."

Section 7.5.4. Dimensional Requirements.

Dimensional requirements shall be as provided in Table 7.2, "Dimensional Requirements for Residential Zoning Districts."

Section 7.5.5. Improvement Requirements.

Development improvements shall be as provided in Article 28, "Suburban/Urban Design and Improvement Requirements."

CHAPTER 7.6
R-3, TWO-FAMILY RESIDENTIAL DISTRICT

| | |
|----------------|---------------------------------|
| Section 7.6.1. | Purpose and Intent. |
| Section 7.6.2. | Reserved. |
| Section 7.6.3. | Permitted and Conditional Uses. |
| Section 7.6.4. | Dimensional Requirements. |
| Section 7.6.5. | Improvement Requirements. |

Section 7.6.1. Purpose and Intent.

The R-3 zoning district is intended to provide for residential areas with medium densities of one dwelling unit per 0.5 acre (2 units per acre). This district allows for detached, single-family dwellings in fee-simple ownership and two-family dwellings (duplexes) as permitted uses, and detached, single-family condominiums are conditional uses. Development in the R-3 district typically requires sanitary sewer service and is served by public water.

Section 7.6.2. Reserved.

Section 7.6.3. Permitted and Conditional Uses.

Permitted and conditional uses shall be as provided in Table 7.1, "Permitted and Conditional Uses for Residential Zoning Districts."

Section 7.6.4. Dimensional Requirements.

Dimensional requirements shall be as provided in Table 7.2, "Dimensional Requirements for Residential Zoning Districts."

Section 7.6.5. Improvement Requirements.

Development improvements shall be as provided in Article 28, "Suburban/Urban Design and Improvement Requirements."

CHAPTER 7.7
R-4, MEDIUM-HIGH DENSITY RESIDENTIAL DISTRICT

| | |
|----------------|---------------------------------|
| Section 7.7.1. | Purpose and Intent. |
| Section 7.7.2. | Reserved. |
| Section 7.7.3. | Permitted and Conditional Uses. |
| Section 7.7.4. | Dimensional Requirements. |
| Section 7.7.5. | Improvement Requirements. |

Section 7.7.1. Purpose and Intent.

This district is intended to apply to smaller, urban-sized lots of ¼ acre or more. Yards are minimal because of the small size of the lots. Development in these districts necessitates sanitary sewer and public water service.

Section 7.7.2. Reserved.

Section 7.7.3. Permitted and Conditional Uses.

Permitted and conditional uses shall be as provided in Table 7.1, “Permitted and Conditional Uses for Residential Zoning Districts.”

Section 7.7.4. Dimensional Requirements.

Dimensional requirements shall be as provided in Table 7.2, “Dimensional Requirements for Residential Zoning Districts.”

Section 7.7.5. Improvement Requirements.

Development improvements shall be as provided in Article 28, “Suburban/Urban Design and Improvement Requirements.”

CHAPTER 7.8
MFR, MULTIPLE-FAMILY RESIDENTIAL DISTRICT

| | |
|----------------|---------------------------------|
| Section 7.8.1. | Purpose and Intent. |
| Section 7.8.2. | Reserved. |
| Section 7.8.3. | Permitted and Conditional Uses. |
| Section 7.8.4. | Dimensional Requirements. |
| Section 7.8.5. | Improvement Requirements. |

Section 7.8.1. Purpose and Intent.

The MFR zoning district is intended to provide for multiple-family residential areas with urban densities of up to eight (8) units per acre. This district also allows for detached, single-family dwellings in fee-simple or condominium ownership and two-family dwellings (duplexes) but at densities of two (2) units per acre. Development in the MFR district necessitates sanitary sewer and public water service.

Section 7.8.2. Reserved.

Section 7.8.3. Permitted and Conditional Uses.

Permitted and conditional uses shall be as provided in Table 7.1, "Permitted and Conditional Uses for Residential Zoning Districts."

Section 7.8.4. Dimensional Requirements.

Dimensional requirements shall be as provided in Table 7.2, "Dimensional Requirements for Residential Zoning Districts."

Section 7.8.5. Improvement Requirements.

Development improvements shall be as provided in Article 28, "Suburban/Urban Design and Improvement Requirements."

TABLE 7.1
PERMITTED AND CONDITIONAL USES FOR RESIDENTIAL ZONING DISTRICTS
P = Permitted C = Conditional Use X = Not Permitted

| USE | RR-1 | RR-2 | RR-3 | R-1 | R-2 | R-3 | R-4 | MFR | See also Section: |
|--|------|------|------|-----|-----|-----|-----|-----|-------------------|
| ACCESSORY USES | | | | | | | | | |
| Accessory uses and structures not otherwise listed in this table, determined by the Zoning Administrator to be normally incidental to one or more permitted principal uses | P | P | P | P | P | P | P | P | 11.1 |
| Accessory apartment, attached | P | P | P | P | P | X | X | X | 11.3.2 |
| Accessory apartment, detached | P | P | P | P | C | X | X | X | 11.3.2 |
| Carport or garage | P | P | P | P | P | P | P | P | 11.1 |
| Construction field office | P | P | P | P | P | P | P | P | 11.8.1 |
| Fallout shelter | P | P | P | P | P | P | P | P | |
| Family day care home | P | P | P | P | P | P | P | X | 11.4 |
| Guest house | P | P | P | P | P | P | P | P | 11.3.3 |
| Home occupation | P | P | P | P | P | P | P | P | 11.4 |
| Intermodal container, temporary | P | P | P | P | P | P | P | P | 11.1.3 |
| Solar energy system, building mounted | P | P | P | P | P | P | P | P | 11.1.7 |
| Solar energy system, ground mounted | P | P | P | C | C | C | C | C | 11.1.8 |
| Tower, amateur radio | P | P | P | P | P | P | P | X | |
| Yard sale | P | P | P | P | P | P | P | X | 11.3.7 |
| AGRICULTURAL USES | | | | | | | | | |
| Agriculture, other than livestock and fowl | P | P | P | P | P | P | P | X | |
| Livestock and fowl <i>[note]</i> | P | P | C | X | X | X | X | X | 11.10.5 |
| Greenhouse | C | C | C | X | X | X | X | X | |
| RESIDENTIAL USES | | | | | | | | | |
| Dwelling, single-family detached, fee-simple | P | P | P | P | P | P | P | P | 11.2.2 11.2.3 |
| Dwelling, single-family detached, condominium | X | X | X | X | X | C | P | P | 11.2.2 11.2.3 |
| Dwelling, two-family (duplex) | X | X | X | X | X | P | X | P | 11.2.2 11.2.5 |
| Dwelling, single-family attached (townhouse) | X | X | X | X | X | X | X | P | 11.2.2 11.2.4 |
| Dwelling, multiple-family, including apartments, condominiums, and cooperatives | X | X | X | X | X | X | X | P | 11.2.2 11.2.7 |
| Manufactured home, class "A" | X | P | P | X | X | X | X | X | 11.2.2 11.2.3 |
| Manufactured home, class "B" | X | X | X | X | X | X | X | X | 11.2.2 11.2.3 |
| Manufactured home park | X | C | X | X | X | X | X | X | |
| Model home | P | P | P | P | P | P | P | P | 11.8.2 |
| Relocated residential structure | C | C | C | C | C | C | C | C | |
| INSTITUTIONAL USES | | | | | | | | | |
| Cemetery | P | P | P | C | C | C | C | C | |
| Church, temple, synagogue, or place of worship | X | C | X | X | X | X | X | X | 11.5.1 |
| Club or lodge, nonprofit | X | C | X | X | X | X | X | X | |
| Continuing care retirement community | C | C | C | C | C | C | C | C | |
| Group home | X | C | X | X | X | X | X | C | |
| Institutionalized residential living and care facilities, serving less than eighteen (18) persons or less | X | C | X | X | X | X | X | C | 11.5.3 |

**Article 7, Residential Zoning Districts
City of Arcade Land Use Management Code**

| USE | RR-1 | RR-2 | RR-3 | R-1 | R-2 | R-3 | R-4 | MFR | See also Section: |
|--|-------------|-------------|-------------|------------|------------|------------|------------|------------|--------------------------|
| Rooming house | X | C | X | X | X | X | X | C | |
| RECREATIONAL USES | | | | | | | | | |
| Common area and greenspace | P | P | P | P | P | P | P | P | |
| Community recreation | P | P | P | P | P | P | P | P | 11.2.1 |
| Conservation area | P | P | P | P | P | P | P | P | |
| Golf course as part of residential subdivision | P | P | P | P | P | P | X | X | |
| OTHER USES | | | | | | | | | |
| Public use, including public school | P | P | P | P | P | P | P | P | |
| Semi-public use | P | P | P | P | P | P | P | P | |

[Note: Livestock and fowl: Amended per Ordinance LUMC 19-01, adopted March 11, 2019]

**TABLE 7.2
 DIMENSIONAL REQUIREMENTS FOR RESIDENTIAL ZONING DISTRICTS**

| DIMENSIONAL REQUIREMENT | RR-1 | RR-2 | RR-3 | R-1 | R-2 | R-3 | R-4 | MFR |
|--|-------------|-------------|-------------|------------|------------|------------|------------|------------|
| RESIDENTIAL ACREAGE, DENSITY, AND LOT WIDTH REQUIREMENTS | | | | | | | | |
| Maximum residential density (acres per dwelling unit) | 2 | 1.5 | 1.0 | 0.75 | 0.5 | 0.5 | 0.25 | 0.125 |
| Maximum residential density (dwelling units per acre) | 0.5 | 0.667 | 1.0 | 1.333 | 2.0 | 2.0 | 4.0 | 8.0 |
| Minimum lot size, detached single-family dwelling or, if permitted, manufactured home (acres) | 2 | 1.5 | 1.0 | 0.75 | 0.5 | 0.5 | 0.25 | 0.5 |
| Minimum lot size, detached single-family dwelling or, if permitted, manufactured home (square feet) | 87,120 | 65,340 | 43,560 | 32,670 | 21,780 | 21,780 | 10,890 | 21,780 |
| Minimum lot size, two-family dwelling (square feet) | NP | NP | NP | NP | NP | 21,780 | NP | 21,780 |
| Minimum lot size for other permitted uses (square feet) | 87,120 | 65,340 | 43,560 | 32,670 | 21,780 | 21,780 | 10,890 | 21,780 |
| Minimum lot width, all uses (feet) | 150 | 125 | 100 | 100 | 85 | 85 | 75 | 75 |
| BUILDING AND SITE REQUIREMENTS | | | | | | | | |
| Maximum building coverage (percent) | 10 | 15 | 20 | 20 | 25 | 25 | 30 | 30 |
| Minimum landscaped open space for non-single-family residential use if permitted (percent) | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 25 |
| BUILDING HEIGHT REQUIREMENTS | | | | | | | | |
| Maximum height (feet) | 35 | 35 | 35 | 35 | 35 | 35 | 35 | 40 |
| Maximum height (number of stories) | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 |
| BUILDING SETBACKS, RESIDENCES OR OTHER PERMITTED PRINCIPAL BUILDINGS | | | | | | | | |
| Front (feet) | 85 | 70 | 60 | 50 | 30 | 30 | 25 | 30 |
| Side (feet) | 30 | 25 | 20 | 15 | 10 | 10 | 10 | 20 |
| Rear (feet) | 70 | 50 | 40 | 35 | 30 | 30 | 20 | 30 |
| BUILDING SETBACKS, ACCESSORY BUILDINGS AND STRUCTURES | | | | | | | | |
| Front (feet) | NP | NP | NP | NP | NP | NP | NP | NP |
| Side (feet) | 20 | 15 | 10 | 10 | 5 | 5 | 5 | 5 |
| Rear (feet) | 30 | 25 | 15 | 10 | 10 | 10 | 5 | 10 |
| SPECIAL SETBACKS, BUFFERS, AND LANDSCAPE STRIPS | | | | | | | | |
| Minimum principal or accessory building setback abutting any Residential Zoning District other than MFR (feet) | N/A | N/A | N/A | N/A | N/A | N/A | N/A | 30 |
| Minimum natural buffer abutting any Residential Zoning District other than MFR (feet) | N/A | N/A | N/A | N/A | N/A | N/A | N/A | 20 |
| Minimum landscape strip required along right-of-ways for any non-single-family residential use (width in feet) | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 10 |
| Minimum landscape strip required along side property lines for any non-single-family residential use | 5 | 5 | 5 | 5 | 5 | 5 | 5 | 5 |
| MINIMUM FLOOR AREA PER DWELLING UNIT (square feet) | 1,500 | 1,250 | Note 1 | Note 1 | Note 1 | 1,000 | 850 | 700 |

Note 1: 1,600 square feet for one-story; 1,800 for two or more stories.

NP = Not Permitted N/A = Not Applicable

CHAPTER 7.8
PCD, PLANNED COMMUNITY DEVELOPMENT DISTRICT

| | |
|-----------------|--|
| Section 7.8.1. | Purpose and Intent. |
| Section 7.8.2. | Applicability. |
| Section 7.8.3. | Permitted Uses. |
| Section 7.8.4. | Dimensional Requirements. |
| Section 7.8.5. | Improvement Requirements. |
| Section 7.8.6. | Minimum Areas Required for Rezoning and Development. |
| Section 7.8.7. | Minimum Open Space Required. |
| Section 7.8.8. | General Principles for Land Use Mix and Design. |
| Section 7.8.9. | Neotraditional Development Principles. |
| Section 7.8.10. | Rural/Exurban Development Principles. |
| Section 7.8.11. | Application Requirements. |
| Section 7.8.12. | Approval Procedures. |

Section 7.8.1. Purpose and Intent.

The Planned Community Development District is intended to meet the following objectives:

- (a) Allow and encourage more unique, flexible, creative, and imaginative arrangements and mixes of land uses in site planning and development than are permitted through conventional land use requirements.
- (b) Encourage a broader mix of residential housing types, including detached and attached dwellings, than would normally be constructed in conventional subdivisions.
- (c) Allow and encourage the development of tracts of land as single developments that are planned neighborhoods or communities, including civic and semi-public uses (e.g., schools, playgrounds, meeting halls, etc.) that help to make up a community.
- (d) Preserve the natural amenities of the land through maintenance of conservation areas and open spaces within developments.
- (e) Provide for the more efficient use of land through clustering and other flexible, innovative development arrangements that will result in smaller networks of utilities and streets and thereby lower development and housing costs.
- (f) Provide a more desirable living environment than would be possible through the strict application of conventional zoning requirements.
- (g) Establish application requirements that are more rigorous than rezoning applications and conditional use permits but no more onerous than necessary to enable thorough analyses.
- (h) Ensure that the design of building forms is interrelated and architecturally harmonious.

Design of detached single-family neighborhoods and residential communities in the PCD district may follow principles of conventional suburban subdivision design which typically include curvilinear streets with some cul-de-sacs. However, PCD districts are intended to differ from conventional subdivisions in that they provide greater pedestrian access and interconnections between and among units of the neighborhood. In addition, neotraditional development design principles are particularly encouraged when this district is applied to suburban/urban areas.

Section 7.8.2. Applicability.

This district is primarily envisioned to apply to urban and suburban areas with sanitary sewer and public water service, though it may be used to provide for imaginative site arrangements in rural areas at exurban/rural densities.

Section 7.8.3. Permitted Uses.

Permitted uses shall be proposed by an applicant for rezoning to PCD and shall be limited to those uses approved by the Governing Authority; provided, however, that the following shall apply when the site proposed to be rezoned and developed is designated as residential on the adopted future land use map of the city:

- (a) Retail, service, office, and civic and institutional residential uses shall not exceed thirty (30) percent of the total site area of the district when built according to urban/suburban design and improvement requirements nor twenty (20) percent of the total site area of the district when built according to exurban/rural design and improvement requirements.
- (b) Industrial uses shall not normally be considered appropriate for inclusion in planned unit developments but if proposed and approved shall not exceed ten (10) percent of the total site area of the district and such area shall be counted within the twenty (20) percent limit for uses specified in paragraph (a) of this section.
- (c) At least seventy (70) percent of the units proposed and approved as part of the planned community development shall be detached, single-family dwellings.

Section 7.8.4. Dimensional Requirements.

Lot sizes, setbacks and yards, building coverage, building heights, and other dimensional requirements shall be proposed by an applicant for rezoning to PCD and as may be approved by the Governing Authority. Standards proposed by the developer are legally binding on the development if approved, unless otherwise specified by the Governing Authority. In no case should a PCD application be approved that contains a residential density more than twenty-five (25) percent greater than the residential density recommended for the property as may be shown on in the comprehensive plan.

Section 7.8.5. Improvement Requirements.

Development improvements shall be as provided in Article 28, "Suburban/Urban Design and Improvement Requirements," unless the PCD is proposed to be located within and compatible with an exurban/rural area, in which case the applicant may petition for and the Governing Authority may grant approval to apply the development design and improvement requirements of Article 27, "Exurban/Rural Design and Improvement Requirements," provided, however, that the applicant may propose waivers to design and improvement requirements if considered necessary or desirable to achieve an innovative site design, and if approved by the Governing Authority the PCD may be constructed according to such alternative improvement requirements. Departure from the requirements of Article 27 or 28, whichever set is initially applicable as determined by the Zoning Administrator, is a privilege not a right, and shall only be proposed and approved when there are tangible benefits in the form of provisions for open space, amenities, superior design, etc. that will result from the deviation from adopted improvement requirements.

Section 7.8.6. Minimum Areas Required for Rezoning and Development.

There shall be a minimum development area size of ten (10) acres for a PCD district when built according to urban/suburban design and improvement requirements. There shall be a minimum development area size of thirty-five (35) acres for a PCD district when built according to exurban/rural design and improvement requirements. No rezoning application for a PCD zoning district shall be accepted unless it meets the minimum area for development.

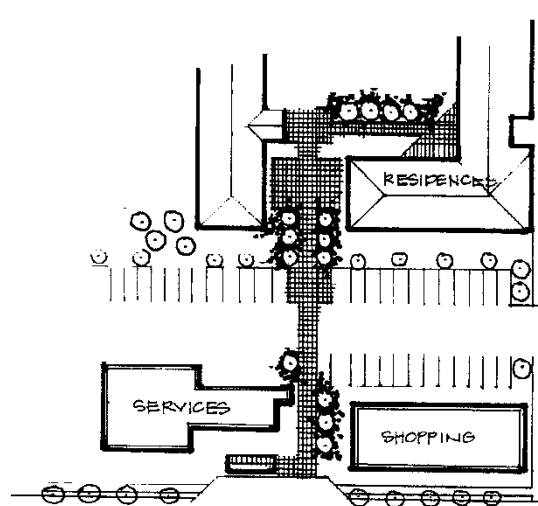
Section 7.8.7. Minimum Open Space Required.

A minimum of twenty (20) percent of the total site area of the district development shall be open space, greenspace, passive recreation, community recreation, or pervious landscaped areas or combination thereof.

Section 7.8.8. General Principles for Land Use Mix and Design.

The following principles shall be adhered to in all planned unit developments and substantial conformity to them shall be expected. Significant departures from these principles may provide a sufficient basis for denial of the application.

- (a) Comprehensive plan. Uses within the PCD shall be predominantly in accordance with the use recommendations and policies of the comprehensive plan with regard to land uses, densities, and development, land use, and environmental policies.
- (b) Civic and institutional uses. Sites for churches, schools, community or club buildings, and similar public or semi-public facilities are encouraged to be provided, where appropriate.
- (c) Interconnectivity. PCDS shall provide pedestrian access and vehicular and pedestrian interconnections between and among land uses within the development. Interconnectivity should be provided between PCDS when possible.

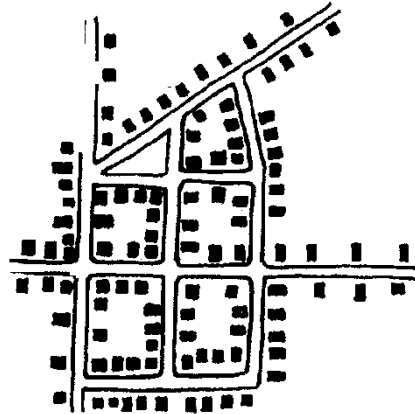


Source: Morris, Marya, ed. 1996. *Creating Transit-Supportive Land Use Regulations*. PAS Report No. 468. Figure 3-1, p. 28. Chicago: American Planning Association.

Section 7.8.9. Neotraditional Development Principles.

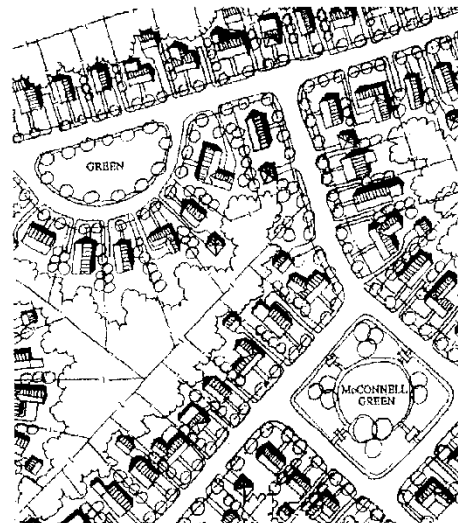
The following design principles are not required for every planned unit development and are appropriate only in urban/suburban areas. Therefore, the principles in this section shall not be required. However, when an applicant proposes a planned unit development in an urban/suburban area that will follow non-conventional residential subdivision designs, the applicant, Zoning Administrator, Planning Commission, and Governing Authority should consider the extent to which the planned unit development meets the principles contained in this section. Substantial deviations from these principles for PCDs proposed in urban/suburban areas may provide a sufficient basis for denial of the application.

- (a) Residential areas. Residential areas should be designed in a grid-like pattern of blocks and interconnecting streets. Central residential areas should be designed in a grid-like pattern of blocks and interconnecting streets (alleys may be included), and block length should not exceed 500 feet.



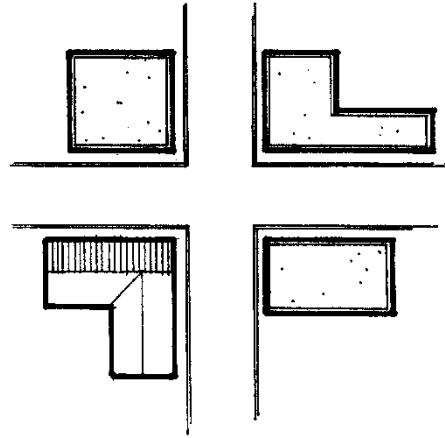
Source: Arendt, Randall. 1999. *Crossroads, Hamlet, Village, Town: Design Characteristics of Traditional Neighborhoods, Old and New.* PAS Report No. 487/488, Figure 90, p. 58. Chicago: American Planning Association.

- (b) Open spaces. Open spaces, such as town greens and public squares, should be located and designed to add to the visual amenities of the development. Greens and squares should be spatially defined and distributed throughout the development so that no lot is more than a walking distance of 1,350 feet from a green, square, or park. Greens and squares should not be less than 8,000 square feet in area. A mix of peripheral as well as internal green space should be provided. If two PCDs are developed next to each other, there should be contiguous open space between the two PCDs.



Source: Arendt, Randall. 1999. *Crossroads, Hamlet, Village, Town: Design Characteristics of Traditional Neighborhoods, Old and New.* PAS Report No. 487/488, Figure 109, p. 67. Chicago: American Planning Association.

- (c) Building placement. Buildings should be placed close to (with little if any setback from) streets internal to the development, or along public streets abutting the development area, as determined in the site plan review and approval process. When a single building occupies a lot, said building should be setback from the right-of-way no more than fifteen (15) feet.



Source: Morris, Marya, ed. 1996. *Creating Transit-Supportive Land Use Regulations*. PAS Report No. 468. Figure 1-9, p. 10. Chicago: American Planning Association.

- (d) Storefront commercial/non-residential areas. Enclosed retail trade establishments, personal service establishments, and related non-residential uses, if proposed and permitted, should be located in careful relation to other land uses within and outside of the development. The storefront area should provide for an appropriate mixture of retail uses, professional offices, personal or professional services, and civic-institutional uses.



Source: Calthorpe, Peter. "The Regional City." In *Time-Saver Standards for Urban Design*, edited by Donald Watson, Alan Plattus, and Robert Shibley. New York: McGraw-Hill, p. 1.5-6.

Buildings in the storefront area should contain some residential units, usually on an upper story (i.e., vertical mixed use development). Preferably, storefront buildings fronting the same street and located on the same block should be attached on the sides, except as necessary to accommodate pedestrian ways.

Storefront commercial/non-residential uses should be scaled to the pedestrian and to the district itself, so that they predominantly if not exclusively serve the occupants of the district. However, the Planning Commission may recommend and the Governing Authority may approve commercial/non-residential uses to be of a greater scale and size and serving patrons and occupants outside the PCD, if such larger scale and/or size is needed to support the market threshold of the use proposed (i.e., the use would not be possible in the PCD without market support outside the PCD). The Planning Commission and Governing Authority shall not approve such increased scale or size of said storefront commercial/non-residential development unless it is determined to be consistent with commercial land use and economic development policies of the comprehensive plan. Evidence of need must be provided for increasing the scale

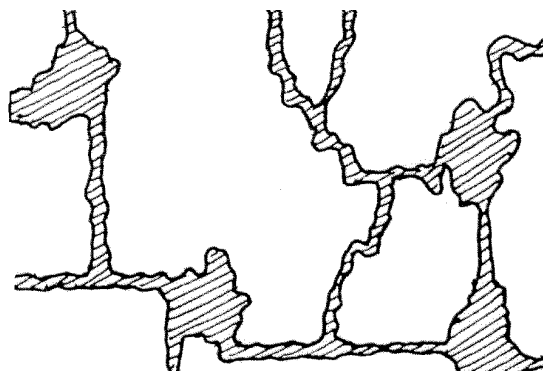
or size of storefront commercial/non-residential use, and the absence of such evidence is grounds to deny any request to increase the scale or size of such development.

Section 7.8.10. Rural/Exurban Development Principles.

The following design principles are not required for every planned unit development and are appropriate only in rural/exurban areas. Therefore, the principles in this section shall not be required. However, when an applicant proposes a planned unit development in a rural/exurban that will follow non-conventional residential subdivision designs, the applicant, Zoning Administrator, Planning Commission, and Governing Authority should consider the extent to which the planned unit development meets the principles contained in this Section. Substantial deviations from these principles for PCDs proposed in rural/exurban areas may provide a sufficient basis for denial of the application.

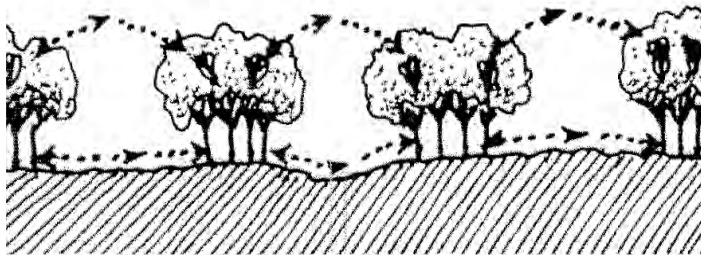
- (a) **Site clearing and grading.** Developments should be designed to fit the existing contours and landform of the site and to minimize the amount of earthwork. Excavation and earthwork should be kept to a minimum to reduce visual impacts and erosion. Existing vegetation should be retained to the maximum extent possible. Clearing of native vegetation should be limited to that required for the provision of essential purposes (i.e., access, building, septic tank drainfields, etc.). Where cut and fill is required, balancing the cut and fill is highly encouraged. Abrupt or unnatural-appearing grading is strongly discouraged. Avoid the creation of harsh, easily eroded banks and cuts. Existing native vegetation should be enhanced where necessary with plantings of the same variety.

- (b) **Greenspace.** Preserve patches of high-quality habitat, as large and circular as possible, feathered at the edges, and connected by wildlife corridors. When continuous greenspace corridors cannot be provided or must be broken up for road access or other valid reasons, patches should be retained as “stepping stones” for wildlife corridors.



Habitat Patch Preservation and Connection

- (c) **Drainage.** Natural on-site drainage patterns should be used where practicable. Detain runoff with open, natural drainage systems where possible. Man-made lakes and stormwater ponds should be

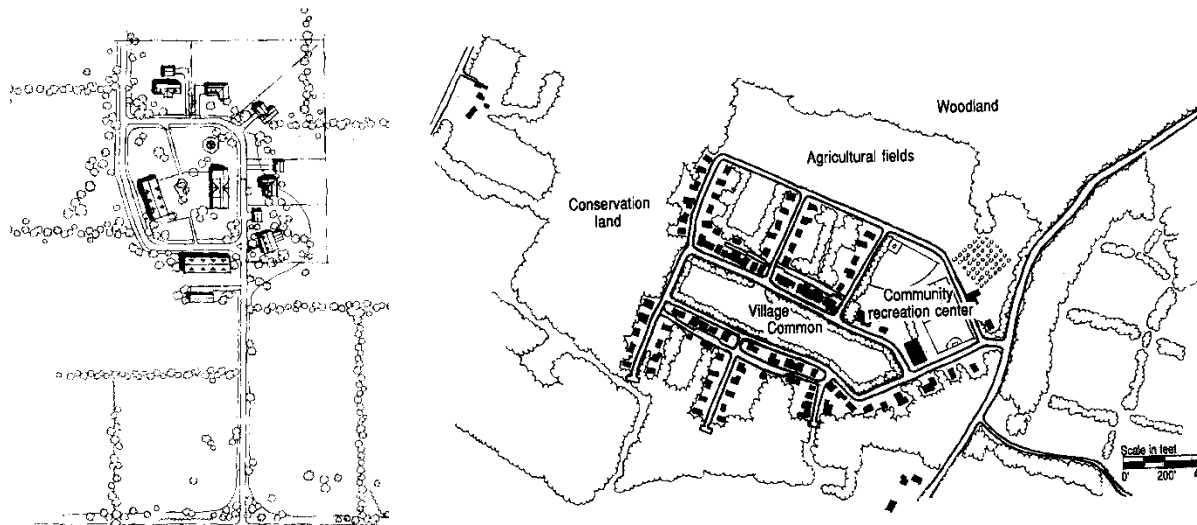


Stepping Stones

Source: Dramstad, Wenche, James Olson, and Richard Forman. 1996. *Landscape Ecology Principles in Landscape Architecture and Land Use Planning*. Washington, DC: Island Press. Figure M6, page 43.(top) and Figure C6, page 37 (bottom)

designed for maximum habitat value.

- (d) Residential development. Residential development should be designed using clustering techniques and rural village and hamlet designs. Also see principles for conservation subdivision design (Article 29 of this Land Use Management Code).

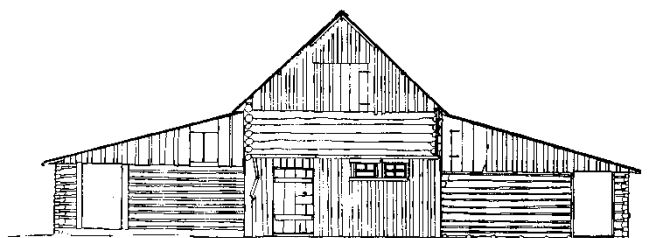


Source: Arendt, Randall, et al. 1994. *Rural By Design*. Chicago: Planners Press. Pages 201 and 160.

Rural Cluster Detail

Village Design Concept

- (e) Agricultural Uses. Agricultural uses that are compatible with residential villages and hamlets should be retained where possible. Barns and agricultural outbuildings in good condition should be retained.



Source: Stokes, Samuel, et al. 1989. *Saving America's Countryside: A Guide To Rural Conservation*. Baltimore: Johns Hopkins Press. Page 62.

Retain Barns and Agricultural Outbuildings

- (f) Storefront commercial/non-residential areas. Enclosed retail trade establishments, personal service establishments, and related non-residential uses, will not normally be permitted in rural/exurban areas unless the size and proximity of residential uses in the rural/exurban PCD will create reasonable market demand for the storefront commercial/non-residential use or uses. The Planning Commission and Governing Authority shall not approve storefront commercial/non-residential development within rural/exurban PCDs unless it is determined to be consistent with commercial land use and economic development policies of the comprehensive plan. Evidence of need must be provided for proposing storefront commercial uses, and the absence of such evidence is grounds to deny their inclusion within PCDs in rural/exurban areas. If proposed and permitted, such uses should be located in careful relation to other land uses within and outside of the development.

Section 7.8.11. Application Requirements.

In addition to the requirements for rezoning applications specified in Chapter 21.2 of this Land Use Management Code, an application for PCD rezoning/development approval shall include the following:

- (a) Development Plan. Applications shall include a development plan, as defined, which unless specifically stated otherwise shall be a condition of PCD approval and must be followed.
- (b) Architectural Elevations. Applications shall include perspective front, side, and rear elevation drawings of representative building types, except for detached single-family dwellings and their accessory buildings. These drawings shall indicate general architectural characteristics. If the PCD is approved, architectural elevations submitted as part of the application shall be considered binding unless specifically noted otherwise in the approval. If the PCD involves only detached single-family dwellings, architectural elevations shall not be required.
- (c) Land Uses and Development Summary. The application shall include a list of all land uses proposed to be included in the PCD, the total land area devoted to each of the land uses proposed, the percentage of the total land area within the PCD devoted to each proposed land use, the number of residential units by type and density, and the total square footage of buildings devoted to non-residential uses. In addition, the application shall contain a development schedule indicating the approximate dates for beginning and completing the project, or each phase if the development is to be phased, and the extent of development and types of land uses in each phase.
- (d) Dimensional Requirements. The application shall contain all minimum dimensional requirements that are proposed to apply within the PCD, including minimum lot sizes, minimum lot widths, maximum building coverage, front, side and rear yards and building setbacks, and maximum heights. Such proposed dimensional requirements shall be presented in a table on the development plan or in the written text accompanying the application.
- (e) Improvement Requirements Comparison. The application shall contain descriptions of improvements to be constructed within the PCD, such as but not limited to street types, right-of-way widths, pavement widths, sidewalk locations and dimensions, and other improvements. Such proposed improvements shall be presented in a table on the development plan or in the written text accompanying the application that shows the proposed improvements in comparison with improvements that would be required otherwise without approval of a PCD.
- (f) Private Restrictions. PCDs that have commonly owned facilities and space shall have private restrictions and covenants established which shall be subject to the approval of the participating municipality's city attorney and the Zoning Administrator. The developer of a PCD involving commonly owned facilities and space shall submit, along with the development plan application, a declaration of covenants, conditions, and restrictions and articles of incorporation and by-laws for the property owners or home owners association. The declaration shall confer membership to the owner of property subject to assessment by the association, provide for voting rights in the association with suggestions for the division of power between the developer and the property owners, and provide for maintenance assessments, among other things.

- (g) Community Benefit Statement. The applicant shall submit a written statement identifying the relative benefits that will accrue to the community as a result of the property being developed under PCD provisions. Specific mention should be made of mix of uses included, open spaces provided, natural features retained, and architectural designs to be provided. This statement is a developer's opportunity to define why the PCD proposal merits approval and how it will serve the community better than a conventional development.

Section 7.8.12. Approval Procedures.

In addition to the requirements for rezoning applications specified in Chapter 21.2 of this Land Use Management Code, approval proceedings for PCD rezoning/development approval shall include the following:

- (a) Preapplication Conference. Prior to filing a formal application for a PCD, the applicant is required to confer with the Zoning Administrator in order to review the general character of the plan and to obtain information on the nature and extent of the proposed development.
- (b) Criteria for Approval. In considering and acting upon applications for PCDs, the Planning Commission and the Governing Authority shall consider and base their recommendation and decision, respectively, on the following criteria (not all inclusive), and any other factors it may consider appropriate in reaching such a decision: (1) consistency with the comprehensive plan of the city; (2) The character, location, and appropriateness of the proposed mix of land uses; (3) The extent to which the proposed architectural features of buildings within the planned unit development are harmonious; and (4) The adequacy of open spaces and play areas and recreation facilities that are provided for the needs of the development occupants.
- (c) Revisions. Amendments to approved PCDs shall be permitted but governed by the procedures and provisions for changing the official zoning map as specified in Chapter 21.2 of this Land Use Management Code.
- (d) Construction Plans. Upon approval of a PCD application by the Governing Authority, the developer may apply for construction plan approval.
- (e) Permits and Certificates. No building permit or certificate of occupancy shall be issued for a building, structure, or use, nor shall any excavation, grading, or land disturbance applications be approved, for any PCD that has not been approved in accordance with the provisions of this Chapter. The Zoning Administrator shall authorize the issuance of building permits for buildings and structures in the area covered by the approved PCD if they are in substantial conformity with the approved PCD, after improvements are installed in accordance with applicable improvement requirements, and if found to be in conformance with all other applicable regulations. The Zoning Administrator shall authorize the issuance of a certificate of occupancy for any completed building, structure, or use located in the area covered by the PCD if it conforms to the requirements of the approved PCD and all other applicable regulations. After completion of a PCD, the use of land and construction, modification, or alteration of any buildings, structures, or uses within the area covered by the PCD shall continue to be regulated by the approved development plan for the PCD.

**ARTICLE 8
COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS**

| | |
|-------------|---------------------------------------|
| CHAPTER 8.1 | O-I, OFFICE-INSTITUTIONAL DISTRICT |
| CHAPTER 8.2 | C-2, HIGHWAY COMMERCIAL DISTRICT |
| CHAPTER 8.3 | LI, LIGHT INDUSTRIAL DISTRICT |
| CHAPTER 8.4 | HI, HEAVY INDUSTRIAL DISTRICT |
| CHAPTER 8.5 | C-1, NEIGHBORHOOD COMMERCIAL DISTRICT |

**CHAPTER 8.1
O-I, OFFICE-INSTITUTIONAL DISTRICT**

| | |
|----------------|---------------------------------|
| Section 8.1.1. | Purpose and Intent. |
| Section 8.1.2. | Applicability. |
| Section 8.1.3. | Permitted and Conditional Uses. |
| Section 8.1.4. | Dimensional Requirements. |
| Section 8.1.5. | Improvement Requirements. |

Section 8.1.1. Purpose and Intent.

The Office-Institutional zoning district is intended to provide suitable areas for professional, medical, and general offices on individual lots and in office parks, institutions on individual lots or in campus environments, institutionalized living and care facilities, and certain related activities. In some cases, the O-I district may be appropriate as a transition between commercial and residential zoning districts.

Section 8.1.2. Applicability.

The O-I district is considered appropriate in areas designated as “commercial” and may be considered appropriate in areas designated as “public-institutional” on the future land use map of the comprehensive plan.

Section 8.1.3. Permitted and Conditional Uses.

Permitted and conditional uses shall be as provided in Table 8.1, “Permitted and Conditional Uses for Commercial and Industrial Zoning Districts.”

Section 8.1.4. Dimensional Requirements.

Dimensional requirements shall be as provided in Table 8.2, “Dimensional Requirements for Commercial and Industrial Zoning Districts.”

Section 8.1.5. Improvement Requirements.

Development improvements shall be as provided in Article 28, “Suburban/Urban Design and Improvement Requirements.”

CHAPTER 8.2
C-2, HIGHWAY COMMERCIAL DISTRICT

| | |
|----------------|---------------------------------|
| Section 8.2.1. | Purpose and Intent. |
| Section 8.2.2. | Applicability. |
| Section 8.2.3. | Permitted and Conditional Uses. |
| Section 8.2.4. | Dimensional Requirements. |
| Section 8.2.5. | Improvement Requirements. |

Section 8.2.1. Purpose and Intent.

The C-2, highway commercial, district is intended to provide suitable areas for those business and commercial uses which primarily serve the public traveling by automobile and which benefit from direct access to highways. Such districts are generally designed so that the automobile has precedence over the pedestrian, although pedestrian access is required.

Section 8.2.2. Applicability.

The C-2 district may be appropriate in areas designated as “commercial” on the future land use map of the comprehensive plan, but it especially appropriate at intersections of arterial and collector streets with state and federal interstates and highways. Generally, highway commercial districts are considered unsuitable abutting single-family residential zoning districts, because of the off-site impacts associated with uses permitted in the district.

Section 8.2.3. Permitted and Conditional Uses.

Permitted and conditional uses shall be as provided in Table 8.1, “Permitted and Conditional Uses for Commercial and Industrial Zoning Districts.”

Section 8.2.4. Dimensional Requirements.

Dimensional requirements shall be as provided in Table 8.2, “Dimensional Requirements for Commercial and Industrial Zoning Districts.”

Section 8.2.5. Improvement Requirements.

Development improvements shall be as provided in Article 28, “Suburban/Urban Design and Improvement Requirements.”

CHAPTER 8.3 LI, LIGHT INDUSTRIAL DISTRICT

| | |
|----------------|---------------------------------|
| Section 8.3.1. | Purpose and Intent. |
| Section 8.3.2. | Applicability. |
| Section 8.3.3. | Permitted and Conditional Uses. |
| Section 8.3.4. | Dimensional Requirements. |
| Section 8.3.5. | Improvement Requirements. |

Section 8.3.1. Purpose and Intent.

The LI, Light Industrial, zoning district is established with the purpose of reserving certain areas with relatively level topography, adequate water and sewage facilities, and access to arterial streets for industrial operations, but where such areas' proximity to residential and other districts makes it desirable to limit industrial operations to those that are not objectionable due to generation of noise, vibration, smoke, dust, gas, fumes, odors, or radiation and that do not create fire or explosion hazards or other objectionable conditions. The industries locating in this district are characterized as lower in intensity, cleaner, and generally more compatible when located adjacent to commercial areas than are heavy industrial (HI) uses. Such industries are capable of operation in a manner so as to control the external effects of the manufacturing process through prevention or mitigation devices and conduct of operations within the confines of buildings.

Uses within the LI zoning district do not require substantial quantities of water for manufacturing operations and do not necessarily require rail, air, or water transportation. Such uses include manufacturing, wholesale trade, and distribution activities. Vehicular activities in LI districts consist predominantly of trucks, with some passenger vehicle traffic, and the road system is built to support truck traffic. Certain commercial uses having an open storage characteristic, or which are most appropriately located adjacent to industrial uses, are also included within this zoning district. Light industrial districts, however, do not service the general public and most business uses generating vehicle traffic are generally not permitted.

Section 8.3.2. Applicability.

The LI district is considered appropriate in areas designated as "industrial" on the future land use map of the comprehensive plan.

Section 8.3.3. Permitted and Conditional Uses.

Permitted and conditional uses shall be as provided in Table 8.1, "Permitted and Conditional Uses for Commercial and Industrial Zoning Districts."

Section 8.3.4. Dimensional Requirements.

Dimensional requirements shall be as provided in Table 8.2, "Dimensional Requirements for Commercial and Industrial Zoning Districts."

Section 8.3.5. Improvement Requirements.

Development improvements shall be as provided in Article 28, "Suburban/Urban Design and Improvement Requirements."

CHAPTER 8.4
HI, HEAVY INDUSTRIAL DISTRICT

| | |
|----------------|--|
| Section 8.4.1. | Purpose and Intent. |
| Section 8.4.2. | Applicability. |
| Section 8.4.3. | Permitted and Conditional Uses. |
| Section 8.4.4. | Dimensional Requirements. |
| Section 8.4.5. | Improvement Requirements. |
| Section 8.4.6. | Impact Statement for Conditional Uses. |

Section 8.4.1. Purpose and Intent.

The HI, Heavy Industrial, zoning district is established with the purpose of reserving certain areas with relatively level topography, adequate water and sewage facilities, and access to arterial streets for industrial operations which may be objectionable due to the emission of noise, vibration, smoke, dust, gas, fumes, odors, or radiation and that may create fire or explosion hazards or other objectionable conditions. Uses within this district may require substantial quantities of water for manufacturing operations and may require rail, air, or water transportation. Conditional uses in this district include those uses known to create a severe safety hazard or to be major producers of air pollution, thus being subject to state and/or federal environmental controls. Uses involving human activity such as dwellings, care centers, and certain commercial uses are not permitted.

Section 8.4.2. Applicability.

The HI district is a “floating” (unmapped) zone at the time of adoption of this ordinance. It can be applied in the City of Arcade only upon application if approved by the Governing Authority. This district is primarily applicable within urban industrial areas with sanitary sewer and public water service. The HI zoning district may be appropriate in areas designated as “industrial” on the future land use map of the comprehensive plan, subject to careful study. Heavy industrial districts are highly unsuitable adjacent to residential districts and are generally unfit for the sustained activity of humans and animals.

Section 8.4.3. Permitted and Conditional Uses.

Permitted and conditional uses shall be as provided in Table 8.1, “Permitted and Conditional Uses for Commercial and Industrial Zoning Districts.”

Section 8.4.4. Dimensional Requirements.

Dimensional requirements shall be as provided in Table 8.2, “Dimensional Requirements for Commercial and Industrial Zoning Districts.”

Section 8.4.5. Improvement Requirements.

Development improvements shall be as provided in Article 28, “Suburban/Urban Design and Improvement Requirements.”

Section 8.4.6. Impact Statement for Conditional Uses.

In addition to the requirements for conditional uses as required by this Code, applications for a conditional use in the HI zoning district shall include an impact statement prepared by a qualified professional that addresses the impact of the proposed use on abutting and nearby buildings, uses, and properties. The impact statement shall address those external effects determined by the Zoning Administrator to be likely to exist if said use is established, including but not limited to, electromagnetic interference, noise, vibration, fumes, odors, dust and air particulates, illumination, truck traffic, and water table protection. The impact statement shall recommend specific measures to mitigate such impacts and provisions for monitoring and enforcing mitigation measures, and, if approved, the recommendations of the impact statement shall be considered conditions of approval unless otherwise specified by action of the Governing Authority. At the option of the Governing Authority and at its expense, an independent impact statement may be secured prior to its taking action on a conditional use in the HI district to review the impact statement submitted by the applicant or to otherwise address probable adverse impacts of the proposed development; provided that an application process for a conditional use in the H-I district shall be extended no more than sixty-two (62) days beyond normal processing times for the purposes of securing an independent impact statement.

CHAPTER 8.5
C-1, NEIGHBORHOOD COMMERCIAL DISTRICT

Section 8.5.1. Purpose and Intent.

The C-1, neighborhood commercial, zoning district is intended to provide suitable areas for the retailing of goods and the provision of services to adjacent and nearby residential neighborhoods. Individual establishments are typically small (5,000 square feet or less) so as not to impact the residential character of the area these neighborhood commercial districts serve. This zoning district excludes most highway-oriented and automobile-related sales and service establishments and uses that rely on passer-by traffic from highways. Most of the uses permitted in this zoning district are not auto-oriented in nature, and the overall character of neighborhood commercial districts is such that access by both vehicles and pedestrians is possible.

Section 8.5.2. Applicability.

The C-1 district is considered appropriate in areas designated as “commercial” on the future land use map of the comprehensive plan and is most appropriately located at and limited to the intersections of collector and arterial streets.

Section 8.5.3. Permitted and Conditional Uses.

Permitted and conditional uses shall be as provided in Table 8.1, “Permitted and Conditional Uses for Commercial and Industrial Zoning Districts.”

Section 8.5.4. Dimensional Requirements.

Dimensional requirements shall be as provided in Table 8.2, “Dimensional Requirements for Commercial and Industrial Zoning Districts.”

[Chapter added via amendment, Ord. LUMC 2022-02, adopted 12/12/2022]

TABLE 8.1
PERMITTED AND CONDITIONAL USES
FOR COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS
P = Permitted C = Conditional Use X = Not Permitted

| USE | O-I | C-1 | C-2 | LI | HI | See also Section: |
|--|-----|-----|-----|----|----|-------------------|
| USES ACCESSORY TO DETACHED, SINGLE-FAMILY RESIDENCES AND OTHER DWELLINGS | | | | | | |
| Accessory uses and structures not otherwise listed in this table, determined by the Zoning Administrator to be normally incidental to one or more permitted principal uses | P | P | P | P | X | 11.1 |
| Accessory apartment, attached | P | P | C | X | X | 11.3.2 |
| Accessory apartment, detached | C | C | C | X | X | 11.3.2 |
| Carport | P | P | P | P | X | |
| Family day care home | P | P | P | X | X | 11.4 |
| Guest house | P | P | P | X | X | 11.3.3 |
| Home occupation within a detached single-family dwelling | P | P | P | X | X | 11.4 |
| Intermodal container, temporary | P | P | P | P | P | 11.1.3 |
| Solar energy system, building mounted | P | P | P | P | P | 11.1.7 |
| Solar energy system, ground mounted | P | P | P | P | P | 11.1.8 |
| Tower, amateur radio | P | P | P | X | X | |
| Yard sale accessory to a detached single-family dwelling | P | P | P | P | X | 11.3.7 |
| USES ACCESSORY TO NONRESIDENTIAL USES | | | | | | |
| Accessory uses and structures not otherwise listed in this table, determined by the Zoning Administrator to be normally incidental to one or more permitted principal uses | P | P | P | P | P | 11.1 |
| Automated teller machine | P | P | P | P | X | 11.7.1 |
| Caretaker's residence | X | X | C | P | P | 11.7.2 |
| Collection bin | P | P | P | P | P | 11.7.3 |
| Construction field office | P | P | P | P | P | 11.8.1 |
| Food truck or mobile food vendor | X | P | P | P | X | 11.7.5 |
| Roadside produce stand | X | X | P | X | X | 11.10.7 |
| Solar energy system, building mounted | P | P | P | P | P | 11.1.7 |
| Solar energy system, ground mounted | P | P | P | P | P | 11.1.8 |
| Tower, amateur radio | P | P | P | P | P | |
| Vehicle emission testing facility | X | X | P | P | P | |
| AGRICULTURAL USES | | | | | | |
| Agriculture, other than livestock and fowl | P | P | P | P | X | |
| Livestock and fowl | X | X | X | X | X | 11.10.5 |
| Forestry | X | X | X | P | P | |
| Greenhouse | X | P | P | P | X | |
| RESIDENTIAL USES | | | | | | |
| Dwelling, single-family detached, fee-simple, existing on the effective date of these regulations | P | P | P | P | X | 11.2.2 11.2.3 |
| Dwelling, single-family detached, fee-simple | X | X | X | X | X | 11.2.2 11.2.3 |
| Dwelling, single-family attached (townhouse) | X | X | X | X | X | 11.2.2 11.2.4 |
| Dwelling, multiple-family, including apartments, condominiums, and cooperatives | X | X | X | X | X | 11.2.2 11.2.7 |
| Live-work unit | C | C | C | C | X | |
| Relocated residential structure | X | X | X | X | X | |
| INSTITUTIONAL USES | | | | | | |
| Aircraft landing area | X | X | X | X | C | 11.10.1 |
| Cemetery | P | C | C | P | P | |
| Church, temple, synagogue, or place of worship | P | P | P | P | C | 11.5.1 |
| Club or lodge, nonprofit | P | P | P | X | X | |
| College or university | C | X | P | X | X | |

**Article 8, Commercial and Industrial Zoning Districts
City of Arcade Land Use Management Code**

| USE | O-I | C-1 | C-2 | LI | HI | See also Section: |
|---|-----|-----|-----|----|----|-------------------|
| Continuing care retirement community | C | X | P | X | X | |
| Crisis center | C | X | P | X | X | |
| Dormitory | C | X | P | X | X | |
| Group home, serving less than eighteen (18) persons or less | P | C | P | X | X | |
| Group home, serving eighteen (18) or more persons | X | X | C | X | X | |
| Helicopter landing pad | X | X | C | C | C | |
| Hospital | C | X | P | P | C | |
| Institutionalized residential living and care facilities, serving less than eighteen (18) persons or less | P | C | P | X | X | 11.5.3 |
| Institutionalized residential living and care facilities, serving eighteen (18) or more persons | C | X | P | X | X | 11.5.3 |
| Riding academy or equestrian center | P | X | P | P | X | |
| Rooming house | P | C | P | X | X | |
| School for the arts | P | P | P | P | X | |
| School, private, elementary, middle, or high | P | P | P | P | X | |
| School, professional | P | P | P | P | X | |
| School, special | P | C | P | P | X | |
| School, trade | X | X | P | P | C | |
| Therapeutic camp | X | X | C | X | X | |
| RECREATIONAL USES | | | | | | |
| Common area and greenspace | P | P | P | P | P | |
| Conservation area | P | P | P | P | P | |
| COMMERCIAL USES | | | | | | |
| Adaptive reuse of a detached single-family dwelling for an office | P | P | P | P | P | |
| Adaptive reuse of a detached single-family dwelling for personal service establishment or enclosed retail establishment | C | P | P | X | X | |
| Adult business | X | X | X | C | X | 11.11 |
| Adult day services | C | P | P | X | X | 11.6.4 |
| Animal hospital, veterinarian, or pet care | X | X | P | C | X | |
| Animal shelter | X | X | P | P | X | 11.10.2 |
| Automobile sales, service or repair establishment | X | X | P | C | C | 11.6.1 |
| Bail bonding or bondsperson | X | X | P | X | X | |
| Bed and breakfast inn | P | P | P | X | X | 11.6.2 |
| Body piercing | X | X | C | X | X | |
| Broadcasting studio | C | X | P | P | P | |
| Business service establishment, not exceeding 2,500 square feet of gross floor area | C | P | P | P | C | |
| Business service establishment, more than 2,500 square feet of gross floor area | X | C | P | C | X | |
| Camp or campground | X | X | C | X | X | |
| Carnival | X | X | C | C | X | |
| Child care learning center | C | P | P | C | X | 11.6.4 |
| Clinic | P | P | P | X | X | |
| Commercial recreational facility, indoor | X | C | P | C | X | |
| Commercial recreational facility, outdoor | X | X | C | C | C | 11.6.3 |
| Consumer fireworks retail sales facility or temporary retail stand | X | X | P | X | X | |
| Contractor's establishment | X | X | P | P | P | |
| Convenience store without gasoline pumps | X | P | P | X | X | |
| Convenience store with gasoline pumps | X | C | P | X | X | |
| Cottage industry | P | C | P | X | X | |
| Country club | X | X | C | X | X | |
| Exterminator, pest control or disinfecting service | X | X | P | P | P | |
| Fairgrounds | X | X | P | P | X | |
| Farmers market | X | X | P | P | X | |

**Article 8, Commercial and Industrial Zoning Districts
City of Arcade Land Use Management Code**

| USE | O-I | C-1 | C-2 | LI | HI | See also Section: |
|---|-----|-----|-----|----|----|-------------------|
| Finance establishments, including bank, 2,500 square feet or less of gross floor area per establishment | P | P | P | X | X | |
| Finance establishments, including bank, more than 2,500 square feet of gross floor area per establishment | X | C | P | X | X | |
| Funeral home, mortuary, or mausoleum | X | X | P | P | P | |
| Group day care home | C | P | P | P | X | 11.6.4 |
| Health spa | X | X | P | P | X | |
| Hookah bar or hookah lounge, vapor bar or vapor lounge | X | X | C | X | X | |
| Kennel | X | X | P | P | X | |
| Landscaping company | X | X | P | P | P | |
| Lodging services, excluding motels | X | X | P | C | X | |
| Lodging services, including motels | X | X | P | X | X | |
| Lodging services, single-room occupancy | X | X | C | X | X | |
| Marina | X | X | C | X | X | |
| Mixed use building and mixed use developments | X | X | X | X | X | |
| Museum | P | P | P | P | X | |
| Office | P | P | P | P | P | |
| Open-air business | X | X | P | P | C | |
| Parking lot, off-site | P | P | P | P | P | |
| Parking structure | X | X | P | P | P | |
| Pawn shop | X | X | C | X | X | |
| Payday loan establishment | X | X | C | X | X | |
| Personal service, apparel | P | P | P | P | X | |
| Personal service, entertainment | X | P | P | X | X | |
| Personal service, event or travel | P | P | P | P | X | |
| Personal service, forecasting | X | P | P | X | X | |
| Personal service, on-site provider | C | P | P | P | X | |
| Personal service, social relationship | X | P | P | X | X | |
| Printing establishment | X | P | P | P | X | |
| Recreational vehicle park | X | X | C | X | X | |
| Restaurant without drive-through | X | P | P | C | X | |
| Restaurant, including drive-through | X | X | P | X | X | 11.7.4 |
| Retail trade establishment, enclosed | X | P | P | X | X | |
| Retreat center | C | X | P | C | X | |
| Riding stable | X | X | P | X | X | |
| Self-service storage facility (mini-warehouses) | X | X | C | C | X | 11.6.10 |
| Security service | C | P | P | P | X | |
| Service and fuel filling stations | X | C | P | C | C | 11.6.11 |
| Special event facility | C | C | P | C | C | |
| Tattoo studio | X | X | P | X | X | |
| Taxi-cab or limousine service | X | X | P | P | X | |
| Tow service | X | X | P | P | X | |
| Transportation, communication, or utility facility not elsewhere classified | X | X | X | C | C | |
| Truck stop | X | X | C | P | C | 11.6.12 |
| Vehicle emission testing facility | X | X | P | P | P | |
| Wireless telecommunication equipment and wireless telecommunication facilities | X | X | C | C | C | |
| INDUSTRIAL USES | | | | | | |
| Batching plant, including asphalt and concrete | X | X | X | X | C | |
| Biomass production and storage | X | X | X | X | C | |
| Borrow site | X | X | X | P | P | |
| Bottling or canning plant | X | X | X | P | P | |
| Brewery, distillery, or winery | X | X | X | C | P | |
| Bulk storage | X | X | X | P | P | |
| Cold storage plant or frozen food locker | X | X | X | P | P | |
| Composting facility | X | X | X | X | C | |

**Article 8, Commercial and Industrial Zoning Districts
City of Arcade Land Use Management Code**

| USE | O-I | C-1 | C-2 | LI | HI | See also Section: |
|---|-----|-----|-----|----|----|-------------------|
| Co-generation facility | X | X | X | X | C | |
| Distribution center including truck terminals | X | X | X | P | P | |
| Dry cleaning plant | X | X | X | P | P | |
| Explosives storage or manufacture | X | X | X | X | C | |
| Food processing plant, including poultry and fish | X | X | X | C | C | |
| Fuel oil distributor | X | X | C | P | P | |
| Hazardous waste materials or volatile organic liquid handling and/or storage | X | X | X | X | C | |
| Hazardous waste disposal | X | X | X | X | C | |
| Incinerator | X | X | X | X | C | |
| Landfill, construction and demolition | X | X | X | X | C | 11.10.4 |
| Landfill, inert waste | X | X | X | X | C | 11.10.4 |
| Landfill, sanitary | X | X | X | X | X | |
| Manufacturing, apparel | X | X | X | P | P | |
| Manufacturing, ceramics | X | X | X | C | C | |
| Manufacturing, chemicals, floor coverings, glass, or rubber | X | X | X | X | C | |
| Manufacturing, coating of cans, coils, fabrics, vinyl, metal furniture, appliance surfaces, wire, paper, and flat wood paneling | X | X | X | X | C | |
| Manufacturing, cosmetics or toiletries | X | X | X | C | P | |
| Manufacturing, electronics, camera, photographic, or optical good or communication equipment | X | X | X | P | P | |
| Manufacturing, fiberglass insulation | X | X | X | C | P | |
| Manufacturing, ice | X | X | X | P | P | |
| Manufacturing, instrument assembly | X | X | X | P | P | |
| Manufacturing, machines | X | X | X | P | P | |
| Manufacturing, metal products | X | X | X | C | P | |
| Manufacturing, pharmaceuticals and medical supplies | X | X | X | P | P | |
| Manufacturing, textiles | X | X | X | C | P | |
| Manufacturing, wood products (including pulp mill) | X | X | X | C | C | |
| Manufacturing, not otherwise classified | X | X | X | X | C | |
| Petroleum recycling | X | X | X | C | C | |
| Research laboratory | X | X | C | P | P | |
| Resource extraction, including mining, quarrying | X | X | X | C | C | 11.10.6 |
| Salvage yard | X | X | C | P | P | |
| Sawmill | X | X | X | C | P | |
| Showroom | X | X | X | P | P | |
| Slaughterhouse | X | X | X | X | C | |
| Solid waste transfer facility | X | X | X | X | C | |
| Solvent metal cleaning | X | X | X | X | C | |
| Stockyard | X | X | X | C | P | |
| Tire retreading and recapping facilities | X | X | X | P | P | |
| Warehouse or storage building | X | X | C | P | P | |
| Wastewater treatment plant | X | X | X | X | C | |
| Wholesale trade establishment | X | C | C | P | P | |
| Wrecked motor vehicle compound | X | X | P | P | P | |
| OTHER USES | | | | | | |
| Public use, including public school or park | P | P | P | P | P | |
| Semi-public use | P | P | P | P | P | |
| Solar farm | X | X | X | P | P | |
| Temporary uses and structures approved by the Zoning Administrator | P | P | P | P | P | 11.8 |

[C-1 zoning district use permissions added via amendment, Ord. LUMC 2022-02, adopted 12/12/2022. Self-service storage facilities amended via Ord. LUMC 2023-01 adopted 7/10/2023].

**TABLE 8.2
 DIMENSIONAL REQUIREMENTS FOR
 COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS**

| DIMENSIONAL REQUIREMENT | O-I | C-1 | C-2 | LI | HI |
|--|------------|------------|------------|-----------|-----------|
| Minimum site area to rezone to this district (acres) | 0.5 | 0.5 | 1 | 2.0 | 5.0 |
| RESIDENTIAL ACREAGE, DENSITY, AND LOT WIDTH REQUIREMENTS | | | | | |
| Maximum residential density (dwelling units per acre) | NP | NP | NP | NP | NP |
| Minimum floor area per dwelling unit including caretaker's residence if permitted (square feet) | NP | 900 | 700 | 700 | 700 |
| BUILDING HEIGHT REQUIREMENTS | | | | | |
| Maximum height (feet) | 40 | 40 | 50 | 60 | 75 |
| Maximum height (number of stories) | 3 | 2 | 3 | 4 | 5 |
| BUILDING AND SITE REQUIREMENTS | | | | | |
| Maximum building coverage (percent) | 25 | 30 | 35 | 40 | 40 |
| Minimum landscaped open space (percent) | 20 | 20 | 15 | 20 | 20 |
| BUILDING SETBACKS, RESIDENCES OR OTHER PERMITTED PRINCIPAL BUILDINGS | | | | | |
| Front (feet) | 20 | 15 | 30 | 40 | 100 |
| Side (feet) | 10 | 10 | 10 | 30 | 75 |
| Rear (feet) | 15 | 15 | 20 | 40 | 75 |
| BUILDING SETBACKS, ACCESSORY BUILDINGS AND STRUCTURES | | | | | |
| Front (feet) | NP | NP | NP | NP | NP |
| Side (feet) | 10 | 10 | 5 | 20 | 50 |
| Rear (feet) | 10 | 10 | None | 30 | 50 |
| SPECIAL SETBACKS, BUFFERS, AND LANDSCAPE STRIPS | | | | | |
| Minimum principal or accessory building setback abutting any Residential Zoning District other than MFR (feet) | 20 | 30 | 40 | 50 | 100 |
| Minimum natural buffer abutting any Residential Zoning District other than MFR (feet) | 10 | 20 | 30 | 40 | 75 |
| Minimum principal or accessory building setback abutting an MFR, AG, or AG-R district (feet) | None | 20 | 30 | 40 | 60 |
| Minimum natural buffer abutting an MFR, AG, or AG-R district (feet) | None | 10 | 20 | 30 | 50 |
| Minimum landscape strip required along right-of-ways for any non-single-family residential use (width in feet) | 10 | 10 | 10 | 20 | 30 |
| Minimum landscape strip required alongside property lines for any non-single-family residential use | 5 | 5 | 5 | 10 | 20 |

NP = Not Permitted N/A = Not Applicable

[C-1 zoning district dimensional requirements added via amendment, Ord. LUMC 2022-02, adopted 12/12/2022].

**ARTICLE 9
GENERAL DEVELOPMENT REGULATIONS**

| | |
|-------------|---|
| CHAPTER 9.1 | PURPOSE AND GENERAL PROVISIONS |
| CHAPTER 9.2 | ACCESS |
| CHAPTER 9.3 | GENERAL ARCHITECTURAL BUILDING REQUIREMENTS |
| CHAPTER 9.4 | OUTDOOR LIGHTING |

**CHAPTER 9.1
PURPOSE AND GENERAL PROVISIONS**

| | |
|----------------|-----------------------------|
| Section 9.1.1. | Purpose and Intent. |
| Section 9.1.2. | Applicability. |
| Section 9.1.3. | Inventory of Site Features. |

Section 9.1.1. Purpose and Intent.

It is the intent of this Article to ensure that building and site designs of new developments achieve high quality standards and appearances which will enhance the character of the surrounding area. This Article is intended to guide the site planning and design of projects. Development proposals are required, through the site plan review process, to carefully address the potential undesirable impacts on adjoining land uses. Impacts may include traffic, parking, circulation and safety issues, light and glare, noise, odors, dust control, and security concerns.

Section 9.1.2. Applicability.

This Article shall apply to all development except for detached, single-family dwellings on individual lots and two-family dwellings on individual lots, except as otherwise specifically provided or exempted in this Article.

Section 9.1.3. Inventory of Site Features.

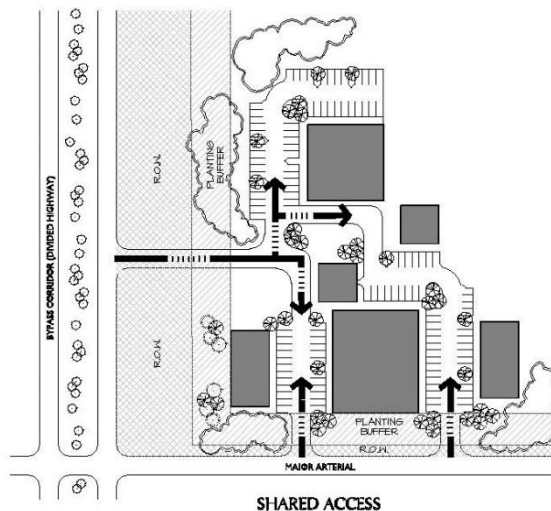
Significant site features such as natural ground forms, large rock outcroppings, water and significant view corridors shall be identified on an existing conditions map and to the extent practicable should be incorporated into the site plan or plans for development. The Zoning Administrator may exempt development proposals on properties with two acres or less in area from this requirement if through a site visit or other information presented the requirement for a site conditions analysis can be satisfied with other data and enforcing this requirement would be onerous given the development proposed.

CHAPTER 9.2 ACCESS

| | |
|----------------|---------------------------------------|
| Section 9.2.1. | Principal Access. |
| Section 9.2.2. | Inter-parcel Access. |
| Section 9.2.3. | Service Functions. |
| Section 9.2.4. | Driveway Permit Required. |
| Section 9.2.5. | Driveway and Curb Cut Specifications. |
| Section 9.2.6. | Minimum Driveway Throat Lengths. |
| Section 9.2.7. | On-Site Access Requirements. |
| Section 9.2.8. | Reserved. |
| Section 9.2.9. | Pedestrian Facilities. |

Section 9.2.1. Principal Access.

The entire parcel, rather than simply a particular project, shall be considered in formulating and approving access plans. Shared driveways between two parcels along the common property line may be required by the Zoning Administrator. In such cases, each property owner shall grant an access easement to facilitate the movement of motor vehicles across the site.



Section 9.2.2. Inter-parcel Access.

Abutting properties which do not provide interconnecting access to one another make it difficult and dangerous, if not impossible, for motorists to travel between those properties. This Section shall apply to all new office, commercial, institutional, and industrial developments and major building renovations and repaving projects of office, commercial, institutional, and industrial developments. Inter-parcel access for vehicles between abutting and nearby properties shall be provided so that access to individual properties can be achieved between adjacent and nearby developments as an alternative to forcing all movement onto abutting highways and public roads, unless the Zoning Administrator determines that it is unnecessary to provide inter-parcel access due to the unlikelihood of patrons traveling among two or more existing or proposed uses on abutting or nearby sites. Where opportunities for shared access have been identified

by the Zoning Administrator, developments must provide shared access with adjoining properties to facilitate frontage roads and connections between parcels. The property owner shall grant an access easement to facilitate the movement of motor vehicles from site to site.

The location of vehicular connections across a property line shall be mutually determined and constructed by both property owners. Connection of parking areas for vehicular access may be provided in the front portion of the site. In cases where it is not possible to provide the connection in front, it may be provided in the rear portion of the site. In the case of coordination problems or any factors preventing construction of an inter-parcel connection, the Zoning Administrator will determine the location of the inter-parcel connection to be constructed by property owners.

Section 9.2.3. Service Functions.

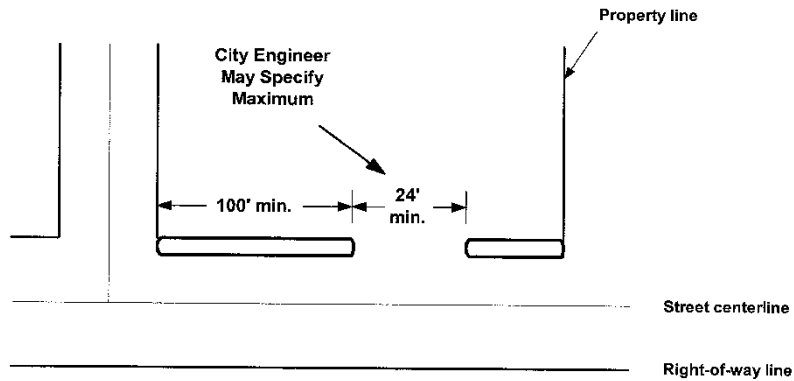
Service functions (e.g., deliveries, maintenance activities), when present or required as part of a development, shall be integrated into the circulation pattern in a manner which minimizes conflicts with vehicles and pedestrians. Office, institutional, commercial, and industrial developments on tracts of five acres or more shall have access to service and loading areas separated from main circulation and customer parking areas. Loading areas shall be located in accordance with Section 12.5.3 of this Land Use Management Code.

Section 9.2.4. Driveway Permit Required.

This Section shall apply to all development, including single-family detached dwellings. No driveway shall be connected to a public street or private street, and no curbs or medians on public streets or rights-of-ways shall be cut or altered for access without a driveway permit issued by the City Engineer, which will require storm drainage culvert of a size specified by the City Engineer.

Section 9.2.5. Driveway and Curb Cut Specifications.

Except for driveways serving individual single-family detached dwellings, no curb cut or access driveway shall be permitted to be located closer than one hundred (100) feet to the nearest existing or proposed right-of-way of an intersecting roadway. Except for driveways serving individual residences or one-way traffic, curb cuts or access driveways shall be no narrower than twenty-four (24) feet from back of curb to back of curb.



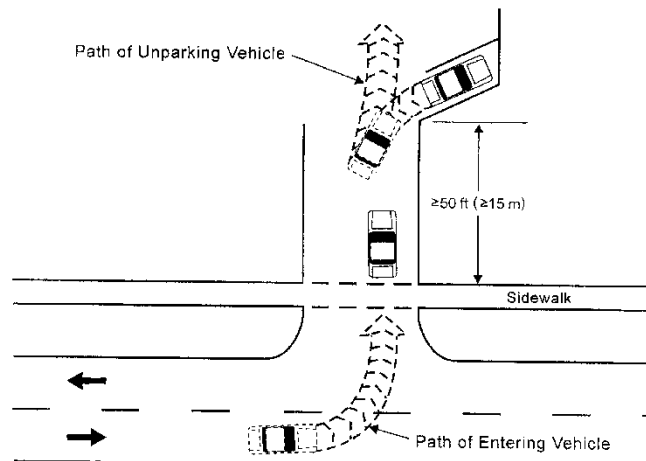
Curb Cuts and Access Specifications

Strict adherence to these requirements may not be practical in all instances as determined by the City Engineer. The City Engineer may limit the maximum width of a curb cut and/or the number of curb cuts to a parcel as necessary when it is deemed to be of benefit to the safety and welfare of the public.

Section 9.2.6. Minimum Driveway Throat Lengths.

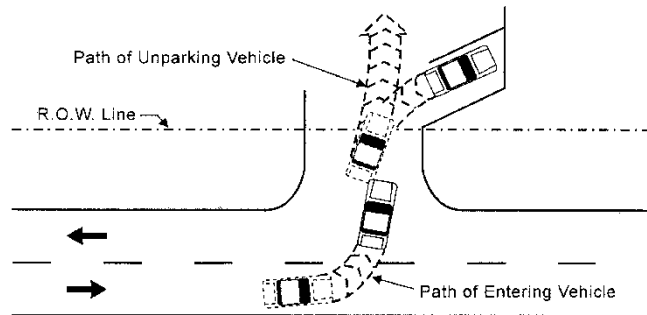
When located on a collector or arterial street and serving parking of five spaces or more and/or a loading area, the driveway entry "throat" shall provide at least fifty (50) feet of clear zone before a turning movement occurs, to provide sufficient queuing room for cars and/or delivery vehicles entering off the collector or arterial street.

Minimum Throat Length Required



Source: Stover, Vergil G., and Frank J. Koepke. 2002. *Transportation and Land Development* (2nd Ed.). Washington, DC: Institute of Transportation Engineers. Figure 7-22, p. 7-31.

Inadequate Throat Length Prohibited

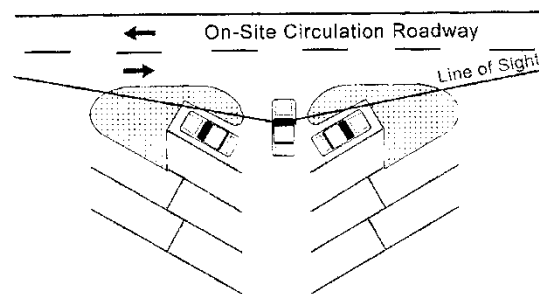


Source: Stover, Vergil G., and Frank J. Koepke. 2002. *Transportation and Land Development* (2nd Ed.). Washington, DC: Institute of Transportation Engineers. Figure 7-21, p. 7-30.

Section 9.2.7. On-Site Access Requirements.

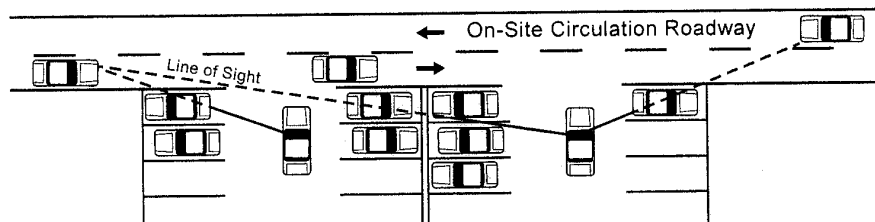
The intersection of parking aisles with a ring road or other on-site roadways or driveways shall provide adequate intersection sight distance. Landscaping at the end islands of parking aisles shall not encroach on sight distance as determined by the Zoning Administrator. Parking aisle end islands shall be curbed unless that requirement is waived for water quality purposes or in a rural/exurban area; painted end islands are ineffective and are generally not permitted.

End Islands Preserve Sight Distance



Source: Stover, Vergil G., and Frank J. Koepke. 2002. *Transportation and Land Development* (2nd Ed.). Washington, DC: Institute of Transportation Engineers. Figure 8-15, p. 8-25.

Inadequate Sight Distance Due To No Parking Aisle End Islands



Source: Stover, Vergil G., and Frank J. Koepke. 2002. *Transportation and Land Development* (2nd Ed.). Washington, DC: Institute of Transportation Engineers. Figure 8-14, p. 8-24.

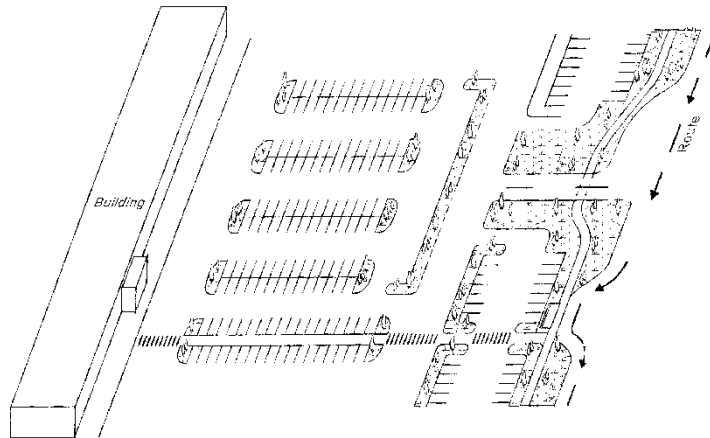
Section 9.2.8. Reserved.

Section 9.2.9. Pedestrian Facilities.

On any particular development site subject to this Chapter, where pedestrian circulation crosses vehicular routes, a change in grade, materials, textures or colors, or appropriate striping or demarcation, shall be provided to emphasize the point of intersection between pedestrians and

vehicles and improve its visibility and safety. For instance, brick pavers and other special paving materials can help to distinguish pedestrian walkway surfaces from vehicular access ways.

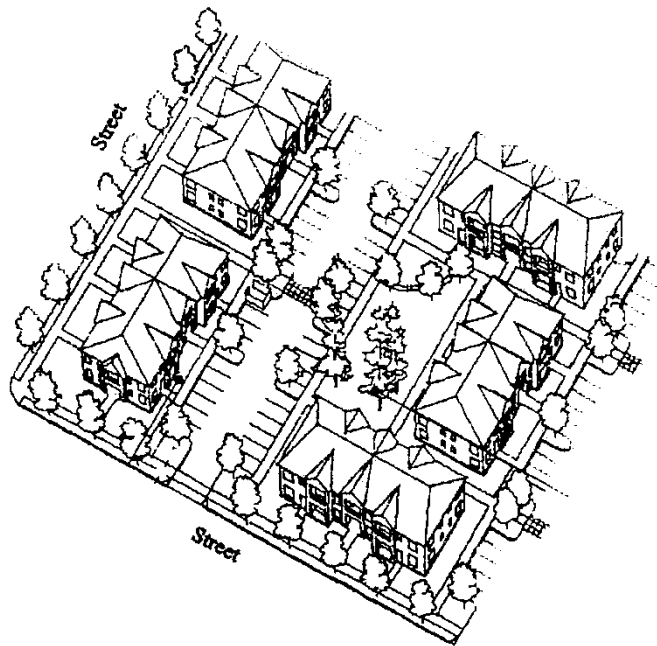
Except for detached, single-family dwellings, pedestrian access must be provided to individual developments and each establishment within the development. Pedestrian ways shall be well defined, take as direct a path as possible, and they should be separated where practical from automobile access ways. Parking aisle dividers are appropriate locations for pedestrian access facilities.



Direct Pedestrian Travel from Street to Store Front

Source: Stover, Vergil G., and Frank J. Koepke. 2002. *Transportation and Land Development* (2nd Ed.). Washington, DC: Institute of Transportation Engineers. Figure 8-28, p. 8-35.

When multiple buildings are proposed, they shall be linked with on-site pedestrian walkways. Sidewalks on individual properties must connect to the sidewalk system within public road right-of-way, where such system exists or is planned, and to adjacent parcels when determined to be compatible and required by the Zoning Administrator.



**Illustrative Direct Pedestrian Connections
From Buildings to Streets**

CHAPTER 9.3 GENERAL ARCHITECTURAL BUILDING REQUIREMENTS

| | |
|-----------------|-----------------------------|
| Section 9.3.1. | Definitions. |
| Section 9.3.2. | Primary Building Materials. |
| Section 9.3.3. | Prohibitions. |
| Section 9.3.4. | Building Colors. |
| Section 9.3.5. | Awnings and Canopies. |
| Section 9.3.6. | Building Façades. |
| Section 9.3.7. | Building Accessories. |
| Section 9.3.8. | Retaining Walls. |
| Section 9.3.9. | Decorative Walls. |
| Section 9.3.10. | Fencing. |
| Section 9.3.11. | Utility Undergrounding. |

Section 9.3.1. Definitions.

Architectural features: Ornamental or decorative features attached to or protruding from an exterior wall, including cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys, and decorative ornaments.

Architectural recesses: Portions of a building wall at street level which are set back from the street line so as to create articulation of the building wall and/or to provide space for windows or doors.

Awning: A hood or cover that forms a roof-like structure, often of fabric, metal, or glass, designed and intended for the protection from the weather or as a decorative embellishment, and which projects from the wall or roof of a structure over a window, walk, door, or the like. Awnings may be retractable but are most often fixed with a rigid frame.

Cornice: Any molded projection which crowns or finishes the edge of a roof.

Eave: The projecting lower edges of a roof overhanging the wall of a building.

Façade: Typically the front of a building; however, any building square on view is considered a façade (see definitions below).

Façade, front: Any façade with a main public entrance which faces one of the primary streets.

Façade, rear: Any façade without a public entry that does not face a public road.

Façade, side: Any façade without a public entry but facing a public street.

Fenestration. The organization of windows on a building wall.

Massing. The overall visual impact of a structure's volume; a combination of height and width and the relationship of the heights and widths of the building's components.

Section 9.3.2. Primary Building Materials.

This section shall apply only to office, institutional, and commercial developments. On front façades or other building side visible from a public right-of-way, exterior building materials shall not include smooth-faced concrete block, tilt-up concrete panels, or prefabricated steel panels.

Section 9.3.3. Prohibitions.

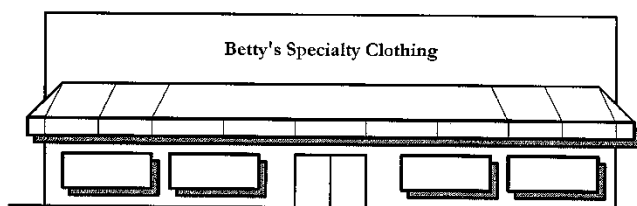
The following types of external building materials are prohibited: highly reflective, shiny, or mirror-like materials; mill-finish (non-colored) aluminum metal windows or door frames; exposed, unfinished walls; exposed plywood or particle board; and unplastered, exposed concrete masonry blocks. This provision applies to accessory buildings and structures, including signs.

Section 9.3.4. Building Colors.

This section shall apply to office, institutional, and commercial developments. Colors can be classified as the “base” color (used on the majority of the building surface), “trim” color (used on the window trim, fascia, balustrades, and posts), and “accent” color (used on signs, awnings, and doors). The base color shall consist of more subdued earth tones or brick shades. Trim colors should have contrasting lighter or darker shade than the base color. If natural brick is used, it should not be painted. Façade colors shall be low reflectance, subtle, neutral, or earth tone colors. High-intensity colors, metallic colors, black, or fluorescent colors shall not be used. Building trim and accent areas may feature brighter colors, including primary colors, provided that the width of the trim shall not exceed four (4) feet.

Section 9.3.5. Awnings and Canopies.

The use of awnings on buildings are recommend but not required, so as to provide much needed protection from sun, wind, and rain, and to improve aesthetics of the building exterior. Awnings are encouraged for first floor retail uses to provide architectural interest and to encourage pedestrian activity. Where awnings are used, they shall be designed to coordinate with the design of the building and any other awnings along the same building façade.



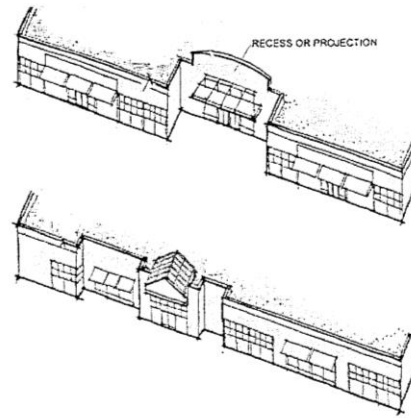
**Encouraged:
Shops Facing Street
With Awnings and Storefront Windows
Help Define Streetscape**

Section 9.3.6. Building Façades.

Lengthy, featureless façades and building walls must be avoided. Large, flat, blank expanses on a façade are not acceptable and shall not be permitted. The walls of buildings for office, institutional, commercial, and industrial use shall not extend more than 200 linear feet parallel to a street unless the front façade of the building is designed in a way that breaks up the building face into discrete architectural elements, which can be accomplished through the following:

- (a) Façade modulation: stepping back or extending forward a portion of the façade.
- (b) Providing bay windows or repeating window patterns at regular intervals.
- (c) Providing a porch, patio, deck, covered entry to portions of the façade at the ground level, or in the case of buildings containing two or more story, balconies.
- (d) Changing the roofline by alternating dormers, or using stepped roofs, gables, or other roof elements.
- (e) Changing materials with the change in building plane.

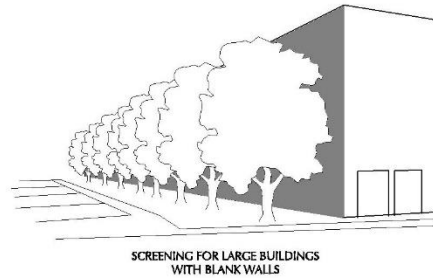
**Façade Modulation:
Recesses and Projections**



Changes in Rooflines



- (f) Large, monotonous building walls should be screened with vegetation.



Section 9.3.7. Building Accessories.

This section shall apply to all office, institutional, commercial, and industrial developments. All vents, gutters, downspouts, flashing, electrical conduits, etc., shall be painted to match the color of the adjacent surface, unless they are being used expressly as a trim or accent element.

Project elements such as storage areas, transformers, generators and similar features shall be sited in areas which are not visible from abutting public rights-of-ways or must be screened from such view.

Trash enclosures shall be constructed of sturdy, durable, opaque materials (with trash receptacles screened from view) which are similar to or designed to be compatible with the project architecture. Newspaper and magazine recycling collection boxes shall not intrude on required parking areas, shall not be permitted in front yards, and shall be screened from view from public rights-of-ways. Rooftop mechanical and electrical equipment shall be screened from public view by building elements that are designed as an integral part of the building architecture, or by a parapet wall.

Section 9.3.8. Retaining Walls.

When retaining walls are required and will be visible from a public right-of-way, the height and length of said retaining walls shall be minimized and screened with appropriate landscaping. Tall, smooth faced concrete retaining walls are prohibited, and walls visible from the right-of-way shall be faced with wood, brick, stone, or other architectural treatment. See also Section 11.1.2 of this Land Use Management Code.

Section 9.3.9. Decorative Walls.

All walls or fences fifty (50) feet in length and located within a front yard shall be designed to minimize visual monotony through changes in plane, height, material or material texture, or through significant landscape massing. See also Section 11.1.2 of this Land Use Management Code.

Section 9.3.10. Fencing.

Perimeter fencing, security fencing, or gateways shall be constructed of materials which are compatible with the design and materials used throughout the development project. Razor wire or electric fencing are prohibited and chain link fencing is prohibited except vinyl coated. See also Section 11.1.2 of this Land Use Management Code.

Section 9.3.11. Utility Undergrounding.

All individual utilities serving developments shall be installed underground.

CHAPTER 9.4 OUTDOOR LIGHTING

| | |
|-----------------|--------------------------------|
| Section 9.4.1. | Findings, Purpose, and Intent. |
| Section 9.4.2. | Definitions. |
| Section 9.4.3. | Applicability. |
| Section 9.4.4. | Exemptions. |
| Section 9.4.5. | Cut-off Fixtures Required. |
| Section 9.4.6. | Glare. |
| Section 9.4.7. | Intensity Specifications. |
| Section 9.4.8. | Prohibitions. |
| Section 9.4.9. | Lighting of Signs. |
| Section 9.4.10. | Lighting Plans. |

Section 9.4.1. Findings, Purpose, and Intent.

It is in the public interest to provide a quality night time environment. Careless use of outdoor lighting damages the aesthetics of the night time environment. If not regulated, outdoor lighting can decrease security or safety or create hazards through glare, light trespass, and distraction. Inappropriately shielded lights and overlighting can compromise the public's visibility. For instance, service station canopies and convenience store lighting can approach 25 or more footcandles, which is considered to be more than necessary to provide acceptable illumination and avoid liability risks. The naturally dark, star-filled sky is an important part of the natural environment that should not be degraded by improper or inappropriate outdoor lighting. Regulating outdoor lighting brings substantial public benefits. Eliminating glare improves visibility. Elimination of wasted light saves money, energy, and resources.

This Chapter is intended to reduce the problems created by improperly designed and installed outdoor lighting. The regulations of this Chapter are intended to eliminate problems of glare, minimize light trespass with provisions designed to avoid unnecessary direct light from shining onto abutting properties or streets, enhance visibility and safety (especially for the aging eye), protect the natural nighttime sky, conserve energy, and to avoid light encroachment on wildlife habitat.

Section 9.4.2. Definitions.

Direct light: Light emitted directly from the lamp, off of the reflector or reflector diffuser, or through the refractor or diffuser lens, of a luminaire.

Fixture: The assembly that houses the lamp or lamps and can include all or some of the following parts: a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and/or a refractor or lens.

Footcandle: A unit of illuminance on a surface that is everywhere one foot from a uniform point source of light of one candle and equal to one lumen per square foot. One footcandle (FC) is the equivalent of 10.76 Lux (1 Lux = 0.0929 FC).

Full cutoff luminaire: Outdoor light fixtures shielded or constructed so that no direct light rays are emitted by the installed fixture at angles above the horizontal plane.

Glare: Light emitting from a luminaire with intensity great enough to reduce a viewer's ability to see, and in extreme cases causing momentary blindness, or that causes annoyance or discomfort.

Illuminance: The area density of the luminous flux incident at a point on the surface. It is a measure of light incident on a surface, expressed in lux or footcandles.

Isofootcandle plan: A site plan of a proposed development showing proposed outdoor illuminance with a series of isofootcandle lines that join points on a surface where the illuminance is the same.

Light trespass: The shining of light produced by a luminaire beyond the boundaries of the property on which it is located.

Luminaire: A complete lighting system, including a lamp or lamps and a fixture. This term shall be interpreted broadly as applying to all outdoor electrically powered illuminating devices, outdoor lighting or reflective surfaces, lamps and similar devices, permanently installed or portable, used for illumination or advertisement.

Outdoor lighting: The night-time illumination of an outside area or object by any man-made device located outdoors that produces light by any means.

Safety lighting: Exterior lighting that involves ensuring proper levels of illumination to provide safe working conditions, safe passage, and the identification of outdoor hazards.

Security lighting. Exterior lighting installed solely to enhance the security of people and property.

Wallpack: A wall-mounted luminaire.

Section 9.4.3. Applicability.

All public and private outdoor lighting installed in the City of Arcade shall be in conformance with the requirements established by this Chapter.

Section 9.4.4. Exemptions.

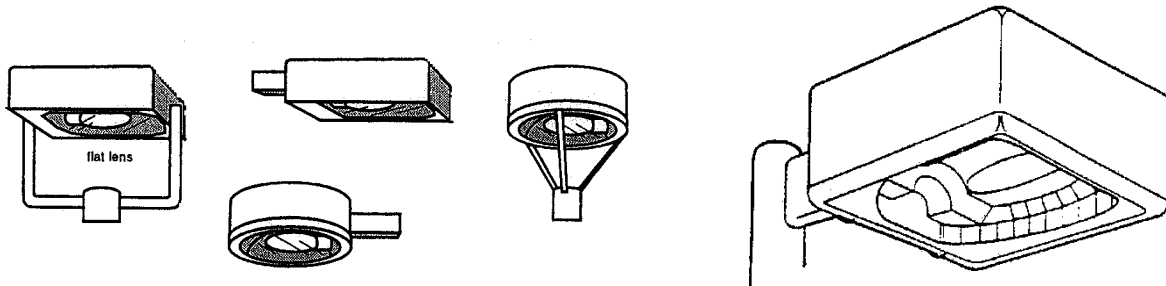
The following shall be exempt from the provisions of this Chapter:

- (a) All temporary emergency lighting needed by police or fire departments or other emergency services.
- (b) All hazard warning luminaires required by federal regulatory agencies.
- (c) All vehicular luminaires.
- (d) Safety lighting, as defined in this Chapter.
- (e) All outdoor light fixtures producing light directly by the combustion of natural gas or other fossil fuels.

- (f) Holiday lights and decorations using typical unshielded low-wattage incandescent lamps, provided that they are removed within a reasonable period following the holiday season to which they pertain.

Section 9.4.5. Cut-off Fixtures Required.

All luminaires not exempted from this Chapter hereafter installed for outdoor lighting shall be full cutoff luminaires, as defined by this Chapter, or another luminaire which does not emit any direct light above a horizontal plane through the lowest direct-light-emitting part of the luminaire. This provision shall not apply to internally illuminated signs where permitted (see Chapter 17.2 for definition).



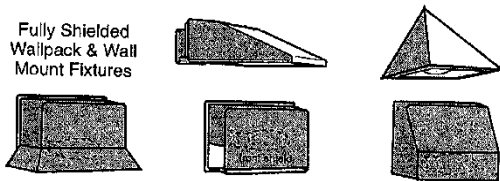
Cut-Off Fixtures

Security lighting, as defined in this Chapter, unless activated by motion sensor devices, shall also meet this requirement.

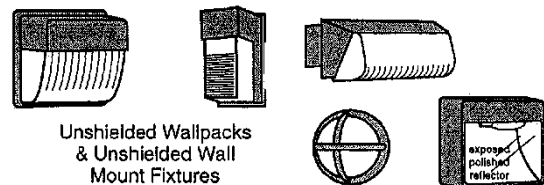


Security Lighting

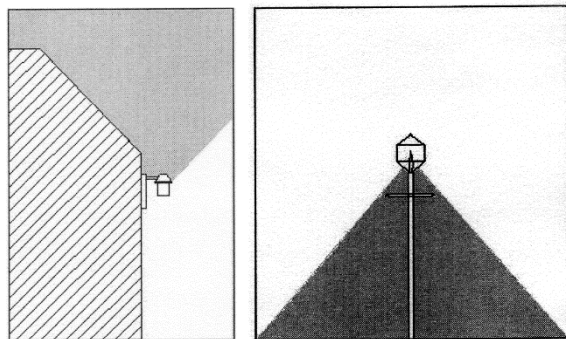
Wallpacks, as defined in this Chapter, are not permitted unless fully shielded.



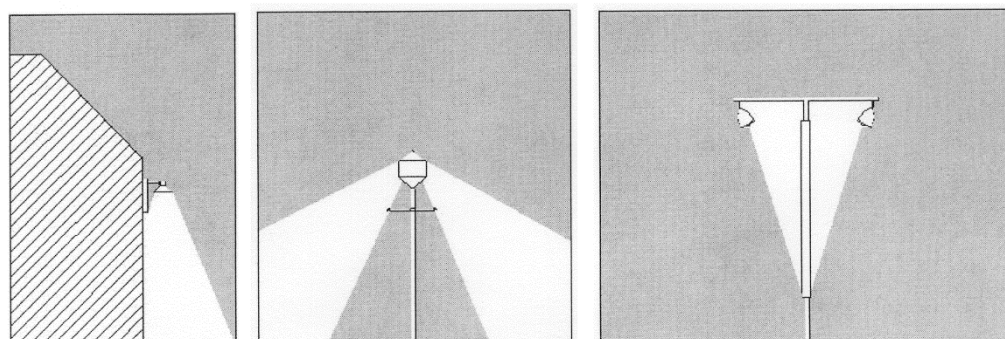
Shielded Wallpacks Permitted



Unshielded Wallpacks Prohibited



NOT ALLOWED



REQUIRED
(Cut-off above horizontal plane)

Section 9.4.6. Glare.

Any luminaire that is aimed, directed, or focused so that the lamp is visible, or in a way that causes direct light from the luminaire to be directed toward residential buildings on adjacent or nearby land, or that creates glare perceptible to persons operating motor vehicles on public ways, shall be redirected or its light output controlled as necessary to eliminate such conditions.

Section 9.4.7. Intensity Specifications.

Illuminance levels for outdoor lighting fixtures shall comply in design and upon installation with the standards in Table 9.4.1, measured at three feet above the ground or finished grade. Lighting for athletic fields in urban/suburban areas shall be exempt from this Section.

TABLE 9.4.1
OUTDOOR LIGHTING REGULATIONS

| At Property Lines Including Rights-of-Way | Minimum Footcandles | Maximum Footcandles |
|--|----------------------------|----------------------------|
| At property line abutting a residential use | None | 0.5 |
| At property line abutting an office or institutional use | None | 1.0 |
| At property line abutting a commercial or light industrial use | None | 1.5 |

| Off-Street Parking Lots | Minimum Footcandles | Average Footcandles | Maximum Footcandles |
|--------------------------------|----------------------------|----------------------------|----------------------------|
| Residential areas | 0.5 | 2 | 4 |
| Office-institutional areas | 1.0 | 3 | 6 |
| Commercial areas | 2.0 | 6 | 12 |
| Light industrial areas | 1.0 | 4 | 8 |

Section 9.4.8. Prohibitions.

Strobe lights, and laser lights or searchlight beams projected into the sky, shall be prohibited.

Section 9.4.9. Lighting of Signs.

See Section 17.5.2 of this Land Use Management Code for electrical permit requirements. See Section 17.6.8 of this Land Use Management Code for additional regulations on the lighting of signs.

Section 9.4.10. Lighting Plans.

See Section 11.2.1 of this Land Use Management Code, which provides that the Zoning Administrator may require a lighting plan for community recreational facilities. See Section 11.6.5 of this Land Use Management Code regarding lighting of golf driving ranges. Also see Sections 11.6.1 and Section 11.6.3 of this Land Use Management Code regarding lighting of automobile service establishments and outdoor commercial recreation facilities, respectively.

ARTICLE 10 OVERLAY DISTRICT REGULATIONS

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|--------------|--|
| CHAPTER 10.1 | U.S. HIGHWAY 129 CORRIDOR OVERLAY DISTRICT |
| CHAPTER 10.2 | WETLANDS PROTECTION DISTRICT |

CHAPTER 10.1 U.S. HIGHWAY 129 CORRIDOR OVERLAY DISTRICT

| | |
|-----------------|--|
| Section 10.1.1. | Findings, Purpose and Intent. |
| Section 10.1.2. | Applicability. |
| Section 10.1.3. | Compliance. |
| Section 10.1.4. | Access Control. |
| Section 10.1.5. | Existing Access Rights Observed. |
| Section 10.1.6. | Corridor Buffer Along U.S. Highway 129 Right-of-Way. |
| Section 10.1.7. | Reduction of Buffer Abutting Right-of-Way. |

Section 10.1.1 Findings, Purpose and Intent.

Over time, if not carefully thought through, numerous entryways to a highway can contribute to difficult turning situations and lead to unsafe conditions. It is therefore the intent of this Chapter to limit the number of access points which are permitted onto the divided highway portion of US Highway 129. Controlled access points restrict the number of turning movements, thereby resulting in safer conditions. This Chapter is adopted in part to protect the motoring public and to ensure safe ingress and egress to the divided portion of US Highway 129, while preserving its capacity. It is also the intent of this Chapter to preserve the aesthetics of the corridor.

Section 10.1.2. Applicability.

This Chapter shall apply to all lands within 1,000 feet of the right of way of the divided highway portion of the US Highway 129 Corridor along its entire linear distance in the City of Arcade. All those properties or portions thereof within 1,000 feet of the right-of-way of the divided highway portion of US Highway 129 as shown on the official zoning map or US Highway 129 Corridor Overlay District Map are subject to the requirements of this Chapter.

Section 10.1.3. Compliance.

No development or building permit shall be issued by the Zoning Administrator for land disturbance, grading, construction of a building, structure, or manufactured home, or other development within the divided highway US Highway 129 Corridor as shown on the official zoning map or overlay district map, unless the land use or building conforms to the requirements of this Chapter. Prior to any development or building permit being issued, the Zoning Administrator shall require a site plan in sufficient detail to review the proposed development for compliance with the provisions of this Chapter.

Section 10.1.4. Access Control.

No direct access or driveway, ingress or egress, to the divided highway portion of the US Highway 129 right-of-way shall be permitted. No lot shall hereafter be created which establishes the U.S. Highway 129 right-of-way as the only road frontage. All lots within the regulated corridor with property frontage along the divided highway portion of the US Highway 129 right-of-way shall have frontage on an adjacent public right-of-way. No lot shall be permitted to have a driveway, ingress, egress, or access to said right-of-way.

Section 10.1.5. Existing Access Rights Observed.

Where the Georgia Department of Transportation (DOT) has permitted access to the highway right-of-way prior to the date of adoption of this Land Use Management Code, such access shall be permitted and may be utilized, as agreed upon between the property owner and the Georgia DOT.

Where such access has been approved by Georgia DOT but not constructed, the access shall be improved to comply with specifications called for in said agreement or as otherwise specified by Georgia DOT.

The Zoning Administrator shall require proof of Georgia DOT approval of access and compliance with applicable improvement specifications, either through agreement between the property owner and Georgia DOT or other means, and such proof shall be submitted prior to approval of any development permit or building permit on the property regulated by this Chapter.

Section 10.1.6. Corridor Buffer Along U.S. Highway 129 Right-of-Way.

A natural buffer with a minimum width of fifty (50) feet shall be installed, maintained, and protected for all office, institutional, commercial, and industrial developments, along the entire property frontage abutting the divided highway portion of the US Highway 129 right-of-way, except as further provided in this Section

A natural buffer with a minimum width of twenty-five (25) feet shall be installed, maintained, and protected for all residential development, along the entire property frontage abutting the divided highway portion of the US Highway 129 right-of-way, except as further provided in this Section.

Where no vegetation exists to constitute a natural buffer, the planting of a buffer of specified width shall be required. The provisions of Section 16.4.4, "Screening and Buffer Specifications," of this Land Use Management Code shall apply to required buffers; provided, however, that the requirement that sparsely vegetated buffers be enhanced with evergreen materials shall not necessarily apply, since much of the vegetation within the regulated corridor consists of deciduous vegetation. Therefore, buffers along the right-of-way of the divided highway portion of U.S. Highway 129 shall be supplemented with compatible, deciduous materials if the installation of evergreen materials would result in an unnatural or contrasting appearance as determined by the Zoning Administrator.

For developments containing commercial uses and which require the display of goods in view from the road, the Zoning Administrator may upon application permit a modification of the buffer requirement of this Section to allow for reasonable but limited view of commercial products from the road, provided that no such product view area shall extend more than twenty (20) percent of

the total length of the property frontage along U.S. Highway 129. Access points, if permitted, shall be counted as part of the twenty (20) percent allowance.

Section 10.1.7. Reduction of Buffer Abutting Right-of-Way.

The Governing Authority is authorized to reduce the buffer required by this Chapter to a width no less than twenty-five (25) feet for office, commercial, industrial, or institutional (i.e., non-residential) properties and developments and twelve (12) feet for all residential properties and development, upon application for a variance by the property owner and where sufficient evidence is produced to indicate that the enforcement of the required buffer would significantly reduce the usability of the property. The buffer as may be reduced in width pursuant to this Section shall be shown on all applicable subdivision plats, development plans, and building plot plans submitted for properties fronting on the divided highway portion of the US Highway 129 right-of-way.

The buffer required by this Chapter may also be waived, if the Zoning Administrator finds that such a waiver of buffer requirement will promote the preservation of scenic views of rural landscapes (e.g., open pasture land) on the same property that will be protected from encroachment by land development via a conservation easement or other appropriate means.

CHAPTER 10.2 WETLANDS PROTECTION DISTRICT

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|-----------------|--|
| Section 10.2.1. | Purpose and Intent. |
| Section 10.2.2. | Definitions. |
| Section 10.2.3. | Generalized Wetland Map. |
| Section 10.2.4. | Applicability. |
| Section 10.2.5. | Permit Required. |
| Section 10.2.6. | Jurisdictional Wetland Determination Required. |
| Section 10.2.7. | Buffer Required. |
| Section 10.2.8. | Permitted Uses. |

Section 10.2.1. Purpose and Intent.

Wetlands are indispensable and fragile natural resources with significant development constraints due to flooding, erosion, and soils limitations. In their natural state, wetlands serve man and nature. They provide habitat areas for fish, wildlife and vegetation; water quality maintenance and pollution control; flood control; erosion control; natural resource education; scientific study; and open space and recreational opportunities. In addition, the wise management of forested wetlands is essential to the well being of communities in the State of Georgia. Nationally, a considerable number of wetlands have been lost or impaired by draining, dredging, filling, excavating, building, pollution and other activities. Without additional regulation, piecemeal or cumulative losses of wetlands will continue to occur over time. Therefore, it is in the interest of public safety and the general welfare to avoid damage or destruction to wetlands. The purpose of this Chapter is to promote wetlands protection by providing for the withholding of land use and building permits in areas designated as wetlands until a jurisdictional wetland determination is completed, and establishing permitted and prohibited land uses within wetlands.

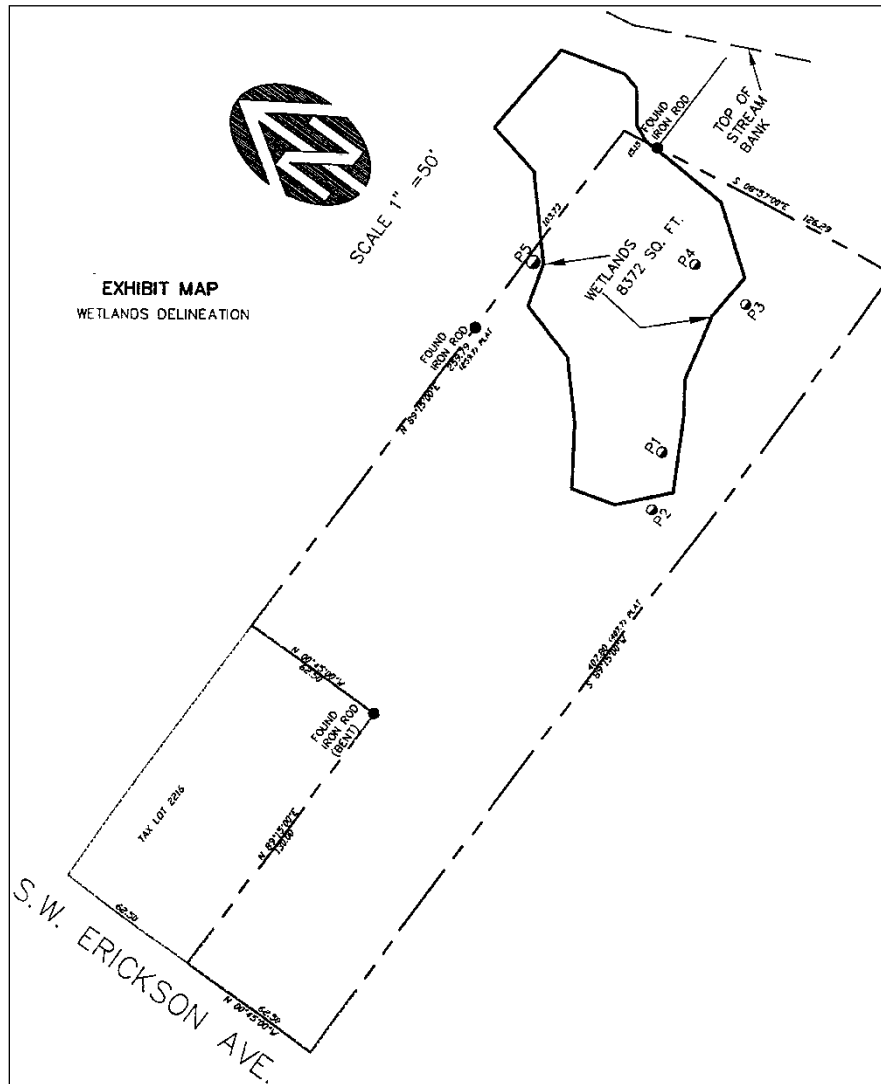
Section 10.2.2. Definitions.

Jurisdictional wetland: An area that meets the definitional requirements for wetlands as determined by the U.S. Army Corps of Engineers.

Jurisdictional wetland determination: A delineation of jurisdictional wetland boundaries by the U.S. Army Corps of Engineers, as required by Section 404 of the Clean Water Act, 33 U.S.C. § 1344, as amended.

Regulated activity: Any activity which will, or which may reasonably be expected to, result in the discharge of dredged or fill material into waters of the U.S. excepting those activities exempted in Section 404 of the Federal Clean Water Act.

Wetlands: Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. The ecological parameters for designating wetlands include hydric soils, hydrophytic vegetation, and hydrological conditions that involve a temporary or permanent source of water to cause soil saturation.



Illustrative Jurisdictional Wetland Delineation

Section 10.2.3. Generalized Wetland Map.

The Generalized Wetlands Map together with all explanatory matter thereon, is hereby adopted by reference and made a part of this Land Use Management Code as if fully set forth herein. The Generalized Wetlands Map does not represent, serve as, or substitute for a delineation of wetland boundaries by the U.S. Army Corps of Engineers as required by Section 404 of the Clean Water Act, as amended.

Section 10.2.4. Applicability.

This chapter shall apply to all lands shown on the Generalized Wetlands Map as wetlands, which shall constitute an overlay district of this Land Use Management Code. In addition, where other information is available to the Zoning Administrator that indicates a wetland is present but

it is not shown on the Generalized Wetlands Map, said wetland shall be considered a wetland for purposes of this Chapter and shall be subject to the requirements of this Chapter.

Section 10.2.5. Permit Required.

No development permit or building permit shall be issued by the Zoning Administrator for a land use, building, structure, or manufactured home, nor shall any regulated activity as defined by this Chapter commence, unless the land use, building, structure, manufactured home or regulated activity conforms to the requirements of this Chapter. Prior to a development permit or building permit being issued, the Zoning Administrator shall require a site plan or subdivision plat in sufficient detail to review the proposed development for compliance with the provisions of this Chapter.

Section 10.2.6. Jurisdictional Wetland Determination Required.

If an area proposed for development is located within fifty (50) feet of a wetland, as determined by the Zoning Administrator, no development permit or building permit on said wetland shall be issued until a jurisdictional wetland determination has been completed and either of the following occur: (a) The U.S. Army Corps of Engineers determines that there are jurisdictional wetlands present on the proposed development site, a Section 404 permit is required, and either a Section 404 Permit or a letter of permission is issued by the Corps for the proposed development; or (b) The U.S. Army Corps of Engineers determines that jurisdictional wetlands are not present on the proposed development site, and no Section 404 permit or letter of permission is required.

Section 10.2.7. Buffer Required.

There shall be established a fifty (50) foot wide natural buffer surrounding all wetlands. Where vegetation constituting a wetland buffer does not exist, vegetation compatible with the natural environment of the wetland shall be installed within the required buffer, subject to the approval of the Zoning Administrator of a vegetation/replanting plan prepared by a qualified professional.

Section 10.2.8. Permitted Uses.

The following uses shall be permitted within a wetland, to the extent that they are not prohibited by any other ordinance or law, and provided they do not require structures, grading, fill, draining, or dredging except as provided herein. All other uses are prohibited within wetlands.

1. Conservation or preservation of soil, water, vegetation, fish and other wildlife, provided it does not affect waters of Georgia or of the United States in such a way that would require an individual 404 Permit.
2. Outdoor passive recreational activities, including fishing, bird watching, hiking, boating, horseback riding, and canoeing.
3. Forestry practices applied in accordance with best management practices approved by the Georgia Forestry Commission and as specified in Section 404 of the Clean Water Act.
4. The cultivation of agricultural crops. Agricultural activities shall be subject to best management practices approved by the Georgia Department of Agriculture.
5. The pasturing of livestock, provided that riparian wetlands are protected, that soil profiles are not disturbed, and that approved agricultural Best Management Practices are followed.
6. Education, scientific research, and nature trails.

**ARTICLE 11
SPECIFIC USE PROVISIONS**

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|---------------|--|
| CHAPTER 11.1 | GENERAL ACCESSORY USE REGULATIONS |
| CHAPTER 11.2 | PRINCIPAL RESIDENTIAL USES |
| CHAPTER 11.3 | ACCESSORY RESIDENTIAL USES |
| CHAPTER 11.4 | HOME OCCUPATIONS |
| CHAPTER 11.5 | INSTITUTIONAL USES |
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| CHAPTER 11.8 | TEMPORARY USES |
| CHAPTER 11.9 | TOWERS AND WIRELESS SERVICE FACILITIES |
| CHAPTER 11.10 | OTHER USES |

**CHAPTER 11.1
GENERAL ACCESSORY USE REGULATIONS**

| | |
|-----------------|---|
| Section 11.1.1. | Accessory Use or Structure. |
| Section 11.1.2. | Fences and Walls. |
| Section 11.1.3. | Intermodal Container, Temporary. |
| Section 11.1.4. | Junked Vehicle or Material. |
| Section 11.1.5. | Accessory Uses of Parking Lots and Loading Areas. |
| Section 11.1.6. | Semi-trailer. |
| Section 11.1.7. | Solar Energy System, Building Mounted. |
| Section 11.1.8. | Solar Energy System, Ground Mounted. |

Section 11.1.1. Accessory Use or Structure.

- (a) Accessory uses shall be located in a rear yard or side yard.
- (b) No accessory building, structure, or use shall be erected on a lot until construction of the principal building or establishment of principal use has commenced. Accessory buildings and structures must be constructed in conjunction with, or after, a building permit for the principal building is lawfully approved or use is established.
- (c) When an accessory building is attached to a principal building by a breezeway, passageway, or similar means, the accessory building shall be considered part of the principal building and shall comply with the yard requirements for a principal building.

Section 11.1.2. Fences and Walls.

- (a) Location limits.
 - 1. Setback. Fences and walls are not subject to setbacks for buildings or accessory structures unless specifically provided otherwise in this Land Use Management Code
 - 2. Rights of ways. Fences and walls shall not be located within any public right of way; provided, however, that the Zoning Administrator may authorize encroachment of a

retaining walls where necessary for engineering purposes as shown on approved grading plans into a county right of way, or as may be authorized by the Georgia Department of Transportation within state rights of ways.

3. Easements. Fences and walls shall not be constructed over utility easements without the specific permission of the utility provider and the approval of the Zoning Administrator.
4. Gates. When gates for vehicular access are required or proposed, said gates shall not be located closer than twenty-five (25) feet of a public street or road right-of-way.
5. Sight visibility triangle. Fences and walls shall not be permitted to obstruct vision within sight visibility triangles at the intersections of public rights of ways and streets with driveways.

(b) Height limits.

1. Generally. No fence or wall (except for retaining walls and safety barriers) shall exceed eight (8) feet in height, unless specifically approved by the Zoning Administrator for a tennis court or other recreation facility, subdivision entrance monument, utility installation, public use, or industrial zoning district, or where required to meet screening or safety requirements imposed by this Land Use Management Code.
2. Residential front yard. No fence or freestanding wall constructed in a front yard of a residential lot within a residential zoning district shall exceed five (5) feet in height.

(c) Composition.

1. Approved materials. Fences and walls shall be composed of permanent materials approved by the Zoning Administrator. Brick, stone, rock, wood, and decorative concrete block shall be permitted unless otherwise specified in the Zoning Administrator. Vinyl and certain types of metal (e.g., wrought iron, aluminum, chain-link, and wire) may be authorized. Walls may be comprised of unfinished concrete block but shall be finished with brick, stone, stucco, or other material approved by the Zoning Administrator.
2. Materials prohibited. Fences or walls shall not be composed of plywood, particle board, paper, plastic, plastic tarp, tires, pallets, recycled or discarded materials, or any other cast-off, secondhand, or other items not originally intended to be used for constructing or maintaining a fence or wall.
3. Razor wire. Razor wire shall not be used unless specifically approved by the Zoning Administrator based on documented security needs and shall be limited to industrial districts zoning districts unless for a public use.
4. Electric fencing. Electrically charged fences shall require submission of detailed specifications and are subject to the approval of the Zoning Administrator.

5. Barbed wire fences. Fences comprised of three or more strands of barbed wire are authorized within all agricultural zoning districts. Barbed wire top strands are permitted above chain-link fencing in commercial and industrial zoning districts.
6. Chain-link. When chain-link fencing for an institutional, commercial, or industrial establishment is authorized to be placed in a front yard or is placed in a side yard visible from the public right of way, the chain-link fence shall be vinyl coated. Chain-link fences with interwoven vinyl or metal inserts shall not be an acceptable form of screening and shall not be used without specific approval of the Zoning Administrator.
7. Screen fences. When a fence is required by this code for screening, the decorative side of the fence shall face the exterior property line.

(d) Specific fencing or wall requirements.

1. Trash or dumpster enclosures. Walls and fences forming trash enclosures shall be constructed of sturdy, durable, opaque materials (with trash receptacles screened from view) which are similar to or designed to be compatible with architectural materials used for the principal building on the site it serves.
2. Retaining walls visible from public right of way. When retaining walls are required and will be visible from a public right-of-way, the Zoning Administrator may limit the height of said retaining wall during the process of reviewing and approving development and grading plans. In addition, the Zoning Administrator may require that any retaining wall of one-hundred (100) feet or longer to minimize visual monotony through changes in plane, height, material, or material texture, or through significant landscape massing.
3. Subdivision or project entrance monuments. All fences or walls comprising a subdivision of project entrance monument shall require plans prepared by a registered landscape architect and are subject to the approval of the Zoning Administrator. During the approval process, the Zoning Administrator may require fences or walls to incorporate columns or pillars extending at least six (6) inches horizontally and a height at least as high as the height of the fence or wall, every fifty (50) feet of fence or wall length, or to articulate the surface plane wall by incorporating plane projections or recesses having a depth of at least one (1) foot and extending a horizontal distance of at least three (3) feet and less than twenty (20) feet. This articulation requirement shall not apply to a fence or wall constructed of brick, masonry, or metal fencing that consists of at least fifty percent (50%) open voids.

(e) Exemption for temporary fencing. The requirements of this Section shall not apply to temporary fencing erected around or within a lot or development site during construction, such as silt fences, and tree protection fences, and other erected under order of the Building Inspector or Zoning Administrator; provided, however, that all such temporary fencing shall be removed upon completion of construction.

(f) Foundation approval and permit. A fence or wall that requires an engineered foundation according to the building code shall require a permit to be approved and issued by the Building Inspector prior to erection of the fence or wall.

- (g) Maintenance. Fences and walls shall be maintained, repaired if damaged, and replaced if severely damaged or destroyed.

Section 11.1.3. Intermodal Container, Temporary.

During the time a household, institution, business, or industrial establishment is moving in or out of a building on a property, one intermodal container, as defined, may be temporarily placed on the premise of a developed lot for purposes of loading or unloading personal property pertaining to the use on the property subject to the following:

- (a) The container may be positioned in a front yard or other location on the property that is accessible for pick up or drop off.
- (b) The container shall not remain longer than a period of thirty-two (32) calendar days.
- (c) One (1) additional intermodal container, for a total of two (2), may be authorized by the Zoning Administrator for institutional, business, or industrial establishment upon demonstration of evidence of need by the establishment.

Section 11.1.4. Junked Vehicle or Material.

Except for junk/salvage yards and wrecked motor vehicle compounds as may be permitted by this Land Use Management Code, it shall be unlawful to park or continuously store abandoned, wrecked, junked or inoperable vehicles, power-driven construction equipment, used lumber or metal, used appliances, or any other miscellaneous scrap material in quantity that is visible from a public street or adjacent or abutting property. No such storage shall be allowed in front yards. Appropriate screening as determined by the Zoning Administrator, based upon the elevations and uses of surrounding properties, may be used to comply with this provision in side and rear yards.

Section 11.1.5. Accessory Uses of Parking Lots and Loading Areas.

- (a) Parking and loading areas shall not be used for the repair or dismantling of any vehicle, equipment, materials, or supplies.
- (b) Parking and loading areas shall not be used to store vehicles for sale, except in cases where the property owner owns the vehicle(s), provided auto sales is a permitted use in the district in which the property is located. This provision shall not apply to the placing of a "For Sale" sign on or in one licensed vehicle, boat, or other vehicle located in a private residential driveway and which licensed vehicle, boat, or other vehicle is owned by an occupant of said private residence.
- (c) An attendant's shelter building which does not contain more than fifty (50) square feet of gross floor area and which is set a distance of not less than twenty (20) feet from any boundary of the parking lot may be permitted.
- (d) See also Chapter 12.2 of this Land Use Management Code for additional restrictions.

Section 11.1.6. Semi-trailer.

- (a) The parking or storage of a semi-trailer, is prohibited in residential zoning districts. Such parking shall not be authorized in any other zoning district except where such use is permitted as a principal or accessory use as determined by the Zoning Administrator.

(b) A semi-trailer shall not be used as a storage building in any residential zoning district.

Section 11.1.7. Solar Energy System, Building Mounted.

A building-mounted solar energy system shall be subject to the following regulations:

(a) Placement.

1. No solar energy system shall be mounted or affixed to any freestanding wall or fence.
2. Panels and building mounts shall be installed per manufacturer's specifications.
3. In residential zoning districts, a solar energy system for aesthetic reasons shall not be located on the front slope of a pitched roof of a principal residential structure unless no other location for the solar energy equipment is feasible. The city may require sun and shadow diagrams specific to the installation to ensure compliance with this provision.

(b) Height. Building-mounted solar panels or systems shall not exceed four (4) feet above the height of any principal building on the site.

(c) Permits and Code Compliance. A building permit shall be required for installation of all building-mounted solar energy systems, except for flush-mounted panels.

Section 11.1.8. Solar Energy System, Ground Mounted.

In zoning districts where permitted, a ground mounted solar energy system shall be subject to the following regulations:

(a) Placement.

1. A ground-mounted solar energy system shall not be located within the required front yard of a lot.
2. A ground-mounted system shall not be located over a septic system, leach field area or identified reserve area unless approved by the Jackson County Environmental Health Department.
3. If located in a floodplain or an area of known localized flooding, all panels, electrical wiring, automatic transfer switches, inverters, etc. shall be located above the base flood elevation.
4. Panels and ground mounts shall be installed per manufacturer's specifications.

(b) Maximum area coverage. For residential properties, a ground-mounted solar energy system shall not exceed twenty-five percent (25%) of the footprint of the principal building served. For non-residential properties, a solar energy system shall not exceed fifty percent (50%) of the footprint of the principal building served.

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- (c) Height. The maximum height of a ground-mounted solar energy system shall not exceed the maximum building height for accessory buildings in the zoning district in which it is located, or twenty (20) feet, whichever is less.
- (d) Permitting. A building permit is required for any ground-mounted solar energy system and for the installation of any thermal solar energy system.

CHAPTER 11.2 PRINCIPAL RESIDENTIAL USES

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| Section 11.2.1. | Community Recreation as Principal Use. |
| Section 11.2.2. | Dwelling Occupancy Generally. |
| Section 11.2.3. | Dwellings, Single-Family and Two-Family, and Manufactured Homes. |
| Section 11.2.4. | Dwelling, Single-Family Attached (Townhouses). |
| Section 11.2.5. | Dwelling, Two-Family (Duplex). |
| Section 11.2.6. | Mobile Home. |
| Section 11.2.7. | Multi-Family Development. |

Section 11.2.1. Community Recreation as Principal Use.

Within a residential subdivision or multiple-family residential development, community recreation as defined by this Land Use Management Code shall be subject to the following:

- (a) Exterior lighting. If lighted, exterior lighting proposed for a building, swimming pool, tennis courts, or other structure or use shall comply with Chapter 9.4, "Outdoor Lighting," of this Land Use Management Code. The Zoning Administrator may require a lighting plan be submitted and approved prior to the installation of outdoor lighting to ensure compliance with said paragraph and Chapter 9.4.
- (b) Swimming pools and tennis courts. Swimming pools and tennis courts shall be setback a minimum of twenty-five (25) feet from all property lines of the tract of land devoted to community recreation, with a minimum ten (10) foot wide landscape strip along any side or rear property line of said tract. See Chapter 16.4 of this Land Use Management Code for landscape strip specifications.
- (c) Buildings. Buildings shall be setback a minimum of twenty-five (25) feet from the property line of the tract. If outdoor patio or decks are provided, they shall be located no closer than twenty-five (25) feet from the property line of the tract and a minimum ten (10) foot wide landscape strip shall be provided between said outdoor patio or deck and the property line or boundary of said tract. See Chapter 16.4 of this Land Use Management Code for landscape strip specifications.
- (d) Parking. Parking shall be provided per the requirements of Article 12 of this Land Use Management Code.

Section 11.2.2. Dwelling Occupancy Generally.

No dwelling unit shall be occupied that does not have at least 300 square feet of gross floor area per adult occupant.

Section 11.2.3. Dwellings, Single-Family and Two-Family, and Manufactured Homes.

This Section establishes requirements for detached single-family dwellings, including site-built, modular, industrialized housing, duplexes, and manufactured homes.

- (a) Foundation. The building shall be attached to a permanent foundation constructed in accordance with the Building Code or state and federal regulations, as applicable. The area beneath the ground floor of the dwelling shall be either a slab foundation or

enclosed around the exterior of the building with a foundation wall or non-load-bearing wall constructed of masonry (stone or brick), cast in place concrete, or concrete block finished with stucco or similar architectural treatment, penetrated by openings only for ventilation and access.

- (b) Tie-Downs. Each manufactured home shall have tie-downs or other devices securing the stability of the manufactured home and shall be installed in accordance with the requirements of the manufacturer and the regulations of the Georgia Safety Fire Commissioner.
- (c) Code Compliance. The dwelling shall be constructed in accordance with all applicable requirements of the Building Code as adopted by or as applies in the city, or in accordance with the standards established by the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401, et seq.), or in accordance with state law and regulations for industrialized buildings, whichever applies.

Section 11.2.4. Dwelling, Single-Family Attached (Townhouses).

In zoning districts where permitted, fee simple townhouses shall meet the following requirements:

- (a) Each platted lot shall have a minimum of twenty (20) feet of frontage on a public street or private road that meets public street standards of the city.
- (b) The minimum lot size shall be 2,000 square feet.
- (c) Zero lot line between units within the same building shall be permitted, subject to applicable fire and building codes.
- (d) To avoid a monotonous appearance, for any given building, no more than six (6) units may have common walls. Any building containing more than three (3) units with common walls must have the roof of each attached unit distinct from the other through separation or offsets in roof design.
- (e) Each townhouse development or phase thereof shall require subdivision plat approval in accordance with Article 26, "Subdivisions and Land Development," of this Land Use Management Code.

Section 11.2.5. Dwelling, Two-Family (Duplex).

Property containing a two-family dwelling may be subdivided in a manner so that each dwelling unit is located on its own lot, with zero lot line in between the units, subject to compliance with applicable building codes and subject to compliance with Article 26, "Subdivisions and Land Development," of this Land Use Management Code.

Section 11.2.6. Mobile Home.

A mobile home as defined in this Land Use Management Code (i.e., manufactured prior to June 15, 1976) is not permitted in any zoning district.

Section 11.2.7. Multi-Family Development.

Any development containing one or more multi-family dwellings shall comply with the following provisions:

- (a) Condominiums. If a condominium form of ownership is proposed, the development shall meet all applicable state laws including the Georgia Condominium Act (O.C.G.A. 44-3-70 et. seq.). Proposed bylaws and the articles of incorporation for the condominium association shall be submitted with the application for development approval.
- (b) Amenities. All developments containing fifty (50) or more dwelling units shall have a clubhouse, swimming pool, and tennis court(s). The size of the swimming pool shall be a minimum of 800 square feet of water surface.
- (c) Laundry facilities. On-site principal or accessory laundry facilities are permitted accessory uses for developments with 25 or more units.

CHAPTER 11.3 ACCESSORY RESIDENTIAL USES

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| Section 11.3.1. | Generally. |
| Section 11.3.2. | Accessory Apartment, Detached or Attached. |
| Section 11.3.3. | Guest House. |
| Section 11.3.4. | Manufactured Home While Principal Use is Constructed. |
| Section 11.3.5. | Parking or Storage of Recreational Vehicles. |
| Section 11.3.6. | Swimming Pool. |
| Section 11.3.7. | Yard Sales. |

Section 11.3.1. Generally.

Customary residential accessory buildings and uses are permitted in residential zoning districts, subject to permitted use provisions for the zoning district in which the property is located, and provided they meet the following requirements:

- (a) Accessory uses, buildings, and structures shall be located in a rear yard or side yard, except for well houses which may be located in front yards.
- (b) Accessory buildings shall not exceed two stories or twenty-four (24) feet in height.
- (c) Accessory buildings shall be located a minimum of ten (10) feet from any side or rear property line. Accessory structures other than buildings shall be located a minimum of five (5) feet from any side or rear property line.
- (d) In no case shall an accessory building or structure exceed the square footage of the principal building or structure to which it is accessory.
- (e) Accessory buildings, structures, and uses are subject to the provisions of Section 11.1.1 of this Article.

Section 11.3.2. Accessory Apartment, Detached or Attached.

In zoning districts where permitted, accessory apartments shall meet the following requirements:

- (a) Only one accessory apartment shall be permitted on a lot. An accessory apartment shall not be permitted on the same lot as a home occupation.
- (b) One additional off-street parking space is required and shall be provided, which must be located in a side or rear yard.
- (c) At least three hundred (300) square feet of heated floor area shall be provided per adult occupant. The heated floor area for an accessory apartment shall be at least 300 square feet and shall not exceed 900 square feet or the size of the principal dwelling, whichever is less.
- (d) The entrance to an accessory apartment shall be from a rear or side yard and shall not face the street to which the principal dwelling is oriented.
- (e) Accessory apartments, whether attached or detached, shall have exterior finishes or architectural treatments (e.g., brick, wood, stucco, etc.) of an appearance substantially similar to those on the principal dwelling.
- (f) The Jackson County Health Department must certify that existing or proposed water, sanitary sewer, and/or septic tank facilities are adequate to serve both the principal dwelling and the accessory apartment.

- (g) Either the accessory apartment or the principal dwelling unit shall be owner-occupied.

Section 11.3.3. Guest House.

In zoning districts where permitted, no more than one guest house shall be permitted as an accessory building on any single residential lot. Guest houses shall be located to the rear of the principal dwelling and shall not exceed fifty (50) percent of the gross floor area of the principal dwelling. Guest houses shall not be rented or otherwise occupied separately from the main residence, except for non-paying guests or domestic employees residing on the premises and sharing meals in the principal dwelling.

Section 11.3.4. Manufactured Home While Single-Family Dwelling is Constructed.

Upon application, a manufactured home may be installed on a lot where a building permit has been issued for a detached single-family dwelling, subject to the following requirements:

- (a) Approval by Planning Commission. The application is approved by the Planning Commission.
- (b) Approved Septic System. The manufactured home shall be connected to a public sanitary sewer or septic system with capacity available as approved by the Jackson County Health Department.
- (c) Setbacks. The manufactured home meets the minimum required setbacks for principal buildings for the zoning district in which it is located.
- (d) Removal. The manufactured home shall be temporary, not to exceed one (1) year. It shall be unlawful for another person to occupy a manufactured home pursuant to this Section except as approved under the original terms of approval. The manufactured home shall not be rented. The Zoning Administrator shall order the removal of the manufactured home upon issuance of a certificate of occupancy for the permanent dwelling, and the owner of real property shall remove the manufactured home from the lot within thirty (30) days of the issuance of a certificate of occupancy.

Section 11.3.5. Parking or Storage of Recreational Vehicles.

In residential zoning districts, recreational equipment such as boats, boat trailers, travel trailers, recreational vehicles, pick-up campers or coaches, motorized dwellings, motor coaches, tent trailers and other similar vehicles may be parked or stored only in established areas in side yards, rear yards, carports, or in an enclosed building, provided however, that such equipment may be parked or stored anywhere on residential premises for a period not to exceed twenty-four (24) hours during loading and unloading. Parking or storage of such recreational equipment or vehicles shall not take place on any vacant residential lot.

Section 11.3.6. Swimming Pool.

All swimming pools shall be located at least twenty-five (25) feet from all property lines. Swimming pools must be enclosed by a fence or wall at least four (4) feet in height.

Section 11.3.7. Yard Sales.

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Yard sales, where permitted, shall not exceed seventy-two (72) hours for each yard sale. A yard sale on a particular property shall not occur more frequently than three times annually.

CHAPTER 11.4 HOME OCCUPATIONS

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| Section 11.4.1. | General Provisions. |
| Section 11.4.2. | Physical Limitations. |
| Section 11.4.3. | Alterations to the Dwelling. |
| Section 11.4.4. | Vehicles and Parking. |
| Section 11.4.5. | Equipment, Off-site Impacts, and Nuisances. |
| Section 11.4.6. | Visits by Patrons Prohibited. |
| Section 11.4.7. | Signs Prohibited. |
| Section 11.4.8. | Employees and Licenses. |
| Section 11.4.9. | Display, Stock-in-Trade, Sales, and Storage. |
| Section 11.4.10. | Uses Specifically Prohibited. |
| Section 11.4.11. | Approval. |
| Section 11.4.12. | Modifications by Conditional Use Permit. |

Section 11.4.1. General Provisions.

Home occupations may be established in a dwelling as provided in permitted uses requirements for the zoning districts established by this Land Use Management Code. No more than one home occupation may be established in a single dwelling. In districts where permitted, the following regulations shall apply to home occupations. Failure to meet one or more of these regulations at any time shall be unlawful and grounds for immediate revocation of business registration.

Section 11.4.2. Physical Limitations.

The gross floor area of a dwelling unit devoted to a home occupation shall not exceed 750 square feet, or 25 percent of the gross floor area of the dwelling, whichever is less. No accessory building shall be used in connection with the home occupation, except in rural residential and agricultural zoning districts.

Section 11.4.3. Alterations to the Dwelling.

The exterior appearance of the dwelling must remain that of a dwelling. No internal or external alterations inconsistent with the residential use of the building may be permitted.

Section 11.4.4. Vehicles and Parking.

Vehicles kept on site in association with the home occupation shall be used by residents only, except for the parking of employees as may be permitted by this Chapter. Only vehicles used primarily as passenger vehicles shall be permitted in connection with the conduct of the home occupation. Incoming vehicles related to the home occupation, if any, shall at all times be parked off-street within the confines of the residential driveway or other on-site permitted parking. The transporting of goods by truck in connection with a home occupation is prohibited.

Section 11.4.5. Equipment, Off-site Impacts, and Nuisances.

No home occupation shall generate traffic, sound, smell, vibration, light, or dust that is offensive or that creates a nuisance. No equipment that interferes with radio and/or television reception shall be allowed. Home occupations must exclude the use of machinery or equipment that emits sound (e.g., saws, drills, musical instruments, etc.) that is detectable beyond the property. Chemical, electrical, or mechanical equipment that is not normally a part of domestic or household equipment and which is used primarily for commercial purposes shall not be permitted.

Section 11.4.6. Visits by Patrons Prohibited.

There shall be no visits by clients or patrons permitted in conjunction with a home occupation; provided, however, that the following exceptions are made for purposes of meeting overriding public goals of education and the care of children: (a) Instruction in music, dance, arts and crafts, and similar subjects, limited to two (2) students at one time; and (b) a “family day care home,” as defined by this Land Use Management Code.

Section 11.4.7. Signs Prohibited.

There shall be no signs permitted in conjunction with a home occupation, although this shall not preclude the property owner from erecting signs permitted on the lot pursuant to Article 17 of this Land Use Management Code.

Section 11.4.8. Employees and Licenses.

Only occupants of the dwelling and one (1) additional full-time employee or two (2) part-time employees shall be authorized to work on the premises in connection with a home occupation. Any occupational licenses, including business registrations, required by state or city regulations must be obtained. Proof of state registration, if required for the home occupation, shall be submitted to the Zoning Administrator prior to the issuance of a business registration.

Section 11.4.9. Display, Stock-in-Trade, Sales, and Storage.

There shall be no display, and no stock-in-trade nor commodity sold or stored on the premises, in connection with a home occupation, nor shall there be any activity associated with the home occupation visible outside the dwelling.

Section 11.4.10. Uses Specifically Prohibited.

The following uses are specifically prohibited as home occupations: auto sales or auto repair; restaurants; animal hospitals, veterinary clinics, kennels, or the keeping of animals; funeral homes; retail or wholesale shops; machine shops; personal service establishments (including beauty salons); special event facilities; and lodging services.

Section 11.4.11. Approval.

All home occupations shall be subject to the Zoning Administrator’s approval. The applicant for a business registration shall file for approval from the Zoning Administrator on forms provided by the Zoning Administrator. Additional information, including a plot plan of the lot on which a

home occupation is proposed, may be required by the Zoning Administrator, along with information describing the nature of the home occupation.

Section 11.4.12. Modifications by Conditional Use Permit.

The provisions of this Chapter may be modified or varied pursuant to application by the property owner for a conditional use, according to procedures specified in Chapter 21.2 of this Land Use Management Code.

CHAPTER 11.5 INSTITUTIONAL USES

- Section 11.5.1. Church.
Section 11.5.2. Continuing Care Retirement Community.
Section 11.5.3. Institutional Residential Living and Care Facilities.

Section 11.5.1. Church.

In districts where permitted, churches and their customary accessory buildings shall be set back a minimum of fifty (50) feet from any property line, and within the fifty foot setback required alongside and rear property lines, a minimum twenty-five (25) foot wide natural buffer shall be provided. See Chapter 16.4 of this Land Use Management Code for buffer specifications.

Acceptable accessory uses include but are not limited to, a residence for the housing of the pastor, priest, minister, rabbi, etc., school buildings and temporary classrooms, gymnasiums, and community meeting rooms. In commercial districts, a community food or housing shelter may be operated as an accessory use to a church.

When located in a residential zoning district, no church shall be permitted to establish a day care center, house more than one person on-site, or provide lighted outdoor recreation facilities, without a conditional use permit approved by the Governing Authority.

Section 11.5.2. Continuing Care Retirement Community.

- (a) The facility may have on site as a part of its development the following accessory uses for use of residents and their guests only: Full-service kitchen for meals, exercise facilities, swimming pools, tubs and spas, administrative offices, hospital-width corridors and doors, nursing stations, treatment rooms, emergency paging systems, indoor and outdoor recreational facilities, handicap-assisted restrooms, hair salons, computer facilities, game and card rooms, chapel, movie theaters, wellness centers, billiard rooms, restaurant facilities, common areas, libraries, dining rooms, mail rooms, housekeeping and storage areas, laundry facilities, and gift shops.
- (b) Independent living units shall contain a minimum of 650 square feet of area.
- (c) Maximum building coverage shall be limited to forty (40) percent.
- (d) The minimum lot size for a development shall be five (5) acres.
- (e) All principal and accessory buildings shall be setback a minimum of fifty (50) feet from all side and rear property lines.
- (f) The facility shall meet all applicable requirements of the State of Georgia.

Section 11.5.3. Institutional Residential Living and Care Facilities.

In districts where permitted, institutional residential living and care facilities shall meet the requirements of the State Board of Health and applicable rules of the State Department of Human Resources. Plans for any such facilities must receive approval from the Jackson County Health Department and state fire marshal's office prior to issuance of a permit for construction and operation. Proof of compliance with such requirements shall be required to be on file with the city prior to business registration approval.

**CHAPTER 11.6
PRINCIPAL COMMERCIAL USES**

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| Section 11.6.1. | Automobile Sales Establishment. |
| Section 11.6.2. | Bed and Breakfast Inn. |
| Section 11.6.3. | Commercial Recreational Facility, Outdoor. |
| Section 11.6.4. | Child Care Learning Center. |
| Section 11.6.5. | Golf Driving Range. |
| Section 11.6.6. | Junkyards or Storage Yard. |
| Section 11.6.7. | Outdoor Shooting Range. |
| Section 11.6.8. | Outparcel Development. |
| Section 11.6.9. | Race Track. |
| Section 11.6.10. | Self-Service Storage Facility (Mini-Warehouses). |
| Section 11.6.11. | Service and Fuel Filling Station. |
| Section 11.6.12. | Truck Stop. |

Section 11.6.1. Automobile Sales Establishment.

Establishments that sell, rent, or lease automobiles must provide parking specifically identified and devoted to customers. Adequate space must be allocated, specifically identified, and reserved on the site for the unloading of vehicles brought to the site by car carriers (see Chapter 16.5 of this Land Use Management Code). It shall be a violation to park vehicles for sale, rent, or lease in customer parking or unloading areas. Outside loudspeakers shall not be permitted when abutting a residential zoning district (see also Chapter 9.5 of this Land Use Management Code).

When abutting a residential zoning district, automobile sales establishments require submittal and approval by the Zoning Administrator of a photometric plan for lighting demonstrating compliance with the requirements of Chapter 9.4, "Outdoor Lighting" of this Land Use Management Code. Establishments that will not operate during darkness shall not be required to submit a photometric plan.

Section 11.6.2. Bed and Breakfast Inn.

In districts where permitted, bed and breakfast inns shall be limited to a maximum of six (6) guest rooms.

Section 11.6.3. Commercial Recreation Facility, Outdoor.

Outdoor commercial recreational facilities are typically accompanied by substantial off-site impacts. Such uses require a minimum lot area of two acres, a minimum building setback of one hundred (100) feet, and a natural undisturbed buffer replanted where sparsely vegetated of at least fifty (50) feet adjacent to side and rear property lines. Uses that propose night lighting other than incidental security lighting shall be required to submit a photometric plan to enable the evaluation of impacts from illumination (see Chapter 9.4 of this Land Use Management Code). A written evaluation of noise impacts is required at the time the following conditional uses are considered: stadiums, amphitheaters, outdoor firearms shooting ranges, and race tracks for animals and motor driven vehicles; such projects may be required to construct noise attenuation walls or otherwise address off-site noise impacts. Traffic impact statements are

required for stadiums, amphitheatres, racetracks for animals or motor-driven vehicles, and recreational vehicle parks.

Section 11.6.4. Child Care Learning Center or Group Day Care Home.

- (a) **Child care learning centers.** Child care learning centers, as defined herein (19 or more children), shall meet Rules for Child Care Learning Centers, Chapter 591-1-1, Georgia Department of Early Care and Learning, updated March 16, 2014, as may be amended from time to time. Outdoor play areas shall be provided in a rear or side yard and shall be enclosed by a solid wall or fence at least 6 feet in height. The facility shall provide adequate areas for the safe drop-off and pick-up of children in a driveway, turnaround or parking area.
- (b) **Group day care home.** Group day care homes, as defined herein (7 to 18 children) shall meet Rules and Regulations for Group Day Care Homes, Chapter 290-2-1, Georgia Department of Early Care and Learning, updated March 16, 2014, as may be amended from time to time. Outdoor play areas shall be provided in a rear or side yard and shall be enclosed by a solid wall or fence at least 6 feet in height. The facility shall provide adequate areas for the safe drop-off and pick-up of children in a driveway, turnaround or parking area.
- (c) **Adult day services.** Adult day services, as defined, herein, shall meet any applicable rules of the Georgia Department of Human Resources Division of Aging Services.
- (d) **Indoor and outdoor area.** Child care learning centers, group day care homes, and adult day services shall have at least one hundred and fifty (150) square feet of outdoor play area and at least thirty-five (35) square feet of indoor space provided for each child or other person served. The outdoor play area shall be enclosed by a fence with a minimum height of four (4) feet.

Section 11.6.5. Golf Driving Range.

- (a) The minimum lot area shall be ten acres or one acre per tee, whichever is greater.
- (b) Vehicular access shall be derived only from a collector or arterial street.
- (c) Loudspeakers/paging systems are prohibited when residential use or a residential zoning district abuts a driving range.
- (d) The hours of operation shall be limited to 8:00 a.m. to 11:00 p.m.
- (e) The depth of a driving range along the driving area shall be at least 350 yards measured from the location of the tees, and the width shall be not less than 200 yards at a distance of 350 yards from the tees.
- (f) If proposed to be lit, a lighting plan demonstrating compliance with Chapter 9.4, "Outdoor Lighting" of this Land Use Management Code shall be required to be submitted to the Zoning Administrator for approval.

Section 11.6.6. Junk Yards or Storage Yard.

Junk yards and outdoor storage yards shall be completely enclosed by a solid wooden fence having a height of six (6) feet, which shall be installed along all property lines to effectively screen all stored contents and operations from view.

Section 11.6.7. Outdoor Shooting Range.

The minimum site size for a skeet or trap shooting range shall be 15 acres. The minimum site size for a rifle range shall be 20 acres. Ranges shall have an earth embankment not less than 25 feet in height and not less than ten feet in width at the end of the range to serve as a back stop. Also see Section 11.6.3 in this chapter.

Section 11.6.8. Outparcel Development.

In districts where permitted, when property is subdivided and used as a separate commercial, institutional, industrial, or other non-residential use, development on such outparcels shall meet the following requirements: Access to and from all outparcels shall be from internal driveways or frontage roads with no direct access to the public right-of-way it abuts; and each outparcel shall have a minimum width of 200 feet abutting a public right-of-way.

Section 11.6.9. Race Track.

- (a) Race tracks for vehicles shall be located a minimum of 500 feet from a residential zoning district.
- (b) Vehicular access shall be derived only from an arterial or collector road.
- (c) A minimum 75-foot buffer shall be provided adjacent to any property containing a residential use or a residential zoning district. A minimum 50-foot wide buffer shall be provided adjacent to all other property lines.
- (d) Security fencing shall be provided when the facility abuts a residential use or a residential zoning district.
- (e) A maximum constant sound level of 60 dBA and a maximum peak sound level of 75 dBA shall not be exceeded at adjacent residential property lines.
- (f) Hours of operation shall be limited to 8:00 a.m. to 11:00 p.m.
- (g) Also see Section 11.6.3 in this chapter which shall also pertain to said use.

Section 11.6.10. Self-Service Storage Facilities (Mini-Warehouse).

- (a) Minimum and maximum development size. The minimum lot size for a self-service storage facility (mini-warehouse development) shall be two (2) acres, and the maximum developed area for a mini-warehouse shall be five (5) acres.
- (b) Building orientation. Buildings shall be situated so that overhead access doors of individual bays do not face any street frontage.
- (c) Maximum building length. No individual building shall exceed two hundred (200) feet in length.
- (d) Minimum building separation. There shall be a minimum separation of twenty (20) feet between buildings.
- (e) Minimum width of aisle ways. The minimum width of an aisle way shall be 20 feet if one-way traffic and 24 feet for two-way traffic. Traffic flow patterns in the aisle ways shall be clearly marked with directional signage and painted lane markings with arrows as may be approved.

- (f) Turning radii. To assure appropriate access and circulation by emergency vehicles and equipment, a minimum turning radius for all aisle ways and access roads within the development may be required.
- (g) Landscape strip. A landscape strip of at least twenty (20) feet in width shall be provided along all street frontages and abutting all residential zoning districts.
- (h) Fencing. The facility shall be fenced along the entire perimeter boundary. Fencing adjacent to a street frontage and abutting a residential zoning district shall be an architecturally finished wall or solid, opaque wooden fence with a minimum height of six (6) feet, placed interior to any required landscape strip.
- (i) Size of storage units. Individual storage units shall not exceed eight hundred (800) square feet in area.
- (j) Use of storage units. Individual storage units shall not be used for living, wholesale or retail sales, or hobbies. Storage bays shall not be used to manufacture, fabricate, or process goods; service or repair vehicles, boats, small engines or electrical equipment, or to conduct similar repair activities; conduct garage sales or retail sales of any kind; rehearsing or practicing utilizing band instruments; conversion to an apartment or dwelling unit; or to conduct any other commercial or industrial activities. Individual storage bays within a self-service storage facility shall not be considered a premise for the purpose of assigning a legal address in order to obtain mail delivery, an occupational license, or any other governmental permit or licenses to do business.
- (k) Materials stored. Individual units or the premises more generally shall not be used for the storage of hazardous materials, toxic substances, flammable liquids, or highly combustible or explosive materials.
- (l) Open storage. Open storage of recreational vehicles, boats, trailers, recreational equipment and similar vehicles of the type customarily maintained by private individuals for their personal use shall be permitted within a self-service storage facility subject to the following requirements:
 - 1. The total area devoted to open storage shall not exceed twenty-five (25) percent of the total developed area of the facility.
 - 2. The open storage area shall observe the required minimum front, side, and rear yard setbacks for the zoning district in which it is located.
 - 3. The open storage area shall be entirely screened from view from adjacent residential properties and public streets by a building or by the installation of a minimum six (6) foot high opaque wall or fence, or by existing vegetation if topography enables the required screening.
 - 4. If structures are utilized for open storage, the roof of any such structure shall not be less than a 2:12 roof pitch.
 - 5. No vehicle maintenance, washing, or repair shall be permitted within the open storage area.

- (m) Office. A leasing, management, and/or security office shall be permitted in conjunction with a self-service storage facility. Within such office, the sale or rental of items related to moving and storage such as moving boxes, packing supplies and hand trucks shall be permitted.
- (n) Accessory rental of vehicles. A self-service storage facility may rent or lease moving trucks and trailers, provided that all such trucks or trailers are stored in the open storage area authorized by this Section; no display of vehicles or trailers for rent shall be authorized along a street frontage.
- (o) Parking. Designated customer parking is not required; however, a minimum of four (4) parking spaces shall be provided adjacent to the facility's leasing office, if a leasing office is located on site.
- (p) Hours of operation. Self-service storage facilities shall not be accessible to the general public (excluding on-site managers or security agents) between the hours of midnight and 5:00 a.m.

Section 11.6.11. Service and Fuel Filling Station.

In zoning districts where permitted, service and fuel filling stations must have all fuel pumps located at least twenty-five (25) feet from any public right-of-way or lot line, and all buildings and accessory structures must be located at least one hundred (100) feet from any residential zoning district boundary. All fuel must be stored underground outside of any public right-of-way.

Section 11.6.12. Truck Stop.

In zoning districts where permitted, establishments that provide refueling of trucks and cater to the needs of truck drivers are subject to the following requirements: All uses other than the dispensing of fuel or other accessory vehicle services must be contained within a single principal building. Such building may contain convenience shopping space, a restaurant, television viewing and recreation lounges, restroom facilities, and showers.

CHAPTER 11.7
ACCESSORY COMMERCIAL USES

| | |
|-----------------|--|
| Section 11.7.1. | Automated Teller Machine. |
| Section 11.7.2. | Caretaker or Nightwatchman Residence. |
| Section 11.7.3. | Collection Bin. |
| Section 11.7.4. | Drive-Through Facilities. |
| Section 11.7.5. | Food Truck or Mobile Food Vendor. |
| Section 11.7.6. | Manufacturing and Fabrication |
| Section 11.7.7. | Retail and Restaurant Uses Accessory to Office, Institution, or Lodging. |
| Section 11.7.8. | Special Outdoor Event. |
| Section 11.7.9. | Swimming Pools. |

Section 11.7.1. Automated Teller Machine.

- (a) Procedures for safety. Operators of remote service terminals are required to adopt procedures for evaluating the safety of such terminals, including lighting, landscaping or obstructions, and incidence of crimes of violence (O.C.G.A. 7-8-2).
- (b) Lighting. Such facilities must meet lighting requirements including minimum ten (10) candlefoot power at the face of the terminal and two (2) candlefoot power within certain distances from the face of the remote service terminal as specified by O.C.G.A. 7-8-3.

Section 11.7.2. Caretaker or Nightwatchman Residence.

A residence for a caretaker or night watchman may be permitted as a use accessory to a business or industrial establishment, subject to compliance with the following regulations:

- (a) Evidence of need. Evidence of need for full-time security or on-site management after operation hours must be submitted to and accepted by the Zoning Administrator.
- (b) Specifications. The caretaker's residence shall contain a minimum of six-hundred (600) square feet of heated floor area, which may be included inside a principal building on the lot or as a detached residential structure separate from the principal building(s) on the lot.
- (c) Parking. Two (2) off-street parking spaces shall be provided in addition to the parking required for the principal uses(s).

Section 11.7.3. Collection Bin.

- (a) Permit required. It shall be unlawful for any person, firm, or corporation to erect, place, maintain or operate any collection bin, as defined, without first obtaining a collection bin permit issued by the Zoning Administrator.
- (b) Application contents. The applicant for a collection bin shall submit an application for a permit including the following:

1. The name address, telephone number, name of contact person of the organization applying for the permit and the person responsible for the maintenance of the collection bin;
 2. Written consent of the property owner to place the collection bin on the property, including the name, address and telephone number of the owner;
 3. Name and telephone number of any entity which may share or profit from any clothing or other items collected via the collection bin;
 4. Information pertaining to the permittee's status with the State corporation regulatory agency;
 5. A statement that the permittee will hold the city harmless for the removal of a collection bin when necessary to abate a code violation or to comply with the city ordinances;
- (c) Decision on permit. A permit application will be issued or denied within thirty (30) days of the date of application. A denial must include written reason for the denial.
- (d) Permit duration. A permit issued under this section shall be valid for one year and may be renewed each subsequent year.
- (e) Locations limited. No collection bin may be placed on property within agricultural or residential zoning districts except on premises with permitted institutional uses. Collection bins shall not be located in a required front yard. The location of the bin shall be approved by the Zoning Administrator prior to its placement on a lot.
- (f) Identification. Each bin must have affixed to it the name, address and telephone number of the owner of the bin and the individual responsible for its maintenance.
- (g) Maintenance. The collection bin must be maintained, including the provision of readable signage and general upkeep as determined by the Zoning Administrator. No collection bin may be used for advertising or promotional purposes other than information required by this Section. If the bin becomes damaged or vandalized, the permittee shall repair, replace or remove within five days of receipt of notice of such condition.

Section 11.7.4. Drive-Through Facilities.

When a drive-through operation is located adjacent to a residential zoning district or residential use and it involves an exterior loud speaker, volumes must be monitored and controlled so as to minimize audible sound from the loud speaker at the property line. Prior to operation, or to mitigate unwanted noise after commencement of a drive-through operation, the Zoning Administrator may require noise attenuation to be installed on the site with the exterior loudspeaker, if volumes cannot be reduced below those audible at the property line, or if buffers are inadequate to mitigate noise from the exterior loud speaker.

Section 11.7.5. Food Truck or Mobile Food Vendor.

- (a) Motor vehicle tag. A food truck must have a valid tag from the state's Division of Motor Vehicles.
- (b) Food service rules. Food trucks, and mobile food vendors as may be applicable, shall operate in accordance with the State of Georgia's Rules and Regulations Food Service – Chapter 290-5-14, Manual for Design, Installation and Construction, Section U - Special Food Service Operations.
- (c) Health department license, permit or approval. The operator of a food truck or mobile food vendor shall make application for a license or permit as may be required to the Jackson County Health Department, and the applicant shall submit evidence of health department approval prior to authorization by the Zoning Administrator. No food truck shall operate without health department permit or approval.
- (d) Owner authorization. Food truck operators and mobile food vendors shall obtain the signed approval of the property owner for each location at which the food truck or mobile food vendor operates. Such approval must be made available for inspection upon request.
- (e) Separation distances specified. No food truck shall operate (as measured in a straight line from property line to closest point of the approved food truck location, where distances are specified) within: 750 feet of a public or private elementary, junior or high school while school is in session; nor within 150 feet of a property with a single or two-family residential dwelling; nor within 150 feet of a restaurant entrance, unless a waiver is granted by the owner of property on which the restaurant is located.
- (f) Hours of operation. Food trucks and mobile food vendors shall not operate between the hours of 10:00 p.m. and 7:00 a.m. Food trucks shall not be parked in an approved operating location overnight.
- (g) Additional operational constraints. No food truck or mobile food vendor shall be permitted to have a vehicular drive-through facility or drive-up window. No amplified microphones or bullhorns shall be permitted as part of the food truck or mobile food vendor operation.
- (h) Sanitation. Food truck operators and mobile food vendors shall be responsible for the proper disposal of waste and trash associated with the operation. Public trash receptacles shall not be used for this purpose. Operators shall remove all waste and trash prior to leaving each location or as needed to maintain the health and safety of the public.

Section 11.7.6. Manufacturing and Fabrication.

If undertaken as an accessory use to a permitted retail use, manufacturing or fabrication activity is permitted, provided that it occupies no more than twenty-five (25) percent of the gross floor area devoted to the establishment, or 1,000 square feet, whichever is less. All products manufactured or fabricated on the premises must be sold on the premises when conducted accessory to a permitted retail use.

Section 11.7.7. Retail and Restaurant Uses Accessory to Office, Institution, or Lodging.

It is the intent of this Section to permit small-scale, accessory retail uses in office complexes and other uses with gross floor areas of 10,000 square feet or more, including without limitation, barber shops, beauty shops, dry cleaning, drug stores, book stores, florists, gift shops, convenience food stores, newsstands, and cafeterias, sandwich shops, and restaurants, subject to the requirements of this Section. Retail sales and services accessory to the operation of an office complex, institutional use, or lodging facility with 10,000 or more gross square feet of floor area are permitted where otherwise not listed as a permitted use, subject to the requirements of this Section:

- (a) The activity must be conducted wholly within the building in which the principal use is located and shall be limited to 15 percent of total gross floor area of the building. No merchandise shall be stored or displayed outside the structure in which the principal use is located.
- (b) The public entrance or entrances to the activity shall be from a lobby, hallway, or other interior portion of the structure in which the principal use is located, except for restaurants located within an office building or hotel which shall be permitted one exterior public entrance.

Section 11.7.8. Special Outdoor Event.

A special outdoor event may be authorized subject to permit approved by the Zoning Administrator and in compliance with the following:

- (a) The duration of the event does not exceed 15 consecutive days.
- (b) Special outdoor events shall not take place more frequently than four (4) times in any calendar year on the same premise. Any two special outdoor events on the same premise must be separated by at least 30 consecutive days.

Section 11.7.9. Swimming Pools.

Swimming pools which are operated as an accessory use to hotels, motels, or other permitted commercial uses shall be restricted to use by the patrons/guests of the principal use on the subject property and shall not be opened to the general public for a fee.

CHAPTER 11.8 TEMPORARY USES

- Section 11.8.1. Construction Field Office.
Section 11.8.2. Model Home or Temporary Sales Office for Subdivision.
Section 11.8.3. Temporary Classroom.

Section 11.8.1. Construction Field Office.

Industrialized or other temporary buildings or structures shall not be occupied as a permanent office or for any other use in any district; provided, however that such industrialized or other temporary buildings or structures may be used for a temporary office or other permitted non-residential use, subject to the following:

- (a) Approval by the Zoning Administrator and issuance of a permit by the Building Inspector.
- (b) Said permit shall be temporary but renewable once after a period of six (6) months;
- (c) Said permit shall only be issued if plans and permit(s) have been approved for one or more permanent buildings on the subject property;
- (d) Adequate water and sewage disposal for the structure(s) is approved by the Jackson County Health Department; and
- (e) Said manufactured home(s) or temporary building or structure(s) shall be removed from the site no later than upon the occupancy of the appropriate permanent building(s) or structure(s) intended for such use.

Section 11.8.2. Model Home or Temporary Sales Office for Subdivision.

An applicant for final subdivision approval as required by Article 26 of this Land Use Management Code may apply for a building permit and may after securing a building permit erect a dwelling or install a temporary industrialized building to serve as a temporary sales office for the subdivision. If the building is developed as a model home (site-built dwelling), it shall be established on a lot shown on an approved preliminary plat and shall meet zoning district requirements for lot size, setbacks, etc. Upon completion of its use as a model home or temporary sales office, said dwelling can be converted to a dwelling upon issuance of a certificate of occupancy. If the temporary sales office is an industrialized building, it shall be installed to meet the applicable requirements of this Land Use Management Code as approved by the Zoning Administrator, and it shall be removed within thirty (30) days of the cessation of lot or house sales in the subject subdivision.

Section 11.8.3. Temporary Classroom.

On sites where educational or religious facilities are permitted, one or more temporary classrooms, which may be industrialized buildings, may be permitted as temporary uses by the Zoning Administrator, upon application and after the issuance of a building permit, for a public school, private school, or church. The Zoning Administrator may attach reasonable conditions on the issuance of such permit to ensure compatibility and public safety. The duration of such temporary use and building permit shall not exceed one (1) year, unless an extension is granted by the Quad Cities Planning Commission.

CHAPTER 11.9 TOWERS AND WIRELESS SERVICE FACILITIES

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|-----------------|---|
| Section 11.9.1 | Purpose and Intent. |
| Section 11.9.2. | Applicability. |
| Section 11.9.3. | Performance and Construction Standards. |
| Section 11.9.4. | Application Requirements. |
| Section 11.9.5. | Application Processing. |
| Section 11.9.6. | Criteria to Consider in Acting Upon Applications. |
| Section 11.9.7. | [Reserved]. |
| Section 11.9.8. | Collocation of Private Equipment on Exempt Facilities |

Section 11.9.1. Purpose and Intent.

The purpose of this chapter is to establish guidelines for the siting of all wireless telecommunication equipment and facilities, microwave towers, common carrier towers, cellular, television and radio telecommunications towers and antennae. The regulations and requirements of this Chapter are adopted for the following purposes:

- (a) To provide for the location of communication towers and communication antennas; and to protect residential areas and land uses from potential adverse impacts of communication towers, poles, and antennas by restricting them in accordance with the restrictions of this Chapter.
- (b) To minimize adverse visual impacts of communication towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques.
- (c) To accommodate the growing need for communication towers and antennas while minimizing the total number of towers within the community necessary to provide adequate personal wireless services to residents.
- (d) To promote and encourage shared use/co-location of existing and new communication towers (i.e., the use of multiple antennae operated by different providers on a single tower) as a primary option rather than construction of additional single-use towers or poles.
- (e) To promote and encourage placement of antennae on existing towers, where such siting options exist, and on buildings, where such siting options exist.
- (f) To consider public health, safety, and welfare in the siting of new towers, and to avoid potential damage to adjacent properties from tower or pole failure through engineering and careful siting of tower structures.

It is also the intent of this ordinance to limit the siting of telecommunications facilities and towers where they will have the least adverse impact on the community and still comply with the requirements of the Telecommunications Act of 1996 (Public Law No. 104-104, 47 U.S. C. Section 332(c)(7)). These intentions are accomplished with restriction of locations and by enacting controls on height, setbacks, screening, color, and materials in order to minimize visibility and promote public safety and welfare. The regulations in this Chapter are reasonably related to the valid public purposes described in this Section.

It is not the intent of the Governing Authority to discriminate among providers of functionally equivalent services or to prohibit or have the effect of prohibiting the provision of wireless

services in the participating municipalities. It is also the intent of the participating municipalities that applications to place, construct, or modify personal wireless service facilities will be acted upon within a reasonable period of time.

Section 11.9.2. Applicability.

All new communication towers, poles, and communication antennas shall be subject to this Chapter, except that this Chapter shall not govern the following:

- (a) Any tower, or the installation of any antenna, that is seventy (70) feet or less in height and is owned and operated by a federally-licensed amateur radio station operator or ham radio operator from the operator's residence.
- (b) Antennae or towers located on property owned, leased, or otherwise controlled by a city, Jackson County, or School Board, provided that a license or lease authorizing such antenna or tower has been approved by the government or agency with jurisdiction.
- (c) Monopole towers 100 feet or less in height located within electrical substations and antennae attached to existing transmission towers.
- (d) Antennas and communications equipment including antenna arrays, poles, towers, equipment cabinets, security fences, barriers and other accessory structures located within railroad rights of way or on lands owned by railroads which are used or planned for purposes related to rail transportation or rail line communications such that denial of the right to locate such facilities as requested would constitute regulation of rail transportation in violation of federal law. *[added by ordinance amending the LUMC approved 5-9-2022]*

Section 11.9.3. Performance and Construction Standards.

- (a) Structural Design. New communication towers or poles and antennae, and modifications to existing structures including, without limitation, the addition of height, antennae or providers, shall be constructed in accordance with applicable federal, state and local regulations.
- (b) Placement Restrictions. Towers occupying a lot as a principal use shall at minimum meet the minimum lot size and setback requirements for the zoning district in which the lot is located. In addition, communication towers shall be setback from residential zoning district boundaries a minimum of one foot for each foot of tower or antenna height. All towers shall be located at least one-third of their height in feet from any public right-of-way. When the tower is on property leased, the setbacks shall apply to the lot of record, not the lease boundaries.
- (c) Fencing. A chain link fence or wall not less than six (6) feet in height from finished grade shall be provided around each communication tower or pole. Access to the tower or pole shall be through a locked gate. The tower or pole shall be equipped with an appropriate anti-climbing device, unless the Zoning Administrator waives this requirement for alternative tower structures.
- (d) Landscaping. The visual impacts of a communication tower at the ground level shall be mitigated by landscaping. Where adequate vegetation is not present, tower facilities shall be landscaped with a minimum ten (10) foot wide landscape strip or buffer which effectively screens the view of the tower compound at ground level. The use of existing vegetation shall be preserved to the maximum extent practicable and may be used to meet this landscaping requirement. See Chapter 16.4 of this Land Use Management Code for additional specifications.

- (e) Height. Towers shall be the minimum height necessary to provide parity with existing similar tower-supported antenna. No tower, pole, or antenna, whether freestanding or attached to a building or structure, shall exceed 200 feet in height from ground level; provided, however, that a variance application may be filed concurrently with the conditional use application and heard by the Governing Authority to exceed this height limitation. To prevail, the applicant must successfully demonstrate why the prescribed maximum height is insufficient to provide adequate service, or that a taller tower will be in the community's interest by avoiding the construction of one or more additional towers at a new location.
- (f) Illumination. Communication towers, poles, or antennae shall not be lighted except to assure human safety or as required by the Federal Aviation Administration, Federal Communications Commission, or other federal agency with jurisdiction.
- (g) Color and Material. Towers clustered at the same site shall be of similar height and design. Communication towers not required to be painted or marked by the Federal Aviation Administration shall have either galvanized steel finish or be painted a non-contrasting color approved by the Governing Authority to minimize the equipment's visibility. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical or closely compatible with the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
- (h) Signs and advertising. No advertising is permitted on a tower or antenna. However, towers shall have mounted in a conspicuous place a sign of not more than one (1) square foot in area, identifying the facility's owner and providing a means of contact in the event of an emergency.
- (i) Co-location. Proposed communication antennas may and are encouraged to co-locate onto existing communication towers. New or additional conditional use approval is not required for the addition of an antenna to an existing approved tower or pole. All towers over 100 feet in height shall have structural capacity and ground or interior space to accommodate multiple users. Towers up to 160 feet shall accommodate at least three users, and towers over 160 feet shall accommodate at least five users.
- (j) Noninterference. No communication tower or antenna shall interfere with public safety communication. Frequency coordination is required to ensure noninterference with public safety system and/or public safety entities.

Section 11.9.4. Application Requirements.

In addition to and in conjunction with the information required for conditional use applications generally, as provided in Chapter 21.2 of this Land Use Management Code, each application shall include the following:

- (a) A site plan with topographical information.
- (b) An elevation view, perspective drawing, or simulated photograph of how the proposed telecommunication tower will look from public rights-of-way and surrounding residential streets from which it will be visible once constructed.
- (c) Supporting engineering calculations and information which provide evidence of need and document radio frequency range, coverage area, and tower height requirements. The application must specifically address whether there is a technically suitable space available on an existing tower or other location within the search area (i.e., the grid for the placement of the antenna), and such information shall specifically include the location of all existing towers within a one-mile radius of the site proposed.

Section 11.9.5. Application Processing.

Decisions on applications for wireless service facilities shall be made within a reasonable period of time, which shall mean generally that such decisions shall be processed in roughly the same amount of time required for other conditional use applications; provided, however, that the Planning Commission and Governing Authority shall each table an application for conditional use for a wireless service facility no more than once before making a recommendation and decision, respectively, unless the applicant does not object to additional continuances.

Section 11.9.6. Criteria to Consider in Acting Upon Applications.

In addition to the criteria for determining whether to approve or deny conditional uses, as specified in Chapter 21.2 of this Land Use Management Code, when an application for wireless telecommunication facilities or equipment is considered, the Planning Commission and the Governing Authority shall consider the following without limitation:

- (a) Impacts on surrounding properties with regard to aesthetics and fit with the context of its surroundings, considering the location, height, type of facility, color and materials proposed.
- (b) Whether impacts on surrounding properties on aesthetics can be mitigated by a monopole tower, or by a camouflaged tower (e.g., disguised as a pine tree), or by using stealth technology (i.e., making the tower resemble common features such as church steeples, bell towers, clock towers, grain silos, gateway elements, and monuments), or by requiring greater setback from impacted properties.
- (c) Whether the tower or wireless facility would pose an unreasonable risk to adjoining properties, including consideration of a fall area where ice or other debris may fall off the tower without harm.
- (d) The appropriateness of the location of existing towers, poles, and buildings, including electric transmission towers, that might serve as alternative locations to construction of a new tower or pole or placement on a building in a new location. It is the intent that new antennae where possible shall be co-located on existing towers and poles, placed on existing buildings, or be within a concealed support structure (e.g., camouflaged as an artificial pine tree, church steeple, clock tower, grain silo, flagpole, etc.), prior to authorizing the installation of a new non-camouflaged pole or tower. The failure to consider or unwillingness to accept viable options as described in this paragraph may be grounds for denial of a conditional use application for a new tower or pole.
- (e) Whether the application demonstrates compliance with the regulations established in this chapter.
- (f) Whether the tower would be engineered and constructed to accommodate additional communication service providers (i.e., whether the application provides for co-location as required by this Chapter).
- (g) Whether a denial of the application would have the effect of prohibiting wireless services in the jurisdiction or area or would unduly restrict competition among wireless providers.

In addition, the Governing Authority shall make its decision on the application based on substantial evidence and sufficient to allow a reviewing court to understand the reasoning behind the decision and whether that reason comports with the evidence presented. To this end, for each application for wireless service facilities, the Governing Authority shall rely on

findings of fact in making a decision on said application. Such findings may be part of the recommendation and report of the Zoning Administrator, the recommendation of the Planning Commission, the application and supporting materials submitted by the applicant, testimony from interested individuals, professionals, and the applicant, and any additional findings of fact the Governing Authority may itself determine. Generalized community concerns, unaccompanied by supporting documentation, do not constitute substantial evidence under Section 704 of the Telecommunication Act of 1996 or this Chapter.

Section 11.9.7. Reserved.

Section 11.9.8. Collocation of Private Equipment on Exempt Facilities.

(a) No Special Use Permit or zoning approval shall be required for communications facilities built by or for railroad companies or equipment, which are located in the railroad right of way or on lands owned by railroads, however, a building permit must be obtained prior to construction of said facilities.

(b) Collocation of private antennas and other types of communications equipment is permitted on towers, antennas or communications facilities which are used or planned for purposes related to rail transportation or rail line communications and located in the railroad right of way or on lands owned by railroads, provided that:

1. No part of the collocated equipment shall increase the height of the existing tower or antenna by more than ten (10%) percent or twenty (20) feet, whichever is greater, as measured from the top of an existing antenna to the bottom of the proposed new antenna on the top of a tower;
2. The collocated equipment includes the addition of no more than four (4) equipment cabinets;
3. It would defeat any required concealment elements of the existing structure.

(c) Prior to collocation of private antennas or other types of communications equipment on towers, antennas or communications facilities which are used or planned for purposes related to rail transportation or rail line communications or located in the railroad right of way or on lands owned by railroads, a private party must first file with the City, information illustrating such collocation qualifies as an Eligible Facilities Request under 47 U.S.C. §1455(a). The submitted documentation shall be reviewed and, if all requirements under 47 U.S.C. §1455(a) have been met, approval for such collocation shall be granted within sixty (60) days of the submission of such information. *[added via ordinance amending the LUMC adopted 5/9/2022]*

**CHAPTER 11.10
OTHER USES**

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| Section 11.10.1. | Aircraft Landing Area. |
| Section 11.10.2. | Animal Shelter. |
| Section 11.10.3. | Blasting Operations |
| Section 11.10.4. | Landfill. |
| Section 11.10.5. | Livestock and Poultry in AG-R, RR-1 and RR-2 Zoning Districts. |
| Section 11.10.6. | Mining and Quarrying. |
| Section 11.10.7. | Roadside Produce Stand. |

Section 11.10.1. Aircraft Landing Area.

No person shall construct or use or authorize the construction or use of an aircraft landing area on any property owned, leased, or controlled by such person, unless and until the following requirements are met:

- (a) No person shall use or authorize the use of an aircraft landing area on any property owned, leased, or controlled by such person until such person has obtained liability insurance coverage on the operation and use of such area. Such coverage shall be obtained from an insurer authorized or licensed to transact insurance business in Georgia and shall provide a minimum liability coverage of at least \$500,000.00 per claim.
- (b) The proposed aircraft landing area shall be of sufficient size to meet the Federal Aviation Administration requirements for the class of airport or aircraft landing proposed, and it must be approved by the Federal Aviation Administration or other agency of the federal government with jurisdiction. There shall be sufficient distance between the end of each landing strip and the property boundary to satisfy the requirements of the Federal Aviation Administration.
- (c) There shall be no existing or proposed flight obstructions such as towers, chimneys or natural obstructions outside the proposed aircraft landing area which would be in the approach zone to any of the proposed runways, landing strips, or landing areas. In cases where air rights or easements have been acquired from the owners of abutting properties to protect approach zones, satisfactory evidence thereof shall be submitted with the application.
- (d) An environmental impact report shall be submitted, addressing whether the facility is consistent with the comprehensive plan; whether the use will have an adverse impact on the surrounding area; and whether the noise level will impact the surrounding area. Additionally, the applicant shall submit a plan with any mitigation techniques that may be required. The Zoning Administrator shall review the environmental impact report, evaluate proposed mitigating techniques, and determine the sufficiency thereof, require any additional information relevant to the application, and make a recommendation to the Governing Authority regarding approval or denial of the conditional use application.
- (e) In approving an aircraft landing area, the Governing Authority may provide that the approval is conditioned on measures or restrictions designed to mitigate any negative impacts of the use. The proposed location of an aircraft landing area within 600 feet of a residential zoning district may form the basis for denial of the application.

Section 11.10.2. Animal Shelter.

- (a) State license. No animal shelter shall hereafter be established until or unless any license required by the Georgia Commissioner of Agriculture is issued and a copy of the license is provided to the Zoning Administrator prior to commencement of operations.
- (b) State rules. Such use shall also comply with any rules adopted by the Georgia Commissioner of Agriculture pursuant to the Georgia Animal Protection Act, O.C.G.A. 4-11-14. (Additional Reference: Rules of Georgia Department of Agriculture, Animal Protection Division, Chapter 40-13-13 Animal Protection).

Section 11.10.3. Blasting Operations.

Any use authorized by the county which includes blasting operations shall comply as applicable with the Georgia Blasting Standards Act of 1978 (Chapter 8, Title 25, 25-8-1 et seq.) and any rules and regulations promulgated pursuant thereto. (Additional Reference: Rules of the Comptroller General, Safety Fire Commissioner, Chapter 120-3-10, Rules and Regulations for Explosives and Blasting Agents).

Section 11.10.4. Landfill.

- (a) Access from a paved street shall be required. Access shall not be allowed through any residential subdivision or residential development.
- (b) A minimum 100-foot wide buffer is required adjacent to any property line containing a residential use and abutting any residential zoning district.
- (c) A minimum 50-foot wide buffer is required adjacent to public rights-of-way.
- (d) A minimum six-foot high solid fence/wall shall be required inside buffers adjacent to any property line containing a residential use or abutting any residential zoning district.
- (e) The owner shall provide the Zoning Administrator with a current copy of a Georgia solid waste handling permit, or pending application thereof, prior to applying for a land disturbance permit.
- (f) Vehicles shall be allowed into a landfill site only if waste is covered, to prevent blowing of material from the vehicle.
- (g) Where the city has adopted a separate ordinance regulating landfills, the landfill shall comply with said ordinance.

Section 11.10.5. Livestock and Poultry in AG-R, RR-1 and RR-2 Zoning Districts.

- (a) General Adequacy Provisions for Animal Care.
 - (1) It is the intent of this Section to ensure that the keeping of livestock and/or poultry as an accessory to residential use must not be conducted on such scale as to constitute commercial farming, which is only appropriate in planned commercial farm and agricultural districts established in Article 6 of this land use management code.
 - (2) All animals under the care of humans, whether they be livestock, poultry, or other type, shall be provided with adequate water, food, and sanitation, as defined.

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(3) Animal quarters for any livestock or poultry shall be provided with adequate ventilation and adequate temperature control.

(b) Use and Application Requirements.

(1) The keeping of livestock or poultry in agriculturally zoned districts (PCFD, AG, AG-R) are permitted uses subject to the limitation set forth in this Section. Any deviation from the limitations set forth in this Section shall only be allowed by administrative variance procedures set forth in Article 22 of this Code.

(2) The keeping of up to one horse per two acres (or other equine) and as many as six chickens (adult hens; excludes roosters) are permitted as an accessory use to a single-family dwelling in RR-1 and RR-2 zoning districts. Prior to the placement of said animals or poultry, the owner must submit a fully completed Exemption form certifying that the land area and animal housing requirements of this section are met. The keeping of any other type of livestock or poultry shall only be allowed by administrative variance issued in accordance with the procedures set forth in Article 22 of this Code. This paragraph does not authorize such uses on a vacant lot.

(3) Any and all applicants for livestock or poultry in an agricultural-residential (AG-R), RR-1, and RR-2 zoning district, whether submitting an Exemption form or Variance application, shall specify the proposed number of livestock and/or poultry (or combination) that are requested and provide a site or plot plan of the property showing the location and dimensions of fenced land area and the animal quarters in relation to property lines, demonstrating compliance with the housing and land area requirements of this section.

(4) The keeping of livestock and poultry in Agricultural-Residential (AG-R), RR-1, and RR-2 zoning districts shall be subject to the following housing and land are requirements.

| Animal | Minimum Enclosed Housing Area Per Animal (sq. ft.) | Minimum Fenced Land Area for Exercise/Pasture Per Animal |
|----------------------------------|--|--|
| Livestock: Horse or other Equine | 100 square feet | 2 acres |
| Livestock: Cow | 100 square feet | 1 acre |
| Livestock: Goat | 50 square feet | 0.25 acre |
| Livestock: Sheep | 50 square feet | 0.25 acre |
| Livestock: Pig or other Swine | Not Permitted | Not Permitted |
| Poultry: Chicken (adult hen) | 4 square feet with solid floor | 50 square feet; maximum 6 chickens |
| Poultry: Chicken (rooster) | Not Permitted | Not Permitted |
| Poultry: Geese or duck | 4 square feet with solid floor | 50 square feet; maximum 6 geese or ducks |
| Poultry: Turkey (adult) | 6 square feet with solid floor | 100 square feet; maximum 3 turkey |

Through the variance permitting process, the total number of livestock and/or poultry (or combination thereof) may be further limited if appropriate given the specific locations and site conditions. Under no circumstances shall the number of Poultry permitted in AG-R, RR-1, or RR-2 zoning districts exceed a maximum of 12 chickens, geese or ducks, or 6 turkeys.

(5) Multiple animals are permitted on a given lot, but no acre of land or portion thereof shall be counted toward meeting the land area requirements for more than one type of livestock or poultry. No enclosed animal housing area or portion thereof shall be counted toward meeting the animal housing area for more than one type of livestock or poultry.

(6) It shall be unlawful to keep hogs or pigs on any property except those within a PCFD or AG zoning designation under Article 6 of this Land Use Management Code.

(c) Setbacks for Animal Quarters and Pasture.

No animal enclosure for livestock or poultry in Agricultural-Residential (AG-R) and Rural Residential (RR-1 and RR-2) zoning districts shall be located closer than 75 feet to any property line. Larger setbacks may be required during the Variance application review process, if appropriate given specific locations and site conditions.

(d) Prohibition on Free Roaming.

Every person owning or keeping livestock or poultry in an Agricultural-Residential (AG-R) or Rural Residential (RR-1 and RR-2) zoning district is required to keep such livestock or poultry under fence and to not allow such livestock or poultry to run on any property other than their own or outside the fenced portion of the property.

[Retitled and amended via Ordinance LUMC 19-01, adopted March 11, 2019]

Section 11.10.6. Mining and Quarrying.

11.10.6.1. Application Requirements. In addition to the requirements for conditional use applications as specified in Chapter 21.2 of this Land Use Management Code, all applicants for mining or quarrying shall submit to the Zoning Administrator the following information for review by the Planning Commission and the Governing Authority:

- (a) A site plan, which shall meet the requirements of Chapter 21.2 of this Land Use Management Code, and which must also show areas proposed for the handling and storage of overburden, by-products, and/or excavated materials.
- (b) An operations plan, which shall include: the date of commencement of operation and its expected duration; proposed hours of operation, which shall not be permitted to include the hours of 7:00 p.m. to 7:00 a.m., nor shall operations be allowed on Sundays and national holidays; the estimated type and volume of extraction;
- (c) A copy of all documents submitted or prepared for submission to the Georgia Department of Natural Resources for the purpose of obtaining a state mining permit.
- (d) A statement from the Georgia Department of Transportation which shall identify any state-maintained road within or adjacent to the subject property, and which shall identify any repaving, repairs, alterations, turning lanes, or other additions necessary

to accommodate the potential increase in traffic volume or weight occasioned by the proposed operations.

- (e) A statement from the City Engineer or other qualified professional which identifies all city roads within or adjacent to the property and which shall identify any repaving, repairs, alterations, turning lanes, or other additions necessary to accommodate the potential increase in traffic volume or weight occasioned by the proposed operations.
- (f) A statement as to the intended use or production of explosives or other hazardous materials and the methods and procedures proposed for the handling, use, storage, and disposal of such materials.
- (g) A reclamation and rehabilitation plan, which shall include a detailed procedure for the rehabilitation of excavated land, the future use or uses of the land, the type of ground cover, fill, and landscaping, methods for disposing of all equipment and structures, and an estimate of the timing of phases of rehabilitation including estimated time of completion.

11.10.6.2. Additional Regulations. Any facility engaged in the extraction of earth products, such as sand, soil, gravel, rock, stone, clay, or other mining operations, etc. shall comply with the following:

- (a) Permanent roads, defined as those to be used in excess of one year, within the excavation site shall be surfaced with a dust-free material.
- (b) Roads other than permanent roads shall be treated with dust inhibitors which will reduce the generation of dust from the road surfaces as a result of wind or vehicular action.
- (c) The proposed extraction shall not take place within 300 feet of a property containing a dwelling, school, church, hospital, or public building.
- (d) Product piles, spoil piles, and other accumulations of by-products shall not be created to a height more than thirty five (35) feet above the original contour.
- (e) All blasting operations shall occur between sunrise and sunset.

Section 11.10.7. Roadside Produce Stand.

A produce stand not greater than 1,000 square feet of gross floor area for the purpose of seasonal sales of products grown or produced on the premises on which it is located is allowed as an accessory structure in a front yard of a lot containing a farm or agricultural use, provided that there is adequate egress and two on-site parking spaces available. A produce stand larger than 1,000 square feet of gross floor area, or the resale of imported agricultural produce or products on a farm or agricultural use, may be permitted with conditional use approval.

ARTICLE 12 PARKING AND LOADING

| | |
|--------------|------------------------------|
| CHAPTER 12.1 | GENERAL PROVISIONS |
| CHAPTER 12.2 | CIRCULATION |
| CHAPTER 12.3 | OFF-STREET PARKING |
| CHAPTER 12.4 | OFF-STREET PARKING REDUCTION |
| CHAPTER 12.5 | OFF-STREET LOADING |

CHAPTER 12.1 GENERAL PROVISIONS

| | |
|-----------------|---------------------|
| Section 12.1.1. | Findings. |
| Section 12.1.2. | Purpose and Intent. |
| Section 12.1.3. | Applicability. |
| Section 12.1.4. | Interpretations. |

Section 12.1.1. Findings.

- (a) Generally. Poor design of parking lots can lead to damage to the environment and may require the community to subsidize the interests of a commercial enterprise at the expense of the community's environment. It is reasonable to require that development prevent environmental damage through good design of parking lots. Possible negative effects of parking and loading areas include creation of heat islands and changes to microclimate, isolation of pedestrians, increased stormwater runoff, and reduced stormwater infiltration into the ground.
- (b) Heat islands. Large parking lots can create heat islands where pavement absorbs solar radiation during the day and remains warm well into the night. When heat islands exist, cooling costs are higher than normal. Strategies can be used to reduce heat islands and their effects.
- (c) Lack of safe pedestrian mobility. Large areas of paving are necessary to accommodate automobiles, but they can be unfriendly to pedestrians without specific regulations requiring that designers accommodate pedestrians. Large, open parking areas are conducive to high speeds and random maneuvers which can endanger pedestrians. Wide driveway aisles and access roads also increase speeds and discourage pedestrian travel. Street and parking lot design is moving away from automobile-centered standards toward a more balanced approach that includes pedestrians.
- (d) Stormwater management. Parking lots can be seas of asphalt contributing to the degradation of local water quality. Parking lots can be more compatible environmentally if environmental protection measures are incorporated into design standards and regulations. Porous pavement and grass pavers reduce runoff by allowing it to pass through the paved surface and infiltrate back into the soil and groundwater. Utilizing porous pavements and grass pavers also reduces or eliminates land dedicated to surface storm water management facilities. Porous pavement designs and grass pavers are appropriate in some instances. Other types

of stormwater management facilities are also more environmentally compatible, such as vegetative swales and bioretention.

- (e) Overbuilding of parking lots. Past off-street parking requirements have called for huge, expanses of parking around shopping centers and malls, some or much of which remains unused for most of the year. The risk of lost retail sales because of insufficient customer parking, as well as parking requirements for commercial loans, have led in part to the overbuilding of parking lots. This has worked to the benefit of retailers but has been shown to have undesirable environmental impacts, and those costs have been borne by communities. Certain parking areas are used only a few days of the year, yet the impacts of excess pavement continue every day, regardless of whether the parking is used or not. Studies have shown that at least one-half of the parking spaces in shopping centers are vacant at least 40 percent of the time (Urban Land Institute 1982, as cited in "An Opportunity to Reduce Minimum Parking Requirements," by Donald Shoup, *Journal of the American Planning Association*, Winter 1995, 14-28). Parking lot construction is a considerable factor in the cost of development. Reducing parking areas reduces development costs. Therefore, reductions in the size of paved parking and flexibility in the types of pavement and parking designs are beneficial to all concerned.

Section 12.1.2. Purpose and Intent.

The multiple purposes of this Article are summarized as follows:

- (a) Establish requirements for multi-modal access to development sites, including vehicular, truck service, pedestrian, as appropriate;
- (b) Establish on-site circulation patterns conducive to safe pedestrian as well as vehicular and truck access;
- (c) Establish minimum off-street parking and loading areas in proportion to the need created by each use, but considering reductions for the provision of alternative modes of travel;
- (d) Reduce congestion in the streets and ensure that uses and functions of public rights-of-ways are not interrupted;
- (e) Establish certain maximum as well as minimum requirements for parking spaces to reduce development costs and ensure that excess impervious surfaces are not constructed, while providing for exceeding maximums when a demonstrated need exists. Parking requirements should be based on actual average parking demands, rather than to accommodate the highest hourly parking at a site as in conventional parking requirements.
- (f) Provide for alternative pavement materials, such as porous asphalt, turf block, gravel, wood mulch, and cobbles which have higher degrees of water quality effectiveness than conventional asphalt and pervious concrete;
- (g) Promote flexible approaches to the provision of off-street parking, including in some cases, as appropriate, use of on-street parking, shared parking arrangements, smaller spaces for compact cars, and unimproved or pervious pavement overflow or spillover parking areas;
- (h) Establish design and improvement specifications for the development of parking lots, loading areas, access aisles, and connections of parking lots to public streets;
- (i) Ensure that parking areas will be compatible with abutting residential zoning districts.

Section 12.1.3. Applicability.

This Article shall apply to any new building constructed; for new uses or conversions of existing, conforming buildings; and for enlargements of existing structures. This Article shall not be construed to require additional parking spaces to be furnished for an existing building which is repaired, altered, maintained, or modernized, where no structural alterations are made and the size of the building is not increased; provided, however, that when the occupancy of any building is changed to another use, parking shall be provided to meet the requirements of this Article for the new use.

Section 12.1.4. Interpretations.

- (a) Fractions. Where a fractional space results during the calculation of required parking, the required number of parking spaces shall be construed to be the next highest whole number.
- (b) Parking space requirement not specified. Where the parking requirement for a particular use is not described in this Article, and where no similar use is listed, the Zoning Administrator shall determine the number of spaces to be provided based on requirements for similar uses, location of the proposed use, the number of employees on the largest shift, total square footage, potential customer use, and other expected demand and traffic generated by the proposed use. At the discretion of a development applicant, a parking generation study prepared by a qualified professional may be submitted to aid the Zoning Administrator in making such a determination; if submitted, it shall be considered by the Zoning Administrator prior to making a determination.
- (c) Computations for multiple floor uses within a building. In cases where a building contains some combination of office space, retail or wholesale sales area, and/or bulk storage area, the Zoning Administrator may authorize that the building space be divided in to such floor space use areas and combined computations of floor areas (e.g., warehousing, retail, and/or office) in meeting the off-street parking or loading space requirements of this Article.

CHAPTER 12.2 CIRCULATION

- Section 12.2.1. Pedestrian Facilities Internal to Site Required.
Section 12.2.3. General Circulation.
Section 12.2.4. Vehicular Circulation.

Section 12.2.1. Pedestrian Facilities Internal to Site Required.

Internal to each building site, non-single-family residential developments shall provide safe routes of pedestrian access between points of departure and destinations. All walkways internal to the site shall be a minimum of four (4) feet wide. Pedestrians shall have the right-of-way over automobile travel. The internal sidewalk system shall connect to the public sidewalk system along streets and highways, where it exists or is planned. Where a transit stop exists, the internal sidewalk system shall provide as direct a link as possible from the buildings on site to the transit stop. The internal sidewalk system shall also connect to any sidewalk systems on abutting private properties or provide for such connections in their absence. See also Section 9.2.9, "Pedestrian Facilities" of this Land Use Management Code.

Section 12.2.2. General Circulation.

- (a) All parking shall be provided with vehicular access to a street. Loading areas shall be provided with access to a street or alley. Parking or loading areas shall not thereafter be encroached upon or altered without approval of the Zoning Administrator.
- (b) Except for single-family and duplex dwellings, off-street parking and loading spaces shall have access so that their use will not require backing movements or other maneuvering within a street right-of-way.
- (c) There shall be no obstruction of a public sidewalk, including that portion of the sidewalk within a driveway apron, due to parking, loading, or other activity. The City Engineer may require that construction contractors make special provisions for maintaining safe passage along public sidewalks during construction.

Section 12.2.3. Vehicular Circulation.

Efficient and easily recognized vehicular circulation routes within a development are vital and shall be provided. Internal vehicle circulation shall be designed or redesigned in a manner that avoids conflicts between through-traffic (i.e., traffic flowing into and out of the site) and local traffic (i.e., traffic through parking areas). Interior vehicular circulation shall be provided by: (1) visually orienting the driver with a regular, logical system of interior driveways and roadways; (2) identifying entrance drives with small entry signs (see Section 17.3.3.1); and (3) preventing vehicles from driving across or through designated parking areas by placing raised landscaped dividers or walkways between parking aisles.

CHAPTER 12.3 OFF-STREET PARKING

| | |
|------------------|--|
| Section 12.3.1. | Off-Street Parking Required. |
| Section 12.3.2. | Location of Off-Street Parking Areas. |
| Section 12.3.3. | Parking Plan Required. |
| Section 12.3.4. | Minimum Design Requirements. |
| Section 12.3.5. | Minimum Number of Parking Spaces Required. |
| Section 12.3.6. | Number of Handicapped Parking Spaces Required. |
| Section 12.3.7. | Administrative Variances. |
| Section 12.3.8. | Parking Space and Isle Design Specifications. |
| Section 12.3.9. | Compact Parking Spaces. |
| Section 12.3.10. | Angled Parking. |
| Section 12.3.11. | Stacking Spaces for Drive-Through Facilities. |
| Section 12.3.12. | Improvement Requirements. |

Section 12.3.1. Off-Street Parking Required.

Off-street automobile parking spaces shall be provided on every lot on which any building, structure, or use is hereafter established in all zoning districts, except as otherwise specifically exempted by this Article. Required parking spaces shall be available for the temporary parking of passenger vehicles for residents, customers, patrons, and employees, as appropriate given the subject use.

When a parking lot of 75 spaces or an area of ½ acre or more is proposed, the applicant shall be required by the Zoning Administrator to divide and designate the parking lot into distinct use areas as follows.

- (a) Prime customer parking. This type of parking should be located within 200 to 300 feet of buildings and near building entrances, because these spaces are used more frequently (i.e., high turnover).
- (b) Overflow customer parking. This type of parking is used to meet peak parking demands. Spaces are used less frequently.
- (c) Employee parking areas. This type of parking is provided at the fringe of the site and areas not readily associated with major building entrances, with low turnover.

Section 12.3.2. Location of Off-Street Parking Areas.

All parking spaces required by this Article shall be provided on the same lot with the main building or use which it serves. Upon demonstration that the parking spaces required by this Article are not available and cannot reasonably be provided on the same lot as the building, structure or use it serves, the Zoning Administrator may permit some or all of the required parking spaces to be provided on any lot, a substantial portion of which is within eight hundred (800) feet of such building, structure, or use. This provision shall require submittal of evidence of ownership or valid agreement to lease the parking area off-site that is intended to be used to comply with this Article.

Section 12.3.3. Parking Plan Required.

Before any building permit is issued, the parking lot layout and area must be found by the Zoning Administrator to be compliant with all requirements of this Article. The Building Inspector shall not allow occupancy or use of a building until advised by the Zoning Administrator that parking facilities meet the requirements of this Article.

No permit shall be issued for any parking area, except those for detached, single-family residences, until the plans and specifications have been submitted for review by the Zoning Administrator. Such plans and specifications shall include the number of spaces provided and required, the location of entrances, exits, aisles, curbing where required, landscaping, screening, surface materials, and provisions for drainage.

Section 12.3.4. Minimum Design Requirements.

- (a) Dead-end parking areas shall be prohibited unless design conditions prevent a connected design, and they can only be used if 90 degree parking design is used.
- (b) Parking aisle length shall not exceed 500 feet without a break for circulation.
- (c) One landscaped divider (i.e., planted area within in between and separating the vehicle parking spaces fronting one another) with a minimum width of ten (10) feet shall be provided for every fifth parking aisle in a parking lot; provided, however, that the Zoning Administrator may vary this requirement in cases of short parking aisles or where alternative designs prevent random maneuvers which can endanger pedestrians.
- (d) Light poles should be placed in landscaped planter strips. Where this cannot be accomplished, light poles must be placed on a reinforced concrete pedestal to protect them from damage or being knocked over.
- (e) Parking lots shall meet the requirements for parking lot landscaping as specified in Chapter 16.4 of this Land Use Management Code.

Section 12.3.5. Minimum and Maximum Onsite Parking Spaces.

Unless specifically provided otherwise in this Article, on each lot where a building, structure, or use exists, each site shall be designed to provide and shall provide for off-street parking in the minimum (and not to exceed the maximum) amounts in Table 12.3.1.

No existing or future off-street parking area shall be reduced in capacity to less than the minimum required number of spaces, or increased to more than the maximum permitted number of spaces, or altered in design or function to less than the minimum standards, unless specifically provided for in this Article.

This Section shall not be construed as requiring compliance of parking lots which lawfully existed on the effective date of this Article; provided, however, that the Zoning Administrator shall ensure parking lots that do not comply with this Article meet the requirements of this Article or substantially comply when a new development permit is required or a building permit is required to add additional building space on the site. If substantial redesign of the parking lot is required to comply with this Article in such cases of new development or building additions, the Zoning Administrator may accept substantial rather than complete compliance when the strict application of a requirement of this Article would pose substantial practical difficulty.

**TABLE 12.1
 MINIMUM AND MAXIMUM NUMBER OF
 OFF-STREET PARKING SPACES REQUIRED**

Unless otherwise noted, the parking requirement shall be based on the gross square footage of the building or buildings devoted to the particular use specified.

| USE | MINIMUM PARKING REQUIRED | MAXIMUM PARKING PERMITTED |
|--|--|--|
| COMMERCIAL USES | | |
| Animal hospital; kennel | One per 400 square feet | One per 250 square feet |
| Appliance sales and repair | One per 500 square feet | One per 300 square feet |
| Art gallery | One per 400 square feet | One per 300 square feet |
| Automated teller machine, no drive-through | Two per machine | Three per machine |
| Auto parts store | One per 500 square feet | One per 300 square feet |
| Automobile sales | One per 200 square feet of repair space plus one per 400 square feet of showroom/office | One per 150 square feet of repair space plus one per 300 square feet of showroom/office |
| Automobile service and repair | One per 250 square feet | One per 200 square feet |
| Bank, credit union, savings and loan | One per 300 square feet (also see stacking requirements for drive-through facilities) | One per 200 square feet (also see stacking requirements for drive-through facilities) |
| Barber shop or beauty parlor | One per 300 square feet | One per 250 square feet |
| Bed and breakfast inn | Two for the owner-operator plus one per guest bedroom | Two for the owner-operator plus one per guest bedroom |
| Carpet or floor covering store | One per 300 square feet of retail sales and office area, plus if applicable, warehouse requirements for designated storage, receiving, and shipping area | One per 250 square feet of retail sales and office area, plus if applicable, warehouse requirements for designated storage, receiving, and shipping area |
| Car wash, staffed or automated | Two stacking spaces for each car wash lane plus two drying spaces per lane | Three stacking spaces for each car wash lane plus two drying spaces per lane |
| Contractor's establishment | One per 300 square feet of office space and one per 2,000 square feet of outdoor storage | One per 250 square feet of office space and one per 1,500 square feet of lot outdoor storage |
| Convenience store | One per 200 square feet | One per 150 square feet |
| Dance hall | One per 125 square feet | One per 75 square feet |
| Day care center | One per 500 square feet | One per 375 square feet |
| Funeral home or mortuary | One per four seats in largest chapel | One per three seats in largest chapel |

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| USE | MINIMUM PARKING REQUIRED | MAXIMUM PARKING PERMITTED |
|--|--|---|
| Furniture and home furnishing store | One per 600 square feet | One per 300 square feet |
| Grocery store | One per 300 square feet | One per 250 square feet |
| Hardware store | One per 400 square feet | One per 300 square feet |
| Health or fitness club | One per 200 square feet | One per 150 square feet |
| Hotel, extended stay | 1.5 per unit lodging unit | Two per lodging unit |
| Hotel or motel | One per lodging unit, plus one per each 150 square feet of banquet, assembly, meeting, or restaurant seating area | 1.2 per lodging unit, plus one per each 100 square feet of banquet, assembly, meeting, or restaurant seating area |
| Laundromat | One for each three washer/dryer combinations | One for each two washer/dryer combinations |
| Nursery or garden center | One per 300 square feet plus one per 1,500 square feet outdoor sales or display area | One per 250 square feet plus one per 1,000 square feet outdoor sales or display area |
| Office, general or professional | One per 300 square feet | One per 250 square feet |
| Office, medical or dental | One per 250 square feet | One per 150 square feet |
| Open air sales | One per 250 square feet of indoor floor space plus one per 600 square feet of outdoor sales | One per 200 square feet of indoor floor space plus one per 500 square feet of outdoor sales |
| Personal service establishment | One per 250 square feet | One per 200 square feet |
| Photofinishing laboratory | One per 250 square feet | One per 200 square feet |
| Photographic studio | One per 300 square feet | One per 250 square feet |
| Restaurant, bar, or tavern | One per 125 square feet | One per 75 square feet |
| Retail store | One per 275 square feet | One per 250 square feet |
| Self-storage facility (mini-warehouse) | One per 40 storage units | One per 25 storage units |
| Service station | One per 250 square feet of office space plus two per service bay | One per 200 square feet of office space plus three per service bay |
| Shopping center | One per 275 square feet | One per 225 square feet |
| LIGHT INDUSTRIAL USES | | |
| Manufacturing, processing, assembling | One per 1,300 square feet | One per 1,000 square feet |
| Warehouse | One per 2,000 square feet | One per 1,500 square feet |
| Wholesale | One per 1,000 square feet | One per 600 square feet |
| GOVERNMENT – INSTITUTIONAL USES | | |
| Assembly hall; auditorium; nonprofit club or lodge | One per four seats in room with greatest seating capacity or one per 40 square feet in largest assembly area without fixed seating | One per three seats in room with greatest seating capacity or one per 30 square feet in largest assembly area without fixed seating |

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| USE | MINIMUM PARKING REQUIRED | MAXIMUM PARKING PERMITTED |
|--|--|---|
| Church, temple, synagogue and place of worship | One per four seats in room with greatest seating capacity or one per 40 square feet in largest assembly area without fixed seating | One per three seats in room with greatest seating capacity or one per 30 square feet in largest assembly area without fixed seating |
| Government office | One per 300 square feet | One per 250 square feet |
| Hospital | 1.5 per bed | Two per bed |
| Library | One per 400 square feet | One per 300 square feet |
| Museum | One per 500 square feet | One per 300 square feet |
| Nursing home | One per four beds | One per three beds |
| Post office | One per 200 square feet | One per 150 square feet |
| School | One per 300 square feet | One per 200 square feet |
| School for the arts | One per 300 square feet | One per 200 square feet |
| School, trade or business | One per 200 square feet | One per 150 square feet |
| RESIDENTIAL USES | | |
| Apartment, one bedroom | 1.5 per unit plus 0.1 per unit for guest space | Two per unit plus 0.2 per unit for guest space |
| Apartment, two bedroom | 1.5 per unit plus 0.1 per unit for guest space | Two per unit plus 0.2 per unit for guest space |
| Apartment, three bedroom | 2 per unit plus 0.2 per unit for guest space | Three per unit plus 0.2 per unit for guest space |
| Home occupation | (see provisions for home occupations) | |
| Residence within building containing a non-residential use | One per unit | 1.5 per unit |
| Single family detached or attached | Two per unit | Four per unit |
| Two family dwelling | Two per unit | Three per unit |
| RECREATIONAL FACILITIES | | |
| Athletic field | 20 spaces per field | 25 spaces per field |
| Billiard hall/amusement arcade | One per 200 square feet | One per 150 square feet |
| Bowling alley | Two per each bowling lane (add parking for billiard hall/ amusement arcade, if provided) | Three per each bowling lane (add parking for billiard hall/ amusement arcade, if provided) |
| Community center | One per 300 square feet | One per 250 square feet |
| Golf course | 2.5 per hole | Three per hole |
| Golf driving range, principal use | 0.75 per tee | 1 per tee |
| Ice or roller skating rink | One per 200 square feet | One per 150 square feet |
| Miniature golf | Two per hole | Three per hole |
| Stadium or sport arena | One per twelve feet of bench seating | One per ten feet of bench seating |
| Swimming pool – subdivision amenity | One per 150 square feet of surface water area | One per 100 square feet of surface water area |

| USE | MINIMUM PARKING REQUIRED | MAXIMUM PARKING PERMITTED |
|------------------------------|---|--|
| Swimming pool – public | One per 125 square feet of surface water area | One per 75 square feet of surface water area |
| Tennis or racquet ball court | Two per court | Three per court |
| Theater, cinema | One per four fixed seats | One per three fixed seats |

Retail facilities with over 250 parking stalls shall require a minimum of one standard size stall clearly marked in yellow on pavement “EMERGENCY PARKING ONLY.” The location of the parking stall shall be as close as possible to major building entries.

Section 12.3.6. Number of Handicapped Parking Spaces Required.

Regulations and dimensions for handicapped parking spaces shall be per requirements of the Americans with Disabilities Act (ADA) (Public Law 101-136), the State Building Code, and the American National Standards Institute. The required number of handicapped accessible spaces, which must be provided on-site, shall be as provided in Table 12.2. Said spaces shall count toward the requirements for off-street parking as specified in Table 12.1. In addition, handicapped van spaces are required at a rate of one van space for each eight (8) handicapped spaces required, with a minimum of one.

**TABLE 12.2
 HANDICAPPED PARKING REQUIREMENTS**

| Total Required Parking Spaces | Minimum Number of Accessible Spaces |
|-------------------------------|-------------------------------------|
| 1 to 25 | 1 |
| 26 to 50 | 2 |
| 51 to 75 | 3 |
| 76 to 100 | 4 |
| 101 to 150 | 5 |
| 151 to 200 | 6 |
| 201 to 300 | 7 |
| 301 to 400 | 8 |
| 401 to 500 | 9 |
| 501 to 1000 | 2 percent of total |
| 1001 and over | 20 plus 1 for each 100 over 1000 |

- (a) Locations. Accessible parking spaces serving a particular building shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance. In parking facilities that do not serve a particular building, or buildings with multiple entrances, accessible parking shall be located on the shortest accessible route of travel to an accessible pedestrian entrance of the parking facility.
- (b) Dimensions. Accessible parking spaces shall be at least nine (9) feet wide with a minimum five (5) foot-wide access aisle. For van spaces, the width of the parking space shall be at least eleven (11) feet wide with a minimum five (5) foot wide access aisle. Parking access aisles shall be part of an accessible route to the building or facility entrance; two accessible parking spaces may share a common access aisle.

- (c) Signs. Accessible parking spaces shall be designated as reserved by a sign showing the symbol of accessibility, per applicable state law requirements. Such signs shall be located so that they cannot be obscured by a vehicle parked in that space

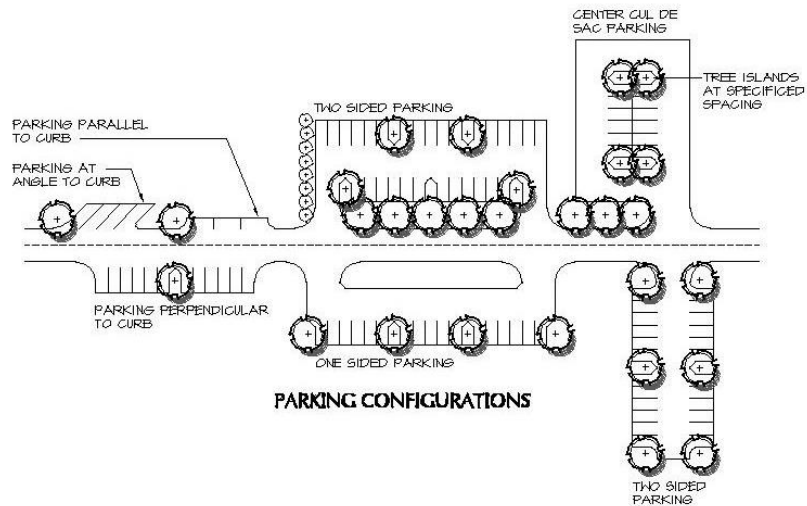
Section 12.3.7. Administrative Variances.

The Zoning Administrator may allow parking at a rate of up to ten percent (10%) above the maximum permitted number of spaces, or at a rate of no more than 20 percent (20%) below the minimum required, on a case-by-case basis based upon the scale and impacts of the request, for good cause shown. The applicant shall make said request in writing which shall include documentation from an acceptable industry publication (e.g., Institute of Transportation Engineers, Urban Land Institute, American Planning Association, etc.) or by a study prepared by a qualified professional that documents parking requirements.

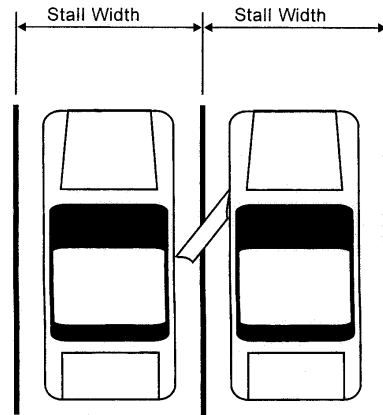
In approving administrative variances to the parking requirements in Table 12.3.1, the Zoning Administrator may as a condition of approval, if applicable, require an area to be reserved or set-aside for additional parking area for future use if needed.

Section 12.3.8. Parking Space and Aisle Design Specifications.

Designers are permitted flexibility with regard to parking lot designs, subject to the requirements of this Section and other applicable provisions of this Article.



- (a) Parking space width. When fewer than 75 parking spaces are proposed or provided, off-street parking spaces shall be a minimum of nine (9) feet in width and twenty (20) feet in length, with wider (10 foot) spaces encouraged in high-turnover areas. When 75 or more parking spaces are proposed or provided, off-street parking spaces shall meet the widths specified in Table 12.3.3.



Source: Stover, Vergil G., and Frank J. Koepke. 2002. *Transportation and Land Development* (2nd Ed.). Washington, DC: Institute of Transportation Engineers. Figure 9-13, p. 9-24.

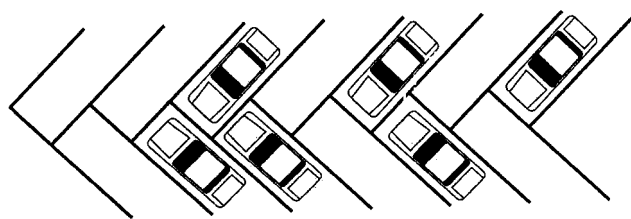
**TABLE 12.3.3
REQUIRED PARKING STALL WIDTHS**

| Type of Parking Area | Width in Feet Standard Midsize | Width in Feet Compact (Where Permitted) |
|----------------------|-----------------------------------|---|
| Prime customer | 9.0 | 8.0 |
| Overflow customer | 8.5 | 7.5 |
| Employee | 8.0 | 7.0 |

- (b) Parking space length. Parking space length shall be twenty (20) feet, except where compact parking is authorized by the Zoning Administrator, in which case parking space lengths can be reduced to sixteen (16) feet.

- (c) Interlocking design. An interlocking or “herringbone” parking design is not permitted, as it exposes the side of one vehicle to the front of another, which can result in substantial damage if the vehicle rolls forward (see figure).

Interlocking Parking Space Design Prohibited



Source: Stover, Vergil G., and Frank J. Koepke. 2002. *Transportation and Land Development* (2nd Ed.). Washington, DC: Institute of Transportation Engineers. Figure 9-6, p. 9-15.

- (d) Aisle widths. Parking driveway maneuvering aisle width requirements vary according to the width and length of parking spaces and the angle of parking. For a single row of ninety (90) degree head-in parking, the minimum depth for a parking space plus the width of the aisle shall be forty-two (42) feet. For two (2) rows of ninety (90)

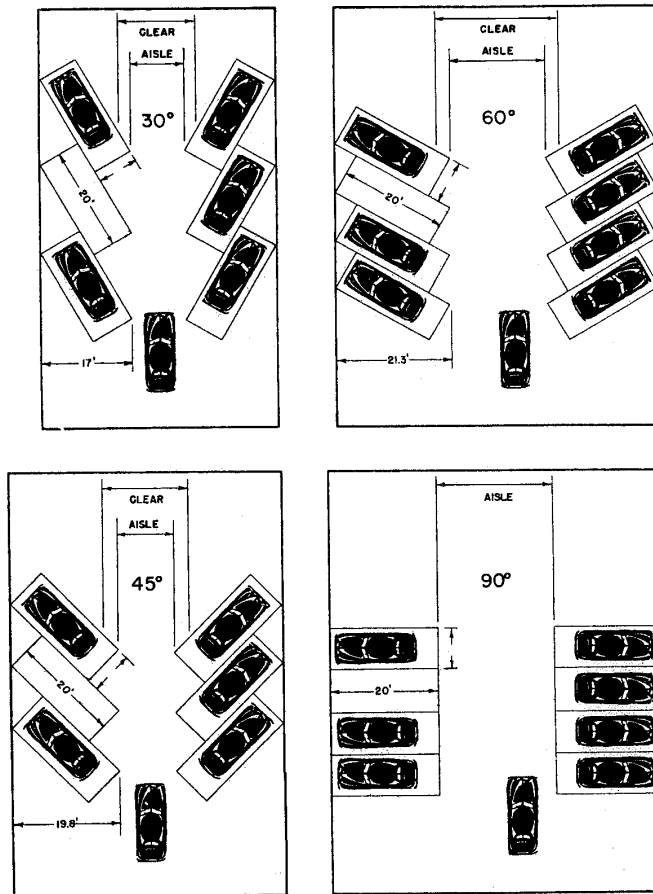
degree head-in parking using the same aisle, the minimum depth for parking spaces plus the width of the aisle shall be sixty-two (62) feet (i.e., curb to curb) for nine (9) foot-wide spaces and sixty (60) feet (i.e., curb to curb) for ten (10) foot-wide spaces.

Section 12.3.9. Compact Parking Spaces.

Compact parking spaces may be used in parking areas when more than twenty (20) parking spaces are required, provided that the areas for compact parking are clearly marked and not more than twenty (20) percent of the number of parking spaces provided in the entire parking area is designated compact auto parking. In parking lots of 75 or more spaces, employee and overflow customer parking may be designed with compact parking spaces at a rate of fifty (50) percent of the number of parking spaces provided in the portion of the parking lot devoted to such parking areas.

Section 12.3.10. Angled Parking.

The Zoning Administrator may authorize parking lot designs that utilize 75, 60, and 45 degree-angled parking spaces with one-way or two-way aisles. If such angled parking is used, parking lots shall comply with acceptable parking dimensional standards for aisle widths as specified by the Institute of Transportation Engineers or other reputable source approved by the Zoning Administrator.



Source: De Chiara, Joseph, and Lee E. Koppelman. 1984. *Time-Saver Standards for Site Planning*. Figure 6.205, p. 663. New York: McGraw-Hill.

Section 12.3.11. Stacking Spaces for Drive-Through Facilities.

Stacking spaces shall be provided for any use having a drive-through facility or areas having drop-off and pick-up areas in accordance with this Section. Stacking spaces shall begin at the window or communication/mechanical device (e.g., order board) first encountered by the vehicle

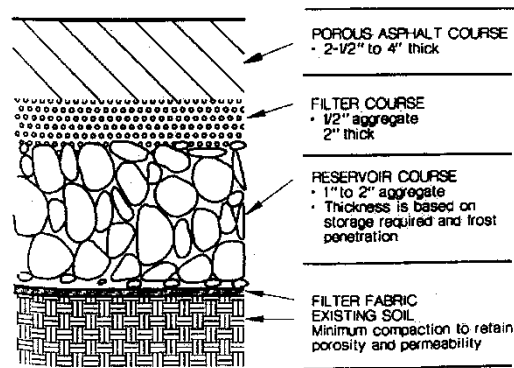
user. Financial institutions with drive-through windows, car washes (automated or staffed facilities), drive-through photo finishing booths, drive-through coffee sales facilities, and any other uses with drive-through facilities shall provide three (3) stacking spaces for each window or drive-through service facility. Restaurants with drive-through facilities shall at least provide five (5) stacking spaces for each window or drive-through service facility, free and clear of access easements if any and drives required for on-site circulation.

The following general standards shall apply to all stacking spaces and drive-through facilities:

- (a) Stacking spaces and lanes for drive-through stations shall not impede on and off site traffic movements, shall not cross or pass through off-street parking areas, and shall not create a potentially unsafe condition where crossed by pedestrian access to a public entrance of a building.
- (b) Drive-through lanes shall be separated by striping or curbing from off-street parking areas. Individual lanes shall be striped, marked, or otherwise distinctly delineated.
- (c) All drive-through facilities shall be provided with a bypass lane with a minimum width of ten (10) feet.

Section 12.3.12. Improvement Requirements.

- (a) Drainage. Parking and loading areas shall be properly graded if necessary but in all cases drained so as to prevent damage to abutting properties or public streets. Water quality effectiveness and character of the zoning district shall be considerations in determining curbing requirements.
- (b) Surfacing. Parking and loading areas shall be surfaced with concrete, asphaltic concrete, asphalt (see details in illustrations in this Section) or other dust-free surface; provided, however, that porous pavement parking spaces and grass pavers may be substituted for standard dust free pavements subject to the approval of the City Engineer. Aggregate (gravel) surface may be considered appropriate in exurban and rural areas. Water quality effectiveness and character of the zoning district shall be considered in determining surfacing requirements.

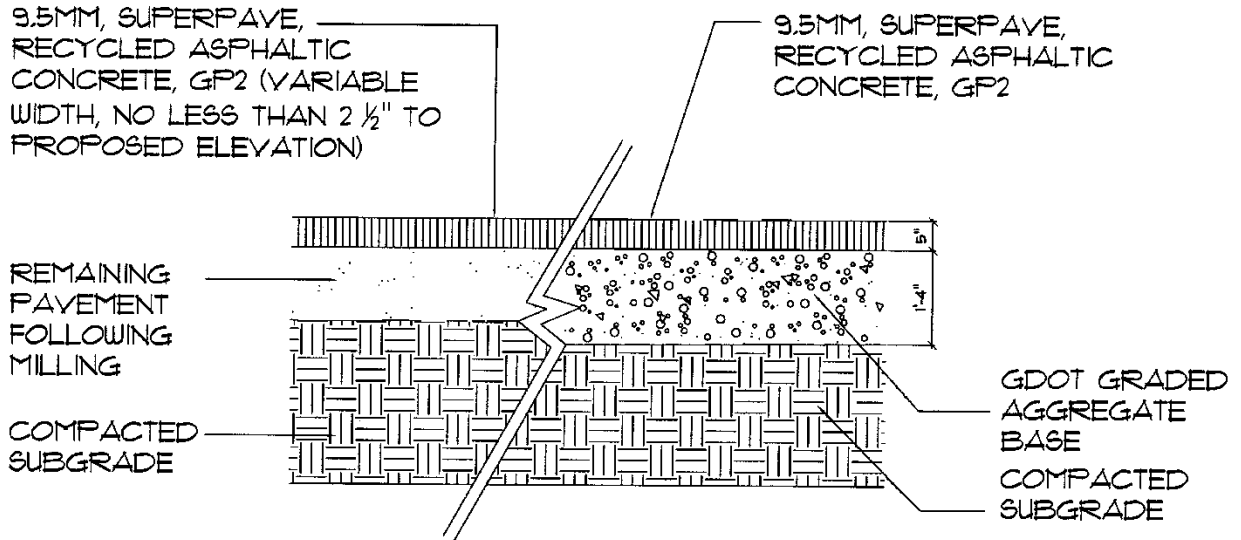


Typical Porous Paving Section

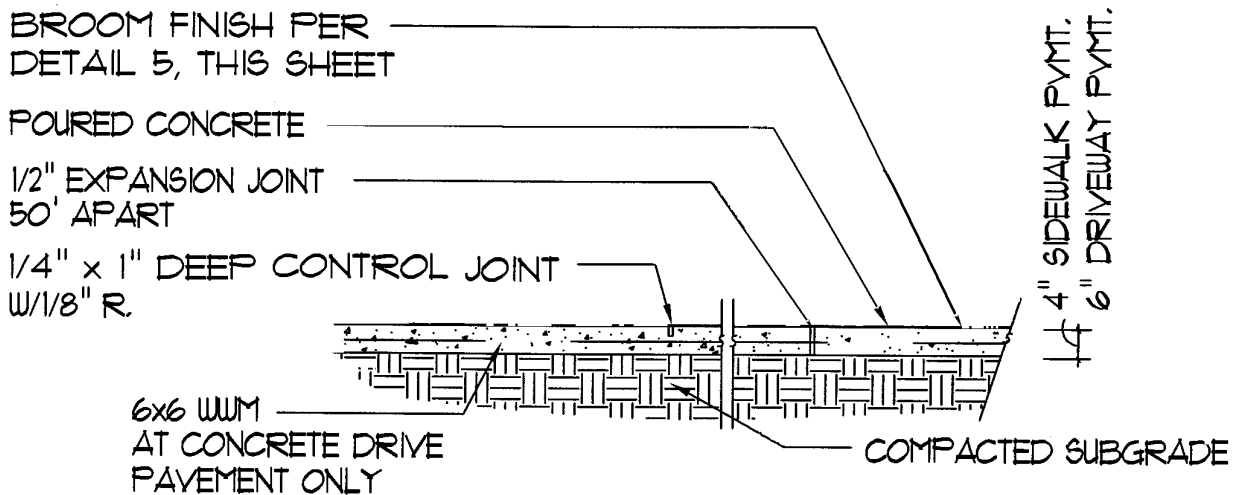
Source: Parker, Dave, et al. 2002. "Design of Stormwater Management Facilities." In The Dewberry Companies, *Land Development Handbook* (2nd ed.). Figure 22.37, p. 525. New York: McGraw-Hill.

PAVING OVER MILLED SURFACE

PAVING OVER SOIL

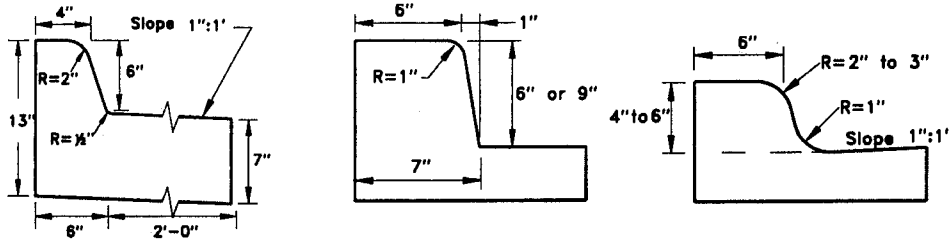


ASPHALT PAVING DETAIL



CONCRETE PAVING DETAIL

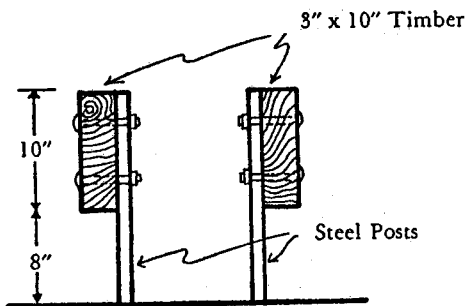
- (c) Curbs or stops. Curbing shall be installed as required by the City Engineer when considered necessary for drainage, although water quality effectiveness and character of the zoning district shall be considerations in determining curbing requirements.



Source: Tanner, J. Thomas. 2002. "Suburban Street Design." In The Dewberry Companies, *Land Development Handbook* (2nd ed.). Figure 20.10, p. 370. New York: McGraw-Hill.

Vertical Curb Details

- (d) Barriers. Parking space barriers made of timber on steel posts may be used (see figure) in exurban and rural areas to maintain character of the zoning district. The height should be set to meet car bumpers.



Source: De Chiara, Joseph, and Lee E. Koppelman. 1984. *Time-Saver Standards for Site Planning*. Figure 6.215, p. 673. New York: McGraw-Hill.

CHAPTER 12.4 OFF-STREET PARKING REDUCTION

| | |
|-----------------|---|
| Section 12.4.1. | Reduction for Off-Site Arrangements. |
| Section 12.4.2. | Reduction for Mixed or Joint Use of Parking Spaces. |
| Section 12.4.3. | Reduction for Demand Management. |
| Section 12.4.4. | Reduction for On-Street Parking. |

Section 12.4.1. Reduction for Off-Site Arrangements.

Off-site parking may be used in combination to meet minimum parking space requirements; a reduction of required off-street parking spaces on a given site may be permitted by the Zoning Administrator in cases where additional off-street, off-site, parking area in sufficient quantity and availability in conformity with this Article compensates for the reduction, subject to the following:

- (a) The property is under one ownership, or a valid agreement exists between the two property owners for use of the parking area.
- (b) Off-site parking shall not exceed fifty (50) percent of the required parking for a building or buildings.
- (c) Off-site parking shall be located within eight hundred (800) feet of the building or buildings in which it is leased to serve.
- (d) Lease agreements, as applicable, must be of sufficient duration to serve the use or uses proposed to be partially served by the off-site leased parking.
- (e) Safe and convenient pedestrian access, such as a sidewalk or path, must exist or be provided from the structure or use to the off-site parking lot.

Section 12.4.2. Reduction for Mixed or Joint Use of Parking Spaces.

When more than one use is provided on a lot, and such uses operate more or less simultaneously, the total requirements for off-street parking spaces shall be the sum of the requirements for the various uses computed separately. The Zoning Administrator may authorize a reduction in the total number of required off-street parking spaces for two or more uses jointly providing parking facilities when their respective hours of need of maximum parking do not normally overlap, provided that the developer submits sufficient data to demonstrate that the hours of maximum demand for parking at the respective uses do not normally overlap. The required spaces assigned to one use may not be assigned to another use at the same time, except that one-half (1/2) of the parking spaces required for churches, theaters or assembly halls whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at night or on Sundays.

Section 12.4.4. Reduction for Demand Management.

The Zoning Administrator may in individual cases administratively authorize a proportional reduction in the required minimum number of parking spaces for office, institutional, industrial, and public uses with 50 or more employee parking spaces, if a formal carpool or van pool program is instituted. For purposes of this Section, carpool is defined as two or more persons per car, and vanpool is defined as five or more persons per van. Any carpool or vanpool program shall provide at least five (5) spaces reserved for carpool or vanpool vehicles and shall

be clearly marked “Reserved – Carpool/Vanpool Only” through signage or pavement markings. Designated carpool/vanpool spaces shall be the closest employee parking spaces to the building entrance normally used by employees except for any handicapped parking spaces provided. The applicant must agree that the parking preferences will be enforced.

Section 12.4.4 Reduction for On-Street Parking

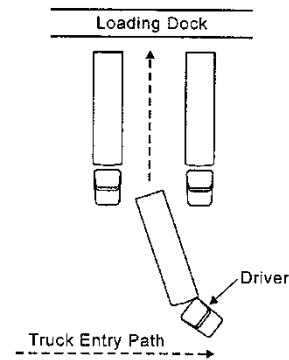
The Zoning Administrator may in individual cases administratively authorize a reduction in the minimum number of parking spaces for projects that are directly served by on-street parking approved by the City Engineer.

CHAPTER 12.5 OFF-STREET LOADING

- Section 12.5.1. Off-Street Loading Required.
- Section 12.5.2. Loading Area Specifications.
- Section 12.5.3. Loading Area Locations.
- Section 12.5.4. Minimum Number of Off-Street Loading Spaces Required.

Section 12.5.1. Off-Street Loading Required.

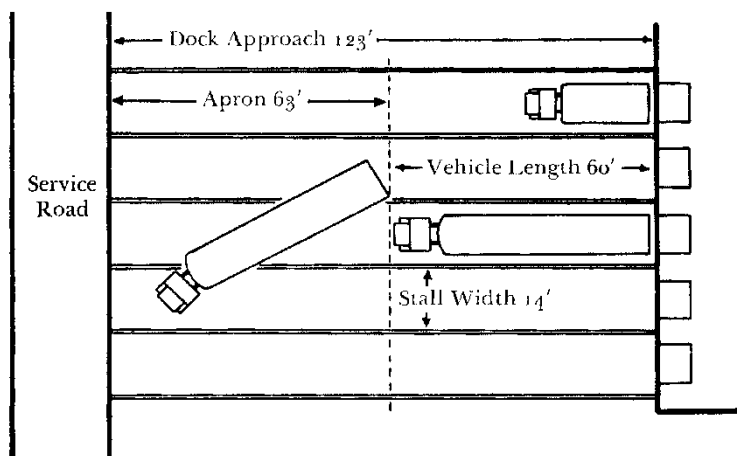
On the same lot with every building, structure or part thereof, erected or occupied for manufacturing, storage, warehouse, truck freight terminal, department store, wholesale store, grocery supermarket, hotel, hospital, mortuary, dry cleaning plant, retail business, or other uses similarly involving the receipt or distribution of vehicles, materials or merchandise, there shall be provided and maintained adequate space for the standing, loading, and unloading of such materials to avoid undue interference with public use of streets, alleys, and private or public parking areas.



Source: Stover, Vergil G., and Frank J. Koepke. 2002. *Transportation and Land Development* (2nd Ed.). Washington, DC: Institute of Transportation Engineers. Figure 10-5, p. 10-9.

Section 12.5.2. Loading Area Specifications.

Unless otherwise approved by the Zoning Administrator, loading spaces shall be a minimum of fourteen (14) feet wide, forty (40) feet long, with fourteen (14) feet of height clearance. When the development requires loading and unloading by full-size tractor-trailers, loading spaces shall be sixty (60) feet long with a sixty-three (63) foot apron, for a total approach zone of 123 feet.



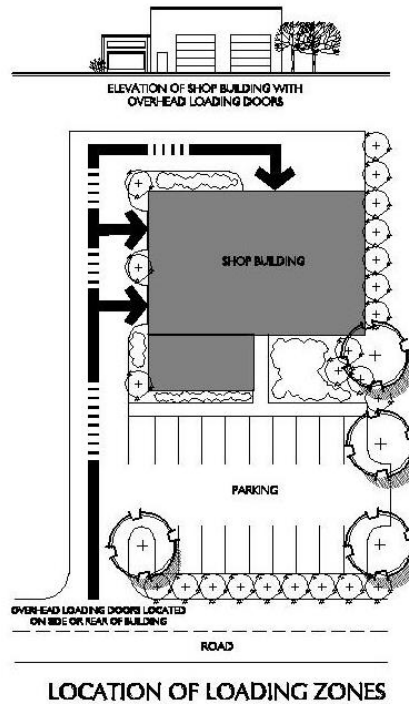
Source: De Chiara, Joseph, and Lee E. Koppelman. 1984. *Time-Saver Standards for Site Planning*. Figure 6.188, p. 652. New York: McGraw-Hill.

Section 12.5.3. Loading Area Locations.

Loading areas shall be located to the rear of the building unless site design precludes a rear location, in which case loading shall be to the side of a building. Loading areas shall not be permitted within front yards.

Section 12.5.4. Minimum Number of Off-Street Loading Spaces Required.

One off-street loading space shall be provided for the first 10,000 square feet of gross floor area or fractional part thereof for light industrial use and one off-street loading space for the first 5,000 square feet of gross floor area or fractional part thereof for retail or other non-industrial use for which a loading space is required. One additional space shall be required for each additional 25,000 square feet of gross floor area or fractional part thereof for light industrial use and for each additional 10,000 square feet for retail or other non-industrial use.



ARTICLE 13
SOIL EROSION, SEDIMENTATION, AND POLLUTION CONTROL

CHAPTER 13.1
TITLE

This ordinance will be known and may be cited as the City of Arcade Soil Erosion, Sedimentation and Pollution Control Ordinance.”

CHAPTER 13.2
DEFINITIONS

The following definitions shall apply in the interpretation and enforcement of this Article, unless otherwise specifically stated. Other definitions provided in the Land Use Management Code shall also apply to the extent their context dictates.

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.

Commission: The Georgia Soil and Water Conservation Commission (GSWCC).

CPESC: Certified Professional in Erosion and Sediment Control with current certification by EnviroCert, Inc. which is also referred to as CPESC or CPESC, Inc. [Amended September 10, 2018]

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 EnviroCert, Inc. Design professionals shall practice in a manner that complies with applicable Georgia law governing professional licensure. [Amended September 10, 2018]

Director: The Director of the Environmental Protection Division or an authorized representative.

District: The Oconee River 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 non-erodible material such as concrete, steel, plastic or other such material that conveys water from one place to another by intercepting the flow and carrying it to a release point for storm water management, drainage control, or flood control purposes.

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 Chapter 13.4 of this Article.

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 percent of the soil surface is uniformly covered in permanent vegetation with a density of 70 percent or greater, or landscaped according to the Plan (uniformly covered with landscaping materials in planned landscaped areas) or equivalent permanent stabilization measures as defined in the Manual (excluding a crop of annual vegetation and seeding of target crop perennials appropriate for the region). Final stabilization applies to each phase of construction. [Amended September 10, 2018]

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 Chapter 13.3 of this Article.

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.

**Article 13, Soil Erosion Sedimentation, and Pollution Control
City of Arcade Land Use Management Code**

Local Issuing Authority: The City of Arcade, which is certified pursuant to subsection (a) O.C.G.A. 12-7-8.

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 colloiddally 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 Article.

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 Oconee River 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.

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.

CHAPTER 13.3 EXEMPTIONS

This Article 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. 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 Chapter 13.4 of this Article, no other land-disturbing activities, except for normal forest management practices, shall be allowed on the entire property upon which the forestry practices were conducted for a period of three (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 this Chapter;

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.

CHAPTER 13.4
MINIMUM REQUIREMENTS FOR EROSION, SEDIMENTATION AND POLLUTION
CONTROL USING BEST MANAGEMENT PRACTICES

Section 13.4.1. General Provisions.

Section 13.4.2. Minimum Requirements/BMPs.

Section 13.4.3. Adherence to Erosion Control Manual and Additional Requirements.

Section 13.4.4. Injury Not Proof of Violation.

Section 13.4.1. General Provisions.

Excessive soil erosion and resulting sedimentation can take place during land-disturbing activities if requirements of this Article and the NPDES General Permit are not met. Therefore, plans for those land-disturbing activities which are not exempted by this Article shall contain provisions for application of soil erosion, sedimentation and pollution control measures and practices. The provisions shall be incorporated into the erosion, sedimentation and pollution control plans. Soil erosion, sedimentation and pollution control measures and practices shall conform to the minimum requirements of this Article. The application of measures and practices shall apply to all features of the site, including street and utility installations, drainage facilities and other temporary and permanent improvements. Measures shall be installed to prevent or control erosion, sedimentation and pollution during all stages of any land-disturbing activity in accordance with requirements of this ordinance and the NPDES General Permit.

Section 13.4.2. Minimum Requirements/BMPs.

1. Best management practices as set forth in this Chapter 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 (2) of this subsection or any substantially similar terms contained in a permit for the discharge of storm water issued pursuant to subsection (f) of O.C.G.A. 12-5-30, the "Georgia Water Quality Control Act". As used in this subsection the terms "proper design" and "properly designed" mean designed in accordance with the hydraulic design specifications contained in the "Manual for Erosion and Sediment Control in Georgia" specified in O.C.G.A. 12-7-6 subsection (b).
2. A discharge of storm water runoff from disturbed areas where best management practices have not been properly designed, installed, and maintained shall constitute a separate violation of any land-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. 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.

3. 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.
4. 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.

Section 13.4.3. Adherence to Erosion Control Manual and Additional Requirements.

The rules and regulations, ordinances, or resolutions adopted pursuant to O.C.G.A. 12-7-1 et. seq. for the purpose of governing land-disturbing activities shall require, as a minimum, protections at least as stringent as the state general permit; and best management practices, including sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the *Manual for Erosion and Sediment Control in Georgia* published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted, as well as the following:

1. Stripping of vegetation, regrading and other development activities shall be conducted in a manner so as to minimize erosion;
2. Cut-fill operations must be kept to a minimum;
3. Development plans must conform to topography and soil type so as to create the lowest practicable erosion potential;
4. Whenever feasible, natural vegetation shall be retained, protected and supplemented;
5. The disturbed area and the duration of exposure to erosive elements shall be kept to a practicable minimum;
6. Disturbed soil shall be stabilized as quickly as practicable;
7. Temporary vegetation or mulching shall be employed to protect exposed critical areas during development;
8. Permanent vegetation and structural erosion control practices shall be installed as soon as practicable;
9. To the extent necessary, sediment in run-off water must be trapped by the use of debris basins, sediment basins, silt traps, or similar measures until the disturbed area is stabilized. As used in this paragraph, a disturbed area is stabilized when it is brought to a condition of continuous compliance with the requirements of O.C.G.A. 12-7-1 et. seq.;
10. Adequate provisions must be provided to minimize damage from surface water to the cut face of excavations or the sloping of fills;

11. Cuts and fills may not endanger adjoining property;
12. Fills may not encroach upon natural watercourses or constructed channels in a manner so as to adversely affect other property owners;
13. Grading equipment must cross flowing streams by means of bridges or culverts except when such methods are not feasible, provided, in any case, that such crossings are kept to a minimum;
14. Land-disturbing activity plans for erosion, sedimentation and pollution control shall include provisions for treatment or control of any source of sediments and adequate sedimentation control facilities to retain sediments on-site or preclude sedimentation of adjacent waters beyond the levels specified in this Article;
15. There is established a 50 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:
 - a. No land-disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; and
 - b. The buffer shall not apply to the following land-disturbing activities, provided that they occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream; cause a width of disturbance of not more than 50 feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented: (i) Stream crossings for water lines; or (ii) Stream crossings for sewer lines; and

Section 13.4.4. Injury Not Proof of Violation.

The fact that land-disturbing activity for which a permit has been issued results in injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided for in this Article or the terms of the permit.

CHAPTER 13.5 APPLICATION/PERMIT PROCESS

Section 13.5.1. General.

Section 13.5.2. Permit Application Requirements.

Section 13.5.3. Plan Requirements.

Section 13.5.4. Permits.

Section 13.5.1. 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 this Article and other Articles of the Land Use Management Code (including zoning ordinance, subdivision regulations, and flood damage prevention ordinance, among others), 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.

Section 13.5.2. Permit Application Requirements.

1. No person shall conduct any land-disturbing activity within the jurisdictional boundaries of the City of Arcade without first obtaining a permit from the Zoning Administrator to perform such activity and providing a copy of Notice of Intent submitted to EPD, if applicable.
2. The application for a permit shall be submitted to the Zoning Administrator and must include the applicant's erosion, sedimentation and pollution control plan with supporting data, as necessary. Said plans shall include, as a minimum, the data specified in this Chapter. Erosion, sedimentation and pollution control plans, together with supporting data, must demonstrate affirmatively that the land disturbing activity proposed will be carried out in such a manner that the provisions of Chapter 13.4 of this Article will be met. Applications for a permit will not be accepted unless accompanied by a number of copies specified by the Zoning Administrator of the applicant's erosion, sedimentation and pollution control plans. All applications shall contain a certification stating that the plan preparer or the designee thereof visited the site prior to creation of the plan in accordance with EPD Rule 391-3-7-.10.
3. A local fee, in the amount of \$100.00 shall be charged for each acre or fraction thereof in the project area.
4. 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.

5. 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 Chapter 13.4 have been obtained, all fees have been paid, and bonding, if required by this Article, 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.
6. 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.
7. 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 until after a hearing and judicial review of any determination or order of the local issuing authority with respect to alleged permit violations.

Section 13.5.3. Plan Requirements.

1. Plans must be prepared to meet the minimum requirements as contained in Chapter 13.4, 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.

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

Section 13.5.4. Permits.

1. 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.
2. No permit shall be issued by the Local Issuing Authority unless the erosion, sedimentation and pollution control plan has been approved by the District and the Local Issuing Authority has affirmatively determined that the plan is in compliance with this Article, any variances required by Chapter 13.4 of this Article are obtained, bonding requirements, if necessary, as per this Article 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.
3. Any land-disturbing activities by a Local Issuing Authority shall be subject to the same requirements of this Article, and any other ordinances relating to land development, as are applied to private persons and the division shall enforce such requirements upon the local issuing authority.
4. If the tract is to be developed in phases, then a separate permit shall be required for each phase.
5. The permit may be suspended, revoked, or modified by the 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 Article. A holder of a permit shall notify any successor in title to him as to all or any portion of the land affected by the approved plan of the conditions contained in the permit.
6. The Local Issuing Authority 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, pursuant to O.C.G.A. 12-7-7 (f) (1).

CHAPTER 13.6 INSPECTION AND ENFORCEMENT

- Section 13.6.1. Inspections.
- Section 13.6.2. Required Amendment to this Article.
- Section 13.6.3. Investigations.
- Section 13.6.4. No Refusal of Access.
- Section 13.6.5. Review of Actions.

Section 13.6.1. Inspections.

The Zoning Administrator or designee 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 Article.

Section 13.6.2. Required Amendment to this Article.

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.

Section 13.6.3. Investigations.

The City of Arcade, through its Zoning Administrator or other designee or authorized official, shall have the power to conduct such investigations as it may reasonably deem necessary to carry out duties as prescribed in this Article, and for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigation and inspecting the sites of land-disturbing activities.

Section 13.6.4. No Refusal of Access.

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.

Section 13.6.5. Review of Actions.

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 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 in writing. The Governing Authority 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.

CHAPTER 13.7 PENALTIES AND INCENTIVES

Section 13.7.1. Failure to Obtain a Permit for Land-Disturbing Activity.

Section 13.7.2. Stop-Work Orders.

Section 13.7.3. Bond Forfeiture.

Section 13.7.4. Monetary Penalties.

Section 13.7.1. Failure to Obtain a Permit for Land-Disturbing Activity.

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

Section 13.7.2. Stop-Work Orders.

1. For the first and second violations of the provisions of this Article, 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;
2. For a third and each subsequent violation, the Director or the Local Issuing Authority shall issue an immediate stop-work order; and;
3. All stop-work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred.
4. When a violation in the form of taking action without a permit, failure to maintain a stream buffer, or significant amounts of sediment, as determined by the 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.

Section 13.7.3. 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

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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 this Article. 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.

Section 13.7.4. Monetary Penalties.

Any person who violates any provisions of this Article, or any permit condition or limitation established pursuant to this Article, or who negligently or intentionally fails or refuses to comply with any final or emergency order of the Director issued as provided in this Article shall be liable for a civil penalty not to exceed \$2,500.00 per day. For the purpose of enforcing the provisions of this Article, notwithstanding any provisions in the City Charter for the City of Arcade to the contrary, municipal courts shall be authorized to impose penalty not to exceed \$2,500.00 for each violation. Each day during which violation or failure or refusal to comply continues shall be a separate violation.

**CHAPTER 13.8
EDUCATION AND CERTIFICATION**

Section 13.8.1. Education and Training Certification Requirements.

Section 13.8.2. On-Site Responsibility.

Section 13.8.1. Education and Training Certification Requirements.

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.

Section 13.8.2. On-Site Responsibility.

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.

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 Section.

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.

CHAPTER 13.9
ADMINISTRATIVE APPEAL AND JUDICIAL REVIEW

Section 13.9.1. Administrative Remedies.

Section 13.9.2. Judicial Review.

Section 13.9.1. 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 Local Issuing Authority within thirty (30) days after receipt by the Local Issuing Authority of written notice of appeal.

Section 13.9.2. 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 de novo to the Superior Court of Jackson County.

CHAPTER 13.10
EFFECTIVITY, VALIDITY AND LIABILITY

Section 13.10.1. Effectivity.

This ordinance shall become effectively upon its adoption.

Section 13.10.2. Validity.

If any section, paragraph, clause, phrase, or provision of this Article shall be adjudged invalid or held unconstitutional, such decisions shall not affect the remaining portions of this Article.

Section 13.10.3. Liability.

Neither the approval of a plan under the provisions of this Article, nor the compliance with provisions of this Article shall relieve any person from the responsibility for damage to any person or property otherwise imposed by law nor impose any liability upon the Local Issuing Authority or District for damage to any person or property.

The fact that a land-disturbing activity for which a permit has been issued results in injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided for in this Article or the terms of the permit.

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.

**ARTICLE 14
FLOOD DAMAGE PREVENTION ORDINANCE**

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|--------------|--|
| CHAPTER 14.1 | GENERAL PROVISIONS |
| CHAPTER 14.2 | PERMITTING REQUIREMENTS |
| CHAPTER 14.3 | PROVISIONS FOR FLOOD HAZARD REDUCTION |
| CHAPTER 14.4 | VARIANCES |
| CHAPTER 14.5 | ADMINISTRATION AND LEGAL STATUS PROVISIONS |

**CHAPTER 14.1
GENERAL PROVISIONS**

| | |
|-----------------|---|
| Section 14.1.1. | Short Title. |
| Section 14.1.2. | Findings. |
| Section 14.1.3. | Purposes. |
| Section 14.1.4. | Objectives. |
| Section 14.1.5. | Definitions. |
| Section 14.1.6. | Applicability. |
| Section 14.1.7. | Basis for Area of Special Flood Hazard. |

Section 14.1.1. Short Title.

This Article shall be known and may be cited as the Flood Damage Prevention Ordinance of the City of Arcade.

Section 14.1.2. Findings.

The flood hazard areas in the City of Arcade, Georgia, are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood relief and protection, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

These flood losses are caused by the occupancy in flood hazard areas of uses vulnerable to floods, which are inadequately elevated, flood-proofed, or otherwise unprotected from flood damages, and by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities.

Section 14.1.3. Purposes.

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

- (a) Require that uses vulnerable to floods, including facilities, which serve such uses, be protected against flood damage at the time of initial construction;
- (b) Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which increase flood heights, velocities, or erosion;

- (c) Control filling, grading, dredging and other development which may increase flood damage or erosion;
- (d) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands; and
- (e) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters.

Section 14.1.4. Objectives.

The objectives of this Article are to:

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

Section 14.1.5. Definitions.

Unless specifically defined below, words or phrases used in this Article shall be interpreted so as to give them the meaning they have in common usage and to give this Article its most reasonable application.

Accessory Structure: A structure having minimal value and used for parking, storage and other non-habitable uses, such as garages, carports, storage sheds, pole barns, hay sheds and the like.

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 firewall. Any walled and roofed addition, which is connected by a firewall or is separated by an independent perimeter load-bearing wall, shall be considered "New Construction".

Appeal: A request for a review of the Zoning Administrator's interpretation of any provision of this Article.

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 in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. In the absence of official designation by the Federal Emergency Management Agency, Areas of Special Flood Hazard shall be those designated by the local community and referenced in this Article.

Base Flood: The flood having a one percent chance of being equaled or exceeded in any given year.

Base Flood Elevation (BFE): The elevation shown on the Flood Insurance Rate Map for Zones AE, AH, A1-A30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO, V1-V30, and VE that indicates the water surface elevation resulting from a flood that has a one percent chance of equaling or exceeding that level in any given year.

Basement: That portion of a building having its floor sub grade (below ground level) on all sides.

Building: Any structure built for support, shelter, or enclosure for any occupancy or storage.

Critical Facility: Any public or private facility, which, if flooded, would create an added dimension to the disaster or would increase the hazard to life and health. Critical facilities include:

1. structures or facilities that produce, use, or store highly volatile, flammable, explosive, toxic, or water-reactive materials;
2. hospitals and nursing homes, and housing for the elderly, which are likely to contain occupants who may not be sufficiently mobile to avoid the loss of life or injury during flood and storm events;
3. emergency operation centers or data storage centers which contain records or services that may become lost or inoperative during flood and storm events; and
4. generating plants, and other principal points of utility lines.

Development: Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, and storage of materials or equipment.

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: For the purposes of determining rates, structures for which the "start of construction" commenced before June 4, 1987 in the City of Arcade (the effective date of the initial FIRM for that community).

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) was completed before June 4, 1987 in the City of Arcade (the effective date of the initial FIRM for that community).

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.

Flood or Flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from: the overflow of inland or tidal waters; or the unusual and rapid accumulation or runoff of surface waters from any source.

Flood Hazard Boundary Map (FHBM): An official map of a community, issued by the Federal Insurance Administration, where the boundaries of areas of special flood hazard have been defined as Zone A.

Flood Insurance Rate Map (FIRM): An official map of a community, issued by the Federal Insurance Administration, delineating the areas of special flood hazard and/or risk premium zones applicable to the community.

Flood Insurance Study: The official report by the Federal Insurance Administration evaluating flood hazards and containing flood profiles and water surface elevations of the base flood.

Floodplain: Any land area susceptible to flooding.

Flood Proofing: Any combination of structural and non-structural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Freeboard: A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

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: 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; 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; 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 individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs

that have been certified either: (a) by an approved state program as determined by the Secretary of the Interior, or (b) directly by the Secretary of the Interior in states without approved programs.

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 Land Use Management Code.

Manufactured Home: A building, transportable in one or more sections, built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

Manufactured Home Park or Subdivision: A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

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 the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

National Geodetic Vertical Datum (NGVD): As corrected in 1929, a vertical control used as a reference for establishing varying elevations within the floodplain.

New Construction: For the purposes of determining insurance rates, structures for which the "start of construction" commenced after June 4, 1987 in the City of Arcade and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced after June 4, 1987 in the City of Arcade and includes any subsequent improvements to such structures.

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 after June 4, 1987 in the City of Arcade.

North American Vertical Datum (NAVD): A vertical control which has replaced the National Geodetic Vertical Datum of 1929 in existing and future FEMA Flood Modernization Maps.

Recreational Vehicle: A vehicle, which is: built on a single chassis; 400 square feet or less when measured at the largest horizontal projection; designed to be self-propelled or permanently towable by a light duty truck; and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Start of Construction: The date the development permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of the structure such as

the pouring of slabs or footings, installation of piles, construction 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 single lot into two or more lots for the purpose of sale or development.

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 fifty (50) percent of the market value of the structure before the damage occurred.

Substantial Improvement: Any reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during a 5-year period, in which the cumulative cost equals or exceeds fifty (50) percent of the market value of the structure prior to the "start of construction" of the improvement. Note: The market value of the structure should be (1) the appraised value of the structure prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. 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 (1) those improvements of a structure required to comply with existing violations of state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions and which have been identified by the Code Enforcement Official, and not solely triggered by an improvement or repair project, or (2) any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure."

Substantially Improved Existing Manufactured Home Parks or Subdivisions: Where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

Variance: A grant of relief from the requirements of this Article, which permits construction in a manner otherwise prohibited by this Article.

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, or other certifications, or other evidence of compliance required by this Article is presumed to be in violation until such time as that documentation is provided.

Section 14.1.6. Applicability.

This Article shall apply to all Areas of Special Flood Hazard within the jurisdiction of City of Arcade, Georgia.

Section 14.1.7. Basis for Area of Special Flood Hazard.

- (a) Flood Insurance Study, Arcade. The Areas of Special Flood Hazard identified by the Federal Emergency Management Agency in its Flood Insurance Study (FIS), for Jackson County, Georgia and incorporated areas effective December 17, 2010, with accompanying maps and other supporting data and any revision thereto, are adopted by reference and declared a part of this Article.
- (b) Flood Insurance Rate Maps. The Flood Insurance Rate Maps for Jackson County, Georgia and incorporated areas effective December 17, 2010, are adopted as if fully contained within this Article and shall be the basis for determining Areas of Special Flood Hazard.
- (c) Additional Areas of Special Flood Hazard. Areas of Special Flood Hazard may also include those areas known to have flooded historically or defined through standard engineering analysis by governmental agencies or private parties but not yet incorporated in a FIS.
- (d) Repository. The Repository for public inspection of the Flood Insurance Study (FIS), accompanying maps and other supporting data is the office of the City of Arcade Zoning Administrator.

CHAPTER 14.2 PERMITTING REQUIREMENTS

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| Section 14.2.1. | Permit Required. |
| Section 14.2.2. | Permit Procedures. |
| Section 14.2.3. | Specific Information Required – Application Stage. |
| Section 14.2.4. | Specific Information Required – Construction Stage. |

Section 14.2.1. Permit Required.

No development activity shall commence within an area regulated by this Article until and unless a development permit or building permit, or both if required, shall have been approved by the Zoning Administrator. No development activity shall be approved unless it conforms with the provisions of this Article prior to the commencement of any development activities. No building or structure shall be constructed within an area regulated by this Article until and unless a development permit or building permit, or both if required shall have been approved by the Zoning Administrator. No building or structure shall be approved unless it conforms with the provisions of this Article prior to the construction of said building or structure.

Section 14.2.2. Permit Procedures.

Application for a Development Permit shall be made to the Zoning Administrator on forms furnished by the Zoning Administrator prior to any development activities, and may include, but not be limited to the following: plans in sufficient number as specified by the Zoning Administrator, drawn to scale showing the elevations of the area in question and the nature, location, dimensions, of existing or proposed structures, earthen fill placement, storage of materials or equipment, and drainage facilities.

Section 14.2.3. Specific Information Required – Application Stage.

The following information is required at the application stage:

- (a) Elevation in relation to mean sea level (or highest adjacent grade) of the lowest floor, including basement, of all proposed structures;
- (b) Elevation in relation to mean sea level to which any non-residential structure will be flood-proofed;
- (c) Design certification from a registered professional engineer or architect that any proposed non-residential flood-proofed structure will meet the flood-proofing criteria of this Article; and
- (d) Description of the extent to which any watercourse will be altered or relocated as a result of a proposed development.

Section 14.2.4. Specific Information Required – Construction Stage.

The following information is required at the construction stage:

- (a) For all new construction and substantial improvements, the permit holder shall provide to the Administrator an as-built certification of the regulatory floor elevation or 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.
- (b) Any work undertaken prior to submission of these certifications shall be at the permit holder's risk. The Administrator shall review the above referenced certification data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being allowed to proceed. Failure to submit certification or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

CHAPTER 14.3
PROVISIONS FOR FLOOD HAZARD REDUCTION

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| Section 14.3.1. | General Standards. |
| Section 14.3.2. | Elevated Buildings. |
| Section 14.3.3. | New Construction and/or Substantial Improvements. |
| Section 14.3.4. | Non-Residential Construction. |
| Section 14.3.5. | Manufactured Homes. |
| Section 14.3.6. | Recreational Vehicles. |
| Section 14.3.7. | Floodway. |
| Section 14.3.8. | Building Standards for Streams without Established Base Flood Elevations and/or Floodway (A-Zones). |
| Section 14.3.9. | Standards for Areas of Special Flood Hazard (Zones AE) With Established Base Flood Elevations Without Designated Floodways. |
| Section 14.3.10. | Standards for Areas of Shallow Flooding (AO Zones). |
| Section 14.3.11. | Subdivisions. |
| Section 14.3.12. | Standards for Critical Facilities. |

Section 14.3.1. General Standards.

In all Areas of Special Flood Hazard the following provisions are required:

- (a) Anchoring. New construction and substantial improvements of existing structures shall be anchored to prevent flotation, collapse or lateral movement of the structure.
- (b) Flood-Resistant Materials. New construction and substantial improvements of existing structures shall be constructed with materials and utility equipment resistant to flood damage.
- (c) Construction Methods and Practices. New construction or substantial improvements of existing structures shall be constructed by methods and practices that minimize flood damage.
- (d) Heating and Air Conditioning. All heating and air conditioning equipment and components (including ductwork), all electrical, ventilation, plumbing, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (e) Manufactured Homes. 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.
- (f) Water Supply. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- (g) Sewage Systems. 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.

- (h) On-site Sewage Disposal Systems. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- (i) Nonconformities. 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- conformity is not furthered, extended or replaced.

Section 14.3.2. Elevated Buildings.

In all Areas of Special Flood Hazard, all new construction or substantial improvements of existing structures that include any fully enclosed area located below the lowest floor formed by foundation and other exterior walls shall be designed so as to be an unfinished or flood resistant enclosure. The enclosure shall be designed to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater.

Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:

- (a) 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;
- (b) The bottom of all openings shall be no higher than one foot above grade; and,
- (c) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwater in both direction.

So as not to violate the "Lowest Floor" criteria of this Article, the unfinished or flood resistant enclosure shall only be used for parking of vehicles, limited storage of maintenance equipment used in connection with the premises, or entry to the elevated area, and

The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.

Section 14.3.3. New Construction and/or Substantial Improvements.

In all areas of special flood hazard the following provisions are required for new construction and/or substantial improvements.

Where base flood elevation data are available, new construction and/or substantial improvement of any structure or manufactured home shall have the lowest floor, including basement, elevated no lower than two feet above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with standards of this Article for "Elevated Buildings".

All heating and air conditioning equipment and components (including ductwork), all electrical, ventilation, plumbing, and other service facilities shall be elevated at or above two feet above the base flood elevation.

Section 14.3.4. Non-Residential Construction.

New construction and/or the substantial improvement of any structure located in A1-30, AE, or AH zones, 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 two feet above the base flood elevation, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the official as set forth above and in this Article

Section 14.3.5. Manufactured Homes.

Where base flood elevation data are available:

- (a) All manufactured homes placed and/or substantially improved on: (1) individual lots or parcels, (2) in new and/or substantially improved manufactured home parks or subdivisions, (3) in expansions to existing manufactured home parks or subdivisions, or (4) on a site in an existing manufactured home park or subdivision where a manufactured home has incurred "substantial damage" as the result of a flood, must have the lowest floor including basement, elevated no lower than two feet above the base flood elevation.
- (b) Manufactured homes placed and/or substantially improved in an existing manufactured home park or subdivision may be elevated so that either: the lowest floor of the manufactured home is elevated no lower than two feet above the level of the base flood elevation; or 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.

Section 14.3.6. Recreational Vehicles.

All recreational vehicles placed on sites must either:

- (a) Be on the site for fewer than 180 consecutive days;
- (b) 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
- (c) The recreational vehicle must meet all the requirements for "New Construction", including the anchoring and elevation requirements of this Article.

Section 14.3.7. Floodway.

Located within Areas of Special Flood Hazard established in this Article, are areas designated as floodway. A floodway may be an extremely hazardous area due to velocity floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights. Therefore, the following provisions shall apply:

- (a) Encroachments are prohibited, including earthen fill, new construction, substantial improvements or other development within the regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the encroachment shall not result in any increase in flood levels or floodway widths during a base flood discharge. A registered professional engineer must provide supporting technical data and certification thereof.
- (b) Only if the provision of this subsection above is satisfied, then any new construction or substantial improvement shall comply with all other applicable flood hazard reduction provisions of this Article.

Section 14.3.8. Building Standards for Streams without Established Base Flood Elevations and/or Floodway (A-Zones).

Located within the Areas of Special Flood Hazard established in this Article, where streams exist but no base flood data have been provided (A-Zones), or where base flood data have been provided but a Floodway has not been delineated. When base flood elevation data or floodway data have not been provided in accordance with this Article, then the Administrator shall obtain, review, and reasonably utilize any scientific or historic base flood elevation and floodway data available from a Federal, State, or other source, in order to administer the provisions of this Article.

Only if data are not available from these sources, then the following provisions shall apply: the following provisions apply:

- (a) No encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty feet, whichever is greater, measured from the top of the stream bank, unless certification by a registered professional engineer is provided demonstrating that such encroachment shall not result in more than a one foot increase in flood levels during the occurrence of the base flood discharge.
- (b) In special flood hazard areas without base flood elevation data, new construction and substantial improvements of existing structures shall have the lowest floor of the lowest enclosed area (including basement) elevated no less than three feet above the highest adjacent grade at the building site. (NOTE: Require the lowest floor to be elevated one foot above the estimated base flood elevation in A-Zone areas where a Limited Detail Study has been completed). Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of this article for "Elevated Buildings".

All heating and air conditioning equipment and components (including ductwork), all electrical, ventilation, plumbing, and other service facilities shall be elevated no less than three feet above the highest adjacent grade at the building site.

The Administrator shall certify the lowest floor elevation level and the record shall become a permanent part of the permit file.

Section 14.3.9. Standards for Areas of Special Flood Hazard (Zones AE) With Established Base Flood Elevations Without Designated Floodways.

Located within the Areas of Special Flood Hazard established in this Article, where streams with base flood elevations are provided but no floodways have been designated, (Zones AE) the following provisions apply:

- (a) No encroachments, including fill material, new structures or substantial improvements shall be located within areas of special flood hazard, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
- (b) New construction or substantial improvements of buildings shall be elevated or flood-proofed to elevations established in accordance with this Article.

Section 14.3.10. Standards for Areas of Shallow Flooding (AO Zones).

Areas of Special Flood Hazard established in this Article, may include designated "AO" shallow flooding areas. These areas have base flood depths of one to three feet above ground, with no clearly defined channel. The following provisions apply:

- (a) All new construction and substantial improvements of residential and non-residential structures shall have the lowest floor, including basement, elevated to the flood depth number specified on the Flood Insurance Rate Map (FIRM), above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, shall be elevated at least three feet above the highest adjacent grade. Openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of this Article for "Elevated Buildings". The Administrator shall certify the lowest floor elevation level and the record shall become a permanent part of the permit file.
- (b) New construction or the 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 two feet, above highest adjacent grade, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of

practice for meeting the provisions above, and shall provide such certification to the official as set forth above and as required in this Article.

- (c) Drainage paths shall be provided to guide floodwater around and away from any proposed structure.

Section 14.3.11. Subdivisions.

- (a) All subdivision and/or development proposals shall be consistent with the need to minimize flood damage.
- (b) All subdivision and/or development proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
- (c) All subdivision and/or development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- (d) For subdivisions and/or developments greater than fifty lots or five acres, whichever is less, base flood elevation data shall be provided for subdivision and all other proposed development, including manufactured home parks and subdivisions. Any changes or revisions to the flood data adopted herein and shown on the FIRM shall be submitted to FEMA for review as a Conditional Letter of Map Revision (CLOMR) or Conditional Letter of Map Amendment (CLOMA), whichever is applicable. Upon completion of the project, the developer is responsible for submitting the "as-built" data to FEMA in order to obtain the final LOMR.

Section 14.3.12. Standards For Critical Facilities.

Critical facilities shall not be located in the 100-year floodplain or the 500-year floodplain. All ingress and egress from any critical facility must be protected to the 500-year flood elevation.

CHAPTER 14.4 VARIANCES

- Section 14.4.1. Variance Procedures.
Section 14.4.2. Criteria and Conditions for Variances.
Section 14.4.3. Conditional Approval Permitted.
Section 14.4.4. Actions Following Variance Approval.

Section 14.4.1. Variance Procedures.

The Governing Authority, after recommendation from the Planning Commission, shall hear and decide requests for appeals or variance from the requirements of this Article, as provided in Article 22 of this Land Use Management Code.

The Governing Authority shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the Zoning Administrator, in the enforcement or administration of this Article, as provided in Article 22 of this Land Use Management Code.

Any person aggrieved by the decision of the Governing Authority may appeal such decision to the Superior Court of Jackson County, as provided in Section 5-4-1 of the Official Code of Georgia Annotated.

Section 14.4.2. Criteria and Conditions for Variances.

The provisions of this Ordinance are minimum standards for flood loss reduction; therefore any deviation from the standards must be weighed carefully. In reviewing requests for variances, the Governing Authority shall consider all technical evaluations, relevant factors, and the following standards in addition to others in this Article. A variance shall be issued only when consistent with the following criteria and conditions:

- (a) A finding of good and sufficient cause is made.
- (b) A determination is made that failure to grant the variance would result in exceptional hardship.
- (c) A determination is made that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- (d) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (e) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (f) Variances may be issued for the repair or rehabilitation of Historic Structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a Historic Structure and the variance is the

minimum to preserve the historic character and design of the structure. In the instance of an Historic Structure, a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building.

- (g) Variances may be issued for development necessary for the conduct of a functionally dependent use, provided the criteria of this Article are met, no reasonable alternative exists, and the development is protected by methods that minimize flood damage during the base flood and create no additional threats to public safety.

Section 14.4.3. Conditional Approval Permitted.

Upon consideration of the factors listed above and the purposes of this ordinance, the Governing Authority may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Article.

Section 14.4.4. Actions Following Variance Approval.

Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation of the proposed lowest floor and stating that the cost of flood insurance will be commensurate with the increased risk to life and property resulting from the reduced lowest floor elevation.

The Zoning Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

**CHAPTER 14.5
ADMINISTRATION AND LEGAL STATUS PROVISIONS**

| | |
|-----------------|---|
| Section 14.5.1. | Designation of Administrator. |
| Section 14.5.2. | Duties and Responsibilities of the Administrator. |
| Section 14.5.3. | Abrogation and Greater Restrictions. |
| Section 14.5.4. | Interpretation. |
| Section 14.5.5. | Warning and Disclaimer of Liability. |
| Section 14.5.6. | Penalties for Violation |
| Section 14.5.7. | Severability. |

Section 14.5.1. Designation of Administrator.

The Zoning Administrator is hereby appointed to administer and implement the provisions of this Article.

Section 14.5.2. Duties and Responsibilities of the Administrator.

Duties of the Zoning Administrator shall include, but shall not be limited to:

- (a) Review proposed development to assure that the permit requirements of this Article have been satisfied.
- (b) Review proposed development to assure that all necessary permits have been received from governmental agencies from which approval is required by Federal or State law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334. Require that copies of such permits be provided and maintained on file.
- (c) Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding.
- (d) When Base Flood Elevation data or floodway data have not been provided in accordance with this Article, then the Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other sources in order to administer the provisions of this Article.
- (e) Review and record the actual elevation in relation to mean sea level (or highest adjacent grade) of the lowest floor, including basement, of all new or substantially improved structures in accordance with this Article.
- (f) Review and record the actual elevation, in relation to mean sea level to which any new or substantially improved structures have been flood-proofed, in accordance with this Article.
- (g) When flood-proofing is utilized for a structure, the Administrator shall obtain certification of design criteria from a registered professional engineer or architect in accordance with this Article.

- (h) Make substantial damage determinations following a flood event or any other event that causes damage to structures in flood hazard areas.
- (i) Notify adjacent communities and the Georgia Department of Natural Resources prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).
- (j) For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to the FEMA to ensure accuracy of community flood maps through the Letter of Map Revision process. Assure flood carrying capacity of any altered or relocated watercourse is maintained.
- (k) Where interpretation is needed as to the exact location of boundaries of the Areas of Special Flood Hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Administrator shall make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Article.
- (l) All records pertaining to the provisions of this Article shall be maintained in the office of the Zoning Administrator and shall be open for public inspection.

Section 14.5.3. Abrogation and Greater Restrictions.

This Article is not intended to repeal, abrogate, or impair any existing ordinance, easements, covenants, or deed restrictions. However, where this Article and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

Section 14.5.4. Interpretation.

In the interpretation and application of this Article all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the governing body, and; (3) deemed neither to limit nor repeal any other powers granted under state statutes.

Section 14.5.5. 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 man-made or natural causes. This Article does not imply that land outside the Areas of Special Flood Hazard or uses permitted within such areas will be free from flooding or flood damages. This Article shall not create liability on the part of the City of Arcade, or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

Section 14.5.6. Penalties for Violation.

Failure to comply with the provisions of this Article or with any of its requirements, including conditions and safeguards established in connection with grants of variance or special exceptions shall constitute a violation. Any person who violates this ordinance or fails to comply with any of its requirements shall be subject to the provisions of Chapter 24.2 of this Land Use

**Article 14, Flood Damage Prevention
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Management Code. Nothing herein contained shall prevent the City of Arcade from taking such other lawful actions as is necessary to prevent or remedy any violation.

Section 14.5.7. Severability.

If any section, clause, sentence, or phrase of this Article is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Article or Ordinance.

ARTICLE 15

[RESERVED FOR FUTURE USE]

**CHAPTER 16
TREE PROTECTION AND LANDSCAPING**

| | |
|--------------|--------------------------------|
| CHAPTER 16.1 | PURPOSE AND GENERAL PROVISIONS |
| CHAPTER 16.2 | DEFINITIONS |
| CHAPTER 16.3 | TREE PROTECTION |
| CHAPTER 16.4 | LANDSCAPING |

**CHAPTER 16.1
PURPOSE AND GENERAL PROVISIONS**

| | |
|-----------------|---------------------|
| Section 16.1.1. | Purpose and Intent. |
| Section 16.1.2. | Exemptions. |

Section 16.1.1. Purpose and Intent.

Trees improve air and water quality, reduce soil erosion, reduce noise and glare, provide habitat for desirable wildlife, moderate the climate, and enhance community image and property values. Therefore, it is the intent of this Article to encourage the protection and provision of trees through sound, responsible land development practices.

Landscaping enhances a community's environmental and visual character and improves the overall quality of life. Vegetation can also improve air and water quality, reduce soil erosion, reduce noise and glare, provide habitat for wildlife, moderate the climate, and enhance property values, thus protecting the health, safety, and welfare of the community.

It is the purpose of this Article to provide trees, environmentally sound landscape amenities, and buffers which promote a positive community image by promoting quality development, enhancing property values, providing for landscape improvements, and promoting aesthetic quality. It is also the intent to promote a healthy, natural environment whenever possible by protecting and enhancing existing vegetation.

Inappropriate landscaping can degrade the quality of the natural environment by requiring excess water and pesticides, or by creating unnecessary conflicts with sewers, sidewalks, and vehicle access. It is important to promote environmentally sound landscaping, including the use of low-maintenance, drought-resistant, and native or non-invasive plants, and to ensure that the right tree is planted in the right place. Environmentally sound landscaping also means restricting the use of invasive and potentially invasive species. Although well-mannered non-native species can be welcomed additions to a landscape, invasive species can cause severe economic and environmental harm (including crop damage and degradation of native habitats) and can engender significant control costs.

This Article also establishes standards for buffers and landscape strips. Buffers between two incompatible uses minimize harmful impacts such as transmission of noise, dust, and glare. Buffers can also lessen visual pollution, establish a greater sense of privacy from visual or physical intrusion, and protect the public health, safety, and welfare of the community.

Section 16.1.2. Exemptions.

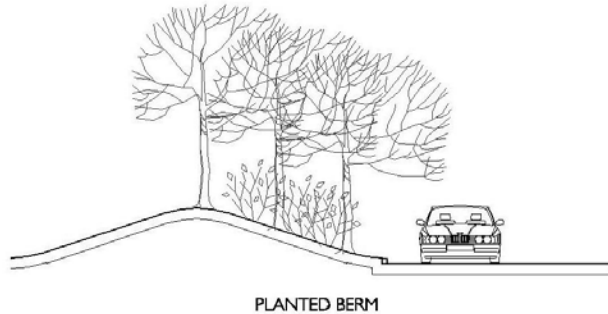
This Article shall not apply to:

- (a) Lots platted for purposes of constructing a detached, single family residence or manufactured home shall be exempt from this Article. This Article does not prevent the cutting of trees on such lots, unless a natural buffer is required in which case it shall be unlawful to disturb the buffer including the cutting of trees.
- (b) The removal of trees from horticultural properties such as farms, nurseries, or orchards. This exception shall not be interpreted to include timber harvesting or the removal of trees incidental to development of the land.
- (c) The removal of trees by a utility company within dedicated utility easements, where necessary to install, remove, repair, or maintain utilities within said easements.
- (d) The removal of trees from detention ponds and drainage easements where necessary for the construction, maintenance, or operation of said ponds or drainage improvements within said drainage easements; provided, however, that such trees within buffers, if removed, are compensated for by planting new trees that provide an approximate equivalent value measured in tree density units.
- (e) The removal of any tree which due to disease or for other reason has become or threatens to become a danger to human life or property, as indicated by a qualified professional such as an Arborist or a Forester.

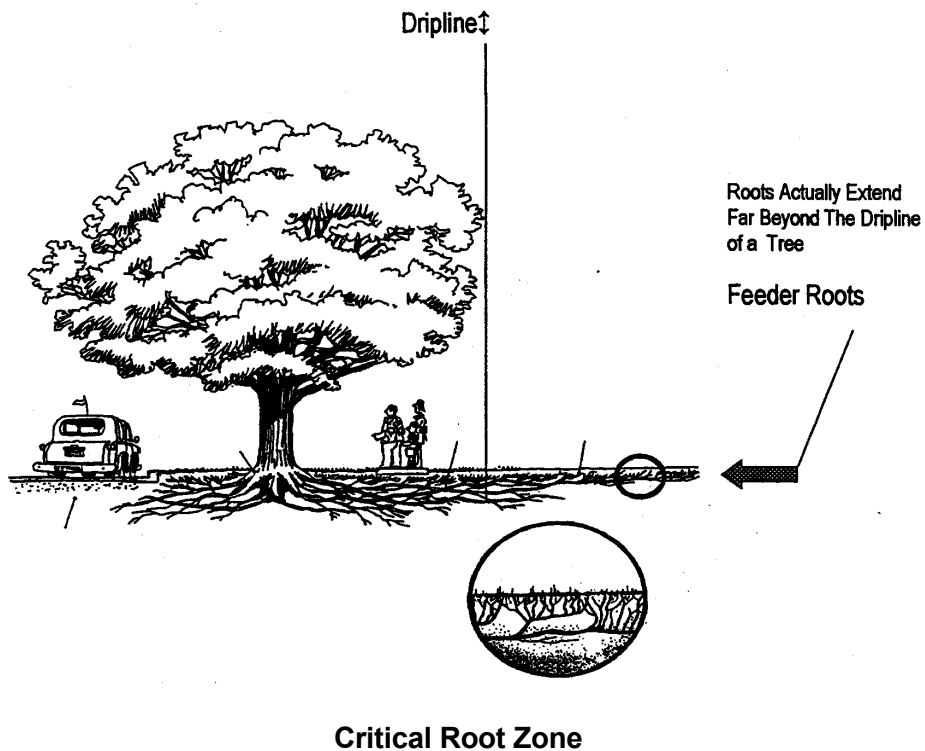
CHAPTER 16.2 DEFINITIONS

Berm: An earthen mound or embankment, usually less than three feet if designed to provide visual interest only, and usually six feet or more in height if intended to screen views or reduce noise.

Caliper: The standard for trunk measurement of nursery stock, as measured at six (6) inches above the ground for trees up to and including four-inch caliper size, and as measured at twelve (12) inches above the ground for larger sizes.



Critical root zone: The minimum area beneath a tree which must be left undisturbed in order to preserve a sufficient root mass to give a tree a reasonable chance of survival. The critical root zone will typically be represented by a concentric circle centering on the tree's trunk with a radius equal in feet to one and one-half (1.5) feet for each inch of trunk diameter (e.g., a critical root zone radius of a twenty (20) inch diameter tree is thirty (30) feet).



Deciduous: A plant with foliage that is shed annually.

Diameter Breast Height (dbh): The standard measure of tree size for those trees existing on a site that are at least four (4) inch caliper at a height of four and one-half (4.5) feet above the ground. If a tree splits into multiple trunks below four and one-half (4.5) feet, then the trunk is measured at its most narrow point beneath the split.

Drip line: An imaginary perpendicular surface from a tree's branch tips down to the ground; The circular area of land surrounding the tree from the trunk to the outermost branches. This area is distinguished from, and not to be confused with critical root zone.

Evergreen: A plant with foliage that persists and remains green year-round.

Ground cover: Living material planted in such a way as to form an eighty (80) percent or more ground cover at the time of planting and a continuous cover over the ground that can be maintained at a height of not more than eighteen (18) inches.

Hedge: A row of closely planted shrubs, bushes, or any kind of plant forming a boundary or fence.

Landscape Plan: A graphic and written document containing criteria, specifications and detailed plans to arrange and modify the effects of natural features. A landscape plan consists of a site plan showing the boundaries of the property and the location of proposed plant materials, in relation to surroundings and improvements, along with a planting schedule and any additional specifications required by the Zoning Administrator.

Landscape Strip: A planted area of specified width.

Landscaping: The modification of the landscape for an aesthetic or functional purpose. The area within the boundaries of an individual lot that includes the preservation of existing vegetation and the continued maintenance thereof, as well as, the installation of trees, shrubs, ground covers, grass, flowers. Landscaping areas may also include decorative rock, bark, mulch and other similar materials in addition to vegetation and live plant material.

Natural area: An area containing natural vegetation that will remain undisturbed when the property is fully developed.

Revegetation: The replacement of trees and landscape plant materials.

Screening: A method of visually shielding or obscuring one abutting or nearby building, structure, or use from another by natural, undisturbed buffers, fencing, walls, berms, densely planted vegetation, or some combination thereof, according to specifications of this Land Use Management Code.

Shrub: A woody plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground, and generally obtaining a height less than eight (8) feet; a shrub may be deciduous or evergreen.

Species selection list: The recommended species of trees, shrubs, vines, and ground covers in Chapter 16.4 of this Article.

**Article 16, Tree Protection and Landscaping
City of Arcade Land Use Management Code**

Tree: Any self-supporting, woody perennial plant usually having a single trunk diameter of three (3) inches or more which normally attains a mature height of a minimum of fifteen (15) feet.

Tree, hardwood: Any leaf-bearing (not needle-bearing) tree that is not coniferous (cone bearing). This definition is based on the colloquialism, and does not necessarily reflect any true qualities of the tree.

Tree, overstory: A tree that composes the top layer or canopy of vegetation and will generally reach a mature height of greater than forty (40) feet.

Tree, shade: A tree in a public place, street right-of-way, special easement, or private property, planted to provide canopy that will obscure the sun and heat from the ground.

Tree, softwood: Any coniferous (cone bearing) tree, such as pine, fir, hemlock, cedar, etc. This definition is based on the colloquialism and does not necessarily reflect any true qualities of the tree.

Tree, specimen: Any tree in fair or better condition which qualifies for special consideration for preservation due to size, species, or condition, and which meets the following:

24" dbh - Large hardwoods such as oaks, hickories, yellow poplars, sweetgums, etc.

30" dbh - Large softwoods such as pines, deodar cedars, etc.

4" dbh - Small trees such as dogwoods, redbuds, sourwoods, etc.

Provided, however, that a lesser-size tree can be considered by the Zoning Administrator to be and designated a specimen tree if it is a rare or unusual species, of exceptional or unique quality, or of historical significance.

Tree, understory: Any tree that grows beneath the overstory, and will generally reach a mature height of under forty (40) feet.

Tree density unit: A unit of measure based on diameter breast height of trees.

Tree save area: An area designated for the purpose of saving natural trees, preserving the root system of natural trees and/or preserving natural buffers.

Xeriscaping: Landscaping characterized by the use of vegetation that is drought-tolerant or low water use.

CHAPTER 16.3 TREE PROTECTION

| | |
|------------------|---|
| Section 16.3.1. | Applicability. |
| Section 16.3.2. | Tree Save Areas. |
| Section 16.3.3. | Tree Survey Required. |
| Section 16.3.4. | Qualifications to Prepare Tree Survey. |
| Section 16.3.5. | Tree Survey Specifications. |
| Section 16.3.6. | Review and Approval of Tree Survey. |
| Section 16.3.7. | Tree Retention and Replacement Plan Required. |
| Section 16.3.8. | Tree Retention and Replacement Plan Specifications. |
| Section 16.3.9. | Calculating Existing Tree Density Units. |
| Section 16.3.10. | Calculating Required Tree Replacement Units. |
| Section 16.3.11. | Protection of Trees During Construction. |
| Section 16.3.12. | Tree Damage. |
| Section 16.3.13. | Street Trees. |
| Section 16.3.14. | Protection of Street Trees. |

Section 16.3.1. Applicability.

Unless exempt pursuant to Section 16.1.2 of this Article, no development permit or building permit shall be issued until it is determined that the proposed development or building is in conformance with the provisions of this Chapter.

Section 16.3.2. Tree Save Areas.

All existing trees within buffers that may be required by this Land Use Management Code, or proposed to be protected in a development proposal, or required by the Arcade Planning Commission or Zoning Administrator (pursuant to the administration of this Article) shall be delineated on site plans for rezoning and conditional use applications and development plans as tree save areas not to be disturbed. When a tree save area is established pursuant to this Article or a buffer is required pursuant to this Land Use Management Code and the property is to be subdivided, the tree save area or buffer shall be delineated on preliminary and final subdivision plats as tree save areas not to be disturbed.

Section 16.3.3. Tree Survey Required.

Development of properties on lots with five (5) acres or more is likely to significantly reduce forest resources, tree canopy, and natural habitat, unless regulated. Before the commencement of any alteration, defoliation or land disturbing activity or development on land with an area of five (5) acres or more, a tree survey shall be prepared and submitted to the Zoning Administrator, who shall not approve a development permit until said tree survey has been received, reviewed, and considered in the plans of the development. The Zoning Administrator may waive the requirement to submit a tree survey in instances where the proposed development site has already been developed or does not have significant trees that would necessitate a survey.

All applications for Open Space Conservation Subdivisions (see Article 29) and Planned Community Developments (see Chapter 7.8) are required to include a tree survey. A tree survey shall not be required for all other applications for zoning map amendments and

conditional uses (see Chapter 21.2). However, if conditions of zoning map amendment or conditional use approval require that said applications' site plan be followed, and compliance with this Chapter cannot be accomplished as shown on the conditioned site plan, the Zoning Administrator may refer the application to the Arcade Planning Commission and Governing Authority to resolve the inconsistency between the site plan and this Article, prior to issuance of a development permit for the subject property. Approval of a site plan during the zoning map amendment or conditional use approval process does not imply a finding that the development is in compliance with this Article, unless a tree survey has been submitted as a part of the zoning map amendment or conditional use approval process and the Zoning Administrator has approved said plan as being in compliance with this Article. For these reasons, applicants for rezoning or conditional use approval are encouraged to submit tree surveys to avoid potential conflicts of the type described in this Section.

Section 16.3.4. Qualifications to Prepare Tree Survey.

The tree survey shall be prepared by an Arborist, Forester, Landscape Architect, or other registered professional qualified to accurately depict existing trees and tree canopies on surveys and plans.

Section 16.3.5. Tree Survey Specifications.

- (a) Plan and boundary survey. The tree survey shall be in the form of a to-scale map prepared on or incorporating a boundary survey which has been prepared by a registered land surveyor or registered professional engineer.
- (b) Specimen trees. The tree survey shall show the location of all specimen trees plus all other trees or significant tree stands within required buffers. An inventory of all specimen trees by size and species shall be provided as a part of the tree survey.
- (c) Sampling. Sampling methods may be used to prepare tree surveys when trees are of such density to make the individual identification of trees impractical; in such cases the tree surveyor shall show dense areas of trees as tree stands and provide a reasonably accurate estimate of trees by size and species based on acceptable sampling methods.
- (d) Buffers. If the proposed development site includes required buffers and such buffers are not proposed to be disturbed in any way by the development, then the preparer of the tree survey can note the buffer without further specifying the trees within the buffer.

Section 16.3.6. Review and Approval of Tree Survey.

Within ten (10) working days following the receipt of a tree survey, the Zoning Administrator shall schedule and conduct an inspection of the proposed development site. The applicant or his designee shall be advised as to the date and time of the inspection and given an opportunity to attend and observe the inspection. Following inspection, the Zoning Administrator shall advise the applicant in writing or on the survey of any changes required to the tree survey to comply with the requirements of this Article.

A tree survey may be submitted in advance of or in conjunction with an application for development permit. Tree surveys are also strongly encouraged but not required as a part of applications for zoning map amendment or conditional use approval involving property of five (5) acres or more (see Section 16.3.3).

Section 16.3.7. Tree Retention and Replacement Plan Required.

Before the commencement of any alteration, defoliation or land disturbing activity or development on land with an area of two (2) acres or more, unless exempt from the requirements of this Article, a tree retention and replacement plan shall be prepared by a Landscape Architect registered in the State of Georgia and submitted to the Zoning Administrator, who shall not approve a development permit until said plan has been received, reviewed, and approved.

Section 16.3.8. Tree Retention and Replacement Plan Specifications.

- (a) Inventory. In cases where a tree survey is not required or provided pursuant to this Chapter, the tree retention and replacement plan shall be based on a reasonable inventory of major trees on the site and an identification of existing specimen trees within portions of the site proposed to be disturbed. However, all specimen trees shall be field located and shown on this plan.
- (b) Buffers. If the proposed development site includes required buffers and such buffers are not proposed to be disturbed in any way by the development, then the preparer of the tree retention and replacement plan may designate the undisturbed buffer without further specifying the trees within said undisturbed buffer.
- (c) Plan and boundary survey. The tree retention and replacement plan shall be in the form of a to-scale map prepared on or incorporating the site plan for the development which shall be based on a boundary survey.
- (d) Existing trees and tree-density units retained. The tree retention and replacement plan shall show the location of all existing trees to be retained and shall include a calculation of the total tree-density units retained on the site as a result of protecting and preserving existing trees. See the Section 16.3.9 on calculating tree density units.
- (e) Trees and tree-density units to be removed. A description of trees by size and species that will be removed as a result of the development shall be indicated on the tree retention and replacement plan. The preparer of the plan shall also quantify the total tree density units to be removed as a result of the development. See the Section 16.3.9 on calculating tree density units.
- (f) Minimum tree density units required. The plan shall compensate for the net loss of tree-density units (those proposed to be removed) on the site by providing for the installation of replacement trees to be planted in such quantity and size (i.e., tree density units) as to equal the number of total tree density units to be removed. Calculations must be submitted which show the amount of existing trees to be removed and the installation of replacement trees in terms of their tree density units.
- (g) Maximum tree density units required: sites with trees. The maximum number of tree-density units required to be maintained on the site shall be the number of tree-density units existing on the site to be developed at the time of development; provided, however, that on heavily wooded sites where a no-net-loss of tree density units would not be practicable, the maximum required replacement tree density shall be 20 tree density units per acre in suburban/urban areas and 30 tree density units per acre in exurban/rural areas.
- (h) Maximum tree density units required: sites with less than required tree densities. When a development subject to this Article does have trees on the site equaling or exceeding a tree density of 20 tree density units per acre in suburban/urban areas or 30 tree density units per acre in exurban/rural areas, the replacement plan shall provide for and the developer shall install trees to a tree density of 20 tree density

units per acre in suburban/urban areas or 30 tree density units per acre in exurban/rural areas.

- (i) Schedule of replacement trees. Replacement tree planting schedules shall provide the proposed tree species names (botanical and common), quantity, size, spacing and any special planting notes. Invasive trees shall not be allowed under any circumstances. Trees selected must be free from injury, pests, disease, nutritional disorders or root defects, and must be in good vigor in order to assure a reasonable expectation of survivability. It is desirable that replanted trees be ecologically compatible with the site and neighboring sites. Replacement trees should be native species common to adjacent or nearby non-timberland wooded tracts. For a list of acceptable trees, see Section 16.4.7. Also, replanting schedules should not provide all understory trees or all overstory trees to the exclusion of the other; an appropriate combination of understory trees and overstory trees is especially encouraged. All replacement trees shall be maintained properly to ensure their survivability.
- (j) Alternative locations for tree planting. Where there is insufficient space on a given development site for the planting of replacement trees required by this Chapter, the Zoning Administrator may approve replanting the required trees on an alternative site (off-site). Public street rights-of-ways and public properties in the municipality with jurisdiction, or private property in the municipality with jurisdiction that has a valid conservation easement granted in favor of tree protection, shall be acceptable alternative sites for tree planting.

Section 16.3.9. Calculating Existing Tree Density Units.

Existing tree density units is determined by converting the diameter breast height (dbh) of individual existing trees proposed to be removed to tree density units based on data provided in Table 16.1. Only existing trees with a dbh of two (2) inches or greater shall be counted in determining tree density units. These units are totaled to determine the existing tree density removed.

**TABLE 16.1
CONVERTING EXISTING TREE DIAMETERS TO DENSITY UNITS**

| DBH Existing Tree | Density Units for Existing Tree | DBH Existing Tree | Density Units for Existing Tree |
|--------------------------|--|--------------------------|--|
| 2" | 0.7 | 16" | 5.3 |
| 3" | 1.0 | 18" | 5.7 |
| 4" | 1.5 | 20" | 6.0 |
| 5" | 2.0 | 22" | 6.3 |
| 6" | 2.4 | 24" | 6.6 |
| 8" | 3.0 | 36" | 8.4 |
| 10" | 3.6 | 42" | 9.3 |
| 12" | 4.2 | 50" or more | 10.5 |
| 14" | 4.8 | | |

Section 16.3.10. Calculating Required Tree Replacement Units.

Table 16.2 shall be used to calculate the tree replacement units. The value of replacement trees (i.e., tree density units recognized) increases as the size of the tree increases, thereby encouraging the installation of larger replacement trees.

In addition to those replacements specified in this section and unless approved otherwise by the Zoning Administrator, any specimen tree removed shall be replaced with trees equal to two (2) times the unit value of the tree removed. Any proposed plantings or units calculated from removal of a specimen tree cannot be utilized towards meeting tree density or any other planting requirement.

**TABLE 16.2
CONVERTING REPLACEMENT TREES TO DENSITY UNITS**

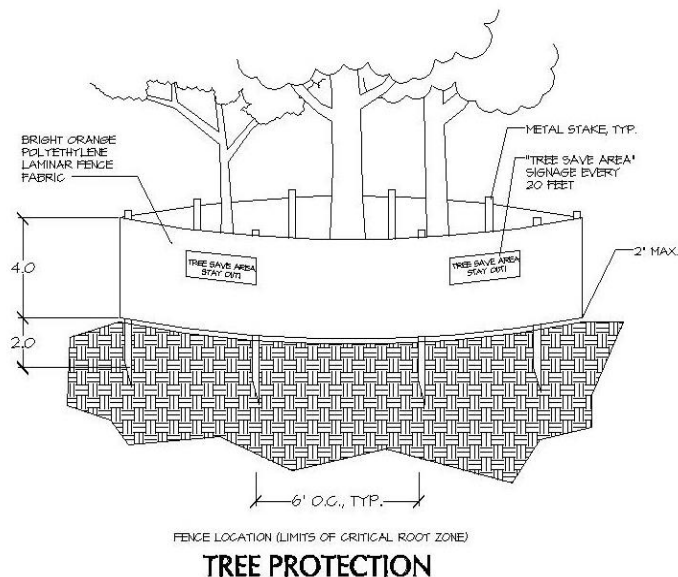
| Caliper of Replacement Tree | Density Units for Replacement Tree | Caliper of Replacement Tree | Density Units for Replacement Tree |
|-----------------------------|------------------------------------|-----------------------------|------------------------------------|
| 2" | 0.5 | 6" | 2.4 |
| 3" | 0.5 | 7" | 3.2 |
| 4" | 1.0 | 8" | 4.0 |
| 5" | 1.5 | 9" or more | 6.0 |

A seven (7) gallon container grown pine tree is given replacement credit of 0.3 units. The minimum size for an understory tree is 2". The minimum size for an overstory tree is 3".

Section 16.3.11. Protection of Trees During Construction.

When trees are required or proposed to be retained, as in buffers and tree save areas, developers shall make all reasonable efforts to protect them during the land disturbance and construction processes. Minimum required tree protection measures are as follows:

- (a) Place protective barriers around trees, which may include but are not limited to chain-link fencing, orange laminated plastic fencing supported by posts, rail fencing, or other equivalent restraining material.
- (b) Mark such areas with "tree save area" signs.
- (c) Prohibit grading, excavating, or locating utilities near the critical root zones of trees.



No structure(s), improvement(s), or any activity including solvents, material, construction machinery, portable toilets, construction trailers, or temporary soil deposits shall encroach or be placed within a critical root zone of any tree within a tree save area.

Tree protection devices shall be installed prior to the issuance of a development permit for any clearing and/or grading. Tree protection devices shall remain in functioning condition throughout all phases of development and shall be subject to inspection by the Zoning Administrator. They shall be removed only after permission of the Zoning Administrator is granted.

Section 16.3.12. Tree Damage.

Any tree, designated on a tree retention and replacement plan to be saved, which is damaged during construction or as a result of construction, as determined by the Zoning Administrator, shall be treated according to accepted standards of the National Arborists Association or replaced with a tree or trees equal to the tree density unit value of the tree. However, any specimen tree damaged as described above shall be replaced with trees equal to two (2) times the unit value of the tree removed or damaged. If a damaged specimen tree must be removed, the area occupied by its drip line must remain in a previous state. A replacement plan for such area must be approved by the Zoning Administrator.

Section 16.3.13. Street Trees.

- (a) Required. The requirements of this Section shall be independent of and in addition to all other sections of this Article, and no exemptions provided elsewhere in this Article shall apply. Street tree planting is required along all new public streets and private streets within commercial, industrial, or residential subdivisions in the participating municipalities.
- (b) Plan Submittal and Approval. The subdivider, owner of land to be dedicated as a public street, or the developer of a private street shall at the time of preliminary plat approval submit a plan for the provision of street trees along all said roads.
- (c) Installation. It is the intent of this Section that the subdivider or developer carefully position street trees on the plan while taking into account sidewalk locations and, if not constructed simultaneously with the construction of the public or private street, future driveways. The subdivider or developer shall install street trees, according to a plan approved by the Planning Commission as a part of preliminary plat approval, prior to dedication or opening of said street. The subdivider or developer shall install said street trees prior to the dedication or opening of the public or private street, unless the Planning Commission accepts an agreement where the responsibility for street tree planting is shifted to the owners or individual builders of the lots to be subdivided. Any such responsibility shall be legally transferred in a form acceptable to the Planning Commission.
- (d) Location. Street trees must be planted within the public right-of-way or, if right-of-way width is insufficient to accommodate said street trees, then on private property within a street tree easement dedicated to the city with jurisdiction.
- (e) Guidelines. The guidelines below are intended to avoid conflicts with improvements; they are recommendations only and are subject to the approval of the Zoning Administrator, and, in the case of preliminary plat review, the Planning Commission.

**Article 16, Tree Protection and Landscaping
City of Arcade Land Use Management Code**

| Mature Size | Minimum Width Of Tree Lawn | Spacing Between Trees | Overhead Utilities (If Permitted) | Distance From Signs, Utility Poles, Driveways, Fire Hydrants | Distance From Inter-Section | Distance From Under-Ground Utilities |
|-------------------------|-----------------------------------|------------------------------|--|---|------------------------------------|---|
| Large 50-70 Feet | 8 Feet | 60 Feet | Do Not Plant | 10 Feet | 30 Feet | 5 Feet |
| Medium 30-40 Feet | 5 Feet | 40 Feet | Okay | 10 Feet | 30 Feet | 5 Feet |
| Small 15-20 Feet | 3 Feet | 20 Feet | Okay | 10 Feet | 30 Feet | 5 Feet |
| Evergreen 40-50 Feet | Yards Only | 30 Feet | Do Not Plant | 30 Feet | 30 Feet | 5 Feet |

Note: In exurban or rural areas, loose, informal tree groupings are more appropriate than rows and thus may be proposed by the designer and approved by the Zoning Administrator. Also, within exurban or rural areas, a mixture of plant species in this grouping rather than a single (monoculture) species should be provided.

Section 16.3.14. Protection of Street Trees.

- (a) Right to plant. The municipality with jurisdiction shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds.
- (b) Permission required. No person shall plant, spray, fertilize, prune, or remove, or otherwise disturb any tree on any road right-of-way or property owned by a municipality with jurisdiction without first securing permission from the city.
- (c) Pruning and topping. It shall be unlawful for any person, or firm to top or severely prune any street tree, park tree, or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Severe pruning seriously affects a tree's food supply, can scald the newly exposed outer bark, make trees vulnerable to insect invasion, stimulate the regrowth of dense, upright branches below the pruning cut, make the tree more vulnerable to wind damage, disfigure the tree aesthetically, and sometimes result in the death of the tree. Where appropriate, crown reduction by a qualified arborist may be substituted. Trees severely damaged by storms or other causes, or certain trees under obstructions such as utility wires where other pruning practices are impractical may be exempted from this Section as determined by the city.

CHAPTER 16.4 LANDSCAPING

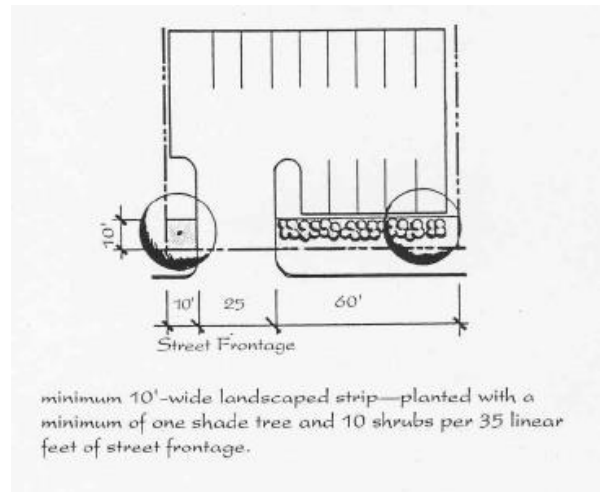
- Section 16.4.1. Optional Planting Specifications for Front Landscape Strips.
- Section 16.4.2. Planting Specifications for Side Landscape Strips.
- Section 16.4.3. Parking Lot Interior Landscaping.
- Section 16.4.4. Screening and Buffer Specifications.
- Section 16.4.5. General Provisions.
- Section 16.4.6. Landscape Plan Required.
- Section 16.4.7. Landscaping Specifications.
- Section 16.4.8. Landscape Maintenance and Landscape Bond.

Section 16.4.1. Optional Planting Specifications for Front Landscape Strips.

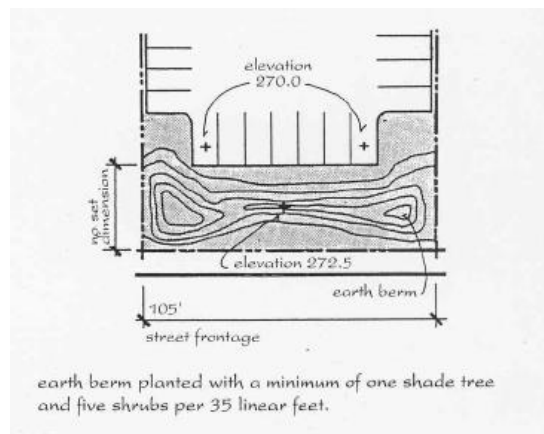
Where a front landscape strip is required by this Land Use Management Code, one of the following optional planting specifications shall apply to all landscape strips adjacent to the right-of-way of a public or private street. The landscape requirement shall not apply to vehicle access areas but the landscape strip shall not include any other paved surfaces with the exception of pedestrian sidewalks or trails and areas approved for storm water management.

Option 1. The minimum 10-foot wide landscape strip shall be planted with a minimum of one shade tree and 10 shrubs per 35 linear feet of street frontage, excluding driveway openings.

Option 2. An earth berm at least 2.5 feet higher than the finished elevation of the parking lot, with one shade tree and five shrubs for every 35 linear feet of frontage.



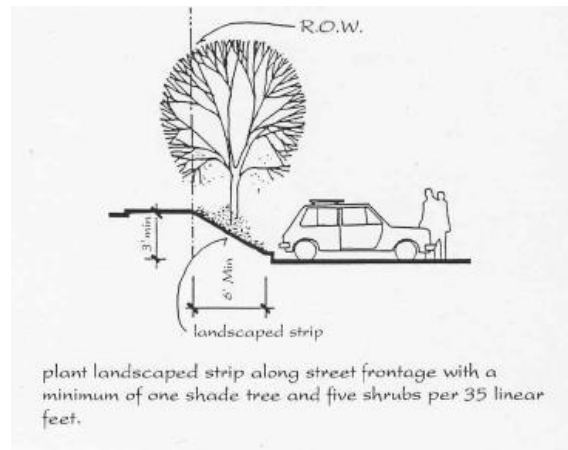
Source: Martz, Wendelyn A., and Marya Morris. 1990. *Preparing a Landscape Ordinance*. Planning Advisory Service Report Number 431. Chicago: American Planning Association.



Source: Martz, Wendelyn A., and Marya Morris. 1990. *Preparing a Landscape Ordinance*. Planning Advisory Service Report Number 431. Chicago: American Planning Association.

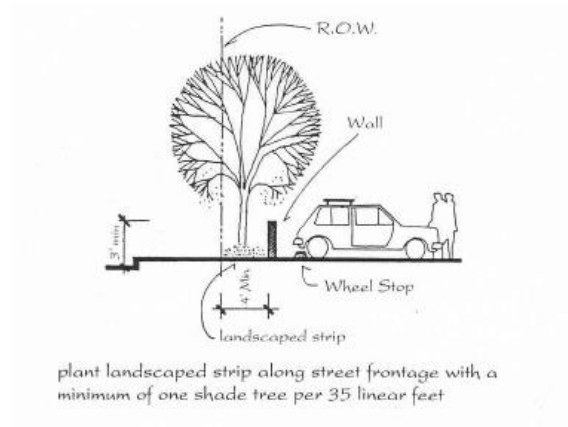
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Option 3. A six-foot landscaped strip with a minimum three-foot grade drop from the right-of-way to the parking lot. One shade tree and five shrubs are required for every 35 linear feet.



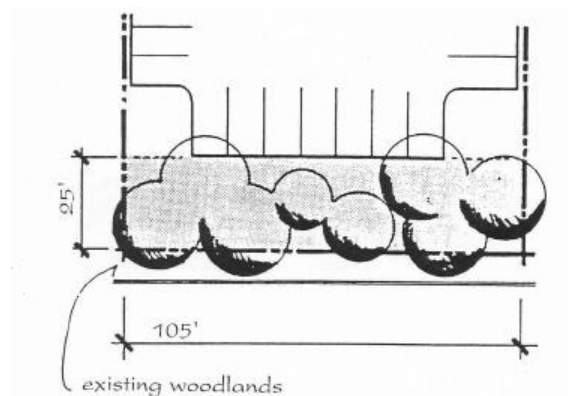
Source: Martz, Wendelyn A., and Marya Morris. 1990. *Preparing a Landscape Ordinance*. Planning Advisory Service Report Number 431. Chicago: American Planning Association.

Option 4. A three-foot high fence of brick, stone, or finished concrete wall, with a four-foot buffer strip, planted with a minimum of one shade tree per 35 linear feet of frontage.



Source: Martz, Wendelyn A., and Marya Morris. 1990. *Preparing a Landscape Ordinance*. Planning Advisory Service Report Number 431. Chicago: American Planning Association.

Option 5. If existing woodlands are determined by the Zoning Administrator to be sufficient to meet the intent of the required front landscape strip, the applicant may preserve a 25-foot wide natural buffer strip to satisfy the front landscape strip requirements. This option is strongly encouraged within exurban and rural areas.



Source: Martz, Wendelyn A., and Marya Morris. 1990. *Preparing a Landscape Ordinance*. Planning Advisory Service Report Number 431. Chicago: American Planning Association.

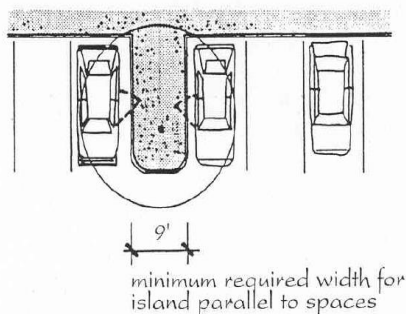
Section 16.4.2. Planting Specifications for Side Landscape Strips.

Side landscape strips as may be required by this Land Use Management Code (see dimensional requirements for zoning districts), shall be planted according to the following specification: Within the perimeter landscape strip, the applicant shall install one (1) tree and three (3) shrubs for each 35 linear feet of property boundary along the perimeter to which the side landscape strip applies, unless the Zoning Administrator approves the use of existing woodlands or other vegetation as meeting the intent of this requirement. The requirement for a side landscape strip shall not apply to interparcel access points but shall not include any other paved surfaces with the exception of pedestrian sidewalks or trails and areas approved for stormwater management.

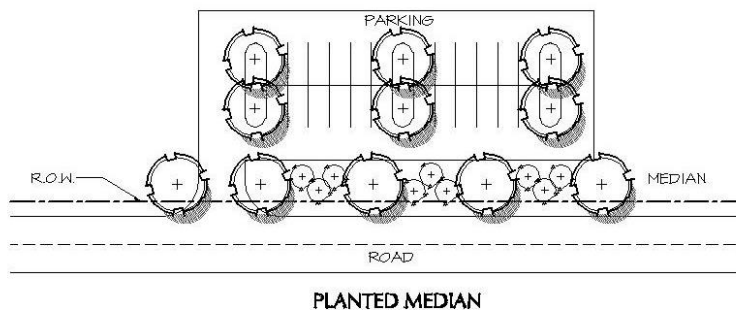
Section 16.4.3. Parking Lot Interior Landscaping.

This Section shall apply to parking lots with ten (10) or more spaces. One interior parking lot landscape island at least nine (9) feet wide and at least 144 square feet in area shall be provided for every ten (10) spaces in each row of parking spaces abutting the perimeter or within the interior of the parking lot. Within each interior parking lot landscape island, at least one tree with a minimum two-inch (2") caliper shall be required to be planted. The surface of the landscape island shall be slightly concave to promote stormwater infiltration.

Landscape dividers, as required in Section 12.3.4.(c), shall be planted at a rate of one (1) tree per twenty (20') linear feet of landscape divider. This tree shall also be a minimum of two-inch (2") caliper.



Source: Martz, Wendelyn A., and Marya Morris. 1990. *Preparing a Landscape Ordinance*. Planning Advisory Service Report Number 431. Chicago: American Planning Association.



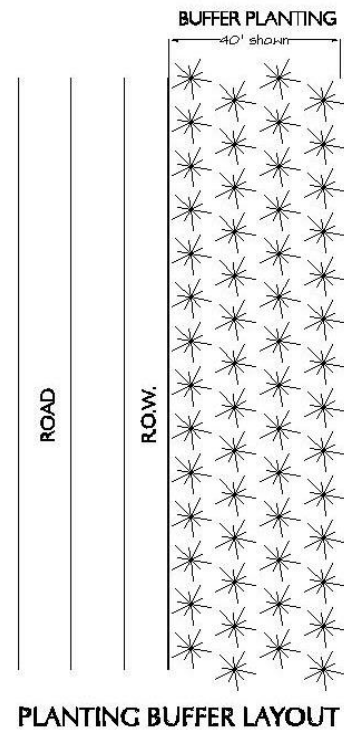
Section 16.4.4. Screening and Buffer Specifications.

Screening shall be established and achieved within all buffers required by this Land Use Management Code along side and rear lot lines. Screening within required buffers shall be of such nature and density to screen activities on the lot from view from the normal level of a first story window on an abutting lot and shall provide year-round maximum opacity from the ground to a height of at least six (6) feet.

Existing vegetation within a required buffer shall remain undisturbed and if it is sufficiently dense to meet the requirements for screening, existing vegetation can suffice to meet the screening requirement as determined by the Zoning Administrator. Where the existing vegetation within a required buffer is sparse and/or does not achieve screening, then additional trees and shrubs shall be installed pursuant to this Section where sparsely vegetated or screening via existing vegetation is insufficient. Trees and shrubs shall be installed to not only provide maximum opacity, but to allow for proper plant growth and maintenance.

The following specifications for natural buffers shall be adhered to, when existing vegetation is insufficient to provide screening as required by this Section.

| Width of Required Buffer (Feet) | Planting Specification |
|---------------------------------|--|
| 10 | One row of six-foot-high evergreen screening shrubs planted four (4) feet on center and one row of evergreen trees with branches touching ground planted thirty (30) feet on center. |
| 20 | Two stagger-planted rows of evergreen trees with branches touching ground planted thirty (30) feet on center. |
| 30 | Three stagger-planted rows of evergreen trees with branches touching ground planted thirty (30) feet on center. |
| 40 | Four stagger-planted rows of evergreen trees with branches touching ground planted thirty (30) feet on center. |
| More than 40 | One additional stagger-planted row of evergreen trees with branches touching ground for each 10 additional feet of required buffer width. |



An applicant may propose and the Zoning Administrator may approve modifications to the specified planting details when the applicant shows that an equivalent amount of screening can be accomplished by applying alternative planting specifications. This shall not be construed as authorizing an administrative variance by the Zoning Administrator to decrease buffer widths.

Also see Sections 10.1.6 and 10.1.7 for buffer requirements in the U.S. Highway 129 overlay district.

Section 16.4.5. General Provisions.

- (a) **Visibility.** Landscaping shall not restrict visibility of motorists or pedestrians (e.g., tall shrubs or low-lying branches of trees).
- (b) **Clearance.** Trees must have a clear trunk at least six (6) feet above finished grade to allow a safe clearance beneath the tree.
- (c) **Curb Stops.** A curb or wheel stop shall be provided along interior parking lot landscape islands, perimeter landscape strips, and landscapes adjacent to street rights-of-ways, to prevent cars from encroaching on trees, shrubs, and landscapes, as approved by the Zoning Administrator.

Section 16.4.6. Landscape Plan Required.

A landscaping plan prepared by a landscape architect registered in the State of Georgia shall be required to be approved by the Zoning Administrator prior to the issuance of a development or building permit to demonstrate compliance with the provisions of this Chapter. The landscape plan shall be based on an accurate boundary survey of the site or reasonable property description and shall include the following:

- (a) Location and general type of existing vegetation, except that the location of all specimen trees shall be depicted;
- (b) Existing vegetation to be saved;
- (c) Methods and details for protecting existing vegetation during construction;
- (d) Locations and labels for all proposed plants and a plant list or schedule showing the proposed and minimum required quantities;
- (e) Location and description of other landscape improvements, such as earth berms, walls, fences, screens, sculptures, fountains, street furniture, lights, and courts or paved areas;
- (f) All locations of utilities both existing and proposed.

Section 16.4.7. Landscaping Specifications.

Approval of all landscaping and other materials by the Zoning Administrator shall be required. The following specifications are required.

- (a) The use of native plants as landscaping materials is encouraged wherever possible.
- (b) Invasive or potentially invasive plants are not permitted. However, well-mannered non-native plants are acceptable if they are not considered invasive.
- (c) Existing tree cover and natural vegetation shall be preserved, whenever possible, or replaced with suitable vegetation.
- (d) Ground cover(s) should be used to supplement landscaping in appropriate areas to reduce the need for extensive grass lawns, which would require regular watering in drought conditions.
- (e) Grass areas shall be sodded. However, if grass seed must be used, it shall be a variety suitable to the area that produces complete coverage.
- (f) No artificial plants, trees, or other vegetation shall be installed.

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- (g) Table 16.4.1 provides a planting list to facilitate the selection of appropriate landscaping. The Zoning Administrator may disapprove species not on the approved list.

**TABLE 16.4.1
APPROVED LANDSCAPE PLANTING LIST**

| | |
|--------------------------|-------------------|
| Wet- Site Suitable | Upper Piedmont |
|--------------------------|-------------------|

A: Trees: Large Deciduous

| | | | | | | | |
|----|----|-------------------------|------------------|------------|-------|---|---|
| LD | AR | Acer rubrum | Red Maple | 3" cal. | B&B | x | x |
| LD | BN | Betula nigra | River Birch | Multi-stem | B&B | x | x |
| LD | CG | Carya glabra | Pignut Hickory | Whip | cont. | | x |
| LD | FG | Fagus grandifolia | American Beech | 2" cal. | B&B | | x |
| LD | FA | Fraxinus americana | Green Ash | 3" cal. | B&B | | x |
| LD | LS | Liquidamber styraciflua | Sweetgum | 3" cal. | B&B | x | x |
| LD | LT | Liriodendron tulipifera | Tulip Poplar | 3" cal. | B&B | | x |
| LD | NS | Nyssa sylvatica | Blackgum | 2" cal. | B&B | x | x |
| LD | PO | Platanus occidentalis | Sycamore | 3" cal. | B&B | | x |
| LD | QA | Quercus alba | White Oak | 3" cal. | B&B | | x |
| LD | QC | Quercus coccinea | Scarlet Oak | 3" cal. | B&B | | x |
| LD | QF | Quercus falcata | Southern Red Oak | 3" cal. | B&B | | x |
| LD | QL | Quercus laurifolia | Laurel Oak | 3" cal. | B&B | | |
| LD | QL | Quercus lyrata | Overcup Oak | 3" cal. | B&B | | x |
| LD | QN | Quercus nigra | Water Oak | 3" cal. | B&B | | x |
| LD | QP | Quercus phellos | Willow Oak | 3" cal. | B&B | | x |
| LD | QR | Quercus rubra | Northem Red Oak | 3" cal. | B&B | | x |
| LD | QS | Quercus stellata | Post Oak | 3" cal. | B&B | | x |
| LD | TD | Taxodium distichum | Baldcypress | 3" cal. | B&B | x | |

A: Trees: Small Deciduous

| | | | | | | | |
|----|----|------------------------|----------------------|------------|-------|---|---|
| SD | AL | Acer leucoderme | Chalk Maple | 6-8' | B&B | | x |
| SD | AA | Amelanchier arborea | Serviceberry | 6-8' | B&B | | x |
| SD | CC | Carpinus caroliniana | Ironwood | 2" | B&B | x | x |
| SD | CN | Cercis canadensis | Redbud | 1.5" | B&B | | x |
| SD | CV | Chionanthus virginicus | Fringetree | Multi-stem | B&B | | x |
| SD | CF | Cornus florida | Flowering Dogwood | 2" cal. | B&B | | x |
| SD | CP | Crataegus phaenopyrum | Washington Hawthorne | 2" cal. | B&B | | x |
| SD | GT | Gleditsia tricanthos | Honeylocust | 2" cal. | B&B | | x |
| SD | ID | Ilex decidua | Possumhaw | Multi-stem | cont. | x | |
| SD | OV | Ostrya virginiana | Hophornbeam | 2" cal. | B&B | | x |
| SD | OA | Oxydendrum arboreum | Sourwood | 8-Jun | B&B | | x |
| SD | SN | Salix nigra | Black Willow | 6-8' | cont. | x | x |
| SD | SA | Sassafras albidum | Sassafras | 4-6' | cont. | | x |
| SD | MV | Magnolia virginiana | Sweetbay Magnolia | 8-10' | B&B | x | |

A: Trees: Evergreen

| | | | | | | | |
|----|----|------------------------|----------------------|---------|-------|---|---|
| ET | CT | Chamaecyparis thyoides | Atlantic White Cedar | 6' | cont. | x | |
| ET | IO | Ilex opaca | American Holly | 8' ht. | B&B | | x |
| ET | JV | Juniperus virginiana | Eastern Red Cedar | 8' ht. | B&B | | x |
| ET | MG | Magnolia grandifolia | Southern Magnolia | 10'-12' | B&B | | x |
| ET | PT | Pinus taeda | Loblolly Pine | 4' | cont. | | x |
| ET | PV | Pinus virginiana | Virginia Pine | 4' | cont. | | x |

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| | | | | | | | |
|----|----|--------------------|-----------------------|--------|-------|--|---|
| ET | TC | Tsuga canadensis | Canadian Hemlock | 8-10' | B&B | | |
| ET | PC | Prunus caroliniana | Carolina Cherrylaurel | 3 gal. | cont. | | x |

A: Shrubs: Deciduous

| | | | | | | | |
|----|----|---------------------------|----------------------|--------|-------|---|---|
| DS | Ap | Aesculus parviflora | Bottlebrush Buckeye | 3 gal | cont. | | x |
| DS | As | Aesculus sylvatica | Painted Buckeye | 3 gal | cont. | | x |
| DS | Ar | Aronia arbutifolia | Red Chokeberry | 3 gal | cont. | x | x |
| DS | Ca | Callicarpa americana | American Beautyberry | 3 gal | cont. | | x |
| DS | Ca | Calycanthus floridus | Sweetshrub | 3 gal | cont. | | x |
| DS | Co | Cephalanthus occidentalis | Buttonbush | 3 gal | cont. | x | |
| DS | Cl | Clethera alnifolia | Summersweet | 3 gal | cont. | x | |
| DS | Cm | Cornus amomum | Silky Dogwood | 3 gal | cont. | x | x |
| DS | Cs | Cornus stricta | Swamp Dogwood | 3 gal | cont. | x | |
| DS | Ea | Euonymus americanus | Strawberry Bush | 3 gal | cont. | | x |
| DS | Fg | Fothergilla gardenii | DwarfBottlebrush | 3 gal | cont. | | |
| DS | Hv | Hamamelis virginiana | Common Witchbazel | 3 gal | cont. | | x |
| DS | Ja | Hydrangea arborescens | Hydrangea | 3 gal | cont. | | x |
| DS | Hq | Hydrangea quercifolia | Oakleaf Hydrangea | 3 gal | cont. | | x |
| DS | Iv | Ilex verticillata | Winterberry | 3 gal | cont. | x | x |
| DS | Ir | Itea virginica | Virginia Sweetspire | 3 gal | cont. | x | x |
| DS | Rc | Rhododendron canascens | Piedmont Azalea | 3 gal | cont. | | x |
| DS | Rp | Rhododendron prunifolium | Plumleaf Azalea | 3 gal | cont. | | x |
| DS | Ra | Rhus aromatica | Aromatic Sumac | 3 gal | cont. | | x |
| DS | Ro | Rhus copallina | Winged Sumac | 3 gal | cont. | | x |
| DS | Sc | Sambucus canadensis | Elderberry | 3 gal | cont. | x | x |
| DS | Va | Vaccinium arboreum | Sparkleberry | 3 gal | cont. | | x |
| DS | Vc | Viburnum acerifolium | Mapleleaf Viburnum | 1 gal. | cont. | | x |
| DS | Vd | Viburnum dentatum | Arrowwood Viburnum | 3 gal | cont. | | x |
| DS | Vp | Viburnum prunifolium | Blackhaw Virburnum | 3 gal | cont. | | x |
| DS | Vr | Viburnum rufidulum | Rusty Viburnum | 3 gal | cont. | | x |
| DS | Xs | Xanthoriza simplicissima | Yellow Root | 1 gal. | cont. | | x |

A: Shrubs: Evergreen

| | | | | | | | |
|----|----|----------------------|---------------------|-------|-------|---|---|
| ES | Ao | Agarista populifolia | Leucothoe | 3 gal | cont. | x | |
| ES | Ig | Ilex glabra | Inkberry | 3 gal | cont. | x | |
| ES | Io | Ilex vomitoria | Yaupon Holly | 3 gal | cont. | x | |
| ES | If | Illicium floridanum | Florida Anise | 3 gal | cont. | x | |
| ES | Ip | Illicium parviflorum | Small Anise-tree | 3 gal | cont. | x | |
| ES | Kl | Kalmia latifolia | Mountain Laurel | 3 gal | cont. | | x |
| ES | La | Leucothoe axillaris | Doghobble | 3 gal | cont. | x | |
| ES | Mc | Myrica cerifera | Wax Myrtle | 3 gal | cont. | x | |
| ES | Oa | Osmanthus americanus | Devilwood | 3 gal | cont. | | |
| ES | Sr | Serenoa repens | Saw Palmetto | 3 gal | cont. | | x |
| ES | Yf | Yucca filamentosa | Adam's Needle Yucca | 3 gal | cont. | | |

A: Perennials

| | | | | | | | |
|---|----|-------------------------|--------------------|----|-------|---|---|
| P | am | Amsonia tabernaemontana | Bluestar | 4" | cont. | | |
| P | at | Arisaema triphyllum | Jack-in-the-pulpit | 4" | cont. | | x |
| P | ai | Asclepias incarnata | Swamp Milkweed | 4" | cont. | x | x |
| P | at | Asclepias tuberosa | Butterfly Weed | 4" | cont. | | x |
| P | ad | Aster divaricatus | Wood Aster | 4" | cont. | | x |
| P | ao | Aster oblongifolius | Aster | 4" | cont. | | x |
| P | ah | Aster shortii | Short's Aster | 4" | cont. | | x |
| P | ac | Aquilega canadensis | Columbine | 4" | cont. | | x |
| P | bt | Baptisia tinctoria | Baptisia | 4" | cont. | | |
| P | bh | Blephilia hirsuta | Woodmint | 4" | cont. | | |

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| | | | | | | | |
|---|----|--------------------------|-----------------------|--------|-------|---|---|
| P | cg | Chrysopsis graminifolia | Silk Grass | 4" | cont. | | x |
| P | ca | Coreopsis auriculata | Mouse-eared Coreopsis | 4" | cont. | | x |
| P | cl | Coreopsis lanceolata | Lance-leaf Coreopsis | 4" | cont. | | x |
| P | ec | Eupatorium coelestinum | Hardy Ageratum | 4" | cont. | | x |
| P | ef | Eupatorium fistulosum | Joe Pye Weed | 4" | cont. | x | x |
| P | gm | Geranium maculatum | Wild Geranium | 4" | cont. | | x |
| P | ha | Helianthus angustifolius | Swamp Sunflower | 4" | cont. | x | |
| P | gm | Heuchara americana | Rock Geranium | 4" | cont. | | x |
| P | hc | Hibiscus coccinea | Swamp Hibiscus | 4" | cont. | x | |
| P | iu | Iris fulva | Copper Iris | 4" | cont. | x | |
| P | ii | Iris virginica | Virginia Iris | 4" | cont. | x | |
| P | je | Juncus effusus | Soft Rush | 4" | cont. | x | x |
| P | ls | Liatris spicata | Blazing Star | 4" | cont. | | x |
| P | lc | Lobelia cardinalis | Cardinal Flower | 4" | cont. | | x |
| P | md | Monarda didyna | Beebalm | 4" | cont. | | |
| P | mp | Monarda punctata | Spotted Horsemint | 4" | cont. | | x |
| P | os | Oenothera speciosa | Primrose | 4" | cont. | | x |
| P | oh | Opuntia humifusa | Prickly Pear | 1 gal. | cont. | | x |
| P | ps | Penstemon spp. | Beard Tongue | 4" | cont. | | x |
| P | pc | Phlox carolina | Thick-leaf Phlox | 4" | cont. | | x |
| P | pd | Phlox divaricata | BJue Phlox | 4" | cont. | | x |
| P | ps | Phlox stolonifera | Creeping Phlox | 4" | cont. | | x |
| P | pb | Polygonatum biflorum | Soloman's Seal | 4" | cont. | | x |
| P | py | Pycnanthemum incanum | Mountain Mint | 4" | cont. | | x |
| P | rh | Rudbeckia hirta | Black-eyed Susan | 4" | cont. | | x |
| P | sl | Salvia lyrata | Lyre-leaf sage | 4" | cont. | | x |
| P | sc | Sanguinaria canadensis | Bloodroot | 4" | cont. | | x |
| P | sv | Silene virginica | Fire Pink | 4" | cont. | | x |
| P | sa | Smilacina racemosa | False Solomon's Seal | 4" | cont. | | x |
| P | ss | Solidago spp. | Goldenrod | 4" | cont. | | x |
| P | tc | Tiarella cordifolia | Foam Flower | 4" | cont. | | x |
| P | tv | Tradescantia virginiana | Spiderwort | 1 gal. | cont. | | x |
| P | vg | Vernonia angustifolia | Ironweed | 4" | cont. | | x |

A: Groundcovers

| | | | | | | | |
|---|----|-------------------------|----------------|----|-------|---|---|
| G | ac | Asarum canadense | Wild Ginger | 4" | cont. | | x |
| G | cv | Chrysogonum virginianum | Green-and-Gold | 4" | cont. | | x |
| G | mr | Mitchella repans | Partridge Beny | 4" | cont. | | x |
| G | ic | Iris cristata | Crested Iris | 4" | cont. | | x |
| G | sa | Senecio aureus | Golden Ragwort | 4" | cont. | x | x |

A: Ferns

| | | | | | | | |
|---|----|-----------------------------|------------------|--------|-------|--|---|
| F | af | Athyrium filix-femina | Lady Fern | 1 gal. | cont. | | x |
| F | dp | Dennstaedtia punctilobula | Hay Scented Fern | 1 gal. | cont. | | x |
| F | oc | Osmunda cinnamomea | Cinnamon Fern | 1 gal. | cont. | | x |
| F | or | Osmunda regalis | Royal Fern | 1 gal. | cont. | | x |
| F | pa | Polystichium acrostichoides | Christmas Fern | 1 gal. | cont. | | x |
| F | pu | Pteridium aquilinum | Bracken Fern | 1 gal. | cont. | | x |
| F | tk | Thelpteris kuntii | Wood Fern | 1 gal. | cont. | | |
| F | tn | Thelpteris noveboracensis | New York Fern | 1 gal. | cont. | | x |

A: Vines

| | | | | | | | |
|---|----|---------------------|--------------------|--------|-------|---|---|
| V | bc | Bignonia capreola!a | Cross Vine | 1 gal. | cont. | | x |
| V | cr | Campsis radicans | Trumpetcreeper | 1 gal. | cont. | | x |
| V | db | Decumaria barbara | Climbing Hydrangea | 1 gal. | cont. | x | x |

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| | | | | | | | |
|---|----|-----------------------------|---------------------|--------|-------|--|---|
| V | gs | Gelsemium sempervirens | Carolina Jeessamine | 1 gal. | cont. | | x |
| V | lp | Lonicera sempervirens | Trumpet Honeysuckle | 1 gal. | cont. | | x |
| V | pq | Parthenocissus quinquefolia | Virginia Creeper | 1 gal. | cont. | | x |
| V | ss | Smilax spp. | Greenbriar | 1 gal. | cont. | | x |

A: Grasses

| | | | | | | | |
|----|----|-------------------------|---------------------|----|-------|---|---|
| GR | av | Andropogon virginicus | Broomsedge | 4" | cont. | x | x |
| GR | ag | Andropogon gerardii | Big Bluestem | 4" | cont. | | x |
| GR | al | Andropogon glomeratus | Bushy Bluestem | 4" | cont. | | x |
| GR | at | Andropogon ternarius | Splitbeard bluestem | 4" | cont. | | x |
| GR | ct | Chasmanthium latifolium | Upland Sea Oats | 4" | cont. | | x |
| GR | en | Elymus canadensis | Canada Wid Rye | 4" | cont. | | x |
| GR | je | Juncus effusus | Rush | 4" | cont. | x | x |
| GR | me | Muhlenbergia expansa | Muhly Grass | 4" | cont. | | |
| GR | pv | Panicum virgatum | Switchgrass | 4" | cont. | x | x |
| GR | sn | Sorghastrum nutans | Indiangrass | 4" | cont. | | x |
| GR | sp | Schizachyrium scoparium | Little Bluestem | 4" | cont. | | x |

Section 16.4.8. Landscape Maintenance and Landscape Bond.

The owner, occupant, tenant, and respective agent of each, if any, shall be jointly and severally responsible for the maintenance and protection of all landscaping required to be installed pursuant to this Chapter. Prior to issuance of a certificate of occupancy, the developer or owner may be required to post a performance bond or cash escrow guaranteeing all landscaping materials and work for a period of two (2) years after approval or acceptance thereof by the city with jurisdiction. The bond if required will be in the amount of 100 percent of the estimated cost of replacing all of the landscaping required by these specifications, unless otherwise specified by the Zoning Administrator. At the end of two years, the Zoning Administrator shall make an inspection and notify the owner or developer and the bond company of any corrections to be made. If no maintenance is required, or if maintenance is provided by said responsible party, the Zoning Administrator shall release the bond.

ARTICLE 17 SIGN REGULATIONS

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CHAPTER 17.1 FINDINGS AND OBJECTIVES

| | |
|-----------------|---|
| Section 17.1.1. | Signs Perform Several Beneficial Functions. |
| Section 17.1.2. | Signs are an Economic Investment. |
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Section 17.1.1. Signs Perform Several Beneficial Functions.

Signs provide directional and informational messages in aid of safe wayfinding. Signs provide a visual, place-based medium by which to express messages. Signs are an effective, easily available, and cost-efficient way to inform consumers and aid their decision-making. Signs are an effective and cost-efficient way to express opinion or support of political candidates and referenda.

Section 17.1.2. Signs are an Economic Investment.

Signs represent an economic investment that brings economic value to businesses. They provide a point-of-purchase means for attracting consumers who are not otherwise familiar with the geographic area. They provide assistance in making consumer selections among alternative choices. Signs help certain locations work from a profitability standpoint that otherwise might fail without adequate signage. Signs that are designed with proper size, height, placement, and lighting with appropriate legibility do not hinder traffic safety.

Section 17.1.3. Sign Regulations Promote Public Safety.

Sign regulations achieve public safety rationales not achieved by the standard building code. Without a sign ordinance, signs can pose a clear danger to public safety. It has long been recognized that sign controls are needed to promote traffic safety and avoid traffic accidents.

Signs too close to the road can impair visibility and cause traffic accidents. The placement of signs can interfere with the sight of motorists trying to exit a driveway onto a public road. Without regulation, signs can be placed dangerously close to rights-of-ways in locations where they might be struck by an oncoming vehicle using the road or having to veer off the road. These sign regulations contain location and other time, place, and manner restrictions that serve substantial public purposes of traffic safety.

Signs by their very nature are intended to gain the attention of motorists and therefore distract them from the primary purpose of maneuvering a vehicle along a road. To the extent that signs capture sight and attention, they distract motorists. The regulation of signs is needed to ensure that signs can be read for their many beneficial public purposes but in a way that does not impair visibility and cause traffic accidents. Location, height, size, type, and other regulations contribute toward these substantial public purposes of promoting public safety.

Signs, if unregulated, can confuse motorists by mimicking traffic safety signals and signs. Motorists might confuse signs that contain flashing or blinking red, green, or yellow lights with roadway traffic signals. Signs constructed of shapes like an octagonal “stop” sign might also impair public safety by confusing the motorist. Therefore, there is a substantial public purpose served in prohibiting signs that mimic or would be confused with traffic safety signals and signs. Unregulated sign can also degrade the utility and reduce the visibility and effectiveness of public safety signs.

Limitations on window signs can increase visibility from outside a building and may help deter crime and robberies. Sign controls that limit the amount of storefront window and door areas that can be covered with signs enhance visibility of activities within the store or building. Limits on window signs can provide for an appropriate minimum of exterior visibility and may increase public safety of commercial areas through a reduction in crime potential.

Section 17.1.4. Sign Regulations Promote Public Health.

Characteristics of the roadside landscape may influence the stress levels of motorists. Commercial signage contributes to the experiences of motorists. A study has shown that roadside blight can contribute to high stress levels of motorists (Meg Maguire, Ray Foote, and Frank Vespe. 1997. “Beauty As Well As Bread.” *Journal of the American Planning Association* 63, 3: 317-328). Unregulated signage can contribute to the clutter and lack of organization in the wayfinding system of a community and thereby negatively influences the stress levels of motorists. Height, size, place, and other sign regulations serve substantial public purposes of bringing order to the wayfinding system that may help to avoid undue stress levels of motorists.

Section 17.1.5. Sign Regulations Promote the Public Welfare.

Signs can degrade property values. A principal purpose of land use regulations, including sign controls, is to protect and preserve property values. As planner Fred Bair notes, “There is no question that signs may affect the character of districts and the value of buildings, or that they are not appropriate in different parts of a town” (Bair Jr., Frederick H. 1979. *Planning Cities*. Chicago: American Planning Association, pp. 244-254).

The size, height, construction materials, location, condition, and attributes of signs can have an impact on surrounding and nearby land uses. For instance, if signs were unregulated, large, tall signs could be erected in single-family residential districts. Such signs, if erected, would be out of character with residential neighborhoods and could result in the lowering of property values

for residential use. As another example, blighted signs and antiquated signs and sign structures (e.g., a pole with a blank structure for a sign face) can contribute to an overall image of blight and a reduction of property values in declining areas, if not regulated by sign controls. Regulations are needed to ensure that signs compatible with their surroundings and do not take away from the character of particular districts.

Signage is a form of advertising. All other advertising mediums are regulated. There is little in the way of federal and state regulation of signs, despite a significant presence by the federal government in the regulation of other forms of communication. Signage is a type of advertising that cannot be turned off or rejected by the consumer, like other forms of communication. For instance, radio and televisions advertisements can be avoided by turning off the radio or television. With regard to signs, however, motorists must keep eyes open to drive and cannot block out signs from their peripheral vision. Absent federal and significant state regulation, it is in the public interest for local governments to control signage.

Signs derive their value in part from public improvements. Businesses exist and prosper in part because consumers have access to their locations via public rights-of-ways. Businesses locate, and signs are constructed, because of the access the community provides to business locations. The public way creates much of the value for the person erecting the sign, and visibility from the public way is what creates the problems which give rise to the need for sign controls. Because the public way contributes to value, the public therefore has a right, and indeed an obligation, to control the problems that arise from creating that value.

Unregulated signs adversely impact public investments. Sign regulations help to assure that public benefits derived from expenditures of public funds for the improvement and beautification of streets and other public structures and spaces are protected. Unregulated signs can neutralize streetscape investments.

Section 17.1.6. Sign Regulations Promote Fair Competition Among Businesses.

Sign regulations benefit businesses that seek to advertise. Unregulated commercial signage can be detrimental to individual businesses because business owners often feel compelled to erect larger and more costly signs to outdo their neighboring businesses. Such competition for visibility among business can result in too many signs, to a point of diminishing returns where individual business signs are not adequately visible. If unregulated, the competition for visual recognition can defeat the purpose of the signs, which is to carry a message, usually a commercial one. If signs are left unregulated, patrons of individual businesses may miss their destinations because they cannot find the particular business in the sea of advertising devices.

Section 17.1.7. Sign Regulations Advance Community Aesthetics.

Sign regulations promote and ensure the aesthetics of the community. The concept of public welfare is broad and inclusive, and the values it represents are spiritual as well as physical, aesthetic as well as monetary. Sign regulations serve the substantial public purposes of ensuring that the community is beautiful as well as healthy, spacious as well as clean, well balanced as well as carefully controlled (Berman v Parker 348 U.S. 26, 75 S. Ct. 98, 99 L. Ed. 27 1954).

Sign regulations help maintain and protect the unique character of the community. The appearance of the community, which is substantially influenced by signs, is essential to the city's long-term economic viability and helps determine how residents and visitors alike perceive

it. Sign controls, including regulations that go beyond simple size, height, location, and manner restrictions, are necessary to improve the visual character and quality of life of the community.

Section 17.1.8. Objectives.

The objectives of this Article include but are not limited to the following:

1. Provide a reasonable balance between the right of an individual to identify his or her business or express their thoughts and the right of the public to be protected against the visual discord resulting from the unrestricted proliferation of signs and advertising devices.
2. Guard against an excess of large, aesthetically unappealing, intense signs which cause visual blight on the appearance of the community. Visual blight adversely affects the aesthetic quality of life and traffic safety in the community for residents, businesses, pedestrians, and persons in vehicles.
3. Protect the public health, safety and general welfare while protecting the rights of sign owners to expression and identification.
4. Provide regulations that vary the sign area based on the type of land use and zoning district, and based on need which is determined in part by the type of road frontage to which signage is directed.
5. Provide regulations which are content-neutral. It is not the intent to regulate the content of messages in any way. To accomplish this, these regulations do not distinguish between on-site or off-site sign content, nor do they distinguish between commercial and non-commercial content. Any sign permitted pursuant to this Article may contain commercial or non-commercial content. Sign allowances in this Article take into account the needs for off-premise signs and signs carrying messages of a non-commercial character.
6. Protect property values by minimizing the possible adverse effects and visual blight caused by signs.
7. Insure that signs are compatible with adjacent land uses and with the total visual environment of the community.
8. Eliminate excessive and confusing sign displays.
9. Preserve and improve the appearance of the community as a place in which to live and to work and as an attraction to nonresidents who come to visit or trade.

Section 17.1.9. Findings Regarding Electronic Multiple Message Signs.

Electronic multiple message signs, which allow operators to change content from remote locations in a matter of seconds, have been shown to create possible threats to public safety. Such signs are erected for the purpose of trying to hold the attention of motorists by changing messages and pictures for short durations using a series of bright, colorful images produced mainly via LED (light emitting diode) technologies. Brightly lit and colorful signs that change messages every few seconds compel motorists to notice them, and they lure the attention of motorists away from what is happening on the road and onto the sign. Such signs pose public safety threats because if they attract a motorist's attention, the motorist will look at the sign and not at the road. Electronic multiple message signs are also a threat to public safety because of their brightness, making them visible from great distances. Due to their nature of brightness, changing colors, and changing displays, electronic multiple message signs are more distracting than signs which do not vary the brightness, color or message, or multiple message signs that are changed by other means at less frequent intervals. Some electronic multiple message signs could, if unregulated, have the appearance of large, plasma-screen televisions. An electronic

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LED display contains brightly-lit text and graphics which can be seen from hundreds of feet away, drawing the attention of everyone within view. Unless otherwise regulated, such displays can be extremely bright since they are designed to be visible in bright sunlight and at night. Furthermore, the human eye is drawn to them far more strongly than to traditional illuminated signs. Such electronic LED displays can be seen from as far away as six-tenths of a mile, making them distracting. It takes a minimum of six seconds to comprehend the message on an electronic sign, which is three times the safe period for driver distraction. For these reasons, it is the intent of the City of Arcade to make electronic multiple message signs subject to acceptable operational criteria.

CHAPTER 17.2 DEFINITIONS

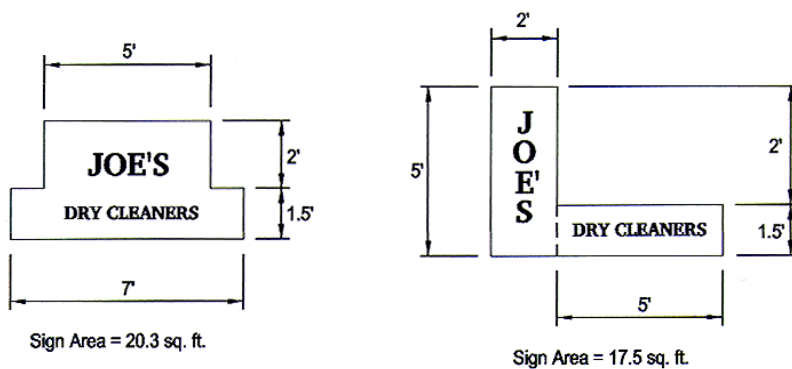
For the purposes of this Article, certain terms and words are hereby defined. As used in this Article, unless the context otherwise indicates, the following words and terms shall have the meaning ascribed to them:

Abandoned sign: A permanent principal use sign on property containing a building or activity that has ceased operations. Permanent principal use signs on property shall be considered abandoned when there is clear evidence that a business or activity has vacated the building or grounds; provided, however, that this definition shall not apply to any case where a business or activity is temporarily suspended and there is evidence that the business or activity will resume operations within a six-month period.

Advertising device: Any structure or device erected or intended for the purpose of displaying advertising situated upon or attached to real property. For purposes of this Article, an advertising device is a "sign."

Animated sign: A sign with action, motion, sound, or changing colors which accomplishes such action, motion, sound, or changing colors with or without electrical energy. This includes signs with lights or other illuminating devices that blink, flash, fluctuate, or have a changing light intensity, brightness, or color. This definition does not include a "swinging sign" or "multiple message sign" as defined by this Article. For purposes of this Article, the transition of a message on an electronic multiple message sign shall not be considered "animation."

Area of sign: The area within a continuous perimeter enclosing the limits of writing, representation, emblem, figure, or character together with any frame, other material, open space, or color forming an integral part of the display or used to differentiate such writing, representation, emblem, figure, or character from the background against which it is placed.



SIGN AREA MEASUREMENT

For double-faced signs, only the largest display face shall be measured in computing the sign area, or only one face shall be measured in computing sign area if the display faces are the same size. The display of street address on a ground sign, wall, or window shall not be computed in determining the maximum allowable area of a ground, wall, or window sign.

Awning: An architectural projection or shelter projecting from and supported by the exterior wall of a building and composed of a covering of rigid or non-rigid materials and/or fabric on a supporting framework that may be either permanent or retractable.

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Awning sign: An awning that contains letters, numbers, symbols, pictures, logos, or visual display, or other communication, attached, painted on, or made an integral part of an awning. For purposes of this Article, “awning signs” shall be considered “wall signs.”

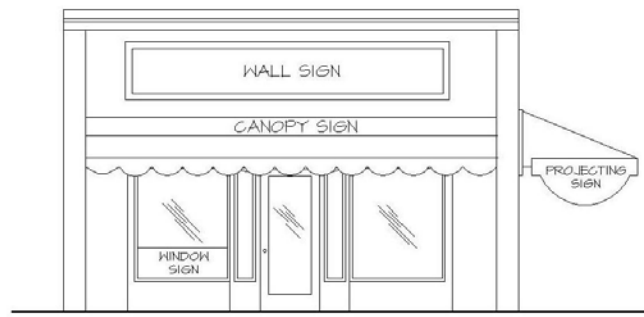
Banner: A sign with or without characters, letters, illustrations, or ornamentation applied to cloth, paper, plastic, or natural or synthetic fabric of any kind with only such material for a backing. For purposes of this Article, a “banner” is a “sign.”

Building marker: Any sign cut into a masonry surface or made of bronze or other permanent material and which relates to its construction.

Canopy, attached: A multi-sided structure or architectural projection supported by attachment to a building on one or more sides and also supported by columns at additional points. Signs placed on attached canopies are considered “wall signs” for the purposes of this Article.

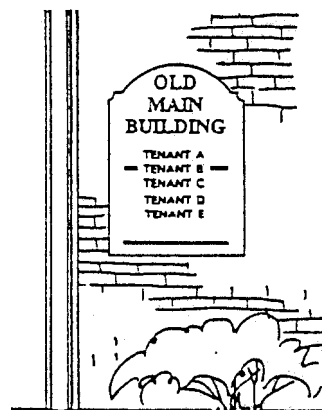
Canopy, freestanding: A multi-sided structure or architectural projection supported by columns. Signs placed on freestanding canopies are considered “wall signs” for the purposes of this Article.

Canopy sign: A sign on a canopy. For purposes of this Article, a sign on a canopy is a “wall sign” (see figure, “Types of Attached Signs”).



TYPES OF ATTACHED SIGNS

Directory sign: A sign which is allowed on a premise with more than one tenant or occupants of a building. It may be freestanding or attached (wall).



Wall Directory Sign

Dissolve: A mode of message transition on an electronic multiple message sign accomplished by varying the light intensity or pattern, where the first message gradually appears to dissipate

and lose legibility simultaneously with the gradual appearance and legibility of the subsequent message.

Double-faced sign: A sign which has two (2) display areas 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. Only one face shall be used in computing allowable sign area.

Erect: To construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish, but it shall not include any of the foregoing activities when performed as an incident to the change of advertising message or the normal maintenance or repair of a sign structure.

Fade: A mode of message transition on an electronic multiple message sign accomplished by varying the light intensity, where the first message gradually reduces intensity to the point of not being legible and the subsequent message gradually increases intensity to the point of legibility.

Flag: For purposes of this Article, except as otherwise provided herein, a “flag” is a “sign.”

Frontage, building: The width in linear feet of the front exterior wall of a particular building in which an establishment is located.

Frontage, road: The distance in linear feet of each lot where it abuts the right-of-way of any public street.

Ground sign: A permanently affixed sign which is wholly independent of a building for support (i.e., freestanding). A ground sign may consist of more than one sign panel, provided all such sign panels are attached to or integrated into one sign structure.

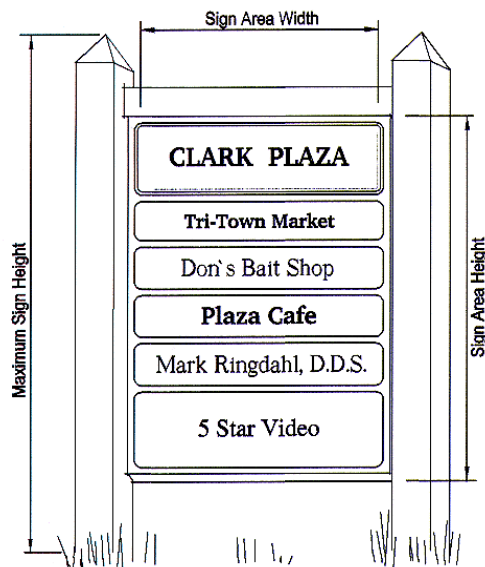
Height of sign: The distance in vertical feet from the ground to the highest point of the sign, whether that highest point is the frame of the sign face or panel or the support of the sign.

Holiday decorations: Displays erected on a seasonal basis in observance of religious, national, or state holidays, which are not intended to be permanent.

Internally illuminated sign: A sign illuminated by an internal light source which is viewed through a translucent panel.

Inflatable sign: Any sign that is or can be filled with three (3) cubic feet or more of air or gas.

Marquee: A roof-like structure attached to and supported by a building wall (with no vertical supports) and that projects in a cantilever fashion from the wall of a building.



Marquee sign: A sign painted on, attached to, or hung from a marquee. For purposes of this Article, marquee signs shall be considered “wall signs.”

Master signage plan: A plan establishing parameters for the size, location, design, and color of signs on a property which contains multiple uses, buildings, or tenants but which is constructed or managed as a single development.

Monument sign: A sign where the structural part of the sign below the sign face encompasses an area at least forty (40) percent of the area of the sign face but no more than 1.5 times the area of the sign face, and which is composed of brick, stone, or other material approved by the Zoning Administrator.

Multiple message sign: A sign, display, or device which changes the message or copy on the sign. Such a change of message or copy can be accomplished electronically, or by movement or rotation of panels or slats, or by changing the copy by manual means.

Multiple message sign, electronic: Any “sign,” as defined in this Chapter, which results in the illuminated display of messages or information by the use of a matrix of electric lamps (e.g., digital, LED (light emitting diode) or similar or refined display technology), or other electric methods, which allows the message change to be actuated by an electronic control mechanism. It is characteristic of such signs that the sequence of messages and the rate of change can be electronically programmed and can be modified by electronic processes. Electronic multiple message signs are also “internally illuminated signs.”

Nit: A standard unit of luminance; a measurement of direct light (i.e., looking directly at the light source), used to describe displays. A “nit” is an amount of emanating light equal to one candela per square meter (cd/m²).

Nonconforming sign: Any sign which lawfully existed on the effective date of this Article but which does not conform to the provisions of this Article, or which does not comply with this Article due to amendments to this Article since the date of erection of the sign.

Pennant: A small, triangular or rectangular flag or multiples thereof, made of lightweight plastic, fabric, or other material, individually supported or attached to each other by means of a string, rope, or other material and meant to be stretched across or fastened to buildings, or between poles and/or structures, and which is designed to move in the wind. For purposes of this Article, pennants are “signs.”

Portable sign: Any sign whether on its own trailer, wheels, or otherwise, which is designed to be transported from one place to another. It is characteristic of a portable sign that the space provided for advertising messages may be changed at will by the replacement of lettering or symbols (i.e., a changeable copy sign). Even if the wheels or supports of such sign are removed and the sign converted and attached, temporarily or permanently, to the ground or other structure, said sign shall remain a portable sign.

Portico: A porch or walkway, open to the outside air, that is covered by a roof supported by columns or pillars, typically leading to the entrance of a building. Signs attached to porticos are considered “wall signs” for purposes of this Article.

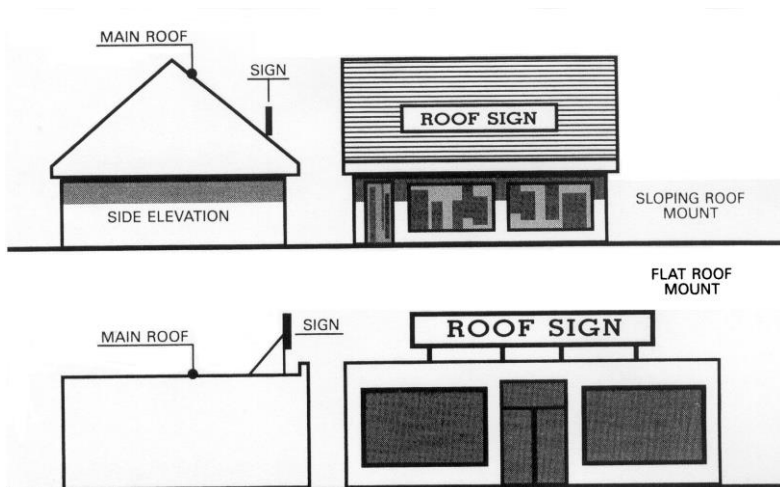
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Principal use sign: Any notice or advertisement, which is permitted in conjunction with a principal use or principal building or use located on the property, and which may display a noncommercial, commercial, or other message, the content of which is not regulated by this Article.

Projecting sign: A sign projecting more than fourteen (14) inches from the outside wall or walls of any building, or canopy, portico, or awning, upon which it is located (see also figure, “Types of Attached Signs”).

Roof sign: A sign projecting higher than the front building wall or any sign supported by or attached to said roof.

Sidewalk sign: A movable sign not secured or attached to the ground or surface upon which it is located.



Source: United States Sign Council. 2001. *Guideline Code for Regulation of On-Premise Signs*.

Sign: A lettered, numbered, symbolic, pictorial, or illuminated visual display, device, or communication designed or used for the purpose of identifying, announcing, directing, informing, or bring to the attention of others the subject thereon, that is visible from the public right-of-way, a driveway or parking lot with access to a public right-of-way, or from an adjacent property, except as specifically noted otherwise in this Article. For purposes of this Article, the term “sign” includes but is not limited to “banners,” “balloons,” “flags,” “pennants,” “streamers,” “windblown devices,” and “advertising devices.” Furthermore, the term “sign” includes the sign structure, supports, lighting system, and any attachments, ornaments, or other features used to draw the attention of the observers.

Signable area: In the case of a wall sign, signable area shall be the building face on which the sign is proposed, excluding windows and doors. In the case of marquees or canopies, signable area shall be the area of the marquee or canopy wall on which the sign is proposed. For window signs, signable area shall be measured and calculated on the basis of the proportion of area within each individual window frame, not the total window area of all building windows visible from a street.

Sign face: That part of a sign that is or can be used for advertising purposes.

Streamers: See “Pennants.”

Subdivision or multi-use sign: A freestanding monument sign pertaining to a subdivision designed for residences, offices, businesses, institutions, or light industries or combination thereof.

Swinging sign: A sign other than an animated sign as defined by this Article, where the sign copy area is attached to a sign structure in a way that can be set in motion with pressure, and

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where the sign structure is attached to a building at a height above normal eye level. This term does not include any freestanding signs. A swinging sign may be considered in lieu of permitted wall signage.

Temporary sign: A sign of a nonpermanent nature and erected for a limited duration.

Transition: A visual effect used on an electronic multiple message sign to change one message to another.

Visible: Capable of being seen (whether or not legible) without visual aid by a person of normal visual acuity.

Wall sign: A single-sided sign with one visible face applied to or mounted to the wall or surface of a building or structure, the display surface of which if attached to a wall or portico and does not project more than fourteen (14) inches from the outside wall of such building or structure, or if on an awning or canopy, is flush with the material of said awning or canopy (see also figure, "Types of Attached Signs").

Windblown device: Any device not otherwise specifically defined in this Article, that is designed to inform or attract, whether or not such device carries a message, and which all or part of the device is set in motion by wind. For purposes of this Article, windblown devices are "signs."

Window sign: A sign installed on or within two (2) feet of an exterior window or door and intended to be visible from the exterior of the building. Displays which show products or depict services sold on the premises and which are more than two (2) feet from an exterior window or door shall not be classified as window signs (see also figure, "Types of Attached Signs").

CHAPTER 17.3 GENERAL PROVISIONS

| | |
|-----------------|---|
| Section 17.3.1 | Authority and Scope. |
| Section 17.3.2. | Applicability. |
| Section 17.3.3. | Exemptions. |
| Section 17.3.4. | Noncommercial Messages. |
| Section 17.3.5. | Prohibited Signs. |
| Section 17.3.6. | Maintenance. |
| Section 17.3.7. | Abandoned Signs. |
| Section 17.3.8. | Display of Property Addresses Required. |

Section 17.3.1 Authority and Scope.

This Article is adopted pursuant to authority vested in the City of Arcade pursuant to its city charter and home rule powers. This Article is adopted to serve substantial governmental interests of correcting and avoiding multiple problems that would occur without the regulation of signs, as described in Chapter 17.1 of this Article. The regulations contained herein are no more extensive than necessary to serve the substantial governmental interests identified in this Article. It is not the intent of this Article to regulate the content of signs, but only their composition, type, location, distance from right-of-way, height, size, illumination, and in some cases the duration they may be displayed, or other non-content based restrictions implied in this Article. It is not the intent of this Article to foreclose important and distinct mediums of expression for political, religious, or personal messages, on any sign permitted to be erected by this Article. These regulations shall not be construed as limiting the message content of any sign.

Section 17.3.2. Applicability.

No sign may be erected, placed, established, painted, created, or maintained except in conformance with this Article.

Section 17.3.3. Exemptions.

The following types of signs are specifically exempted from compliance with this Article.

1. Flags, as many as three per lot, when designed and displayed in a way that allows for routine, daily raising and lowering of the flags, not exceeding forty (40) square feet. Poles for such flags shall not exceed twenty-five (25) feet in height, and shall not be more than twenty-five (25) feet from the main building entrance.
2. Street address identifiers and building identification numbers on multi-tenant buildings which are essential to the location of such buildings.
3. Signs not oriented or intended to be legible from a public right-of-way, private road or driveway, or other private property. Signs or stickers which are designed to be read only from close range (i.e., five feet), attached to a device or structure more than twenty-five (25) feet from the right-of-way of a road, not to exceed one (1) square feet each sign or sticker; provided, however, that drive-through lanes may have display boards not exceeding six (6) feet in height or thirty-six (36) square feet in area.

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4. Signs erected more than two (2) feet inside a building.
5. Building markers and integral decorative or architectural features or works of art such as murals, so long as such features do not contain moving parts or lights.
6. Traffic safety and traffic directional signs, installed within the right-of-way of a public street under the authority of the government with jurisdiction.
7. Traffic safety and traffic directional signs along private streets and driveways, and in off-street parking lots that are installed per the requirements of the City Engineer and which do not exceed four (4) square feet each.
8. Directory signs, as defined by this Article, which do not exceed four (4) square feet each nor six (6) feet in height.
9. Public notice signs and signs of a public interest, erected by or on the order of a public officer in the performance of his duty, such as public notices, safety signs, memorial plaques, signs of historical interest, and temporary banners pertaining to community festivals.
10. Holiday lights and decorations, provided that they are removed within a reasonable period following the holiday season to which they pertain.
11. Handicapped parking signs, when required per state law or Section 12.3.6. of this Land Use Management Code.

In any case where a sign of a certain size is exempted by this Section, and an applicant desires to erect a larger size sign than the area of sign exempted but said sign is not allowed in the zoning district in which it is located, said sign shall only be permitted only upon approval of a variance in accordance with the provisions of this Article.

Section 17.3.4. Noncommercial Messages.

Any sign allowed by this Article may contain a lawful noncommercial message. Noncommercial messages shall be regulated by this Article only as to the size, height, location, design, or other non-content based consideration.

Section 17.3.5. Prohibited Signs.

The following types of signs or advertising devices are prohibited in all zoning districts of the City of Arcade, except as otherwise specifically provided by this Article:

1. Abandoned signs.
2. Animated signs.
3. Hand-held signs.
4. Inflatable signs, except as specifically permitted under special event sign permit.
5. Portable signs.
6. Roof signs.
7. Sidewalk signs.
8. Any sign illuminated at such an intensity or brightness which reasonably interferes with the peace, comfort, convenience, and general welfare of residents or occupants of adjacent properties, or which reasonably creates a hazard to operators of motor vehicles.
9. Pennants, except as specifically permitted under special event sign permit.
10. Streamers and wind-blown devices.
11. Signs which imitate an official traffic sign or signal. This includes signs with colored lights and with shapes similar to those for traffic safety signs, used at any location or in any manner so as to be confused with or construed as traffic control devices or traffic safety signs.

12. Signs within the right-of-way, including those attached to traffic signs, utility poles, or guy wires, except for those signs exempted by this Article and signs erected with permission of the Governing Authority for a public purpose.
13. Signs attached to, drawn, or painted upon trees, rocks, or other natural features.
14. Advertising displayed on benches, trash cans, telephone booths, and similar devices.
15. Strobe, laser, and search lights (also prohibited by Chapter 9.4 of this Land Use Management Code).
16. Any sign placed in such a manner that it obstructs the vision of pedestrians or traffic in a public right-of-way or the entrance of a private street or driveway to a public right-of-way.
17. Any sign located so as to obscure or otherwise interfere with the effectiveness of an official traffic sign, signal, or device.
18. Any sign not specifically permitted in a zoning district as provided in this Article shall be prohibited in that district, unless specifically otherwise provided under this Article.
19. Any sign erected without the permission of the property owner.

Section 17.3.6. Maintenance.

All signs shall be maintained by the sign owner in good condition so as to present a neat and orderly appearance. Upon discovery of a sign in need of maintenance, the Zoning Administrator shall give written notice to the owner of the sign or the owner of the property on which the sign is located if the owner of the sign itself cannot be determined. Said notice shall state the item or items requiring repair or maintenance. The owner shall have thirty (30) days in which to repair or maintain the sign before a citation is issued. If the owner has failed to make repairs or the necessary maintenance within that time, the Zoning Administrator shall cause a citation to be issued. The Zoning Administrator may cause to be removed after notice pursuant to this Section any sign which shows gross neglect, is dilapidated, or in the opinion of the Building Inspector poses an imminent threat to public safety. It shall be unlawful, after being notified pursuant to this Section and after the thirty (30) days notice has expired, for any person to display a sign in any of the following conditions:

- (a) Lettering or other elements of the sign have become detached or have fallen off the sign or become misaligned.
- (b) Painted surfaces on the sign or sign structure have begun to peel, flake over a significant portion of the sign, or have faded or oxidized to an extent that the sign no longer displays the message as originally intended.
- (c) A significant number of the bricks, stones, or other materials on the structural base of a sign have become detached or have fallen off, or have become misaligned.
- (d) Other similar conditions of disrepair or lack of maintenance as determined by the Zoning Administrator.
- (e) For lighted signs, one or more illumination devices are not working and have not been replaced.

Section 17.3.7. Abandoned Signs.

If the principal use or activity on a property has ceased operation, any permanent ground signs including supports, and wall signs, permitted in connection with said principal use or activity shall be removed within ninety (90) days of the discontinuance of said principal use or activity. No new sign shall be permitted to be erected on the same property until the discontinued sign, including its supports, has been removed or is converted to a lawfully conforming sign.

If an accessory use or activity on a property has ceased operation, any permanent ground signs, including supports, and wall signs permitted in connection with said accessory use or activity shall be removed within forty-five (45) days of the discontinuance of said accessory use or activity. No new sign shall be permitted to be erected on the same property until the discontinued sign including supports has been removed or is converted to a lawfully conforming sign. Upon the expiration of the applicable time period provided in this Section for the removal of discontinued signs and sign supports, said signs shall be deemed unlawful abandoned signs.

If a discontinued principal use monument sign contains a sign face that is in the form of a removable panel, the panel containing advertising shall be removed and replaced with a panel without advertising until another principal use is established and a sign permit issued for a new principal use sign. If a discontinued principal use monument sign contains a sign copy area that is not removable without disassembling the monument, then the said sign copy area shall be painted over if possible, or, where it cannot be painted over, covered with durable cloth or canvas so that the sign copy and/or underlying structure which was permitted in connection with the business or activity discontinued is no longer visible, until such time as a new sign permit is applied for and granted and approved sign copy is affixed on the sign copy area of said monument.

Section 17.3.8. Display of Property Addresses Required.

It is of the utmost importance that public safety personnel, mail carriers, and the general public be able to conveniently locate buildings, institutions, businesses, and establishments by their property address. Therefore, to ensure this essential public purpose is served, establishments other than single-family dwellings shall display the street address of the property on either a principal use ground sign if permitted or on the building facade. Within a commercial center where multiple addresses exist, the highest and lowest street address numbers shall be identified. If no building, structure or ground sign exists on site, no address display shall be required.

Street address numbers shall be of a color that contrasts against the background. Numbers shall be visible from both directions of travel along the street. This provision shall not apply to limited-access or interstate highways. See also Section 25.3.4 of this Land Use Management Code.

CHAPTER 17.4 NONCONFORMING SIGNS

| | |
|-----------------|------------------------------|
| Section 17.4.1. | Replacement or Modification. |
| Section 17.4.2. | Repairs and Maintenance. |
| Section 17.4.3. | Duration and Continuance. |

Section 17.4.1. Replacement or Modification.

- (a) A nonconforming sign shall not be replaced by another nonconforming sign, except that the substitution or interchange of poster panels, painted boards or dismountable material on nonconforming signs shall be permitted.
- (b) Nonconforming signs shall not be modified to add additional lighting or to be altered in any way that increases the value of said nonconforming sign.
- (c) A nonconforming sign that is a multiple message sign but the messages are changeable only by manual means may continue to have its copy changed, and change copy, by any manual means.
- (d) A nonconforming sign that is a multiple message sign but the messages are changeable by means of the movement or rotation of panels or slats may continue to have its copy changed, and change copy, by any such same means.
- (e) A non-conforming sign that does not meet the definition of a “multiple message sign, electronic” as defined in Chapter 17.2 of this Article at the time it was nonconforming shall not be changed, modified, or retrofitted in any way so as to become a “multiple message sign, electronic.”

Section 17.4.2. Repairs and Maintenance.

No structural repairs, change in shape, or size of a nonconforming sign shall be permitted except to make the sign comply with the requirements of this Article. Minor repairs and maintenance of nonconforming signs shall be permitted.

Section 17.4.3. Duration and Continuance.

Signs which did not meet all requirements of this Article when enacted, or which do not meet provisions of this Article at the time of its amendment, may stay in place until one of the following conditions occurs:

- (a) In the case of principal and accessory use signs, the business, entity, or activity in which the sign is permitted in connection therewith ceases at that location;
- (b) The deterioration of the sign or damage to the sign makes it a hazard;
- (c) The sign has been damaged to such extent that repairs equal to or exceeding fifty percent (50%) of the sign’s current replacement value, as determined by independent appraisal and accepted by the Zoning Administrator, are required to restore the sign.

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- (d) No conforming principal use or accessory use ground or wall sign shall be permitted to be erected on the same property with an existing nonconforming sign until the nonconforming sign has been removed or made to conform to the provisions of this Article.

CHAPTER 17.5 PERMITTING OF SIGNS

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|-----------------|---|
| Section 17.5.1. | Building Permit Required. |
| Section 17.5.2. | Electrical Permit Required for Illuminated Signs. |
| Section 17.5.3. | Sign Permit Required. |
| Section 17.5.4. | Exemptions from Sign Permit. |
| Section 17.5.5. | Sign Permit Application. |
| Section 17.5.6. | Sign Permit Fees. |
| Section 17.5.7. | Process for Issuing Sign Permits. |
| Section 17.5.8. | Reserved. |
| Section 17.5.9. | Variances. |

Section 17.5.1. Building Permit Required.

It shall be unlawful for any person to post, display, substantially change, or erect a sign in the city without first having obtained a building permit, if required by the Building Code as adopted by the city or effective within its jurisdiction, for said sign. The applicant for a building permit shall submit application materials as specified by the Building Inspector, including a sketch or print drawn to an engineering or architectural scale showing pertinent information such as wind pressure requirements and display materials in accordance with requirements of the Building Code.

Section 17.5.2. Electrical Permit Required for Illuminated Signs.

For any sign involving illumination, it shall be unlawful for any person to connect a sign to electrical power without first having obtained an electrical permit, if required by applicable city electrical code or other code effective within its jurisdiction. The applicant for an electrical permit shall submit application materials as specified by the Building Inspector.

Section 17.5.3. Sign Permit Required.

Except as specifically excluded or exempted from the provisions of this Article, it shall be unlawful for any person to post, display, or erect a sign or advertising device without first having obtained a sign permit, when required. For purposes of this Article, an application for a sign permit and a building permit (when required) shall be made simultaneously, and unless otherwise specified on the sign permit, approval of a building permit for a sign shall constitute issuance of any required sign permit for said sign.

Section 17.5.4. Exemptions from Sign Permit.

Any sign which is specifically exempted from the requirements of this Article shall be exempt from the requirement to obtain a sign permit. In addition, window signs and all signs sixteen (16) square feet or less in area shall be exempt from a sign permit. Exemption from the requirement of a sign permit shall not be construed to exempt such sign from compliance with other applicable provisions of this Article.

Section 17.5.5. Sign Permit Application.

Applications for sign permits shall be filed by the sign owner or his or her agent in the office of the Zoning Administrator upon forms furnished by said office. The application shall describe and set forth the following:

- (a) The type and purpose of the sign as defined in this Article.
- (b) A drawing of the sign or other information which shows the height of the sign, the area of the face of the sign, the color scheme of the sign, and the structural supports of the sign, all drawn to an engineering or architectural scale.
- (c) The street address of the property upon which the subject sign is to be located and the proposed location of the sign on the subject property, and the suite number, where applicable.
- (d) A boundary survey or tax plat of the property on which the sign will be located which shows where thereon the sign will be located and, in the case of ground signs, the distance from the property lines and the street right-of-way and street pavement.
- (e) The square foot area per sign and the aggregate square foot area if there is more than one (1) sign face. The application must also show the location and number of existing signs and their locations on the subject property.
- (f) The name(s) and address(es) of the owner(s) of the real property upon which the subject sign is to be located, and consent of the owner, or his agent, granting permission for the placement or maintenance of the subject sign, which may include a copy of the lease or other document from the owner of the sign which authorized the erection thereof.
- (g) Name, address, phone number and business license number of the sign contractor.
- (h) The Zoning Administrator may require additional information as a part of the application to insure compliance with this Article.

Section 17.5.6. Sign Permit Fees.

No sign permit shall be issued until a sign permit fee, if required, has been paid. Said sign permit fee shall be submitted at the time of application for a sign permit and shall be paid to offset the costs associated with review and processing of the application. Sign permit fees shall not be refunded if the application for sign permit is denied. Any sign permit application involving a sign which was unlawfully erected or established without a sign permit required by this Chapter shall be assessed a permit fee that is double the amount of the applicable sign permit application fee.

Section 17.5.7. Process for Issuing Sign Permits.

The Zoning Administrator shall be authorized to issue sign permits in accordance with the provisions of this Article. The Zoning Administrator shall process all sign permit applications as quickly as possible but in no case more than ten (10) working days of receipt of a complete sign permit application and a sign permit fee if required. For purposes of this Section only, the term "process" shall mean to make a decision on sign permit applications which can be administratively approved or denied.

Section 17.5.8. Reserved.

Section 17.5.9. Variances.

The Governing Authority shall have the authority to grant concurrent and stand-alone variances to this Article, upon application, subject to compliance with applicable provisions of Chapter 21.2 of this Land Use Management Code relative to concurrent and stand-alone variances.

Applications to vary the sign regulations shall be subject to and follow the procedures and notice requirement of Chapter 22.1, "Variances," of this Land Use Management Code, including public hearing by the Arcade Planning Commission.

**CHAPTER 17.6
SIGNS PERMITTED BY ZONING DISTRICT
AND DIMENSIONAL REQUIREMENTS**

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| Section 17.6.1. | Height of Ground Signs. |
| Section 17.6.2. | Increase in Height of Ground Signs. |
| Section 17.6.3. | Height of Wall Signs. |
| Section 17.6.4. | Sign Setback. |
| Section 17.6.5. | Types of Signs Permitted. |
| Section 17.6.6. | Number of Signs Limited. |
| Section 17.6.7. | Maximum Area of Sign. |
| Section 17.6.8. | Illumination. |
| Section 17.6.10. | Reserved. |
| Section 17.6.11. | Corner Signs. |
| Section 17.6.12. | Signs Permitted in PCD Zoning Districts. |
| Section 17.6.13. | Electronic Multiple Message Signs. |

Section 17.6.1. Height of Ground Signs.

The maximum height of any ground sign regulated by this Article shall be twenty (20) feet in all commercial and industrial zoning districts (Article 8 of this Land Use Management Code) except O-I, TC, and CBD which shall be a maximum height of twelve (12) feet, and six (6) feet maximum height in agricultural and residential zoning districts (Articles 6 and 7 of this Land Use Management Code). This provision shall not apply to subdivision identification monuments, which shall not exceed eight (8) feet in height.

Section 17.6.2. Increase in Height of Ground Signs.

The maximum height established for the zoning district in which the sign is located shall apply to any sign, except that for properties situated below road grade, if the maximum height permitted would prevent adequate visibility, ground sign height may increase by up to 12 feet above the grade of the road to which said sign is directed.

Section 17.6.3. Height of Wall Signs.

No wall sign shall exceed the height of the building or structure on which it is placed.

Section 17.6.4. Sign Setback.

There is no established minimum required setback for signs, except that temporary signs shall be erected no closer than fifteen (15) feet from a city, county, state, or federal road right-of-way.

Section 17.6.5. Types of Signs Permitted.

In addition to the general provisions regulating signs established in this Article, sign permissions shall be based on the zoning district, the types of signs permitted, as provided by land use according to Tables 17.1, 17.2, and 17.3 in this Chapter.

Section 17.6.6. Number of Signs Limited.

Unless specifically provided otherwise in Tables 17.1, 17.2, and 17.3, a property shall be limited to only one (1) sign of the type permitted. No sign shall be erected to exceed the maximum number of signs as specified in Tables 17.1, 17.2, and 17.3 of this Chapter.

With regard to wall sign allowances, if a building, structure, or freestanding canopy faces more than one road frontage, each wall facing a road frontage shall be permitted to have the sign area specified for such building, structure, or freestanding canopy in this Chapter.

Section 17.6.7. Maximum Area of Sign.

The maximum area of signs permitted shall be as provided in Tables 17.1, 17.2, and 17.3. No sign shall be erected to exceed the maximum area of a sign as specified in Tables 17.1, 17.2, and 17.3. When this Chapter permits one sign for each road frontage, the sign area allotted to one road frontage shall not be transferred to another road frontage.

Section 17.6.8. Illumination.

- (a) Signs in agricultural, residential, office-institutional, town center, and central business district zoning districts shall not be internally illuminated.
- (b) Except in C-2 zoning districts, the following shall apply: awnings may be illuminated only with direct lighting mounted on the surface of the ground, and not with any form of backlighting or internal illumination.
- (c) Externally illuminated signs shall be lighted by a white, steady stationary light of reasonable intensity shielded and directed solely at the sign, so as not to cause glare or spill light into the road right-of-way or up into the sky.
- (d) Neon tubing shall not be physically connected to any sign, and neon window light outlining or the outlining of windows or doors with any lights shall not be permitted.

Section 17.6.9. Special Event Signage.

Temporary signs and advertising devices may be permitted in commercial and industrial zoning districts subject to the issuance of a special event sign permit by the Zoning Administrator. Such temporary signs and advertising devices shall conform to the following:

- (a) Only one special event sign permit shall be issued on the same property in any calendar year.
- (b) No special event sign permit shall be valid for more than twenty-one (21) days.
- (c) One banner shall be permitted per lot, which shall not exceed thirty-two (32) square feet in or fifteen (15) feet in height. Such banner may be temporarily placed or attached to a building wall, window, or ground sign, or it may be freestanding between two poles or stakes.
- (d) One gas or air-filled advertising device may be permitted per lot, not to exceed a height of fifteen (15) feet.
- (e) Pennants, streamers, and other wind-blown devices shall not be permitted as part of a special event sign permit.

Section 17.6.10. Reserved.

Section 17.6.11. Corner Signs.

In addition to other signage permitted for the zoning district in which the subject property is located, one corner sign, non-illuminated, shall be permitted but only one for each property with frontage on a specified public road within 500 feet of public road intersections specified in this Section, or at other intersection locations if designated by Resolution of the Governing Authority:

In the City of Arcade, the intersections of U.S. Highway 129 (Bypass) and SR 319, SR 82, and U.S. 129 Bus.

- (a) Corner signs, where permitted, shall not exceed a height of twelve (12) feet in any commercial or industrial zoning district and six (6) feet in any office, residential, or agricultural zoning district.
- (b) Corner signs shall not exceed the maximum area established for such signs for the zoning district in which it is located, as provided in Tables 17.1, 17.2, and 17.3 of this Article.
- (c) A corner sign shall not be permitted on property that has one or more signs which do not conform to the provisions of this Article, unless such existing signs are made to conform prior to the erection of a corner sign.

Section 17.6.12. Signs Permitted in PCD Zoning Districts.

Signs permitted in the PCD, Planned Community Development Zoning District, shall be as proposed by the applicant in a master sign plan at the time of zoning approval and as approved by the Governing Authority; provided, however, that in cases where no such master sign plan has been submitted and approved, the portions of the property within a PCD zoning district shall be subject to those sign regulations for the zoning district most closely resembling the uses proposed in the approved PCD zoning application, as determined by the Zoning Administrator. For instance, where there is no master sign plan approved, a shopping center along a state highway in a PCD zoning district shall be subject to the same sign regulations as those for the C-2 zoning district.

Section 17.6.13. Electronic Multiple Message Signs.

Electronic multiple message signs, as defined in Chapter 17.2 of this Article, shall conform to the following requirements:

- (a) Permissions. Electronic multiple message signs shall be authorized to be permitted in whole or in part on any principal use ground sign, any accessory use ground sign, or any wall sign permitted by this Article for the zoning district and use, except as otherwise limited in paragraph (b) of this Section; provided further, that no such sign shall exceed the area or height specified for the type of sign for which it is defined and permitted under the terms of this Article. Electronic multiple message signs shall not be authorized to be permitted in whole or in part on “corner signs,” “window signs,” or “temporary” signs, as those terms are defined in Chapter 17.2 of this Article.

- (b) Zoning Districts Permitted. Electronic multiple message signs shall only be permitted in C-2 zoning districts.
- (c) Nature of the Display. Sign content/messages shall remain static except during transition. Sign content/messages shall not consist of video, and shall not move, blink, animate, flash, travel, scroll, vary in light intensity, change color, or behave in any other way which constitutes or implies motion, except as specifically provided in this section during transition time. Electronic multiple message signs shall be limited to one color only, which shall be constant among messages.
- (d) Duration of Message. Each message on an electronic multiple message sign shall remain fixed for at least eight (8) seconds.
- (e) Transition Time. The change sequence of messages shall either occur immediately, or there shall be a transition time of no more than two seconds between different messages. A “fade” or “dissolve” mode, as defined in Chapter 17.2 of this Article, may be used to accomplish a gradual transition from one message to another.
- (f) Freeze of Display When Malfunction Occurs. Such signs shall include a default designed to freeze a display in one still position if a malfunction occurs.
- (g) Illumination. No electronic multiple message signs may be of such intensity or brilliance as to impair the vision of a motor vehicle driver with average eyesight or to otherwise interfere with the driver’s operation of a motor vehicle. No sign may be of such intensity or brilliance that it interferes with the effectiveness of an official traffic sign, device or signal. The maximum illumination, intensity, or brightness of electronic signs shall not exceed 5,000 nits (candelas per square meter) during daylight hours, or 500 nits (candelas per square meter) between dusk to dawn. The sign must have an automatic phased proportional dimmer control, photocell or other light sensing device, or a scheduled dimming timer, or another approved device, which produces a distinct illumination change that reduces nighttime brightness levels (compared to daytime brightness levels). The applicant shall provide written certification from the sign manufacturer that the light intensity has been factory pre-set not to exceed the levels specified in this subsection; end-user manipulation of pre-set levels shall not be permitted.
- (h) Permit renewal. No later than ninety days after an electronic multiple message sign has been permitted, said sign in order to continue operation shall require permit renewal via written application to the Zoning Administrator for permit renewal. No fee shall be charged for renewal of the sign permit. The purpose of the permit renewal shall be to give the opportunity to evaluate the performance over time of the permitted electronic multiple message sign. The permit shall be renewed by the Zoning Administrator unless it is determined that the performance of the sign does not meet the requirements and performance standards of this section, specifically including illumination levels, in which case the Zoning Administrator shall renew the permit with modifications or conditions designed to mitigate light intensity, which shall be binding on the sign owner. This provision shall not be construed as giving the Zoning Administrator authority to deny the original permit, but only to modify the conditions of original permit approval.

TABLE 17.1
SIGN AREA PERMITTED IN AGRICULTURAL ZONING DISTRICTS

X = Not Permitted. Numbers provided are maximum square feet per sign.

| Type of Sign/Use (Number if More than One Permitted) | PCFD | AG | AG-R |
|--|-------------|-----------|-------------|
| Principal use ground sign, lot containing a non-residential principal permitted use (1 per road frontage) | 16 | 16 | 16 |
| Accessory ground sign, vacant/undeveloped lot | 4 | 4 | 4 |
| Corner sign (see Sec. 17.6.11), when fronting on a <i>local road</i> | 4 | 4 | 4 |
| Corner sign (see Sec. 17.6.11), when fronting on a <i>2 or 3 lane state highway</i> | 8 | 8 | 8 |
| Corner sign (see Sec. 17.6.11), when fronting on a <i>4 lane state highway</i> | 16 | 16 | 16 |
| Accessory ground sign, dwelling (1 per road frontage) | 4 | 4 | 4 |
| Accessory ground sign, lot containing a non-residential or permitted principal use only (2 per lot permitted) | 4 | 4 | 4 |
| Wall sign, dwelling | X | X | X |
| Wall sign, on building containing a non-residential permitted principal use | 4 | 4 | 4 |
| Temporary ground sign during the time when a space, unit, building, or land is for sale, rent, or lease, or under construction (1 per road frontage) | 4 | 4 | 4 |
| Temporary wall or window sign during the time when a space, unit, building, or land is for sale, rent, or lease, or under construction | 2 | 2 | 2 |
| Subdivision ground sign (2 per entrance to subdivision) | X | X | 16 |
| Window sign | X | X | X |

TABLE 17.2
SIGN AREA PERMITTED IN RESIDENTIAL ZONING DISTRICTS
 X = Not Permitted. Numbers provided are maximum square feet per sign.

| Type of Sign/Use (Number if More than One Permitted) | RR-Districts | R-Districts | MFR |
|--|--------------|-------------|--------------------|
| Principal use ground sign, lot containing a non-residential principal permitted use (1 per road frontage) | 16 | 16 | 16 |
| Accessory ground sign, vacant/undeveloped lot | 4 | 4 | 4 |
| Accessory ground sign, dwelling (1 per road frontage) | 4 | 4 | 4 |
| Accessory ground sign, lot containing a non-residential or permitted principal use only (2 per lot permitted) | 4 | 4 | 4 |
| Corner sign (see Sec. 17.6.11), when fronting on a <i>local road</i> | 4 | 4 | 4 |
| Corner sign (see Sec. 17.6.11), when fronting on a <i>2 or 3 lane state highway</i> | 8 | 8 | 8 |
| Corner sign (see Sec. 17.6.11), when fronting on a <i>4 lane state highway</i> | 16 | 16 | 16 |
| Wall sign, dwelling | X | X | 2 |
| Wall sign, on building containing a non-residential permitted principal use | 4 | 4 | 4 |
| Temporary ground sign during the time when a space, unit, building, or land is for sale, rent, or lease, or under construction (1 per road frontage) | 4 | 4 | 8 |
| Temporary wall or window sign during the time when a space, unit, building, or land is for sale, rent, or lease, or under construction | 2 | 2 | 4 |
| Subdivision ground sign (2 per entrance to subdivision) | X | X | 16 |
| Window sign, building containing a non-residential or permitted principal use only | X | X | 20% of window area |

TABLE 17.3
SIGN AREA PERMITTED IN COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS

X = Not Permitted. Numbers provided are maximum square feet per sign.

| Type of Sign/Use (Number if More than One Permitted) | O-I and C-1 | C-2 | LI and HI |
|---|--------------------|------------|------------------|
| Principal use ground sign, lot containing a single non-residential principal permitted use, when fronting on a <i>local road</i> (1 per road frontage) | 24 | 48 | 64 |
| Principal use ground sign, lot containing a single non-residential principal permitted use, when fronting on a <i>2 or 3-lane state highway</i> (1 per road frontage) | 24 | 64 | 72 |
| Principal use ground sign, lot containing a single non-residential principal permitted use, when fronting on a <i>4-lane state highway or interstate highway</i> (1 per road frontage) | 24 | 96 | 96 |
| Accessory ground sign, dwelling (1 per road frontage) | 4 | 4 | 4 |
| Accessory ground sign, vacant/undeveloped lot | 4 | 16 | 16 |
| Accessory ground sign, lot containing a single non-residential or permitted principal use only, when located on a <i>local road</i> (2 per road frontage) | 4 | 16 | 16 |
| Accessory ground sign, lot containing a single non-residential or permitted principal use only, when located on a <i>2 or 3-lane state highway</i> (2 per road frontage) | 8 | 24 | 24 |
| Accessory ground sign, lot containing a single non-residential or permitted principal use only, when located on a <i>4-lane state highway or interstate highway</i> (2 per road frontage) | 16 | 32 | 40 |
| Corner sign (see Sec. 17.6.11), when fronting on a <i>local road</i> | 4 | 16 | 16 |
| Corner sign (see Sec. 17.6.11), when fronting on a <i>2 or 3 lane state highway</i> | 8 | 24 | 24 |
| Corner sign (see Sec. 17.6.11), when fronting on a <i>4 lane state highway</i> | 16 | 32 | 40 |
| Temporary ground sign during the time when a space, unit, building, or land is for sale, rent, or lease, or under construction when fronting on a <i>local road</i> (1 per road frontage) | 8 | 16 | 16 |
| Subdivision ground sign (2 per entrance to subdivision) when fronting on a <i>local road</i> | 12 | 24 | 24 |
| Subdivision ground sign (2 per entrance to subdivision) when fronting on a <i>2 or 3-lane state highway</i> | 16 | 36 | 36 |
| Subdivision ground sign (2 per entrance to subdivision) when fronting on a <i>4-lane state highway or interstate highway</i> | 36 | 64 | 64 |

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| Type of Sign/Use (Number if More than One Permitted) | O-I and C-1 | C-2 | LI and HI |
|---|--|--|--|
| Temporary ground sign during the time when a space, unit, building, or land is for sale, rent, or lease, or under construction when fronting on a <i>2 or 3-lane state highway</i> (1 per road frontage) | 12 | 24 | 24 |
| Temporary ground sign during the time when a space, unit, building, or land is for sale, rent, or lease, or under construction when fronting on a <i>4-lane state highway or interstate highway</i> (1 per road frontage) | 16 | 36 | 36 |
| Multi-tenant ground sign, lot containing multiple non-residential or permitted principal uses only, when fronting on <i>local road</i> (1 per frontage) | 36 | 64 | 64 |
| Multi-tenant ground sign, lot containing multiple non-residential or permitted principal uses only, when fronting on a <i>2 or 3-lane state highway</i> (1 per frontage) | 48 | 72 | 72 |
| Multi-tenant ground sign, lot containing multiple non-residential or permitted principal uses only, when fronting on <i>4-lane state highway or interstate highway</i> (1 per frontage) | 64 | 96 | 128 |
| Wall sign, dwelling | 2 | 2 | 2 |
| Wall sign, on building containing a single non-residential permitted principal use | 20% of signable area | 40% of signable area | 10% of signable area |
| Window sign, building containing a single non-residential or permitted principal use only | 20% of window area | 25% of window area | 10% of window area |
| Wall sign on freestanding canopy (1 per canopy wall) | 10% of signable area | 20% of signable area | 15% of signable area |
| Wall sign, on building containing multiple tenants (non-residential permitted principal use only) | 40% of signable area of leased building frontage | 60% of signable area of leased building frontage | 20% of signable area of leased building frontage |

[C-1 zoning district added to O-I column via amendment Ord. LUMC 2022-02 adopted 12/12/2022]

**ARTICLE 18
ARCADE PLANNING COMMISSION**

CHAPTER 18.1 ESTABLISHMENT, COMPOSITION, AND PURPOSE
CHAPTER 18.2 PURPOSES, POWERS, AND DUTIES

**CHAPTER 18.1
ESTABLISHMENT AND COMPOSITION**

Section 18.1.1. Establishment.
Section 18.1.2. Membership, Appointment, and Composition.
Section 18.1.3. Quorum.
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Section 18.1.1. Establishment.

The City of Arcade Planning Commission is hereby created in accordance with the terms herein.

Section 18.1.2. Membership, Appointment, and Composition.

The Planning Commission shall consist of five members, all of whom shall be residents of Arcade, Georgia. Each member shall be appointed by a City Council member of the City of Arcade. The terms of the members shall be for four (4) years and shall coincide with the term of the elected official making the appointment. Each Council Member shall be allocated one (1) appointment to the Planning Commission, and that appointee's term shall coincide with that elected official's term. Each appointee is subject to approval by, and may be removed for cause, by a majority vote of the Mayor and Council, in a public meeting. Any vacancy in membership shall be filled for the remainder of the term in the same manner as the original appointment.

If a Council Member cannot provide a Planning Commission member or fails to appoint one within thirty (30) days of taking office, or if any seat of the City Council is vacant at the time an appointment is necessary, another elected official may offer a candidate, subject to approval by a majority vote of the City Council. The vacating of any seat of Council for any reason shall not affect the remaining term of the Planning Commission member appointed by an elected official who vacates his or her office.

Section 18.1.3. Quorum.

The planning commission's may conduct a public hearing whether or not a quorum of the commission is present. Each motion must receive two (2) affirmative votes to pass in the Planning Commission. In the event any motion fails to receive at least two (2) affirmative votes from the members of the Planning Commission, the motion shall fail and the matter voted upon shall proceed without recommendation from the Planning Commission.

Section 18.1.4. Chairperson.

The members of the Planning Commission shall elect a Chairperson of the Planning Commission. The term of office for the Chairperson is one year. An officer that has served a full one-year term may succeed himself/herself. The Chairperson shall preside at meetings of the Planning Commission, decide all points of order and procedure, represent the Planning Commission at official functions, appoint committees to investigate and report on matter which may come before the Commission, and be responsible for carrying out policy decisions. In the event of the resignation or removal of the Chairperson, the members shall elect an individual from the Commission to fill the remainder of the unexpired term.

Section 18.1.5. Removal.

The City Council of the City of Arcade, Georgia shall have the authority to remove any appointed member(s) for cause at any time upon giving such member(s) ten days written notice. No member of the Planning Commission shall hold elected public office in the city. Grounds for removal for cause shall include, but not be limited to, missing three or more meetings in a calendar year.

Section 18.1.6. Conflicts of Interest.

Any member of the Planning Commission who has a property interest in any real property affected by a rezoning action to be considered by the Governing Authority, or has a financial interest in any business entity which has a property interest in any real property affected by a rezoning action to be considered by the Governing Authority, or who has a family member with such a real property interest or financial interest in a business entity, pursuant to O.C.G.A. 36-67A-2, shall immediately disclose the nature and extent of such interest, in writing, to the Governing Authority. The planning commissioner who has an interest as defined in this paragraph shall disqualify himself from voting on the rezoning action. The disqualified planning commissioner shall not take any other action on behalf of himself or any other person to influence action on the application for rezoning. The disclosures provided for in this paragraph shall be a public record and available for public inspection at any time during normal working hours. A member of the Commission may raise the question of conflict of interest of another member regarding a specific issue that is before the Commission. A majority vote of those planning commissioners without such conflict shall determine if such conflict does exist.

Section 18.1.7. Meetings and Records.

All meetings of the Planning Commission shall be open to the public and all records of the Planning Commission shall be public record. The Planning Commission may adopt bylaws which establish regular meeting dates, procedures for calling special meetings, and other matters relating to meeting procedures. Unless otherwise specified by the Planning Commission, regular meetings of the Planning Commission shall be held on the third Tuesday of each month at 6:00 p.m. The Planning Commission shall hold regular meetings unless it is notified by the City Administrator that there is no business to conduct, in which case the Chairperson may cancel the regular meeting. No meeting shall be held unless forty-eight (48) hours notice thereof has been provided to each member. If special meeting are called by the Chairperson, the purposes(s) of the special meeting shall be stated and no other business may be conducted at such special meeting.

**CHAPTER 18.2
PURPOSES, POWERS AND DUTIES**

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|-----------------|-------------------------------------|
| Section 18.2.1. | Purpose of the Planning Commission. |
| Section 18.2.2. | Powers and Duties. |
| Section 18.2.3. | Training. |

Section 18.2.1. Purpose of Planning Commission.

The general purpose of the Planning Commission shall be to develop, promote, and assist in establishing coordinated and comprehensive planning in the City of Arcade, and to serve in an advisory capacity to the Governing Authority in the implementation of adopted plans and ordinances.

Section 18.2.2. Powers and Duties.

The Planning Commission shall have all those duties necessary and reasonably implied as being necessary to carry out its duties as specified in this Land Use Management Code. Said powers and duties shall specifically include without limitation, the following:

- (a) To adopt and amend bylaws, without the need to amend this Article.
- (b) Cooperate with the Federal, State, or local, public or semi-public agencies or private individuals or corporations, and carry out cooperative undertakings with said agencies, individuals, or corporations.
- (c) Prepare or cause to be prepared a comprehensive plan or parts thereof, for the development of the City of Arcade or parts thereof, which shall be subject to the approval of the Governing Authority in accordance with the Georgia Planning Act of 1989.
- (d) Prepare or cause to be prepared, and recommend for adoption by Governing Authority zoning ordinances, regulations for the subdivision of land, and any other land use regulations appropriate to manage development in the city.
- (e) To administer zoning and other land use regulations in whatever role is delegated to it by the Governing Authority or as provided in this Land Use Management Code. The planning commission shall have authority and responsibility to review applications for zoning map amendments or applications for conditional use approval and other related applications and provide a recommendation to the Governing Authority.
- (f) To review and approve subdivision plats; provided, however, that if the Planning Commission is given authority to grant approval of final plats, said approval shall not constitute acceptance of public improvements which is a power reserved by the Governing Authority over the subdivision plat.
- (g) To prepare and recommend for adoption to the Governing Authority a plat or plats, or a corridor map or maps, showing the location of the boundary lines of existing, proposed, extended, widened or narrowed streets and linear open spaces and recreational areas, together with regulations to control the erection of buildings or other structures within such lines, within the jurisdiction or a specified portion thereof.
- (h) To make, publish, and distribute maps, plans and reports and recommendations relating to the planning and development of the city to public officials and agencies,

- public utility companies, civic, educational, professional, and other organizations and citizens.
- (i) To recommend to the Governing Authority, or its executive, programs for capital improvements and the financing thereof.
 - (j) To exercise, in general, such other powers as may be necessary to enable it to perform its functions and promote the planning of its jurisdiction.

Section 18.2.3. Training.

The Governing Authority finds that it is in the best interests of their citizens to strongly encourage newly appointed members of the Planning Commission during the course of their term of appointment to attend one or more courses of training and education on matters pertaining to the operations, activities, duties, and subject matters of Planning Commissions.

It shall be the responsibility of the Zoning Administrator to periodically notify members of the Planning Commission of appropriate education and training opportunities encouraged in this Section. The following organizations and institutions among others are determined to be appropriate:

1. Training programs and seminars by the University of Georgia's Carl Vinson Institute of Government, the Georgia Institute of Technology graduate city and regional planning program, Georgia State University, or any other institution of higher learning in the state.
2. Training programs by the Northeast Georgia Regional Commission.
3. Conferences of the Georgia Association of Zoning Administrators.
4. Conferences of the Georgia Chapter of the American Planning Association or the American Planning Association.
5. Training programs organized by the Zoning Administrator specifically for Planning Commission members.

ARTICLE 19
RESERVED FOR FUTURE USE

ARTICLE 20

[RESERVED FOR FUTURE USE]

**ARTICLE 21
ZONING AMENDMENTS, APPLICATIONS, AND PROCEDURES**

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|--------------|---|
| CHAPTER 21.1 | TEXT AMENDMENTS |
| CHAPTER 21.2 | REZONING, CONDITIONAL USE, AND CONCURRENT VARIANCE APPLICATIONS |
| CHAPTER 21.3 | PROCEDURES FOR CALLING AND CONDUCTING PUBLIC HEARINGS |
| CHAPTER 21.4 | DEVELOPMENT OF REGIONAL IMPACT |

**CHAPTER 21.1
TEXT AMENDMENTS**

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|------------------|---|
| Section 21.1.1. | Reserved. |
| Section 21.1.2. | Authority to Amend. |
| Section 21.1.3. | Amendments to City-Specific Regulations. |
| Section 21.1.4. | Authority to Initiate Text Amendments. |
| Section 21.1.5. | Application. |
| Section 21.1.6. | Distribution of Application. |
| Section 21.1.7. | Notice of Planning Commission Public Hearing. |
| Section 21.1.8. | Planning Commission Public Hearing and Recommendation. |
| Section 21.1.9. | Public Hearing and Action by Governing Authority. |
| Section 21.1.10. | Withdrawal of Application. |
| Section 21.1.11. | Special Notice and Procedural Requirements for Certain Residential Zoning Decisions |

Section 21.1.1. Reserved.

Section 21.1.2. Authority to Amend.

The Governing Authority may amend any Article, Chapter, or Section of this Land Use Management Code, subject to compliance with the requirements of this Chapter. No amendment to this Land Use Management Code, shall be considered valid until or unless it shall have been approved by the Governing Authority.

Section 21.1.3. Reserved.

Section 21.1.4. Authority to Initiate Text Amendments.

An application to amend the text of this Land Use Management Code may be initiated by the Governing Authority or the Arcade Planning Commission.

In addition, any person, firm, corporation, or agency may initiate by application to the Zoning Administrator a proposal to amend the text of this Land Use Management Code, provided said individual, firm, corporation, or agency is the owner or owner's agent of property under the jurisdiction of this Land Use Management Code and the amendment sought pertains in some way to said property within the jurisdiction, and provided further that the applicant has attended a pre-application meeting with the Zoning Administrator to discuss the amendment proposal prior to filing.

Section 21.1.5. Application.

Applications to amend the text of this Land Use Management Code shall require submittal of an application fee, application form, and proposed text amendment in a form approved in advance by the Zoning Administrator. The Zoning Administrator shall waive the application fee required by this Section when an application is initiated by the Governing Authority or the Arcade Planning Commission.

In cases where an applicant is proposing a text amendment to modify or create a new zoning district, and where the applicant also desires to rezone property to the new or modified zoning district, the two applications shall not be considered concurrently.

Section 21.1.6. Distribution of Application.

After acceptance of a complete application for a text amendment, the Zoning Administrator shall transmit a copy of the application or summary thereof to the Arcade Planning Commission and to the Governing Authority.

Section 21.1.7. Notice of Planning Commission Public Hearing.

Upon receipt of a completed application for a text amendment or within a reasonable time thereafter, the Zoning Administrator will prepare a notice of public hearing before the Arcade Planning Commission. Prior to the date of the public hearing before the Arcade Planning Commission, the Zoning Administrator shall cause to be published within a newspaper of general circulation within the territorial boundaries of the City of Arcade a notice of the public hearing before the Arcade Planning Commission. The notice shall state the time, place, and purpose of the public hearing.

Section 21.1.8. Planning Commission Public Hearing and Recommendation.

The Arcade Planning Commission will convene a public hearing on the text amendment as provided in the public notice. The planning commission's public hearing may take place whether or not a quorum of the commission is present. The public hearing shall follow policies and procedures which govern calling and conducting public hearings adopted by the city as required by O.C.G.A. 36-66-4 (Chapter 21.3 of this Land Use Management Code). The Arcade Planning Commission shall provide a recommendation on the application, or if no quorum is present, the commission members attending can indicate their preference on the matter.

The Arcade Planning Commission's recommendation, if any, shall be submitted to the Governing Authority, and its recommendations and, if any, its report, shall be upon publication available upon request to the public. The Arcade Planning Commission shall have sixty-five (65) calendar days from the date of its public hearing within which to submit its recommendations. The Arcade Planning Commission may submit any additional report it deems appropriate. The recommendations of the Arcade Planning Commission shall have an advisory effect only and shall not be binding on the Governing Authority.

Section 21.1.9. Public Hearing and Action by Governing Authority.

The Governing Authority shall hold a public hearing on the text amendment. At least 15 but not more than 45 days prior to the date of the public hearing before the Governing Authority, the Zoning Administrator shall cause to be published within a newspaper of general circulation within the territorial boundaries of the City of Arcade a notice of the public hearing. The notice shall state the time, place, and purpose of the public hearing. In rendering a decision on any such text amendment, the Governing Authority shall consider all information supplied by the Zoning Administrator and the Arcade Planning Commission, any information presented at the public hearing of the Arcade Planning Commission and, information at its own public hearing. The Governing Authority may approve or disapprove the proposed text amendment as written.

Section 21.1.10. Withdrawal of Application.

Any application for an amendment to the text of this Land Use Management Code may be withdrawn at any time at the discretion of the person or entity initiating such a request upon notice to the Zoning Administrator, up until the public hearing by the Arcade Planning Commission is closed.

When any application for a text amendment is initiated by a party other than the Governing Authority or the Arcade Planning Commission, and said text amendment is withdrawn not later than ten (10) calendar days from the date of approval for initiation by the Zoning Administrator, one half (1/2) of the entire application fee paid by the applicant shall be refunded to the applicant. The Zoning Administrator shall refund that portion of the application fee within thirty (30) calendar days of the date of withdrawal of the application. No portion of a required application fee shall be refunded on any application withdrawn by an applicant later than ten (10) calendar days from the date of approval for initiation by the Zoning Administrator.

Section 21.1.11. Special Notice and Procedural Requirements for Certain Residential Zoning Decisions.

- (a) Zoning decisions to which this Section applies. In accordance with O.C.G.A. 36-66-4(h), the following zoning decisions shall be adopted in a manner consistent with the notice and procedural requirements of this Section:
1. Any decision to amend the zoning ordinance (i.e., this land use management code) to revise one or more zoning classifications or definitions relating to single-family residential uses of property so as to authorize multifamily uses of property pursuant to such classification or definitions; and
 2. A decision that grants blanket permission, under certain or all circumstances, for property owners to deviate from the existing zoning requirements of a single-family residential zoning classification; and
 3. Any zoning decision that provides for the abolition of all single-family residential zoning classifications within the territorial boundaries of the city; and

4. Any zoning decision that results in the rezoning of all property zoned for single-family residential uses within the territorial boundaries of the city to multifamily residential uses of property.
- (b) Exclusion. This Section shall not apply to zoning decisions for the rezoning of property from a single-family residential use of property to a multifamily residential use of property when the rezoning is initiated by the owner or authorized agent of the owner of such property.
- (c) Procedures and Requirements.
1. The zoning decision shall be adopted at two regular meetings of the local government making the zoning decision, during a period of not less than 21 days apart.
 2. Prior to the first meeting provided for in subparagraph (1) of this paragraph, at least two public hearings shall be held on the proposed action. Such public hearings shall be held at least three months and not more than nine months prior to the date of final action on the zoning decision. Furthermore, at least one of the public hearings must be held between the hours of 5:00 P.M. and 8:00 P.M.
 3. The two public hearings required by this paragraph shall be in addition to the single public hearing otherwise required under the zoning procedures law for a zoning decision generally.
 4. For these two public hearings, the local government shall give notice of such hearing by: (i) posting notice on each affected premises in the manner otherwise required under the zoning procedures law; provided, however, that when more than 500 parcels are affected, in which case posting notice is required every 500 feet in the affected area; and (ii) publishing in a newspaper of general circulation within the territorial boundaries of the city a notice of each hearing at least 15 days and not more than 45 days prior to the date of the hearing.
 5. Both the posted notice and the published notice shall include a prominent statement that the proposed zoning decision relates to or will authorize multifamily uses or give blanket permission to the property owner to deviate from the zoning requirements of a single-family residential zoning of property in classification previously relating to single-family residential uses. The published notice shall be at least nine column inches in size and shall not be located in the classified advertising section of the newspaper. The notice shall state that a copy of the proposed amendment is on file in the office of the clerk or the recording officer of the local government and in the office of the clerk of the superior court of the county of the legal situs of the city for the purpose of examination and inspection by the public.

The local government shall furnish anyone, upon written request, a copy of the proposed amendment, at no cost.

[Section added via amendment, Ord. 2022-04, adopted 12/12/2022]

**CHAPTER 21.2
REZONING, CONDITIONAL USE, AND
CONCURRENT VARIANCE APPLICATIONS**

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| Section 21.2.1. | Types of Applications. |
| Section 21.2.2. | Authority to Amend. |
| Section 21.2.3. | Initiation of Proposals for Map Amendments. |
| Section 21.2.4. | Certain Map Amendments Prohibited. |
| Section 21.2.5. | Application Compliance and Completeness. |
| Section 21.2.6. | Limitation on Applications Processed During One Cycle. |
| Section 21.2.7. | Application Requirements. |
| Section 21.2.8. | Plan Requirements. |
| Section 21.2.9. | Development Statistics Required. |
| Section 21.2.10. | Analysis Requirements for Map Amendments and Conditional Uses. |
| Section 21.2.11. | Administrative Processing of Applications. |
| Section 21.2.12. | Investigations and Recommendation. |
| Section 21.2.13. | Planning Commission Public Hearing Notice. |
| Section 21.2.14. | Special Notice Requirements. |
| Section 21.2.15. | Planning Commission Hearing and Recommendation. |
| Section 21.2.16. | Governing Authority Public Notice and Public Hearing. |
| Section 21.2.17. | Action by Governing Authority. |
| Section 21.2.18. | Conditional Approval Permitted. |
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| Section 31.2.20. | Limitations on the Frequency of Filing Applications. |
| Section 31.2.21. | Site Plan Revisions. |
| Section 31.2.22. | Authority to Grant Concurrent Variances. |
| Section 21.2.23. | Regulations That Cannot Be Varied. |
| Section 21.2.24. | Application for Concurrent Variances. |
| Section 21.2.25. | Criteria to Consider for Concurrent Variances. |
| Section 21.2.26. | Incorporation Clause. |
| Section 21.2.27, | Special Notice and Procedural Requirements for Certain City-Initiated Residential Rezoning |
| Section 21.2.28. | Appeals. |

Section 21.2.1. Types of Applications.

The following types of applications are regulated by this Chapter:

- (a) Amendments to the official zoning map (i.e., “rezonings” or “zoning map amendments”), including changes to boundaries of overlay districts.
- (b) Applications for conditional use approval.
- (c) Applications for concurrent variances.

Section 21.2.2. Authority to Amend.

The Governing Authority may from time to time amend the number, shape, boundary, or area of any zoning district or overlay district as established in this Land Use Management Code.

Section 21.2.3. Initiation of Proposals for Map Amendments.

An application to amend the official zoning map or an overlay district established by this Land Use Management Code may be initiated by the Governing Authority or the Arcade Planning Commission. The Zoning Administrator shall waive the application fee required by this Chapter when an application is initiated by the Governing Authority or the Arcade Planning Commission.

In addition, any person, firm, corporation or agency, may initiate by application to the Zoning Administrator a proposal to amend a zoning district or overlay district boundary, provided said individual, firm, corporation, or agency is the owner or owner's agent of property that is the subject of the proposed amendment.

Section 21.2.4. Certain Map Amendments Prohibited.

No amendment to the official zoning map shall be made, and no applications for such official zoning map amendments shall be accepted by the Zoning Administrator, involving a request to rezone to a zoning district that is specifically prohibited by this Land Use Management Code.

Section 21.2.5. Application Compliance and Completeness.

No application described in this Chapter shall be processed by the Zoning Administrator unless it complies with the procedural requirements of this Chapter and is found to be complete with regard to application materials, payment of fees, supportive materials, and any other application requirements specified by this Chapter. If an application described and regulated by this Chapter does not comply with all provisions of this Chapter, the Zoning Administrator may reject the application and refuse to process it.

Section 21.2.6. Limitation on Applications Processed During One Cycle.

There are practical limits as to how many applications a review body can thoroughly review, consider, and act upon during any single public meeting. It is the intent of this Section to provide for a thorough examination of and adequate hearing time for each application filed pursuant to this Chapter. Accordingly, this Section provides for optional limitations on the number of applications that will be processed before a review body during any single public hearing.

The number of applications described in this Chapter that are scheduled for consideration by the Arcade Planning Commission may be limited to five (5) such applications at any single public hearing. For purposes of this limitation, one application may include one or more companion applications (i.e., an application for a zoning map amendment, conditional use, and/or concurrent variance pertaining to the same parcel of property shall be counted as one application). Where in the opinion of the Zoning Administrator sufficient time will exist to adequately hear additional applications, the Zoning Administrator may decide to process a number of applications exceeding the maximum of five. Prior to exercising authority to exceed the number of applications to be heard at any given public hearing, the Zoning Administrator shall where possible consult with the Chairperson of the Arcade Planning Commission as to the appropriateness of considering additional applications.

For purposes of this Section, the Zoning Administrator shall consider applications on a first submitted and first complete, first processed basis. That is, applications shall be processed in the order in which they are received and determined complete, and any application determined complete but which would exceed the maximum of five at any single public hearing may be scheduled for the next available public hearing. In cases where a complete application cannot be processed and considered at the next available public hearing, due to the limit on applications specified by this Section, the Zoning Administrator shall promptly inform the applicant of the schedule for considering said application.

Section 21.2.7. Application Requirements.

No application specified in this Chapter shall be processed by the Zoning Administrator unless it meets the requirements of this Section, including the specific requirements of Table 21.2.1. In cases where more than one application (rezoning, conditional use, concurrent variance) pertaining to a particular piece of property is filed simultaneously, the applicant must prepare separate applications and meet all application requirements for each application filed; provided, however, that the Zoning Administrator may waive separate site plan or letter of intent filing requirements when they would be unnecessarily duplicative.

Section 21.2.8. Plan Requirements.

Applications required by this Chapter to include a site plan (see Table 21.2.1) shall at minimum include on the site plan information specified in Table 21.2.2. The Zoning Administrator may waive one or more of the requirements of this Section in individual cases when he/she determines that one or more elements of the required information specified in Table 21.2.2 are not essential to the review process. The Zoning Administrator may request information in addition to that specified in Table 21.2.2 when considered necessary for review of the application by the Arcade Planning Commission or Zoning Administrator.

Section 21.2.9. Development Statistics Required.

Applications required by this Chapter to submit development statistics and specifications shall at minimum include on the site plan or in written form the information specified in Table 21.2.3. The Zoning Administrator may waive one or more of the requirements of this Section in individual cases when he/she determines that one or more elements of the required information specified in Table 21.2.3 are not essential to the review process. The Zoning Administrator may request information in addition to that specified in Table 21.2.2 when considered necessary for review of the application by the Arcade Planning Commission or Zoning Administrator.

Section 21.2.10. Analysis Requirements for Map Amendments and Conditional Uses.

On the application form supplied by the Zoning Administrator, or in a separate written document, applications to amend the official zoning map, including overlay district boundary amendments, and applications for conditional uses shall provide a written analysis comparing the proposed action with the criteria in Table 21.2.4. A zoning map amendment or conditional use application may be justified only if it bears a reasonable relationship to the public health, safety, morality, or general welfare. The analysis requirements may in individual cases be considered criteria relevant to the Zoning Administrator and the Arcade Planning Commission in making recommendations and by the Governing Authority in the decision-making process.

Each applicant for an amendment to the official zoning map, or an application for conditional use, and each person speaking at a public hearing on such a matter, except the Governing Authority or the Arcade Planning Commission, is responsible for complying with O.C.G.A. 36-67A, "Conflict of Interest in Zoning Actions." The Zoning Administrator, Arcade Planning Commission, and the Governing Authority assume no further responsibility for enforcing state law or informing applicants or speakers of the need to comply with said state law; provided, however, that the Zoning Administrator may integrate notice of this state law requirement in various application forms and hearing procedural notices.

**TABLE 21.2.1
APPLICATION REQUIREMENTS**

| Application Requirement | Amendment to Official Zoning Map | Conditional Use | Concurrent Variance |
|--|--|------------------------|----------------------------|
| Application fee as established by resolution | Required | Required | Required |
| Application form furnished by the Zoning Administrator, including signed and notarized signature of property owner | Required | Required | Required |
| Legal description of the property | Required | Required | Required |
| Survey plat of the property | Required | Required | Required |
| Site analysis and topographic map at an appropriate scale, including information on significant man-made and natural features and streams, wetlands, flood plains, and features to be retained, moved or altered | Required | Required | Required |
| Letter of intent describing the proposed use of the property or other action requested | Required | Required | Required |
| Written analysis of how the proposed action compares to decision criteria specified for deciding on the subject type of application (see Table 21.2.4) | Required | Required | Required |
| Site plan of the property at an appropriate engineering scale showing the proposed use and relevant information regarding proposed improvements (see Section 21.2.8, "Plan Requirements") | Required except for rezoning applications to agricultural zoning districts | Required | Required |
| Statistics regarding the proposed development (see Section 21.2.9, "Development Statistics Required") | Required | Required | Required |
| Description of any special conditions voluntarily made a part of the request | Required | Required | No |
| Other information required by the Zoning Administrator | Maybe | Maybe | Maybe |

**TABLE 21.2.2
 PLAN REQUIREMENTS**

| Site Plan Requirement | Amendment to Official Zoning Map | Conditional Use | Concurrent Variance |
|---|---|------------------------|----------------------------|
| Existing and proposed buildings and structures | Required | Required | Required |
| Parking and internal circulation | Required | Required | Required |
| Wetlands, flood plains, streams and state waters | Required | Required | Required |
| Tree protection survey (lots 5 acres or larger; see Section 16.3.3) | Encouraged | Encouraged | Encouraged |
| Landscaping and buffers | Required | Required | Required |
| Preliminary grading and drainage (conceptual) | Required | Required | No |
| Provisions for outdoor lighting (see Chapter 9.4) | No | Required | No |
| Other information as required by the Zoning Administrator | Maybe | Maybe | Maybe |

**TABLE 21.2.3
 DEVELOPMENT STATISTICS REQUIRED**

| Development Statistics Required: (Note: Percent = Percentage of Total Site Area) | Amendment to Official Zoning Map | Conditional Use | Concurrent Variance |
|---|---|---|---|
| Provision of zoning ordinance requested to be varied, and amount of variance(s) if requested | No | No | Required |
| Maximum and proposed height of any structure | Required | Required | As determined to be appropriate by the Zoning Administrator |
| Maximum and proposed gross square footage of the building area (nonresidential only) | Required | Required | |
| Maximum and proposed number of dwelling units and minimum and proposed square footage of heated floor area for any dwelling unit (residential only) | Required | Required | |
| Maximum and proposed lot coverage of building area (square feet and percent) | Required | Required | |
| Minimum and proposed square footage of landscaped area (square feet and percent) | Required | Required | |
| Maximum and proposed impervious surface area (square feet and percent) | Within small water supply watersheds | Within small water supply watersheds | |
| Existing and proposed number of parking spaces | Required | Required | |
| Other information as required by the Zoning Administrator | Maybe | Maybe | |

**TABLE 21.2.4
 ANALYSIS REQUIREMENTS**

| Criteria Required to be Analyzed by Applicant and Review Bodies | Application to Amend the Official Zoning Map | Application for Conditional Use |
|--|---|--|
| 1. Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property (existing land use). | Required | Required |
| 2. Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property. | Required | Required |
| 3. Whether the property to be affected by the proposal has a reasonable economic use as currently zoned. | Required | Required |
| 4. Whether the proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. | Required | Required |
| 5. Whether the proposal is in conformity with the policy and intent of the comprehensive plan including land use element. | Required | Required |
| 6. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposal. | Required | Required |
| 7. Existing use(s) and zoning of subject property. | Required | Required |
| 8. Existing zoning of nearby property. | Required | Required |
| 9. Existing value of the property under the existing zoning and/or overlay district classification. | Optional | No |
| 10. Whether the property can be used in accordance with the existing regulations. | Required | No |
| 11. Value of the property under the proposed zoning district and/or overlay district classification. | Optional | No |
| 12. Extent to which the property value of the subject property is diminished by the existing zoning district and/or overlay district classification. | Optional | No |
| 13. Suitability of the subject property under the existing zoning district and/or overlay district classification for the proposed use. | Required | Required |
| 14. Suitability of the subject property under the proposed zoning district and/or overlay district classification. | Required | No |
| 15. Length of time the property has been vacant or unused as currently zoned. | Required | No |
| 16. Description of all efforts taken by the property owner(s) to use the property or sell the property under the existing zoning district and/or overlay district classification. | Required | No |

**Article 21, Zoning Amendments, Applications, and Procedures
City of Arcade Land Use Management Code**

| Criteria Required to be Analyzed by Applicant and Review Bodies | Application to Amend the Official Zoning Map or Official Overlay Districts Map | Application for Conditional Use |
|--|---|--|
| 17. The possible creation of an isolated zoning district unrelated to adjacent and nearby districts. | Required | No |
| 18. Possible effects of the change in zoning or overlay district map, or change in use, on the character of a zoning district or overlay district. | Required | Required |
| 19. Whether a proposed zoning map amendment or conditional use approval will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations. | Required | Required |
| 20. The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality. | Required | Required |
| 21. The relation that the proposed map amendment or conditional use bears to the purpose of the overall zoning scheme, with due consideration given to whether or not the proposed change will help carry out the purposes of these zoning regulations. | Required | Required |
| 22. The consideration of the preservation of the integrity of residential neighborhoods shall be considered to carry great weight. In those instances in which property fronts on a major thoroughfare and also adjoins an established residential neighborhood, the factor of preservation of the residential area shall be considered to carry great weight. | Required | Required |
| 23. The amount of undeveloped land in the general area affected which has the same zoning or overlay district classification as the map change requested. | Required | No |
| 24. The extent to which the proposed rezoning or conditional use will contribute to or detract from the community with regard to greenspace, architectural design, and landscaping. | Required | Required |
| 25. In the case of rezoning to PCD, the consistency of the application with criteria specified in Section 7.8.12. of this Land Use Management Code. | Required | No |

Section 21.2.11. Administrative Processing of Applications.

The Zoning Administrator is hereby authorized to establish administrative deadlines for the receipt of applications that require review in accordance with this Chapter. Upon a finding by the Zoning Administrator that an application is complete and complies with the requirements of this Chapter, including deadlines, the application shall be marked received and approved for initiation, and the date of such consideration shall be indicated in the file of the application.

Section 21.2.12. Investigations and Recommendation.

Within a reasonable period of time after acceptance of a complete application, the Zoning Administrator may send the application or notice thereof out for review by internal municipal departments and external agencies as may be appropriate (i.e., inter-agency review). Any written comments received in a timely manner shall be submitted to the review bodies for consideration and any such comments shall become public records.

With respect to each rezoning or conditional use application, and any concurrent variances filed, the Zoning Administrator may investigate and make a recommendation regarding any or all of the relevant matters enumerated in Table 21.2.4, or in the case of a concurrent variance those matters enumerated in Section 21.2.25, Criteria for Approval of Concurrent Variances. Any such investigation and recommendation shall if in writing be made available to the applicant and planning commission prior to the public hearing held by the planning commission and shall become public records.

Copies of the Zoning Administrator's findings and recommendations shall be available upon request to the public by the time of the Arcade Planning Commission's public hearing on the matter.

Section 21.2.13. Planning Commission Public Hearing Notice.

Upon receipt of a completed application for an application for map amendment, conditional use, and/or concurrent variance, or within a reasonable time thereafter, the Zoning Administrator shall prepare a public notice of public hearing before the Arcade Planning Commission. Prior to the date of the public hearing before the Arcade Planning Commission, the Zoning Administrator shall cause to be published within a newspaper of general circulation within the territorial boundaries of the City of Arcade a notice of the public hearing before the Arcade Planning Commission. The notice shall state the time, place, and purpose of the public hearing.

If the application for rezoning, conditional use, and/or concurrent variance is initiated by a party other than the Governing Authority or the Arcade Planning Commission, then in addition, notice shall include the location of the property, the present zoning classification of the property, the proposed zoning classification of the property, the proposed conditional use if applicable; and the nature of the proposed concurrent variance if applicable; and a sign containing said required information shall be placed in a conspicuous location on the property prior to the date of the public hearing before the Arcade Planning Commission and which shall remain through the date of any public hearings advertised thereon.

Section 21.2.14. Special Notice Requirements.

Pursuant to the specific requirements of the Zoning Procedures Law (O.C.G.A. 36-66-6), when a zoning decision involves land that is adjacent to or within 3,000 feet of any military base or military installation or within the 3,000 foot Clear Zone and Accident Prevention Zones Numbers I and II as prescribed in the definition of an Air Installation Compatible Use Zone of a military airport, the Zoning Administrator shall ensure that the additional public notice requirements of O.C.G.A. 36-66-6 are met.

Pursuant to the specific requirements of the Zoning Procedures Law (O.C.G.A. 36-66-6), when a proposed zoning map amendment or conditional use application relates to or will allow the location or relocation of a halfway house, drug rehabilitation center, or other facility for treatment of drug dependency, the Zoning Administrator shall ensure that the additional public notice requirements of O.C.G.A. 36-66-6 are met.

Section 21.2.15. Planning Commission Hearing and Recommendation.

The Arcade Planning Commission will convene a public hearing on the text amendment as provided in the public notice. The planning commission's public hearing may take place whether or not a quorum of the commission is present. The public hearing shall follow policies and procedures which govern calling and conducting public hearings adopted by the city as required by O.C.G.A. 36-66-4 (Chapter 21.3 of this Land Use Management Code).

The Arcade Planning Commission shall provide a recommendation on the application, or if no quorum is present, the commission members attending can indicate their preference on the matter. The Arcade Planning Commission's recommendations, if any, shall be submitted to the Governing Authority, and its recommendations and, if any, its report, shall be available upon request to the interested members of the public at any meeting on the matter held by the Governing Authority. The Arcade Planning Commission shall have sixty-five (65) calendar days from the date of its public hearing within which to submit its recommendations. The Arcade Planning Commission may submit any additional report it deems appropriate. The recommendations of the Arcade Planning Commission shall have an advisory effect only and shall not be binding on the Governing Authority.

Section 21.2.16. Governing Authority Public Notice and Public Hearing.

The Governing Authority shall hold a public hearing on the proposed application. At least 15 but not more than 45 days prior to the date of the public hearing before the Governing Authority, the Zoning Administrator shall cause to be published within a newspaper of general circulation within the territorial boundaries of the City of Arcade a notice of the public hearing. The notice shall state the time, place, and purpose of the public hearing.

If the application for rezoning, conditional use, and/or concurrent variance is initiated by a party other than the Governing Authority or the Arcade Planning Commission, then in addition, notice shall include the location of the property, the present zoning classification of the property, the proposed zoning classification of the property, the proposed conditional use if applicable; and the nature of the proposed concurrent variance if applicable; and a sign containing said required information shall be placed in a conspicuous location on the property not less than 15 days prior to the date of the public hearing before the Governing Authority and which shall remain through

the date of any public hearings advertised thereon.

Section 21.2.17. Action by Governing Authority.

Within a period of sixty-five (65) calendar days from the date of the public hearing held by the Governing Authority on any such application(s), said Governing Authority shall render a decision on the application(s). In rendering a decision on any such application, the Governing Authority shall consider all information supplied by the Zoning Administrator, the Arcade Planning Commission, and any information presented at its own public hearing and that of the Planning Commission. In addition, the Governing Authority may but is not required to consider relevant application criteria specified in Table 21.2.4. If the Governing Authority fails to render a decision within sixty-five (65) calendar days from the date of the public hearing held by said Governing Authority, the application shall be approved as conditioned by the Arcade Planning Commission, or in lieu of no conditions specified by the Arcade Planning Commission, as conditioned by the Zoning Administrator if any.

Section 21.2.18. Conditional Approval Permitted.

The Governing Authority may attach conditions to its approval of any application regulated by this Chapter. Unless otherwise specified in the approval, any site plan submitted as a part of the application shall be considered “binding” on the applicant and must be followed.

Section 21.2.19. Withdrawal of Application.

Any application regulated by this Chapter may be withdrawn at the discretion of the person or agency initiating such a request, upon written notice to the Zoning Administrator, at any time prior to the closing of the public hearing before the Governing Authority on the application. When any application is withdrawn not later than ten (10) calendar days from the date of approval for initiation by the Zoning Administrator, one half (1/2) of the entire application fee paid by the applicant shall be refunded to the applicant. The Zoning Administrator shall refund that portion of the application fee within thirty (30) calendar days of the date of withdrawal of the application. No portion of a required application fee shall be refunded on any application withdrawn by an applicant later than ten (10) calendar days from the date of approval for initiation by the Zoning Administrator. Any application that is withdrawn by the applicant after a public hearing has been closed by the Arcade Planning Commission on the matter shall be withdrawn “with prejudice” and shall be subject to the limitations on the frequency of filing and consideration established in Section 21.2.20.

Section 21.2.20. Limitations on the Frequency of Filing Applications.

No application regulated by this Chapter and affecting the same or any portion of property which was denied by the Governing Authority shall be accepted for filing by a property owner until twelve (12) months shall have elapsed from the date said application was denied by the Governing Authority.

The same or any portion of property previously considered in a zoning map amendment or conditional use application which was denied by Governing Authority may not again be initiated by the Governing Authority until the expiration of at least six (6) months immediately following the final decision rendered on the application by the Governing Authority.

Section 21.2.21. Site Plan Revisions.

For any application specified in this Chapter which requires a site plan, the site plan that is the subject of such application may be revised and resubmitted by the applicant, but in no event shall a revised site plan resubmitted by an applicant be accepted or considered less than ten (10) calendar days prior to the public hearing by the Governing Authority; provided, however; said Governing Authority may direct an applicant to submit a revised site plan to the Zoning Administrator for its consideration, in which case, the revised site plan shall be submitted to the Zoning Administrator at least ten (10) calendar days prior to any final action being taken on the proposed zoning amendment or conditional use by the Governing Authority. At its discretion, the Governing Authority may refer the site plan back to the Arcade Planning Commission for additional study and recommendation, subject to the time limitations established in this Chapter.

Section 21.2.22. Authority to Grant Concurrent Variances.

The intent of this Section is to permit the filing of an application for variance simultaneously with a rezoning or conditional use application, or both, and have both the concurrent variance and companion application(s) considered in the same cycle of review.

The Governing Authority may consider and approve, approve with conditions, or deny an application for one or more variances when such application is made simultaneously (i.e., concurrent variance) with an application for a zoning map amendment, conditional use, and/or application to amend the overlay districts map. In such cases, the Arcade Planning Commission shall provide a recommendation on the concurrent variance in addition to the companion application(s). The Arcade Planning Commission shall recommend and the Governing Authority shall act on any concurrent variance in a separate motion after recommending or acting, respectively, on the other companion application(s).

Any application for a variance not filed simultaneously with another application for discretionary approval shall be processed and considered in accordance with the provisions of Article 22 of this Land Use Management Code.

Section 21.2.23. Regulations That Cannot Be Varied.

Concurrent variances shall not be granted to the following regulations:

- (a) Minimum lot sizes.
- (b) Use variances that would permit a use which is not permitted in the zoning district pertaining to the subject property.

Section 21.2.24. Application for Concurrent Variances.

Any applicant requesting consideration of a concurrent variance to any provision of the Land Use Management Code shall make application for said variance in accordance with the requirements of this Chapter.

Section 21.2.25. Criteria to Consider for Concurrent Variances.

Any applicant requesting consideration of a concurrent variance to any provision of this Land Use Management Code except variances to Articles 26, 27, 28, and 29, shall provide a written

justification that one or more of the following condition(s) exist. The Governing Authority shall not approve the concurrent variance application unless it shall have adopted findings that one or more of the following conditions exist.

- (a) There are extraordinary and exceptional conditions or practical difficulties pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district.
- (b) A literal interpretation of the provisions of this ordinance would effectively deprive the applicant of rights commonly enjoyed by other properties of the district in which the property is located.
- (c) Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located.
- (d) The requested variance will be in harmony with the purpose and intent of this Land Use Management Code and will not be injurious to the neighborhood or to the general welfare.
- (e) The special circumstances are not the result of the actions of the applicant.
- (f) The variance requested is the minimum variance that will make possible the proposed use of the land, building, or structure in the use district proposed.
- (g) The variance shall not permit a use of land, buildings or structures, which is not permitted by right in the zoning district or overlay district involved.

Section 21.2.26. Incorporation Clause.

This Chapter is intended to comply with the provisions of the Georgia Zoning Procedures Law, O.C.G.A. § 36-66 *et. seq.*, which Act is incorporated by reference in its entirety into this ordinance. Where any provision of this Chapter is in conflict with any provision of the Law, the Law shall control. Or where this Chapter is incomplete in having failed to incorporate a provision necessarily required for the implementation of the Law, such provision of the Law, so as to meet the mandate of the Law, shall be fully complied with.

Section 21.2.27. Special Notice and Procedural Requirements for Certain City-Initiated Residential Rezoning.

- (a) When initiated by the city, any zoning decisions for the rezoning of property from a single-family residential use of property to a multifamily residential use of property shall be adopted in a manner consistent with the notice and procedural requirements of Section 21.1.11 of this land use management code.
- (b) This Section shall not apply to zoning decisions for the rezoning of property from a single-family residential use of property to a multifamily residential use of property when the rezoning is initiated by the owner or authorized agent of the owner of such property.

[Section added via amendment, Ord. LUMC 2022-04, adopted 12/12/2022]

Section 21.2.28. Appeals.

In accordance with O.C.G.A. Section 36-66-5.1 (i.e., the zoning procedures law), powers of the city may be reviewed by the superior court of the county wherein such property is located as follows:

- (a) Legislative zoning decisions shall be subject to direct constitutional challenge regarding the validity of maintaining the existing zoning on the subject property or the validity of conditions or an interim zoning category other than what was requested in the superior court pursuant to its original jurisdiction over declaratory judgments pursuant to O.C.G.A. Chapter 4 of Title 9 and equity jurisdiction under Title 23. Such challenges shall be by way of a de novo review by the superior court wherein such review brings up the whole record from the local government and all competent evidence shall be admissible in the trial thereof, whether adduced in a local government process or not and employing the presumption that a governmental zoning decision is valid and can be overcome substantively by a petitioner showing by clear and convincing evidence that the zoning classification is a significant detriment to the petitioner and is insubstantially related to the public health, safety, morality, or general welfare.
- (b) Quasi-judicial decisions (i.e., conditional use applications and applications for concurrent variances) are and shall be subject to appellate review by the superior court pursuant to its appellate jurisdiction from a lower judicatory body and shall be brought by way of a petition for such review as provided for in O.C.G.A. Title 5. Such matters shall be reviewed on the record which shall be brought to the superior court as provided in O.C.G.A. Title 5.
- (c) All such challenges or appeals shall be brought within 30 days of the written decision of the challenged or appealed action.
- (d) An appeal or challenge by an opponent filed pursuant Chapter 66 of Title 36 (zoning procedures law) shall stay all legal proceedings in furtherance of the action appealed from or challenged, unless the local government, officer, board, or agency from which or from whom the appeal or challenge is taken certifies that, by reason of the facts stated in the certificate, a stay would cause imminent peril to life or property. In such actions, the applicant for the zoning decision or the quasi-judicial decision shall be a necessary party and shall be named as a defendant in the action and served in accordance with the requirements of O.C.G.A. Title 5 or Title 9, as appropriate.
- (e) The City of Arcade hereby designates the Mayor as the officer of the quasi-judicial board or agency who shall have authority, without additional board or agency action, to approve or issue any form or certificate necessary to perfect the petition described in O.C.G.A. Title 5 for review of lower judicatory bodies and upon whom service of such petition may be effected or accepted on behalf of the lower judicatory board or agency, during normal business hours, at the regular offices of the local government.

The elected official or his or designee who shall have authority to accept service and upon whom service of an appeal of a quasi-judicial decision may be effected or accepted on behalf of the local governing authority, during normal business hours, at the regular offices of the local government, is the Mayor of the City of Arcade.

[Section added via amendment, Ord. LUMC 2022-04, adopted 12/12/2022]

**CHAPTER 21.3
PROCEDURES FOR CALLING AND
CONDUCTING PUBLIC HEARINGS**

| | |
|-----------------|---------------------------------|
| Section 21.3.1. | Applicability. |
| Section 21.3.2. | Presiding Officer. |
| Section 21.3.3. | Opening of Public Hearing. |
| Section 21.3.4. | Report of Zoning Administrator. |
| Section 21.3.5. | Applicant. |
| Section 21.3.6. | Public. |
| Section 21.3.7. | Applicant's Rebuttal. |
| Section 21.3.8. | Close of Hearing. |
| Section 21.3.9. | Decision. |

Section 21.3.1. Applicability.

Any public hearing required by this Article except those pursuant to Chapter 21.4 of this Article shall be called and conducted in accordance with the procedures of this Chapter. For purposes of this Chapter, the term "hearing body" shall refer to the Governing Authority and the Arcade Planning Commission. Nothing contained in this Chapter shall be construed as prohibiting a presiding officer or hearing body from conducting a public hearing in a fair, orderly, and decorous manner.

Section 21.3.2. Presiding Officer.

The presiding officer shall preside over the public hearing. In the case of Governing Authority, the Mayor shall preside, or in the absence of the Mayor the Mayor Pro Tempore, or in the absence of both the Mayor and Mayor Pro Tempore, another member of the Governing Authority shall be designated to preside over the public hearing. In the case of the Arcade Planning Commission, the chairperson of said commission shall preside, or in the absence of the chairperson, the vice chairperson if designated, or if neither is present to preside, another member of the commission shall be designated to preside.

Section 21.3.3. Opening of Public Hearing.

The presiding officer shall indicate that a public hearing has been called on one or more applications made pursuant to this Article, shall summarize the processes required by this Chapter, and shall open the public hearing. Thereupon, the presiding officer shall call the first case and the hearing body shall consider each application on an individual basis in succession as printed on the published agenda or as otherwise approved by the hearing body; provided, however, that the presiding officer may at his or her discretion call and consider more than one application simultaneously when more than one application involves the same piece of property, and when proceedings would be efficiently completed by combining separately required public hearings and discussing more than one scheduled matter as a single group of applications.

Section 21.3.4. Report of Zoning Administrator.

Upon opening the public hearing, the presiding officer may recognize the Zoning Administrator or designee, who if called upon shall provide a summary of the application and present any recommendations or results of investigations. In the case of public hearings before the Governing Authority, unless a member of the Arcade Planning Commission is present and is authorized and willing to speak for the Arcade Planning Commission on the subject application, the Zoning Administrator shall also summarize the recommendations made by the Arcade Planning Commission. Any member of the hearing body upon recognition by the presiding officer may ask questions of the Zoning Administrator or designee or other city or planning commission representative providing the report or recommendations.

Section 21.3.5. Applicant.

When an individual application comes up for hearing, the presiding officer may ask for a show of hands of those persons who wish to appear in support of the application. If it appears that the number of persons wishing to appear in support of the application is in excess of that which may reasonably be heard, the presiding officer may request that a spokesperson for the group be chosen to make presentations. Following the report of the Zoning Administrator or designee, the presiding officer shall recognize the applicant or his or her agent, spokesperson, or each of them, who shall present and explain the application.

There shall be a maximum time period of ten (10) minutes per application at the public hearing for the proponents to present data, evidence, and opinions; the hearing body shall not be obligated to provide the full ten-minute period to the proponents if they elect not to use that much time. Any member of the hearing body upon recognition by the presiding officer may ask questions of the applicant or agent of the applicant, or both.

Section 21.3.6. Public.

At the conclusion of the applicant's presentation, the presiding officer shall initiate the public comment portion of the public hearing. When an individual application comes up for review, the presiding officer may ask for a show of hands of those persons who wish to ask questions, make comments, and/or appear in opposition to the application. If it appears that the number of persons wishing to appear in opposition to the application, make comments, or ask questions, is in excess of that which may reasonably be heard, the presiding officer may request that a spokesperson for the group be chosen to make presentations and ask questions. There shall be a maximum time period of ten (10) minutes per application at the public hearing for the opponents to present data, evidence, and opinions and ask questions; the hearing body shall not be obligated to provide the full ten-minutes per application to the opponents if they elect not to use that much time.

Prior to speaking, each speaker will identify him or herself and state his or her current address. Each speaker shall speak only to the merits of the proposed application under consideration and shall address his or her remarks only to the hearing body. Each speaker shall refrain from personal attacks on any other speaker or the discussion of facts or opinions irrelevant to the proposed application under consideration. The presiding officer may limit or refuse a speaker the right to continue, if the speaker, after first being cautioned, continues to violate this procedure.

The hearing body will consider the questions raised during the public portion of the hearing and may elect to answer questions following the speakers, or it may defer questions to the applicant to be answered during rebuttal.

Any member of the hearing body upon recognition by the presiding officer may ask questions of a member of the public giving testimony.

Section 21.3.7. Applicant's Rebuttal.

At the conclusion of public testimony, or upon the expiration of time allotted for public testimony, the applicant or his or her agent, or both, shall be allowed no more than three (3) minutes to answer questions, rebut the testimony of the public, and provide final comments and remarks. The time devoted to any such rebuttal shall be included and counted within the ten (10) minutes allotted to the applicant under Section 21.3.5, if such a time limit is set by the presiding officer. Any member of the hearing body upon recognition by the presiding officer may ask questions of the applicant, his or her agent, or both.

Section 21.3.8. Close of Hearing.

After the foregoing procedures have been completed, the presiding officer will indicate that the public hearing is closed. Upon the closing of the public hearing, the applicant or his agent and any member of the public shall no longer address the hearing body in any way, including hand waving or motions for attention; provided, however, that at any time considered appropriate the presiding officer may reopen the public hearing for a limited time and purpose.

Section 21.3.9. Decision.

After the public hearing is closed, the hearing body may either vote upon the application or may delay its vote to a subsequent meeting, subject to the limitations of this Article, provided that notice of the time, date and location when such application will be further considered shall be announced at the meeting during which the public hearing is held.

After hearing evidence, in making a decision, the hearing body shall apply the evidence to the criteria specified in this Article for the application in question and other considerations and recommendations as may be considered appropriate. It will not be required that the hearing body consider every criterion specified in this Article as provided in Table 21.2.4 or as otherwise applicable. It shall be the duty of the applicant to carry the burden of proof that approval of the proposed application will promote the public health, safety, morality or general welfare.

If the hearing body determines from the evidence presented by the applicant has shown that the proposed application promotes the health, safety, morals, and general welfare under applicable criteria, then the application shall be granted, subject to those reasonable conditions as may be imposed by the hearing body on its own initiative or as recommended by the Zoning Administrator or Arcade Planning Commission. Otherwise, such application shall be denied. In cases where one or more companion applications are submitted and the Governing Authority attaches conditions to the application, such conditions shall unless otherwise specifically stated otherwise become conditions of approval for each companion application.

CHAPTER 21.4 DEVELOPMENT OF REGIONAL IMPACT

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|-----------------|----------------|
| Section 21.4.1. | Definitions. |
| Section 21.4.2. | Applicability. |
| Section 21.4.3. | Jurisdiction. |
| Section 21.4.4. | Procedures. |

Section 21.4.1. Definitions.

Initial DRI information form: A form intended to identify basic information about a proposed development of regional impact on which a local government is being requested to take action, and which provides information to the Regional Development Center (RDC). This form notifies the RDC of a potential development of regional impact in order for the RDC to meet its responsibilities within the DRI review process.

DRI Review initiation request form: A form intended to provide additional information about the proposed project to the Regional Development Center (RDC), the submission of which serves as an official request that the DRI review process be started by the RDC.

Section 21.4.2. Applicability.

This chapter shall apply when an applicant (industry, business, or developer) requests some type of local government action related to a project, such as, but not limited to, a request for rezoning, zoning variance, permit, hookup to a water or sewer system, master or site plan approval, or entering into a contract, and it appears that the proposed development (or, for multi-phased projects, the complete development) meets the threshold(s) of a development of regional impact, according to “Rules of Georgia Department of Community Affairs, Chapter 110-12-3, Developments of Regional Impact,” as may be amended from time to time.

Section 21.4.3. Jurisdiction.

If a proposed development project is to be located in more than one jurisdiction and, in total, the proposed development meets or exceeds a DRI threshold, the local government in which the largest portion of the project is to be located is responsible for initiating the DRI review process.

Section 21.4.4. Procedures.

The application procedures established in Chapter 21.3 will be modified by this Chapter in cases where a rezoning request or conditional use application fits the definition of a “development of regional impact.” Developments of regional impact will be processed according to procedures of the Georgia Department of Community Affairs as described in “Rules of Georgia Department of Community Affairs, Chapter 110-12-3, Developments of Regional Impact, as may be amended from time to time.

When an application is received for development that meets or exceeds the thresholds established for that development type and thus constitutes a “development of regional impact”

according to the aforementioned Rules of the Georgia Department of Community Affairs, the city will follow the procedures identified in said administrative rules which are summarized here.

When an application for a development of regional impact is received, the Zoning Administrator will complete an "Initial DRI Information" form and a "DRI Review Initiation Request" form. Each of these two forms may be submitted to the Regional Development Center simultaneously, provided the local government has all necessary project-related information.

The city shall not take any official legislative or administrative action to advance or further a DRI project until the review process identified under the DRI review procedure specified in "Rules of Georgia Department of Community Affairs, Chapter 110-12-3, Developments of Regional Impact," as may be amended from time to time, is completed. The city may undertake preliminary staff administrative functions associated with a proposed DRI including, but not limited to, project evaluation/assessment, site visits, and placing consideration of the application on a future agenda for formal action, if required. The Governing Authority shall not take any official action related to such a project until the DRI review process is completed and the city has had adequate time to consider the DRI review comments.

If the project receives a negative public finding from the Regional Commission and the city approves said project or takes action to advance said project, the city shall notify the Regional Commission and the Georgia Department of Community Affairs of its action and identify all local requirements it has placed on the development that could mitigate any negative findings identified in the DRI review process.

**ARTICLE 22
VARIANCES AND APPEALS**

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| CHAPTER 22.1 | VARIANCES |
| CHAPTER 22.2 | APPEALS OF ADMINISTRATIVE DECISIONS |

**CHAPTER 22.1
VARIANCES**

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| Section 22.1.1. | Applicant Orientation Meeting. |
| Section 22.1.2. | Application Compliance and Completeness. |
| Section 22.1.3. | Application Requirements. |
| Section 22.1.4. | Public Hearing and Procedures. |
| Section 22.1.5. | Advertised Notice of Public Hearing. |
| Section 22.1.6. | Public Notice Signs. |
| Section 22.1.7. | Criteria for Approval of Variances. |
| Section 22.1.8. | Action. |
| Section 22.1.9. | Regulations That Cannot Be Varied. |
| Section 22.1.10. | Notice of Action. |
| Section 22.1.11. | Appeal. |
| Section 22.1.12. | Administrative Variances. |

Section 22.1.1. Applicant Orientation Meeting.

This Chapter describes stand-alone variance applications. For applications for variance made concurrently with an application for amendment to the official zoning map or a conditional use application, see Chapter 21.2. of this Land Use Management Code.

All applicants for a variance, except those that are filed as a concurrent variance pursuant to Chapter 21.2 of this Land Use Management Code, are required to schedule an applicant orientation meeting with the Zoning Administrator. An applicant orientation meeting is a time where applicants can seek a determination of the number and nature of variances required, familiarize themselves with the application requirements and processes, and gain preliminary input from staff as to the suitability of the proposed variances.

Section 22.1.2. Application Compliance and Completeness.

No application described in this Chapter shall be processed by the Zoning Administrator unless it complies with the procedural requirements of this Chapter and is found to be complete with regard to application materials, payment of fees, supportive materials, and any other application requirements specified by this Chapter. If a variance application described and regulated by this Chapter does not comply with all provisions of this Chapter, the Zoning Administrator may reject the application and refuse to process it.

Section 22.1.3. Application Requirements.

All applications for a variance shall be made as required by the Zoning Administrator and shall at minimum contain the following information:

- (a) Application fee.
- (b) Application form furnished by the Zoning Administrator, which at minimum shall describe the requested variance and zoning district in which the subject property is located.
- (c) Survey plat of the property showing all property lines with metes and bounds and dimensions.
- (d) Site analysis and topographic map at an appropriate scale, including information on significant man-made and natural features, historic and archaeological sites, and features to be retained, moved or altered.
- (e) Written analysis of how the proposed development compares favorably with the criteria for granting variances as established in this Chapter.
- (f) Site plan of the subject property at an appropriate engineering scale showing the proposed use and relevant information regarding the proposed variance.
- (g) Other information as may be required by the Zoning Administrator.

Where in the opinion of the Zoning Administrator the requested variance involves a minor change, the Zoning Administrator may vary or waive any of the information requirements of this Section for variance applications.

Section 22.1.4. Public Hearing and Procedures.

The Governing Authority shall hold a public hearing on each application made under the terms of this Chapter and shall have the final authority to approve, conditionally approve, or deny applications for stand-alone variances. Public hearings required by this Chapter shall be called and conducted in accordance with procedures established in Chapter 21.3 of this Land Use Management Code. *[Amended via Ord. LUMC 2022-04, adopted 12/12/2022]*

Section 22.1.5. Advertised Notice of Public Hearing.

For any variance application, a public notice shall be published in a newspaper of general circulation in the City of Arcade at least fifteen (15) days but not more than forty-five (45) days prior to the scheduled hearing by the Governing Authority. Said public notice shall state the purpose, location, time and date of the hearing, location of the property being considered, the existing zoning classification of the property, and the provision(s) of the zoning ordinance requested to be varied.

Section 22.1.6. Public Notice Signs.

For all applications involving a variance, the Zoning Administrator shall cause to have posted in a conspicuous place on said property one (1) or more signs(s). Each public notice sign shall contain information as to the proposed action with the same content as specified for public notices required to be published in the newspaper.

Section 22.1.7. Criteria for Approval of Variances.

Any applicant requesting consideration of a variance to any provision of the Land Use Management Code shall provide a written justification that one or more of the following condition(s) exist. The Arcade Planning Commission shall not recommend and the Governing Authority shall not approve the variance application unless it shall have adopted findings that one or more of the following conditions exist.

- (a) There are extraordinary and exceptional conditions or practical difficulties pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district.
- (b) A literal interpretation of the provisions of this ordinance would effectively deprive the applicant of rights commonly enjoyed by other properties of the district in which the property is located.
- (c) Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located.
- (d) The requested variance will be in harmony with the purpose and intent of this Land Use Management Code and will not be injurious to the neighborhood or to the general welfare.
- (e) The special circumstances are not the result of the actions of the applicant.
- (f) The variance requested is the minimum variance that will make possible the proposed use of the land, building, or structure in the use district proposed.
- (g) The variance shall not permit a use of land, buildings or structures, which is not permitted by right in the zoning district or overlay district involved.

Section 22.1.8. Action.

The Governing Authority shall take final action on the variance application at the meeting said application is originally scheduled, unless the agenda item is continued at a later meeting either at the request of the applicant, because of failure of the applicant to be represented, or upon mutual agreement between the Governing Authority and applicant.

The Governing Authority shall take action by rendering one of the following decisions on the variance application:

- (a) Approval as submitted. The application is approved as submitted, and the applicant shall be authorized to file for appropriate development and building permits in accordance with approved plans.
- (b) Approval with conditions. The application is conditionally approved, and the applicant shall be authorized to file for appropriate development, building permit, and/or certificate of occupancy as appropriate, subject to compliance with approved conditions. Conditions imposed by the Governing Authority shall be limited to those that achieve public purposes yet still permit development as accorded similar properties within similar zoning or overlay districts.
- (c) Denial. The application for variance is denied, and the applicant shall not be granted a development permit, building permit, and/or certificate of occupancy, as appropriate. The Governing Authority shall specify in writing to the applicant the reasons for denial.

Section 22.1.9. Regulations That Cannot Be Varied.

Variances shall not be granted to the following regulations:

- (a) Minimum lot sizes.
- (b) Use variances that would permit a use which is not permitted in the zoning district in pertaining to the subject property.

Section 22.1.10. Notice of Action.

The Zoning Administrator shall notify the applicant of the action taken by the Governing Authority on the variance application no later than five (5) working days from the date of such action on said application.

Section 22.1.11. Appeal.

Any person or persons, jointly or severally, aggrieved by any decision of the Governing Authority with regard to a decision on a variance application under the terms of this Chapter may appeal in accordance with the zoning procedures law (Chapter 66 of Title 36) as reiterated in this Section.

- (a) Variance decisions are and shall be subject to appellate review by the superior court pursuant to its appellate jurisdiction from a lower judicatory body and shall be brought by way of a petition for such review as provided for in O.C.G.A. Title 5. Such matters shall be reviewed on the record which shall be brought to the superior court as provided in O.C.G.A. Title 5.
- (b) All such challenges or appeals shall be brought within 30 days of the written decision of the challenged or appealed action.
- (c) An appeal or challenge by an opponent filed pursuant Chapter 66 of Title 36 (zoning procedures law) shall stay all legal proceedings in furtherance of the action appealed from or challenged, unless the local government, officer, board, or agency from which or from whom the appeal or challenge is taken certifies that, by reason of the facts stated in the certificate, a stay would cause imminent peril to life or property. In such actions, the applicant for the quasi-judicial decision shall be a necessary party and shall be named as a defendant in the action and served in accordance with the requirements of O.C.G.A. Title 5 or Title 9, as appropriate.
- (d) The City of Arcade hereby designates the City Administrator or designee as the officer of the quasi-judicial board or agency who shall have authority, without additional board or agency action, to approve or issue any form or certificate necessary to perfect the petition described in O.C.G.A. Title 5 for review of lower judicatory bodies and upon whom service of such petition may be effected or accepted on behalf of the lower judicatory board or agency, during normal business hours, at the regular offices of the local government.
- (e) The elected official or his or designee who shall have authority to accept service and upon whom service of an appeal of a quasi-judicial decision may be effected or accepted

on behalf of the local governing authority, during normal business hours, at the regular offices of the local government, is the Mayor of the City of Arcade.

[Amended via Ord. LUMC 2022-04, adopted 12/12/2022]

Section 22.1.12. Administrative Variances.

In addition to authority to grant administrative variances to off-street parking requirements as specified in Section 12.3.7 of this Land Use Management Code, the Zoning Administrator is hereby authorized to, upon application and for due cause shown, consider and administratively vary any building or structure setback required by this Land Use Management Code, provided said administrative variance granted by the Zoning Administrator shall not be more than ten percent (10%) of the required setback, and in no case shall such administrative variance exceed four (4) feet. The Zoning Administrator shall provide the reasons for denial of an application for administrative variance in writing to the applicant.

**CHAPTER 22.2
APPEALS OF ADMINISTRATIVE DECISIONS**

| | |
|-----------------|-----------------------|
| Section 22.2.1. | Intent. |
| Section 22.2.2. | Who May Appeal. |
| Section 22.2.3. | Procedures. |
| Section 22.2.4. | Stay of Proceedings. |
| Section 22.2.5. | Fee. |
| Section 22.2.6. | Finality of Decision. |

Section 22.2.1. Intent.

It is the intention of this Chapter that all questions arising in connection with the administration, interpretation, and enforcement of this Land Use Management Code shall be presented first to the Zoning Administrator, and that such questions if they cannot be resolved at the administrative level shall be presented to the Governing Authority on appeal from decision of an administrative official.

Section 22.2.2. Who May Appeal.

Any person who alleges there is an error in, or who is aggrieved by a decision of the Zoning Administrator, Building Inspector, City Engineer, or other administrative official in the administration, interpretation, or enforcement of this Land Use Management Code, may file an appeal with the Governing Authority, stating the grounds for such appeal. Appeals of administrative decisions may also be filed for consideration by any officer, department, or Board or Commission of the city, affected by any such administrative decision. Said appeal application shall be filed within thirty (30) days of the date of decision of the administrative official.

Section 22.2.3. Procedures.

Any appeal received and all papers constituting the record upon which the action appealed from was taken shall forthwith be transmitted by the Zoning Administrator to the Governing Authority for decision. Such appeal shall be taken to the Governing Authority for hearing within thirty-five (35) days of receipt by the Zoning Administrator.

A reasonable time for the hearing of appeals shall be fixed, and there shall be at least fifteen (15) days public notice thereof and due notice to the parties in interest. Specifically, the appeal hearing shall follow public hearing procedures specified in Chapter 21.3 of this Land Use Management Code. At a hearing, any party may testify in person, or by agent or by attorney.

The Governing Authority shall make findings and render a decision in writing within thirty-two (32) days after the initial hearing on the administrative appeal. The Zoning Administrator shall notify the applicant, in writing, of its decision within five (5) working days after the Governing Authority has rendered its decision.

Section 22.2.4. Stay of Proceedings.

The filing of an appeal stays all legal proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Governing Authority after the notice of appeal shall have been filed with him, that by any reason of acts stated in the certificate a stay would, in his or her opinion, cause eminent peril to life and property. In such case, proceedings shall not be stayed.

Section 22.2.5. Fee.

A fee shall be paid to the Zoning Administrator at the time the notice of appeal is filed, which fee shall be used to offset the costs of public notice and administering the appeal process.

Section 22.2.6. Appeal.

Decisions of the Governing Authority with respect to appeals shall be final. To this end, the Governing Authority, upon application and after payment by the applicant of any fees specified in a fee resolution, may overturn, modify, or affirm and accept the decision of the Zoning Administrator or other administrative official in the subject case. Any such appeal of the Zoning Administrator or other administrative official's decision to the Governing Authority shall be based on the facts presented and the record produced by the Zoning Administrator or other administrative official which is the subject of the appeal.

**ARTICLE 23
PERMITS AND CERTIFICATES**

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| CHAPTER 23.1 | DEVELOPMENT PERMIT |
| CHAPTER 23.2 | BUILDING PERMIT AND CERTIFICATE OF OCCUPANCY |

**CHAPTER 23.1
DEVELOPMENT PERMIT**

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|-----------------|---|
| Section 23.1.1. | Development Permit. |
| Section 23.1.2. | Exemptions from Development Permit. |
| Section 23.1.3. | Application for Development Permit. |
| Section 23.1.4. | Review and Issuance of Development Permit. |
| Section 23.1.5. | Duration of Validity of Development Permit. |
| Section 23.1.6. | Development Inspections. |

Section 23.1.1. Development Permit.

A development permit shall be required for any proposed use of land(s) or building(s), to indicate and insure compliance with all provisions of this Land Use Management Code before any building permit is issued or any improvement, grading or alteration of land(s) or building(s) commences.

Section 23.1.2. Exemptions from Development Permit.

A development permit shall not be required for individual structures within approved subdivisions, nor shall a development permit be required for a detached, single-family dwelling unit or manufactured home on an individual lot not part of an approved subdivision or development.

Section 23.1.3. Application for Development Permit.

All applications for a development permit shall be made to the Zoning Administrator and shall be accompanied by a sufficient number (as approved by the Zoning Administrator) of sets of plans drawn to scale, signed and stamped by a qualified professional who has authority to produce such plans, with his or her address. Applications shall be made in accordance with application requirements specified by the Zoning Administrator. Plans involving land disturbance shall require the submittal of plans containing information specified in Section 13.4.4 of this Land Use Management Code unless waived by the Zoning Administrator, and the provisions of Article 27 or 28 (whichever is applicable).

Section 23.1.4. Review and Issuance of Development Permit.

The Zoning Administrator shall review the application for development permit, and upon completion of the review, one copy of such plans shall be returned to the owner along with notice of a decision to approve or deny the development permit. All development permits shall

be issued by the Zoning Administrator who shall in no case grant any development permit for the use, construction or alteration of any land or building if the land or building as proposed to be used, constructed or altered would be in violation of any of the provisions of this Land Use Management Code. The Zoning Administrator may issue development permits without being responsible for ensuring that the development complies with other applicable state or federal laws, unless specifically stated otherwise in this Land Use Management Code.

If the development permit is denied, the Zoning Administrator shall state in writing the reason for the denial and the applicant shall be notified of the denial. A record of all development permits shall be kept on file in the office of the Zoning Administrator and copies shall be furnished on request to any person.

The provisions of this Section shall apply to applications for development in addition to Section 13.4.5 of this Land Use Management Code.

Section 23.1.5. Duration of Validity of Development Permit.

A development permit shall expire two (2) years after its issuance, subject to the following provisions: if the work described in any development permit has not been begun within one hundred twenty (120) days from the date of issuance thereof, said permit shall expire, and if work described in any development permit has not been substantially completed within two (2) years of the date of issuance thereof, said permit shall expire. Written notice of the expiration shall be given to the persons affected, only if the permit is being revoked prior to the two-year expiration date. Application processes shall begin anew for any expired development permit.

Section 23.1.6. Development Inspections.

Inspections are required of each of the following phases, as applicable to the actual work to be performed under the development permit:

- (a) Erosion and sedimentation control. Required erosion and sedimentation control measures must be installed in accordance with the approved soil erosion and sedimentation control plan prior to any major development activity and as development progresses. Prior to clearing or clearing and grubbing of the property or any portion included under the development permit, inspection of erosion and sedimentation control measures and protective devices for undisturbed areas shall be required. Inspection of erosion and sedimentation control measures will be conducted on a continuing basis.
- (b) Stormwater facilities. Construction of the stormwater system shall be initiated as part of the grading of the site. Storm water detention facilities shall be constructed prior to the installation of any other site improvements, and may be utilized under proper design as sedimentation basins during development. Installation of all other storm drainage pipes, culverts, headwalls, and ditches, shall be coordinated with the construction of streets and other site improvements, as appropriate. Upon installation of storm drainage pipe, detention, or other storm water facilities, inspection and approval shall be required prior to continuation with subgrade preparation.
- (c) Grading. Upon completion of street grading, inspection and approval shall be required prior to trenching or continuation with subgrade preparation.

- (d) Street curbing and gutter (if provided). After grading is completed and approved, the curb lines shall be staked by the developer's Registered Land Surveyor. Inspection shall be requested after the subgrade is compacted and forms or string line have been set. Street width and vertical and horizontal alignment may be spot checked.
- (e) Sub-grade of streets. After the earth work has been completed, all storm drainage and other underground utilities have been installed under the roadbed, and the backfill in all such ditches thoroughly compacted, the subgrade shall be brought to the lines, grades and cross section shown on the plans. If any sections of the subgrade are composed of unsuitable or unstable material, such material shall be removed to the depth directed by the Inspector and replaced with suitable, thoroughly compacted material. Prior to placement of the street base, the subgrade shall be compacted to 95% density.
- (f) Utilities. Before any base is applied, all of the underground utilities—water mains, sewer mains, gas mains, or any other underground utilities, and all service connections related thereto, that will be located under the street base shall be installed completely and provided throughout the length of the street and across the flat section. If a public water system is to be installed, the improvements are to be reviewed, approved and inspected by the water provider.
- (g) Street base. The base shall be string-lined for depth and crown. The street base shall be roll-tested with an 18-ton tandem dump truck and shall pass to the satisfaction of the Inspector. When testing is required by the Inspector, it is the responsibility of the developer to insure that all required tests are made and reported to the Inspector. The cost of all testing and quality control shall be performed at the expense of the developer by qualified testing laboratories. If deemed necessary by the inspector, additional tests will be required.
- (h) Paving. The Inspector shall be on site during the paving process to check consistency, depth, and workmanship, as applicable. For asphalt paving, the temperature of the material will be monitored and the street will be cored after completion to check thickness and density. Satisfactory test results of the cores shall be delivered to Zoning Administrator prior to approval of a final subdivision plat or certificate of occupancy.
- (i) Final. A final inspection of the development, once complete, shall be required.

**CHAPTER 23.2
BUILDING PERMIT AND CERTIFICATE OF OCCUPANCY**

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| Section 23.2.1. | Building Permit – Authority to Issue. |
| Section 23.2.2. | Building Permit – Required. |
| Section 23.2.3. | Application for Building Permit. |
| Section 23.2.4. | Sewage Disposal. |
| Section 23.2.5. | Action on Building Permit. |
| Section 23.2.6. | Duration of Validity of a Building Permit. |
| Section 23.2.7. | Posting of Permit. |
| Section 23.3.8. | Building Inspections. |
| Section 23.2.9. | Revocation of Permit. |
| Section 23.2.10. | Stop Work Orders. |
| Section 23.2.11. | Certificate of Occupancy. |

Section 23.2.1. Building Permit – Authority to Issue.

The Building Inspector is hereby authorized to issue building permits in accordance with all provisions of this Land Use Management Code and only after the Zoning Administrator has issued a development permit, or if no development permit is required, after a review of said building permit for compliance with the provisions of this Land Use Management Code.

Section 23.2.2. Building Permit – Required.

No building or other structure shall be erected, moved, extended, occupied, or enlarged, or structurally altered, nor shall a building or structure's use be changed, nor shall any excavation, grading, or filling of any lot for the construction of any building or structure be commenced until the Building Inspector has issued a building permit for such work in conformity with the provisions of this Land Use Management Code and all applicable building and related codes.

Ordinary minor repairs, with a value of less than \$2,500, may be made with the approval of the Building Inspector without a building permit, provided that such repairs shall not violate any of the provisions of the construction codes.

Section 23.2.3. Application for Building Permit.

- (a) Application. Approval of a building permit shall require an application to the Building Inspector as specified in the building and related codes administered by the city.
- (b) Specifications and drawings. When required by the Building Inspector, two or more copies of specifications and of drawings drawn to scale with sufficient clarity and detail to indicate the nature and character of the work, shall accompany the application for a permit. Drawings shall show the location of the proposed building or structure and of every existing building or structure on the site or lot. The Building Official may require a boundary line survey prepared by a registered land surveyor.
- (c) Fee required. A permit shall not be issued until the fees prescribed by the city have been paid. Nor shall an amendment to a permit be released until the additional fee, if any, due

to an increase in the estimated cost of the building, structure, electrical, plumbing, mechanical, or gas systems, etc. has been paid. On all buildings, structures, electrical, plumbing, mechanical, and gas systems or alterations requiring a permit, a fee for each permit shall be paid as required at the time of filing application, in accordance with the fee schedules as set by the city. Any person who commences any work on a building, structure, electrical, gas, mechanical, or plumbing, etc. system before obtaining the necessary permits, shall be subject to a penalty of 100 percent of the usual permit fee in addition to the required permit fees.

Section 23.2.4. Sewage Disposal.

For any structure served by an on-site sewage disposal system, a permit issued by the Jackson County Environmental Health Department shall be required prior to issuance of a building permit. Said permit may first require approval by the Environmental Health Department of a plan showing the location of the sewage disposal system and other on-site improvements, in accordance with health regulations.

Section 23.2.5. Action on Building Permit.

The Building Inspector shall examine or cause to be examined each application for a permit and the accompanying documents, consisting of drawings, specifications, computations, and additional data, and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of the construction codes and all other pertinent laws or ordinances. Before issuing a permit the Building Inspector may examine or cause to be examined any building, electrical, gas, mechanical, or plumbing systems for which an application has been received for a permit to enlarge, alter, repair, move, demolish, install, or change the occupancy.

The Building Inspector shall act upon an application for a permit without unreasonable or unnecessary delay. If the Building Inspector is satisfied that the work described in an application for a permit and the contract documents filed therewith conform to the requirements of the construction codes and other pertinent laws and ordinances, he shall issue a permit to the applicant. If the building permit is denied, the Building Inspector shall state in writing the reason for the denial and the applicant shall be notified of the denial. A record of all building permits shall be kept on file in the office of the Building Inspector.

Section 23.2.6. Duration of Validity of a Building Permit.

Any building permit issued shall become invalid unless the work authorized by it shall have been commenced within one-hundred eighty (180) days of its date of issue, or if the work authorized by it is suspended or abandoned for a period of six (6) months. One or more extensions of time for periods of not more than ninety (90) days each may be allowed by the Building Inspector for the application, provided the extension is requested in writing and justifiable cause is demonstrated.

Section 23.2.7. Posting of Permit.

Work requiring a permit shall not commence until the permit holder or his/her agent posts the permit card in a conspicuous place on the premises. The permit shall be protected from the weather and located in such position as to permit the Building Inspector or representative to conveniently make the required entries thereon. This permit card shall be maintained in such

position by the permit holder until the certificate of occupancy or completion is issued by the Building Inspector.

Section 23.2.8. Building Inspections.

Inspections shall be scheduled with the Building Inspector at least 24 hours before the inspection is needed. Requests for inspection should include the street address, lot number, building permit number, and type of inspection. The following inspections shall be required, as applicable:

- (a) Foundation. Verify minimum required building setbacks, footing, trenches dug and reinforcing steel in place.
- (b) Plumbing connections. Water supply line and sewer lateral in slab foundation.
- (c) Framing. Completion of all rough-ins and after insulation is installed.
- (d) Interior walls may not be covered until the following inspections are completed:
- (e) Mechanical. Rough-ins complete with pressure test on gas line.
- (f) Electrical. Rough-ins with neutral, ground, and service cable wired.
- (g) Plumbing. Rough-ins complete and all fixtures installed.
- (h) Final Inspection. Building is complete and ready to occupy.

Section 23.2.9. Revocation of Permit.

The Building Inspector may revoke a permit or approval, issued under the provisions of the construction codes, in case there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.

The Building Inspector may revoke a permit upon determination by the Building Inspector that the construction erection, alteration, repair, moving, demolition, installation or replacement of the building, structure, electrical, gas, mechanical, or plumbing systems for which the permit was issued is in violation of, or not in conformity with, the provisions of the construction codes.

Section 23.2.10. Stop Work Orders.

Upon notice from the Building Inspector, work on any building, structure, electrical, gas, mechanical, or plumbing system that is being done contrary to the provisions of the construction codes or in a dangerous or unsafe manner, shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to his agent, or to the person doing the work, and shall state the conditions under which work may be resumed. Where an emergency exists, the Building Inspector shall not be required to give a written notice prior to stopping the work.

Section 23.2.11. Certificate of Occupancy.

A certificate of occupancy issued by the Building Inspector is required in advance of occupancy or use, any building or structure hereafter erected, or a change in the use of an existing building or structure.

A certificate of occupancy, either for the whole or part of a building or use, shall be issued within seventy-two (72) hours after the erection or structural alterations of such building, or part, or use established, is completed. Work shall be completed in conformity with the provisions of this Land Use Management Code. A certificate of occupancy shall not be issued unless the

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proposed use of a building or land conforms to the applicable provisions of this Land Use Management Code.

If the certificate of occupancy is denied, the Building Inspector shall state in writing the reason for the denial and the applicant shall be notified of the denial. A record of all certificates shall be kept on file in the office of the Building Inspector.

A temporary/partial certificate of occupancy may be issued for a portion of a commercial building, which in the opinion of the Building Inspector, may safely be occupied prior to final completion of the building.

**ARTICLE 24
ADMINISTRATION AND ENFORCEMENT**

CHAPTER 24.1 ADMINISTRATION
CHAPTER 24.2 ENFORCEMENT

**CHAPTER 24.1
ADMINISTRATION**

Section 24.1.1. Zoning Administrator.
Section 24.1.2. Building Inspector.

Section 24.1.1. Zoning Administrator.

This Land Use Management Code shall be administered, interpreted, and enforced by the Zoning Administrator, who shall have the duties and authority with respect to this Code as provided in the various Articles, Chapters, and Sections of this Code and those necessarily implied by said provisions. To this end, the Zoning Administrator is authorized to prepare administrative procedures, guidelines, application forms, to tend to other administrative details not inconsistent with the provisions of this Land Use Management Code, and to implement the provisions of this Land Use Management Code. The Zoning Administrator may delegate administrative functions, powers and duties assigned by this Land Use Management Code to other staff as may be appropriate, without the need to reflect such delegation by formal action.

Section 24.1.2. Building Inspector.

The Building Inspector is hereby authorized to enforce and administer the following provisions of this Land Use Management Code:

- (a) Issue building permits in accordance with all provisions of this Land Use Management Code, but only after the Zoning Administrator has issued a development permit or approved the building permit as meeting the requirements of this Land Use Management Code.
- (b) Make field inspections to determine that the building or structure being constructed, reconstructed or structurally altered or used is being pursued in accordance with the site plan for which a development and building permit has been issued. When a violation is found to exist, the building inspector shall immediately advise the Zoning Administrator of the violation so that appropriate legal action may be taken to insure compliance.
- (c) Insure that all construction has been completed in accordance with all applicable city code requirements prior to allowing occupancy.

CHAPTER 24.2 ENFORCEMENT

- Section 24.2.1. Penalties for Violation.
Section 24.2.2. Enforcement and Remedies.
Section 24.2.3. Relationship to Soil Erosion Violations.

Section 24.2.1. Penalties for Violation.

In addition to other penalties and withholding of permits as may be specifically provided for in this Land Use Management Code, penalties for violating this Land Use Management Code shall be as provided in this Section.

Any person who violates any provisions of this Land Use Management Code, or any permit condition or limitation established pursuant to this Land Use Management Code, or who negligently or intentionally fails or refuses to comply with any order of the Zoning Administrator shall be liable for a civil penalty not to exceed \$1,000.00 per day. For the purpose of enforcing the provisions of this Land Use Management Code, notwithstanding any provisions of the City charter to the contrary, municipal courts shall be authorized to impose penalty not to exceed \$1,000.00 for each violation. Notwithstanding any limitation of law as to penalties which can be assessed for violations of city ordinances, any magistrate court or any other court of competent jurisdiction trying cases brought as violations of this Land Use Management Code shall be authorized to impose penalties for such violations not to exceed \$1,000.00 for each violation. Each day during which violation or failure or refusal to comply continues shall be a separate violation.

Section 24.2.2. Enforcement and Remedies.

In case any building or structure is or is proposed to be erected, constructed, reconstructed, altered, converted or maintained, or any building, structure or land is or is proposed to be used in violation of any provision of this Land Use Management Code, the Zoning Administrator or any other appropriate authority of the city may, in addition to other remedies, and after due notice to the owner of the violation, issue a citation for violation of this Land Use Management Code or city code requiring the presence of the violator in the municipal court; institute injunction, or institute other appropriate action or proceeding to prevent or abate such violation or to prevent the occupancy of such building, structure, or land.

Where a violation of this ordinance is deemed to exist by the Zoning Administrator with respect to a structure, building, or land, the Zoning Administrator may, in addition to other remedies, notify the building inspector of such violation and direct, require, or encourage that public utility service be withheld therefrom until such time as the structure or premises is no longer in violation of these regulations.

Where a violation of this ordinance exists with respect to the use of any building, structure, or land, the Zoning Administrator may:

- (a) If the violation is by a tenant, person, corporation, firm, or other entity who is not the owner of record of the building, structure, or land, issue a citation for the violation of this Land Use Management Code or the Arcade city code to such person or entity. In addition, the Zoning Administrator or designee may provide written notice, either personally or by mail, to the owner of record of such building, structure, or land. Notice shall contain a description of said violation and a thirty day period for which to abate or correct such violation. If the owner of record does not bring the use of the building, structure, or land into compliance within thirty (30) days, the owner shall be cited for violation of this Land Use Management Code or city code. Each day any violation continues shall constitute a separate offense;
- (b) If the violation is by the owner of record of the building, structure, or land, or his agent, assign, employee, or representative, in addition to other remedies available, the Zoning Administrator and the city may refuse or deny all city permits, licenses, certificates, or applications to said owner or his agents until such violation is abated or corrected.

The Building Inspector may revoke a permit upon a finding that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of a building, structure, electrical, gas, mechanical, or plumbing systems for which a permit was issued is in violation of, or not in conformity with, the provisions of the building code, this Land Use Management Code, or codes of the city. The Building Inspector may upon notice order work immediately ceased on any building, structure, electrical, gas, mechanical, or plumbing system that is being done contrary to the provisions of the technical codes or in a dangerous or unsafe manner.

Section 24.2.3. Relationship to Soil Erosion Violations.

When the provisions of Article 13 of this Land Use Management Code are violated, the Zoning Administrator shall apply the enforcement provisions included in Chapter 13.5 of this Land Use Management Code, but may in addition seek remedies provided in this Chapter.

**ARTICLE 25
PROPERTY MAINTENANCE**

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| CHAPTER 25.1 | GENERAL PROVISIONS |
| CHAPTER 25.2 | EXTERIOR PROPERTY AREAS |
| CHAPTER 25.3 | EXTERIOR STRUCTURE |
| CHAPTER 25.4 | INTERIOR STRUCTURE |
| CHAPTER 25.5 | UNSAFE STRUCTURES, EQUIPMENT AND PREMISES |

**CHAPTER 25.1
GENERAL PROVISIONS**

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| Section 25.1.1. | Title. |
| Section 25.1.2. | Authority. |
| Section 25.1.3. | Purpose and Intent. |
| Section 25.1.4. | Applicability. |
| Section 25.1.5. | Definitions. |
| Section 25.1.6. | Responsibility. |
| Section 25.1.7. | Maintenance. |
| Section 25.1.8. | Investigation. |
| Section 25.1.9. | Workmanship. |
| Section 25.1.10. | Stop Work Order. |

Section 25.1.1. Title.

This article and the regulations contained herein shall be known as the City of Arcade Property Maintenance Code.

Section 25.1.2. Authority.

In addition to powers conferred to the Governing Authority in its charter, the city is authorized by general law, O.C.G.A. § 41-2-9, to adopt ordinances relating to the dwellings, buildings, or structures within such city which are unfit for human habitation or commercial, industrial, or business uses and not in compliance with applicable codes, which are vacant and being used in connection with the commission of drug crimes, or which constitute an endangerment to the public health or safety as a result of unsanitary or unsafe conditions.

Section 25.1.3. Purpose and Intent.

- (a) The purpose of this Article is to regulate and govern the conditions and maintenance of all buildings, structures and premises in the city, by providing the standards for physical things and conditions essential to ensure that buildings, structures and premises are safe, sanitary, and fit for occupation and use.
- (b) It is the intent that existing buildings, structures and premises that do not comply with the provisions of this article shall be altered or repaired to provide a minimum level of health and safety as required by the standards of this article.
- (c) The requirements of this article are not intended to provide a basis for removal or abrogation of fire protection and safety systems and devices in existing structures.

- (d) This article shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises.

Section 25.1.4. Applicability and Scope.

- (a) This Article shall apply to all buildings, structures and premises in the City of Arcade regardless of use (i.e., residential and nonresidential), whether such buildings, structures or premises are vacant or occupied.
- (b) The provisions of this article shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property.

Section 25.1.5. Definitions.

Anchored: Secured in a manner that provides positive connection.

Approved: Approved by the code official with jurisdiction.

Basement: That portion of a building which is partly or completely below grade.

Bathroom: A room containing plumbing fixtures including a bathtub or shower.

Bedroom: A room or space used or intended to be used for sleeping purposes in either a dwelling or sleeping unit.

Code official: The zoning administrator of the City of Arcade, or any other official charged with the administration and enforcement of this article such as not limited to building official or code enforcement officer, or any duly authorized representative of any such official.

Condemn: To adjudge unfit for occupancy.

Deterioration: To weaken, disintegrate, corrode, rust or decay or lose effectiveness.

Dwelling unit: A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Exterior property: The open space on the premises and on adjoining property under the control of owners or operators of such premises.

Garbage: The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

Guard: A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimized the possibility of a fall from a walking surface to a lower level.

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Habitable space: Space in a structure for living, sleeping, eating, or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

Housekeeping unit: A room or group of rooms forming a single habitable space equipped and intended to be used for living, sleeping, cooking and eating which does not contain, within such a unit, a toilet, lavatory and bathtub or shower.

Imminent danger: A condition which could cause serious or life-threatening injury or death at any time.

Infestation: The presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.

Inoperable vehicle: A vehicle which cannot be driven upon the public streets for reason including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

Let for occupancy or Let: To permit, provide, or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premise or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

Neglect: The lack of proper maintenance for a building or structure.

Occupancy: The purpose for which a building or portion thereof is utilized or occupied.

Occupant: Any individual living or sleeping in a building, or having possession of a space within a building.

Operator: Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

Owner: Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

Person: An individual, corporation, partnership or any other group acting as a unit.

Pest elimination: The control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food or water; by other approved pest elimination methods.

Premises: A lot, plot or parcel of land, easement or public way, including any structures thereon.

Public way: Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

Rooming house: A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.

Rooming unit: Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

Rubbish: Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

Sleeping unit: A room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

Structure: That which is built or constructed, or a portion thereof.

Tenant: A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

Toilet room: A room containing a water closet or urinal but not a bathtub or shower.

Ultimate Deformation: The deformation at which failure occurs and which shall be deemed to occur if the sustainable load reduces to 80 percent or less of the maximum strength.

Ventilation: The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

Weeds: All grasses, annual plants and vegetation, other than trees or shrubs; provided, however, this term shall not include cultivated flowers and gardens.

Workmanlike: Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

Yard: An open space on the same lot with a structure.

Section 25.1.6. Responsibility.

- (a) It is the duty of the owner of every dwelling, building, structure, or property within the City of Arcade to construct and maintain such dwelling, building, structure, or property in conformance with applicable codes in force within the jurisdiction including this Article, or such ordinances which regulate and prohibit activities on property including this land use management code, and which declare it to be a public nuisance to construct or maintain any dwelling, building, structure, or property in violation of such codes or ordinances. [cross reference: O.C.G.A. § 41-2-9]
- (b) The owner of the premises shall maintain the structures and exterior property in compliance with the requirements of this Article, except as otherwise provided for in this article.

- (c) A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this article.
- (d) Occupants of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises which they occupy and control.
- (e) All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided in this article so as not to cause a blighting problem or adversely affect the public health or safety.

Section 25.1.7. Maintenance.

- (a) Equipment, systems, devices and safeguards required by this article or another code under which the structure or premises was constructed, altered or repaired shall be maintained in good working order. Unless otherwise specified in this article, the owner or the owner's designated agent shall be responsible for the maintenance of buildings, structures and premises.
- (b) No owner, operator or occupant shall cause any services, facility, equipment or utility which is required under this article to be removed from or shut off from or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress.

Section 25.1.8. Investigation.

Whenever a request is filed with the zoning administrator or code official by a public authority or by at least five residents of the City of Arcade charging that any dwelling, building, structure, or property is unfit for human habitation or for commercial, industrial, or business use and not in compliance with applicable codes; is vacant and being used in connection with the commission of drug crimes; or constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions, the zoning administrator or code official shall make an investigation or inspection of the specific dwelling, building, structure, or property. [cross reference: O.C.G.A. § 41-2-9].

Section 25.1.9. Workmanship.

Repairs, maintenance work, alterations or installations which are caused directly or indirectly by enforcement of this article shall be executed and installed in a workmanlike manner and installed in accordance with the manufacturer's instructions.

Section 25.1.10. Stop Work Order.

- (a) Whenever the code official finds any work regulated by this code being performed in a manner contrary to the provisions of this code or in a dangerous or unsafe manner, the code official is authorized to issue a stop work order.
- (b) A stop work order shall be issued in writing and shall be given to the owner of the property, to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the

reason for the order and the conditions under which the cited work is authorized to resume.

- (c) Where an emergency exists, the code official shall not be required to give written notice prior to stopping the work.
- (d) Any person who shall continue to work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine or penalties as prescribed in Chapter 24.2 of this land use management code.

CHAPTER 25.2 EXTERIOR PROPERTY AREAS

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| Section 25.2.1. | Sanitation. |
| Section 25.2.2. | Grading and Drainage. |
| Section 25.2.3. | Sidewalks and Driveways. |
| Section 25.2.4. | Reserved. |
| Section 25.2.5. | Rodent Harborage, Infestation and Pest Elimination. |
| Section 25.2.6. | Exhaust Vents. |
| Section 25.2.7. | Accessory Structures. |
| Section 25.2.8. | Motor Vehicles. |
| Section 25.2.9. | Defacement of Property. |
| Section 25.2.10. | Swimming Pools. |
| Section 25.2.11. | Accumulation of Rubbish or Garbage. |
| Section 25.2.12. | Grass, Weeds and Uncultivated Vegetation. |

Section 25.2.1. Sanitation.

All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.

Section 25.2.2. Grading and Drainage.

All premises (except approved retention areas and reservoirs) shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

Section 25.2.3. Sidewalks and Driveways.

All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

Section 25.2.4. Reserved.

Section 25.2.5. Rodent Harborage, Infestation and Pest Elimination.

- (a) All structures and exterior property shall be kept free from insect and rodent harborage and infestation. Where rodents or insects are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After pest elimination, proper precautions shall be taken to eliminate insect, rodent or pest harborage and prevent reinfestation.
- (b) The owner of any structure shall be responsible for pest elimination within the structure prior to renting or leasing the structure.
- (c) The occupant of a one-family dwelling or of a single-tenant nonresidential structure shall be responsible for pest elimination on the premises and for the continued rodent and pest-free condition of the structure, except when the infestation is caused by defects in the structure, in which case the owner shall be responsible for pest infestation.

- (d) The owner of a structure containing two or more dwelling units, a multiple occupancy, a rooming house or a nonresidential structure shall be responsible for pest elimination in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant and owner shall be responsible for pest elimination.

Section 25.2.6. Exhaust Vents.

Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

Section 25.2.7. Accessory Structures.

All accessory structures, including detached garages, fences and walls, shall be maintained in a structurally sound condition and in good repair.

Section 25.2.8. Motor Vehicles.

- (a) Except for properties zoned and authorized as a junk/salvage yard or wrecked motor vehicle compound defined and regulated by this Land Use Management Code, no inoperable motor vehicle shall be parked, kept or stored on any premises.
- (b) Except for properties zoned and authorized as a junk/salvage yard, wrecked motor vehicle compound, or automobile service or repair shop as defined and regulated by this Land Use Management Code, no motor vehicle shall at any time be in a state of major disassembly, disrepair, or in the processes of being stripped or dismantled.

Section 25.2.9. Defacement of Property.

No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti. It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

Section 25.2.10. Swimming Pools.

Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

Section 25.2.11. Accumulation of Rubbish or Garbage.

- (a) All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish and garbage.
- (b) The owner of every occupied premises shall supply approved covered containers for rubbish and garbage, and the owner of the premises shall be responsible for the removal of rubbish and garbage.
- (c) Each occupant of a structure shall dispose of all rubbish and garbage in a clean and sanitary manner by placing such rubbish and garbage in approved containers.

- (d) The operator of every establishment producing garbage shall provide, and at all times cause to be utilized, approved leakproof containers provided with close-fitting covers for the storage of such materials until removed from the premises for disposal.
- (e) Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on premises without first removing the doors.

Section 25.2.12. Grass, Weeds, and Uncultivated Vegetation.

Premises and exterior property shall be maintained free from grass, weeds or uncultivated vegetation in excess of 12 inches in height. All weeds shall be maintained per this section but shall also be contained so as not to encroach on adjacent properties. Property owners of developed property shall be required to maintain the right-of-way from the property line to the street curb in this same manner. This regulation is not to be applied to undeveloped property or to portions of developed property where the intent is to leave the property in its natural state, nor to allow landscape islands or other designed areas to return to a natural state due to a lack of maintenance. However; the following shall apply to undeveloped properties and portions of developed property where the intent is to leave the property in its natural state:

- (a) Grass, weeds or uncultivated vegetation shall be maintained to a height of less than 12 inches along the right-of-way frontage at a minimum distance of 20 feet interior to the property.
- (b) Grass, weeds or uncultivated vegetation shall be maintained to a height of less than 12 inches along the side and rear property lines at a minimum distance of 20 feet interior to the property when undeveloped property abuts an adjacent developed property to minimize encroachment of undesirable vegetation.
- (c) Exceptions to subsections (a) and (b) above are required stream and zoning buffers; however, vegetation within buffers shall be maintained so that it does not encroach onto other properties.

[Sec. 25.2.12 added by amendment adopted November 12, 2018]

CHAPTER 25.3 EXTERIOR STRUCTURE

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| Section 25.3.9. | Decorative Features. |
| Section 25.3.10. | Overhang Extensions. |
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| Section 25.3.13. | Handrails and Guards. |
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| Section 25.3.15. | Insect Screens. |
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| Section 25.3.17. | Basement Hatchways. |
| Section 25.3.18. | Guards for Basement Windows. |
| Section 25.3.19. | Building Security. |
| Section 25.3.20. | Gates. |

Section 25.3.1. General.

The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

Section 25.3.2. Unsafe Conditions.

The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or as otherwise required by the code official:

- (a) The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
- (b) The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
- (c) Structures or components thereof that of reached their limit state;
- (d) Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or water tight;
- (e) Structural members that have evidence of deterioration or that are not capable of safely supporting all nominal loads and load effects;

- (f) Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects;
- (g) Exterior walls that are not anchored to supporting and supported elements or are not plumb and free of holes, cracks, or breaks and loose or rotting materials, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects;
- (h) Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration, fatigue or without proper anchorage or incapable of supporting all nominal loads and resisting all load effects;
- (i) Flooring and flooring components with defects that affect serviceability or flooring components that show signs of deterioration or fatigue, are not properly anchored or are incapable of supporting all nominal loads and resisting all load effects;
- (j) Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;
- (k) Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;
- (l) Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including guards and handrails, are not structurally sound, are not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects; or
- (m) Except when substantiated otherwise by an approved method, chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound or not properly anchored, or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

Section 25.3.3. Protective Treatment.

- (a) All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition.
- (b) Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted.
- (c) All siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight.

(d) All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion.

(e) Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

Section 25.3.4. Premises Identification.

Buildings shall have approved address numbers placed in a position on the building, or on the mailbox serving the building, to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. See also Section 17.3.8 of this Land Use Management Code.

Section 25.3.5. Structural Members.

All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

Section 25.3.6. Foundation Walls.

All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

Section 25.3.7. Exterior Walls.

All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

Section 25.3.8. Roofs and Drainage.

The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

Section 25.3.9. Decorative Features.

All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

Section 25.3.10. Overhang Extensions.

All overhang extensions including but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound conditions. When required, all exposed surfaces or metal or wood shall be protected from the elements against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

Section 25.3.11. Stairways, Decks, Porches and Balconies.

Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

Section 25.3.12. Chimneys and Towers.

All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

Section 25.3.13. Handrails and Guards.

- (a) Every handrail and guard shall be firmly fastened and capable of supporting nominally imposed loads and shall be maintained in good condition.
- (b) Every exterior and interior flight of stairs having more than four (4) risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches above the floor or grade below shall have guards. Handrails shall not be less than 30 inches in height or more than 42 inches in height measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces.
- (c) Guards shall not be less than 30 inches in height above the floor of the landing, balcony, porch, deck, or ramp or other walking surface; provided, however, that guards shall not be required where exempted by the adopted building code.

Section 25.3.14. Windows, Skylights and Door Frames.

- (a) Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.
- (b) All glazing materials shall be maintained free from cracks and holes.
- (c) Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

Section 25.3.15. Insect Screens.

Every door, window and other outside opening required for ventilation of food preparation areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of minimum 16 mesh per inch. Screens shall not be required where other approved means are employed.

Section 25.3.16. Doors.

All exterior doors, door assemblies, operator systems if provided, and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door.

Section 25.3.17. Basement Hatchways.

Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

Section 25.3.18. Guards for Basement Windows.

Every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents.

Section 25.3.19. Building Security.

- (a) Doors, windows or hatchways for dwelling units, room units or housekeeping units shall be provided with devices designed to provide security for the occupants and property within.
- (b) Doors providing access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a deadbolt lock designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort and shall have a minimum lock throw of one (1) inch. Such deadbolt locks shall be installed according to the manufacturer's specifications and maintained in good working order. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock.
- (c) Operable windows located in whole or in part within six (6) feet above ground level or a walking surface below that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a window sash locking device.
- (d) Basement hatchways that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with devices that secure the units from unauthorized entry.

Section 25.3.20. Gates.

All exterior gates, gate assemblies, operator systems if provided, and hardware shall be maintained in good condition. Latches at all entrances shall tightly secure the gates.

CHAPTER 25.4 INTERIOR STRUCTURE

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| Section 25.4.1. | General. |
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| Section 25.4.6. | Handrails and Guards. |
| Section 25.4.7. | Interior Doors. |
| Section 25.4.8. | Component Serviceability. |

Section 25.4.1. General.

- (a) The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition.
- (b) Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition.
- (c) Every owner of a structure containing a rooming house, housekeeping units, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

Section 25.4.2. Unsafe Conditions.

The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or as otherwise required by the code official:

- (a) The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
- (b) The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
- (c) Structures or components thereof that have reached their limit state;
- (d) Structural members are incapable of supporting nominal loads and load effects;
- (e) Stairs, landings, balconies and all similar walking surfaces, including guards and handrails, are not structurally sound, not properly anchored or are anchored with connections not capable of supporting all nominal loads and resisting all load effects;
- (f) Except when substantiated otherwise by an approved method, foundation systems that are not firmly supported by footings are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting load effects.

Section 25.4.3. Structural Members.

All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.

Section 25.4.4. Interior Surfaces.

All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

Section 25.4.5. Stairs and Walking Surfaces.

Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

Section 25.4.6. Handrails and Guards.

Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

Section 25.4.7. Interior Doors.

Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

Section 25.4.8. Component Serviceability.

The components of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or as otherwise required by the code official:

- (a) Footing or foundation system has collapsed or has been damaged due to soil expansion, chemical reaction from the soil, or has other adverse effects due to ground water table, or where the allowable bearing capacity of the soil is in doubt;
- (b) Concrete that has been subjected to deterioration, ultimate deformation, fractures, fissures, spalling, exposed reinforcement, or detached, dislodged or failing connections;
- (c) Aluminum that has been subjected to deterioration, corrosion, elastic deformation, ultimate deformation, stress or strain cracks, joint fatigue or detached, dislodged or failing connections;
- (d) Masonry that has been subjected to deterioration, ultimate deformation, fractures in masonry or mortar joints, fissures in masonry or mortar joints, spalling, exposed reinforcement or detached, dislodged or failing connections;

- (e) Steel that has been subjected to deterioration, elastic deformation, ultimate deformation, metal fatigue, or detached, dislodged or failing connections;
- (f) Except when substantiated otherwise by an approved method, wood that has been subjected to deterioration, ultimate deformation, damage from insects, rodents and other vermin; fire damage beyond charring, significant splits and checks, horizontal shear cracks, vertical shear cracks, inadequate support, detached, dislodged or failing connections or excessive cutting and notching.

CHAPTER 25.5 UNSAFE STRUCTURES, EQUIPMENT AND PREMISES

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| Section 25.5.1. | Unsafe Structures. |
| Section 25.5.2. | Unsafe Equipment. |
| Section 25.5.3. | Structure Unfit for Human Occupancy. |
| Section 25.5.4. | Unlawful Structure. |
| Section 25.5.5. | Dangerous Structure or Premises. |
| Section 25.5.6. | Authority to Disconnect Service Utilities. |
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| Section 25.5.9. | Prohibited Occupancy. |
| Section 25.5.10. | Abatement Methods. |
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| Section 25.5.12. | Imminent Danger. |
| Section 25.5.13. | Repair, Close or Demolition of Unfit Structures by City. |

Section 25.5.1. Unsafe Structures.

An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

Section 25.5.2. Unsafe Equipment.

Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

Section 25.5.3. Structure Unfit for Human Occupancy.

A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this article or another code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

Section 25.5.4. Unlawful Structure.

An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to law.

Section 25.5.5. Dangerous Structure or Premises.

For the purpose of this article, any structure or premises that has any or all of the conditions or defects described in this section shall be considered dangerous:

- (a) Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the approved building or fire code of the jurisdiction as related to the requirements for existing buildings.
- (b) The walking surface of any aisle, passageway, stairway, exits or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.
- (c) Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, deterioration, neglect, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse or to become detached or dislodged.
- (d) Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof that is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one-half the original designed value.
- (e) The building or structure, or part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.
- (f) The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy.
- (g) The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.
- (h) Any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the approved building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.
- (i) A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, ventilation, mechanical or plumbing system, or otherwise is determined by the code official to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.
- (j) Any building or structure, because of a lack of sufficient or proper fire-resistance-rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the code official to be a threat to life or health.

- (k) Any portion of a building remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.

Section 25.5.6. Authority to Disconnect Service Utilities.

- (a) The code official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and other applicable codes in case of emergency where necessary to eliminate an immediate hazard to life or property or when such utility connection has been made without approval.
- (b) The code official shall notify the serving utility and, whenever possible, the owner and occupant of the building, structure, or service system of the decision to disconnect prior to taking such action.
- (c) If not notified prior to disconnection the owner or occupant of the building structure or service system shall be notified in writing as soon as practical thereafter.

Section 25.5.7. Notice.

Whenever the code official has condemned a structure or equipment under the provisions of this article, notice in a form prescribed by this article shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner or the person or persons responsible for the structure or equipment. If the notice pertains to equipment, it shall be placed on the condemned equipment.

Section 25.5.8. Placarding.

- (a) Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the code official shall post on the premises or on defective equipment a placard bearing the word “condemned” and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.
- (b) The code official shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the code official shall be subject to penalties as provided by this land use management code.

Section 25.5.9. Prohibited Occupancy.

Any occupied structure condemned and placarded by the code official shall be vacated as ordered by the code official. Any person who shall occupy a placarded premises or shall operate placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy a placarded premises or operate placarded equipment shall be liable for the penalties provided by this land use management code.

Section 25.5.10. Abatement.

The owner, operator, or occupant of a building, premises or equipment deemed unsafe by the code official shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other approved corrective action.

Section 25.5.11. Record.

The code official shall cause a report to be filed on the unsafe conditions. The report shall state the occupancy of the structure and the nature of the unsafe condition.

Section 25.5.12. Imminent Danger.

- (a) When, in the opinion of the code official, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the code official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith.
- (b) It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.
- (c) When necessary for public safety, the code official shall temporarily close structures and close or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

Section 25.5.13. Repair, Close or Demolition of Unfit Structures by City.

- (a) Pursuant to O.C.G.A. § 41-2-7, whenever the Governing Authority finds that there exist in the municipality dwellings, buildings, or structures which are unfit for human habitation or for commercial, industrial, or business uses due to dilapidation and not in compliance with applicable codes; which have defects increasing the hazards of fire, accidents, or other calamities; which lack adequate ventilation, light, or sanitary facilities; or where other conditions exist rendering such dwellings, buildings, or structures unsafe or unsanitary, or dangerous or detrimental to the health, safety, or welfare, or otherwise inimical to the welfare of the residents of the municipality, or vacant, dilapidated dwellings, buildings, or structures in which drug crimes are being committed, power is conferred upon the municipality to exercise its police power to repair, close, or demolish the aforesaid dwellings, buildings, or structures in the manner provided in O.C.G.A. § 41-2-7 and § 41-2-8 through § 41-2-17. [cross reference: O.C.G.A. §41-2-9]
- (b) If a code official's investigation or inspection identifies that any dwelling, building, structure, or property is unfit for human habitation or for commercial, industrial, or business use and not in compliance with applicable codes; is vacant and being used in connection with the commission of drug crimes; or constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions, the code official

may issue a complaint in rem against the lot, tract, or parcel of real property on which such dwelling, building, or structure is situated or where such public health hazard or general nuisance exists and shall cause summons and a copy of the complaint to be served on the interested parties for such dwelling, building, or structure.

- (c) The complaint shall identify the subject real property by appropriate street address and official tax map reference; identify the interested parties; state with particularity the factual basis for the action; and contain a statement of the action sought by the code official to abate the alleged nuisance. The summons shall notify the interested parties that a hearing will be held before a court of competent jurisdiction as determined by O.C.G.A. Section 41-2-5, at a date and time certain and at a place within the municipality where the property is located.
- (d) Such hearing shall be held not less than 15 days nor more than 45 days after the filing of said complaint in the proper court. The interested parties shall have the right to file an answer to the complaint and to appear in person or by attorney and offer testimony at the time and place fixed for hearing.
- (e) If, after such notice and hearing, the court determines that the dwelling, building, or structure in question is unfit for human habitation or is unfit for its current commercial, industrial, or business use and not in compliance with applicable codes; is vacant and being used in connection with the commission of drug crimes; or constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions, the court shall state in writing findings of fact in support of such determination and shall issue and cause to be served upon the interested parties that have answered the complaint or appeared at the hearing an order:
 - 1. If the repair, alteration, or improvement of the said dwelling, building, or structure can be made at a reasonable cost in relation to the present value of the dwelling, building, or structure, requiring the owner, within the time specified in the order, to repair, alter, or improve such dwelling, building, or structure so as to bring it into full compliance with the applicable codes relevant to the cited violation and, if applicable, to secure the structure so that it cannot be used in connection with the commission of drug crimes; or
 - 2. If the repair, alteration, or improvement of the said dwelling, building, or structure in order to bring it into full compliance with applicable codes relevant to the cited violations cannot be made at a reasonable cost in relation to the present value of the dwelling, building, or structure, requiring the owner, within the time specified in the order, to demolish and remove such dwelling, building, or structure and all debris from the property.
 - 3. For purposes of this subsection, the court shall make its determination of "reasonable cost in relation to the present value of the dwelling, building, or structure" without consideration of the value of the land on which the structure is situated; provided, however, that costs of the preparation necessary to repair, alter, or improve a structure may be considered. Income and financial status of the owner shall not be factor in the court's determination. The present value of the structure and the costs of repair, alteration, or improvement may be established by affidavits of real estate appraisers with a Georgia appraiser classification as provided in O.C.G.A.

Chapter 39A of Title 43, qualified building contractors, or qualified building inspectors without actual testimony presented. Costs of repair, alteration, or improvement of the structure shall be the cost necessary to bring the structure into compliance with the applicable codes relevant to the cited violations in force in the jurisdiction.

- (f) If the owner fails to comply with an order to repair or demolish the dwelling, building, or structure, the code official may cause such dwelling, building, or structure to be repaired, altered, or improved or to be vacated and closed or demolished. Such abatement action shall commence within 270 days after the expiration of time specified in the order for abatement by the owner. Any time during which such action is prohibited by a court order issued pursuant to O.C.G.A. Code Section 41-2-13 or any other equitable relief granted by a court of competent jurisdiction shall not be counted toward the 270 days in which such abatement action must commence. The code official shall cause to be posted on the main entrance of the building, dwelling, or structure a placard with the following words: "This building is unfit for human habitation or commercial, industrial, or business use and does not comply with the applicable codes or has been ordered secured to prevent its use in connection with drug crimes or constitutes an endangerment to public health or safety as a result of unsanitary or unsafe conditions. The use or occupation of this building is prohibited and unlawful."
- (g) If the code official has the structure demolished, reasonable effort shall be made to salvage reusable materials for credit against the cost of demolition. The proceeds of any moneys received from the sale of salvaged materials shall be used or applied against the cost of the demolition and removal of the structure, and proper records shall be kept showing application of sales proceeds. Any such sale of salvaged materials may be made without the necessity of public advertisement and bid. The code official and Governing Authority are relieved of any and all liability resulting from or occasioned by the sale of any such salvaged materials, including, without limitation, defects in such salvaged materials.
- (h) The amount of the cost of demolition, including all court costs, appraisal fees, administrative costs incurred by the county tax commissioner or municipal tax collector or city revenue officer, and all other costs necessarily associated with the abatement action, including restoration to grade of the real property after demolition, shall be a lien against the real property upon which such cost was incurred.
- (i) Nothing in this section shall be construed to impair or limit in any way the power of the City of Arcade to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise. [cross reference: O.C.G.A. § 41-2-9]

**ARTICLE 26
SUBDIVISIONS AND LAND DEVELOPMENT**

| | |
|--------------|--|
| CHAPTER 26.1 | PURPOSE AND INTENT |
| CHAPTER 26.2 | DEFINITIONS |
| CHAPTER 26.3 | GENERAL PROVISIONS |
| CHAPTER 26.4 | PROCEDURES AND REQUIREMENTS FOR PLAT AND PLAN APPROVAL |
| CHAPTER 26.5 | CORRIDOR MAP |

**CHAPTER 26.1
PURPOSE AND INTENT**

This Article is adopted with the following purposes:

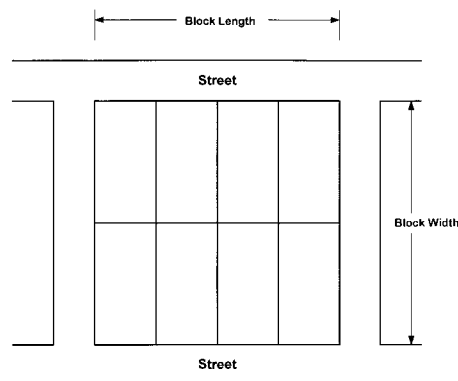
- (a) To promote orderly, planned, efficient, and economic development and to guide future growth in accordance with the Comprehensive Plan of a participating municipality.
- (b) To ensure that lands subdivided are of such character that they can be used for building purposes without danger to the health or safety of residents, and to secure safety from fire, flood, or other menace.
- (c) To prevent the pollution of air, land, streams, and ponds; to encourage the wise use and management of natural resources, and to preserve the topography and beauty of the community and the value of land.
- (d) To insure the proper provision of improvements such as drainage, water, sewerage, and capital improvements such as schools, parks, playgrounds, recreational facilities, and transportation facilities.
- (e) To provide for open spaces through the most efficient design and layout of the land.
- (f) To establish procedures for the subdivision and re-subdivision of land in order to further the orderly development of land.
- (g) To provide for the proper monumenting of subdivided land and proper legal descriptions.
- (h) To help eliminate the costly maintenance problems which develop when streets and lots are established without proper consideration given to various public purposes.
- (i) To facilitate and inform lot purchasers who generally lack the specialized knowledge needed to evaluate subdivision improvements and design.

CHAPTER 26.2 DEFINITIONS

Alley: A strip of land dedicated to public use providing vehicular and pedestrian access to the rear of properties which abut and are served by a public or private road or street.

Block: An area of land within a subdivision that is entirely surrounded by public streets, public lands, railroad rights-of-way, watercourses, or other well defined and fixed boundaries.

Condominium plan: A drawing that is required to be recorded prior to the first conveyance of a condominium unit pursuant to subsection (b) of Code Section 44-3-83, including, but not limited to, a condominium floor plan, condominium plot plan, or condominium site plan.



Block, Block Length, and Block Width

Comprehensive plan: Any plan adopted by the Governing Authority, or any plan adopted by a regional commission covering the local jurisdiction, or portion of such plan or plans. This definition shall be construed liberally to include the major thoroughfare plan, master parks and recreation plan, or any other study, document, or written recommendation pertaining to subjects normally within the subject matter of a Comprehensive Plan as provided by the Georgia Planning Act of 1989, if formally adopted by the Governing Authority.

Conservation areas, primary: Any property qualifying as conservation use property under O.C.G.A. Section 48-5-7.4; and any steep slopes, floodplains, wetlands, water bodies, upland buffers around wetlands and water bodies, critical wildlife habitat, and sites of historic, cultural, or archaeological significance, located outside of building envelopes and lots established for building purposes.

Conservation areas, secondary: Prime farmland, natural meadows, mature woodlands, farm fields, localized aquifer recharge areas, and lands containing scenic views and sites, located outside of building envelopes and lots established for building purposes.

Conservation easement: A legally enforceable agreement between a property owner and the holder of the easement, in a form acceptable to the City Attorney and recorded in the office of the Clerk of Superior Court of Jackson County. A conservation easement restricts the existing and future use of the defined tract or lot to conservation use, agriculture, passive recreation, or other use approved by the Governing Authority and prohibits further subdivision or development. Such agreement also provides for the maintenance of open spaces and any improvements on the tract or lot. Such agreement cannot be altered except with the express written permission of the easement holder and any other co-signers. A conservation easement may also establish other provisions and contain standards that safeguard the tract or lot's special resources from negative changes.

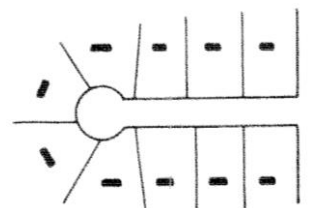
Conservation (open space) subdivision: A subdivision, as defined by this Article, where open space is the central organizing element of the subdivision design and that identifies and permanently protects all primary and all or some of the secondary conservation areas within the boundaries of the subdivision.

Contiguous common parcels: Parcels adjoining or touching each other at a common point and having a common owner, regardless of whether or not portions of the parcels have separate tax lot numbers, or were purchased in different land lots, or were purchased at different times.

Cul-de-sac: A dead-end street of limited length having a primary function of serving adjoining land, and constructed with a turnaround at its end.

Cul-de-sac, temporary: A non-permanent vehicular turn around located at the termination of a street or alley.

Deceleration lane: An added roadway lane, of a specified distance and which may include a taper, as approved by the City Engineer or designated official of a participating municipality, that permits vehicles to slow down and leave the main vehicle stream.



Cul-de-sac

Dedication: The deliberate appropriation of land by an owner for any general and public use or purpose, reserving to himself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted.

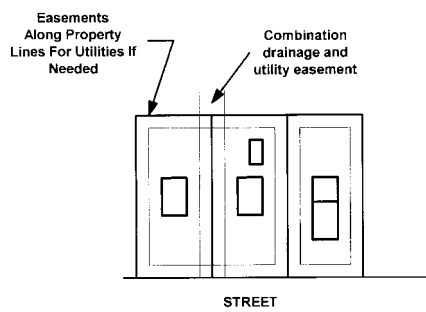
Dedication plat: A plat that indicates property to be dedicated for public right-of-way or land for public use.

Development: Any manmade change on improved or unimproved real estate, including but not limited to, buildings, structures, mining, dredging, filling, grading, paving, excavation, drilling, or permanent storage of materials or equipment.

Director: The Zoning Administrator, or his/her designee.

Easement: A grant of one or more of the property rights by the property owner to and/or for use by the public, a corporation, or another person or entity.

Escrow account: A type of subdivision improvement guarantee where the subdivider deposits either cash, a note, a bond, or some other instrument readily convertible to cash for specific face value specified by the City Engineer or designated official of a participating municipality to cover the costs of required improvements.



Easements

**Article 26, Subdivisions and Land Development
Arcade Land Use Management Code**

Final plat: The final drawing of a subdivision and, as applicable, dedication, prepared for filing for record with the Clerk of the Jackson County Superior Court, and containing all elements and requirements set forth in this Article.

Habitat for endangered or threatened species: An area verified by the Georgia Department of Natural Resources as 1) actually containing naturally occurring individuals of a species that has been listed as endangered or threatened under the Federal Endangered Species Act, as amended, and 2) being likely to support the continued existence of that species by providing for a significant portion of that species' biological requirements, and that meets the definition of "natural conditions" as defined by this Article.

Half street: A portion of the ultimate width of a road or street where the remaining portion of the road or street shall be provided at a future date.

Home owners association: An organization formed for the maintenance and operation of the common areas of a development, where membership in the association is automatic with the purchase of a dwelling unit or lot within the development, with the ability to legally assess each owner of a dwelling unit or lot and which has authority to place a lien against all dwelling units and lots within the development.

Land suitability analysis: A method used by land planners, in preparing land use plans at a community-wide scale or land plans at a site development scale, to evaluate the fitness of land for various uses based at least partially on environmental criteria. The end product of land suitability analysis is typically a map or set of maps depicting the appropriateness of land areas for various land uses.

Letter of credit: A type of subdivision improvement guarantee whereby a subdivider secures an instrument from a bank or other institution or from a person with resources sufficient to cover the cost of improvements required by the Governing Authority. The instrument pledges the creditor to pay the cost of improvements in case of default by the subdivider.

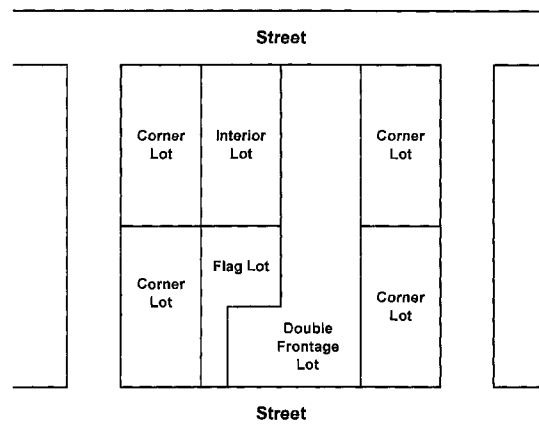
Lot: A portion or parcel of land separated from other portions or parcels by description (such as on a subdivision plat of record or a survey map or plat) or described by metes and bounds, and intended for use, transfer of ownership, or for building development. The word "lot" shall not include any portion of a dedicated right-of-way.

Lot, corner: A lot abutting upon two or more streets at their intersection.

Lot, depth: The average horizontal distance between the front and rear lot lines.

Lot, double frontage: A lot other than a corner lot that has frontage upon two or more streets that do not intersect at a point abutting the property.

Lot, flag: A tract or lot of land of uneven dimensions in which the portion fronting on a street is less than the required minimum



TYPES OF LOTS

width required for construction of a building or structure on that lot.

Lot, through: See “Lot, double frontage.”

Lot frontage: The width in linear feet of a lot where it abuts the right-of-way of any street.

Lot of record: A lot which is part of a subdivision approved in accordance with land subdivision requirements, a plat of which has been lawfully recorded in the records of the Clerk of the Jackson County Superior Court on the effective date of this Article; or a parcel of land, the deed of which was lawfully recorded in the same office prior to adoption of subdivision regulations by the city.

Lot width: The shortest distance between side lot lines measured at the regulatory/required front building line, or in the absence of a front building line regulation, the distance between side lot lines measured at the front line of the building located or intended to be located on the lot.

Natural conditions: The flora, fauna, soil and water conditions that would develop on a specific tract of land if all human interference were to be removed. The tract of land must have been undisturbed for a sufficient period of time for natural processes to dominate the tract. This period of time will vary among environments.

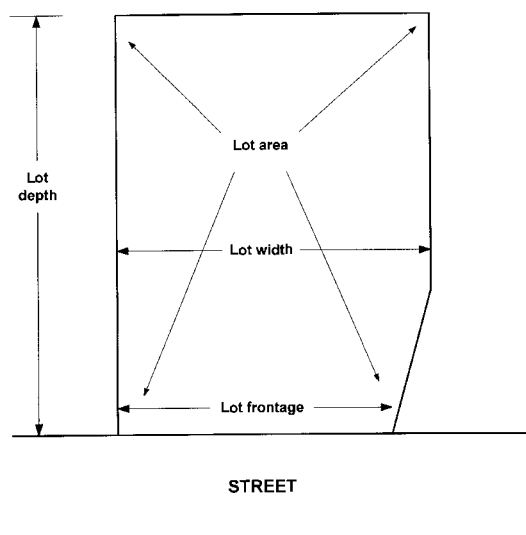
Off-site: Beyond the boundaries of the property in question.

On-site: Within the boundaries of the property in question.

Open space: Any combination of primary conservation areas and secondary conservation areas, as defined in this Article, that together form a permanent, undivided or relatively undivided, undeveloped area. As much as twenty five percent of the open space may be devoted to active recreational facilities, as defined. Easements for electric transmission lines or any other above-ground improvement shall not be considered open space except as may be otherwise provided by this Article. Stormwater management features, such as lakes, ponds, and ways, may be considered open space at the discretion of the Zoning Administrator, provided that such areas are designed and maintained in a manner that contributes to open space and the aesthetics of the subdivision.

Open space, public: An area within a development or subdivision designed and intended for the use and enjoyment of all residents or for the use and enjoyment of the public in general.

Original tract: A unit of land which the owner holds under single or unified ownership, or which the owner holds controlling interest on the effective date of this Article, where all land abutting



Lot Definitions

said tract is separately owned by others, not related to or associated by business partnership with the owner.

Package treatment plant: A sewage treatment facility, usually privately operated, typically having a treatment capacity of less than one million gallons per day. In most cases, a package treatment plant is considered a temporary means of wastewater treatment until connection to a public sanitary sewerage system is available.

Pedestrian way: A public right-of-way or private easement across a block or within a block to provide access for pedestrians and which may, in addition to providing pedestrian access, be used for the installation of utility lines.

Performance bond: A type of subdivision improvement guarantee in the form of a bond, secured by the subdivider from a bonding company, in an amount specified by the City Engineer or designated official of a participating municipality to cover the costs of required improvements, and payable to the Governing Authority. The city may call in the performance bond in the event the subdivider defaults on required improvements.

Person: A natural human being, estate, association, firm, partnership, corporation, or other legal entity.

Preliminary plat: A tentative drawing or map of a proposed subdivision. A preliminary plat is the basis for the approval or disapproval of the general layout of a land subdivision.

Professional architect: An architect duly registered or otherwise authorized by the State of Georgia to practice in the field of architecture.

Professional landscape architect: A landscape architect duly registered or otherwise authorized by the State of Georgia to practice in the field of landscape architecture.

Professional engineer: An engineer duly registered or otherwise authorized by the State of Georgia to practice in the field of civil engineering.

Professional surveyor: A surveyor duly registered or otherwise authorized by the State of Georgia to practice in the field of land surveying.

Protective covenants: Contracts made between private parties as to the manner in which land may be used, with the view toward protecting and preserving the physical and economic integrity of any given area.

Recreation, active: Leisure activities that are facility oriented, such as swimming pools, tennis courts, and ball fields.

Recreation, passive: Leisure activities that are natural resource oriented, such as hiking trails, conservation areas, and nature preserves.

Reservation: A method of holding land for future public use or dedication to the public by showing proposed public areas on a subdivision plat.

Reserve strip: A strip of land across the end of, or along the edge of, a street, alley, or lot for the purpose of controlling access which is reserved or held until future street extension or widening.

Retracement: A survey, not required to be reviewed and approved by the local jurisdiction prior to filing or recording in the clerk's office, but drawn to specifications required by this Article.

Right-of-way: (1) A strip of land acquired by dedication, prescription, or condemnation and intended to be occupied by a road, crosswalk, railroad, electric transmission line, oil or gas pipeline, water line, sanitary storm sewer, or other similar use; (2) generally, the right of one to pass over the property of another.

Scenic views and sites: Those geographic areas containing visually significant or unique natural features, as identified in the Comprehensive Plan of the city, or by other reasonable means.

Sensitive natural areas: Any area, as identified now or hereafter by the Georgia Department of Natural Resources, which contains one or more of the following: habitat, including nesting sites, occupied by rare or endangered species; rare or exemplary natural communities; significant landforms, hydroforms, or geological features; or other areas so designated by the Department of Natural Resources; and which is sensitive or vulnerable to physical or biological alteration.

Septic tank: An approved watertight tank designed or used to receive sewage from a building sewer and to affect separation and organic decomposition of sewerage solids, and discharging sewage effluent to an absorption field or other management system.

Shade tree: A tree in a public place, street right-of-way, or special easement, planted to provide canopy that will obscure the sun and heat from the ground.

Sidewalk: A hard-surfaced pedestrian access area adjacent to or within the right-of-way of a public road.

Site plan: A drawing of a residential, institutional, office, commercial, or industrial development, showing the general layout of a proposed development including, among other features, the location of buildings, parking areas, buffers, and landscaping. The site plan is the basis for the approval or disapproval of the general layout of a development in the case of a multiple-family residential, institutional, office, commercial, or industrial development.

Slope: Degree of deviation of a surface from the horizontal, usually expressed in percent or degree; the ratio of the difference in elevation between two points on the ground, and the horizontal distance between these two points. For purposes of determining steep slopes, slopes shall be measured between two points on the ground separated by 500 feet or more.

Steep slopes: Lands with slopes of at least thirty-five (35) percent, as indicated in the Comprehensive Plan, or which can be calculated with aid of a United States Geological Survey 1:24,000, 7.5 minute quadrangle topographic map or other available topographic information.

Street: Any vehicular way, other than an alley, that: (1) is an existing federal, state, county or municipal roadway; (2) is constructed as shown upon a plat approved pursuant to law and is open to vehicle travel; (3) is constructed and open to vehicle travel as approved by other official action of the Governing Authority; or (4) is constructed and open to vehicle travel and shown on a plat duly filed and recorded in the Clerk's Office of the Jackson County Superior Court prior the effective date of this Article. Land between the street lines, whether improved or unimproved, shall be considered part of the street.

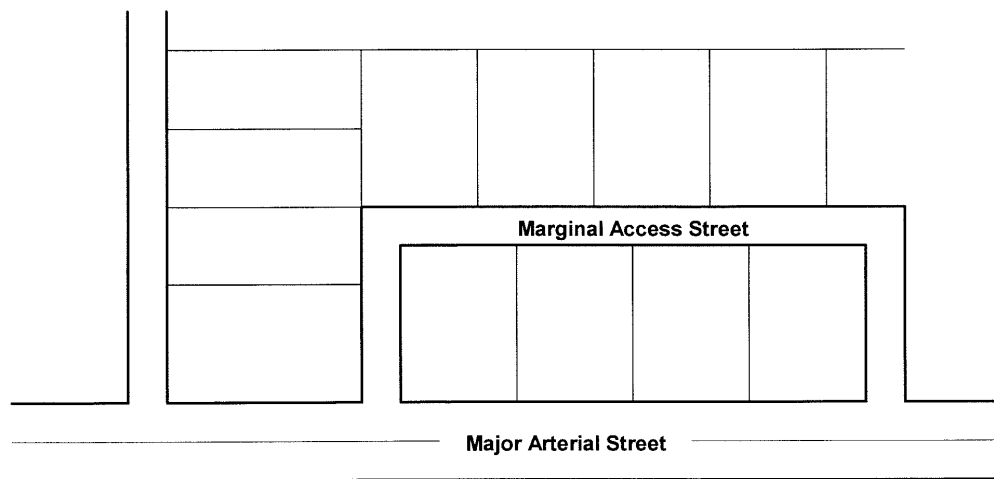
Article 26, Subdivisions and Land Development
Arcade Land Use Management Code

Street, collector: Unless otherwise defined by the Comprehensive Plan, a collector street is a public street whose function is to collect traffic from neighborhoods and local streets and which connects to another public street of equal or greater classification. A collector also may provide direct access to adjacent properties.

Street, local: Unless otherwise defined in the Comprehensive Plan, any public street, except an alley, collector, or arterial, and which has a primary function to provide direct access to adjoining properties and which serves a limited area only, usually a single land subdivision.

Street, major arterial: Unless otherwise defined by the Comprehensive, a major arterial street is a street connecting two or more towns or communities, connecting two highways of equal or greater capacity, or serving as the primary access to a large land area. A major arterial may also serve a large traffic generator (e.g., an industrial area) and perform a secondary function of providing local access.

Street, marginal access: A residential street parallel and adjacent to a major thoroughfare and which provides access to abutting properties with protection from through-traffic.



Marginal Access Street

Street, private: A road or street that has not been accepted for maintenance by the Governing Authority and that is not owned and maintained by a state, county, city, or another public entity.

Subdivider: Any person, as defined by this Article, who undertakes the subdivision of land, and any person having such a proprietary interest in land to be subdivided as will authorize the maintenance of proceedings to subdivide such land under this Article, or the authorized agent of such person.

Subdivision: A division of a tract or parcel of land into two (2) or more lots, building sites, or other divisions for the purpose of sale or building development, whether immediate or future, including all division of land involving the dedication of a new street or a change in existing streets. The

word “subdivision” includes re-subdivision and, when appropriate to the context, relates either to the process of subdividing or to the actual land or area which is subdivided.

Subdivision, minor: A subdivision of five (5) or fewer lots that does not involve the construction of a new public or private street. Because minor subdivisions do not involve the construction of a new public or private street, they are processed administratively by the Zoning Administrator as final plat applications that do not require preliminary plat approval. Any improvements to an existing public street abutting the tract proposed for minor subdivision, or the installation of utilities along said existing public road as may be required to comply with this Article, shall be done according to plans and permit requirements of this Article, but said requirements shall not subject the minor subdivision to the requirements for a major subdivision as specified in this Article.

Subdivision, major: The division of a tract or parcel of land into six (6) or more lots which may or may not involve the construction of a new public or private street; or any subdivision that involves the construction of a new public or private street. Because major subdivisions typically involve construction of a new public or private street or the upgrade of an existing private access way to the standards of this Article, construction plans and land disturbance permits are required, and major subdivisions are therefore processed in multiple steps including preliminary plat approval (unless specifically exempted), approval of construction plans and issuance of land disturbance permits, ~~and~~ final plat approval, and the subsequent dedication of public improvements. *[amended via Ord. LUMC 2022-03, adopted 12/12/2022]*

Utility: Public or private water or sewer piping systems, water or sewer pumping stations, electric power lines, fuel or gas pipelines, telephone lines, roads, cable telephone line, fiber optic cable, driveways, bridges, river/lake access facilities, storm water systems and drainage ways, and railroads or other utilities identified by the Governing Authority. As appropriate to the context the term “utility” may also include all persons, companies, or governmental agencies supplying the same.

Variance: A grant of relief from the strict requirements of this Article, or Articles 27 or 28 of this Land Use Management Code, whichever pertains, which permits construction in a manner that would otherwise be prohibited by Articles 26, 27, or 28 of this code; a minimal relaxation or modification of the strict terms of Articles 26, 27, or 28 of this code as applied to specific property when, because of particular physical surroundings, shape, or topographical condition of the property, compliance would result in practical difficulty; or a grant of relief from the strict requirements of said Articles because a proposed project is unable to meet policies and objectives specifically identified in the Comprehensive Plan.

CHAPTER 26.3 GENERAL PROVISIONS

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| Section 26.3.1. | Land is One Tract Until Subdivided. |
| Section 26.3.2. | Compliance and Exemptions. |
| Section 26.3.3. | Preliminary Plat and Plans Required Prior to Construction. |
| Section 26.3.4. | Building and Other Permits. |
| Section 26.3.5. | Public Streets and Lands. |
| Section 26.3.6. | Variances. |
| Section 26.3.7. | Appeals. |
| Section 26.3.8. | Review of Subdivisions along State Routes. |
| Section 26.3.9. | Creation of Homeowners Association. |
| Section 26.3.10. | Retracement Surveys. |
| Section 26.3.11. | Surveyor Certification Box for Retracement Surveys. |
| Section 26.3.12. | Easement Surveys. |

Section 26.3.1. Land is One Tract Until Subdivided.

Until property proposed for subdivision has received final plat approval and been properly recorded, the land involving the subdivision shall be considered as one tract, or as otherwise legally recorded.

Section 26.3.2. Compliance and Exemptions.

No person shall sell, advertise, or offer to sell, by deed, map, plat or other instrument, any parcel of land not subdivided pursuant to the requirements of this Article. It shall be unlawful for any person to transfer or sell land by reference to, or by exhibition of, or by other use of, a plat of a land subdivision that has not been approved and recorded in accordance with the requirements of this Article, except as specifically exempted in this section. The description of such land by metes and bounds in the instrument of transfer shall not exempt the transaction. No plat of land subdivision shall be entitled to be recorded in the Office of the Clerk of the Superior Court of Jackson County, and it shall be unlawful to record such a plat of land subdivision, unless and until it shall have been approved in accordance with the requirements of this Article, except as specifically exempted in this section.

The following types of land subdivisions, transfers, and sales are specifically exempted from the plat approval requirements of this Article; provided, however, that such exemptions shall not apply to land development requirements and improvement requirements of this Article or compliance with other applicable requirements of this land use management code:

- (a) Retracement surveys and easement surveys, as specifically authorized in this Article;
- (b) The creation and sale of cemetery plots;
- (c) The sale of lots consistent with previously approved and recorded plats or deeds;
- (d) The creation of leaseholds for space within a multiple-occupancy building or the division of property into leaseholds (but not for sale) for commercial, industrial, or institutional use;

- (e) The creation of leaseholds (but not for sale) for the agricultural use of property where the use does not involve the construction of a building to be used as a residence or for other purposes not directly related to agricultural use of the land or crops or livestock raised thereon.
- (f) Any division of land to heirs through a judicial estate proceeding, or any division of land pursuant to a judicial partition, or any division of land occurring from the foreclosure of a deed of trust; provided, however, that such exemption shall not require the Public Development Department to issue permits if the resulting lots or parcels fail to meet any applicable zoning provisions regarding lot size, lot width, or other dimensional requirements.

Section 26.3.3. Preliminary Plat and Plans Required Prior to Construction.

No person shall commence construction of any improvements on any lot, prior to the approval of a preliminary plat if required by this Article, nor prior to approval of construction plans and engineering plans for said improvements are approved as required by this Article, and Article 27 or 28 of this Land Use Management Code, whichever applies.

Section 26.3.4. Building and Other Permits.

No building permit or certificate of occupancy shall be issued for a building, structure, or use, nor shall any excavation, grading, or land disturbance applications be approved, on any parcel of land regulated by this Article that has not been approved in accordance with the provisions of this Article.

Section 26.3.5. Public Streets and Lands.

No land dedicated as a public street or for other public purpose shall be opened, extended, or accepted as a public street or for other public land unless such improvements are constructed in accordance with the specifications of this Article and Articles 27 or 28 of this Land Use Management Code, whichever applies, and unless said land and/or improvements are formally approved and accepted as public improvements by the Governing Authority in accordance with procedures established in this Article.

Section 26.3.6. Variances.

The Governing Authority shall be authorized to grant a variance or variances upon application of the subdivider or land developer upon a showing that applicable criteria have been met which support the granting of a variance to the requirements of this Article and Article 27 or 28, whichever applies. The process of varying this Article and Article 27 or 28, whichever applies, shall be the same as for stand-alone variances to zoning provisions as authorized by Chapter 22.1 of this Land Use Management Code. *[amended via Ord. LUMC 2022-03, adopted 12/12/2022]*

Section 26.3.7. Appeals.

Any person aggrieved by an interpretation or decision of an official responsible for the administration of this Article may file an appeal in accordance with Chapter 22.2 of this Land Use Management Code.

Section 26.3.8. Review of Subdivisions along State Routes.

- (a) No subdivision plat containing land which abuts a state route shall be approved until such plat has been submitted for review and comment by the Georgia Department of Transportation, in accordance with the provisions of O.C.G.A. 32-6-151.
- (b) When the city receives such a plat, it shall submit two copies of the proposed subdivision plat to the Georgia Department of Transportation if such proposed subdivision includes or abuts on any part of the state highway system. The Georgia Department of Transportation, within 30 days of receipt of the plat, shall recommend approval and note its recommendation on the copy to be returned to the Zoning Administrator or recommend rejection. Failure of the Georgia Department of Transportation to act within this 30-day period shall constitute approval. If the plat is recommended for rejection, the reasons for rejection and requirements for approval shall be given to the Zoning Administrator in writing; but such recommendation shall be advisory only and shall not be binding.

Section 26.3.9. Creation of Homeowners Association.

For any major subdivision involving common areas or a stormwater detention facility on a separate tract within the subdivision, a homeowners or property owners association shall be required to be created which shall be responsible for the ownership and maintenance of common areas and stormwater detention facilities within the subdivision. The instruments of such creation and financial endowment shall be submitted to the Zoning Administrator for review and approval; said instruments shall also be recorded at the time of final plat recording with cross-references to recording information on both the instruments and the final plat. A copy of the recorded instruments shall be filed with the Zoning Administrator following recording.

Section 26.3.10. Retracement Surveys.

Pursuant to O.C.G.A. 44-2-26, the owner of real property, or of any interest therein or any holder of a lien thereon may file a plat of the property in the office of the clerk of superior court of the county in which the property or any part thereof is located. Said plat shall be considered a retracement survey, provided that it contains the surveyor certification box for retracement surveys as required by this article. Such retracement survey shall not require local approval and shall be entitled to be filed and recorded.

Section 26.3.11. Surveyor Certification Box for Retracement Surveys.

- (a) Each plat of a retracement survey shall have depicted thereon a box which contains the following applicable certifications of the land surveyor:

“This plat is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel or make any changes to any real property boundaries. The recording information of the documents, maps, plats, or other instruments which created the parcel or parcels are stated hereon. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for

property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.

- (b) The land surveyor shall sign on a line immediately beneath the certification on the plat. At the discretion of the land surveyor and in conformity with local regulations, the surveyor may electronically sign the certification using a facsimile signature. The facsimile signature may be a reproduction of an original signature or an electronically created signature. If the land surveyor elects to use a facsimile signature, the surveyor must maintain full control over the application and use of such signature.
- (c) In the case of a plat that is a retracement survey, the land surveyor shall state clearly the recording information of any document, map, plat, or other instrument which created any of the parcels depicted. The depiction of gores, overlaps, or other parcel delineation as may be necessary to remedy or address title issues or deficiencies shall be allowed as part of the retracement function.
- (d) Plats bearing the certification required for retracement surveys shall be entitled to recordation without further review or local approval.

Section 26.3.12, Easement Surveys.

Plats that depict existing or proposed easements for utilities or for conservation purposes may be recorded using the certification for retracement surveys, provided that there are no changes to any real property boundaries, and provided that the plat includes information required by this Article for recordation. Easement surveys bearing the certification required for retracement surveys shall be entitled to plat recordation without further review or local approval.

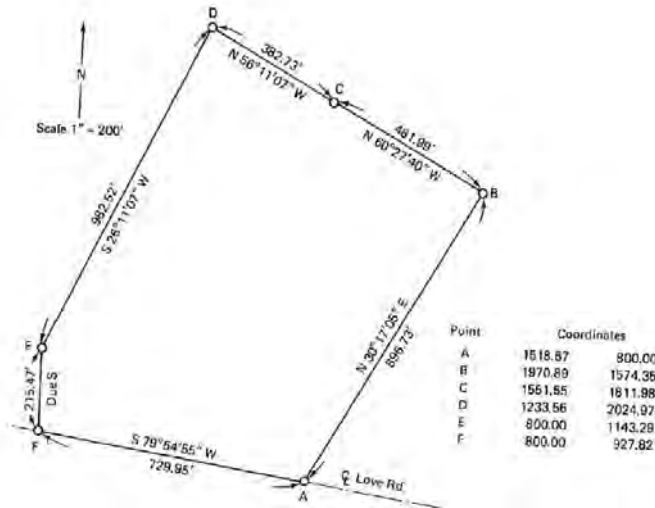
CHAPTER 26.4
PROCEDURES AND REQUIREMENTS FOR PLAT AND PLAN APPROVAL

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| Section 26.4.1. | Preliminary Plat. |
| Section 26.4.2. | Land Disturbance and Development Plans. |
| Section 26.4.3. | Application for Final Plat. |
| Section 26.4.4. | Format for Final Plats and Condominium Plans. |
| Section 26.4.5. | Data for Final Plats Required per State Law. |
| Section 26.4.6. | Data Required for Final Plats per State Rules and Regulations. |
| Section 26.4.7. | Additional Final Plat Data Required Locally. |
| Section 24.4.8. | Locally Required Final Plat Certifications. |
| Section 26.4.9. | Final Plat Procedures. |
| Section 26.4.10. | Combination Plat. |
| Section 26.4.11. | Boundary Line Adjustment. |
| Section 26.4.12. | Recording of Final Plat. |
| Section 26.4.13. | Revision of Final Plat. |
| Section 26.4.14. | Limitations on Minor Subdivisions. |
| Section 26.4.15. | Subdivision Improvement Guarantee. |
| Section 26.4.16. | Warranty Deed and Resolution of Acceptance. |
| Section 26.4.17. | Release of Improvement Guarantee. |

Section 26.4.1. Preliminary Plat.

- (a) When Required. All major subdivisions, and any subdivision involving the dedication of a public street, shall require the submission of a preliminary plat to the Zoning Administrator for review by the Arcade Planning Commission and approval by the Governing Authority. Prior to the issuance of any permit for land disturbance, or the installation of any improvements (if required), the Governing Authority must approve the preliminary plat. *[amended via Ord. LUMC 2022-03, adopted 12/12/2022]*
- (b) Preliminary Plat Application. The following are required for a complete preliminary plat application: Application form, fee as established by the Governing Authority, and a number of copies of the preliminary plat and electronic file copy as specified by the Zoning Administrator.
- (c) Preliminary Plat Specifications. Preliminary plats shall at minimum include the following information:
1. Proposed name of subdivision. The proposed name of the subdivision shall not duplicate or too closely approximate, phonetically, the name of any other subdivision in the city or county. If shown to the contrary, the Zoning Administrator may refuse to accept such subdivision name.
 2. Plat scale and sheet size. The preliminary plat shall be clearly and legibly drawn at a scale and sheet size approved by the Zoning Administrator.
 3. Owner and professional contact information. Name, mailing address, telephone and fax numbers and e-mail address of the property owner and the professional preparing the preliminary plat.

4. Miscellaneous. Date of boundary survey, north point and graphic scale, source of data, date of plan drawing, and, if any, revision dates.



Source: Brewer, William E. and Charles P. Alter. 1988. The Complete Manual of Land Planning & Development. Englewood Cliffs, NJ: Prentice Hall.

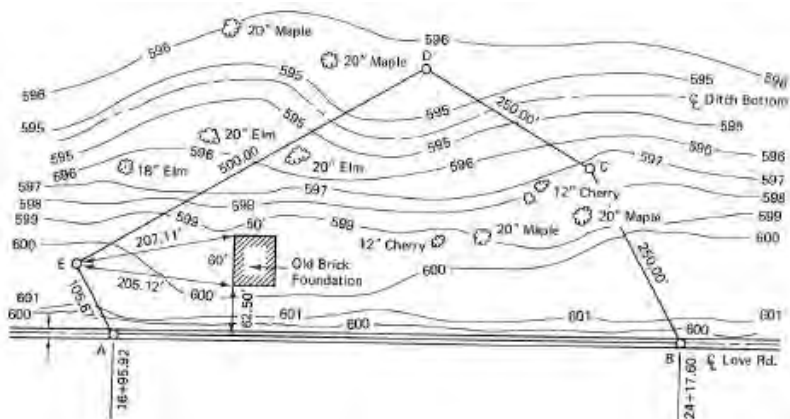
Illustrative Boundary Survey

5. Location and tract boundaries. Location (including Militia District) and size of the property in acres (or in square feet if less than an acre), and the external boundaries of the tract to be subdivided or developed shown by bearings and distances. The preliminary plat must reference and be based on a boundary survey of the exterior boundaries of the proposed subdivision, prepared by a registered land surveyor.
6. Vicinity map. A location map of the property in relation to the surrounding area with regard to well-known landmarks such as arterial streets, railroads, and major water courses.



7. Abutting property information. Names of adjoining property owners per recorded deeds, zoning district of all adjoining properties, and if applicable overlay district designations of all adjoining properties.
8. Prior subdivision. Name of former approved subdivision, if any, for all of the land in the preliminary plat that has been previously subdivided, showing boundaries of same.

9. Zoning. Zoning district boundaries and zoning designation(s) of the subject property and, if applicable, overlay district boundaries.
10. Application number and conditions. Rezoning, special use, and variance application number, date of approval, and conditions of approval, if applicable.
11. Natural features and flood plains. Natural features within the property, including topographic contours at no less than five-foot intervals, drainage channels, bodies of water, wetlands, streams with required buffer designated, wooded areas and other significant natural features such as groundwater recharge areas and rock outcroppings. On all water courses entering or leaving the property, the direction of flow shall be indicated. The 100-year flood plain, if any, shall be delineated.



Source: Brewer, William E. and Charles P. Alter. 1988. The Complete Manual of Land Planning & Development. Englewood Cliffs, NJ: Prentice Hall.

Illustrative Topography and Existing Conditions

12. Streets, easements, political boundaries and built features. Man-made features within and adjacent to the property, including street right-of-way and pavement widths, names of existing streets, all easements, city and county political boundary lines, and other significant information such as location and dimensions of bridges, existing buildings to remain, and other features.
13. Subdivision block and lot layout. The proposed subdivision layout including lot lines and street right-of-way lines, with proposed street names or letter designations and right-of-way widths, along with the front building setback line and the approximate dimensions of the length and width of each lot. The total number of lots in the subdivision and the total acreage in the tract to be subdivided shall be indicated. Lots shall be numbered consecutively in a clockwise fashion, and the approximate land area of each lot shall be indicated for each lot. The proposed phasing of the subdivision shall be indicated, if it is proposed to be platted in phases.
14. Water and sewage disposal. A statement as to the source of the domestic water supply and provisions for sanitary sewage disposal. For those properties that will not be served by a public sanitary sewerage system, location and results of soil tests or percolation tests as required and approved by the Jackson County Environmental Health Department.

15. Stormwater management. The approximate location of proposed storm water detention facilities.
 16. Public land reservations. In addition to public streets, the preliminary plat shall indicate land if any to be dedicated for public use.
 17. Additional information. Additional information as may be required by the Zoning Administrator to ensure compliance with this Land Use Management Code.
- (d) Procedures. Upon receipt of a completed preliminary plat application, the Zoning Administrator shall schedule the application for the next public meeting before the Planning Commission and forward all pertinent materials in the application to the Planning Commission for review. An application for preliminary plat approval must be submitted at least thirty (30) days before the regular meeting date of the Planning Commission to be considered on that agenda. If a quorum of the planning commission is present at the meeting in which the application is scheduled, the Planning Commission shall recommend that the Governing Authority approve, conditionally approve, or deny the preliminary plat application. If a quorum of the Planning Commission is not present on the date of the meeting for which the application is scheduled, no recommendation by the Planning Commission shall be required, and the application shall proceed directly to the Governing Authority. The basis of the Planning Commission's review of and action on a preliminary plat shall be whether the preliminary plat meets the purposes and requirements of this Article and the Land Use Management Code generally and the comprehensive plan. Following the date of the meeting scheduled for consideration of the preliminary plat application by the Planning Commission, the zoning administrator shall schedule the application for the next work session of the Governing Authority which may approve, conditionally approve, or deny the preliminary plat application. The basis of the Governing Authority's action on a preliminary plat shall be whether the preliminary plat meets the purposes and requirements of this Article and the Land Use Management Code generally and the comprehensive plan. *[Amended via Ord. 2022-03, adopted 12/12/2022]*
- (e) Disposition. Approval of a preliminary plat shall be valid for a period of one (1) year, after which time a complete application for construction plan approval must be submitted. If a completed application for construction plan approval is not submitted during that time, preliminary plat approval shall expire and be null and void.
- (f) *[Deleted per amendment, Ord. LUMC 2022-03, adopted 12/12/2022]*
- (g) Amendments to Approved Preliminary Plats. The Zoning Administrator is authorized to approve minor amendments to preliminary plats. Any proposed amendment to a preliminary plat that is determined by the Zoning Administrator to constitute a public interest shall be deemed a major amendment. For all amendments to preliminary plats determined to be major amendments, Governing Authority approval shall be required. Procedures for considering a major amendment to a preliminary plat shall be the same as required for an initial application for preliminary plat approval as specified in this Section. *[amended via Ord. LUMC 2022-03, adopted 12/12/2022]*

Section 26.4.2. Land Disturbance and Development Plans.

- (a) Overview. There are two permits referenced in this Land Use Management Code which are required to proceed with land development (unless exempted from such requirements): a land disturbance permit (soil erosion compliance, and a development permit. The land disturbance permit is issued by the Zoning Administrator for the city as a “local issuing authority” pursuant to and in compliance state law to enforce the soil erosion, sedimentation, and pollution control requirements of Article 13 of this land use management code. A land disturbance permit requires a development permit. The development permit is a city requirement issued by the Zoning Administrator to ensure that land development activities comply with the city’s zoning, overlay, and other provisions of this land use management code. Application and procedural requirements for both land disturbance and development are consolidated under this Section.
- (b) Exemption from Development Plan Approval. A development permit shall not be required for any of the following activities; provided, however, that such exemption from a development permit does not necessarily imply exemption from obtaining a land disturbance permit (see Article 13 of this land use management code).
1. Work authorized by or conducted pursuant to the requirements or directives of local, state, and federal departments, agencies and authorities.
 2. Emergency work authorized by the Zoning Administrator, where a bona fide emergency exists as determined by the Zoning Administrator.
 3. Timber harvesting, consistent with applicable state law requirements.
 4. Agricultural activities not involving construction of a building or structure.
 5. Construction of a single, detached, single-family dwelling unit or manufactured home, including accessory structures and uses.
 6. Development within a city right of way (other than work within a right of way associated with approved development plans) but only if a driveway permit or utility encroachment permit has been issued as required by this land use management code.
- (c) Application. Applications for land disturbance and development plan approval shall be made in accordance with requirements of this Chapter. The following are required for a complete land disturbance and development plan application:
1. Application form;
 2. Fees as established by the Governing Body with jurisdiction and pursuant to the state soil erosion law (paragraph (5) subsection (a) of O.C.G.A. 12-5-23).
 3. Plans and hydrology report. Applications for a land disturbance and development permit will not be accepted unless accompanied by four (4) copies of the applicant’s erosion, sedimentation and pollution control plans and two (2) copies of a hydrology report. The application must demonstrate affirmatively that the land disturbing activity

proposed will be carried out in such a manner that all applicable requirements of this land use management code will be met. Plans must be prepared to meet the applicable minimum requirements of this Article, or through the use of more stringent, alternate design criteria which conform to sound conservation and engineering practices. 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.

4. Checklist(s). The application shall include an erosion, sedimentation and pollution control plan checklist as required by the Oconee River Soil and Water Conservation District.

No application for land disturbance and development plan approval shall be accepted for processing nor approved by the Zoning Administrator until a preliminary plat, if required, has been approved by the Planning Commission and the proposed land disturbance and development plans are found by the Zoning Administrator to be in substantial conformity with the approved preliminary plat, any conditions of such approval, and applicable provisions of this Land Use Management Code. Upon approval of a preliminary plat, the subdivider or land developer may apply for land disturbance and development plan approval.

In the case of a minor subdivision, or in cases where a preliminary plat is not required by this Article, the subdivider or land developer may apply for approval of land disturbance and development plans; provided, however, that in the case of a minor subdivision or land development the applicant for land disturbance and development plan approval should hold a pre-application conference with the Zoning Administrator to ensure that plans meet the intent and specific provisions of this Article and other applicable regulations in this Land Use Management Code.

- (d) Required contents of land disturbance and development plans. In addition to meeting the minimum requirements for development plan approval specified by Chapters 13.4 and 23.1 of this Land Use Management Code, land disturbance and development plans shall be submitted in hard copy in a number of copies as required by the Zoning Administrator including the following contents:
 1. Plat. A copy of the approved recorded plat of the subject property, demonstrating that the property to be developed is a lot of record or part of a lot of record. If land subdivision is proposed or implied in the development proposal, the approved preliminary plat shall be submitted with the development permit application.
 2. Site plan. A site plan, including at minimum the project location, total project area natural features of the site and proposed development features as required by this UDC, including easements.
 3. Phases. Proposed phasing of the development, if it is proposed to be built in phases or sections.
 4. Grading plan. A plan showing proposed contours in relation to existing topography.

5. Soil erosion plans. Soil erosion plans are submitted as part of the land disturbance permit application. If a project is exempt from the requirement to obtain a land disturbance permit, the development permit application shall provide soil erosion plans sufficient to demonstrate compliance with best management practices and stream buffers (see Article 13 of this land use management code).
 6. Stormwater management plan. Stormwater management plans are submitted as a part of the land-disturbance permit application. If the project is exempt from the requirement to obtain a land-disturbance permit, the development permit application shall show information and plans required by this land use management code as may be applicable.
 7. Tree protection and landscaping plan. All information and plans required by Article 16 of this land use management code, as may be applicable.
 8. Utilities plan. Plans for water, sanitary sewer, and other utilities as may be required by the City Engineer and other utility providers.
 9. Street improvement plan. If the development proposes new streets, whether the development permit application shall include information demonstrating compliance with the requirements of this land use management code for public streets. Said plans must be in substantial accordance with the approved preliminary plat.
 10. Land disturbance bond and landscape bond, or other surety. A land disturbance bond and landscape bond, if applicable, shall be submitted prior to approval of development plans and issuance of a development permit. No development permit will be issued without the applicant's submission and Zoning Administrator's acceptance of the required development bonds or sureties.
- (e) Specific data requirements for development plans. Development plans shall contain the following (on one or more sheets):
1. Scale. Plans shall be clearly and legibly drawn at an engineering scale convenient to illustrate the details of the project. Sheet size shall not exceed 36 inches by 42 inches. Plan and profile sheets, if any, shall have a horizontal scale of no less than 1 inch to 100 feet and a vertical scale of no less than 1 inch to 10 feet. The Zoning Administrator may approve deviations from these required scales when appropriate.
 2. Project boundary. Plans shall be based on the boundaries of a lot as shown on a recorded plat, or if not yet subdivided and recorded, on a boundary survey delineating the entirety of the property contained within the project. Boundary lines of the perimeter of the tract shall be indicated by a heavy line giving lengths to the nearest one-hundredth of a foot and bearings to the nearest second.
 3. Adjoining property information. Provide all adjoining property owners, subdivision names, lot numbers, lot lines, and block letters, and zoning.
 4. Project name and phase. The name of the project shall be indicated. If the project is located within a subdivision, the name of the subdivision, lot, and block number must

- also be shown. If the development project is part of a phased development or master-planned development, identify the unit number, division, phase, or stage of development.
5. Zoning and prior approvals. The existing zoning of the project site, and reference if applicable to conditions of zoning, variance, special use, or other permissions including case numbers and dates of approval.
 6. Owner and developer. Name, address, telephone number, and e-mail address of the owner of record, and of the developer (if not the owner).
 7. Professional contacts. Name, address, and telephone number of each professional firm associated with the site development plans (engineer, landscape architect, etc.).
 8. Map requisites. Date of survey, north point, and graphic scale, source of datum, date of plan drawing, and space for revision dates.
 9. Use. Proposed use of the site, including gross square footage for each different use type or building.
 10. Location references. Location, district, and parcel(s) acreage or area in square feet.
 11. Location sketch. A location sketch locating the development in relation to the surrounding area with regard to well-known landmarks such as major thoroughfares or railroads. Sketches may be drawn in freehand and at a scale sufficient to show clearly the information required, but not less than 1 inch equal to 2,000 feet. U.S. Geological Survey quadrangle maps may be used as a reference guide for the location sketch.
 12. Buildings, access, and parking. Size, location, and elevation of all proposed buildings and existing buildings to remain or to be demolished, and minimum required building setback lines, the location parking and loading areas, driveways, curb cuts and where required designated fire lanes. Each building shall be identified with a number or letter.
 13. Topography and grading. Existing contour lines based on sea level datum shall be drawn at intervals of not more than two (2) feet and shall include the entire site and all abutting public streets. Contour lines shall be based on field surveys or photogrammetric methods from aerial photographs. The basis for the topographic contour shown shall be specified and dated. Grading plans shall show proposed contours. Grading shall be performed in accordance with the lines and grades indicated on the approved grading plan.
 14. Natural features within the proposed development. These include drainage channels, bodies of water, and other known significant features such as extensive exposed rock. On all water courses the direction of flow shall be indicated. The 100-year floodplain shall be delineated and the source of the depicted floodplain information shall be indicated (i.e., reference to map panel numbers and dates). The acreage or area in square feet within the floodplain shall be indicated. See Article 14 of this land use management code for additional requirements when development is proposed to

be located in a floodplain or flood hazard area. The development plan shall also specify whether the property is located within an overlay district (see Article 10 of this land use management code).

15. Man-made features. These include those features existing within and adjacent to the proposed development including existing right-of-way width and pavement widths of adjoining streets, street names, the location and dimensions of existing bridges, easements (all purposes), culverts and other drainage facilities (see Articles 27 and 28 of this land use management code for requirements, whichever is applicable), water, sewer, and other existing utility lines and structures, the names of jurisdiction lines; existing structures on the site and their disposition, and other appropriate built-environment information.
16. Trees, buffers, landscaping. If buffers or other landscaping or screening treatments are required, show the location, size, and type (natural or planted) on the plans conforming to the requirements of Article 16 of this land use management code, as applicable.
17. Standard drawings. The Zoning Administrator may require that the development plans include standard drawings adopted by the city, or a standard drawing of any utility provider with jurisdiction over the development project. Where no standard drawing is available but is needed as determined by the Zoning Administrator, the applicant's engineer or designer shall provide any such standard drawing requested.
18. Engineer's certification. A block on the cover page of the development plans shall be provided as follows:

"Engineer's Certification

It is hereby certified that these development plans were prepared using a survey of the property prepared by _____, RLS, and dated _____; and further that the proposed development meets the requirements of the Arcade land use management code as applicable to this property.

By (name): _____
Signed: _____
Professional Engineer No. _____
Address: _____
Telephone No. _____
Date: _____"

19. Signature blocks for plan approvals. Signature blocks for development plan approval, as follows (as applicable to be determined by the Zoning Administrator; separate approvals in the file may substitute for any such signature block):

"Water and Sewer Provider Certification (repeat if different water and sewer providers)

**Article 26, Subdivisions and Land Development
Arcade Land Use Management Code**

This development, as shown on these plans, has been reviewed and is approved for construction activity only in that it has been designed to meet the requirements of the _____ Standard Drawings and Specification with regard to:

WATER SUPPLY (Strike through if not applicable)

SEWAGE DISPOSAL (Strike through if not applicable)

And that all of the proposed utility easements to be dedicated to _____ are shown on the construction drawings.

The _____ [insert name of water/sewer provider] _____ is not responsible for the adequacy of the design, which is the sole responsibility of the engineer of record who stamped and sealed the plans.

Dated this _____ Day of _____, 20__.

By: _____
Title: _____
Organization: _____”

“Environmental Health Department Certification (for lots with on-site sewage management systems only)

The lots shown on these plans have been reviewed by the Jackson County Environmental Health Department and are approved for preliminary subdivision site work only.

Dated this _____ Day of _____, 20__.

By: _____
Title: _____”

“Certificate of Project Approval

All applicable requirements of the land use management code having been fulfilled, approval of these development plans is hereby granted by Zoning Administrator, subject to further compliance with all provisions of said land use management code.

Land disturbance and development plan approval shall expire and be null and void after a period of two years, unless activity toward improvements on the land have been initiated, or unless an extension of time is approved by the Zoning Administrator.

Dated this _____ Day of _____, 20__.

By: _____
Title: Zoning Administrator

NOT FOR RECORDING”

20. Additional information. Such additional information as specified by this land use management code or as may be reasonably required by the Zoning Administrator to allow an adequate evaluation of the development proposal.
- (f) Procedures. The land disturbance and development plan approval process is administrative, including the following:
1. District action on land disturbance permit application. Upon receipt of a completed application and plans for a land-disturbance permit, the Zoning Administrator (Local Issuing Authority) shall refer the application and plan to the Oconee River Soil and Water Conservation District (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 applicant and Zoning Administrator. No land disturbance permit will be issued unless the plan has been approved by the District, all fees have been paid, soil erosion bond or other financial surety has been obtained. and any variances required have been obtained.
 2. If plans are approved by the District, or upon no action by the District and the expiration of the thirty-five (35) days allowed for District review, applications for land-disturbance permits shall be issued or denied by the Zoning Administrator (as soon as practicable but in any event not later than forty-five (45) days after receipt by the Zoning Administrator of a completed application, providing variances and bonding are obtained, where necessary and all applicable fees have been paid prior to permit issuance.
 3. Other agencies review. The owner shall be responsible for obtaining approval from all other agencies affected by the project. The applicant may be required by the Zoning Administrator to secure development approval from other agencies if they are affected by the development. Applicants are responsible for initiating and receiving approval if required of development plans by agencies in addition to the Zoning Administrator, including the Jackson County Environmental Health Department, the Jackson County Water and Sewerage Authority (if applicable), State Fire Marshal, and the Georgia Department of Transportation, if applicable. Plans are submitted to these external agencies by the applicant, for comments and approvals. Approval by the external agency is then communicated to the Zoning Administrator. The Zoning Administrator shall provide all comments to the applicant for resolution, and the applicant shall work directly with each external agency as necessary to resolve all issues. The Zoning Administrator and the city are not responsible for delays in approval of development plans when a development permit applicant is required to be approved by an external agency but has not obtained approval from that external agency with jurisdiction over the development proposal.
 4. When consistent with said provisions, approval of land disturbance and development plans pursuant to this Article shall constitute approval of development permit required by Chapter 23.1 of this Land Use Management Code and approval of soil erosion and sedimentation control plans and authorization to engage in land-disturbing activities as required by Article 13 of this Land Use Management Code. When land-disturbance plan sets have been approved by the Oconee River Soil and

Water Conservation District, at least one (1) copy of said plans will be made available to the applicant. Land developers are required to maintain a copy of approved plan sets on the project site. The Department shall file at least one (1) printed or electronic set of approved land-disturbance plans.

- (g) Zoning Administrator's Decision Criteria. The only basis upon which the Zoning Administrator may deny a land disturbance and development plan is the failure of the application to meet the requirements of this Article or the Land Use Management Code generally, or any other applicable local regulations or the failure of the land disturbance and development plans and application to meet the requirements of preliminary plat approval specified by the Planning Commission. If the development permit application and plans are found to not comply with the requirements of this land use management code, the Zoning Administrator shall indicate on the drawing or in writing all comments related to lack of compliance with this land use management code. The Zoning Administrator shall deny or withhold approval of the development permit application in cases where the proposed development does not meet the requirements of this land use management code or the comments of any other internal or external agency with jurisdiction to review the development permit application. No land-disturbance or development permit shall be issued by the Zoning Administrator unless the erosion, sedimentation and pollution control plan if required has been approved by the Oconee River Soil and Water Conservation District and the Zoning Administrator has affirmatively determined that the plans comply with the requirements of this land use management code.
- (h) Issuance. When a development permit is issued, it shall be assigned a number by the Zoning Administrator and the applicant shall be supplied a development permit which must be posted on the development site prior to commencement of any land disturbing activity along with a copy of the approved development plans.

Section 26.4.3. Application for Final Plat.

Applications for final plat approval shall include the following:

- (a) Application form. Completion of an application form with information specified by the Zoning Administrator, including but not limited to owner information. The owner, or agent if so authorized, shall sign the application attesting to the accuracy of the application and confirming authority and intent to submit the application for consideration.
- (b) Copies of plat. Copies of the final subdivision plat in a number as established by the Zoning Administrator, showing the entire ownership and drawn to the specifications required by this Article.
- (c) Fee. Payment of the applicable application and review fees as established by the Governing Authority from time to time for a final plat.
- (d) Payment for signs and striping. Payment for materials and installation of traffic signs and street name signs in an amount determined by the City Engineer. Payment of the cost of street striping or signalization, if required and not completed by the owner, shall also be included with the application.

- (e) Financial guarantee of improvements. For major subdivisions involving public improvements, a subdivision improvement guarantee as specified in this Article.
- (f) Protective covenants and homeowner's association documents. If required by provisions of this Article, a homeowners' association or property owners association shall be created and the instruments of such creation and financial endowment shall be recorded at the time of final plat recording. Two copies of the recorded instruments or instruments to be recorded shall be filed with the Zoning Administrator.

Section 26.4.4. Format for Final Plats and Condominium Plans.

All images of a plat or condominium plan submitted for filing in the office of the clerk of superior court shall:

- (a) Be at full size of the drawing scale stated thereon;
- (b) Be an electronic image of a plat or condominium plan presented to the clerk electronically in conformance with all specifications set forth in any rules and regulations promulgated by the Georgia Superior Court Clerks' Cooperative Authority;
- (c) Comply with the minimum standards and specifications adopted in the rules and regulations of the State Board of Registration for Professional Engineers and Land Surveyors; and
- (d) Provide a box of not less than three inches square, if at full size, in the upper left-hand corner which shall be reserved for the clerk to append filing information.

Section 26.4.5. Data for Final Plats Required per State Law.

This section enumerates data required to be shown on plats per the Georgia Plat and Condominium Plan Recording Act of 2017.

- (a) County. The county where the property lies.
- (b) City. Any municipality wherein the property lies.
- (c) Owner. The name of the property owner or owners of the subject property as stated on the most current or applicable title instrument.
- (d) Plat type. The type of plat (final subdivision, boundary line adjustment, lot combination, retracement survey, easement survey, dedication plat, etc.)
- (e) Name. The name of any subdivision if the property lies within a named subdivision or if the plat is creating a new subdivision; or the name of any condominium if the property is within a condominium development.
- (f) Division designations. The applicable units, pods, blocks, lots, or other subdesignations of any named subdivision or condominium.

- (g) Developer. The name or names of the developer or developers of any named new subdivision or condominium.
- (h) Land lots and districts. All applicable land lots, land districts, sections, reserves, or militia districts wherein the platted property lies.
- (i) Date and revision dates. The date of initial preparation and issuance and any revision dates, including a brief explanation of each revision
- (j) Surveyor. The name, address, and telephone number of the land surveyor who prepared and sealed the plat and, if working for or through a firm, corporation, partnership, association, limited liability company, or other entity, then also the certificate of authorization number of that entity, in which case the address and telephone number of such entity are acceptable in lieu of the individual surveyor's address and telephone number
- (k) Surveyor registration. The registration number of the land surveyor or a statement that he or she is the county surveyor and is not required by law to be a registered surveyor
- (l) Surveyor seal. The seal of the land surveyor who has prepared the plat and is signing the surveyor certification, which shall be placed within or next to the surveyor certification box.
- (m) Page numbers. If the plat has multiple pages the page number for each applicable page and the total number of sheets in the set shall be placed on each sheet in the same or similar location. The information required by this paragraph may be placed on all sheets or on different sheets within the set submitted for filing; and
- (n) Scale. The scale of the plat stated and shown graphically
- (o) Surveyor certification box for subdivision plats. Each plat involving a subdivision shall have depicted thereon a box which contains the following applicable certifications of the land surveyor:

“As required by subsection (d) of O.C.G.A. Section 15-6-67, this plat has been prepared by a land surveyor and approved by all applicable local jurisdictions for recording as evidenced by approval certificates, signatures, stamps, or statements hereon. Such approvals or affirmations should be confirmed with the appropriate governmental bodies by any purchaser or user of this plat as to intended use of any parcel. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.”

The land surveyor shall sign on a line immediately beneath the certification on the plat. At the discretion of the land surveyor and in conformity with local regulations, the surveyor may electronically sign the certification using a facsimile signature. The facsimile signature may be a reproduction of an original signature or an electronically created signature. If the land surveyor elects to use a facsimile signature, the surveyor must maintain full control over the application and use of such signature.

- (p) Additional certifications. Additional dates, certifications, and signatures, which may be electronically created signatures, may be placed on plats. Such certifications may include, but are not limited to, those that may be required by local jurisdictions or agencies, the United States Small Business Administration, the United States Department of Housing and Urban Development, and the American Land Title Association.

Section 26.4.6. Data Required for Final Plats per State Rules and Regulations.

This section enumerates selected data required to be on plats per Rules and Regulations of the State of Georgia, Department 180, "State Board of Registration for Professional Engineers and Land Surveyors," Chapter 180-7, "Technical Standards for Property Surveys, and local requirements. It is the land surveyor's responsibility to provide all data required by said rules, and the lack of inclusion of said rule requirements in this section shall not relieve a land surveyor from complying with said requirements:

- (a) Point of beginning and point of reference. There shall be a point of commencement and/or a point of beginning that can be readily re-established. The direction and distance from a point of reference to a point on the boundary of the individual survey, and such additional data as may be required to relocate the boundary point from the point of reference with the same degree of accuracy required of the parcel surveyed. The point of reference shall be an established, monumented position which can be identified or relocated from maps, plats or other documents on public record, including state plane coordinates when applicable. The point of reference may lie on or within the boundary of the survey.
- (b) Names of adjoining subdivisions and property owners and documents reviewed. The names of adjoining subdivision and/or property owners on all lines, as can be determined at the time of commencement of the survey through public records such as the county tax assessor and/or clerk of court records, along with a notation as to what documents were reviewed for each adjacent property.
- (c) Roads. Adjacent streets, roads, or other rights-of-way, and the width and the former widths, if pertinent, of rights-of-way adjacent to or crossing the property.
- (d) Water. All water boundaries.
- (e) Easements. The width and the former widths, if pertinent, of easements adjacent to or crossing the property.
- (f) Encroachments and cemeteries. Apparent encroachments and observed evidence of human burials or cemeteries.
- (g) North arrow. An arrow to indicate the principal meridian and a notation as to the reference of bearings to magnetic north, astronomic north, record or grid north. A grid north reference shall indicate the zone. Record north shall reference the document or survey to which the meridian is oriented and the line of the survey to which the "record bearing" was applied to.

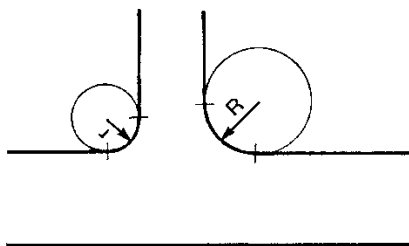
- (h) Metes and bounds bearings and distances and areas. Bearings of all lines of the boundary or lot lines, and distances of all boundary or lot lines, and area of the parcels expressed in acres or square feet. The total acreage of the subdivision shall be shown. All bearings, distances, and areas shown on the survey shall be based upon the measurements of the surveyor, except that both the measured and the record measurements may be shown if the surveyor feels that such comparison is necessary or otherwise required, in which case a clear distinction shall be made as to which are measured and which are record. All angular directions shall be represented in degrees, minutes, and seconds. Distances that are shown for proximity purposes only and have not been measured shall be clearly labeled as "approximate"; A metes and bounds description shall describe all courses in logical sequence around a lot or tract in a clockwise direction such that the ending point is the beginning point. In the case of curved lines, the curve shall be defined by curve data to include the radius, arc length, chord bearing, and distance of regular curves. Chord distances and directions shall be given for irregular curves.
- (i) Equipment reference. A statement to indicate the type of equipment used to obtain the linear and angular measurements used in the preparation of the plat, or the proper notations required by Rule 180-7-.09 when GPS equipment is used in performing the survey.
- (j) Closure precision. The closure precision of the data shown on the plat. The closure may be stated as follows: "This map or plat has been calculated for closure and is found to be accurate within one foot in _____ feet."
- (k) Monuments. Monuments shall be set at all boundary corners. All monuments found, placed or replaced shall be described on the survey plat. The land surveyor shall set monuments, unless monuments already exist or cannot be set due to physical obstructions. Those monuments that cannot be set due to physical obstructions shall have a reference monument set. Said reference monument shall be referenced on the plat by bearing and distance from the true position of said monument. Also, said reference monument shall be set far enough away from the true corner so as not to be confused with the position of the true corner. Corner descriptions shall state the size, material and cap identification of the monument as well as whether the monument was set or found. In the case of badly disturbed or deteriorated monuments that are replaced for the purpose of position preservation, the survey shall indicate the size, type, and material of both the found monument and the monument with which it was replaced.
- (l) Monument specifications. All monuments set shall be composed of a durable material and shall incorporate a ferrous material to aid in location by magnetic locators. Said monuments shall have a minimum length of 18 inches. Monuments placed at land lot corners, district corners or county corners shall if a rod have a minimum diameter of 5/8 inches, a pipe of 1 inch diameter or a concrete or stone monument of not less than 4 inches square. Every boundary monument set shall be identified with a durable marker or cap bearing the Georgia registration number of the land surveyor in responsible charge or the name of the business entity and/or Certification of Authorization number (COA #).

Section 26.4.7. Additional Final Plat Data Required Locally.

In addition to the requirements of state law and state rules and regulations, all plats shall include the following additional information:

- (a) Street names. Street names including both the name and the suffix, such as “street,” “avenue,” etc.
- (b) Location sketch or vicinity map. A hand-drawn or map reproduction, whether or not to an engineering scale, showing the subject property in context of a larger area. Typical scale when a scale is used, is 1inch equals 2,000 feet.

- (c) Road centerlines, pavement widths and radii. The centerline of all roads within or adjacent to the subdivision, and the exact pavement width of the road or roads abutting the subject property and within the subdivision. For cul-de-sacs, both the right of way radius and the pavement radius shall be shown. In addition, the right of way and pavement radii of all street intersections shall be shown.



- (d) Lot and block identifiers. Lots numbered in numerical order and blocks lettered alphabetically.
- (e) Addresses. Prior to recording, the street address number shall be shown on each lot as assigned by the Jackson County Department of Emergency Services.
- (f) Building setbacks. Front building setback lines with dimensions as to length across each lot and distance from the street right-of-way.
- (g) Flood hazard area note. A note indicating whether or not the property is located within a 100-year flood plain, as designated on Federal Emergency Management Agency Flood Insurance Rate Maps, along with the community map panel number and effective date.
- (h) Dedications and common areas. Any areas to be reserved, donated, or dedicated to public use and common use shall be shown along with their acreage. If streets are to be dedicated, the total linear distance of streets to be dedicated shall be indicated on the plat.
- (i) Private covenants. Statement of and reference to private covenants, conditions and restrictions, if any.
- (j) Other data. The Zoning Administrator may require that additional information be shown on the final plat, including but not limited to the existing zoning district and if applicable zoning conditions, zoning overlay, if applicable, variances if applicable, required stream buffers and zoning buffers, and wetlands.

Section 24.4.8. Locally Required Final Plat Certifications.

The following certifications shall be required for final plats, as applicable:

- (a) Owner's certification. A certificate signed by the owner directly on the final plat, as follows:

"The owner of the land shown on this plat and whose name is subscribed hereto, certifies that that he/she is the fee simple absolute owner of the land shown on this plat and that all state, city and county taxes or other assessments now due on this land have been paid.

Owner

Signed, sealed and delivered
in the presence of:

Witness

Notary Public"

- (b) Certificate of approval and signature block. The following certification of approval and signature block shall be provided on the plat:

"Pursuant to the land use management code and all requirements of approval having been fulfilled, this final plat was given final approval by the Zoning Administrator and it is entitled to be recorded in the Clerk's Office, Jackson County Superior Court."

Signature, Zoning Administrator" [insert date signed]

- (c) "Certificate of dedication. If the subdivision involves the dedication of land or streets to the public, the following certification shall be provided on the plat:

The owner dedicates to the public for use forever the street right of way(s) and/or other public dedications shown on this plat, as follows:

Street right of way(s): __ linear feet and __ acres.

Other: __ acres.

Owner

Signed, sealed and delivered
in the presence of:

Witness

Notary Public"

- (d) Health department certificate. If the subdivision involves an on-site sewage management system or community water system, the following certification shall be provided on the plat:

“This final plat has been approved by the Jackson County Health Department as being consistent with applicable state and local environmental health requirements.

Signature, Director, Jackson County Health Department Date”

For a minor subdivision, the Zoning Administrator may waive the requirement to include a signed health department certificate on a final plat; provided, however, that if the lot(s) included in the final plat of a minor subdivision are to be served by an on-site sewage management system (septic tank), in lieu of said certification the final plat shall contain the following note: “Each lot must be reviewed and approved by the Jackson County Environmental Health Department for on-site sewage management system placement prior to the issuance of a building permit.”

- (e) *[deleted per amendment, Ord. LUMC 2022-03, adopted 12/12/2022]*

- (f) Utility dedication certificate. If the subdivision involves water and/or sanitary sewer lines to be dedicated, the following certification shall be provided on the plat:

“The owner hereby dedicates to the Jackson County Water and Sewerage Authority forever the water and sanitary sewer lines within easements or within street rights of ways shown on this plat, as follows:

Water lines: ___ linear feet.
Sanitary sewer lines: ___ linear feet.

Owner
Signed, sealed and delivered
in the presence of:

Witness

Notary Public”

- (g) Utility or Governing Authority acceptance of dedication. If the subdivision involves water and/or sanitary sewer lines to be dedicated, the following certification shall be provided on the plat:

The Jackson County Water and Sewerage Authority [or the Governing Authority of the City of Arcade] hereby accepts the water and/or sanitary sewer lines within easements or within street rights of ways shown on this plat.

Signature, Jackson County Water and Sewerage Authority [or Mayor] Date”

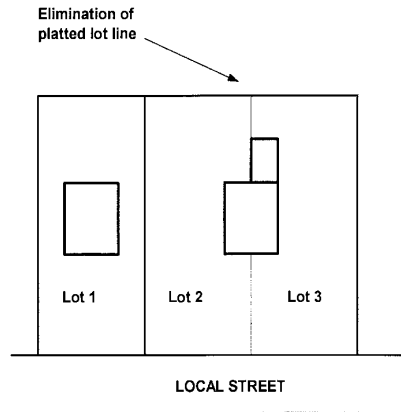
[Amended via Ord. LUMC 2022-03, adopted 12/12/2022]

Section 26.4.9. Final Plat Procedures.

- (a) When Required. All major subdivisions, minor subdivisions, boundary line adjustments, lot combinations, and dedications shall require final plat approval. The final plat approval process for minor final plats is administrative. Final plats for major subdivisions require Governing Authority approval but do not require review and recommendation by the Planning Commission. *[Amended via Ord. LUMC 2022-03, adopted 12/12/2022]*
- (b) Completeness check. The Zoning Administrator shall review the final plat application for completeness within no more than ten calendar work days from the time of submission. Incomplete applications will not be processed and will be returned to the applicant.
- (c) Distribution and agency review of final plat. The Zoning Administrator may forward a copy of the final plat application to other city departments as may be appropriate, the Georgia Department of Transportation if the proposed subdivision has frontage on or proposes access to a state or federal road, or others as appropriate, for their review and comment. Agency review shall specifically include the approval from the Jackson County Environmental Health Department if septic tanks are proposed within a major subdivision, and public utility providers in cases where connection to public water and/or sewer is proposed or required.
- (d) Time period for completion of review. Except for final plats that have frontage on or propose access to a state or federal road which require review by the Georgia Department of Transportation (which require a 30 day review period), within no more than 25 calendar work days following receipt of a complete final plat application, during which agency review shall be completed, the Zoning Administrator shall indicate on the final plat or in writing all comments related to compliance with this Article and the land use management code. The Zoning Administrator shall provide all comments to the applicant for resolution, who shall work with each department as necessary to resolve all issues.
- (e) Criteria for Approval. The Zoning Administrator for minor subdivisions and the Governing Authority for major subdivisions shall grant final plat approval if: (a) a preliminary plat of the proposed subdivision, if required, has been previously approved by the Governing Authority; all external agencies as may be required have approved the final plat; where new improvements are involved in the subdivision, land disturbance and development plans have been approved by the Zoning Administrator, all improvements have been installed, improvements have been inspected, and subdivision improvement guarantees as required by this Article have been submitted; the final plat meets all applicable requirements of this Article; and a complete final plat application has been submitted, including all supporting materials required by this chapter for final plats. *[Amended via Ord. LUMC 2022-03, adopted 12/12/2022]*

Section 26.4.10. Combination Plat.

- (a) An existing lot line forming the boundary between two conforming platted lots located within the same subdivision or a lot line between lots or parcels that have merged to form one building lot may be removed or eliminated through a final plat revision process which conforms to the final plat requirements of this Article.

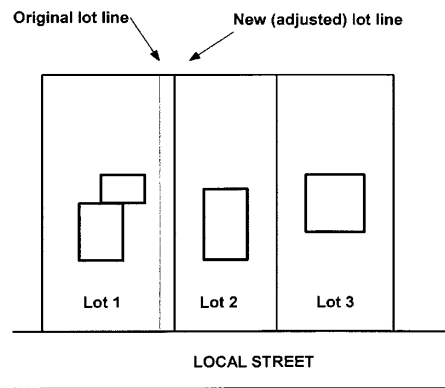


Lot Combination

- (b) Where separate lots of land are proposed to be combined, they shall be submitted to the Zoning Administrator as a final plat for review and approval. In the case no final plat applies to the subject lots or parcels, a boundary survey and plat depicting all lots involved in the lot combination shall be required to be approved by the Zoning Administrator as a final plat.
- (c) Such combination plat shall be titled with the same name as that of the original subdivision, if applicable, and shall indicate thereon that the replat is for the purpose of removing the lot lines between specific lots.

Section 26.4.11. Boundary Line Adjustment.

- (a) One or more existing lot lines forming boundaries between conforming platted lots located within the same subdivision, or one or more lot lines between abutting lots or parcels may be adjusted through a final plat revision process that requires the approval of the Zoning Administrator and recording of a plat meeting the specifications of a final plat. In the case no final plat applies to the subject lots or parcels, a boundary survey and plat of the entire lots involved in the boundary line adjustment shall be required to be approved by the Zoning Administrator.



Boundary Line Adjustment

- (b) Such plat showing said boundary line adjustment shall be titled with the same name as that of the original subdivision and shall include thereon that the replat is for the purpose of adjusting the lot lines between specific lots.

Section 26.4.12. Recording of Final Plat.

- (a) Once the final subdivision plat has received approval as evidenced by signature of the Zoning Administrator, the applicant shall record the plat electronically with the Jackson County Clerk of Superior Court.
- (b) The applicant is responsible for paying any required recording fees.
- (c) The applicant for final plat approval shall be responsible for forwarding an electronic copy of the final plat as recorded, along with recording information, to the Zoning Administrator. Building permits may be withheld pending receipt of the electronic copy of the recorded final plat.
- (d) Recordation of a final plat constitutes approval to begin the sale or transfer of subdivision lots.

Section 26.4.13. Revision of Final Plat.

The application requirements and procedures for amending final plats shall be the same as for final plat applications.

Section 26.4.14. Limitations on Minor Subdivisions.

- (a) Purpose. Minor subdivisions provide certain advantages, such as a shorter application process and less public scrutiny, that tend to favor their use over the filing of major subdivision applications. Given these advantages, the prospect exists that subdividers may seek to divide a parcel via consecutive and/or contiguous minor subdivisions instead of filing for a major subdivision. It is the intent of the Governing Bodies of the participating municipalities to prohibit the practice of “chain” subdivisions where the same land owner subdivides land and then files minor subdivision applications on common contiguous parcels, which collectively total more than five (5) lots. It is also the intent of the Governing Bodies of the participating municipalities to prohibit minor subdivisions adjacent to each other within a three-year time period, in cases where part of an original tract of land is now owned by another person or entity and was transferred or sold to another owner with the apparent intent to circumvent the major subdivision process.
- (b) Contiguous Common Parcels Shown on Minor Subdivision Plats. Contiguous common parcels, as defined by this Article, shall be referenced on all applications for minor subdivisions, and contiguous common parcels shall be considered part of any application for minor subdivision, for purposes of determining whether or not the division of land proposed is a major subdivision or a minor subdivision. Contiguous common parcels shall not be counted as lots in the case of a minor subdivision.
- (c) Limitations. Land within a minor subdivision, including all contiguous parcels owned by the subdivider, shall not be further divided for a period of three years unless a preliminary plat application is filed and approved as a major subdivision pursuant to the requirements of this Article. If property proposed to be subdivided was part of an original tract, and if the property proposed to be subdivided abuts land that has been divided as a minor subdivision in the last three years, then minor subdivision of said property shall

be prohibited. This provision shall not be construed to prohibit the approval of two contiguous minor subdivisions under separate ownership; however, this provision is intended to be construed liberally so that one property owner does not develop a minor subdivision on part of an original tract and transfer or sell another part of the original tract for the purposes of minor subdivision within a three year period. It is the intent that land abutting a minor subdivision that was owned by the subdivider of the abutting minor subdivision shall not be subdivided as a minor subdivision for a period of three years, regardless of ownership.

Section 26.4.15. Subdivision Improvement Guarantee.

- (a) Improvements. All public improvements required for subdivisions shall have been properly installed and completed in accordance with all requirements and standards of this land use management code (other than traffic signs, street name signs, street striping, and signalization) prior to final plat approval.
- (b) Types of acceptable guarantees. The financial guarantee of the subdivider or developer may be any of the following: an escrow of funds with the Governing Authority; an escrow with a bank or savings and loan association upon which the Governing Authority can draw; an irrevocable letter of commitment or credit upon which the Governing Authority can draw; a performance bond for the benefit of the city upon which the Governing Authority can collect; a certificate of deposit with assignment letter; or any other form of guarantee approved by the Governing Authority that will satisfy the objectives of this section.
- (c) Submission. Prior to approval of a final subdivision plat, a subdivision improvement guarantee in a form acceptable to the Zoning Administrator is required for all completed improvements shown on the as-built surveys required by this land use management code. Prior to final plat approval, the owner of a subdivision involving public improvements shall submit a subdivision improvement guarantee.
- (d) Maintenance period and duration of guarantee. The subdivider shall maintain any public improvements in the subdivision, for a period of two years or until certificates of occupancy have been issued for 75% or more of the principal buildings on the lots shown on the final subdivision plat, whichever occurs later. The two-year maintenance period shall begin upon recordation of the final subdivision plat. If the two-year term expires before the issuance of certificates of occupancy for 75% or more of the principal buildings on the lots shown on the final subdivision plat, the improvement guarantee shall be renewed or extended, until Certificates of Occupancy have been issued on 75% of the principal buildings on the lots shown on the final subdivision plat. The subdivider shall not assign this responsibility to another entity without permission of the Zoning Administrator.
- (e) Amount of guarantee. The value of the improvement guarantee shall be equal to 20 percent of the actual cost of construction of the improvements shown on the as-built surveys or final plat. The cost of construction shall be evidenced by copies of contractor agreements or actual invoices paid, or as otherwise determined or accepted by the Zoning Administrator.

- (f) Inspection. Prior to the end of the maintenance period, the subdivider shall request an inspection of the subdivision's public improvements. The Zoning Administrator or designee shall perform the inspection. The subdivider shall be notified of the inspection results in writing at least 30 days prior to receipt of a request from the subdivider to the county to initiate an inspection.
- (g) Repairs. If repairs are needed for the public improvements to meet county specifications during the two-year maintenance period, the subdivider shall be required to make such repairs within 30 days, after written notification by the Zoning Administrator. The subdivider must correct all defects or deficiencies in materials or workmanship and make such repairs as necessary to approximate the as-built condition of the improvements. When the subdivider completes the necessary maintenance repairs, he or she shall request in writing that the Zoning Administrator or designee inspect the repairs. The Zoning Administrator or designee shall inspect the repairs and notify the developer of the inspection results.
- (h) Remedy. If the repairs are not completed, the subdivision improvement guarantee shall be called to pay for the repairs. Should the amount of the subdivision improvement guarantee be inadequate to pay for the repairs, the developer shall pay the remaining amount.

Section 26.4.16. Warranty Deed and Resolution of Acceptance.

Subdivision streets and right of ways and other lands to be dedicated to the public shall be accepted by the city with jurisdiction only upon the approval by the Governing Authority of a general warranty deed conveying fee simple title of such right of ways and lands. The warranty deed shall be accompanied by a certificate of title and a tax transfer form addressed to the Governing Authority, certifying that the grantor in such deed is vested with marketable fee simple title to the property conveyed thereby, free and clear of all liens and encumbrances, and further that the individual executing such deed has full authority to do so. The subdivider shall forward executed deeds for the streets, and dedication of other public properties if applicable, to the Zoning Administrator who will schedule the matters for the next available meeting of the Governing Authority for consideration, and if approved, recording, along with a resolution accepting the public improvements for perpetual maintenance.

Section 26.4.17. Release of Improvement Guarantee.

Upon adoption by the Governing Authority of a resolution accepting the public improvements within the subdivision for perpetual maintenance, the improvement guarantee shall be released by the Zoning Administrator.

CHAPTER 26.5 CORRIDOR MAP

| | |
|-----------------|---|
| Section 26.5.1. | Purpose and Intent. |
| Section 26.5.2. | Definitions. |
| Section 26.5.3. | Findings and Corridor Map Adoption. |
| Section 26.5.4. | General Provisions. |
| Section 26.5.5. | Development Permit Required to Develop Reserved Land. |
| Section 26.5.6. | Public Hearing and Notice on Development Permit. |
| Section 26.5.7. | Action. |
| Section 26.5.8. | Authority to Acquire Reserved Land for Public Use. |
| Section 26.5.9. | Final Action on the Development Permit. |

Section 26.5.1. Purpose and Intent.

The purposes of a corridor map are to implement the local Comprehensive Plan, especially transportation and thoroughfare plans, by reserving land needed for future transportation facilities designated by a plan. The corridor map is intended to provide a basis for coordinating the provision of transportation facilities with new development by designating corridors where the construction and improvement of transportation facilities is expected, to restrict the construction or expansion of permanent structures in the intended right-of-way of planned transportation facilities as indicated on a corridor map, and to protect the rights of landowners whose land is reserved on a corridor map.

Section 26.5.2. Definitions.

Corridor map: A map adopted by the Governing Authority which designates land to be reserved for the construction of future or improvement of existing transportation facilities. The corridor map establishes the width and termini of corridors as necessary to allow flexibility in planning the design of a transportation facility.

Reserved land: Land shown on the corridor map as “reserved.”

Transportation facilities: Streets, highways, bikeways, sidewalks, and trails.

Section 26.5.3. Findings and Corridor Map Adoption.

The Governing Authority reserves the right to adopt a corridor map that is consistent in all respects with the Comprehensive Plan or plans of participating municipalities. Prior to adoption of a corridor map, the following actions shall be taken to ensure procedural due process:

- (a) Prior to public hearing, if the proposed corridor map includes land intended for transportation facilities to be constructed or improved by governmental units other than the city, a copy of the proposed corridor map shall be submitted to the chief executive officer of each such governmental unit who shall be hallowed thirty (30) days to indicate in writing any reserved land for transportation facilities for which they are responsible that they want removed from the corridor map, in which case such reserved land shall be removed from the corridor map.

- (b) At least fifteen (15) days before the public hearing, the Zoning Administrator shall notify the public of the date, time, place, and nature of the public hearing by publication in a newspaper of general circulation in the territory of the city.
- (c) The Zoning Administrator shall notify all owners of parcels of land that include proposed reserved land of the date, time, place, and nature of the public hearing by mail at least fifteen (15) days before the public hearing.
- (d) The Governing Authority shall hold a public hearing(s) at the date, time, and place advertised, and afford all interested individuals the opportunity to be heard concerning the proposed corridor map.

Section 26.5.4. General Provisions.

The Zoning Administrator shall not issue any permit pertaining to land use, zoning or development on land regulated by this Chapter except pursuant to the procedures and in compliance with this Chapter. This Chapter does not forbid or restrict the use of any reserved land that does not constitute the development of that land, nor does this Chapter forbid or restrict development on the unreserved portion of any reserved land.

Section 26.5.5. Development Permit Required to Develop Reserved Land.

An owner of reserved land who proposes to develop reserved land shall apply to the Zoning Administrator for a Development Permit. It shall be unlawful to carry out development upon land shown as reserved on the corridor map without securing a development permit as required by this Land Use Management Code.

Section 26.5.6. Public Hearing and Notice on Development Permit.

Upon receiving an application for a development permit involving reserved land as shown on an adopted corridor map, the Zoning Administrator shall arrange for the application to be scheduled for public hearing before the Governing Authority. The applicant (and the governmental unit, if land is reserved for a public use by a governmental unit other than the local government) shall be notified in writing of the date, time, and place of the hearing, by written mail, personal service, or facsimile, at least fifteen (15) days prior to the public hearing. The public shall be given notice of the date, time, place, and nature of the hearing by publication in a newspaper of general circulation in the territory of the city at least fifteen (15) days prior to the public hearing. The applicant shall, at the hearing, have an opportunity, personally or through counsel, to present evidence and argument in support of his or her application, as shall any governmental unit or interested individual that has an interest in the application.

Section 26.5.7. Action.

Following the public hearing, the Governing Authority may take one of the following actions:

- (a) Approve the development permit as proposed, with or without conditions, modify the mapped corridor to remove all or part of the reserved land from the mapped corridor, and issue with or without conditions the development permit authorizing development on the land removed from the mapped corridor.
- (b) Modify the proposed development permit application and issue it for development as modified, with or without conditions, if the development can reasonably be accomplished on the subject parcel without encroaching on the reserved land.

- (c) Delay action on the development permit for a defined period of time not to exceed three (3) months for the purpose of any of the following: negotiating with the property owner for the purchase of all or a part of the reserved land by the governmental agency responsible for the transportation facilities; acquiring the reserved land voluntarily; acquiring a negative easement over the reserved land that prevents the property owner from building on the reserved land; taking the reserved land through eminent domain and the payment of just compensation.

Section 26.5.8. Authority to Acquire Reserved Land for Public Use.

After considering the development permit by the Governing Authority pursuant to this Chapter, the local government or other governmental unit responsible for the transportation facilities may, but shall not be obligated to, negotiate for the voluntary dedication of the land, enter into option to purchase, or it may initiate condemnation proceedings subject to applicable state laws and use its powers of eminent domain.

Section 26.5.9. Final Action on the Development Permit.

If the Governing Authority delays action on the development permit as provided by this Chapter, and the governmental agency responsible for transportation facilities on the reserved land fails to arrange for the legal acquisition of all or a part of the reserved land within the specified time period which shall not exceed three (3) months, then the Governing Authority shall approve the development permit, with or without conditions, or in the absence of such approval, the development permit shall be deemed approved as submitted.

ARTICLE 27
EXURBAN/RURAL DESIGN AND IMPROVEMENT REQUIREMENTS

| | |
|--------------|---|
| CHAPTER 27.1 | GENERAL PROVISIONS |
| CHAPTER 27.2 | DESIGN REQUIREMENT FOR STREETS |
| CHAPTER 27.3 | PRIVATE STREETS |
| CHAPTER 27.4 | DESIGN REQUIREMENTS FOR LOTS AND BLOCKS |
| CHAPTER 27.5 | STORM DRAINAGE AND UTILITIES |

CHAPTER 27.1
GENERAL PROVISIONS

| | |
|-----------------|---|
| Section 27.1.1. | Purpose. |
| Section 27.1.2. | Definitions. |
| Section 27.1.3. | Authority. |
| Section 27.1.4. | Applicability and Exemption. |
| Section 27.1.5. | Engineered Drawings |
| Section 27.1.6. | Permits for Construction in Public Right-Of-Way |
| Section 27.1.7. | Improvements to Abutting Land |

Section 27.1.1. Purpose.

The purpose of this Article is to establish minimum design requirements, standards, and specifications for improvements within subdivisions and land developments in Agricultural and Rural Residential Zoning Districts as established in Articles 6 and 7, respectively, of this Land Use Management Code.

Section 27.1.2. Definitions.

Definitions pertaining to this Article shall be as provided in Chapter 2.2 and Chapter 26.2 of this Land Use Management Code.

Section 27.1.3. Authority.

The Arcade Planning Commission is hereby authorized to review and approve or deny preliminary plats of subdivisions as more fully specified in Article 26 of this Land Use Management Code. The Arcade Planning Commission is further authorized to prepare and promulgate standards, standard drawings, and specifications to more specifically implement the intent of the improvement requirements for subdivisions and land development provided in this Article.

The Zoning Administrator, as staff to the Arcade Planning Commission, is hereby authorized to review and approve certain subdivision specified in Article 26 of this Land Use Management Code and to administratively approve construction and development plans for land developments in compliance with the requirements of this Land Use Management Code.

Section 27.1.4. Applicability and Exemption.

This Article shall apply in all Agricultural and Rural Residential Zoning Districts as established in Articles 6 and 7, respectively, of this Land Use Management Code. The improvement requirements specified in this Article shall apply to all developments, except that the improvement requirements specified in this Article shall not apply to individual lots proposed for development as a detached, single-family dwellings or manufactured homes, although such lots may be a part of a land subdivision that has initially met the requirements of this Article. Also see Section 9.2.4, "Driveway Permit Required," which shall apply to all developments. All improvements required to be constructed as part of a major subdivision, minor subdivision, or land development shall be constructed and improved in accordance with the standards and specifications for construction as required by this Article.

No person to whom this Article applies shall commence construction of any improvements on any land prior to the approval of construction plans and engineering plans for said improvements as required by Article 26 of this Land Use Management Code, in accordance with the improvement standards specified in this Article and any additional specifications as may be adopted by the Arcade Planning Commission. No building permit or certificate of occupancy shall be issued for a building, structure, or use, nor shall any excavation, grading, or land disturbance applications be approved on any parcel of land unless it meets the improvement requirements specified in this Article and any additional specifications as may be adopted by the Arcade Planning Commission pursuant to this Article.

Section 27.1.5. Engineered Drawings.

Engineering drawings for public streets, including cross sections and centerline profiles, and public and private water, sewer, drainage, and utility systems, certified by a professional engineer registered in the State of Georgia (or if authorized under state law, a registered land surveyor or professional landscape architect) shall be required to be submitted for review and approval, and such plans must meet the requirements of this Article 27 and other applicable provisions of this Land Use Management Code for development permits and land-disturbing activities (See Chapter 23.1 and Article 13). Prior to approval and recording of a final plat, or prior to the approval of any certificate of occupancy, a registered engineer for the subdivider/developer shall submit copies of all finished, as-built plans of improvements, demonstrating that said improvements, as installed, meet the requirements of this Article and certifying that the plans accurately reflect actual construction and installation. The Zoning Administrator shall maintain all as-built street and utility plans for future use and reference.

Section 27.1.6. Permits for Construction in Public Right-Of-Way.

Permits shall be required for construction in any public right-of-way. Permits will not be issued until such time that plans have been submitted and approved by the Zoning Administrator and if applicable, City Engineer. Permit fees shall be determined by the city.

Section 27.1.7. Improvements to Abutting Land.

For subdivisions and land developments that access an abutting public street, the subdivider or land developer may be required by the Arcade Planning Commission or Zoning Administrator to make certain improvements according to standards and specifications in this Article or adopted pursuant thereto, along all abutting public streets accessed. Determination of necessary

Article 27 Exurban/Rural Design and Improvement Requirements
City of Arcade Land Use Management Code

improvements to an abutting public street shall be based on the capacity of the street to accommodate the increased level of traffic due to the development of land. When a subdivision or land development uses an unpaved public right-of-way for access, the subdivider or land developer shall improve that right-of-way to a pavement width consistent with the road design standards specified in this Article. Said improvements shall be from the subdivision or land development entrance to the paved county or city road which the Zoning Administrator determines will be the primary direction of travel for residents of the subdivision or occupants of the land development.

CHAPTER 27.2 DESIGN REQUIREMENTS FOR STREETS

| | |
|-----------------|--|
| Section 27.2.1. | Standards for Configuring New Streets. |
| Section 27.2.2. | Requirements for Streets. |
| Section 27.2.3 | Curb Cuts and Access Specifications. |
| Section 27.2.4. | Street Lighting. |
| Section 27.2.5. | Street Signs. |
| Section 27.2.6. | Curbs and Gutters. |
| Section 27.2.7. | Sidewalks. |

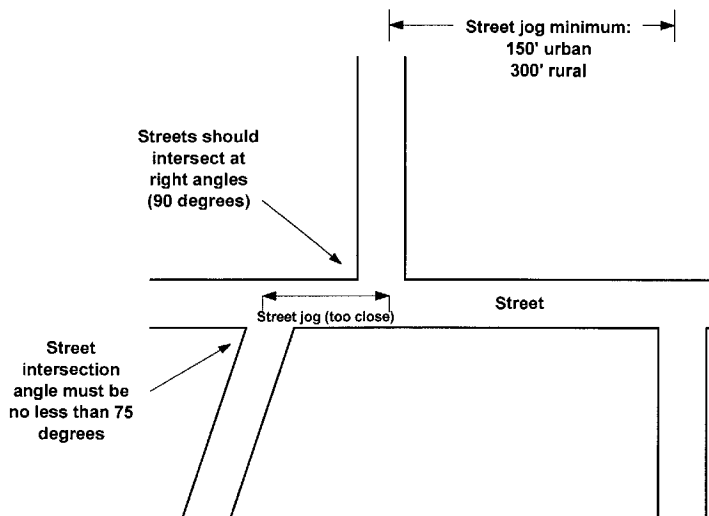
Section 27.2.1. Standards for Configuring New Streets.

1. Street Alignment, Intersections and Jogs. Streets shall be aligned to join with planned or existing streets. Under normal conditions, streets shall be laid out so as to intersect as nearly as possible at right angles (90 degrees), but in no case shall such a street intersection be less than 75 degrees. Where street offsets or jogs cannot be avoided, offset "T" intersections shall be separated by a minimum centerline offset of 300 feet (exurban/rural areas).

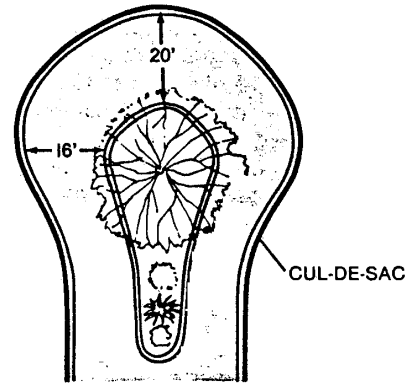
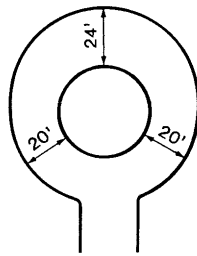
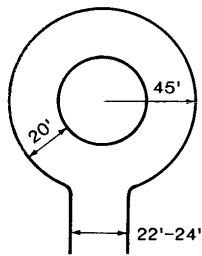
2. Continuation of Existing Streets and Connections. Existing streets, and their right-of-ways, shall be continued at the same or greater width, but in no case less than the required width. The Planning Commission may require that a major subdivision provide one or more future connections to adjoining subdivisions or unsubdivided tracts.

3. Street Plans for Future Phases of the Tract. Where the plat or site plan proposed to be subdivided or developed includes only part of the tract owned or intended for subdivision or development by the subdivider or land developer, a tentative plan of a future street system for the portion not slated for immediate subdivision consideration may be required by the Zoning Administrator and if required shall be prepared and submitted by the subdivider or land developer.

4. Dead-end Streets and Cul-de-sacs. Streets that dead-end shall terminate in a cul-de-sac or acceptable alternative street ending such as a center island cul-de-sac or hammerhead "T" turnaround. The maximum length of such streets shall be 1200 feet (exurban/rural areas).



Intersection Angles and Street Jogs



Source: Kulash, Walter M. 2001. *Residential Streets*, 3rd Ed. Washington, DC: Urban Land Institute, National Association of Home Builders, American Society of Civil Engineers, and Institute of Transportation Engineers. p. 35.

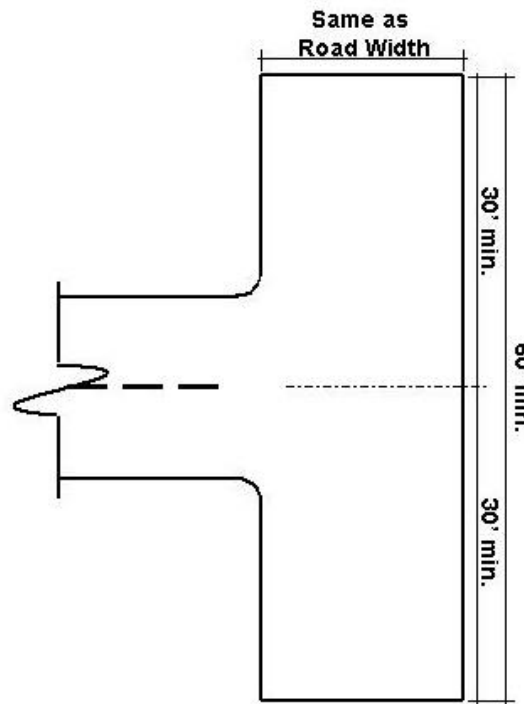
Illustrative Cul-de-sacs With Islands

Source: De Chiara, Joseph, and Lee E. Koppelman. 1984. *Time-Saver Standards for Site Planning*. Figure 4.43, p. 355. New York: McGraw-Hill.

Center-island cul-de-sacs shall minimum radii approved by the Planning Commission, which may approve alternative, flexible center-island cul-de-sac designs (for instance, see figures) as a part of preliminary plat approval.

Streets that are planned to continue at some future date shall provide a temporary cul-de-sac as required by the Planning Commission.

A hammer-head turnaround shall have a minimum pavement width the same as the road width (or not less than 15 feet), and shall extend a minimum of 30 feet to either side of the centerline of the dead-end street (60 feet total). The cross piece of the "T" shall be located within a 50 feet wide right-of-way that shall extend at least 10 feet beyond the ends of the pavement.



Hammerhead/T Detail

5. Alleys and Service Access. Alleys may be permitted in exurban/rural areas. If alleys are provided, they must be paved with asphalt or concrete or finished with gravel. Dead-end alleys shall be avoided where possible; but if unavoidable, they shall be provided with adequate turn-around facilities. Service access shall be provided to commercial and industrial developments for off-street loading, unloading, and parking consistent with and adequate for the uses proposed (also see Chapter 9.2 and Article 12 of this Land Use Management Code).

6. Marginal Access Streets. Whenever a major subdivision is proposed abutting the right-of-way of a U.S. or State highway, a marginal access street approximately parallel and adjacent to such right-of-way may be required by the Planning Commission at a distance suitable for the appropriate use of land between such marginal access street and highway right-of-way. The Planning Commission may also require a 20 foot no-access easement and planting strip along the major arterial street to ensure that lots fronting on said highway do not have access thereto.

Section 27.2.2. Requirements For Streets.

1. Bridges. Bridges on public rights-of-way shall meet current American Association of State Highway and Transportation Officials (AASHTO) standards, unless it can be shown that alternative specifications are equivalent to said standards and are more in keeping with exurban/rural character, in which case modifications to said standards may be made by the Planning Commission.

2. Grading and Stabilization of Street Rights-of-way. When a new public street is proposed, all trees, brush, stumps, rocks, or other debris shall be cleared from the street right-of-way, except in cases where trees are required to be preserved by the Zoning Administrator in a manner acceptable to the Quad Cities Planning Commission. All streets shall be graded to lines, grades, and cross sections approved on plans. All unsurfaced, disturbed portions of street rights-of-ways shall be stabilized by seeding, fertilizing, and mulching, or by another equally effective method.

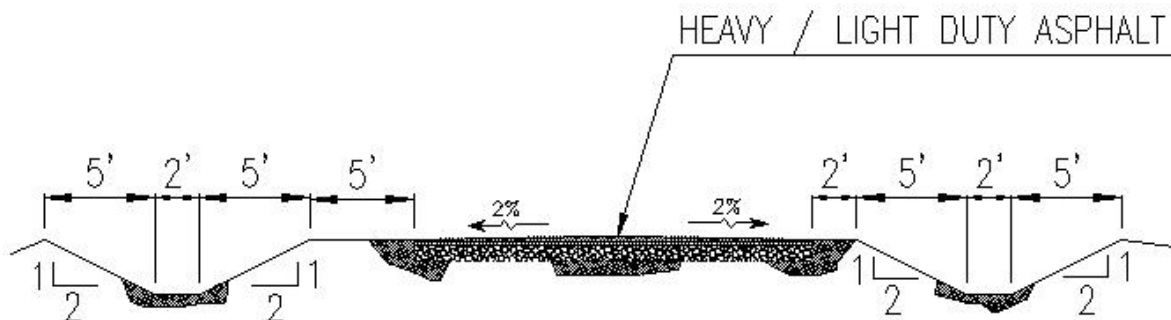
3. Radius at Street Intersections. The right-of-way radius at street intersections shall be a minimum of fifteen (15) feet, with larger radii for streets serving nonresidential development, as approved by the Planning Commission.

4. Street Grades. No street grade shall be less than one percent. No street grade for an arterial or collector street shall exceed eight (8) percent. No other local street grade shall exceed twelve (12) percent, unless the Planning Commission finds that due to topographic conditions a steeper grade is necessary, in which case the street grade shall not exceed fifteen (15) percent. Grades between 12 and 15 percent shall not exceed a length of 150 feet.

5. Minimum Street Right-of-way and Pavement Widths. Street right-of-way and pavement widths shall at minimum meet the following (also see cross-section figure):

| STREET TYPE | MINIMUM RIGHT-OF-WAY WIDTH (FEET) | MINIMUM PAVEMENT WIDTH (FEET) |
|--------------------------------------|--|--------------------------------------|
| Major arterial street | Per thoroughfare plan | Per thoroughfare plan |
| Collector street | 80 | 30* |
| Local street with curb and gutter | 50 | 24 (back of curb to back of curb) |
| Local street without curb and gutter | 60 | 20 |
| Cul-de-sac turn around radius | 50 | 40 |
| One-way Lane or Alley | 30 | 10 |

* Width may vary based on proposed design of collector road, subject to approval of the Planning Commission.



6. Street Horizontal Alignment and Reverse Curves. Street horizontal alignments and reverse curves shall at minimum meet the following:

| STREET TYPE | MINIMUM HORIZONTAL RADII OF CENTER LINE CURVATURE (FEET) | MINIMUM TANGENTS BETWEEN REVERSE CURVES (FEET) |
|--------------------------------------|--|--|
| Major arterial street | 1250 | 250 |
| Collector street | 500 | 100 |
| Local street with curb and gutter | 100 | 100 |
| Local street without curb and gutter | 100 | 100 |
| Dead-end street | 100 | 100 |

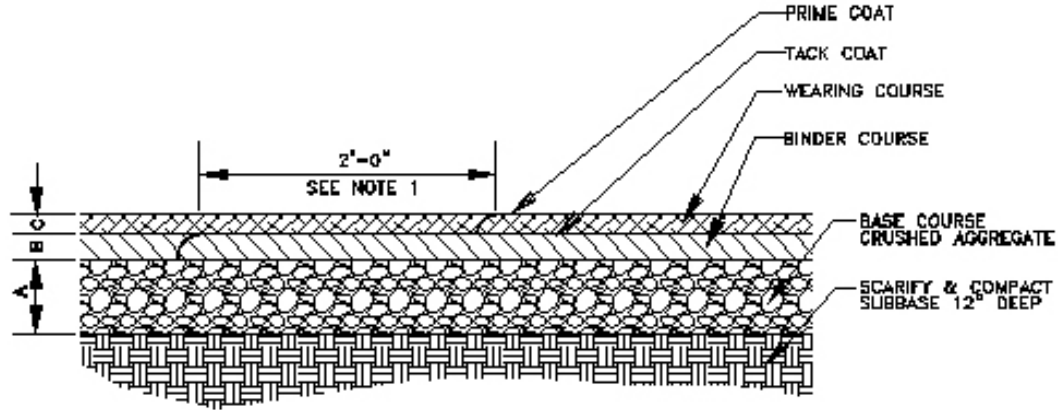
7. Street Paving Standards. All new streets shall be paved; provided, however, that a variance from this paving requirement may be granted by the Planning Commission in cases where the lots in a planned subdivision are five acres or greater in size and/or in areas designated as water supply watersheds. In the case of such a variance, the standard for a gravel road shall be followed.

Street paving must at minimum meet the following:

Fill (Subgrade) Compaction: After grading of the roadway has been completed, the subdivider shall proofroll the cut subgrade using a heavy rubber tired vehicle to verify that exposed subgrades are stable and to identify loose or soft areas requiring under cutting or stabilization. Proofrolling shall be under the observation of an independent testing laboratory or engineer and the subdivider shall provide certification of successful proofrolling testing.

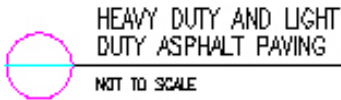
Base Compaction: Before paving is commenced, the subdivider shall provide two copies of a certificate from an engineer or certified private testing laboratory of the compaction test on the graded aggregate base course.

| PAVEMENT COMPONENTS | | |
|--|--------|--------|
| GRADED AGGREGATE BASE, (A) | 8" | 5" |
| ASPHALTIC CONCRETE BINDER, TYPE B, (B) | 2" | 2" |
| ASPHALTIC CONCRETE WEARING SURFACE TYPE F, (C) | 1 1/2" | 1 1/2" |



NOTE:

1. PROVIDE 2'-0" MINIMUM OVERLAP OF LONGITUDINAL AND TRANSVERSE JOINTS IN ASPHALT PAVEMENT.



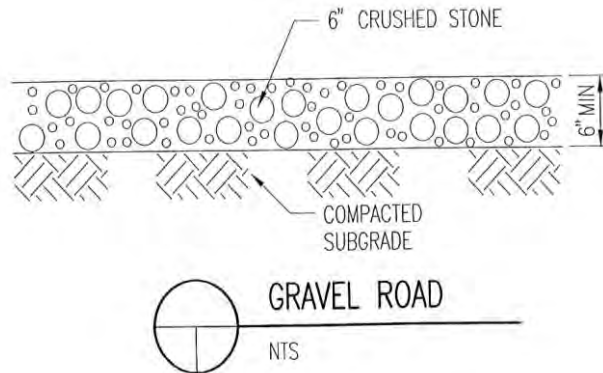
Commercial/Heavy Roads

- 10.0 inches of graded aggregate base course compacted to 95%.
- 2.0 inches of type "B" asphaltic concrete binder course compacted to 95%.
- 1.5 inches of asphaltic concrete wearing surface type "F".

Residential/Subdivision Streets

- 6.0 inches of graded aggregate base course compacted to 95%.
- 2.0 inches of type "B" asphaltic concrete binder course compacted to 95%.
- 1.5 inches of asphaltic concrete wearing surface type "F".

Gravel Roads/Alleys: Gravel roads shall consist of a subgrade that is proofrolled consistent with standard paving practices and a six (6) inch base of crushed stone compacted to 95%.



Section 27.2.3 Curb Cuts and Access Specifications.

Roadway entrances and improvements, including necessary acceleration and/or deceleration lane(s) and right/left turn lanes, shall be designed, installed, and maintained as approved by the State Department of Transportation, as applicable, or the Planning Commission, in accordance with State or local specifications. All entrances or exits of any street or driveway, public or private, from or to any state highway shall be approved by the State Department of Transportation prior to the construction of such entrances or exits and prior to the issuance of any development permit or building permit for any improvement to be served by such entrances or exits. All entrances or exits of any street or driveway, public or private, from or to any public street shall be approved by the City Engineer prior to the construction of such entrances or exits and after issuance of a driveway permit as specified in Chapter 9.2 of this Land Use Management Code.

Section 27.2.4. Street Lighting.

In the interest of preserving the rural atmosphere of the night sky in exurban and rural areas, street lighting along streets in new subdivisions or land developments is discouraged. If desired by a developer, streetlights must be installed in accordance with local utility companies' standards and should additionally be designed and detailed so as to be compatible with the rural environment (i.e. post-top lights, not cobra-head lights). Installation and maintenance of the streetlights shall be the responsibility of the developer, and payment for operations and maintenance shall be assigned to a homeowners association unless responsibility for payment for operations and maintenance is accepted by the Governing Authority.

Section 27.2.5. Street Signs.

Signs for street names, directions of travel, traffic control, and hazards shall be provided as directed by the Planning Commission. Street signs on exterior/boundary streets shall be installed at the subdivider or developer's expense by the subdivider or developer in accordance with specifications of the Planning Commission and the city. Street signs for interior streets of a subdivision or land development shall be installed at the subdivider or developer's expense by the subdivider or developer, subject to the approval of the Planning Commission.

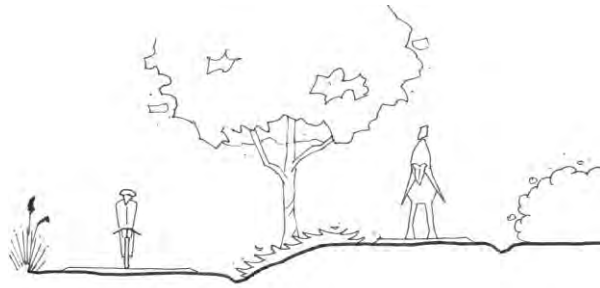
Unless otherwise adopted by the Planning Commission, street signs shall meet the following specifications. Signs shall be constructed of aluminum sheets with reflective backgrounds. Information on the street name signs shall be readable from both sides of the sign. Signs shall be installed on a steel post. The vertical distance from the road elevation to the bottom of the sign face shall be seven (7) feet with a minimum burial depth of three (3) feet.

Section 27.2.6. Curbs and Gutters.

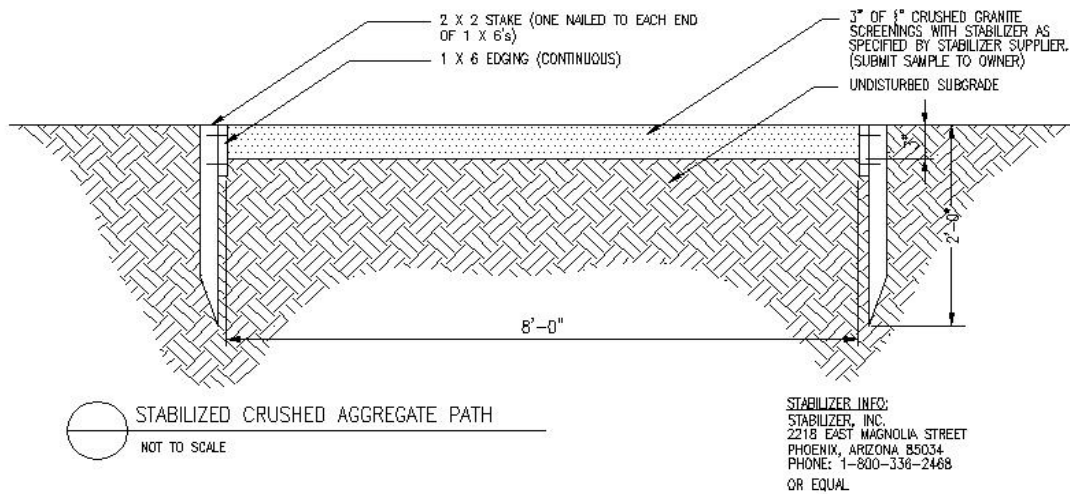
Curbs and gutters shall not be required for roads in exurban and rural area developments. Should a subdivider or developer desire to construct curbs and gutters for streets in a subdivision, such curbs and gutters shall be constructed in accordance with the standards and specifications of Section 28.2.6 of this code.

Section 27.2.7. Sidewalks.

Sidewalks shall not be required in exurban and rural area developments unless sidewalks are determined to be required in the Comprehensive Plan, unless the Zoning Administrator determines that a public need exists for sidewalks in a certain location, or in the case that a land development or subdivision is located within one mile of a public school. If required, sidewalks shall be designed in accordance with Article 28 of this Land Use Management Code.



As an alternative to sidewalks, developments in exurban and rural areas are encouraged to include common pedestrian paths constructed of pervious surfacing materials such as gravel, brick dust, mulch or other similar surface. Such paths should follow routes that are desirable and appropriate for the individual landscape and an easement should be established, where feasible, in order to ensure the long-term accessibility of the path.



Pedestrian Path Typical Detail

CHAPTER 27.3 PRIVATE STREETS

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| Section 27.3.1. | Private Street Approval Process. |
| Section 27.3.2. | Engineering Plans Required. |
| Section 27.3.3. | Standards. |
| Section 27.3.4. | Street Names and Signs. |
| Section 27.3.5. | Easements. |
| Section 27.3.6. | Maintenance. |
| Section 27.3.7. | Specifications for Final Plats Involving Private Streets. |
| Section 27.3.8. | Requirement for Purchaser's Acknowledgement of Private Responsibilities. |

Section 27.3.1. Private Street Approval Process.

Private streets may, upon application, be permitted by the Governing Authority, within major subdivisions, subject to the requirements of this Chapter. Applications for approval of private streets shall be considered by the Governing Authority prior to preliminary plat approval. Following a recommendation by the Planning Commission to authorize private streets in a major subdivision, the Governing Authority shall consider the application and may impose conditions on the approval of private streets to ensure various public purposes and to mitigate potential problems with private streets. No final plat involving a private street shall be approved unless said final plat conforms to the requirements of this Chapter.

Section 27.3.2. Engineering Plans Required.

It shall be unlawful for any person, firm, or corporation to construct a new private street or alter an existing private street or to cause the same to be done without first obtaining approval of engineering and construction plans from the Zoning Administrator and Planning Commission in accordance with the requirements of this Chapter and Article 26 of this Land Use Management Code.

Section 27.3.3. Standards.

All private streets shall be constructed to all standards for public streets as required by Chapter 27.2 of this Code, any additional construction specifications of the Planning Commission, and as approved by the Planning Commission.

Section 27.3.4. Street Names and Signs.

Private streets shall be named, subject to the approval of the Zoning Administrator. The subdivider of land involving a private street shall install street signs with content containing the street name and the designation "private," as approved by the Planning Commission. The sign signifying the private street may be required by the Planning Commission to be a different color than that of street signs provided for public streets, in order to distinguish maintenance responsibilities in the field.

Section 27.3.5. Easements.

Easements for private streets shall be designated on final plats as general purpose public access and utility easements, along with the name of said private street. Said easement shall at minimum be of the same width as that required for the right-of-way of a public street by the major thoroughfare plan and the Planning Commission for the type of public street (local, collector, etc.) most closely resembling the proposed private street. Easements for private streets shall not be included in any calculation of minimum lot size or density limitations established by this Land Use Management Code. In the cases of private streets, the general purpose public access and utility easement for the private street shall be drawn as its own discrete parcel to be dedicated to a private homeowners association and which shall not shown to be a part of any lot or allow any lot to be divided.

Section 27.3.6. Maintenance.

The Governing Authority shall not maintain, repair, resurface, rebuild, or otherwise improve private streets, signs, drainage improvements or any other appurtenances within general purpose public access and utility easements established for private streets. A private maintenance covenant recorded with the Clerk of the Jackson County Superior Court shall be required for any private street and other improvements within general purpose public access and utility easements established for private streets. The covenant shall set out the distribution of expenses, remedies for non-compliance with the terms of the agreement, rights to the use of easements, and other pertinent considerations. The Covenant shall specifically include the following terms:

- (a) The Covenant shall establish minimum annual assessments in an amount adequate to defray costs of ordinary maintenance and procedures for approval of additional needed assessments. The Covenant shall also specify that the funds from such assessments will be held by a homeowners or property owners association in cases of a subdivision of seven (7) or more lots fronting on a private street.
- (b) The Covenant shall include a periodic maintenance schedule.
- (c) The Covenant for maintenance shall be enforceable by any property owner served by the private street.
- (d) The Covenant shall establish a formula for assessing maintenance and repair costs equitably to property owners served by the private street.
- (e) The Covenant shall run with the land.
- (f) The Governing Authority may, at its discretion, as a condition of approving private streets, require a performance bond and/or maintenance bond be submitted by the subdivider and held by a homeowners or property owners association, or the Governing Authority may require that the subdivider pay an amount of money as recommended by the Planning Commission into an escrow account or other suitable account for the maintenance and repair of private streets and stormwater management improvements, to be drawn from by the homeowners or property owners association as maintenance and repair needs may arise.

Section 27.3.7. Specifications for Final Plats Involving Private Streets.

No final plat involving a private street shall be approved by the Zoning Administrator for recording unless and until it shall contain the following items of information on the face of the plat:

- (a) Deed book and page reference to the recorded covenant required by this section.

- (b) "WARNING, the City of Arcade has no responsibility to build, improve, maintain, or otherwise service the private streets, drainage improvements, and other appurtenances contained within the general public purpose access and utility easement or easements for private streets shown on this plat."
- (c) "Grant of Easement. The general purpose public access and utility easement(s) shown on this plat for private street(s) is hereby granted and said grant of rights shall be liberally construed to provide all necessary authority to the City, and to public or private utility companies serving the subdivision, for the installation and maintenance of utilities, including, but not limited to, electric lines, gas lines, telephone lines, water lines, sewer lines, cable television lines, and fiber optic cables, together with the right to trim interfering trees and brush, together with a perpetual right of ingress and egress for installation, maintenance, and replacement of such lines.

Signature of Property Owner"

- (d) The following certificate of dedication shall be required, unless the Governing Authority waives the dedication requirement.

"Certificate of Dedication. All water and sewer lines installed within the general purpose public access and utility easement(s) shown on this plat for private street(s) are hereby dedicated to the City of Arcade (or Jackson County Water and Sewerage Authority, whichever has jurisdiction).

Signature of Property Owner"

Section 27.3.8. Requirement for Purchaser's Acknowledgement of Private Responsibilities.

Prior to the sale or as a condition of the closing of a real estate transaction involving any lot served by a private street in the city, the subdivider or seller of said lot shall execute a notarized purchaser's acknowledgement of private street construction and drainage maintenance responsibilities as set forth below. A copy of the purchaser's acknowledgement shall be retained by the purchaser and shall be required to be submitted as a condition of a building permit for a principal building on said lot:

"Purchaser's Acknowledgement of Private Street and Drainage Maintenance Responsibility.

(I) (We) have read the Declaration of Covenant which pertains to the lot that is the subject of this real estate transaction _____ (insert address or attach legal description). (I) (We) understand that the Declaration of Covenant applies to the lot that (I am) (we are) purchasing and requires (me) (us) to provide a specified percentage or amount of the financing for the construction and maintenance of any private street and drainage facilities serving the lot which (I am) (we are) purchasing, and that owners of other lots in this plat may sue for and recover those costs which this covenant requires (me) (us) to pay, plus their damages resulting from (my) (our) refusal to contribute, plus reasonable attorney's fees. (I) (we) further understand that the City has no obligation to assist with the maintenance and improvement of the private street, drainage facilities, and other appurtenances within the general purpose public access and utility easement for the private road serving the lot in

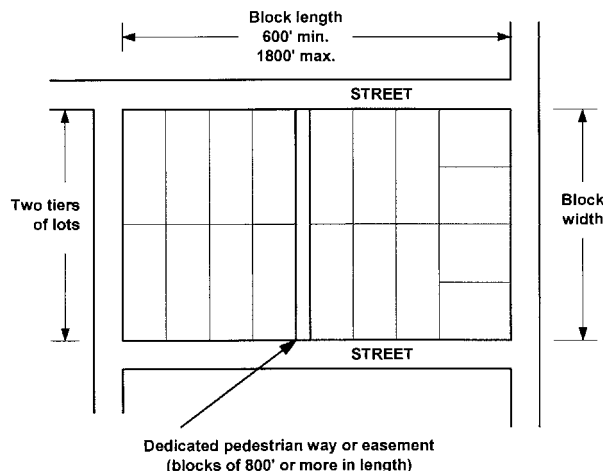
question. I (we) understand that a copy of this purchaser's acknowledgement shall be required as a condition of the issuance of a building permit for a principal building on the lot (I am) (we are) purchasing.

CHAPTER 27.4 DESIGN REQUIREMENTS FOR LOTS AND BLOCKS

- Section 27.4.1. Design Requirements for Blocks.
Section 27.4.2. Design Requirements for Lots.

Section 27.4.1. Design Requirements for Blocks.

1. **Block Length.** Intersecting streets shall be provided at such intervals so as to provide adequate cross traffic. Blocks in residential subdivisions should not exceed one thousand eight hundred (1800) feet nor be less than six hundred (600) feet in length, except where topography or other conditions justify a departure from these standards. In blocks longer than eight hundred (800) feet, pedestrian ways and/or easements through the block may be required by the Planning Commission near the center of blocks.

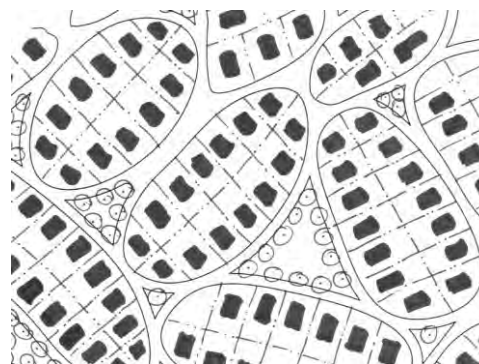


Block Length, Block Width, and Pedestrian Way

2. **Block Width.** The width of the block shall normally be sufficient to allow two (2) tiers of lots of appropriate depth. Blocks intended for business or industrial use shall be of such width as to be considered most suitable for their respective use, including adequate space for off-street parking and deliveries (also See Article 12 of this code).

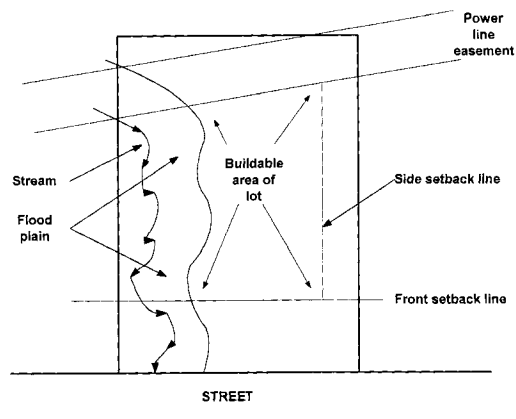
Section 27.4.2. Design Requirements for Lots.

1 **Natural Features and Assets.** In the subdividing of land, due regard shall be shown watercourses, historic sites or similar conditions which, if preserved, will add attractiveness to the proposed development and safety from hazards (see figure).



2 **Access and Minimum Lot Frontage.** Each lot shall have access to a public or private street with the minimum lot frontage on a public or private street Specified by Section 5.3.11 of this Land Use Management Code. Lot widths shall be consistent with the dimensional requirements of zoning districts in specified in Tables 6.2, 7.2, and 8.2 of this Land Use Management Code.

3. Adequate Buildable Area Required. Land subject to flooding, improper drainage or erosion, or that is unsuitable for residential or other use for topographical or other reasons, shall not be platted for residential use nor for any other use that will continue or increase the danger to health, safety, or of property destruction, unless the hazards can be and are corrected. Each lot shall contain an adequate building site not subject to flooding and outside the limits of any existing easements or building setback lines required by the Governing Authority.



Adequate Building Area Required

4. Lot Remnants Not Permitted. All remnants of lots below any required minimum lot size which may be required, left over after subdividing of a larger tract, must be added to adjacent lots, rather than allowed to remain as unusable parcels. The Zoning Administrator may permit a lot remnant for a specific purpose such as a detention pond, provided that access and design is appropriate and the lot remnant is restricted to specific non-building use.

5. Service Areas. Commercial and industrial lots shall be adequate to provide service areas and off-street parking suitable to the use intended (also See Article 12 of this code).

6. Lot Area. The minimum lot area shall not be less than that established by the dimensional requirements of zoning districts in this Code (Tables 6.2, 7.2, 8.2).

7. Lot Width. No portion of a lot, with the exception of cul-de-sac lots and approved flag lots, shall have a lot width less than that established by the zoning district in which the subdivision is located, if applicable.

8. Lot Depth. Lots shall have a depth of not less than 100 feet, unless circumstances make these limitations impracticable.

9. Flag Lots. In exurban and rural areas, flag lots may be allowed under special approval from the Planning Commission due to demonstrated need related to the accessibility of property. Flag lots shall not constitute more than twenty percent (20%) of the lots in a major subdivision. Under no circumstances may more than two adjacent flag lots be permitted.

10. Side Lot Lines. Insofar as practical, side lot lines shall be at right angles to straight street lines or radial to curved street lines.

11. Corner Lots. Corner lots shall have adequate width to meet the front building setback requirements, if applicable, from all rights-of-way.

12. Double Frontage Lots. Double frontage or "through" lots should be avoided except where essential to provide separation of residential development from arterials or overcome specific disadvantages of topography or orientation. Double frontage lots with frontage on a major arterial street shall have additional depth in order to allow space for screen planting along the lot line abutting a major arterial street.

CHAPTER 27.5 STORM DRAINAGE AND UTILITIES

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| Section 27.5.1. | Drainage and Stormwater Management. |
| Section 27.5.2. | Water. |
| Section 27.5.3. | Sewer. |
| Section 27.5.4. | Utilities. |
| Section 27.5.5. | Oversizing of Improvements and Utilities. |
| Section 27.5.6. | Procedure for Administrative Inspection and Acceptance of Public Improvements. |

Section 27.5.1. Drainage and Stormwater Management.

1. General Requirements. An adequate drainage system, separate and independent of any sanitary sewer system and including any necessary ditches, pipes, culverts, intersectional drains, drop inlets, bridges, etc., shall be provided for the proper drainage of all surface water for all subdivisions and land developments that are subject to this Article. Sizing and location of all drainage structures shall be the responsibility of a registered professional engineer or land surveyor and construction shall be in accordance with the specifications of the Jackson County Water and Sewerage Authority. The Planning Commission may require the use of on-site control methods such as retention or detention to mitigate the stormwater and drainage impacts of the proposed subdivisions and land developments. The Planning Commission shall not approve any preliminary plat of a subdivision and the Zoning Administrator shall not approve the construction plans for any land development that does not make adequate provision for storm and floodwater runoff. No building permit shall be issued for any building within a subdivision or for the development of land, if there is not present throughout the subdivision or land development an adequate system of drainage and stormwater management.
2. Method of Design and Capacity. Use of conventional storm sewers is discouraged in exurban and rural areas. If unavoidable, stormwater pipes and sewers shall be designed in accordance with Section 28.5.1 of this Code. Drainage swales are preferred in lieu of stormwater piping, and techniques such as pervious paving, infiltration recharge basins, vegetative filter strips and sand filter strips (see details in Section 12.3.13 of this Code) are encouraged to minimize the need for detention/retention basins. Capacity for a 25-year frequency storm event shall be provided for in all circumstances.
3. Location. Drainage facilities such as swales and ditches shall be located in the road right-of-way where feasible, and shall be constructed in accordance with standards and specifications of the City Engineer or designated official of a participating municipality. Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within road rights-of-way, perpetual, unobstructed easements at least fifteen (15) feet in width for drainage facilities shall be provided across property outside the road right-of-way and with satisfactory access to the road.
4. Discharge. Drainage shall be designed so as to avoid concentration of storm drainage water from each lot or land development site to adjacent lots, land development sites, or vacant properties. Storm water shall not be discharged directly to perennial streams. It shall be directed toward natural drainages. If water must be discharged to a stream, the water quality flowing into

the stream must meet or exceed the water quality in the receiving waters as a result of the use of water quality Best Management Practices (BMPs) that meet the approval of the Planning Commission. The water quantity flowing into the stream must be evaluated to ensure the stream channel can accommodate the increased flows and not disrupt or degrade the ecology of the water body.

5. Grading and Site Drainage. Lots or land development sites shall be laid out so as to provide positive drainage away from all buildings, and drainage for individual lots or land development sites shall be coordinated with the general storm drainage pattern for the area. Buildings and paved areas shall be appropriately drained so as to prevent damage to abutting properties or public streets. All disturbed or graded ground areas of a building site not used for buildings or open storage areas shall be appropriately stabilized and grassed or covered with plants or landscaping materials.

6. Cross-drain Pipes. Where a watercourse separates the buildable area of a lot or land development from the street by which it has access, provisions shall be made for installation of a culvert or other structure, the design of which shall be approved by the City Engineer or designated official of a participating municipality. Cross-drains shall be provided to accommodate all natural waterflow, and shall be of sufficient length to permit full-width roadways and the required slopes. Cross drain pipes shall have head walls of an approved type on inlet and outlet ends of the pipe. Pipe installed within the right-of-way shall be reinforced concrete pipe. All cross drain pipes shall be minimum eighteen (18) inches in diameter and slopes shall be equal to or greater than one percent.

7. Easements. Where an irrigation ditch or channel, natural creek, stream or other drainage way crosses a subdivision or land development, the subdivider or developer shall provide an easement sufficient for drainage and maintenance. Easements shall be provided for all drainage facilities as approved by the City Engineer. When a subdivision or land development is traversed by a watercourse, drainage way, channel, or intermittent stream, a stormwater or drainage easement of at least twenty (20) feet shall be provided.

Section 27.5.2. Water.

1. Generally. All habitable buildings shall be connected to a water system capable of providing water for health and emergency purposes, including adequate fire protection. No building permit shall be issued for any building within a subdivision, or for the development of land, if there is not present throughout the subdivision or to the land development an adequate water supply.

2. Water Main Requirements. When a public water main is accessible, the subdivider or land developer shall install water supply facilities, including fire hydrants, that meet or exceed the specifications of the Jackson County Water and Sewerage Authority and the Georgia Department of Natural Resources Environmental Protection Division (ref: "Minimum Standards for Public Water Systems, 2000, Georgia Environmental Protection Division, <http://www.dnr.state.ga.us/dnr/enviro/>). In all cases, the size of water mains shall be justified by hydraulic analysis performed by a professional engineer. Water mains within subdivisions and land developments must be provided with connections to each lot in the subdivision and each land development, except as otherwise specifically provided.

3. Wells. If a County and/or municipal public water supply is not available to the subdivision or land development at the time of constructing improvements for a subdivision or land development, then the subdivider or developer shall provide an adequate alternative water source and an

adequate water storage facility. In subdivisions or land developments with a residential density of one unit per acre or less and when a public water system is not available as determined by the Planning Commission, individual wells may be used in a manner so that an adequate supply of potable water will be available to every lot in the subdivision or to the land development. When individual wells are proposed to be used for water supply, water samples shall be submitted to the Jackson County Environmental Health Department for its approval, and individual wells shall be approved by the Jackson County Environmental Health Department. Approvals shall be submitted to the Zoning Administrator prior to final subdivision plat approval.

4. Community Water System. If a County and/or municipal water supply is not available to the subdivision or land development at the time of constructing improvements for a subdivision or land development, then the subdivider or developer shall provide an adequate alternative water source and an adequate water storage facility. Any community water system, if permitted, shall provide a minimum flow of 400 gallons per day per each lot platted, whether or not each lot is to be immediately developed; shall be sanitary; and shall have a minimum pressure of 20 pounds per square inch at each lot in the subdivision or each land development to be served. For all common non-public water supply systems, acceptable management, maintenance, and distribution policies and procedures shall be established. These policies and procedures shall be required to guarantee the provision of adequate supplies to each perspective lot owner on a continuing, ongoing basis, and to provide acceptable means for repairs and unforeseen events. The community water system plan shall be approved by the Jackson County Environmental Health Department and a letter of approval from the Georgia Department of Natural Resources shall accompany the final plat or land development application.

5. Fire Hydrants. Fire hydrants shall be required for all nonresidential land developments and all subdivisions except those permitted to be served by individual on-site wells. Fire hydrants with appropriate water pressure at appropriate intervals throughout the subdivision or land development shall be provided by the subdivider or land developer as required by the Fire Department serving the participating municipality. Location and construction of fire hydrants shall be in accordance with the Jackson County Water and Sewerage Authority and the fire district with jurisdiction. To eliminate future street openings, all underground utilities for fire hydrants, together with the fire hydrants themselves, and all other supply improvements shall be installed before any final paving of a street within the right-of-way shared by such underground utilities.

Section 27.5.3. Sewer.

1. General. All habitable buildings and buildable lots shall be served by an approved means of wastewater collection and treatment. Each subdivision and land development shall be served by adequate sewage disposal facilities. No building permit shall be issued for any building within a subdivision or for the development of land, if there is not present throughout the subdivision or to the land development an adequate system of wastewater collection and treatment.

2. Connection to Public Sewerage System. In exurban and rural areas, it is generally anticipated that a public sewerage system will not be reasonably accessible to serve new development. In the case that connection to a public sewerage system is proposed by a developer, the specifications of Section 28.5.3 of this Code shall be followed regarding connection to the public sewerage system.

3. Alternative Provision. In exurban and rural areas, on-site septic tanks, an oxidation pond, or another approved method of treatment of sanitary sewerage shall be installed by and at the expense of the subdivider, land developer, or lot purchaser, in conformity with the requirements of

the Jackson County Environmental Health Department and according to specifications adopted by the Planning Commission.

4. **Septic Tanks.** Where individual onsite wastewater disposal systems are allowed and proposed, individual lot sizes and shapes must exhibit appropriate regard for the peculiar health, drainage, and maintenance characteristics on the site. Additionally, detailed soil tests may be required in order to verify the ability of the lots to safely contain and dispose of septic system effluent. All septic tanks and onsite wastewater disposal systems are subject to the approval of the Jackson County Environmental Health Department.

Section 27.5.4. Utilities.

All utility facilities, including but not limited to gas, electric power, telephone, and cable television, shall be located underground throughout the subdivision or land development. Whenever existing utility facilities are located above ground, except when existing on public roads and rights-of-way, they shall be removed and placed underground. Easements centered on rear lot lines shall be provided for utilities, private and public, and such easements shall be at least ten (10) feet wide. When topographical or other conditions are such as to make impractical the inclusion of utilities along the rear lot lines of a subdivision, lot, or land development site, perpetual unobstructed easements at least ten (10) feet in width shall be provided alongside lot lines with satisfactory access. Location or relocation of utilities shall be accomplished in accordance with the specifications of the Jackson County Water and Sewerage Authority.

Section 27.5.5. Oversizing of Improvements and Utilities.

The subdivider or land developer shall construct such oversized improvements and utilities that the Planning Commission (in the case of a subdivision) or Zoning Administrator in the case of a land development), as determined necessary, provided that the subdivider or land developer shall not be obligated for the additional cost of improvements and utilities that are not uniquely required for that development, and provided the subdivider or land developer agrees to a proposal by the Planning Commission or Zoning Administrator, as the case may be, to share in the cost arrangements for over-sizing improvements and utilities. A formula may be developed by the City Engineer to provide for a sharing of the cost of other improvements needed to serve the subdivision or land development when certain of the improvements are necessary to serve future subdivisions or developments in the vicinity.

Section 27.5.6. Procedure for Administrative Inspection and Acceptance of Public Improvements.

At specified stages of construction and upon completion of public improvement construction, the subdivider or land developer shall notify the Zoning Administrator and request an inspection. The Zoning Administrator shall inspect all public improvements and shall notify the subdivider or land developer by mail of nonacceptance or preliminary acceptance. If the public improvements are not acceptable, the reason for non-acceptance shall be stated and corrective measures shall be outlined in a letter of notification. Upon notification, the subdivider or land developer shall correct all deficiencies identified in the non-acceptance letter within the time limit established by the Zoning Administrator. Once deficiencies are corrected, the subdivider or land developer shall again request inspection in writing. Acceptance of public improvements required by Article 26 of this code to be accepted shall be forwarded to the Governing Authority by the Zoning Administrator.

ARTICLE 28
SUBURBAN/URBAN DESIGN AND IMPROVEMENT REQUIREMENTS

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| CHAPTER 28.1 | GENERAL PROVISIONS |
| CHAPTER 28.2 | DESIGN REQUIREMENT FOR STREETS |
| CHAPTER 28.3 | PRIVATE STREETS |
| CHAPTER 28.4 | DESIGN REQUIREMENTS FOR LOTS AND BLOCKS |
| CHAPTER 28.5 | STORM DRAINAGE AND UTILITIES |

CHAPTER 28.1
GENERAL PROVISIONS

| | |
|-----------------|--|
| Section 28.1.1. | Purpose. |
| Section 28.1.2. | Definitions. |
| Section 28.1.3. | Authority. |
| Section 28.1.4. | Applicability and Exemption. |
| Section 28.1.5. | Engineered Drawings. |
| Section 28.1.6. | Permits for Construction in Public Right-of-Way. |
| Section 28.1.7. | Improvements to Abutting Land. |

Section 28.1.1. Purpose.

The purpose of this Article is to establish minimum design requirements, standards, and specifications for improvements within subdivisions and land developments in Residential Zoning Districts and Commercial and Industrial Zoning Districts as established in Articles 7 and 8, respectively, of this Land Use Management Code.

Section 28.1.2. Definitions.

Definitions pertaining to this Article shall be as provided in Chapter 2.2 and Chapter 26.2 of this Land Use Management Code.

Section 28.1.3. Authority.

The Arcade Planning Commission is hereby authorized to review and approve or deny preliminary plats of subdivisions as more fully specified in Article 26 of this Land Use Management Code. The Arcade Planning Commission is further authorized to prepare and promulgate standards, standard drawings, and specifications to more specifically implement the intent of the improvement requirements for subdivisions and land development provided in this Article.

The Zoning Administrator, as staff to the Planning Commission, is hereby authorized to review and approve certain subdivision specified in Article 26 of this Land Use Management Code and to administratively approve construction and development plans for land developments in compliance with the requirements of this Land Use Management Code.

Section 28.1.4. Applicability and Exemption.

This Article shall apply in all Residential (R) Zoning Districts and Commercial and Industrial Zoning Districts as established in Articles 7 and 8, respectively, of this Land Use Management Code. The improvement requirements specified in this Article shall apply to all developments, except that the improvement requirements specified in this Article shall not apply to individual lots proposed for development as a detached, single-family dwellings or manufactured homes, although such lots may be a part of a land subdivision that has initially met the requirements of this Article. Also see Section 9.2.4, "Driveway Permit Required," which shall apply to all developments. All improvements required to be constructed as part of a major subdivision, minor subdivision, or land development shall be constructed and improved in accordance with the standards and specifications for construction as required by this Article.

No person to whom this Article applies shall commence construction of any improvements on any land prior to the approval of construction plans and engineering plans for said improvements as required by Article 26 of this Land Use Management Code, in accordance with the improvement standards specified in this Article and any additional specifications as may be adopted by the Planning Commission. No building permit or certificate of occupancy shall be issued for a building, structure, or use, nor shall any excavation, grading, or land disturbance applications be approved on any parcel of land unless it meets the improvement requirements specified in this Article and any additional specifications as may be adopted by the Planning Commission pursuant to this Article.

Section 28.1.5. Engineered Drawings.

Engineering drawings for public streets, including cross sections and centerline profiles, and public and private water, sewer, drainage, and utility systems, certified by a professional engineer registered in the State of Georgia (or if authorized under state law, a registered land surveyor or professional landscape architect) shall be required to be submitted for review and approval, and such plans must meet the requirements of this Article 27 and other applicable provisions of this Land Use Management Code for development permits and land-disturbing activities (See Chapter 23.1 and Article 13). Prior to approval and recording of a final plat, or prior to the approval of any certificate of occupancy, a registered engineer for the subdivider/developer shall submit copies of all finished, as-built plans of improvements, demonstrating that said improvements, as installed, meet the requirements of this Article and certifying that the plans accurately reflect actual construction and installation. The Zoning Administrator shall maintain all as-built street and utility plans for future use and reference.

Section 28.1.6. Permits for Construction in Public Right-of-Way.

Permits shall be required for construction in any public right-of-way. Permits will not be issued until such time that plans have been submitted and approved by the Zoning Administrator and if applicable, City Engineer. Permit fees shall be determined by the city.

Section 28.1.7. Improvements to Abutting Land.

For subdivisions and land developments that access an abutting public street, the subdivider or land developer may be required by the Planning Commission or Zoning Administrator to make certain improvements according to standards and specifications in this Article or adopted pursuant thereto, along all abutting public streets accessed. Determination of necessary

Article 28, Suburban/Urban Design and Improvement Requirements
City of Arcade Land Use Management Code

improvements to an abutting public street shall be based on the capacity of the street to accommodate the increased level of traffic due to the development of land. When a subdivision or land development uses an unpaved public right-of-way for access, the subdivider or land developer shall improve that right-of-way to a pavement width consistent with the road design standards specified in this Article. Said improvements shall be from the subdivision or land development entrance to the paved county or city road which the Zoning Administrator determines will be the primary direction of travel for residents of the subdivision or occupants of the land development.

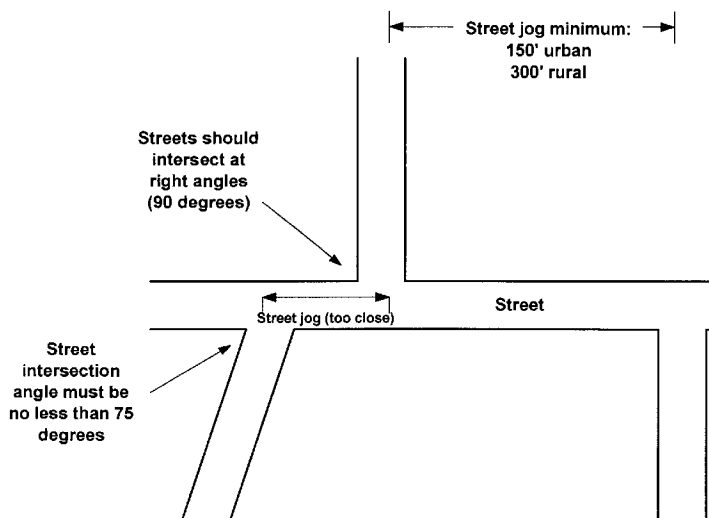
CHAPTER 28.2 DESIGN REQUIREMENTS FOR STREETS

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| Section 28.2.1. | Standards for Configuring New Streets. |
| Section 28.2.2. | Requirements for Streets. |
| Section 28.2.3 | Curb Cuts and Access Specifications. |
| Section 28.2.4. | Street Lighting. |
| Section 28.2.5. | Street Signs. |
| Section 28.2.6. | Curbs and Gutters. |
| Section 28.2.7. | Sidewalks. |

Section 28.2.1. Standards for Configuring New Streets.

1. Street Alignment, Intersections and Jogs. Streets shall be aligned to join with planned or existing streets. Under normal conditions, streets shall be laid out so as to intersect as nearly as possible at right angles (90 degrees), but in no case shall such a street intersection be less than 75 degrees. Where street offsets or jogs cannot be avoided, offset "T" intersections shall be separated by a minimum centerline offset of 150 feet (urban areas).

2. Continuation of Existing Streets and connections. Existing streets, and their right-of-ways, shall be continued at the same or greater width, but in no case less than the required width. The Planning Commission may require that a major subdivision provide one or more future connections to adjoining subdivisions or unsubdivided tracts.



Intersection Angles and Street Jogs

3. Street Plans for Future Phases of the Tract. Where the plat or site plan proposed to be subdivided or developed includes only part of the tract owned or intended for subdivision or development by the subdivider or land developer, a tentative plan of a future street system for the portion not slated for immediate subdivision consideration may be required by the Zoning Administrator and if required shall be prepared and submitted by the subdivider or land developer.

4. Dead-end Streets and Cul-de-sacs. Streets that dead-end shall terminate in a cul-de-sac meeting the requirements of this Article. The maximum length of such streets shall be 600 feet in suburban/urban areas. Streets that are planned to continue at some future date shall provide a temporary cul-de-sac as required by the Planning Commission.

5. Marginal Access Streets. Whenever a major subdivision is proposed abutting the right-of-way of a U.S. or State highway, a marginal access street approximately parallel and adjacent to such right-of-way may be required by the Planning Commission at a distance suitable for the appropriate use of land between such marginal access street and highway right-of-way. The Planning Commission may also require a 20-foot no-access easement and planting strip along the major arterial street to ensure that lots fronting on said highway do not have access thereto.

6. Alleys and Service Access. Alleys may be provided. If they are provided, they must be paved. Dead-end alleys shall be avoided where possible; but if unavoidable, they shall be provided with adequate turn-around facilities. Service access shall be provided to commercial and industrial developments for off-street loading, unloading, and parking consistent with and adequate for the uses proposed (also see Chapter 9.2 and Article 12 of this Land Use Management Code).

Section 28.2.2. Requirements for Streets.

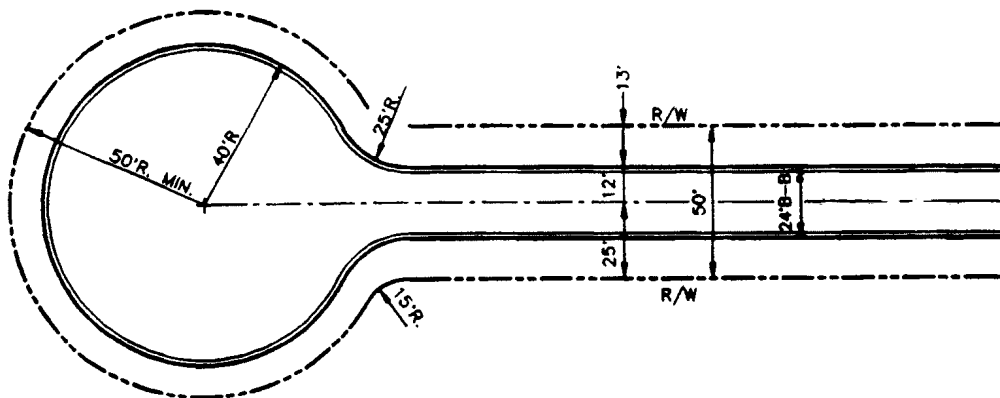
1. Bridges. Bridges on public rights-of-way shall meet current American Association of State Highway and Transportation Officials standards, as determined by the Planning Commission.

2. Grading and Stabilization of Street Rights-of-Way. When a new public street is proposed, all trees, brush, stumps, rocks, or other debris shall be cleared from the street right-of-way, except in cases where trees are required to be preserved by the Zoning Administrator in a manner acceptable to the Planning Commission. All streets shall be graded to lines, grades, and cross sections approved on plans. All unsurfaced, disturbed portions of street rights-of-ways shall be stabilized by seeding, fertilizing, and mulching, or by another equally effective method.

3. Radius at Street Intersections. The right-of-way radius at street intersections shall be a minimum of fifteen (15) feet, with larger radii for streets serving nonresidential development, as approved by the Planning Commission. The minimum pavement (curb) radius at street intersections shall be twenty-five (25) feet).

4. Street Grades. No street grade shall be less than one percent. No street grade for an arterial or collector street shall exceed eight (8) percent. No other local street grade shall exceed twelve (12) percent, unless the Planning Commission finds that due to topographic conditions a steeper grade is necessary, in which case the street grade shall not exceed fifteen (15) percent. Grades between 12 and 15 percent shall not exceed a length of 150 feet.

5. Minimum Street Right-of-Way and Pavement Widths. Street right-of-way and pavement widths shall at minimum meet the following:



**Residential Street With Curb and Gutter Cross Section Detail
 Cul-de-sac Detail**

| STREET TYPE | MINIMUM RIGHT-OF-WAY WIDTH (FEET) | MINIMUM PAVEMENT WIDTH (FEET) |
|-----------------------------------|-----------------------------------|--------------------------------------|
| Major arterial street | Per thoroughfare plan | Per thoroughfare plan |
| Collector street | 80 | 36* |
| Local street with curb and gutter | 50 | 24 (back of curb to back of curb) |
| Cul-de-sac turn around radius | 50 | 40 (back of curb) |
| Alley | 30 | 16 |

* Width may vary based on proposed design of collector road, subject to approval of the Planning Commission and the Governing Authority.

6. Street Horizontal Alignment and Reverse Curves. Street horizontal alignments and reverse curves shall at minimum meet the following:

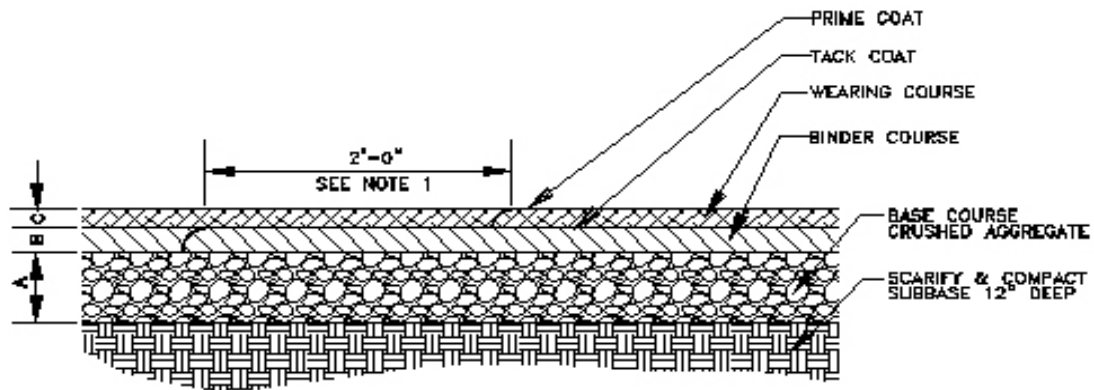
| STREET TYPE | MINIMUM HORIZONTAL RADII OF CENTER LINE CURVATURE (FEET) | MINIMUM TANGENTS BETWEEN REVERSE CURVES (FEET) |
|-----------------------------------|--|--|
| Major arterial street | 1250 | 250 |
| Collector street | 500 | 100 |
| Local street with curb and gutter | 100 | 100 |
| Dead-end street | 100 | 100 |

7. Street Paving Standards. All new streets shall be paved. Street paving must at minimum meet the following:

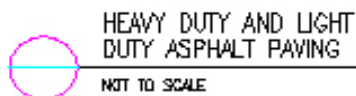
Fill (Subgrade) Compaction: After grading of the roadway has been completed, the subdivider shall proofroll the cut subgrade using a heavy rubber tired vehicle to verify that exposed subgrades are stable and to identify loose or soft areas requiring under cutting or stabilization. Proofrolling shall be under the observation of an independent testing laboratory or engineer and the subdivider shall provide certification of successful proofrolling testing.

Article 28, Suburban/Urban Design and Improvement Requirements

| PAVEMENT COMPONENTS | HEAVY DUTY PAVING | LIGHT DUTY PAVING |
|--|-------------------|-------------------|
| GRADED AGGREGATE BASE, (A) | 8" | 5" |
| ASPHALTIC CONCRETE BINDER, TYPE B, (B) | 2" | 2" |
| ASPHALTIC CONCRETE WEARING SURFACE TYPE F, (C) | 1 1/2" | 1 1/2" |



NOTE:
1. PROVIDE 2'-0" MINIMUM OVERLAP OF LONGITUDINAL AND TRANSVERSE JOINTS IN ASPHALT PAVEMENT.



- A. 10.0 inches of graded aggregate base course compacted to 95%.
- B. 2.0 inches of type "B" asphaltic concrete binder course compacted to 95%.
- C. 1.5 inches of asphaltic concrete wearing surface type "F".

Residential/Subdivision Streets

- A. 6.0 inches of graded aggregate base course compacted to 95%.
- B. 2.0 inches of type "B" asphaltic concrete binder course compacted to 95%.
- C. 1.5 inches of asphaltic concrete wearing surface type "F".

Section 28.2.3. Curb Cuts and Access Specifications.

Roadway entrances and improvements, including necessary acceleration and/or deceleration lane(s) and right/left turn lanes, shall be designed, installed, and approved by the City Planning Commission, in accordance with State or local specifications. All entrances or exits of any street or driveway, public or private, from or to any state highway shall be approved by the State Department of Transportation prior to the construction of such entrances or exits and prior to the issuance of any development permit or building permit for any improvement to be served by such entrances or exits. All entrances or exits of any street or driveway, public or private, from or to any public street shall be approved by the City Engineer prior to the construction of such entrances or exits.

and after issuance of a driveway permit as specified in Article 9.2 of this Land Use Management Code.

The following factors may be considered during the review and approval of a specific location of an entrance: the location of existing or planned median breaks; separation requirements between the entrance and major intersections; separation requirements between other entrances; the need to provide shared access with other sites; the need to align with previously approved or constructed access points on the opposite side of the street; and the minimum number of entrances needed to move traffic onto and off the site safely and efficiently.

Section 28.2.4. Street Lighting.

Streetlights shall be required and must be installed in accordance with local utility companies' standards in all subdivision developments. Installation and maintenance of the streetlights shall be the responsibility of the developer, and payment for operations and maintenance shall be assigned to a homeowners association unless responsibility for payment for operations and maintenance is accepted by the Governing Authority.

Section 28.2.5. Street Signs.

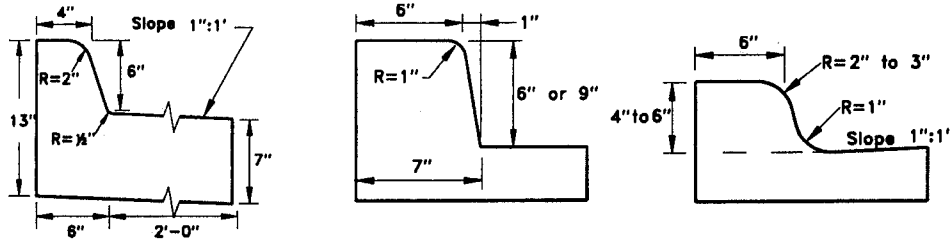
Signs for street names, directions of travel, traffic control, and hazards shall be provided as directed by the Planning Commission. Street signs on exterior/boundary streets shall be installed at the subdivider or developer's expense by the subdivider or developer in accordance with specifications of the Planning Commission and the participating municipality. Street signs for interior streets of a subdivision or land development shall be installed at the subdivider or developer's expense by the subdivider or developer, subject to the approval of the Planning Commission.

Unless otherwise adopted by the Planning Commission, street signs shall meet the following specifications. Signs shall be constructed of aluminum sheets with reflective backgrounds. Information on the street name signs shall be readable from both sides of the sign. Signs shall be installed on a steel post. The vertical distance from the road elevation to the bottom of the sign face shall be seven (7) feet with a minimum burial depth of three (3) feet.

Section 28.2.6. Curbs and Gutters.

Curbs and gutters shall be installed, as required by the Planning Commission, in accordance with standards and specifications of the Planning Commission. Subdivisions consisting totally of lots intended for single-family residential use containing a minimum of two (2) acres shall not require curbs and gutters. All commercial and industrial subdivisions and land developments must have curbs and gutters, regardless of the size of the lots. When property fronting on an existing county or city street is subdivided or developed, and the subdivision or land development uses said existing street for access, then curb and gutter shall be required along said street along the entire property frontage of said street.

Curbs shall be concrete which shall be class A 3000 psi strength at 28 days. The typical curb minimum section shall be six inches by twenty-four inches by twelve inches (also see figure).



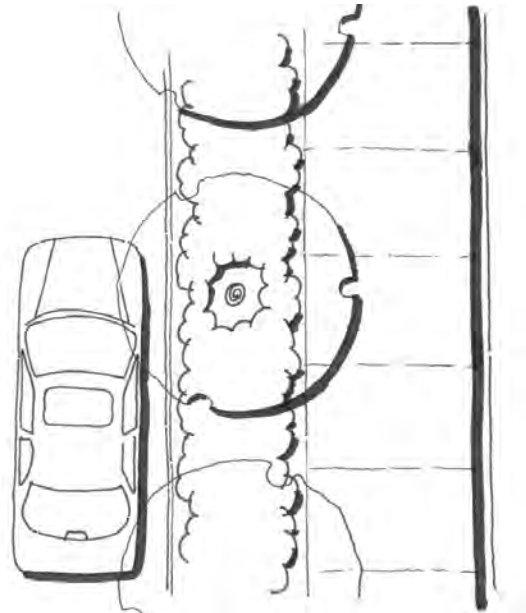
Source: Tanner, J. Thomas. 2002. "Suburban Street Design." In The Dewberry Companies, *Land Development Handbook* (2nd ed.). Figure 20.10, p. 370. New York: McGraw-Hill.

Vertical Curb Details

Section 28.2.7. Sidewalks.

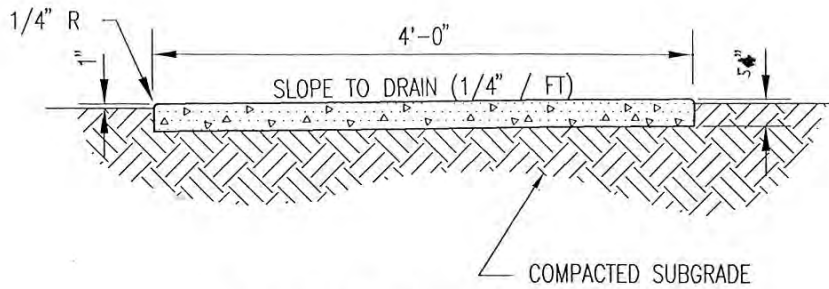
1. When required. Sidewalks shall be provided in accordance with the Comprehensive Plan, unless the Zoning Administrator determines that no public need exists for sidewalks in a certain location. Sidewalks shall be required when land developments and subdivisions are located within one-mile of a public school. Sidewalks are required to be installed along both sides of the street internal to a major subdivision, except in cases where the average lot size of the major subdivision is two (2) acres or more or in cases where the subdivision is located within the designated Curry Creek watershed area, where a sidewalk on only one side of the street shall be required.

2. Location. Sidewalks shall be included within the dedicated nonpavement right-of-way of roads and shall parallel the street pavement as much as possible; provided, however, the Planning Commission may permit sidewalks to be designed and constructed so that they meander around permanent obstructions or deviate from a linear pattern for design purposes.

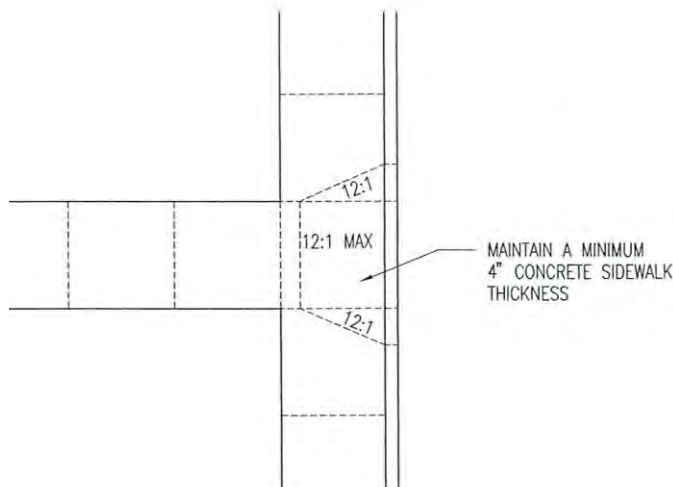
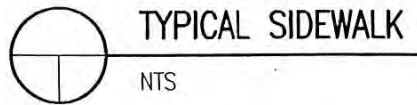


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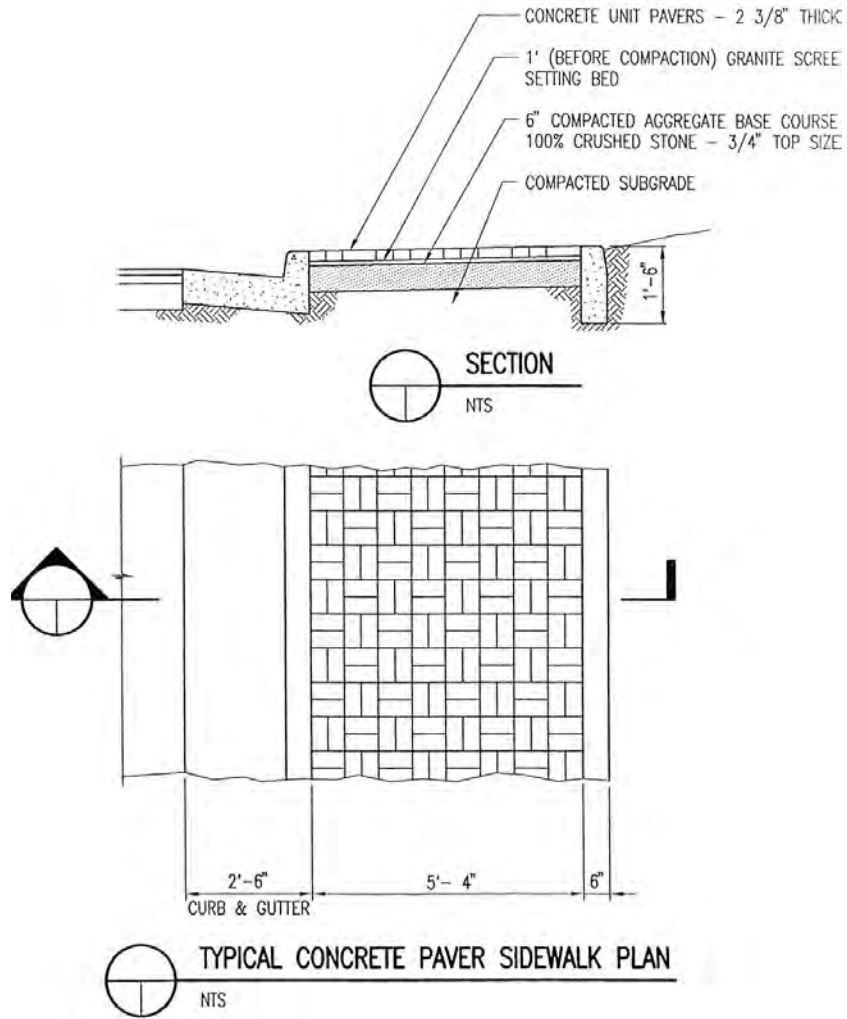
3. Specifications. Sidewalks shall be a minimum of five (5) foot wide. A median strip of grassed or landscaped areas at least two (2) feet wide shall separate all sidewalks from adjacent curbs in residential areas, except as may be otherwise approved pursuant to this Section. Pavement shall be per specifications in this Subsection. Sidewalks shall be also constructed to meet applicable requirements of the Americans with Disabilities Act relative to curb ramp access.



1. PROVIDE CONTROL JOINTS SPACED AT A MINIMUM OF 6 FEET.
2. PROVIDE EXPANSION JOINTS WHERE SIDEWALK MEETS ENTRANCE PADS OR ADJACENT TO BUILDING FLOOR SLAB.



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CHAPTER 28.3 PRIVATE STREETS

| | |
|-----------------|--|
| Section 28.3.1. | Private Street Approval Process. |
| Section 28.3.2. | Engineering Plans Required. |
| Section 28.3.3. | Standards. |
| Section 28.3.4. | Street Names and Signs. |
| Section 28.3.5. | Easements. |
| Section 28.3.6. | Maintenance. |
| Section 28.3.7. | Specifications for Final Plats Involving Private Streets. |
| Section 28.3.8. | Requirement for Purchaser's Acknowledgement of Private Responsibilities. |

Section 28.3.1. Private Street Approval Process.

Private streets may, upon application, be permitted by the Governing Authority, within major subdivisions, subject to the requirements of this Chapter. Applications for approval of private streets shall be considered by the Governing Authority prior to preliminary plat approval. Following a recommendation by the Planning Commission to authorize private streets in a major subdivision, the Governing Authority shall consider the application and may impose conditions on the approval of private streets to ensure various public purposes and to mitigate potential problems with private streets. No final plat involving a private street shall be approved unless said final plat conforms to the requirements of this Chapter.

Section 28.3.2. Engineering Plans Required.

It shall be unlawful for any person, firm, or corporation to construct a new private street or alter an existing private street or to cause the same to be done without first obtaining approval of engineering and construction plans from the Zoning Administrator and Planning Commission in accordance with the requirements of this Chapter and Article 26 of this Land Use Management Code.

Section 28.3.3. Standards.

All private streets shall be constructed to all standards for public streets as required by Chapter 28.2 of this Code, any additional construction specifications of the Planning Commission, and as approved by the Planning Commission.

Section 28.3.4. Street Names and Signs.

Private streets shall be named, subject to the approval of the Zoning Administrator. The subdivider of land involving a private street shall install street signs with content containing the street name and the designation "private," as approved by the Planning Commission. The sign signifying the private street may be required by the Quad Cities Planning Commission to be a different color than that of street signs provided for public streets, in order to distinguish maintenance responsibilities in the field.

Section 28.3.5. Easements.

Easements for private streets shall be designated on final plats as general purpose public access and utility easements, along with the name of said private street. Said easement shall at minimum be of the same width as that required for the right-of-way of a public street by the major thoroughfare plan and the Planning Commission for the type of public street (local, collector, etc.) most closely resembling the proposed private street. Easements for private streets shall not be included in any calculation of minimum lot size or density limitations established by this Land Use Management Code. In the cases of private streets, the general purpose public access and utility easement for the private street shall be drawn as its own discrete parcel to be dedicated to a private homeowners association and which shall not shown to be a part of any lot or allow any lot to be divided.

Section 28.3.6. Maintenance.

The city shall not maintain, repair, resurface, rebuild, or otherwise improve private streets, signs, drainage improvements or any other appurtenances within general purpose public access and utility easements established for private streets. A private maintenance covenant recorded with the Clerk of the Jackson County Superior Court shall be required for any private street and other improvements within general purpose public access and utility easements established for private streets. The covenant shall set out the distribution of expenses, remedies for non-compliance with the terms of the agreement, rights to the use of easements, and other pertinent considerations. The Covenant shall specifically include the following terms:

- (a) The Covenant shall establish minimum annual assessments in an amount adequate to defray costs of ordinary maintenance and procedures for approval of additional needed assessments. The Covenant shall also specify that the funds from such assessments will be held by a homeowners or property owners association in cases of a subdivision of seven (7) or more lots fronting on a private street.
- (b) The Covenant shall include a periodic maintenance schedule.
- (c) The Covenant for maintenance shall be enforceable by any property owner served by the private street.
- (d) The Covenant shall establish a formula for assessing maintenance and repair costs equitably to property owners served by the private street.
- (e) The Covenant shall run with the land.
- (f) The Governing Authority may, at its discretion, as a condition of approving private streets, require a performance bond and/or maintenance bond be submitted by the subdivider and held by a homeowners or property owners association, or the Governing Authority may require that the subdivider pay an amount of money as recommended by the Planning Commission into an escrow account or other suitable account for the maintenance and repair of private streets and stormwater management improvements, to be drawn from by the homeowners or property owners association as maintenance and repair needs may arise.

Section 28.3.7. Specifications for Final Plats Involving Private Streets.

No final plat involving a private street shall be approved by the Zoning Administrator for recording unless and until it shall contain the following items of information on the face of the plat:

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- (a) Deed book and page reference to the recorded covenant required by this section.
- (b) "WARNING, the City of Arcade has no responsibility to build, improve, maintain, or otherwise service the private streets, drainage improvements, and other appurtenances contained within the general public purpose access and utility easement or easements for private streets shown on this plat."
- (c) "Grant of Easement. The general purpose public access and utility easement(s) shown on this plat for private street(s) is hereby granted and said grant of rights shall be liberally construed to provide all necessary authority to the City, and to public or private utility companies serving the subdivision, for the installation and maintenance of utilities, including, but not limited to, electric lines, gas lines, telephone lines, water lines, sewer lines, cable television lines, and fiber optic cables, together with the right to trim interfering trees and brush, together with a perpetual right of ingress and egress for installation, maintenance, and replacement of such lines.

Signature of Property Owner"

- (d) The following certificate of dedication shall be required, unless the Governing Authority waives the dedication requirement.

"Certificate of Dedication. All water and sewer lines installed within the general purpose public access and utility easement(s) shown on this plat for private street(s) are hereby dedicated to the City of Arcade (or the Jackson County Water and Sewerage Authority, whichever has jurisdiction).

Signature of Property Owner"

Section 28.3.8. Requirement for Purchaser's Acknowledgement of Private Responsibilities.

Prior to the sale or as a condition of the closing of a real estate transaction involving any lot served by a private street in the city, the subdivider or seller of said lot shall execute a notarized purchaser's acknowledgement of private street construction and drainage maintenance responsibilities as set forth below. A copy of the purchaser's acknowledgement shall be retained by the purchaser and shall be required to be submitted as a condition of a building permit for a principal building on said lot:

"Purchaser's Acknowledgement of Private Street and Drainage Maintenance Responsibility.

(I) (We) have read the Declaration of Covenant which pertains to the lot that is the subject of this real estate transaction _____ (insert address or attach legal description). (I) (We) understand that the Declaration of Covenant applies to the lot that (I am) (we are) purchasing and requires (me) (us) to provide a specified percentage or amount of the financing for the construction and maintenance of any private street and drainage facilities serving the lot which (I am) (we are) purchasing, and that owners of other lots in this plat may sue for and recover those costs which this covenant requires (me) (us) to pay, plus their damages resulting from (my) (our) refusal to contribute, plus

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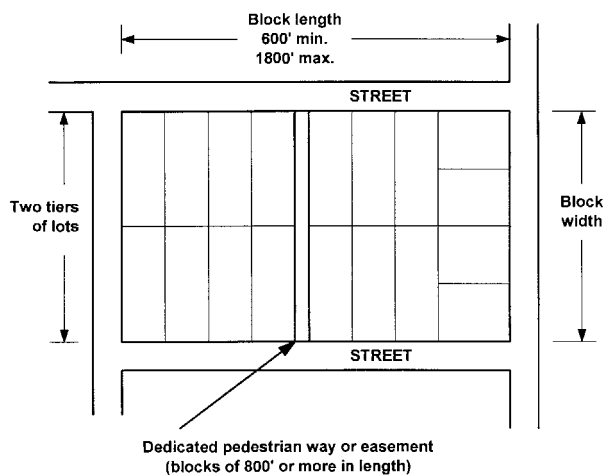
reasonable attorney's fees. (I) (we) further understand that the City has no obligation to assist with the maintenance and improvement of the private street, drainage facilities, and other appurtenances within the general purpose public access and utility easement for the private road serving the lot in question. I (we) understand that a copy of this purchaser's acknowledgement shall be required as a condition of the issuance of a building permit for a principal building on the lot (I am) (we are) purchasing.

CHAPTER 28.4 DESIGN REQUIREMENTS FOR LOTS AND BLOCKS

- Section 28.4.1. Design Requirements for Blocks.
Section 28.4.2. Design Requirements for Lots.

Section 28.4.1. Design Requirements for Blocks.

1. **Block Length.** Intersecting streets shall be provided at such intervals so as to provide adequate cross traffic. Blocks in residential subdivisions should not exceed one thousand two hundred (1200) feet nor be less than four hundred (400) feet in length, except where topography or other conditions justify a departure from these standards. In blocks longer than eight hundred (800) feet, pedestrian ways and/or easements through the block may be required by the Planning Commission near the center of blocks.



Block Length, Block Width, and Pedestrian Way

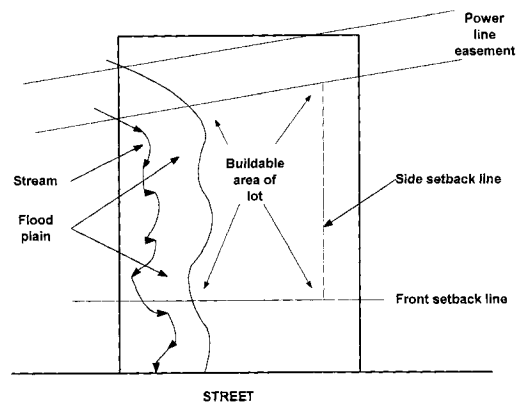
2. **Block Width.** The width of the block shall normally be sufficient to allow two (2) tiers of lots of appropriate depth. Blocks intended for business or industrial use shall be of such width as to be considered most suitable for their respective use, including adequate space for off-street parking and deliveries (also See Article 12 of this code).

Section 28.4.2. Design Requirements for Lots.

1 **Natural Features and Assets.** In the subdividing of land, due regard shall be shown for all natural features, such as tree growth, watercourses, historic sites or similar conditions which, if preserved, will add attractiveness to the proposed development and safety from hazards.

2 **Access and Minimum Lot Frontage.** Each lot shall have access to a public or private street with the minimum lot frontage on a public or private street Specified by Section 5.3.11 of this Land Use Management Code. Lot widths shall be consistent with the dimensional requirements of zoning districts in specified in Tables 6.2, 7.2, and 8.2 of this Land Use Management Code.

3. Adequate Buildable Area Required. Land subject to flooding, improper drainage or erosion, or that is unsuitable for residential or other use for topographical or other reasons, shall not be platted for residential use nor for any other use that will continue or increase the danger to health, safety, or of property destruction, unless the hazards can be and are corrected. Each lot shall contain an adequate building site not subject to flooding and outside the limits of any existing easements or building setback lines required by the Governing Authority.



Adequate Building Area Required

4. Lot Remnants Not Permitted. All remnants of lots below any required minimum lot size which may be required, left over after subdividing of a larger tract, must be added to adjacent lots, rather than allowed to remain as unusable parcels. The Director may permit a lot remnant for a specific purpose such as a detention pond, provided that access and design is appropriate and the lot remnant is restricted to specific non-building use.

5. Service Areas. Commercial and industrial lots shall be adequate to provide service areas and off-street parking suitable to the use intended (also See Article 12 of this code).

6. Lot Area. The minimum lot area shall not be less than that established by the dimensional requirements of the zoning district in which the property is located (Tables 6.2, 7.2, 8.2).

7. Lot Width. No portion of a lot, with the exception of cul-de-sac lots, shall have a lot width less than that established by the zoning district in which the subdivision is located, if applicable.

8. Lot Depth. Lots shall have a depth of not less than 100 feet, unless circumstances make these limitations impracticable.

9. Flag Lots. No lot shall be approved which constitutes a flag lot except with special approval from the Planning Commission due to extreme topographic circumstances.

10. Side Lot Lines. Insofar as practical, side lot lines shall be at right angles to straight street lines or radial to curved street lines.

11. Corner Lots. Corner lots shall have adequate width to meet the front building setback requirements, if applicable, from all rights-of-way.

12. Double Frontage Lots. Double frontage or "through" lots should be avoided except where essential to provide separation of residential development from arterials or overcome specific disadvantages of topography or orientation. Double frontage lots with frontage on a major arterial street shall have additional depth in order to allow space for screen planting along the lot line abutting a major arterial street.

CHAPTER 28.5 STORM DRAINAGE AND UTILITIES

| | |
|-----------------|--|
| Section 28.5.1. | Drainage and Stormwater Management. |
| Section 28.5.2. | Water. |
| Section 28.5.3. | Sewer. |
| Section 28.5.4. | Utilities. |
| Section 28.5.5. | Oversizing of Improvements and Utilities. |
| Section 28.5.6. | Procedure for Administrative Inspection and Acceptance of Public Improvements. |

Section 28.5.1. Drainage and Stormwater Management.

1. General Requirements. An adequate drainage system, separate and independent of any sanitary sewer system and including any necessary ditches, pipes, culverts, intersectional drains, drop inlets, bridges, etc., shall be provided for the proper drainage of all surface water for all subdivisions and land developments that are subject to this Article. Sizing and location of all drainage structures shall be the responsibility of a registered professional engineer or land surveyor and construction shall be in accordance with the specifications of the city. The Planning Commission may require the use of on-site control methods such as retention or detention to mitigate the stormwater and drainage impacts of the proposed subdivisions and land developments. The Planning Commission shall not approve any preliminary plat of a subdivision and the Zoning Administrator shall not approve the construction plans for any land development that does not make adequate provision for storm and floodwater runoff. No building permit shall be issued for any building within a subdivision or for the development of land, if there is not present throughout the subdivision or land development an adequate system of drainage and stormwater management.

2. Method of Design and Capacity. Storm sewers, where required, shall be designed by the Rational Method, or other methods as approved by the Planning Commission, and a copy of design computations shall be submitted along with required plans. Drainage improvements shall accommodate potential runoff from the entire upstream drainage area within the site and shall be designed to prevent increases in downstream flooding. Capacity for a 10-year storm or rain shall be provided for all street drainage structures such as catch basin, inlets cross drains, etc. Capacity for a 25-year frequency storm event shall be provided for all main drainage structures such as retention basins, principal storm sewers, and all types of flood protection works.

3. Location. Drainage facilities shall be located in the road right-of-way where feasible, and shall be constructed in accordance with standards and specifications of the City Engineer or designated official of the city. Catch basins shall be located at low points of streets. Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within road rights-of-way, perpetual, unobstructed easements at least fifteen (15) feet in width for drainage facilities shall be provided across property outside the road right-of-way and with satisfactory access to the road.

4. Discharge. Drainage shall be designed so as to avoid concentration of storm drainage water from each lot or land development site to adjacent lots, land development sites, or vacant

properties. Storm water shall not be discharged directly to perennial streams. It shall be directed toward natural drainages. If water must be discharged to a stream, the water quality flowing into the stream must meet or exceed the water quality in the receiving waters as a result of the use of water quality Best Management Practices (BMPs) that meet the approval of the Planning Commission. The water quantity flowing into the stream must be evaluated to ensure the stream channel can accommodate the increased flows and not disrupt or degrade the ecology of the water body.

5. Grading and Site Drainage. Lots or land development sites shall be laid out so as to provide positive drainage away from all buildings, and drainage for individual lots or land development sites shall be coordinated with the general storm drainage pattern for the area. Buildings and parking lots shall be appropriately drained so as to prevent damage to abutting properties or public streets. All disturbed or graded ground areas of a building site not used for buildings or open storage areas shall be appropriately stabilized and grassed or covered with plants or landscaping materials.

6. Cross-drain Pipes. Where a watercourse separates the buildable area of a lot or land development from the street by which it has access, provisions shall be made for installation of a culvert or other structure, the design of which shall be approved by the City Engineer or designated official of a participating municipality. Cross-drains shall be provided to accommodate all natural waterflow, and shall be of sufficient length to permit full-width roadways and the required slopes. Cross drain pipes shall have head walls of an approved type on inlet and outlet ends of the pipe. Pipe installed within the right-of-way shall be reinforced concrete pipe. All cross drain pipes shall be minimum eighteen (18) inches in diameter and slopes shall be equal to or greater than one percent. Construction shall be in accordance with the specifications of the city.

7. Drop Inlets. Drop inlets shall be generally three foot by three foot boxes with two foot by three foot grates and shall be constructed in accordance with specifications of the city.

8. Easements. Where an irrigation ditch or channel, natural creek, stream or other drainage way crosses a subdivision or land development, the subdivider or developer shall provide an easement sufficient for drainage and maintenance. Easements shall be provided for all drainage facilities as approved by the City Engineer. When a subdivision or land development is traversed by a watercourse, drainage way, channel, or intermittent stream, a stormwater or drainage easement of at least twenty (20) feet shall be provided.

Section 28.5.2. Water.

1. Generally. All habitable buildings shall be connected to a water system capable of providing water for health and emergency purposes, including adequate fire protection. No building permit shall be issued for any building within a subdivision, or for the development of land, if there is not present throughout the subdivision or to the land development an adequate water supply.

2. Water Main Requirements. When a public water main is accessible, the subdivider or land developer shall install water supply facilities, including fire hydrants, that meet or exceed the specifications of the Jackson County Water and Sewerage Authority and the Georgia Department of Natural Resources Environmental Protection Division (ref: "Minimum Standards for Public Water Systems, 2000, Georgia Environmental Protection Division, <http://www.dnr.state.ga.us/dnr/environ/>). In all cases, the size of water mains shall be justified by hydraulic analysis performed by a professional engineer. Water mains within subdivisions

and land developments must be provided with connections to each lot in the subdivision and each land development, except as otherwise specifically provided.

3. Wells. If a County and/or municipal public water supply is not available to the subdivision or land development at the time of constructing improvements for a subdivision or land development, then the subdivider or developer shall provide an adequate alternative water source and an adequate water storage facility. In subdivisions or land developments with a residential density of one unit per acre or less and when a public water system is not available as determined by the Planning Commission, individual wells may be used in a manner so that an adequate supply of potable water will be available to every lot in the subdivision or to the land development. When individual wells are proposed to be used for water supply, water samples shall be submitted to the Jackson County Environmental Health Department for its approval, and individual wells shall be approved by the Jackson County Environmental Health Department. Approvals shall be submitted to Director prior to final subdivision plat approval.

4. Community Water System. If a County and/or municipal water supply is not available to the subdivision or land development at the time of constructing improvements for a subdivision or land development, then the subdivider or developer shall provide an adequate alternative water source and an adequate water storage facility. Any community water system, if permitted, shall provide a minimum flow of 400 gallons per day per each lot platted, whether or not each lot is to be immediately developed; shall be sanitary; and shall have a minimum pressure of 20 pounds per square inch at each lot in the subdivision or each land development to be served. For all common non-public water supply systems, acceptable management, maintenance, and distribution policies and procedures shall be established. These policies and procedures shall be required to guarantee the provision of adequate supplies to each perspective lot owner on a continuing, ongoing basis, and to provide acceptable means for repairs and unforeseen events. The community water system plan shall be approved by the Jackson County Environmental Health Department and a letter of approval from the Georgia Department of Natural Resources shall accompany the final plat or land development application.

5. Fire Hydrants. Fire hydrants shall be required for all nonresidential land developments and all subdivisions except those permitted to be served by individual on-site wells. Fire hydrants with appropriate water pressure at appropriate intervals throughout the subdivision or land development shall be provided by the subdivider or land developer as required by the Fire Department serving the participating municipality. Location and construction of fire hydrants shall be in accordance with Jackson County Water and Sewerage Authority specifications and those of the local fire district. To eliminate future street openings, all underground utilities for fire hydrants, together with the fire hydrants themselves, and all other supply improvements shall be installed before any final paving of a street within the right-of-way shared by such underground utilities.

Section 28.5.3. Sewer.

1. General. All habitable buildings and buildable lots shall be served by an approved means of wastewater collection and treatment. Each subdivision and land development shall be served by adequate sewage disposal facilities. No building permit shall be issued for any building within a subdivision or for the development of land, if there is not present throughout the subdivision or to the land development an adequate system of wastewater collection and treatment.

2. Connection to Public Sewerage System. When a public sanitary sewerage system is reasonably accessible, as determined by the Planning Commission, the subdivider or land

developer shall connect with same and provide sewers accessible to each lot in the subdivision or to each land development. If a public sanitary sewer is reasonably accessible, it shall be unlawful for any to maintain upon any such property an individual sewage disposal system. When a public sanitary sewerage system is not immediately accessible but is anticipated to be available within a period of three (3) years, the applicant shall install sanitary sewer lines, laterals, and mains from the street curb to a point in the subdivision or land development boundary so that a future connection with the public sewer main can be made. The Planning Commission may condition the approval of a subdivision or the Zoning Administrator may require as a condition of land development approval on the agreement to connect to the public sewerage system upon its availability. Sanitary sewers shall be located within street or alley rights-of-way unless topography dictates otherwise. Design and engineering of sanitary sewers shall be in accordance with Jackson County Water and Sewerage Authority requirements.

3. Alternative Provision. If sanitary sewer is not available at the time of the development of the subdivision or land development, and if sanitary sewer is not anticipated to be available within a period of three (3) years to serve the subdivision or land development in question, then on-site septic tanks, an oxidation pond, or another approved method of treatment of sanitary sewerage shall be installed by and at the expense of the subdivider, land developer, or lot purchaser, in conformity with the requirements of the Jackson County Environmental Health Department and according to specifications adopted by the Planning Commission.

4. Septic Tanks. Where individual onsite wastewater disposal systems are allowed and proposed, individual lot sizes and shapes must exhibit appropriate regard for the peculiar health, drainage, and maintenance characteristics on the site. Additionally, detailed soil tests may be required in order to verify the ability of the lots to safely contain and dispose of septic system effluent. All septic tanks and onsite wastewater disposal systems are subject to the approval of the Jackson County Environmental Health Department.

Section 28.5.4. Utilities.

All utility facilities, including but not limited to gas, electric power, telephone, and cable television, shall be located underground throughout the subdivision or land development. Whenever existing utility facilities are located above ground, except when existing on public roads and rights-of-way, they shall be removed and placed underground. Easements centered on rear lot lines shall be provided for utilities, private and public, and such easements shall be at least ten (10) feet wide. When topographical or other conditions are such as to make impractical the inclusion of utilities along the rear lot lines of a subdivision, lot, or land development site, perpetual unobstructed easements at least ten (10) feet in width shall be provided along side lot lines with satisfactory access. Location or relocation of utilities shall be accomplished in accordance with the specifications of the City.

Section 28.5.5. Oversizing of Improvements and Utilities.

The subdivider or land developer shall construct such oversized improvements and utilities that the Planning Commission (in the case of a subdivision) or Zoning Administrator in the case of a land development), as determined necessary, provided that the subdivider or land developer shall not be obligated for the additional cost of improvements and utilities that are not uniquely required for that development, and provided the subdivider or land developer agrees to a proposal by the Planning Commission or Zoning Administrator, as the case may be, to share in the cost arrangements for over-sizing improvements and utilities. A formula may be developed by the City Engineer to provide for a sharing of the cost of other improvements needed to serve the

subdivision or land development when certain of the improvements are necessary to serve future subdivisions or developments in the vicinity.

Section 28.5.6. Procedure for Administrative Inspection and Acceptance of Public Improvements.

At specified stages of construction and upon completion of public improvement construction, the subdivider or land developer shall notify the Zoning Administrator and request an inspection. The Zoning Administrator shall inspect all public improvements and shall notify the subdivider or land developer by mail of nonacceptance or preliminary acceptance. If the public improvements are not acceptable, the reason for non-acceptance shall be stated and corrective measures shall be outlined in a letter of notification. Upon notification, the subdivider or land developer shall correct all deficiencies identified in the non-acceptance letter within the time limit established by the Zoning Administrator. Once deficiencies are corrected, the subdivider or land developer shall again request inspection in writing. Acceptance of public improvements required by Article 26 of this code to be accepted shall be forwarded to the Governing Authority by the Zoning Administrator.

**ARTICLE 29
OPEN SPACE CONSERVATION SUBDIVISIONS**

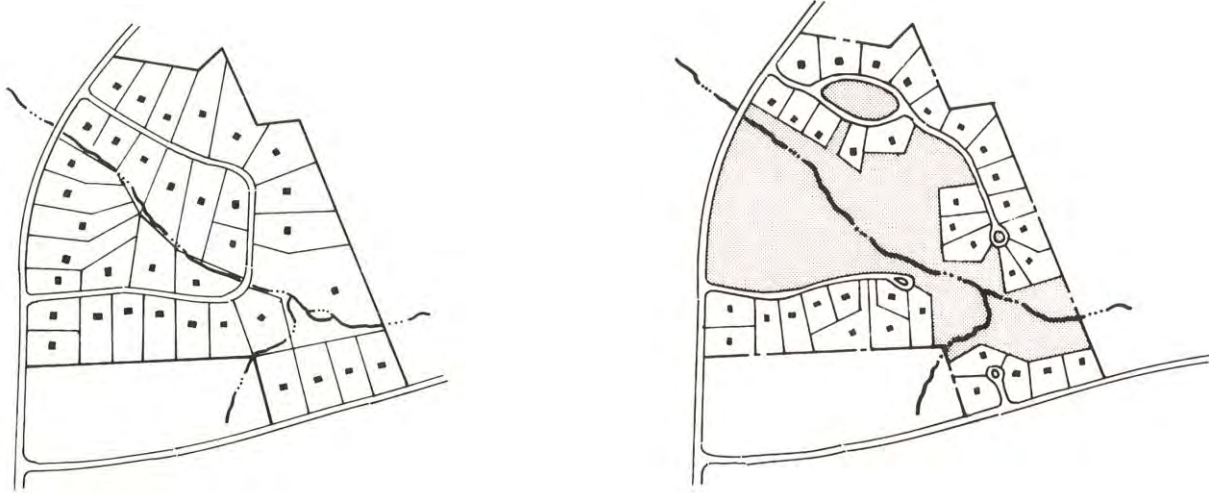
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|--------------|--|
| CHAPTER 29.1 | PURPOSE AND INTENT |
| CHAPTER 29.2 | APPLICABILITY AND GENERAL PROVISIONS |
| CHAPTER 29.3 | CONSERVATION AREAS AND OPEN SPACES |
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**CHAPTER 29.1
PURPOSE AND INTENT**

This Article is intended to provide for residential subdivisions that are designed based first and foremost on the preservation of open space, but that accommodate the full extent of development that would otherwise be legally possible under conventional subdivision designs, and that:

- (a) Minimize the environmental and visual impacts of new development on critical resources and historically and culturally significant sites and structures.
- (b) Contribute to an interconnected network of permanent open space in the community and provide for undivided or relatively undivided open spaces within new developments.
- (c) Create a greater diversity of living environments than is possible with conventional residential subdivision developments.
- (d) Foster informal social interaction among neighborhood residents in common open spaces.
- (e) Reduce the demand on public expenditures for open space, parkland, play fields, and other areas for active and passive recreation.
- (f) Encourage compact patterns that reduce capital costs by requiring less linear footage distances of roads and utilities than conventional subdivision development.
- (g) Offer greater opportunities to implement environmentally sensitive sewage treatment and disposal systems.
- (h) Meet design requirements and guidelines established in this Article for the protection of conservation areas, the subdivision of land, the location and orientation of homes and structures, and the installation of improvements.
- (i) Permit open space conservation subdivisions “by right” so that they are no more difficult to gain approval from the Governing Authority than are conventional subdivisions.

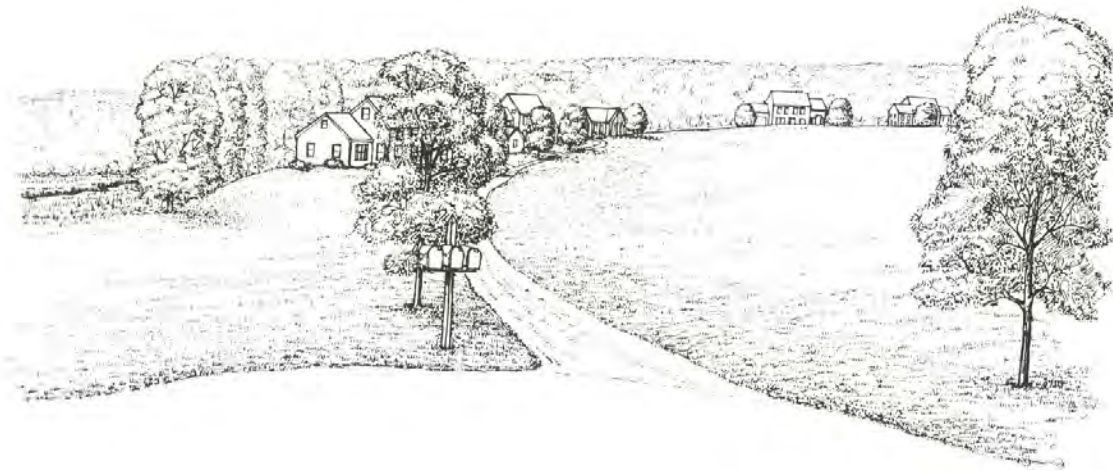
**Article 29, Open Space Conservation Subdivisions
City of Arcade Land Use Management Code**



Source: Arendt, Randall G. 1996. Conservation Design for Subdivisions: A Practical Guide to Creating Open Space Networks. Washington, DC: Island Press. p. 128.

Conventional Subdivision

Open Space Conservation Subdivision



Source: Arendt, Randall G. 1996. Conservation Design for Subdivisions: A Practical Guide to Creating Open Space Networks. Washington, DC: Island Press. p. 32.

Rural Character of a Conservation Subdivision Development

CHAPTER 29.2
APPLICABILITY AND GENERAL PROVISIONS

- Section 29.2.1. Relationship to Other Regulations.
Section 29.2.2. Reserved.
Section 29.2.3. Sewage Treatment and Disposal Systems.

Section 29.2.1. Relationship to Other Regulations.

- (a) Zoning Districts and Permitted Uses. Open space conservation subdivisions as described and regulated in this Article are permitted as a “by right” permitted use in RR-1, RR-2, RR-3, R-1, R-2, R-3, and R-4 zoning districts. They are considered appropriate in exurban, rural, suburban, and urban areas. Use restrictions of the zoning district shall continue to apply.
- (b) Zoning District Densities. Open space conservation subdivisions shall not exceed the residential density in units per acre as established for the residential zoning district in which the open space conservation subdivision is located, as specified in Table 7.2 of this Land Use Management Code.
- (c) Lot Size and Width. Minimum lot sizes, minimum lot widths, and building setbacks of the residential zoning district in which the open space conservation subdivision is located, as specified in Table 7.2 of this Land Use Management Code, shall not apply to open space conservation subdivisions, except that no lot shall be platted in a conservation subdivision that is less than fifty percent (50%) of the required lot size or lot width for the zoning district in which it is located.
- (d) Building Setbacks. Building setbacks shall be proposed on the preliminary plat and shall be subject to the approval of the Planning Commission.
- (e) Minimum Floor Areas. Minimum floor areas per dwelling unit as established in Table 7.2 for the zoning district in which the open space conservation subdivision is located shall apply.
- (f) Subdivision Regulations. Open space conservation subdivisions shall be considered and processed in accordance with preliminary and final plats requirements for major subdivisions as specified in Article 26 of this Land Use Management Code, except that in addition the criteria for approval and grounds for disapproval as provided in Chapter 29.7 of this Article shall also apply to decisions on preliminary plats.
- (g) Improvement Requirements. Open space conservation subdivisions shall meet the improvement requirements of Article 27 (exurban/ rural) or Article 28 (suburban/ urban) of this Land Use Management Code. Where design considerations for lots and blocks as more specifically recommended in this Article, they shall be considered applicable recommendations in lieu of those found in Articles 27 and 28 as would otherwise be applied.
- (h) Other Design Principles. The exurban/rural development principles specified in Section 7.8.10 of this Land Use Management Code for PUD zoning districts shall be considered applicable and strongly recommended for open space conservation subdivisions, except that nonresidential land uses shall not be permitted.

Section 29.2.2. Reserved.

Section 29.2.3. Sewage Treatment and Disposal Systems.

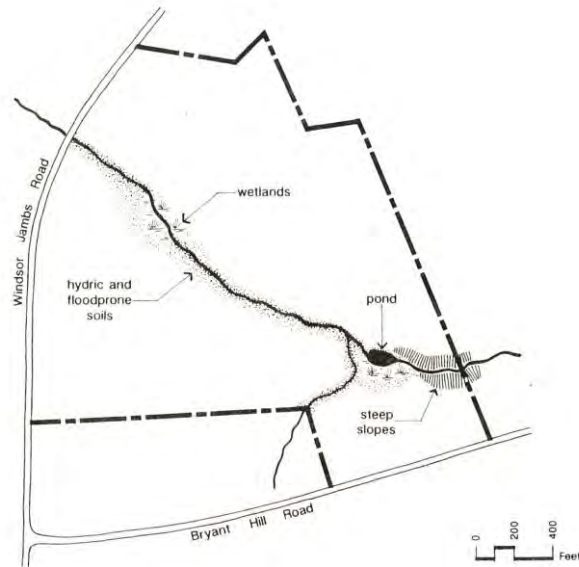
Subject to approval of the Jackson County Environmental Health Department in areas where public sanitary sewer service is not reasonably available, open space conservation subdivisions may, upon demonstration of feasibility, employ an alternative method of sewage treatment and disposal to the conventional method of providing individual septic tanks and drainfields on individual lots per the requirements of the Georgia Department of Human Resources Manual for On-Site Sewage Management Systems. Alternatives to this conventional method which may be considered include in-ground community sewage plants, community septic systems, individual on-site septic tanks connected to shared drainfields within community open spaces, land treatment, spray irrigation, and wastewater reclamation and reuse facilities.

CHAPTER 29.3 CONSERVATION AREAS AND OPEN SPACES

- Section 29.3.1. Primary Conservation Areas.
- Section 29.3.2. Secondary Conservation Areas.
- Section 29.3.3. Recommendations for Secondary Conservation Areas.
- Section 29.3.4. Required Open Space Specifications.
- Section 29.3.5. Recommendations for Designing Open Space Networks.
- Section 29.3.6. Conservation Easement Required.
- Section 29.3.7. Guidelines for Drafting Conservation Easements.
- Section 29.3.8. Homeowners Association.
- Section 29.3.9. Fee Simple Dedication to the City.

Section 29.3.1. Primary Conservation Areas.

Primary conservation areas on lands in conventional subdivisions are permitted to be platted and included in adjacent residential lots. In contrast, an open space conservation subdivision incorporates, and shall include, all primary conservation areas into undivided or relatively undivided, permanent, open spaces. Primary conservation areas, as defined by this code, include the following: habitats for endangered or threatened species, wetlands, aquifer recharge areas, flood plains, water bodies, shorelines, and adjacent riparian zones or upland buffers, historic, cultural, and archaeological sites, and steep slopes.

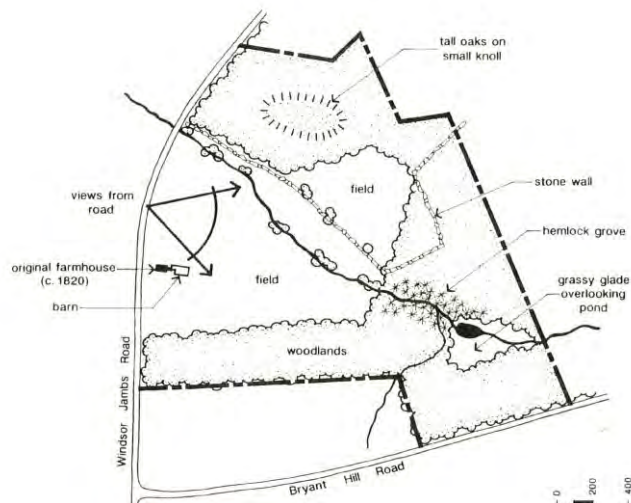


Source: Arendt, Randall G. 1996. Conservation Design for Subdivisions: A Practical Guide to Creating Open Space Networks. Washington, DC: Island Press. pp. 72.

Primary Conservation Areas

Section 29.3.2. Secondary Conservation Areas.

Secondary conservation areas on lands in conventional subdivisions are rarely identified and conserved. In contrast, a conservation subdivision identifies, and shall identify, secondary conservation areas and shall integrate all or a portion of them into undivided or relatively undivided, permanent, open spaces.



Source: Arendt, Randall G. 1996. Conservation Design for Subdivisions: A Practical Guide to Creating Open Space Networks. Washington, DC: Island Press. pp. 72.

Secondary Conservation Areas

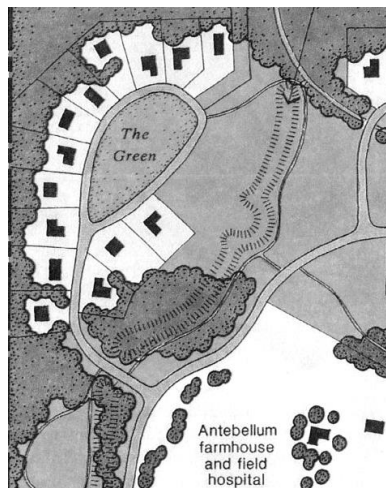
Secondary conservation areas include prime farmlands or open meadows; tree coverage areas and mature woodlands; significant trees including specimen trees, existing trails that connect the tract with neighboring areas, aquifer recharge areas; steep slopes, and scenic views and sites. Secondary conservation areas can also include newly designed and created open spaces such as neighborhood commons and village greens.

Section 29.3.3. Recommendations for Secondary Conservation Areas.

This Section provides recommendations for establishing and protecting secondary conservation areas. These are not requirements, but are merely intended to provide guidance in the open space conservation subdivision design process.

- (a) **Site Values.** Priorities for conserving or developing secondary conservation areas should be based on an understanding of what features of the given property are more special, unique, irreplaceable, environmentally valuable, historic, scenic, or otherwise significant when compared with other similar features and in relationship to neighboring parcels.
- (b) **Site Homes at Edges of Fields.** Open Space Conservation Subdivisions should minimize the number of homes sited in open fields, if farmland protection and meadow preservation are principal objectives. Residences should be located adjacent to tree lines and wooded field edges. Maintain irregular field edges when they occur.

- (c) Preserve Agricultural Structures. Existing agricultural structures such as barns should be preserved where possible.
- (d) Soils. Development of soils with high erosion susceptibility is discouraged. Hydric soils should be identified and should not be developed unless it can be shown they are not wetlands. House lots should be located on the deepest, driest, or best-drained soils available on the parcel.



Source: Arendt, Randall G. 1996. Conservation Design for Subdivisions: A Practical Guide to Creating Open Space Networks. Washington, DC: Island Press. p. 102.

- (e) Buffers Along Scenic Corridors. Buffers of at least 100 feet in width should be provided along exterior roadways to provide an undisturbed view from such roadways. The 100-foot wide buffer is strongly encouraged and may be required along all roadways designated as scenic corridors. Buffers may incorporate hedgerows, stands of trees, rock formations, stone walls and wildflower planting to provide variety to the visual landscape. Open space conservation subdivisions should be screened from exterior principal roadways.
- (f) Scenic Views, Sites, and Vistas. Scenic views, sites and vistas should be unblocked and uninterrupted. Views can be created or opened up further by pruning limbs and selectively removing trees as opposed to clear-cutting.
- (g) Active Recreational Facilities. Active recreational facilities should not be located within primary conservation areas. No more than twenty five percent (25%) of the open space required for Open Space Conservation Subdivisions should be devoted to active recreational facilities.

Section 29.3.4. Required Open Space Specifications.

- (a) Minimum Percent of Site Area. Each open space conservation subdivision shall provide a minimum of forty percent (40%) of its total land area as open space, as defined by this code. Areas of above ground utility right-of-way and impervious surfaces must be excluded from the minimum 40%.
- (b) Minimum Size. The minimum amount of open space required to qualify for an open space conservation subdivision shall be one and one-half (1.5) contiguous acres. The purpose of this minimum open space acreage is to avoid development proposals where minor subdivisions are used simply to reduce lot sizes and development costs or that provide only small, scattered open spaces that would not functionally contribute to the overall open space network of the surrounding area. At least 25% of the area set aside for open space (i.e., 10% of the total site area) must be suitable for building. Additionally, at least 60% of the open space must be in one contiguous tract.
- (c) Permitted Uses. In the case of farmland conversion, part of the open space within an open space conservation subdivision may be permitted to be retained in the hands of

the original farmer/landowner or leased to a farmer for agricultural, pasture, or horticulture uses, so long as the activity is undertaken using best management practices to reduce environmental impacts to the extent possible. Open space may not be used for golf courses, roadways, or water impoundments. No more than 25% of the open space may be used for active recreation spaces. Uses not expressly authorized via the preliminary plat process are prohibited.

- (d) Open Spaces Shall Be Named. Each open space shall be given a name appropriate to its purpose and design. Acceptable identifying types of names for open spaces include but are not limited to “Common,” “Park,” “Green,” “Meadow,” “Woods,” “Farm,” and “Historic Site.”

Section 29.3.5. Recommendations for Designing Open Space Networks.

The following section provides recommendations for establishing open space networks. These are not requirements, but are merely intended to provide guidance in the Open Space Conservation Subdivision design process.

- (a) Minimum Width. The width of any open space tract should be, at minimum, sufficient to accommodate a path, given the existing terrain, the center of which is at least twenty-five (25) feet from any property line. In cases other than where the open space serves exclusively to provide a buffer or trail, open space tracts should not have a length-to-width ratio in excess of 4:1.
- (b) Buffers. When an open space conservation subdivision abuts an existing conventional subdivision, a buffer of 100 feet or more of open space should be provided between the subdivisions.
- (c) Location. When an open space conservation subdivision site abuts an existing conservation area, park, nature preserve, or public undeveloped land, the length of the common boundary between the abutting conservation area and open space on site should be maximized to the greatest extent possible.
- (d) Pedestrian and Multi-purpose Paths. Open spaces should provide for pedestrian and/or multi-use paths, not more than eight (8) feet wide. Motorized vehicles should not be permitted on trail systems except for maintenance, construction, or public safety purposes. Where appropriate and feasible, such pedestrian and multi-purpose paths should be made handicapped accessible. Pedestrian and multi-use paths should be constructed with porous paving materials.
- (e) Path/Street Crossings. Where path systems cross an internal subdivision street, the access points should be directly across from each other, clearly identified both to the motorist and pedestrian, and located with appropriate sight distance as determined by the Zoning Administrator, subject to the approval of the Planning Commission. Where a path crosses any public road, the path should be grade separated (i.e., by a tunnel or bridge), located at a traffic control device approved by the City Engineer, or properly marked as a mid-block crossing subject to the approval of the Zoning Administrator and Planning Commission.

Section 29.3.6. Conservation Easement Required.

All primary conservation areas, and all secondary conservation areas shown on the preliminary plat and required to be retained as open space, shall be permanently protected from further subdivision, development, and unauthorized use by a conservation easement. A conservation easement, as defined, shall be approved by the city and 1) co-signed by the city and donated to a conservation organization or land trust; or 2) co-signed by the city, donated to a homeowners

association and co-signed by a conservation organization or land trust; or 3) donated to the Governing Authority if accepted by the city and co-signed by a conservation organization or land trust. In the case of farmland conversion, part of the open space within an Open Space Conservation Subdivision may be permitted to be retained in the hands of the original farmer/landowner if subject to a conservation easement meeting the requirements of this Chapter.

Section 29.3.7. Guidelines for Drafting Conservation Easements.

The following guidelines are offered for drafting conservation easements and may be required by the Planning Commission:

- (a) The easement recognizes and describes in a statement of purpose the special qualities of the property subject to the easement. The easement must include a map of the tract noting all significant features within the area. The easement clearly identifies the owner of the property subject to the easement, the holder of the easement, and co-signer, and the responsibilities of the property owner, easement holder, and co-signer.
- (b) The easement specifically and clearly identifies the boundaries of the property subject to the easement, preferably by metes and bounds legal description and survey plat.
- (c) The easement contains restrictions as to what the owner may do with the property and specifically delineates what may not be done with the property. Limitations may include but may not be confined to prohibitions against subdivision, earthmoving, dumping, signs, utility lines, construction, changes to existing structures, and uses made of the property.
- (d) The easement provides for the right of the easement holder and co-signer to inspect the property to assure observance of restrictions. It also provides for enforcement procedures.
- (e) The easement provides for the maintenance of property.
- (f) The easement contains provisions governing its amendment, including provisions that the easement shall not be altered except with the express written permission of the easement holder, property owner, and any co-signers.

Section 29.3.8. Homeowners Association.

Open spaces may be owned and managed in common by a homeowners association, subject to compliance with the provisions of this Chapter and the following requirements:

- (a) The developer of the open space conservation subdivision shall provide to the Zoning Administrator for approval, prior to the approval of a preliminary plat, a description of the homeowners association, including bylaws and methods for maintaining open space. The developer of the open space conservation subdivision shall provide a property management plan or an estimate of the costs and staff requirements for the maintenance, operation, and insurance of the open space and any facilities it includes in the description of methods for maintaining the subdivision's open space.
- (b) The homeowners association shall be established by the open space conservation subdivision developer and endowed with a financial subsidy from the developer prior to the approval of a final plat on the property involving an open space conservation subdivision.

- (c) Homeowners association membership of each non-open space lot owner in the open space conservation subdivision shall be mandatory (required) and automatic.
- (d) Unless maintenance is assigned to a conservation organization or land trust, the homeowners association shall be responsible for maintenance, insurance, and taxes on the open space within the open space conservation subdivision. In such cases, the association shall be required to assess dues for the maintenance of open space, purchase of insurance, and payment of taxes, unless another income source is proven to be available. Members of the association shall share equitably the costs of open space maintenance as indicated in bylaws. The association shall be empowered with the legal ability to place liens on non-open space lot owners for failure to pay association dues.
- (e) Said homeowners association shall not be dissolved without the consent of the Planning Commission and Governing Authority. If common ownership of open spaces by a homeowners association is proposed and approved, then open spaces shall be subject to permanent deed and final plat restrictions or covenants on the future use, development, and subdivision of open spaces, in addition to the requirement of a conservation easement.
- (f) The Planning Commission and Governing Authority may, upon recommendation of staff, require that the homeowners association establish a minimum amount of funds to be initially deposited and maintained in a maintenance account.

Section 29.3.9. Fee Simple Dedication to the City.

Dedication in fee-simple ownership to the public for recreational and/or open space use is a possible mechanism for the permanent retention and maintenance of open spaces within the open space conservation subdivision, at the sole discretion of the Governing Authority, and subject to the following in addition to other applicable provisions of this Chapter:

- (a) Dedication to the city shall only be approved if the Governing Authority finds that the size, shape, location, type of open space, or cost of development or maintenance of such open space or the availability of open space would make public ownership desirable or necessary.
- (b) The decision to accept open spaces for fee simple public ownership shall be at the sole discretion of the Governing Authority but guided by recommendations of the Zoning Administrator, Planning Commission, and the comprehensive plan as it pertains to open space acquisition.
- (c) The Governing Authority generally will require dedication of all open space or park and recreation areas indicated for acquisition in the comprehensive plan or capital improvement program.

The Governing Authority may require a maintenance bond or other financial security with duration of twelve (12) months following public acceptance in an amount sufficient to ensure that such lands do not cause unwarranted public expenditures because of faulty conditions or construction. The Governing Authority shall have authority to cash said bond in the event substandard conditions or construction are evident. Otherwise, following the one-year period following public dedication, with satisfactory performance, the Governing Authority shall return the performance bond to the subdivider.

In addition to the required conservation easement, a deed for open space lands in a form acceptable to the City Attorney in favor of the city shall be signed and recorded prior to the approval of any final plat pertaining to land within the open space conservation subdivision.

CHAPTER 29.4 DESIGN GUIDELINES FOR LOT CONFIGURATIONS AND BUILDING ORIENTATIONS

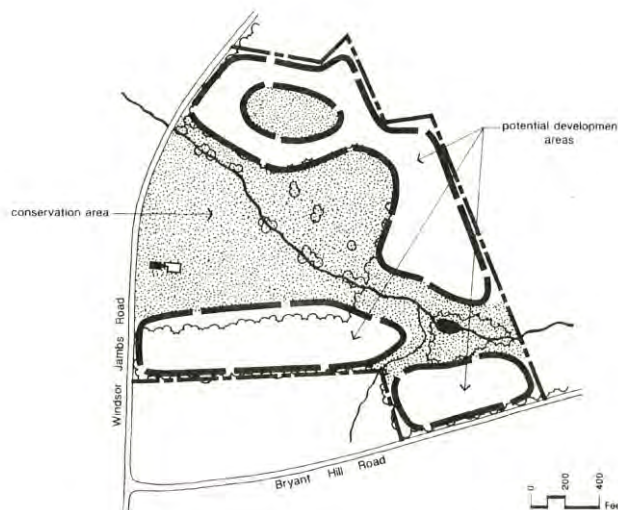
- Section 29.4.1. Generally.
Section 29.4.2. Comparison with Conventional Subdivisions.
Section 29.4.3. Lots as they Relate to Open Space, Streets, and Boundaries.

Section 29.4.1. Generally.

This Chapter provides recommendations for designing lots in open space conservation subdivisions. These are not requirements, but are merely intended to provide guidance in the open space conservation subdivision design process.

Section 29.4.2. Comparison with Conventional Subdivisions.

In conventional subdivisions drawing lot lines to meet zoning requirements is one of the first steps in the design process. Identifying lot and house locations should be the third step in the open space conservation subdivision design process, after determining primary and secondary conservation areas. This Chapter provides recommendations for designing open space conservation subdivisions. These are not requirements, but are merely intended to provide guidance in the open space conservation subdivision design process.



Source: Arendt, Randall G. 1996. Conservation Design for Subdivisions: A Practical Guide to Creating Open Space Networks. Washington, DC: Island Press. p. 73.

Identifying Potential Development Areas

Section 29.4.3. Lots as they Relate to Open Space, Streets, and Boundaries.

- (a) Homes should not front directly on off-site streets. No more than two (2) homes should front directly on off-site streets, except in cases where the off-site street is designated a scenic road, collector street, or arterial street, in which cases no homes in an Open Space Conservation Subdivision should be permitted to front directly on said off-site streets unless extensively screened.
- (b) The number of lots that abut or face onto conservation areas should be maximized, which is likely to increase the values of the lots.
- (c) Each lot should be abutted on at least one side by open space. Lots abutted by yards of other lots on all sides should be avoided and are highly discouraged. In

- cases where this is not feasible, every house should at least have a view of a minor open space like a small neighborhood common or village green.
- (d) Flag lots and wedge-shaped or “pie” lots with frontages as narrow as thirty (30) feet wide may be utilized to maximize individual lot frontages on open spaces, although the number of flag shaped or wedge shaped lots should not exceed twenty five percent (25%) of the total lots in the open space conservation subdivision.
 - (e) Zero lot line configurations are encouraged on lots less than sixty (60) feet in width, because two narrow side yards do not provide as much functionally usable space as does one wider side yard.
 - (f) Lots that back up onto permanent open space can be shallower in depth because the existence of open space extends the perceived depths of such lots.
 - (g) The minimum building setback for buildings and structures on lots abutting primary conservation areas to the rear or side yard should be 100 feet from the identified edge of the primary conservation area.
 - (h) Homes within village areas should have front porches within conversational distance of the sidewalk or road.
 - (i) Fencing should not be permitted on the perimeter of open space conservation subdivisions or abutting conservation areas, except in cases where it is demonstrated that such fencing serves an overriding public purpose.
 - (j) Setbacks and proposed front, side and rear yards should be determined as appropriate for the subdivision and are subject to approval of the Planning Commission through the preliminary platting process.

CHAPTER 29.5 DESIGN GUIDELINES FOR STREETS

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|-----------------|-----------------------------|
| Section 29.5.1 | Introduction. |
| Section 29.5.2 | Location and Alignment. |
| Section 29.5.3 | Lengths and Curves. |
| Section 29.5.4 | Separate Travel Lanes. |
| Section 29.5.5 | Right-of-Way and Clearance. |
| Section 29.5.6 | Connections. |
| Section 29.5.7 | Cul-de-Sacs. |
| Section 29.5.8 | Reverse Curves. |
| Section 29.5.9 | Single-Loading Streets. |
| Section 29.5.10 | Curbs and Drainage. |
| Section 29.5.11 | Street Trees. |
| Section 29.5.12 | Sidewalks. |
| Section 29.5.13 | Signage. |

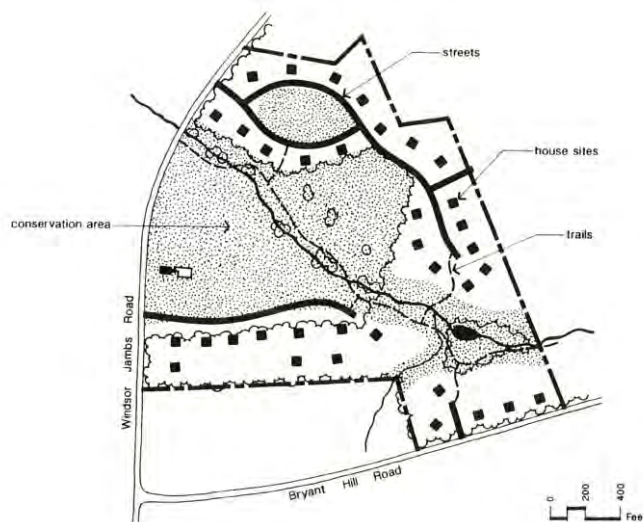
Section 29.5.1. Introduction.

This article provides recommendations for designing streets serving open space conservation subdivisions. These are not requirements, but are merely intended to provide guidance in the open space conservation subdivision design process.

After identifying all primary conservation areas, secondary conservation areas, potential development areas, and house sites, the fifth step in the open space conservation subdivision design process is to design the street alignments. Lot lines are drawn as a final step, after the open spaces, house sites, and road network have been determined.

Section 29.5.2. Location and Alignment.

Designers should avoid crossing wetlands with streets. Existing farm roads should be incorporated into open space conservation subdivision designs.



Source: Arendt, Randall G. 1996. Conservation Design for Subdivisions: A Practical Guide to Creating Open Space Networks. Washington, DC: Island Press. p. 75.

Designing Road Alignments and Trails

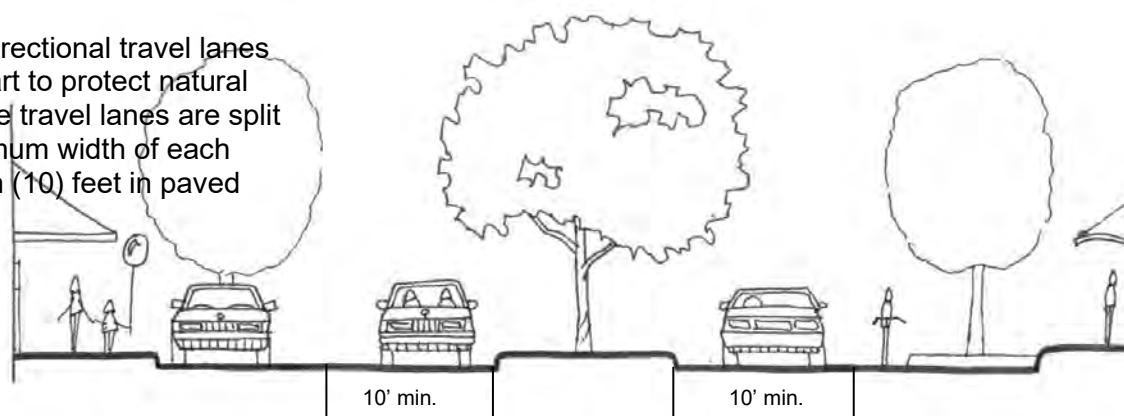
Roads should follow existing contours with a minimum of cut and fill and disturbance for construction. In cases where agricultural protection or meadow preservation is a primary objective, new roads should be placed along the edge of a field, rather than through the middle, so as to be less intrusive on the open space character of the tract.

Section 29.5.3. Lengths and Curves.

The length of roads should be minimized to reduce costs and aesthetic impacts. Long, straight road segments should be avoided. Curvilinear designs are preferred for rural open space conservation subdivisions. Streets should be curved and aligned to produce vistas of open space elements, where possible. Short, straight, interconnected streets (i.e., grid patterns) are appropriate for village areas when included in open space conservation subdivisions.

Section 29.5.4. Separate Travel Lanes.

Where necessary, the directional travel lanes should split or curve apart to protect natural features. In cases where travel lanes are split or curve apart, the minimum width of each travel lane should be ten (10) feet in paved width.



Section 29.5.5. Right-of-Way and Clearance.

Rights-of-way should be only wide enough to accommodate the required street width improvement, adequate shoulder bases for utilities, bikeways and/or walkways, and open storm drainage ditches at appropriate bank slope. Drainage easements may be provided in lieu of expanding the right-of-way for drainage ditches if approved by the Planning Commission. The entire right-of-way may not necessarily have to be cleared if it can be shown to the satisfaction of the Planning Commission that remaining trees or other features do not pose a traffic safety hazard.

Section 29.5.6. Connections.

Streets should be connected with one another where possible, preferably in three-way intersections, so that the number of dead ends is minimized. Whenever possible, streets should be designed to connect with adjoining properties.

Section 29.5.7. Cul-de-Sacs.

Cul-de-sacs are discouraged. Where cul-de-sacs are unavoidable, such as for topographic reasons, they should be provided with pedestrian and bike linkages to other nearby streets or trail systems. Stub-street extensions should be incorporated at the end of cul-de-sacs for future connections. Cul-de-sac streets should serve no more than twenty dwellings, and their length should not exceed 1,200 feet. Cul-de-sac radii should not exceed forty (40) feet.

Section 29.5.8. Reverse Curves.

For roads serving less than 2,000 average daily traffic and where speed limits are controlled to prevent high-speed traffic, reverse curves (e.g., consecutive left and right curves without a straight segment separating them) are considered appropriate and may be encouraged, subject to the approval of the Planning Commission.

Section 29.5.9. Single-Loading Streets.

“Single-loading streets” (i.e., having houses only on one side) are considered appropriate and encouraged, particularly around village greens or neighborhood commons.

Section 29.5.10. Curbs and Drainage.

Because curbs detract from rural character of open space conservation subdivisions, natural drainage systems are encouraged in lieu of curbs in open space conservation subdivisions located in exurban and rural areas. Existing natural drainage ways should be retained where possible. In cases where curbing is required, mountable curbs are favored over vertical curbs except in negative grade cul-de-sacs, where they are highly discouraged.

Section 29.5.11. Street Trees.

Street tree plantings are encouraged, provided that they are located so as not to present a traffic safety hazard, as determined by the Planning Commission.

Section 29.5.12. Sidewalks.

Concrete or asphalt sidewalks are required in suburban/urban areas but they may detract from the character of open space conservation subdivisions in exurban/rural areas. Safe access for pedestrians and bicyclists should be provided via a trail system in the open spaces and where needed along the improved or semi-improved shoulders of roads.

Section 29.5.13. Signage.

In cases where it is determined that signs are permitted (see Article 17 of this Land Use Management Code), signs should be constructed of materials compatible with open space conservation subdivision design.

CHAPTER 29.6 PROCEDURES AND CRITERIA

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|-----------------|--------------------------------------|
| Section 29.6.1 | Pre-application Conference. |
| Section 29.6.2 | Existing Features and Site Analysis. |
| Section 29.6.3. | Justifiable Grounds for Denial. |
| Section 29.6.4. | Evaluation Criteria for Approval. |

In addition to the application procedures for preliminary, and final plats, as specified in Chapter 26.4 of this Land Use Management Code, open space conservation subdivisions and subdividers thereof shall comply with the following procedures.

Section 29.6.1. Pre-application Conference.

A pre-application conference with the Zoning Administrator is required prior to the submission of a preliminary plat application for an open space conservation subdivision. At the time of a pre-application conference, the Zoning Administrator shall make available all relevant information about primary and secondary conservation areas, including soil survey, natural resource maps, and geographic information. The Zoning Administrator may charge reasonable reproduction costs for the provision of such information. Ideally, the pre-application conference will be preceded by the submittal of a boundary survey of the property to be subdivided with sufficient time for the Zoning Administrator to collect applicable information.

Section 29.6.2. Existing Features and Site Analysis.

As a part of the preliminary plat application, the applicant for an open space conservation subdivision shall submit an analysis of existing features on the site, which shall minimum include the following:

- (a) Significant wildlife habitats, if any. If information on habitats is not available, the wildlife potential of various soil types on the site shall be identified and examined.
- (b) Soils, including analysis of suitability for septic tanks, erosion potential, prime farmland, and identification of hydric soils.
- (c) Wetlands.
- (d) Floodplains. Areas of 100-year flood plains as identified on flood hazard boundary maps or flood insurance rate maps developed by the Federal Emergency Management Agency.
- (e) Steep mountain slopes and steep slopes, as defined by this code.
- (f) Historic, archaeological, and cultural features.
- (g) Tree cover/woodlands, substantiated by submittal of a Tree Survey (see Section 16.3.5).
- (h) Views into and out from the site, and any scenic qualities.
- (i) Aquifer recharge areas.
- (j) Property boundaries.
- (k) Existing roads and structures.
- (l) Greenspaces and trails traversing or adjacent to the site.
- (m) Planned boundaries of open space.

Section 29.6.3. Evaluation Criteria for Approval.

Approval or denial of a preliminary plat for an open space conservation subdivision shall be based on the extent to which the plat meets the following criteria:

- (a) All primary conservation areas are protected as permanent open space.
- (b) A sufficient amount of secondary conservation areas are protected as permanent open space, as opposed to being devoted to lots and other uses.
- (c) The configuration of the open space tract is contiguous and undivided, or open space is provided in relatively undivided tracts that cannot reasonably be reconfigured into one contiguous, undivided tract.
- (d) The open space conservation subdivision meets the regulations specified in this Article and is reasonably consistent with the recommended design guidelines established by this Article.

Section 29.6.4. Justifiable Grounds for Denial.

Reasons for the denial of a preliminary plat of an open space conservation subdivision include but are not limited to the following:

- (a) The application fails to fully identify primary and secondary conservation areas.
- (b) The proposed method of sewage treatment is inappropriate for the site or found to be potentially dangerous to public health.
- (c) One or more of the lots within the open space conservation subdivision are too small to meet the minimum lot size established by this Article or even if compliant are out of character with residences on adjoining or nearby properties.
- (d) One or more of the lots are significantly large or wide, such that their design contributes to an unnecessary decrease in the amount of open space retained on site.
- (e) The street configuration does not provide for connectivity, or preserve natural features, or it is found to be inconsistent with the open space character of the subject property and its surroundings.
- (f) The proposed open space network is divided, not functional, inconsistent with open space plans of the city, or does not provide for the protection of the most valuable secondary conservation areas on the site given the natural and scenic properties inherent on the site.
- (g) The proposed open space network fails to maximize the length of the common boundary between conservation areas on site and conservation areas or parkland abutting the open space conservation subdivision site.
- (h) The preliminary plat appears to be submitted for the major purpose of circumventing minimum lot size or minimum lot width requirements or improvement requirements that would otherwise be required for conventional subdivisions pursuant this Land Use Management Code.